



# CUSTOMARY LAND TENURE SECURITY: TOOLS AND APPROACHES IN SUB- SAHARAN AFRICA (a synthesis report)

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## **Customary Land Tenure Security: Tools and Approaches in Sub-Saharan Africa (a synthesis report)**

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## ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
AfDB	African Development Bank
COR	Certificate of Occupancy Rights
CLS	Customary Land Secretariat
CSIR	Council for Scientific and Industrial Research (Ghana)
DUAT	Direito do Uso e Aproveitamento da Terra (state-granted land right in Mozambique)
FAO	Food and Agricultural Organization of the United Nations
GLTN	Global Land Tool Network
IFAD	International Fund for Agricultural Development
MWEDO	Maasai Women's Development Organization
PFR	Plan Foncier Rural (customary land rights registration)
PPP	Participatory Planning Processes
PRA	Participatory Rural Appraisal
STDm	Social Tenure Domain Model
UN-Habitat	United Nations Human Settlements Programme
USAID	United States Agency for International Development
VODP	Vegetable Oil Development Project

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To strengthen the tool development process, promote tenure security for the most vulnerable and to strengthen the knowledge base in the area of customary land, three customary tenure scoping studies were produced. These reports included: a Global Scoping Study on Customary Tenure Security Tools by Landesa; a Scoping Study on Land Tools for Customary Tenure in Sub-Saharan Africa, including customary tools used in IFAD supported projects in Eastern and Southern Africa by the Kwame Nkrumah University of Science and Technology; and documenting the Ejido Land Tenure and Registration System in Mexico by the University of Florida. The studies were also presented during the Annual World Bank Conference on Land and Poverty held in Washington D.C in 2015 and during the 2014 EGM in Addis Ababa. The events provided the opportunity to validate the findings and recommendations of the studies and to explore potential next steps in the development of customary land tenure tools including the preparation of this publication.

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## EXECUTIVE SUMMARY

The existence of customary tenure in sub-Saharan Africa transcends the pre-colonial, colonial and post-colonial epochs of history and has persisted to present times by encompassing the administration and management of land in society. Customary tenure systems generally function best in communities with complex secondary land rights that ensure community members are not left landless. However, despite these systems' resilience and crucial role in enabling access to land, their administration faces challenges in terms of ownership and boundary conflicts, unregulated land developments and informal settlements, weak governance, lack of information about transactions and unscrupulous dealings, all of which lead to tenure insecurity.

Colonial property laws introduced conventional (Western style) land administration solutions for the problem of tenure security gaps, with limited success; this culminated in calls for reform of land administration and management and the development of innovative and effective land tools in sub-Saharan Africa. The innovations included tools based on customary systems of land governance. The notion that customary rights are not enough to generate optimal levels of investment in land use has changed since 2000 as focus on customary tenure policy has had more scholarly attention.

Global Land Tool Network's land tool development is one such imitative; it seeks to secure land rights and promote the recognition of all forms of rights, including customary land rights, to improve security of tenure and property rights for the urban and rural poor using pro-poor tools.

Customary tools analysed in this report exhibit promise in enhancing grass root participation, managing competing interests, using non-standardized methods to document land transactions at informal offices and improving local capacity for administration of land rights. They also promote securing/upgrading

land rights for the urban poor, scaling up equity tools through capacity development, scaling up governance by development of policies that ensure participation of locals in tool development, using alternative dispute-resolution mechanisms to complement court systems and sustainable natural resource management by ensuring local communities deal with investors on equal terms.

Despite showing elements of best practices, with some being outstanding especially when they rely on simple technologies to address localized problems, the tools also show some weaknesses. This is due to their inability to scale up, especially when they are dependent on technical experts, and their over-reliance on computer technology, government or external support. Success for use of the tools points to those that are community based, operated or controlled, as they would be the most adoptable, cheapest and sustainable. Proper adoption of customary tools will reduce insecurity of customary tenure and especially the threat of land scarcity, land-related conflicts, poor land governance, women's tenure insecurity and capacity constraints. Indeed, the role of customary tenure systems is critical for tenure security and governance, food security, natural resource management and agricultural productivity. Strengthening customary tools' implementation to meet the needs of society is thus paramount.

This report focuses on sub-Saharan-Africa. It aims to identify, document and analyse customary tenure security tools that are developed and/or delivered through customary governance systems, either as part of a statutory system, at the community level, or as a partnership between community and government structures or outside partners. The report forms part of GLTN's overall vision of tenure security for all and its aim to develop alternative tools that are more affordable for customary and group tenure systems and conventional land systems. The report also helps to bridge the gap

## EXECUTIVE SUMMARY

between policy intention and the reality on the ground by supporting customary approaches in high level events such as the Expert Group Meetings conducted in

the course of developing this report, and making space for grassroots and vulnerable groups, such as women and young people to discuss their worldview.



Food crops cultivation in South Kivu in the Democratic Republic of the Congo. Rural land used for agricultural and residential purposes has become highly individualized in some areas over the years. Photo ©UN-Habitat/John Gitau



# CHAPTER I

# CUSTOMARY LAND TENURE



# CUSTOMARY LAND TENURE

## 1.1. CUSTOMARY LAND TENURE SYSTEMS

### 1.1.1 Definition

This report will focus on customary land tenure, which can be defined as “laws, rules and norms governing rights to land and natural resources that are upheld by an authority other than the state and subscribed to by a collective defined by characteristics other than national citizenship” (Knox, 2010). Customary land tenure is characterized by its largely unwritten nature; it is based on local practices and norms, and is flexible, negotiable and location specific. Its principles stem from rights established through first clearance of land or conquest. Customary systems are usually managed by traditional rulers or a council of elders. These systems are continually evolving as a result of a number of interrelated and diverse factors such as cultural interactions, socio-economic change and political processes.

### 1.1.2 Building blocks of customary tenure

Hanstad (2010) describes land tenure systems as being made up of four components: the land resource, the right-holders, the rules and the governing authorities. Customary land tenure and tenure security can also be understood through this four-part framework.

In a customary tenure system, the land and land-based resources might consist of land that a community has occupied since time immemorial, agricultural plots cultivated by clan families, a sacred forest, or commonly shared natural resources. The right-holders could be a member of a larger group, community, clan or lineage. They could be members of subgroups, such as extended or nuclear families, women or men, or specific vulnerable groups. They could also be smaller units, a wife or husband, a daughter or son, or an elder.

The rules in a customary tenure system consist of laws and norms that regulate land and natural resource rights which could emerge from long-held customs

associated with common kinship, ancestry, religion and heritage (Knox, 2010). Customary law might permit occupation and use of customary land as a matter of lineal descent or it might determine the process through which a stranger gains access to land. The rules may also be affected by formal law.

Lastly, the governing authorities in a customary setting are those non-state bodies that administer customary land and resource tenure (Knox, 2010). Their authority may derive from ancestral religious education, norms or democratic processes (ibid.). In some instances, customary and formal authorities might be conflated, for example statutorily appointed chiefs.

## 1.2. TENURE SECURITY FOR CUSTOMARY LANDS

Tenure security is the level of certainty that a person’s rights to land will be recognized by others and protected in cases of specific challenges (Mabikke, 2016). The framework in this report uses the dimensions that rights to land must be legitimate, durable and enforceable, ensure equality and must withstand changes in the community.

### 1.2.1 Common problems and threats contributing to insecure customary land rights

**Land scarcity:** Land scarcity is increasing demand for customary land and generating customary land tenure insecurity, often with disproportionate impact on women and other vulnerable groups. Land scarcity is fuelled by population growth, environmental degradation and climate change, urbanization and large-scale commercial acquisitions (Knight, 2010).

**Land-related** conflicts: Land-related conflicts may arise over concerns about the access, control, or benefit of scarce resources, and they may occur within the

## CUSTOMARY LAND TENURE

community or between the community and external groups or individuals. These various types of conflict can become exacerbated if there is no redress through justice institutions and mechanisms.

**Poor land governance:** The causes of poor governance vary. It may be the result of an inadequate or poorly designed legal and policy frameworks or insufficient coordination and overlapping mandates between land institutions (FAO, 2007). Capacity shortcomings can affect the ability of stakeholders to carry out their responsibilities; unclear and inaccessible procedures can undermine the rights of those that they are intended to protect (ibid.). Finally, lack of accountability and

transparency mechanisms in governance systems can foster corruption (ibid).

**Women's tenure Insecurity:** Gender relations underpin all land systems and mediate access to, control of and benefit from land. Typically, women are assigned fewer and weaker rights to men. In many contexts, customary systems are part of a legal pluralism, alongside statutory, religious and traditional law. Recognizing and understanding this legal plurality is critical to assessing gender relations and is also central to identifying potential interventions to redress inequitable gendered property relations. Where statutory laws are formulated without considering pre-existing protections



Farmers in Lesotho. The customary land tenure system in Lesotho is governed by traditional rules and administered by traditional community leaders such as chiefs. Active occupation or use of a piece of land is the main evidence of ownership. Photo © FAO Lesotho/Lechoko Noko

# CUSTOMARY LAND TENURE

of women's rights under customs or the family and community norms around wealth distribution and land, statutory laws could undermine customary protection of women's right to land.

**Capacity constraints:** Inconsistencies and overlays of laws governing customary land rights are particularly evident in contexts where both statutory and customary laws apply. Clear, coherent and consistent land policies and laws in regard to customary lands can substantially contribute to the creation of an enabling environment for secure tenure.

Implementation of responsive policies and laws ultimately hinges on institutional capacity to perform functions effectively, efficiently and sustainably. Institutional challenges associated with formal land administration of customary lands can range from highly centralized systems with inadequate public participation to decentralized systems that are not always compatible with available human and financial resources at the local level. Authentic decentralization is likely to require institutional re-orientation and skill development. The realization of genuine decentralization also requires that state actors are adequately resourced.

Customary governance systems are gaining statutory recognition, which typically includes legal recognition of customary rights by the state coupled with local administration of customary land rights. Full legal recognition of women's rights to land and equal access to local administrative bodies are other key challenges related to customary land governance.

## 1.3. CUSTOMARY LAND TENURE REFORM AND DEVELOPMENT OF LAND TOOLS:

Reasons for launching land reform tend to accumulate over time and build into a commitment to overhaul the whole rather than to amend in piecemeal ways

(Alden Wily, 2003). This has been signalled in a wave of new independence or political regimes in the last decade (Eritrea, Ethiopia, Rwanda, Mozambique, Namibia, South Africa, Zambia, Malawi and Uganda). The thorough political nature of land distribution and security means that 'reform' readily becomes a focus in times of political uncertainty (ibid).

Since the process of modernizing rural agriculture began, several attempts have been made to replace or modernize customary tenure in sub-Saharan Africa in the form of institutions and statutes (Nkwae, 2006; Benjaminsen, Holden, Lund & Shaastad, 2009; Arko-Adjei, 2011; Akrofi, 2013). The long-standing notion that customary tenure is an impediment to economic development and thus a major cause of Africa's high levels of rural poverty (Dorner, 1972), and that customary rights are insufficiently secure to promote optimal levels of investment in land use (De Soto, 2000), have been the major drive for those formalization strategies. Yet customary systems have been resilient; they continue to be the main source of access to land in most rural, peri-urban and urban areas despite the problem of customary systems of administering tenure, such as land ownership conflicts, boundary disputes, haphazard and unregulated land developments.

Since the year 2000, customary tenure has had increasing attention in policy and scholarly circles. A new school of thought gives prominence to local or community-level tenure reforms, particularly the importance of recognizing customary land rights and building on customary tenure systems in order to achieve equitable land management, in the context of poverty reduction (Toulmin and Quan, 2000; Deininger, 2003; UN-, 2004; World Bank, 2005; UN-Habitat, 2006).

## 1.3.1 Innovative land tools as a solution

International organizations have been the most prominent actors in these policy and research initiatives and GLTN's land tool development is one such initiative. Land tools might take the form of political statements giving assurance of non-eviction to settlements, household surveys in a settlement, issuance of documents on occupancy, or issuance of land titles.

The term pro-poor was introduced to emphasize the importance of land rights and tenure security for the poor. Meanwhile, it has become clear that conventional land tools did not have a monopoly on tenure security and that people could also derive a sense of security from political statements or water bills, for instance. Additionally, communities have organized themselves to acquire land as a group and issue land rights for each individual member. Land rights and their administration are no longer exclusively the domain of statutory or customary institutions.

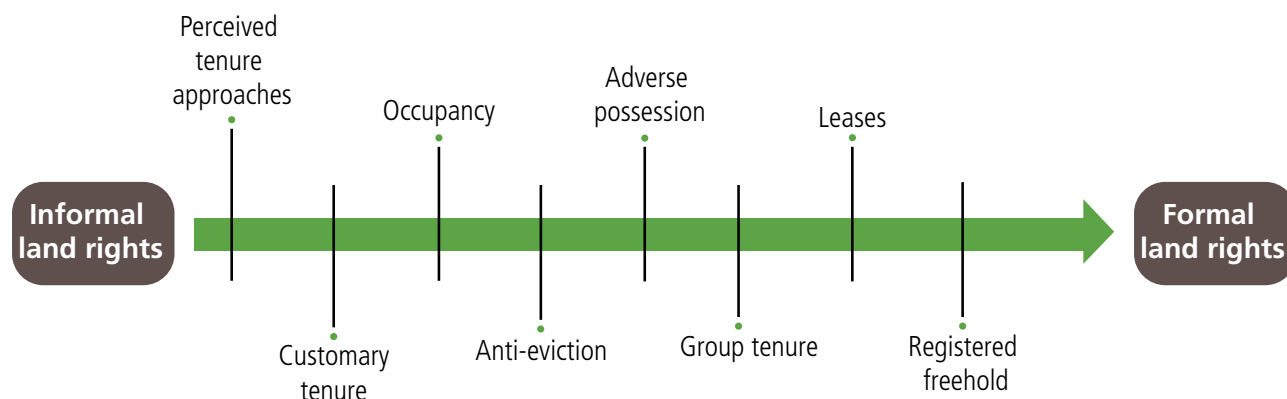
In light of the GLTN definition of a pro-poor land policy (UN-Habitat, 2007) and the range of pro-poor land tenure reforms described by (Hanstad, Prosterman & Mitchell, 2009), pro-poor land tools can be defined as

those which increase the ability of the poor and other marginalized groups to gain access and secure rights to land.

## 1.4. FEATURES OF GLTN'S LAND TOOLS AND THEMES

GLTN's land tools and themes have been developed to benefit the poor and disadvantaged and to be responsive to the needs of both women and men. The features of GLTN's tools can be guiding principles for building the customary land tenure security framework. To benefit the poor and disadvantaged, tools have to be pro-poor; equitable, gender-responsive and affordable. They should be sustainable, foster subsidiarity and governance, be systematic and scalable.

The thematic focus of GLTN includes the following areas: Information gathering and analysis, governance, recognition, recording and registration; mapping and boundary definition, natural resources; transactions, dispute resolution and advocacy, communication and social mobilization. This has been used in the analysis of customary land tools under part IV.



**Figure 1: The continuum of land rights offers a powerful and practical alternative to the dominant focus on titling of individually held private property as the ultimate form of tenure security, or the end goal of land tenure reforms. (Barry and Augustinus, 2016)**





Land Rights Registry teams in Mukono, central Uganda learning how to use and apply various land tools in mapping and recording land rights. Photo ©Uganda Community Based Association for Child Welfare

# CHAPTER 2



## SUB-SAHARAN AFRICA



## 2.1. HISTORICAL BACKGROUND OF CUSTOMARY LAND TENURE SYSTEMS

In general, sub-Saharan Africa went through the following three phases: pre-colonial; colonial and post-colonial rule which was after the withdrawal of colonial powers.

Before sub-Saharan Africa was colonized by Western countries, the continent was inhabited by groups who were socially organized into tribes without national boundaries. (Shaw, 1992). Land was managed under customary law, i.e. an unwritten system of law administered by chiefs and their advisors. Chiefs, also referred to as traditional authorities, were deemed to hold the land in trust for their people and could grant land rights for different land uses to their people (Mabogunje, 1992). Such land tenure systems, called customary tenure, have evolved over hundreds of years and generally functioned properly, at least within the local communities (Deininger, 2003; Fitzpatrick, 2005).

When parts of sub-Saharan Africa became colonized, national boundaries were defined and the colonial powers introduced statutory law, usually modelled on systems in their home countries and used to exploit the land and protect their own interests. (Lavigne and Durand-Lasserve, 2008). Other parts of the country could remain under customary law. The result was a dual system of land tenure.

Things changed when the sub-Saharan African countries became independent as the ban on local populations settling on land that had been deemed statutory land was lifted. This legal change set off a rapid pace of urbanization (Satterthwaite, 2007). Most countries chose to maintain dual systems, even though that meant keeping on the books of some statutory laws that were not only imported but, in most cases,

outdated too (Lavigne and Durand-Lasserve, 2008). As a result, people still failed to access land under statutory tenure. They then found other ways of accessing land in the vicinity of towns, either by settling on vacant land or by purchasing land from customary land owners (ibid).

In many parts of sub-Saharan Africa, the majority of landholdings are based on customary forms of tenure. Landholders' rights depend on agreements that are embedded in local communities and that derive from their social relations with families, clans, lineages and communities (Berry, 1993). The customary tenure in its stable form is overlaid with complex secondary rights so that no community member is left landless. Although customary land is often described as group 'owned', it does not necessarily mean that all members of the group have equal access to the land. Individuals within a customary group have distinct and often different interests and rights to use, control and transfer land and land-based resources. Some rights are vested exclusively with particular individuals; some are vested in families or households; and others may be shared equally between all or a large number of the group's members (AusAID, 2008).

Tenure insecurity problems in customary land are complex and may stem from many sources. Common among them are loss of usufructs rights, forced eviction, divorce and disenfranchisement (Mahama and Dixon, 2006). In some areas, poor and disadvantaged groups live in fear of losing their land. These issues create the need to approach the security of tenure from several perspectives. Any analysis of security of tenure and rights in land needs to take into account that there are a range of land rights in most countries which range along a continuum, and also it is possible to separate these different types of land rights into those that are legal and those that are not legal (UN-Habitat, 2003).

### 2.2. FAILURE OF CONVENTIONAL LAND ADMINISTRATION SYSTEMS IN SUB-SAHARAN AFRICA

Arguments to explain why conventional land administration has failed in large parts of sub-Saharan Africa can largely be clustered into four reasons. First, most sub-Saharan countries lack the capacity to implement a high-standard land administration system (Augustinus, 2003). Conventional land administration systems are considered complex, slow and expensive (Durand-Lasserve and Royston, 2002; Arko-Adjei, 2011; Reerink, 2011). Estimates for developing countries state that less than 30 per cent of the land is covered by such

systems (Deininger, Augustinus, Enemark & Munro-Faure, 2009).

Secondly, Payne, Durand-Lasserve et al. (2009) have found no significant evidence that poverty levels are reduced through formal land titling. Such systems could even fail to deliver tenure security to the poor as they tend to push poor people off their land rather than strengthen their rights.

Thirdly, conventional land administration systems are not always appropriate for the range of tenure types and land rights found in real-life situations, such as the rights commonly found in informal settlements and customary



A Focused Group Discussion in Wau State, South Sudan on women access to land within the 'Enhancing Women's Access to Land to Consolidate Peace in South Sudan' project. Photo © UN-Habitat



**A community member in Chamuka Chiefdom, Zambia collecting data using the participatory enumeration tool.  
Photo © People's Process on Housing and Poverty in Zambia**

areas (Augustinus, 2010). Therefore, a continuum of land rights has been designed and promoted.

Fourthly, some scholars and practitioners recommend taking local mechanisms into account when developing land administration systems. Local mechanisms cannot

be supported by a standard model alone; it is better to use a progressive crafting process of rules and procedures. However, localized approaches are not favoured by everyone. Dekker (2003), for example, claims that land administration requires radical standardization and national codification to be effective.

# CHAPTER 3



# ANALYSIS OF LAND TOOLS



In the following section, the tools are described based on the thematic areas used for their categorization: gender and equity, dispute resolution, participation and empowerment, local recording of land transactions, etc. As the report aims to contribute to bridging the gap between policy intention and the reality on the ground, there is a particular focus on customary land tenure systems, which has been emphasized in order to promote customary approaches in high-level events, as well as making space for grassroots and vulnerable groups such as women and youth, to discuss their worldview of issues.

## 3.1. TOOLS FOR GRASSROOTS PARTICIPATION AND EMPOWERMENT

Tools for grassroots participation are used to address common challenges faced by grassroots communities

as they strengthen their participation and influence in the provision of tenure security. Tools for grassroots participation are meant to improve the degree of participation, management of competing interests and/or reconcile local and technical knowledge. Tools like participatory spatial and development planning, participatory enumeration and mapping, Participatory Rural Appraisal (PRA) and participatory planning processes (PPP) have been used to empower local communities to map, record information on land rights or for preparation of spatial plans.

### 3.1.1 Analysis

Land policy interventions often fail to involve the communities that they are meant to serve. The main benefits and importance of grassroots participation and empowerment in land tools and policies are to address the real needs of priorities of the poor and

#### Participatory enumeration and mapping

Over the past decade, participatory enumeration and mapping have been used as a tool to build the capacity of communities to produce information at an improved technical level. Participatory mapping at the community level has been used to promote grassroots participation in land recording, land development planning and forest management. In land reform programmes, such as the Community Land Trust (Kenya), Land Tenure Regularization (Rwanda), Rural Land Registration and Certification (Ethiopia), participatory enumeration and mapping have been used to demarcate, map, record or legitimize land rights and occupation. In the Land Regularization Programme of Rwanda, a team of surveyors who collected data in the field used paper copies of aerial photographs. Community members proved legitimacy of occupation of the landholders' through participatory enumeration (Ayalew, Deininger, Goldstein & Stickler, 2010).

#### Women's Participation in Village Land-Use Planning in Tanzania

In Tanzania, legislation allows women, widows or their daughters to own and have control over land just like men. However, customary norms and land administrative practices continue to show bias against women and girls' ownership, and control of land and other inheritance of properties. The Maasai Women's Development Organization (MWEDO) identifies grassroots women's empowerment as key to finding a solution to this problem. MWEDO's empowerment programme aims to facilitate women's access to land and the certification of land rights under the Village Land Act 1999.

In 2005, using an integrated learning model through an adult education programme, Maasai women were engaged on issues that reflect daily life activities. Gender sensitization, participatory enumeration, community dialogue and leadership training were also an integral part of the process. Through gender sensitization, both men and women are engaged in the process in the land campaigns. Leadership training and skills development for women leaders are also part of the tools used. Through leadership training, women's knowledge was broadened, thereby building their confidence and empowering them.

Since 2000, MWEDO has advocated both locally and globally with the aim of promoting the rights of indigenous Maasai women to benefit from land and other natural resources that improve community livelihoods. MWEDO integrated work has benefited over 60,000 households with a membership of over 5,000 member groups (UN-Habitat, 2012b).

#### Participatory spatial and development planning

In many parts of sub-Saharan Africa, local communities are empowered to set up transparent and participatory local socio-economic planning systems in accordance with national requirements. In most of these projects, the spatial aspect has been left out of developing planning. Recently, spatial dimension has been introduced into the local socio-economic development planning. Local communities are empowered to produce thematic maps showing the location of technical and social infrastructure. These maps are used as baseline information for the planning activities. The base maps are produced using satellite imagery (if available) or prepared by hand in the form of sketch maps. Participatory spatial and development tool has been used in Mali (in a project called PACT sponsored by GTZ) and some parts of Tanzania (IIED, 2010; GTZ, 2011).

### Box 1: Examples of tools for grassroots participation and empowerment

## ANALYSIS OF LAND TOOLS

to encourage their direct involvement in the design and implementation of the land tools. A second benefit is that grassroots communities can provide essential information on local issues in the design and implementation of tools. A third benefit is that grassroots communities can mobilize time and resources and legitimize the effectiveness of the tool. By engaging in implementation processes, grassroots organizations can critically inform policymaking at the highest level (UN-Habitat, 2012a).

This is the main reason for the poor implementation of land policies (UN-Habitat, 2012a). Exclusion leads to

legislation, policies and tools that are not well designed, are difficult to implement and do not represent the needs and interest of those they are supposed to benefit. Common challenges faced by grassroots communities as they strengthen their participation and influence are related to: 1) degree of participation; 2) management of competing interests; and 3) reconciliation of local and technical knowledge. GLTN has developed criteria for assessing and promoting grassroots participation (UN-Habitat, 2007a). In these tools, participative enumeration, photomapping, PRA and PPP have been used to empower local communities to map, record information on land rights or for development planning.



Area Land Committee members during the adjudication and mapping of land boundaries in Pader district Uganda. Between 70% and 80% of land in Uganda is under customary tenure, particularly in Northern Uganda. Photo© Uganda Community Based Association for Child Welfare

## 3.1.2 Best practices:

The implementation of the tools demonstrates local variations while analysis indicates that they are good practice tools. Almost all the tools address or incorporate the GLTN core values. Although participatory spatial and development planning (Mali and Tanzania) and participatory enumeration and mapping (Ethiopia, Kenya and Rwanda) do not specifically address gender and equity responsiveness, the constitutions of these countries support gender equity.

## 3.2. TOOLS FOR LOCAL RECORDING OF LAND TRANSACTIONS

Tools for recording local land transactions use non-standardized methods to document land transactions at informal land offices (e.g. Kenya, Ghana). Some of these paper transactions have to be authenticated or witnessed by local leaders. *Petits papier* is an example of non-standardized paper documentation in countries like Madagascar and Cote d'Ivoire.

### 3.2.1 Analysis:

These tools focus on understanding the legal, policy and institutional environment that structures and regulates transactions. They assist communities and other investment stakeholders to understand this environment and focus on protecting the interests of women and vulnerable groups in the context of customary land transactions. Even in rural areas where

most land transactions continue to be oral, there is the desire by landholders to have customary land transactions recorded. Some forms of local records are kept through informal land offices (e.g. Kibera in Kenya) and customary institutions (Ghana) or through non-standardised writings to document land transactions. In some areas, marks on the ground are used to define boundaries before they are recorded on paper. Some of these paper transactions must be authenticated or witnessed by local leaders.

### 3.2.2 Best practices:

Most of the tools categorized in this theme generally rely on local capacity and resources. The tools use simple procedures and technology to secure land rights and address the need of poor landholders who cannot register their land in the formal sector but need evidence of allocation and therefore can be described as built on pro-poor objectives. The development of these tools does not need technical and legal costs. They are sustainable because almost all of them can be implemented at the local level without input from outside sources. These factors make the implementation of the tools very sustainable.

## 3.3. TOOLS FOR LOCAL CAPACITY DEVELOPMENT

These tools, including the Tribal Land Integrated Management System (Botswana), land boards and

In **Cote d'Ivoire, Burkina Faso, Mali, Benin and Guinea**, the **PFRs** (customary land rights registration) seek to secure land rights thereby helping to manage and reduce conflicts over land and promote rural development. PFR is a hybrid registration system, which institutes a shift in focus from an oral tradition to the written documentation of customary transactions. PFRs use systematic procedures for identifying and mapping land rights, and for generating registers of rights that is based on the principle of land registration. However, the level of rights to be registered – that is, whether they are individual or collective – is determined by local actors, on a case-by-case basis. The programme entails identification of all locally recognized rights using surveys with local people to investigate their respective claims to land. Topographic maps are used to demarcate the plots identified through interviews. This is followed by recording of the land rights. The programme also puts in place local structures (e.g. Village Land Committees) to keep documentation of land tenure and to ensure that it is put into practice. In Benin, the programme is privatized to allow private agencies to record land transactions (Chauveau, 2003; Delville, 2010; Houangni, 2013).

### Box 2: Examples of non-standardized documentation of land transactions in West Africa



proliferation of educated chiefs, are used to improve local capacity needed for administration of land rights and to improve customary land administration. They also equip local communities with the needed capacity to provide pro-poor, accountable and equitable output by facilitating dealings in customary land for improved tenure security and development. Scaling up local capacity development tools depends on the extent to which technical and legal expertise has been used in the design and implementation of the tool.

### 3.3.1 Analysis

To meet the scale of capacity needed for administering land rights and to improve customary land administration, different capacity development strategies have been developed. These are meant to protect and assist customary groups in land dealings for pro-poor, accountable and equitable output, or as a means of facilitating dealings in customary land for improved tenure security and development. Among other things, capacity development tools aim to assist people to resolve disputes, adopt simple land-use planning procedures, develop landholding rules, establish registries to record land transactions and land-use planning decisions and to develop mechanisms that improve tenure security for the vulnerable.

Some capacity development tools, such as Customary Land Secretariat (Ghana), Tribal Land Integrated

Management System (Botswana) and Community Land Trust (Kenya) are initiated by governments, NGOs and/or donor agencies. Others are developed through local initiatives. For example, in some customary areas of Ghana, local land management committees have been set up to manage lands. These committees are responsible for land allocations and management of natural resources. Electing chiefs outside the main traditional lineage to help in administration of customary areas (proliferation of educated chiefs) is an example of tools for capacity development.

### 3.4. TOOLS FOR REGISTRATION AND CERTIFICATION

Most donors have supported projects that strengthen individual and group rights through registration and certification. Village and community titling initiatives (Tanzania), land regularization (Rwanda) and urban land registry (Benin), certificate of occupancy rights (Botswana), rural land registration and certification (Ethiopia) are examples of land registration and certification tools. Some of the tools secure land rights of the urban poor or upgrade their land rights, and others provide security of land rights to rural areas, especially farmers. Scaling registration and certification tools requires building capacity among local institutions responsible for the administration of land at the local level. Sustainability of tools for land regularization, titling and reform of land

#### Land Boards

In some parts of sub-Saharan Africa, community members elect people to 'land boards' in democratic elections. These boards are mandated to allocate land, adjudicate and carry out land-related activities, such as planning and collecting rents. A number of land boards were established in Botswana, Tanzania, Uganda, Madagascar and Mozambique. In Botswana, the Tribal Land Act of 1968 established a number of land boards which were vested with rights and title to land in each tribal area. The functions of the land boards are land allocation, land registration, land-use planning, land-use monitoring, land acquisition and land adjudication. The Act was amended in 1993 to streamline the duties and responsibilities of the land boards. Since 2011, the Government of Botswana has initiated a five-year collaborative project called the Improvement of Land Administration Procedures, Capacity and Systems with development partners to improve the work of the land boards among other things (Tembo and Simela, 2004; UN-Habitat, 2010; Malatsi and Finnstrom, 2011).

#### Box 3: Examples of tools for capacity development



A woman displays her Customary land ownership certificate during an issuance ceremony in Bulemu, Chamuka Chiefdom, Zambia. Photo ©Peoples Process on Housing and Poverty in Zambia

rights are highly influenced by subsidy or regular funding from partners or other donors.

### 3.4.1 Analysis:

Since the 1970s, several land tools aimed at registration or certification of customary land rights have been developed and tested. These registration and certification programmes have had varying degrees of emphasis and success.

These innovative land tools support the recognition and formalization of customary land rights for communities, women and men. There are three sub-themes: the first focuses on social recognition, which helps to recognize socially legitimate interests in

land, regardless of whether legitimacy accrues under formal law. The second is forms and processes of legal recognition tools that help facilitate legal recognition of customary land rights. Thirdly, approaches to recording and registering customary land rights contain tools that provide guidance on understanding and implementing approaches to formalizing customary tenure.

STDM has been captured as a special tool used to help in the certification and local recording of land rights.

### 3.4.2 Best practices:

All the tools, namely village and community titling initiatives (Tanzania, Mozambique), land regularization (Rwanda), flexible land tenure (Namibia), urban land

## Urban Land Registry

In **Benin**, a tool was developed which uses addressed-based maps prepared through a participatory field survey to create an urban database. These databases are used by the local government to assess and collect tax as well as land management. The process involves taking inventory of landholders as well as detailed description of the nature of land tenure rights. This approach has improved land taxation. In addition to an Urban Land Registry, the customary land rights registration (PFR) is a system which institutes a shift in focus from an oral tradition to the written documentation of customary transactions (Delville, 2010). The PFR uses systematic procedures in identifying and mapping land rights and for generating a register of rights. However, the level of rights to be registered – that is, whether they are individual or collective – is determined by local actors, on a case-by-case basis. In **Nigeria**, under the Land Use Act, 1978 urban land registry has been implemented in some urban areas.

## Box 4: Example of certification and registration tools

registry (Benin, Nigeria), Rural land certification and registration (Ethiopia) and Social Tenure Domain Model (STDM) (Uganda and Kenya) satisfy the GLTN best practice criteria. All these tools are capable of reducing poverty, are equitable and gender responsive. However, village and community titling initiatives, land regularization, flexible land tenure and urban land registry have high initial costs beyond the capacity of the local communities. Though the implementations of some of the tools (e.g. urban land registry, Benin) have been successful, local communities have been too slow to recognize their value and therefore raise the question of sustainability of such projects. Rural land certification and registration (Ethiopia) and STDM (Uganda and Kenya) stand out as the most desirable tools in this category, satisfying all the GLTN core values.

## 3.5. TOOLS FOR INFORMAL SETTLEMENT UPGRADING

Tools for informal settlement upgrading aim to secure rights of many people who live on the outskirts of cities as squatters and have no formal documentation on the land they occupy. Development of informal upgrading tools has been a concern to central governments, local authorities, NGOs and bilateral donor organizations. Examples of informal settlements upgrading programmes are flexible land tenure (Namibia), residential licences (Tanzania), certificate of occupancy rights (Botswana) and slum upgrading (South Africa, Kenya).

### 3.5.1 Analysis:

Cities in developing countries are growing in size and expanding, with development patterns showing increases at city outskirts. Many of those who live there are squatters who have no formal documentation on ownership or types of use. As the land they live on becomes desirable for development and most people in these communities do not have proof of ownership, evictions are constant threats that can destroy not only property, but also assets, social networks and access to services. With increasing urbanization and the development of slum or squatter settlements in urban areas, the need to address human settlements issues in urban areas has been a concern to central governments, local authorities, NGOs and bilateral donor organizations. Several attempts aimed at upgrading informal settlements and improving housing for the poor have been tried. These innovative tools have been used to survey, negotiate, and formalize land rights in the form of occupancy rights and licences.

Some of these tools are heavily dependent on government subsidies and the use of intricate legal and institutional frameworks which are not easily understood by local communities and administrators (e.g. CLT), making them unsustainable and difficult to replicate in areas where such support is not available.

### 3.5.2 Best practices:

All the tools for informal settlements are open to all citizens without cost and therefore are pro-poor. The



Youth from Freedom Square informal settlement in Gobabis municipality, Namibia, pose for a photo after a numbering exercise. In Namibia, the Flexible Land Tenure System provides affordable security of tenure to inhabitants in informal settlements, parallel and complementary to the formal system of freehold tenure. Photo © Namibia Housing Action Group

tools enjoy large coverage. Most of these projects provide infrastructural developments and certificates to landholders and therefore improve land value.

### 3.6. TOOLS FOR GENDER AND EQUITY

Gender and equity revolve around the need to strengthen women's rights to land and natural resources. Most tools addressing gender inequity use advocacy, awareness creation, training and capacity

The **Certificate of Occupancy Rights (COR)** was introduced in **Botswana** in the 1970s to provide a secure and inexpensive form of tenure to support site and service schemes for the urban poor. COR provides landholders with the right to use and develop land, while retaining state ownership. Usufructuary rights are inheritable and can be assigned, pledged and ceded with the consent of the city/town council concerned. The boundary of COR plot is demarcated on the basis of general plans or block diagrams. Over time, the COR is upgradeable to a full title – a Fixed Period State Grant (99-year lease). This occurs after a cadastral survey has been carried out and the title registered. COR allows titles to be progressively upgraded. It now applies to 75 per cent of all plots in towns and is supported by free government surveys, physical planning and land administration (Durand-Lasserve, 2006; Nkwae and Dumba, 2009).

In the sub-region, securing tenure and improving housing for the poor have been achieved through **participatory slum upgrading**. This tool has been used in Kenya and South Africa.

#### Box 5: Examples of non-standardized documentation of land transactions in West Africa



development and community-based association. Awareness creation and capacity development have been extensively used to secure women's land rights and access to land and natural resources. Through community-based organizations, women demonstrate considerable leadership skills and articulate their own interests and concerns. Scaling up gender and equity tools in customary areas not only requires promulgation of legislation but also enforcement. Due to entrenched cultural inequality in customary areas, enforcement can be enhanced through awareness raising and capacity development.

### 3.6.1 Analysis:

In the past, most land policies were centred on issues that do not just benefit the poor but also improve the

situation of women. Gender and inequality, especially with respect to women tenure rights and women's voice within customary governance systems, have been well debated and documented. Many women are doubly disadvantaged by poverty and gender. Thus, it is important to understand why it is necessary to improve women's access to land: firstly, because it improves chances of livelihoods; secondly, it improves access to finance, and thirdly, it recognizes women as active agents of change. Several women's organizations, especially members of the Huairou Commission, have been at the forefront of this crusade. A number of tools have been developed to improve gender equality and grassroots women participation. These tools emphasise women's empowerment, legal recognition of women rights, economic considerations with respect to



Recipients of Certificates of Customary Ownership in Adjumani district, Uganda proudly display their certificates during a handover ceremony presided over by the Vice President of Uganda in July 2019. Photo © UN-Habitat/Aoibheann O'Sullivan

access to land, and social and cultural considerations with respect to women, among other things. Local Livelihood Fora (South Nyanza, Kenya), Maasai Women Land Demarcation (Tanzania, Uganda) and Grassroots Sisterhood Foundation (Ghana) are examples of programmes that address gender issues.

These programmes rely on tools such as the gender evaluation criteria, spousal consent, education and literacy programmes, household working approach, participatory enumeration, community dialogue, awareness creation, community self-analysis and leadership training to explore various avenues to sensitize communities on gender equality and promote women tenure rights.

### 3.6.2 Best practices:

All the tools categorized under gender and equity meet GLTN best practice criteria. Spousal consent is gaining traction in land tenure security in sub-Saharan African

countries. Many countries in the sub-region are gender sensitive - their constitutions and policies address gender discrimination in all aspects of the economy. Countries like Ethiopia, Rwanda, Uganda, Mozambique and Madagascar have developed specific legislation to support the spousal consent, while others are in the process of developing policies to support this course.

## 3.7. TOOLS FOR GOVERNANCE

Governance issues are addressed through legal and institutional reforms, quota systems and policies. Tools that are used to build governance in customary land tool development include anti-eviction laws, statutory recognition of slums or informal settlements, outlawing of outmoded customary practices, spousal consents and compensation approaches. These tools use mechanisms that improve community participation, manage competing interests in land and improve efficiency in land recording at the local level. Scaling-up

#### Gender evaluation criteria

GLTN has developed a set of gender evaluation criteria which can be used to check whether land tools incorporate gender issues and to show how they can be adapted. The framework for evaluation is flexible and can be adapted to a wide range of different situations. The criteria which were developed through consultations among various GLTN partners consist of six elements and 22 evaluation questions. These criteria have been tested in Brazil (Espaco Feminista), Ghana (Grassroots Sister Foundation), Uganda (Land Alliance Experience) and Nepal (Lumanti) (UN-Habitat, 2012a).

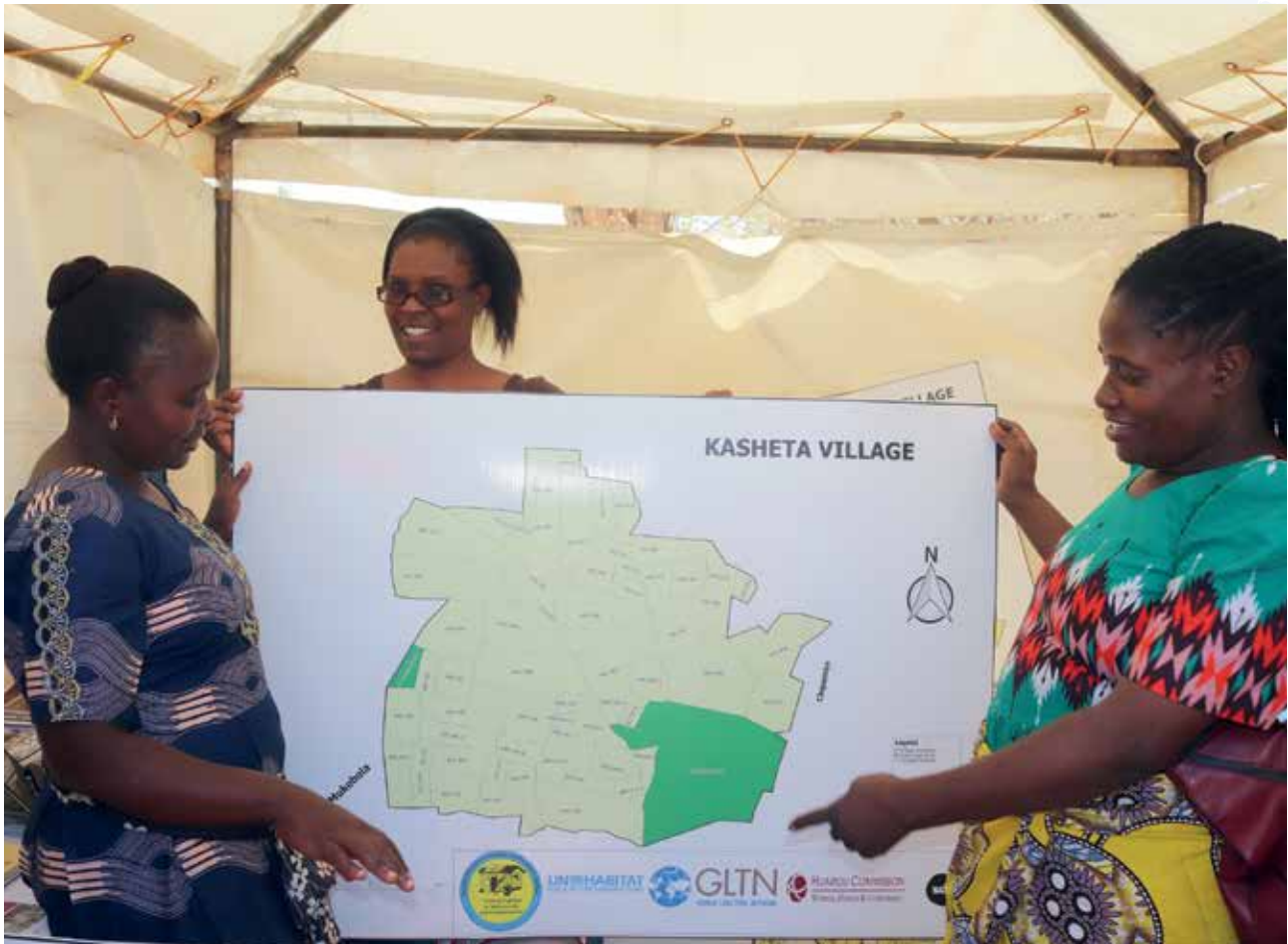
#### Spousal consent

Spousal consent is one of the tools used to protect the rights of women and other family members. The object of the tool is to prevent the transfer of land through sale, donation or exchange by a family member without the consent of the others. The tool requires written consent of the other parties before the transaction can be effected. Spousal consents in Ghana, Rwanda and Kenya have been promoted through legislative reforms and awareness creation. For example, In Mau Forest, Kenya, through awareness creation, there is a harmonization of traditional and statutory justice systems and the traditional chiefs, which now requires spousal consent for all land transactions. In Rwanda, the law has moved to protect not only spouses but other members of the family who are joint owners of the land. The Family Code 2000 of Ethiopia provides for community of property in relation to property acquired after marriage, creates presumption of common property of goods registered in the name of one spouse and requires the consent of both spouses for transfer of property (FAO, 2002).

#### Awareness creation

In many parts of sub-Saharan Africa, gender and inequality issues have been addressed through awareness creation, with targeted campaigns focusing on one group of rights-holders or campaigns targeting broader society. Issues addressed in awareness-raising include: 1) women's equal access to land under the law; 2) the inclusion of women in decision-making processes and in the design of development programmes; 3) the involvement of government and local actors on gender issues; and 4) working with women's groups on legal literacy. Examples of these strategies can be found in Burundi, Rwanda and Tanzania.

#### Box 6: Example of gender and equity tools



Women in Zambia display a map generated from the enumeration and mapping exercise in Chamuka Chiefdom.  
Photo © UN-Habitat

governance tools must emphasize the development of policies that ensure active participation of local people in all aspects of the tools' development.

### 3.7.1 Analysis:

Recent decades have seen more and more African states restructuring the legal pattern of land rights within their societies through constitutional and land policy reforms. Tools that have been developed to deal with governance issues include anti-eviction laws, statutory recognition of slums or informal settlements, promotion and protection of women's land rights, gender equity, outlawing of outmoded customary practices in land ownership, recognition of local and indigenous

knowledge, inheritance, spousal consents in land transactions, group rights, decentralized administration of land rights, compensation approaches, etc. These tools also promote accountability, responsible and responsive governance institutions that act in accordance with the will of the community and refrain from inappropriate, illegal or corrupt actions. These tools also promote community representation and participation in order to improve democratic governance.

In countries like Malawi, Zambia, Mozambique, Uganda and Kenya, national constitutions and legislation, for example, enshrine new principles through which the rights of women, children and minority land interests



## Outlawing outmoded inheritance laws

In most sub-Saharan African countries, rules of inheritance are derived from customary and statutory systems. Under customary laws system, inheritance is with a few exceptions, determined by rules that favour males. This gender issue in inheritance is being addressed through constitutional and legislative reforms, mostly through family and succession laws. In some countries, like Ghana, the inheritance laws (Interstate Succession Law 1985 and amended in 1991) tends to exclude land from their equity provisions. The Organic Land Law of Rwanda (2005) emphasizes gender equality in all matters relating to land ownership presumably including inheritance of land (Article 4). The Family Act (2003) is one of the most innovative pieces of legislation for emancipation of women in Mozambique. The majority of Mozambicans, especially the illiterate, regulate their lives using local customs and practices. However, the official laws were drafted with very little consideration of local customs. In the past, women married under customary law could not inherit or claim any property because their marriages were not recognized by the official law of Mozambique. The Family Law (2003) of Mozambique protects a broad range of women's rights and legally recognizes customary marriages. This law protects informal unions between men and women. Under the Family Law, women who have lived with their partners for more than a year are entitled to inherit the property of their husbands (Family Law, 2003).

## Statutory recognition of occupancy rights, slums and informal settlements

DUAT, *direito de uso e aproveitamento da terra* (state-granted land right), is currently Mozambique's single form of land tenure right. It is exclusive, inheritable and transmittable (subject to state approval). DUAT recognizes occupancy rights as equivalent to registered land rights. The law gives rights to three forms of occupation: a) customary (traditional) occupation: the occupation of land by individual persons and by local communities, in accordance with customary norms and practices, so long as these do not contradict the Constitution; good faith occupation: the occupation of land by individual national persons who have been using the land in good faith for at least ten years; and c) award: new rights to land, awarded with the authorization of an application submitted by an individual or corporate person (renewable 50-year state leasehold). The law equates oral evidence to title evidence (Norfolk and Tanner, 2007).

### Box 7: Example of a Governance Tool

must be accorded respect and to which new land policies and laws must themselves adhere. For example, the Local Government Acts of Lesotho and Ghana vest control over land allocation and natural resources in districts and community councils/traditional leaders.

## 3.7.2 Best practices:

All the tools meant to promote good governance incorporate one or more GLTN core values and therefore meet GLTN best practice criteria. Among these tools, compensation approaches have been developed locally based on customary governance system. The tool is innovative, flexible, subsidiary and flexible to be adapted into other communities. Though compensation approaches are built on pro-poor objectives, the compensation packages are determined solely by the traditional institutions. Despite the stiff opposition in culturally entrenched communities, outlawing outmoded inheritance practices is gaining support in countries like Mozambique, Ghana and Rwanda. In Ethiopia, the Family law Code 2000 provides

for community of property in relation to property acquired after marriage (Alden Wily, 2003). In Uganda and South Africa, anti-eviction tools have successfully been implemented. The tools gain their support from anti-eviction advocacies like UN-Habitat.

## 3.8. TOOLS FOR DISPUTE RESOLUTION

In the past, informal dispute resolution has been identified as a pro-poor and equitable alternative dispute resolution (ADR) mechanism to complement the state court machinery. Different informal conflict-resolution mechanisms like arbitration, mediation and negotiation have been used to address various land conflicts in the sub-region and have proved to be effective in many instances (FAO, 2007).

### 3.8.1 Analysis:

The decentralization of land administration and management in sub-Saharan Africa has been accompanied by localization of dispute-resolution



**A woman walks past some temporary manyattas in Turkana County, Kenya. Most of the land in the county is unregistered community land held in trust by the government. Photo ©UN-Habitat**

mechanisms. Access to justice is still a critical challenge for poor and marginalized communities in many parts of the sub-region. For a poor farmer, navigating judicial/legal processes designed for representation by trained advocates can be an intimidating and traumatizing experience, from the confusing and occasionally

incomprehensible language of the courtroom to the litigants' unfamiliarity with the applicable rules and procedures. These issues highlight the need for attention to be given to establishing mechanisms and adopting procedures that are not only accessible to those in need of redress but are also affordable for the majority of people.

In **Rwanda**, the land tenure regularization process used community mediation and agreement to settle competing claims. In **Madagascar**, the national decentralized land certification programme uses mediation and arbitration for dispute resolution. Roughly 20 per cent of the disputes were resolved through mediation conducted by local authorities. In rural communities of **Kenya**, like Kianyaga, there is an absence of legal practitioners and services so an overwhelming majority of people facing disputes have found themselves facing legal issues without the resources to address them. NGOs have been aiding these communities to undertake ADR processes and this has had positive results. In **Ghana**, some land-related conflicts that had proved impossible to resolve in the state courts have been resolved using customary conflict-resolution mechanisms. Again, under the Customary Land Secretariat (CLS), after the training programme in 2009, over 770 land disputes across 20 customary areas were successfully resolved through ADR (Arko-Adjei, 2011).

### **Box 8: Example of a tool for dispute resolution**

## 3.8.2 Best practices:

Informal dispute-resolution mechanisms (ADR) satisfy GLTN criteria for best practice. They are pro-poor, affordable, and take into account the local mechanisms of resolving disputes. ADR is scalable – has been implemented on large scale in several countries (Ghana, Uganda and Tanzania). The use of the ADR mechanism has gained support across various parts of the sub-region. High cost continues to drive the support for informal dispute resolution mechanisms. Legislation and enforcement of human rights issues in most national constitutions has led to steady improvements in governance of ADRs.

## 3.9. TOOLS FOR ECONOMIC EMPOWERMENT AND NATURAL RESOURCE MANAGEMENT

Tools for economic empowerment are based on the linkage between poverty reduction and tenure security. Examples of economic empowerment tools are joint venture rubber plantation (Ghana) and community-investor partnership project (Mozambique). These models ensure beneficial partnership agreements between smallholder farmers and private-sector investors. Some of the tools (community-based natural resources management schemes) promote sustainable natural resource management. The success of these economic empowerment tools depends on the level of ownership, voice (governance), risk and benefit sharing between partners. Scaling up these tools requires



Community members in Kabale, South-western Uganda engage in a simulation exercise during a training on the land mediation tool. Photo ©UN-Habitat/Simon-Peter Mwesigye

measures that ensure that local communities are capable of dealing with the investors and outside world on equal terms. The current controversy about large-scale land acquisition by foreign investors has put land rights issues and responsible agricultural investment back on the global development agenda.

### 3.9.1 Analysis:

In recent decades, there has been a growing interest in many African countries to strengthen agricultural development to improve food security, yields and outputs. Because of the resource constraints of governments in sub-Saharan Africa and the tight budgetary conditions in many donor countries, the private sector, both domestic and foreign, has a potentially important role to play in financing agricultural investments in the region (FAO, 2010). However, large-scale land acquisition by foreign investors has put land rights issues at the forefront of the global development agenda. For example, it is estimated that about 70 per cent of Africa's arable land has been taken by foreign investors for large-scale agricultural production. This phenomenon is threatening food security, water security, income and cultural integrity of local people (Steve, 2011).

The controversy has opened up the discussion on how to improve land administration systems and investment in agriculture so that the land rights and the livelihoods of small farmers, pastoralists and other vulnerable groups are strengthened. One of the approaches used is developing beneficial partnerships between small-scale farmers and private investors - preferably partnerships that do not require large-scale land acquisitions. Further, the need for sustainable natural resource management and climate change mitigation measures provide an opportunity to reconsider the way large-scale farming companies relate to their host communities. Sustainable sourcing and investments can drive benefits for both private companies and communities. Such partnerships can take the form of out-grower schemes, contract farming or joint share equity schemes, in which outside investors focus mainly on providing expertise and other support in agro-processing or improved access to markets. The success of such partnerships and the real benefits to smallholder farmers and rural communities more generally, depends on the level of ownership, voice (governance), risk sharing and benefit sharing between partners. Examples of these economic empowerment initiatives include joint share rubber

#### Joint venture rubber plantation in Ghana

Rubber plantation is becoming a lucrative cash cropping venture in **Ghana**. To address challenges in rubber plantations, a partnership approach has been adopted. In this partnership agreement, five stakeholders are involved: the cooperative farmers, rubber buying agencies, banks/funding institutions, technical experts (CSIR) and landowners. To ensure large volumes of rubber production, the farmers are made to form cooperatives. Landowners guarantee continuous use of the land for about 20 years. The rubber buying agencies supply farmers seedlings and guarantee to buy the product. The banks provide financial support to the farmers while CSIR provides technical support. This project which is being piloted in the Eastern and Western regions of Ghana is overseen by the Ministry of Finance.

#### Community-based natural resources management schemes

In **Mozambique**, the land law empowers communities to participate in natural resource management and allocation. This is done through consultation processes and by using customary norms and practices as an integral part of formal natural resource management. Sometimes, these natural resource management arrangements are through contractual arrangements.

For example, in Madagascar, there is a contractual arrangement between the government and communities to manage forests. Among other things, the community-based management schemes aim at slowing down forest degradation by working with communities on fire management measures and providing alternatives to slash and burn agriculture. The project also aims at managing forest resources more efficiently through the creation of management plans, the rationalization of forest exploitation and the increase in management capacity (Norfolk and Tanner, 2007).

#### Box 9: Example of a tool for economic empowerment and natural resource management



plantations (Ghana), irrigation schemes (Ghana), community-investor partnership project (Mozambique), Vegetable Oil Development Project (VODP) in Uganda, bio carburant SA in Mali, etc. Sometimes, governments also sign contractual agreements with communities to ensure the sustainable use of natural resources. Apart from the investment in the improvement and continuity of their farms and the increase in income levels of households and communities, these management schemes result in inclusiveness, participation and gender equity and empowerment.

### 3.9.2 Best practices:

All the tools discussed satisfy the GLTN best practice criteria. They all aim to reduce poverty and increase productivity of small-scale farmers and low-income communities and are therefore pro-poor. They are affordable and scalable. Some of the tools may require sustained support from a range of service providers (government, civil society, private sector). However, such partnerships can only benefit smallholder farmers and rural communities if there is transparency, and active and informed participation of communities in management and decision-making processes.



Geo-spatial enumeration in the Ndekia zone of the Mwea Irrigation Scheme in Kirinyaga County, Kenya. Photo ©UN-Habitat

# CHAPTER 4



# CONCLUSION

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In recent decades, different tools have been developed to secure tenure in sub-Saharan Africa. These tools address specific issues and are developed either through the customary governance structure or as a partnership between government and other structures.

The tools are implemented at village, community or local government levels, and some have been scaled up to district and national levels. Depending on how the tools were developed and how the beneficiaries embrace the concepts, they have had varied degrees of success. This report has described and analysed secure tenure tools based on eight themes, namely: grassroots participation and empowerment, local recording, capacity development, registration and certification, informal settlement upgrading, gender and equity, governance, and dispute resolution. In conclusion, the emerging trends, strengths and weaknesses, and common factors that influence the development, implementation and maintenance of the tool are presented.

## 4.1. EMERGING TRENDS

The analysis provided above shows that developing secure tenure tools is by no means uniform or straightforward and in practice each tool needs to be examined individually. Some of the overall trends are identified below.

- ❑ Development of land tools in the sub-region is substantial, with almost all the countries making efforts to recognize localized rights or customary land rights.
- ❑ Development of land tenure security tools is driven by several external factors, such as rural and urban poverty, low agricultural productivity, urbanization, food security and climate change, and internal factors such as land conflicts, access to land and gender inequity. The tools are mostly developed to solve local problems, yet in some cases the implementation is based on top-down approach.
- ❑ Land tool development is predominantly focused on securing the rights of marginalized groups in mostly rural and peri-urban areas where the majority of the population live and where the properties that rural people use and/or hold in common are.
- ❑ Generally, land tools are developed based on existing or new structures: customary governance structures, government structures or as partnerships between community and government structures. Tools developed through local community initiatives or built on existing customary governance structures are more sustainable compared with those built on government structures or funded by government or donor agencies. There are three levels at which the tools are implemented: local community, local government (district, municipal, provincial) and national levels.
- ❑ A few of the tools are supported by well-developed or specific legislation. Tools that are based on well-developed legislative frameworks have been scaled-up horizontally and/or vertically. Some of the tools are not linked to specific legislation and derive their legal legitimacy from national land policies or the constitutional provisions. The tools which are neither supported by specific legislation or land policy/constitution need local legitimacy. These tools are usually developed through local community initiatives or built on local customary governance structure.
- ❑ There are various levels at which community members can be involved in the development and implementation of tools; either through active representation or active participation.
- ❑ With most of the tools studied, community members do not participate directly in the decision-making process. Only selected members of the steering committees take decisions on the use of land.
- ❑ The status of customary land interests, recording of land rights and land governance are the three areas



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most focused on and discussed in relation to the land tools. Tools for securing land rights are not implemented or discussed without reference to these elements. In the tools, land governance is addressed through community participation, transparency, equity and gender responsiveness.

- ❑ Most tools developed through government initiatives are usually based on a top-down approach. Such tools exhibit elements of bureaucracy and are therefore unsustainable.
- ❑ Some tools use available local capacity to address localized problems, especially those that are developed within the customary institutional structures. Some tools are funded either through local community resources, local cooperatives, local NGOs, international NGOs, and bilateral organizations (e.g. the

World Bank, FAO, IFAD, AfDB, UN-Habitat and US-AID). These funding organizations provide financial support, coordination and supervision, and build capacity for tool development. The donors use capacity building such as training, learning-by-doing and local institutional strengthening to build governance in the tool and to improve sustainability.

- ❑ Tools that mostly depend on technical expertise, even when they are meant to adhere to pro-poor objectives, tend to be costly and unaffordable.
- ❑ Costs of developing, implementing and maintaining secure tenure tools in practice vary and range from high to low. In general, the more sophisticated the land tool operation, the more dependent the local community is on government/donors for finance and technical expertise (Alden Wily, 2003).



Rice production in Chad. In Chad, customary and Islamic laws govern issues regarding access to and control of land and natural resources in urban and rural areas. Photo ©UNCHAD

# CONCLUSION

- ❑ Scalability ranges from the minor to the comprehensive.
- ❑ Development and/or enforcement of legislation that redresses gendered issues on security of tenure is growing.

## 4.2. KEY FACTORS INFLUENCING THE DESIGN AND DEVELOPMENT OF CUSTOMARY TOOLS

### 4.2.1 Key factors influencing customary tool development

There are a range of factors that influence the design of customary security tools in sub-Saharan Africa. Access to land is considered to be a vital ingredient for poverty reduction and most customary tools in the region are developed to ensure sustainable access to land, particularly for vulnerable groups. Tenure security has been addressed through registration and certification, tenure regularization and gender equity.

Customary land transactions are mostly unrecorded or at best recorded by informal processes managed by families or communities. This has contributed to tenure insecurity in the sub-region. Tools for local recording are done through non-standardized writings to document land transactions. Other tools to record local land transactions use simple, pro-poor, accountable and equitable tools. Such local capacity programmes have been supported by donors.

Food security is a major factor in the design of customary tools but the need to diversify and strengthen local livelihoods is also a major consideration. Most of the tools designed to address food security issues also address poverty reduction. Tools for poverty reduction are linked with economic empowerment, natural resource management and conservation.

Accountability and transparency in land transactions are crucial for tenure security in customary areas. Tools for governance involve the use of transparent and accountable systems that give legal patterning of land rights within customary societies and the way in which rights are regulated. Grassroots participation improves good governance and is therefore an important factor for the design of customary tools.

Good governance requires land tools to incorporate mechanisms that prevent conflicts over land rights and deliver just resolutions to these disputes. Disputes over boundaries and land rights are prevalent in customary areas, especially where there is pressure on land as a result of population growth and urbanization. Affordable and effective dispute-resolution mechanisms are essential components for the design of customary tools.

### 4.2.2 Key success factors

From the foregoing analysis and discussions, there seem to be a range of common factors critical to the success of the customary tenure security tools. These include the level of implementation and community participation, building customary tools on existing structures and new structures, the empowerment of local actors and devolution of power, technical autonomy by local actors, self-sustaining costs and social and local legitimacy.

### 4.2.3 Key factors for the scalability of customary tools

Most of the tools reviewed in this report have been developed at the local level. Some of them have been scaled vertically or horizontally. Tools built on customary norms and structures and that address similar needs to other customary areas are scalable across these customary groups. Such tools are at best scalable only

horizontally as far as to the limits of the traditional authority. Customary tools supported by legislation can be scaled both horizontally and vertically. The design and development of such tools may be through a top-down approach or through consultative processes usually spearheaded by national or international advocacy groups. Scaling gender and equity tools in customary areas requires legislative support and enforcement.

Tools like mapping and registration that work on a national scale require substantial adaptation if they are to fit local conditions. The analysis indicates that tools work best when built from the bottom up, especially when the tools take cognizance of sound local knowledge and resources. Scalability of these tools also depends on affordability.

The sustainability of a tool is also crucial for scalability. Tools that are sustainable can easily be scaled, particularly in areas with similar conditions. Acceptability of the tool by local communities improves sustainability and thus scalability. For tools like land regularization and titling that are heavily dependent on donor support, scalability is highly influenced by subsidy or regular funding from donors.

For tools that promote economic empowerment, scalability requires a clear agreement on the roles, responsibilities and activities of all stakeholders.

#### 4.2.4 Key factors enabling customary and statutory systems to work together

Even where customary tenure tools are not supported by legislation, they can work alongside the existing statutory systems. When a customary system is the main access to land for the majority of people, then the customary and statutory systems must work together. Likewise, they work together when customary institutions are strong and recognized by users, and the statutory system, customary systems are readily

available and provide an alternative source of tenure security, including dispute resolution. In places where documentation and maintenance of land records and decision-making cuts across the customary and statutory institutions, and in instances where to the majority are poor, customary systems are easily accessible and relatively cheap, even when security of tenure provided is perceived to be weaker than the statutory system.

#### 4.2.5 Key factors making customary tools respond to GLTN core values

The analysis of the tools with respect to GLTN core values shows that there are key factors that make a customary tool embody the GLTN core values.

##### **Key factors that make a customary tool pro-poor:**

The tool is built on the principle of improving the lives of the poor and marginalized; it relies on simple procedures and technologies to address localized problems, thereby reducing the cost of securing land rights; it secures the rights of poor and marginalized groups; promotes effective and equitable linkages between poor and market opportunities; uses simple and affordable dispute-resolution mechanism; engages the poor in all aspects of its development and implementation; and uses mechanisms that accommodate and secure varying land rights (continuum of land rights).

##### **Key factors that make a customary tool gender responsive:**

It protects the interests of the poor, the weak and women; ensures that the interests of women and men are specifically addressed in a balanced way; allows women to articulate their own interests and concerns, sometimes putting these issues on the agenda in their community and at national level; redresses unfair customary and cultural practices, especially with regard to inheritance issues; it prioritizes gender issues, supports gender-affirmative actions and makes direct provisions for women's access to land.

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Key factors that make a customary tool affordable: It secures tenure through the use of the tool at minimal cost to the community and the cost of design and maintenance of the tool is affordable. Cost of design and maintenance tend to be low when the tools are less dependent on technical and legal expertise; community participation is crucial; a community is willing to and can afford to maintain the tool; it uses para-professionals and simple techniques to secure tenure at reduced cost.

### **Key factors that make a customary tool sustainable:**

It is developed and managed locally with high community participation; community members accept it as a community resource; people take ownership of the tool and are actively involved in all processes; it uses available local resources and capacity to address localized problems; it can easily be implemented and it should be self-financing. However, for tools that are highly dependent on external support (e.g. tools for land regularization and registration), sustainability is influenced by the availability of a subsidy or sustained funding from donors, while tools that rely on technical expertise and high initial investment cost, sustainability requires well-developed successive plans that analyse and address human capacity development and the cost of maintenance all with respect to the objectives of the tool.

Tools that promote gender equity sustainability depend on the level at which cultural inequality is entrenched in the customary practices and norms. In this case awareness-raising and capacity building should be centred on helping women and men to overcome ignorance of their rights in law. Awareness-raising is useful in customary areas with entrenched cultural inequality; with tools that promote economic empowerment, sustainability requires measures ensuring that local communities are able to deal with the investors and the outside world on equal terms, that there is political will on the part of power players

and support from all stakeholders, including state institutions

### **Key factors that build governance in a customary tool:**

The tool is used to improve community participation, including women's participation, in decision-making processes; it uses local mechanisms to manage competing interests in land; it promotes economic empowerment based on partnerships - building governance in a customary tool depends on the level of ownership, voice (governance), risk sharing and benefit sharing between partners involved; the framework for dispute resolution is accessible, flexible and affordable; it uses local knowledge and actors to enhance transparency and accountability; it improves efficiency in land recording at the local level and improves access to information; and it takes into account how decisions are made with regard to the use of land and local land governance.

### **Key factors influencing subsidiarity of a customary tool:**

The principle of subsidiarity means that the responsibilities for the provision and management of any service must be vested in the lowest level of authority. In this case, local communities are best positioned to deliver tenure security in an efficient and cost-effective manner. Enabling them to develop and implement the customary tools in consultation with other stakeholders reflects the principles of subsidiarity. The principle of subsidiarity ensures that the local communities are empowered to facilitate the development and implementation of the tools for their benefit. Subsidiarity ensures that customary tool meets local aspirations and needs, and their views are incorporated in decision-making. In particular, subsidiarity of customary tools means that the tool has been built to secure localized land rights. These allow local communities to take ownership of the tool and ensure its sustainability.



## 4.3. CONCLUDING REMARKS

In summary, the analysis in this report with respect to the core values of GLTN indicates that almost all the tools show elements of best practices as defined by GLTN. Nevertheless, weaknesses identified in some of the tools make it difficult to scale them up, especially when the tools are built on the use of technical experts and over-reliance on computer technology, or they are heavily dependent on government or external support.

There is evidence to suggest that tools that are community-based, community-operated, community-controlled would be most adoptable, cheapest, the most owned and the most sustainable. Simplification of the technical procedures, minimal reliance on technical expertise and minimal dependency on government or external support is critical to success. In general, the more sophisticated the tool, the more dependent the local people who are the ultimate users on the government or donor agencies for financial and technical expertise.

An analysis of the tools with respect to the GLTN core values indicates that almost all the tools satisfy GLTN's best practice criteria. However, some of the tools are outstanding. Such tools rely on simple technologies to address localized problems, thereby reducing the cost of securing land rights. These tools have the potential to be scaled-up (horizontally and vertically) within and across countries.

Tools such as spousal consent, local land committees, petit papiers and compensation approaches and DUAT may be further documented. Though the tools are not well-documented, they are popular in the sub-region. They have been scaled up horizontally across different customary areas and in some cases across different countries.

Adaptation and scaling-up of these tools may require a complete analysis of local conditions. The analysis should be centred on key issues that need to be monitored closely. For example, once the implementation of the tools gets underway, it will be important to assess the progress of the tools against the following criteria: what is changing during the implementation of the land tool; whether the modifications being made are the result of unanticipated cost, faltering political will, or reluctance to give up autonomy to the local institutions; whether more rights are being secured or land rights are being lost or downgraded in the process; and whether ordinary landholders are really gaining a larger and more effective share in managing their own land relations.

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## ANNEXES



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**Table 1: Tools for grassroots participation and empowerment**

Tool	Target group	Stakeholders	Factors influencing the design of the tool		Tenure insecurity issues	Operation in the customary governance system	Scale of operation	Legal recognition and support for the tool	Implementation challenges
			Internal	External					
1. Participatory spatial and development planning (Mali and Tanzania)	<ul style="list-style-type: none"> <li>Local communities</li> </ul>	<ul style="list-style-type: none"> <li>NGOs</li> <li>Government</li> <li>Local communities</li> </ul>	<ul style="list-style-type: none"> <li>Need to integrate the perspective of local people in development planning</li> <li>Lack of the capacity and resources to secure certain form of technical support in planning</li> </ul>	<ul style="list-style-type: none"> <li>Need for experts to collaborate with local communities</li> <li>Spatial dimension is being introduced into the local socio-economic development planning</li> <li>Need to set up a transparent and participatory local socio-economic planning systems in accordance with national requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Lack of knowledge about formal land use planning process</li> <li>Local knowledge and perspective in development planning</li> <li>Unsupported development plans</li> </ul>	<ul style="list-style-type: none"> <li>Developed through partnership between community structures and government agencies or other structures (NGOs)</li> </ul>	<ul style="list-style-type: none"> <li>Local community level</li> </ul>	<ul style="list-style-type: none"> <li>Supported by decentralisation policies in land use planning</li> </ul>	<ul style="list-style-type: none"> <li>Rallying community support</li> </ul>
2. Women's Participation in Village Land Use Planning (Tanzania)	<ul style="list-style-type: none"> <li>Women</li> </ul>	<ul style="list-style-type: none"> <li>Women</li> <li>NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Need for improved community livelihoods</li> </ul>	<ul style="list-style-type: none"> <li>Advocacy to promote the rights of indigenous women to benefit from land and other natural resources</li> </ul>	<ul style="list-style-type: none"> <li>Biasness of laws on ownership and control of land and other inheritance of properties against women and girls</li> </ul>	<ul style="list-style-type: none"> <li>Developed based on organised women group structures and associations</li> </ul>	<ul style="list-style-type: none"> <li>Local community level</li> </ul>	<ul style="list-style-type: none"> <li>May be supported by legislation</li> </ul>	<ul style="list-style-type: none"> <li>Illiteracy</li> <li>Threat from outmoded customary practices</li> </ul>
3. Participatory enumeration and mapping (Ethiopia, Kenya, Tanzania, Rwanda)	<ul style="list-style-type: none"> <li>Local communities</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Community members</li> <li>Land professionals</li> <li>State institutions</li> <li>NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Need to support non-documentary evidence with documents</li> <li>Need to promote grassroots participation in land recording, development planning and forest management</li> </ul>	<ul style="list-style-type: none"> <li>Need to bridge the gap between local and technical knowledge and between local communities and technical experts</li> <li>Inability for formal adjudication to accept oral evidence</li> </ul>	<ul style="list-style-type: none"> <li>Lack of community participation in demarcation, mapping land recording and other land development activities</li> <li>Need for pro-poor tool for mapping land recording rights</li> </ul>	<ul style="list-style-type: none"> <li>Developed through partnership between community structures and government agencies or other structures (NGOs)</li> </ul>	<ul style="list-style-type: none"> <li>Local community level</li> </ul>	<ul style="list-style-type: none"> <li>Supported by legislation</li> </ul>	<ul style="list-style-type: none"> <li>Illiteracy</li> <li>High cost of acquiring data for mapping</li> </ul>

**Table 2: Tools for local land recording**

Tool	Target group	Stakeholders	Factors influencing the design of the tool		Tenure insecurity issues	Operation in the customary governance system	Scale of operation	Legal recognition and support for development of the tool	Implementation challenges
			Internal	External					
1. Informal recording of land transaction and land information Petits papiers' (Benin, Ivory Coast, Mali, Ghana),	<ul style="list-style-type: none"> <li>Indigenous communities</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Community members</li> </ul>	<ul style="list-style-type: none"> <li>Increasing land transaction</li> <li>Need to record land information at community level</li> </ul>	<ul style="list-style-type: none"> <li>Emergence of heterogeneous communities</li> </ul>	<ul style="list-style-type: none"> <li>Land conflicts</li> <li>Lack of recorded land information</li> </ul>	<ul style="list-style-type: none"> <li>Developed through customary governance structure</li> </ul>	<ul style="list-style-type: none"> <li>Local community level</li> </ul>	<ul style="list-style-type: none"> <li>No specific legislation</li> </ul>	<ul style="list-style-type: none"> <li>Illiteracy</li> <li>Poor maintenance of records</li> </ul>
2. Land allocation committees (Ghana) and informal land offices (Kenya)	<ul style="list-style-type: none"> <li>Local communities</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Community members</li> </ul>	<ul style="list-style-type: none"> <li>Need for transparent and accountable land management processes at the local level</li> <li>Need for fair representation of stakeholders in the land management processes</li> </ul>	<ul style="list-style-type: none"> <li>Emergence of external land investment</li> </ul>	<ul style="list-style-type: none"> <li>Unavailability or inaccessible customary land information</li> <li>Unregulated land developments</li> <li>Corruption and unscrupulous dealings in land transactions</li> <li>Lack of accountability and stewardship of community leaders</li> <li>Lack of transparency in land transactions</li> </ul>	<ul style="list-style-type: none"> <li>Developed through customary governance structure</li> </ul>	<ul style="list-style-type: none"> <li>Local community level</li> </ul>	<ul style="list-style-type: none"> <li>No specific legislation</li> <li>In some areas they are recognised by legislation and land policies</li> </ul>	<ul style="list-style-type: none"> <li>Funding</li> <li>Lack of expertise</li> <li>Processes may tend up to be complex and expensive</li> <li>Abuse of office</li> </ul>
3. Allocation note (Ghana)	<ul style="list-style-type: none"> <li>Landholders</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Community members</li> </ul>	<ul style="list-style-type: none"> <li>Need to have evidence of allocation</li> </ul>	<ul style="list-style-type: none"> <li>Increasing land disputes</li> </ul>	<ul style="list-style-type: none"> <li>Double allocation</li> <li>Lack of records on land allocation</li> </ul>	<ul style="list-style-type: none"> <li>Developed through customary governance structure</li> </ul>	<ul style="list-style-type: none"> <li>Local community level</li> </ul>	<ul style="list-style-type: none"> <li>Though it is recognised and used even for land registration, there is no specific legislation developed for its implementation</li> </ul>	<ul style="list-style-type: none"> <li>Illiteracy</li> </ul>
4. PFRs (rural land plans) (Cote d'Ivoire, Burkina Faso, Mali, Benin and Guinea)	<ul style="list-style-type: none"> <li>Local communities</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Community members</li> <li>State institutions</li> <li>Donor agencies</li> </ul>	<ul style="list-style-type: none"> <li>Need to secure land rights for rural areas</li> <li>Need to reduce and manage land conflict</li> </ul>	<ul style="list-style-type: none"> <li>Need to promote rural development</li> </ul>	<ul style="list-style-type: none"> <li>Insecurity of land rights</li> <li>Land conflicts</li> <li>Land use</li> </ul>	<ul style="list-style-type: none"> <li>Developed through partnership between community structures and government agencies</li> </ul>	<ul style="list-style-type: none"> <li>Local community</li> <li>Some operate at national scale</li> </ul>	<ul style="list-style-type: none"> <li>Supported by legislation</li> </ul>	<ul style="list-style-type: none"> <li>Organisational and financial difficulties</li> <li>Multiple institutional and legal structures results to contradictions and insecurities</li> </ul>

# ANNEXES

**Table 3: Tools for local capacity development**

Tool	Target group	Stakeholders	Factors influencing the design of the tool		Tenure insecurity issues	Operation in the customary governance system	Scale of operation	Legal recognition and support for development of the tool	Implementation challenges
			Internal	External					
1. Land Boards (Botswana, Tanzania, Uganda, Madagascar and Mozambique)	<ul style="list-style-type: none"> <li>Local communities</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Community members</li> <li>Land management professionals</li> <li>State institutions</li> <li>NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Need for transparent and accountable land management processes at the local level</li> <li>Need for fair representation of stakeholders in the land management processes</li> </ul>	<ul style="list-style-type: none"> <li>Urbanisation</li> <li>Emergence of external land investment</li> </ul>	<ul style="list-style-type: none"> <li>Unavailability or inaccessible customary land information</li> <li>Unregulated land developments</li> <li>Corruption and unscrupulous dealings in land transactions</li> <li>Lack of accountability and stewardship of community leaders</li> <li>Lack of transparency in land transactions</li> </ul>	<ul style="list-style-type: none"> <li>Developed through customary governance structure or as partnership between community structures and government agencies or other structures</li> </ul>	<ul style="list-style-type: none"> <li>Community level</li> <li>Local government level</li> <li>National level</li> </ul>	<ul style="list-style-type: none"> <li>Supported by legislation and land policies</li> <li>Some have specific legislations (Botswana)</li> </ul>	<ul style="list-style-type: none"> <li>Funding</li> <li>Lack of qualified manpower</li> <li>Processes may tend up to be complex and expensive</li> <li>Abuse of office</li> </ul>
2. Customary Land Secretariat (CLS) (Ghana)	<ul style="list-style-type: none"> <li>Local community members</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Community members</li> <li>Land professionals</li> <li>State institutions</li> <li>Donor agencies</li> </ul>	<ul style="list-style-type: none"> <li>Need for accessible land information</li> <li>Need for transparent and accountable traditional authorities</li> </ul>	<ul style="list-style-type: none"> <li>Need to strengthen capacity of existing customary authorities to administer land</li> <li>Need to provide effective customary land management harmonised with government land agencies and district assemblies</li> <li>Need for unified, decentralised public record of land availability, use and transactions</li> </ul>	<ul style="list-style-type: none"> <li>Lack of land information</li> <li>Manipulation of customary law</li> <li>Landlessness, eviction and inequity in delivery of justice</li> <li>Lack of transparency and accountability in customary land delivery process</li> </ul>	<ul style="list-style-type: none"> <li>Developed through customary governance structure</li> </ul>	<ul style="list-style-type: none"> <li>At stool level under a paramount chief, or under the land-owning families</li> </ul>	<ul style="list-style-type: none"> <li>Supported by Constitution (1992) and National Land Policy (1999)</li> </ul>	<ul style="list-style-type: none"> <li>Fear of losing ownership and control by customary leaders</li> <li>Inability to pay staff salary and running cost</li> <li>Limited transparency and greater expectation from government for CLS sustainability</li> </ul>



**Table 3: Tools for local capacity development (Continued)**

Tool	Target group	Stakeholders	Factors influencing the design of the tool		Tenure insecurity issues	Operation in the customary governance system	Scale of operation	Legal recognition and support for development of the tool	Implementation challenges
			Internal	External					
3. Tribal land integrated management System (Botswana)	<ul style="list-style-type: none"> <li>Local community members</li> <li>Government</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Village development Committee members</li> <li>Land Boards</li> <li>Professional/Consultants</li> <li>State institutions</li> </ul>	<ul style="list-style-type: none"> <li>Poor record keeping at many Land Board offices</li> <li>No unique plot numbers or similar referencing</li> <li>Land allocated by chiefs, until 1970, not documented</li> <li>No common register for tribal land</li> </ul>	<ul style="list-style-type: none"> <li>Need for improved management of land resources</li> <li>Need for improved reliability of land information</li> <li>Need for improved record keeping</li> <li>Need to improve monitoring of land use</li> <li>Need to improve land disputes resolution and prevention</li> <li>Need for increased collection of lease payments</li> <li>Reduced costs in land allocation</li> </ul>	<ul style="list-style-type: none"> <li>Lack of records on land in tribal areas</li> <li>Lack of transparency and accountability in customary land delivery process</li> </ul>	<ul style="list-style-type: none"> <li>Developed through partnership between community structures and government agencies or other structures</li> </ul>	<ul style="list-style-type: none"> <li>Developed through partnership between community structures and government agencies or other structures</li> </ul>	<ul style="list-style-type: none"> <li>Supported by Tribal Land Act and Botswana National Land Policy (2003)</li> </ul>	<ul style="list-style-type: none"> <li>Overreliance on computers in rural area</li> <li>Lack of qualified staff</li> </ul>
4. Proliferation of educated chiefs, development chiefs and advisors (Ghana)	<ul style="list-style-type: none"> <li>Members and non-members of royal family</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Community members</li> <li>Philanthropists</li> </ul>	<ul style="list-style-type: none"> <li>Need for expertise in customary land governance</li> <li>Need for accountability</li> </ul>	<ul style="list-style-type: none"> <li>Need for effective communication between the community leadership and state institutions/politicians</li> </ul>	<ul style="list-style-type: none"> <li>Inappropriate record keeping</li> <li>Lack of expertise in aspects of land management and dispute resolution processes</li> </ul>	<ul style="list-style-type: none"> <li>Developed through customary governance structure</li> </ul>	<ul style="list-style-type: none"> <li>Local/community level</li> </ul>	<ul style="list-style-type: none"> <li>No specific legislation but Constitution (1992) supports chieftaincy</li> </ul>	<ul style="list-style-type: none"> <li>Possibility of a corrupt traditional leaders surrounding themselves with cronies</li> </ul>

# ANNEXES

**Table 4: Tools for registration and certification**

Tool	Target group	Stakeholders	Factors influencing the design of the tool		Tenure insecurity issues	Operation in the customary governance system	Scale of operation	Legal recognition and support for development of the tool	Implementation challenges
			Internal	External					
1. Village and community titling initiatives (Tanzania, Mozambique)	<ul style="list-style-type: none"> <li>Members of villages as defined by Village Land Act</li> </ul>	<ul style="list-style-type: none"> <li>Members of the villages</li> <li>Government authorities</li> <li>District</li> <li>Authorities</li> <li>Village Council members</li> <li>NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Need for title to land for collateral</li> <li>Need for adequate security of tenure for majority of rural poor</li> </ul>	<ul style="list-style-type: none"> <li>Need for equitable distribution of land resources</li> <li>Need to ensure productive use of land</li> <li>Need for transparent and efficient land administration</li> </ul>	<ul style="list-style-type: none"> <li>Lack of adequate security of tenure for majority of rural poor</li> <li>Conflicts of land use in rural areas especially between farmers and livestock keepers</li> <li>Persistent land disputes as a result of rapid expansion of towns encroaching on surrounding farming areas</li> <li>Tenure conflicts between customary and granted land rights.</li> </ul>	<ul style="list-style-type: none"> <li>Developed through partnership between community structures and government agencies</li> </ul>	<ul style="list-style-type: none"> <li>Village level</li> <li>Operate at national scale</li> </ul>	<ul style="list-style-type: none"> <li>Supported by the land policy, Village Land Act and Local Government Act</li> </ul>	<ul style="list-style-type: none"> <li>Changing legal framework</li> <li>Restricted access to land information by citizenry</li> <li>Less engagement of local communities</li> <li>Absence of land use plans</li> <li>Bureaucracy</li> <li>Lack of resources</li> <li>High cost of establishing village registries</li> </ul>
2. Land regularisation (Rwanda)	<ul style="list-style-type: none"> <li>Local communities</li> </ul>	<ul style="list-style-type: none"> <li>Local communities</li> <li>Community leaders</li> <li>Land professionals</li> <li>Government agencies</li> </ul>	<ul style="list-style-type: none"> <li>Population pressures</li> <li>Inheritance practices and fragmentation of land</li> <li>Need for unitary system of land holding</li> </ul>	<ul style="list-style-type: none"> <li>Commodification of land</li> <li>Informal market</li> <li>Land sharing between land occupants and returnees after the 1994 conflict</li> </ul>	<ul style="list-style-type: none"> <li>Landlessness</li> <li>Land litigation</li> <li>Legal resolution of restitution claims</li> </ul>	<ul style="list-style-type: none"> <li>Developed through partnerships between community leadership and state institutions</li> </ul>	<ul style="list-style-type: none"> <li>National level</li> </ul>	<ul style="list-style-type: none"> <li>Backed by legislation Organic Land Law [OLL] (2005).</li> </ul>	<ul style="list-style-type: none"> <li>Lack of local land experts</li> <li>Maintenance of system</li> </ul>

**Table 4: Tools for registration and certification (Continued)**

Tool	Target group	Stakeholders	Factors influencing the design of the tool		Tenure insecurity issues	Operation in the customary governance system	Scale of operation	Legal recognition and support for development of the tool	Implementation challenges
			Internal	External					
3. Flexible land tenure (Namibia)	<ul style="list-style-type: none"> <li>Low-income communities</li> <li>Informal settlers</li> </ul>	<ul style="list-style-type: none"> <li>Informal settlers</li> <li>Local communities</li> <li>National and local government authorities</li> <li>NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Need for pro-registration</li> <li>Population growth and poverty</li> <li>Need for secure land rights to ease access to credit for investment</li> <li>Slow and cumbersome surveying and registration processes</li> </ul>	<ul style="list-style-type: none"> <li>Need to have land tenure system to secure a continuum land rights fit for all purposes</li> <li>Need to have simple, affordable and fast form of secure tenure to low-income communities and informal settlers</li> </ul>	<ul style="list-style-type: none"> <li>Inequity in access to tenure rights</li> <li>Lack of titles to secure collateral</li> <li>High cost of surveying and registration</li> </ul>	<ul style="list-style-type: none"> <li>Developed through partnership between community structures and government agencies</li> </ul>	<ul style="list-style-type: none"> <li>Local community level</li> <li>National scale</li> </ul>	<ul style="list-style-type: none"> <li>Supported by Flexible Land Tenure Act 2012</li> <li>Enshrined in National land policy of Namibia (1999)</li> </ul>	<ul style="list-style-type: none"> <li>Slow implementation of the FLTR Act</li> <li>Unforeseen cost and delays in information flow</li> <li>Requires extensive technical resources</li> <li>Potential risk of creating informality in the long term</li> </ul>
4. Urban land registry (Benin, Nigeria)	<ul style="list-style-type: none"> <li>Landowner in urban/peri-urban areas</li> </ul>	<ul style="list-style-type: none"> <li>Landowners in urban/peri-urban areas</li> <li>Community organisations</li> <li>National and local government authorities</li> <li>Specialised companies</li> </ul>	<ul style="list-style-type: none"> <li>Need for improved tenure rights for urban/peri-urban dwellers</li> <li>Need for secure land rights for collateral</li> </ul>	<ul style="list-style-type: none"> <li>Need for comprehensive municipal land information system for tax assessment and land management</li> </ul>	<ul style="list-style-type: none"> <li>Tenure insecurity due to landlessness</li> </ul>	<ul style="list-style-type: none"> <li>Developed through community structures and government agencies</li> </ul>	<ul style="list-style-type: none"> <li>Municipal level</li> </ul>	<ul style="list-style-type: none"> <li>Supported by law</li> </ul>	<ul style="list-style-type: none"> <li>In Benin, only three of the components mapping, generation of database from field data and taxation have been implemented</li> <li>Communities have been slow to recognise its value</li> </ul>
5. Rural land certification and registration (Ethiopia)	<ul style="list-style-type: none"> <li>Rural farmers</li> </ul>	<ul style="list-style-type: none"> <li>Land owners</li> <li>Tenant farmers</li> <li>Local community committees</li> <li>Land professionals</li> </ul>	<ul style="list-style-type: none"> <li>Highly underutilised land affecting productivity and investment</li> </ul>	<ul style="list-style-type: none"> <li>Need to reduce widespread tenure insecurity and its negative impact on investment</li> <li>Need to promote land conservation</li> </ul>	<ul style="list-style-type: none"> <li>High tenure insecurity</li> <li>Arbitrary evictions</li> <li>Inequity in land ownership</li> </ul>	<ul style="list-style-type: none"> <li>Developed through community structures and government agencies</li> </ul>	<ul style="list-style-type: none"> <li>Community level</li> <li>Operates at district level and on national scale</li> </ul>	<ul style="list-style-type: none"> <li>Supported by legislation</li> </ul>	<ul style="list-style-type: none"> <li>Adding photos to document in the second phase has proven slower and much more difficult</li> </ul>
6. STDM (Pilot in informal settlements in Uganda and Kenya)	<ul style="list-style-type: none"> <li>Local communities</li> <li>Land professionals</li> </ul>	<ul style="list-style-type: none"> <li>Local communities</li> <li>Land professionals</li> <li>GLTN</li> <li>FIG</li> <li>ITC</li> <li>Other Donor agencies</li> </ul>	<ul style="list-style-type: none"> <li>Need for a simple and user-friendly tool to record all forms of land rights including informal rights</li> </ul>	<ul style="list-style-type: none"> <li>Land administration need to be flexible to serve non-conventional situations</li> <li>Need to recognise social tenure in land administration modelling</li> </ul>	<ul style="list-style-type: none"> <li>Lack of appropriate tool to record secondary rights, social tenure and overlapping spatial units</li> </ul>	<ul style="list-style-type: none"> <li>Can be adapted to community structures and government agencies</li> </ul>	<ul style="list-style-type: none"> <li>Community level and all levels of society</li> </ul>	<ul style="list-style-type: none"> <li>In pilot state. Not directly supported by legislation</li> </ul>	

Table 5: Tools for informal settlement upgrading

Tool	Target group	Stakeholders	Factors influencing the design of the tool		Tenure insecurity issues	Operation in the customary governance system	Scale of operation	Legal recognition and support for development of the tool	Implementation challenges
			Internal	External					
1. Residential license (Tanzania)	<ul style="list-style-type: none"> <li>Informal settlers</li> </ul>	<ul style="list-style-type: none"> <li>Informal settlers</li> <li>Land owners</li> <li>National and local government authorities</li> <li>NGOs</li> <li>Bilateral donor organisations</li> </ul>	<ul style="list-style-type: none"> <li>Poverty</li> <li>Population growth</li> <li>Failure of the formal system to ensure appropriate planning and provide adequate shelter</li> <li>Need for adequate and coordinated land information</li> </ul>	<ul style="list-style-type: none"> <li>Increasing urbanisation</li> <li>Need to address human settlements issues in urban areas</li> <li>Anti-eviction advocacy</li> </ul>	<ul style="list-style-type: none"> <li>Landlessness</li> <li>Lack of adequate security of tenure for majority of urban people.</li> <li>Lack of official titles or licenses to land</li> </ul>	<ul style="list-style-type: none"> <li>Developed through partnership between community structures and government agencies or other structures</li> </ul>	<ul style="list-style-type: none"> <li>Local community level</li> <li>Some operate on a national scale</li> </ul>	<ul style="list-style-type: none"> <li>Supported by legislation</li> </ul>	<ul style="list-style-type: none"> <li>Distress sales of individual titles</li> <li>Inadequate human and financial resources</li> <li>Slow and cumbersome registration procedures</li> <li>Legal complexity of some of the models</li> </ul>
2. Communal Land Trust and Associations (Kenya, Zambia)	<ul style="list-style-type: none"> <li>Local community members</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Community members</li> <li>Local government authorities</li> <li>Land professionals</li> <li>State institutions</li> <li>NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Need for transparent and all inclusive decision-making and land administration</li> </ul>	<ul style="list-style-type: none"> <li>Land tenure reform to address increasing urbanization and issues related to human settlements</li> <li>Need for natural resource conservation</li> </ul>	<ul style="list-style-type: none"> <li>Landlessness for marginalised groups</li> <li>Need to have group tenure and individual titles within the Trust</li> </ul>	<ul style="list-style-type: none"> <li>Developed through partnership between community structures and government agencies or other structures</li> </ul>	<ul style="list-style-type: none"> <li>Local community level</li> </ul>	<ul style="list-style-type: none"> <li>In most cases they are backed by legislation</li> </ul>	<ul style="list-style-type: none"> <li>Inadequate manpower</li> <li>Cost of lease fee</li> <li>Maintenance of active community participation</li> <li>Effective conflict resolution mechanism</li> <li>Decision between profit making as against development of human capacity</li> </ul>
3. Participatory Slum upgrading (South Africa, Kenya)	<ul style="list-style-type: none"> <li>Informal settlers</li> </ul>	<ul style="list-style-type: none"> <li>Informal settlers</li> <li>Local government and relevant agencies</li> <li>NGOs</li> <li>Civil organisations</li> </ul>	<ul style="list-style-type: none"> <li>Unhealthy and insecure living environments</li> <li>Poverty and vulnerability</li> </ul>	<ul style="list-style-type: none"> <li>Government addressing apartheid legacy</li> <li>Adherence to internal conventions</li> </ul>	<ul style="list-style-type: none"> <li>In situ upgrading of informal settlements</li> <li>Need for formalising the tenure rights of residents within informal settlements</li> </ul>	<ul style="list-style-type: none"> <li>Operate on statutory governance structures</li> </ul>	<ul style="list-style-type: none"> <li>Local government level</li> </ul>	<ul style="list-style-type: none"> <li>Supported by international conventions</li> </ul>	<ul style="list-style-type: none"> <li>Limited funding resources</li> </ul>

Table 6: Gender and equity responsive tools

Tool	Target group	Stakeholders	Factors influencing the design of the tool		Tenure insecurity issues	Operation in the customary governance system	Scale of operation	Legal recognition and support for development of the tool	Implementation challenges
			Internal	External					
1. Gender evaluation criteria	<ul style="list-style-type: none"> <li>Women</li> <li>Men</li> <li>Young people</li> </ul>	<ul style="list-style-type: none"> <li>Women</li> <li>Widows</li> <li>GLTN partners</li> <li>Huairou Commission</li> <li>FIG</li> <li>University of East London</li> <li>UN-Habitat</li> <li>NGOs</li> <li>Government institutions</li> </ul>	<ul style="list-style-type: none"> <li>Gender barrier in access to, control over, and ownership of land and natural resources</li> </ul>	<ul style="list-style-type: none"> <li>Marginalisation of women by customs and culture</li> <li>Need to improve the rights to land of women and other marginalised groups</li> <li>Gender advocacy for women's access to land</li> </ul>	<ul style="list-style-type: none"> <li>Lack of tenure security for women and young people</li> <li>Inequality in access to land</li> </ul>	<ul style="list-style-type: none"> <li>Developed through partnership between community structures and government agencies or other structures</li> </ul>	<ul style="list-style-type: none"> <li>Local community level</li> </ul>	<ul style="list-style-type: none"> <li>Most land policies support gender equity</li> </ul>	<ul style="list-style-type: none"> <li>Laxity in enforcement due to cultural and religious beliefs</li> </ul>
2. Spousal consent (Ethiopia, Madagascar, Mozambique, Uganda)	<ul style="list-style-type: none"> <li>Women</li> <li>Men</li> <li>Young people</li> </ul>	<ul style="list-style-type: none"> <li>Married men</li> <li>Married women</li> <li>Children</li> <li>Family heads</li> <li>NGOs</li> <li>Government</li> </ul>	<ul style="list-style-type: none"> <li>Transfer of land rights without consent</li> </ul>	<ul style="list-style-type: none"> <li>Gender advocacy</li> <li>Human rights activism</li> </ul>	<ul style="list-style-type: none"> <li>Loss of land rights of spouses and children</li> </ul>	<ul style="list-style-type: none"> <li>Operate on statutory governance structure</li> </ul>	<ul style="list-style-type: none"> <li>National level</li> </ul>	<ul style="list-style-type: none"> <li>Land policies and other legislative instruments</li> </ul>	<ul style="list-style-type: none"> <li>Laxity in enforcement due to cultural and religious beliefs</li> </ul>
3. Awareness creation (Tanzania, Uganda, Mozambique)	<ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Opinion leaders</li> <li>State agencies</li> <li>Community members</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Opinion leaders</li> <li>State agencies</li> <li>Community members</li> <li>NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Lack of awareness of issues related to tenure security, rights, restrictions and responsibilities</li> <li>Wrong interpretation and implementation of customary laws</li> </ul>	<ul style="list-style-type: none"> <li>Legal pluralism</li> </ul>	<ul style="list-style-type: none"> <li>Lack of access to land</li> <li>Forced evictions</li> <li>Unlawful inheritance</li> <li>Land disputes</li> </ul>	<ul style="list-style-type: none"> <li>Customary and statutory governance structure</li> </ul>	<ul style="list-style-type: none"> <li>Local and national level</li> </ul>	<ul style="list-style-type: none"> <li>Not aware of specific legislation that supports implementation</li> </ul>	<ul style="list-style-type: none"> <li>Lack of funds</li> <li>Lack of political will</li> </ul>
4. Community dialogue (community conversation)	<ul style="list-style-type: none"> <li>Men</li> <li>Women</li> <li>Young people</li> </ul>	<ul style="list-style-type: none"> <li>NGOs</li> <li>Women groups</li> <li>Local communities</li> <li>Government institutions</li> </ul>	<ul style="list-style-type: none"> <li>Lack of open dialogue between men, women and youth about their land right and inheritance issues</li> </ul>	<ul style="list-style-type: none"> <li>Legislative changes and land reform</li> </ul>	<ul style="list-style-type: none"> <li>Inequity in land ownership and inheritance laws</li> </ul>	<ul style="list-style-type: none"> <li>Customary and statutory governance levels</li> </ul>	<ul style="list-style-type: none"> <li>Local and national level</li> </ul>	<ul style="list-style-type: none"> <li>Constitutional provisions, land policies and other legislature in most sub-Saharan Africa countries</li> </ul>	<ul style="list-style-type: none"> <li>Difficulty in initiating open community dialogue.</li> </ul>
5. Community self-analysis (Rwanda)	<ul style="list-style-type: none"> <li>Men</li> <li>Women</li> <li>Young people</li> </ul>	<ul style="list-style-type: none"> <li>Women groups</li> <li>Young people</li> <li>Government</li> <li>NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Awareness of gender equality in dimensions of decision-making</li> </ul>	<ul style="list-style-type: none"> <li>Gender advocacy activists</li> <li>Human rights advocacy</li> </ul>	<ul style="list-style-type: none"> <li>Lack of land tenure security for women and youth</li> </ul>	<ul style="list-style-type: none"> <li>Operate on statutory governance structure</li> </ul>	<ul style="list-style-type: none"> <li>Local community level</li> <li>Operate at national level</li> </ul>	<ul style="list-style-type: none"> <li>Constitutional and legislative support</li> </ul>	<ul style="list-style-type: none"> <li>Changing organisational culture, structures and processes</li> </ul>



Table 7: Tools for governance

Tool	Target group	Stakeholders	Factors influencing the design of the tool		Tenure insecurity issues	Operation in the customary governance system	Scale of operation	Legal recognition and support for development of the tool	Implementation challenges
			Internal	External					
1. Compensation approaches (Ghana)	<ul style="list-style-type: none"> <li>Indigenous farmers</li> <li>Tenant farmers</li> </ul>	<ul style="list-style-type: none"> <li>Chiefs</li> <li>Family heads</li> <li>Land Boards</li> <li>Indigenes</li> </ul>	<ul style="list-style-type: none"> <li>Increase land value</li> <li>Population growth</li> <li>Need for infrastructural services</li> <li>Indiscriminate sale of land by indigenes</li> </ul>	<ul style="list-style-type: none"> <li>Urbanisation</li> <li>Food security and commercial farming</li> <li>Mining and lumbering</li> </ul>	<ul style="list-style-type: none"> <li>Fear of eviction</li> <li>Forced eviction</li> <li>Land contestations between traditional authorities and indigenous members of landowning groups</li> </ul>	<ul style="list-style-type: none"> <li>Developed and operate on the customary governance structure</li> </ul>	<ul style="list-style-type: none"> <li>Community and tribal level</li> </ul>	<ul style="list-style-type: none"> <li>Legally recognised in some countries</li> </ul>	<ul style="list-style-type: none"> <li>Voluntary eviction and landlessness</li> <li>Distress sale</li> <li>Unsatisfactory compensation packages</li> <li>Difficulty in enforcement</li> </ul>
2. Outlawing outmoded inheritance laws (Mozambique, Ethiopia, Rwanda)	<ul style="list-style-type: none"> <li>Widows</li> <li>Children</li> </ul>	<ul style="list-style-type: none"> <li>Family heads</li> <li>Government</li> <li>NGOs</li> <li>Individual landholders</li> </ul>	<ul style="list-style-type: none"> <li>Dying interstate</li> <li>Polygamous marriage</li> <li>Children outside marriage</li> </ul>	<ul style="list-style-type: none"> <li>Religious and political influences</li> </ul>	<ul style="list-style-type: none"> <li>Loss of land and landed property for widows and children especially females</li> </ul>	<ul style="list-style-type: none"> <li>Developed under statutory and customary governance structure</li> </ul>	<ul style="list-style-type: none"> <li>Local and national levels</li> </ul>	<ul style="list-style-type: none"> <li>Constitution, legislative, land and statutory policies and customary recognition</li> </ul>	<ul style="list-style-type: none"> <li>Fragmentation and uneconomic use of land</li> </ul>
3. Statutory recognition of occupancy rights, slums and informal settlements (Kenya, Namibia, Botswana)	<ul style="list-style-type: none"> <li>Indigenous communities</li> <li>Tenant farmers</li> <li>Informal settlers</li> </ul>	<ul style="list-style-type: none"> <li>Traditional authorities</li> <li>Statutory institutions</li> <li>Local communities</li> <li>NGOs</li> <li>Governments</li> </ul>	<ul style="list-style-type: none"> <li>Increase land value</li> <li>Population growth</li> <li>Need for infrastructural services</li> <li>Food insecurity</li> </ul>	<ul style="list-style-type: none"> <li>Urbanisation</li> <li>Land grabbing</li> <li>Commercialisation of land</li> </ul>	<ul style="list-style-type: none"> <li>Forced eviction</li> <li>Lack of payment of compensation</li> </ul>	<ul style="list-style-type: none"> <li>Developed under statutory and customary governance structure</li> </ul>	<ul style="list-style-type: none"> <li>Community level</li> </ul>	<ul style="list-style-type: none"> <li>Constitution, legislative and land policies</li> </ul>	<ul style="list-style-type: none"> <li>Lack of enforcement of constitutional and statutory provisions.</li> </ul>
4. Anti-eviction (Uganda, South Africa)	<ul style="list-style-type: none"> <li>Tenant farmers</li> <li>Indigenous community members</li> <li>Informal settlers</li> </ul>	<ul style="list-style-type: none"> <li>Individual landholders</li> <li>Government</li> <li>State institutions</li> <li>NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Discretionary allocation of land to individuals and organisations</li> <li>Ineffective dispute resolution mechanism</li> <li>Urban poverty</li> </ul>	<ul style="list-style-type: none"> <li>Commercialisation of land</li> <li>Emergence of human rights campaigners</li> <li>Loopholes in the law that make the poor victims of eviction</li> <li>Supremacy of titles over customary rights and squatters' rights</li> </ul>	<ul style="list-style-type: none"> <li>Forced eviction</li> <li>Lack of compensation</li> </ul>	<ul style="list-style-type: none"> <li>Developed on customary governance structure and in some cases government/NGOs structures</li> </ul>	<ul style="list-style-type: none"> <li>Local community level</li> </ul>	<ul style="list-style-type: none"> <li>Customary law, Constitution and other legal frameworks</li> </ul>	<ul style="list-style-type: none"> <li>Enforcement of eviction laws</li> <li>Lack of political will</li> <li>Perceived investment opportunities</li> </ul>

**Table 8: Tools for dispute resolution**

Tool	Target group	Stakeholders	Factors influencing the design of the tool		Tenure insecurity issues	Operation in the customary governance system	Scale of operation	Legal recognition and support for development of the tool	Implementation challenges
			Internal	External					
1. Informal dispute resolution (Alternative Dispute Resolution) mechanisms - Ghana, Tanzania, Uganda, Benin, Kenya.	<ul style="list-style-type: none"> <li>Vulnerable group members</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Formal courts</li> <li>NGOs</li> <li>Religious leaders</li> </ul>	<ul style="list-style-type: none"> <li>Increasing land disputes and litigations</li> <li>High cost of resolving disputes in formal courts</li> <li>Perceived corruption of community leaders</li> </ul>	<ul style="list-style-type: none"> <li>Bureaucracy in conflict resolution mechanisms</li> <li>Unresolved land cases in formal courts</li> </ul>	<ul style="list-style-type: none"> <li>Land conflicts and litigation</li> </ul>	<ul style="list-style-type: none"> <li>Developed through formal and customary/informal institutions and processes</li> </ul>	<ul style="list-style-type: none"> <li>Local levels</li> </ul>	<ul style="list-style-type: none"> <li>Supported by legislation and land policies</li> </ul>	<ul style="list-style-type: none"> <li>Implementation of adjudicated decisions</li> </ul>

Table 9: Tools for economic empowerment and natural resource management

Tool	Target group	Stakeholders	Factors influencing the design of the tool		Tenure insecurity issues	Operation in the customary governance system	Scale of operation	Legal recognition and support for development of the tool	Implementation challenges
			Internal	External					
1. Community-investor partnership project (CIPP) (Mozambique, Madagascar, Uganda, Ghana)	<ul style="list-style-type: none"> <li>Smallholder farmers</li> <li>Private-sector investors</li> <li>Rural communities</li> </ul>	<ul style="list-style-type: none"> <li>Opinion leaders</li> <li>Indigenous members</li> <li>Informal settlers</li> <li>State institutions</li> <li>NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Need to diversify and strengthen local livelihoods and food security.</li> </ul>	<ul style="list-style-type: none"> <li>Need to improve knowledge management strategies and approaches towards pro-poor and gender-sensitive land and natural resource tenure rights</li> </ul>	<ul style="list-style-type: none"> <li>Poverty</li> <li>Access to land</li> </ul>	<ul style="list-style-type: none"> <li>Developed on customary governance structure or a hybrid system based on customary and statutory systems</li> </ul>	<ul style="list-style-type: none"> <li>Local level</li> </ul>	<ul style="list-style-type: none"> <li>Constitution, legislative instruments, and/or land policies</li> </ul>	<ul style="list-style-type: none"> <li>Lack of funding</li> <li>Manipulation by powerful investors</li> </ul>
2. Joint venture cash crop plantations (rubber plantation in Ghana)	<ul style="list-style-type: none"> <li>Tenant farmers</li> </ul>	<ul style="list-style-type: none"> <li>Tenant farmers in cooperatives</li> <li>Land owners</li> <li>State agencies</li> <li>Financial institutions</li> <li>Private organisation</li> <li>NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Funding</li> <li>Market for produce</li> <li>Security of tenant farmers</li> </ul>	<ul style="list-style-type: none"> <li>High demand for cash crops</li> </ul>	<ul style="list-style-type: none"> <li>Security of tenancy</li> <li>Access to credit by tenant farmers</li> </ul>	<ul style="list-style-type: none"> <li>As partnership between community structures, government agencies and private organisations</li> </ul>	<ul style="list-style-type: none"> <li>Community and local level</li> </ul>	<ul style="list-style-type: none"> <li>Support by state institutions</li> <li>There is no legalisation yet in place for their operations</li> </ul>	<ul style="list-style-type: none"> <li>Distinction between the land and the property on the land</li> </ul>
3. Community-based natural resource management schemes (Irrigation, Water, Fishing, Livestock associations)- Zambia, Mozambique, Swaziland, Uganda, Kenya	<ul style="list-style-type: none"> <li>Landowners</li> <li>Community members</li> </ul>	<ul style="list-style-type: none"> <li>Cooperative land users</li> <li>Land owners</li> <li>Community members</li> <li>State agencies</li> <li>Financial institutions</li> <li>Private organisation</li> <li>NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Food security</li> <li>Need for economic empowerment</li> <li>Access to land</li> </ul>	<ul style="list-style-type: none"> <li>Natural resources conservation and management</li> <li>Mitigation measures for climate change</li> <li>Ensuring sustainable development</li> </ul>	<ul style="list-style-type: none"> <li>Lack of access to land and natural resources</li> </ul>	<ul style="list-style-type: none"> <li>As partnership between community structures, government agencies and private organisations/ NGOs</li> </ul>	<ul style="list-style-type: none"> <li>Community, local and national levels</li> </ul>	<ul style="list-style-type: none"> <li>Supported by national policies and legislation</li> </ul>	<ul style="list-style-type: none"> <li>Tendency for elite capture</li> <li>Institutional power play</li> </ul>

**Table 10: Analysis of tools for grassroots participation and empowerment against GLTN core values**

GLTN core values Tools	Pro-poor	Equity and gender responsiveness	Affordability	Sustainability	Subsidiary	Governance	Scalability
A. Tools for Grassroots Participation and Empowerment							
1. Participatory spatial and development planning (Mali and Tanzania)	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Approach is built on improving the lives of the poor</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>No apparent discrimination against women and young people but where local customary roles bars women from participation, the tool cannot address</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Affordable to all manner of persons</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Community members are actively involved and own the final product therefore will be able to protect the tool</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Views of community members are taken care of in the planning process</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Enables villages to be fully involved in facilitating their planning process</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>It is flexible and therefore adaptable to local situation</li> <li>Can be implemented at large scale</li> </ul>
2. Empowering Grassroots Women (Tanzania, Kenya, Uganda)	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Enable grassroots women to enhance their security of tenure over land and thus their economic status</li> <li>Empowering women change their economic situation</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Addresses gender issues, particularly grassroots women empowerment</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Project is affordable to community members</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Once women are empowered on their rights, they can continue to hold and make the project sustainable</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Addresses women issues at the local level</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Promotes women participation in village governance</li> <li>Gives women a voice in land governance</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Flexible to be adapted to different situations and therefore can be implemented at large scale</li> </ul>
3. Participatory enumeration and mapping (Ethiopia, Kenya, Rwanda)	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Formation of the tool is to assist low-income communities take inventory of their land records using simple tools</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>No evidence of dealing with gender and inequity issues</li> </ul>	<p><b>Yes</b></p> <p>Less expensive</p> <ul style="list-style-type: none"> <li>Flexible</li> </ul> <p>Less formal</p>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Relies on local knowledge and resources</li> <li>Different ways enumeration and mapping can be designed and the data can be used for many purposes by local communities and government</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Local people give enumeration on their own land rights</li> <li>Can be replicated to suit the local strength and needs</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Use bottom-up village mapping and community driven adjudication</li> <li>Centred on local knowledge and community participation</li> <li>Helps to provide information on non-documented forms of evidence</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Use simple tools and local knowledge and therefore flexible to be adapted to different situations</li> </ul>

**Table 11: Analysis of tools for local recording of land transactions against GLTN core values**

GLTN core values Tools	Pro-poor	Equity and gender responsiveness	Affordability	Sustainability	Subsidiary	Governance	Scalability
1. Informal recording of land transaction and land information 'Petits papiers' (Benin, Ivory Coast, Mali, Ghana),	<b>Yes</b> <ul style="list-style-type: none"> <li>Use available local resources in recording and updating of land records</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Non-discriminatory</li> <li>Women are less involved in the recording process</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Less costly and accessible to community members</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Use local resources</li> <li>Involvement of community makes it easy to update and maintain</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Addresses the need of the local people</li> <li>In some instances public records are kept at the community/ regional and national levels.</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Use of local knowledge and actors enhance transparency and accountability</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Best practices are replicated in other communities</li> </ul>
2. Land allocation committees (Ghana) and informal land offices (Kenya)	<b>Yes</b> <ul style="list-style-type: none"> <li>Built with pro-poor objectives</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Do not directly address gender issues</li> <li>Generally women are least represented in these committees</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Affordable to all social groups</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>They are built on local capacity and resources and are therefore self-financing</li> <li>Can be implemented at the local level without or with limited support from outsiders</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Committees are constituted with local resources and capacity and built to secure localised rights</li> <li>Capable of being implemented at the lowest level</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Promote transparency participation and improve access to information</li> <li>It is risked to corruption, especially where the committee is not accountable to the people</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>It is implemented on a large scale</li> <li>Built on local resources and therefore can be replicated with little cost</li> </ul>
3. Allocation note (Ghana)	<b>Yes</b> <ul style="list-style-type: none"> <li>Use simple procedures and technology to secure land rights</li> <li>Addresses the need of poor landholders who cannot register their land in the formal sector but need evidence of allocation</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>No gender discrimination – can be issued to anybody irrespective of gender</li> <li>However, it does not directly address gender and equity issues</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Is issued as part of the land acquisition process which is expensive to majority of the poor</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Built on the use of local resources and therefore can be implemented at the local level without input from outside sources</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Addresses the need of poor landholders who cannot register their land in the formal sector but need evidence of allocation</li> <li>Is applied at the lowest level of authority</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Improve efficiency in land recording at the local level</li> <li>Improves access to information</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Tool was first piloted in one customary area in Ghana and is now implemented in many parts of Ghana</li> </ul>
4. PFRs (rural land plans) (Cote d'Ivoire, Burkina Faso, Mali, Benin and Guinea)	<b>No</b> <ul style="list-style-type: none"> <li>Developed with the aim of reducing poverty</li> <li>through partnership between community structures and government agencies</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Do not directly address gender issues</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Cost of securing rights through PFR is affordable to all manner of persons</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Organisational and financial difficulties make it difficult to be implemented without input from outside resources</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Address the needs of the rural communities</li> <li>Organisational and financial difficulties make it unsustainable</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Developed through partnership between community structures and government agencies</li> <li>Transparency and local participation are low</li> <li>Multiple institutional and legal structures result in contradictions and insecurities</li> <li>Supported by legislation</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Developed at local level but some are implemented on a large scale</li> <li>Is adaptable to different situations</li> </ul>



Table 12: Analysis of tools for local capacity development against GLTN core values

GLTN core values Tools	Pro-poor	Equity and gender responsiveness	Affordability	Sustainability	Subsidiary	Governance	Scalability
1. Land Boards (Botswana, Tanzania, Uganda, Namibia, Madagascar and Mozambique)	<b>Yes</b> <ul style="list-style-type: none"> <li>Meant to reduce cost of securing land rights</li> <li>Develop to reduce urban and rural poor</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Membership are elected or selected in some cases</li> <li>In typical traditional /customary areas membership favours males than females and other disadvantaged groups</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Unaffordable if the community bears the maintenance cost</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Sustainable if community members with local or technical knowledge are elected or appointed</li> <li>Unaffordable where communities cannot afford project maintenance cost</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>To secure localised rights and address the needs of local community and it is implemented at the local level</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Improves representativeness, fairness and transparency</li> <li>Uses local mechanism to address conflicting interests</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Adaptable to community needs, replicated in many places and therefore scalable.</li> </ul>
2. Customary Land Secretariat (CLS) (Ghana)	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Uses simple dispute resolution mechanism</li> <li>Some marginalised groups have secure land</li> <li>Administration and other charges are expensive</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Regulations do not make direct provision for women access to land</li> <li>Less women are involved in the land governance system</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Less affordable to marginalised groups</li> <li>Easy to operate by the government and poor communities</li> <li>Involves minimal legal and technical cost</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Has capability to be implemented locally with minimal or without external support</li> <li>Self-financing</li> <li>Communities see the tool as their own resource</li> <li>Constitution and other legal provisions protect rights secured by the tool</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Addresses the needs of the local communities by providing them with secure and inexpensive land rights</li> <li>Functions at the local level</li> <li>Built on local customs and protects localised land rights</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Takes into account how decisions are made with regards to use of land and local land governance</li> <li>Dispute resolution is based on local mechanism for resolving conflicts</li> <li>Local communities make input in decision-making through consultation and representation</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Tool can be implemented on a large scale</li> <li>Flexible and adaptable to local situations</li> <li>Can be replicated easily without cost</li> </ul>
3. Tribal land management System (Botswana)	<b>No</b> <ul style="list-style-type: none"> <li>Does not benefit the poor directly but they benefit indirectly just like any member of the public through improved service delivery, quicker land allocation process, speedier resolution of disputes since information is easier to access</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Married women were denied customary grants even though they are not registrable</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Have too many technical and legal cost</li> <li>Not self-financing because local communities cannot acquire the resources needed for such projects</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Centrally based and difficult to be implemented at the local level without support from Ministry of Lands and Housing</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Inventory only capture the rights of land occupiers but no other public rights</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Public have limited access to the system in order for them to be appraised of developments and availability of lands in their respective areas.</li> <li>Process is centralised, top-down controlled and requires technical experts</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>The tool is flexible for large range of situations</li> <li>However, use of technical experts and over-reliance of computers makes it difficult to be implemented on a large scale</li> </ul>
4. Proliferation of educated chiefs, development chiefs and advisors (Ghana)	<b>Yes</b> <ul style="list-style-type: none"> <li>Chiefs are selected on the basis of their ability to perform certain functions which have positive effect on the poor</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Gender neutral</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Services are rendered most of the time with minimal cost to community</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Sustainable if chiefs are permanent members of community or able to empower members of the community to carry out such tasks</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Addresses technical and human resource gaps in the local community</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Helps improve representativeness of local communities, improves transparency and accountability</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Being replicated in some communities</li> </ul>

**Table 13: Analysis of tools for local registration and certification against GLTN core values**

GLTN core values Tools	Pro-poor	Equity and gender responsiveness	Affordability	Sustainability	Subsidiary	Governance	Scalability
1. Village and community titling initiatives (Tanzania, Mozambique)	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>In some cases, villagers have obtained loans from credit institutions using Certificates of Customary Rights (CCROs)</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Addresses security of tenure for vulnerable groups especially women</li> </ul>	<p><b>No</b></p> <ul style="list-style-type: none"> <li>Initial cost of establishing registry is high.</li> </ul>	<p><b>No</b></p> <ul style="list-style-type: none"> <li>High cost of establishing village registry. Unless supported by the donors or government, villagers can't afford by themselves</li> </ul>	<p><b>No</b></p> <ul style="list-style-type: none"> <li>Addresses the needs of the local level but implementation is at district level</li> <li>Community members are not used to the concept</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>Devolution of functions and resources to local authorities</li> <li>Lack of equipment and resources at districts makes registration procedures slow, costly and expensive</li> <li>Process involves local government authorities, communities and civil society in a constructive engagement</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>In Tanzania, village titling has been replicated in different Districts</li> <li>It can be replicated in other customary areas</li> </ul>
2. Land regularisation (Rwanda)	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Reduce land disputes</li> <li>Ability to access credit</li> <li>Recognise women land rights</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Men and women have equal rights</li> <li>Gender blind decision making process</li> </ul>	<p><b>No</b></p> <ul style="list-style-type: none"> <li>Depends on subsidy and technical expertise</li> </ul>	<p><b>No</b></p> <ul style="list-style-type: none"> <li>High initial and maintenance cost</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>Ensure security of tenure but at a cost that local communities cannot afford</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Community participation in decision making and dispute resolution</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Capable of replication under similar conditions</li> </ul>
3. Flexible land tenure (Namibia),	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>Use simple survey descriptions and registration</li> <li>Upgradeable and therefore serve a range of interest groups including the poor</li> <li>Cost of registering document is still high</li> </ul>	<p><b>Yes</b></p> <p>Address inequality</p> <ul style="list-style-type: none"> <li>In principle, all members of the community have equal access since the Namibian Constitution guarantee that</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Use of para-professionals makes it more affordable to many of the urban poor</li> <li>Use simple surveying methods</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Process is transparent among stakeholders and is crucial for sustainability.</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Decision making is at the grassroots.</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Thrives on the principles of good governance, participation, transparency, smooth information flow among others</li> <li>Local communities who own the block are actively involved</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Use of para-professionals and stakeholders makes it capable of being up-scaled to other areas in the country and sub region</li> </ul>
4. Urban land registry (Benin, Nigeria)	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Project is funded on pro-poor initiatives</li> </ul>	<p><b>No</b></p> <ul style="list-style-type: none"> <li>Gender issues are not addressed</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>It is based on principle of affordability</li> </ul>	<p><b>No</b></p> <ul style="list-style-type: none"> <li>Though the implementation has been quiet successful (Benin), local communities have been too slow to recognise the values of urban land registry therefore it cannot be sustainable.</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>Local communities have been too slow to recognise the values of urban land registry therefore it cannot be sustainable.</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>Incorporate local dimension of land conflict resolution</li> <li>Local people have limited participation in the registration process</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Have been replicated in other areas</li> </ul>

**Table 13: Analysis of tools for local registration and certification against GLTN core values (Continued)**

GLTN core values Tools	Pro-poor	Equity and gender responsiveness	Affordability	Sustainability	Subsidiary	Governance	Scalability
5. Rural land certification and registration (Ethiopia)	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Developed to address the needs of the rural poor</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Land is registered in the names of both spouses.</li> <li>Female-headed households (widows, divorced and single women) also receive certificates in their name for the land in their possession</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Highly subsidised and therefore affordable to rural farmers</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Uses low-cost technology to adjudicate boundaries and register land rights</li> <li>Local people are actively involved and therefore feel ownership</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Developed to address the needs of the rural poor</li> <li>Has been replicated in different areas country-wide</li> <li>Use of simple tools and local knowledge makes it easy to be replicated in different areas in the sub-region</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Programme is carried out in a decentralised, participatory, equitable and transparent manner</li> <li>Implementation at community level makes it accessible for most land users.</li> <li>Community members and farmers are highly involved in the certification process</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Flexibility in the general laws guiding the certification programme allowed for implementation in different regions</li> </ul>
6. STDN (Piloted in informal settlements in Uganda and Kenya)	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Allows all kinds of land rights to be recorded using simple tools makes it less costly and therefore can reduce poverty</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>Does not directly cater for gender issues</li> <li>Records all forms of tenure including women and youth rights</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Affordable to all social groups</li> <li>Easily understandable and does not have too many technical cost</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Can be used at the local level with little/without input from outside sources</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>All forms of localised land rights can be recorded with the tool and therefore suited to address the needs of the local people</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>More transparent- information gathered is publicly displayed in local areas for correction and validation</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Can be adaptable to local environment with little modification and therefore can be scaled up</li> </ul>

Table 14: Analysis of tools for informal settlement upgrading against GLTN core values

GLTN core values Tools	Pro-poor	Equity and gender responsiveness	Affordability	Sustainability	Subsidiary	Governance	Scalability
1. Certificate of occupancy rights (Botswana)	<b>Yes</b> <ul style="list-style-type: none"> <li>Open to all indigenes without cost survey procedure</li> <li>Inexpensive survey procedure</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Women have limited rights</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Limited formal processes of planning, surveying and registration and therefore affordable to most indigenes</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Depends on continual support of local and central government</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Ownership of the initiative seems to lie on local government and not the community and therefore may lead to some challenges</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Managed by local authority with community representatives</li> <li>Local dispute resolution by the Land Boards</li> <li>Community members are partly involved in decision-making</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Has wide coverage in Botswana but may not be easy to be adapted by other customary communities in sub-Saharan Africa due to its heavy dependence on government subsidy</li> </ul>
2. Communal Land Trust and Associations (Kenya, Zambia)	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Provides members with affordable access to land</li> <li>Financing of the project depends on the ability of the individuals in the communities to secure credit</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Each member has equal vote</li> <li>No apparent discrimination with respect to gender observed</li> <li>Men and women have equal voice in the decision-making process</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Lease fee appears unaffordable to some community members</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Financing of the project depends on the ability of the individuals in the communities to secure credit</li> <li>Some members do not see the project as community resource</li> <li>State provides the land and therefore have constitutional backing</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Provides members affordable access to land</li> <li>Applied at the community level</li> <li>No knowledge of how localised rights are protected is observed</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Uses intricate legal and institutional framework, not easily understood by administrators</li> <li>Controls property transfer and discourage speculation</li> <li>Recognised local decision-making structure</li> <li>Community members are involved in the decision-making process</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Has less potential to be implemented on large scale due to some prejudice issues observed</li> <li>Less flexible to adapt to different situation</li> <li>Can only be replicated at lower cost only when the government makes land available</li> </ul>
3. Slum upgrading (South Africa)	<b>Yes</b> <ul style="list-style-type: none"> <li>Access to land, infrastructural services</li> <li>Provision of housing subsidy</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Gender blind, opened to all eligible informal settlers</li> <li>Men and women have equal voice in decision making</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Provision of land availability of subsidy</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Sustainability depends on availability of other livelihoods otherwise distress selling and re-creation of new informal settlements</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Needs of formal settlers are met</li> <li>Upgrading at levels lower than the local government is not feasible due to logistics</li> </ul>	<b>Yes /no</b> <ul style="list-style-type: none"> <li>Although upgrading is based on Community participation unequal power play can negatively affect outcomes</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Dependent on availability of resources and cooperation of informal settlers</li> </ul>

**Table 15: Analysis of tools for gender and equity against GLTN core values**

GLTN core values Tools	Pro-poor	Equity and gender responsiveness	Affordability	Sustainability	Subsidiary	Governance	Scalability
1. Gender evaluation criteria	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Evaluation framework drives on improving lives of poor and disadvantaged groups</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>All the indicators used for evaluation strive on gender and equity</li> <li>Capable of mainstreaming gender into land issues Muslim and Hindu communities</li> </ul>	<p><b>No</b></p> <ul style="list-style-type: none"> <li>Evaluation framework does not directly address issue of affordability</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Tools aim to empower grassroots participation and therefore can be implemented without external involvement</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Framework for evaluation have been developed to address the key issues at the local level</li> <li>Gives a voice to grassroots people in decision-making</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Emphasise on equal participation by women in gender responsive governance</li> <li>Builds required skills including communication, negotiation, mediation and social inclusion</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>The framework is flexible and can be adapted to a wide range of different situations</li> </ul>
2. Spousal consent (Ethiopia, Madagascar, Mozambique, Uganda)	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Protect vulnerable widows/widower and children from illicit land transactions</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Men and women collaborate in decisions concerning their land and property</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Cheap and easy to implement after the initial social barriers are broken</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Once accepted it becomes part of the social norm</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Land rights of local vulnerable people are addressed</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Requires participation of men and women in decision making and conflict resolution</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Flexible enough to be implemented across different communities</li> </ul>
3. Awareness creation	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Changes values and attitudes.</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Gender and practical ways of addressing them from their perspective informs policy</li> </ul>	<p><b>No</b></p> <ul style="list-style-type: none"> <li>Awareness creation can be expensive and time consuming but very important for vulnerable land rights.</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>High initial cost</li> <li>Concept becomes part of the norm once accepted</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Local communities freely express their views on land rights.</li> <li>Communication is in the local languages to bridge the dialogue gap</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Inclusive and participatory process.</li> <li>Partnership between national and local land agencies and local level land administration</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Tool can be adapted to different environments</li> </ul>
4. Community dialogue	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>The poor share their constraints and suggest practical solutions for policy</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Free participation by men and women without any impediments</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>Expensive and beyond the reach of the poor at community level</li> <li>Informal dialogue between small local groups is more affordable</li> </ul>	<p><b>No</b></p> <ul style="list-style-type: none"> <li>Political will on the part of power players and support by all stakeholders is essential</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Informal small group dialogue at local level</li> <li>The small groups can be brought together at community level</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>Decentralisation allows local variations in custom to be taken into account.</li> <li>Local power play can adversely affect participation and dispute resolution</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Adaptable to different environments</li> <li>Capable of implementing at lowest level</li> </ul>
5. Community self-analysis (Rwanda)	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Identify gender inequalities so as to create a human rights friendly environment that is conducive for poverty reduction and development</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Men and women are free to voice their opinions on gender situation</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>Depending on the political will and support, the process may be affordable</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>Sustainable with external support and resources</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Local actors confront local gender issues and suggest solutions</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>Active participation of community in contributing to policy development</li> <li>Processes of decision making and dispute resolution are assessed by all</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>Tool used nationwide.</li> <li>Custom and cultural impediments may not make it easy to be duplicated in other nations</li> </ul>



Table 16: Analysis of tools for governance against GLTN core values

GLTN core values Tools	Pro-poor	Equity and gender responsiveness	Affordability	Sustainability	Subsidiary	Governance	Scalability
1. Compensation approaches (Ghana)	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Indigenous land right holders receive portions of their land</li> <li>Traditional leaders normally decide on percentages to be paid</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Do not specifically address gender issues</li> <li>Custom and cultural practices are used to determine beneficiaries</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>No direct cost to indigenes</li> <li>Establishment has no cost implication</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Developed and managed locally</li> <li>In areas where indigenes are not happy with compensation packages land disputes abound</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>Tenant farmers other than indigenous rights holders loose out of the compensation packages</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Traditional leaders normally decide on percentages to be paid</li> <li>Compensations are paid based on the local customs and governance system</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>It is flexible enough to be adapted into other communities</li> </ul>
2. Outlawing outmoded inheritance laws (Mozambique, Rwanda, Ethiopia)	<b>Yes</b> <ul style="list-style-type: none"> <li>Ensures the dismantling of discriminating customs and practices</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Equal ownership and inheritance rights for men and women</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>External support to dismantle long established and entrenched customs and cultural practices</li> </ul>	<b>No</b> <ul style="list-style-type: none"> <li>External support and pressure on existing system is crucial</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Tool applicable at all levels with legislative and goodwill of government</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Promotes participation of men and women on equal footing and promotes the rule of law</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Capable to be applied at scale.</li> </ul>
3. Statutory recognition of occupancy rights, slums and informal settlements (Kenya, Namibia, Botswana)	<b>Yes</b> <ul style="list-style-type: none"> <li>A level of tenure security for settlers irrespective of status</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>All settlers are treated equally</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Depending on the level of development, provision of infrastructure may be prohibitive to settlers</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Perceived tenure security may promote development</li> <li>External support may be essential</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Security needs of local community are met.</li> <li>Customary leaders and land lords may litigate</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Informal settlers can participate in governance</li> <li>Negotiate their tenure status</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Capable of replication in other customary communities</li> </ul>
4. Anti-eviction (Uganda, South Africa)	<b>Yes</b> <ul style="list-style-type: none"> <li>Preference is given to the genuine urban poor for permanent settlement instead of rich speculators</li> <li>Regulate relationships between landlords and tenants</li> <li>Provides a level of security of tenure for tenants</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Ensure tenure security for men and women equally</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Where there are litigations the poor are disadvantaged without legal aid</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Depending on political will</li> <li>upgrading</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Can be enforced at local level depending on group cohesion</li> </ul>	<b>Yes/No</b> <ul style="list-style-type: none"> <li>Well organised groups can negotiate and participate in governance</li> </ul>	<b>Yes</b> <ul style="list-style-type: none"> <li>Capable of replication</li> </ul>

**Table 17 : Analysis of tools for dispute resolution against GLTN core values**

GLTN core values Tools	Pro-poor	Equity and gender responsiveness	Affordability	Sustainability	Subsidiary	Governance	Scalability
1. Informal dispute resolution (Alternative Dispute Resolution) mechanisms - Ghana, Tanzania, Uganda, Benin, Kenya	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>• Users have a voice in the dispute resolution process</li> <li>• Always a win - win situation</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>• Depending on its formation and cultural context there could be inherent gender discrimination practices and procedures</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>• Relatively cheaper, easily accessible and user friendly</li> </ul>	<p><b>Yes/No</b></p> <ul style="list-style-type: none"> <li>• Depends on local resources, therefore can easily be implemented</li> <li>• Depending on the legal framework under which it operates, disputes resolved may or may not be sustainable</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>• Based on local knowledge and resources the decisions are acceptable to the local people.</li> <li>• Appeals can be made to the higher traditional authorities or standardised courts</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>• Uses local mechanism for addressing conflict</li> <li>• Allows all stakeholders in the decision-making process</li> <li>• Legislation and enforcement of Human rights issues in most national constitutions has led to steady improvements in governance of ADRs.</li> </ul>	<p><b>Yes</b></p> <ul style="list-style-type: none"> <li>• ADRs are gradually becoming the first port of call for most land right issues</li> </ul>

Table 18: Analysis of tools for economic empowerment and natural resource management against GLTN core values

GLTN core values Tools	Pro-poor	Equity and gender responsiveness	Affordability	Sustainability	Subsidiary	Governance	Scalability
1. Community-investor partnership project (CIPP) (Mozambique, Madagascar, Uganda Ghana)	<b>Yes</b> Most of the schemes are funded on principles that ensure poverty reduction	<b>Yes</b> Some partnership projects aim at strengthening women's access to land	<b>Yes/No</b> Project may be affordable but processes can make it inaccessible to farmers	<b>Yes/No</b> Have capability to be implemented at the lower level but require sustained support from a range of service providers (government, civil society, private sector), as well as effort and time	<b>Yes</b> Recognize and document small-scale farmers land and water rights, group rights, focuses on range and grazing lands, forests and artisanal fishing area and therefore adaptive to local rights	<b>Yes/No</b> Agreement may not be transparent Empowering smallholder farmers and rural communities to engage on equal terms with outside investors is crucial	<b>Yes</b> Can be replicated but the success depends on sustained support from providers
2. Joint venture cash crop plantations (rubber plantation in Ghana)	<b>Yes</b> Protects the rights of tenant farmers and engages them in cash crop farming	<b>Yes</b> Non discriminatory Gender neutral in terms of security of tenure	<b>Yes</b> Affordable to all members of the cooperative	<b>Yes/No</b> Sustainability depends on the prevailing market condition of the product and commitment level of parties involved.	<b>No</b> Commitment level of funding authorities is always crucial	<b>Yes/No</b> Tool ensures participation of parties but power play of funding agencies and product buyers may reduce confidence level in the scheme	<b>Yes/ No</b> Can be replicated only in places with similar tenure arrangements
3. Community-based natural resource management schemes (Irrigation, Water, Fishing, Livestock associations)- Zambia, Mozambique, Swaziland, Uganda, Kenya)	<b>Yes</b> The views and aspirations of all stakeholders are taken into consideration	<b>Yes</b> Generally gender issues are prioritised Most bye laws are gender neutral, although they are applied in a gendered context. Most of these schemes have affirmative action provisions to fore store gender equity	<b>Yes</b> In most cases, the condition for such cooperative schemes make them affordable to majority of the members	<b>Yes</b> Community takes active interest to ensure sustainability Effective participation and ownership of schemes ensures sustainability	<b>Yes</b> Tool addresses the needs of local communities Tool is capable to be applied at the lowest level Where similar activities are performed in different communities, regional organisations are formed but basically each unit is independent to a large extent	<b>Yes</b> Allocations are made in transparent manner. Managers of the schemes are elected and they are accountable to users of the scheme Active participation of communities in management and decision making procedures enhances good governance	<b>Yes</b> Is scalable However, success of each programme is largely dependent on level of cohesion and local context

## ANNEXES

### UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME (UN-HABITAT)

UN-Habitat helps the urban poor by transforming cities into safer, healthier, greener places with better opportunities where everyone can live in dignity. UN-Habitat works with organizations at every level, including all spheres of government, civil society and the private sector to help build, manage, plan and finance sustainable urban development. Our mission is to promote socially and environmentally sustainable human settlements development and the achievement of adequate shelter for all. For more information, visit the UN-Habitat website at [www.unhabitat.org](http://www.unhabitat.org)

### THE GLOBAL LAND TOOL NETWORK (GLTN)

GLTN is an alliance of international partners committed to increasing access to land and tenure security for all, with a special focus on women, youth and vulnerable groups. The Network has an established global land partnership, drawn from international civil society organizations, international finance institutions, international research and training institutions, donors and professional bodies. GLTN develops, disseminates and implements pro-poor and gender-responsive land tools. These tools and approaches contribute to land reform, good land governance, inclusive land administration, sustainable land management, and functional land sector coordination. For more information, visit the GLTN website at [www.gltn.net](http://www.gltn.net)







## ABOUT THIS PUBLICATION

This publication identifies, documents and analyses customary tenure security tools that are developed and/or delivered through customary governance systems, either as part of a statutory system, at the community level, or as a partnership between community and government structures or outside partners. The publication forms part of GLTN's overall vision of tenure security for all and its aim to develop alternative tools that are more affordable for customary and group tenure systems as well as for conventional land systems. The report also helps to bridge the gap between policy intention and the reality on the ground by supporting customary approaches in high-level events and making space for grassroots and vulnerable groups, such as women and young people to discuss their worldview.

The publication is intended for policy makers, land professionals and various stakeholders involved in land governance. It showcases the tools' elements of best practices when managing customary tenure with some being outstanding especially when they rely on simple technologies to address localized problems as well as their weakness. It further analyses factors that can strengthen the tools to enhance scalability and applicability to strengthen tenure security for land under customary tenure and beyond.

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