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Protecting
Our World,
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New Frontiers

Land tenure security as the holy grail – do mapping and registration bring what is often assumed ?

Jaap Zevenbergen (University of Twente)

Guus van Westen (Utrecht University)



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Outline

- Background
- Methodology
- Land Tenure Security
- Some Underlying Assumptions
- Next steps



Background

- tenure security much used term
 - different meaning to diff actors
 - literature Review (year 2012 – 2022, SSA)
 - implicit assumptions vs impacts
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- Thematic study for Land@Scale (Dutch government) Knowledge Management



- Tenure security is a key concept in land-related interventions
 - As an objective in its own right: secure people and livelihood..
 - .. and as condition for 'downstream' objectives:
Economic development, food security, gender equality, conflict management, etc.: a Christmas tree of benefits
 - Impact often lingers behind expectations
As implicit assumptions might not be met



- Tenure security is rarely defined – e.g. not in VGGT
- Academic definitions vary around three dimensions (van Gelder 2010):
 - legal construct – hinges on state as agent for enforcement
 - perceived security by stakeholders – guides behaviour
 - de facto – determines outcomes
- Practitioners focus on ‘legal’, academics on ‘perceived’ (Masuda 2020)

- Land governance interventions
- Approaches tend to focus on formalization: *mapping & registration*
 - delineating plot
 - entry in legal register
 - possibly with support services (awareness, capacity)
- (in FIG discourse: land administration)

- Common basic assumptions
- Tenure security as a binary thing (yes/no)
- Reality is more complex:
 - while formalization focuses on people-land relationship,
 - society works with people-people-land relationships
 - issues of power and wealth
- Insecurity seen as obstacle, but overcoming is only part of puzzle

- Tenure security for what?
- Broadly, 2 main **objectives** identified:
 - Protecting people from risk of dispossession - *passive tenure security*
 - Creation of land market, economic efficiency – *active tenure security*
- These two objectives can be in conflict

(see recently General Comment Nr. 26 Committee on Economic, Social and Cultural Rights of Office of High Commissioner on Human Rights, 22 Dec. 2022)

- Table with Assumptions from Literature Review (Hillenbrand et al 2022)

Assumption 1.3: The customary institutions provide insecure tenure that needs to be replaced with formalized and secure land systems.

Assumption 4.2: Tenure security and titling will provide people with collateral and better access to credit.

Assumption 5.1: Land administration will create transparency and therefore tenure security .

1	<p>Formalization or the Objectives of Tenure Security</p> <p>Assumption 1.1: People feel tenure insecure and are willing to spend money on the formalization of their land.</p> <p>Assumption 1.2: People are informed about their rights and obligations/ rules surrounding land rights are clear to all.</p> <p>Assumption 1.3: The customary institutions provide insecure tenure that needs to be replaced with formalized and secure land systems.</p> <p>Assumption 1.4: Tenure security will contribute to a more sustainable use of resources.</p>
2	<p>Land and Conflict</p> <p>Assumption 2.1: Formalization of land rights will help to prevent conflicts and bring security.</p>
3	<p>Gender and Protection of Vulnerable Groups</p> <p>Assumption 3.1: Interventions are inclusive and benefit the vulnerable, marginalized groups.</p> <p>Assumption 3.2: Land formalization is desirable for all groups.</p>
4	<p>Economic Development: Production and Productivity</p> <p>Assumption 4.1: Tenure security is key to improve agricultural productivity and enhance agricultural investments.</p> <p>Assumption 4.2: Tenure security and titling will provide people with collateral and better access to credit.</p> <p>Assumption 4.3: Land security programmes can help fight further fragmentation.</p>
5	<p>Role of the State and other Actors</p> <p>Assumption 5.1: Land administration will create transparency and therefore tenure security</p>

- **Land and Conflict**
 - Fragile and conflict-affected areas considered as priority targets for tenure security initiatives
 - Assumption: Mapping & registration helps
 - Flow of causation: M&R can help to prevent conflict, when implementation agencies are effective..
 - .. But literature shows many cases of large-scale registration initiatives that trigger open conflict, esp. in situations of tensions between groups and overlapping claims
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- need for a priori risk assessment, strong capacity needed for impact

- **Gender and Protection of the vulnerable groups**
 - one of two main objectives of formalization
- Effectiveness on gender equality depends on ability to change practices ‘on the ground’ – otherwise, registration may entrench existing inequalities
- When M&R promotes commercial development, risk of male bias
- ‘Protection of vulnerable’ often involves formalization of customary practices – these tend not to be gender neutral

- **Role of the State and other Actors**
- Tenure security initiatives usually assign key role to the state, as responsible agent for formalization of rights
- At the same time, state policy can undermine tenure security:
 - Strong emphasis on economic growth threatens community rights
 - Impact of M&R depends on capacity of institutions to enforce
 - These need to improve in tandem with registration to be effective

- **Next Steps**
- Improve link between practitioners and academia (see Masuda et al 2020 findings)
- Land@Scale Knowledge Management aims for this
 - Check the Project Documents and Theory-of-Change of L@S projects for their objectives, assumptions and mitigation measures
 - Exchange experiences between the different L@S projects (and learn from that by academics)
 - Continue debate ..





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