



Securing land rights at scale

Lessons and guiding principles from DFID land tenure regularisation and land sector support programmes

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Context

Growing populations, globalised economic growth, rapid urbanisation and climate change are increasing pressure on land and natural resources, presenting complex planning and management challenges for governments. Clarification and security of land rights for land users of all kinds is important to promote economic growth and development, and also critical to minimise land-related disputes and wider conflicts. This, in turn, can contribute to national peace and stability. There is growing interest in land programmes that aim to secure land and property rights at scale, widely referred to as land tenure regularisation (LTR), which aim to identify, delineate and describe land and property rights clearly on the ground, within law and for the full range of land users.

Since its initial involvement in LTR as part of a land administration reform and development programme in Guyana (1997–2005), DFID has expanded its portfolio of land programmes. This

has included significant and sustained large-scale investment to support LTR in other countries, including Rwanda, Nigeria, Ethiopia, Tanzania and Mozambique, through programmes costing between £5 and £62 million. Playing a leading role in the design and implementation of reform, capacity-building for land institutions and the roll-out of large-scale tenure regularisation activities, DFID's programmes have enabled the issuing of over 20 million individual or joint titles or certificates across Rwanda, Nigeria, Ethiopia and Tanzania, and 1,400 community titles in Mozambique.

This has gone hand in hand with the development of innovative methods and procedures and the introduction of new technology, which has delivered substantially lower costs for land demarcation per parcel in the last decade. These have been socially inclusive and protective of marginalised and vulnerable groups. In most countries where DFID has supported LTR, over 50% of beneficiaries have been women, through single and joint titling with spouses.

Furthermore, land market activity has increased and the number of land-related disputes has fallen. This is a significant achievement.

As DFID continues to aid low-income countries to improve tenure security and land administration, it needs to incorporate lessons from past projects into future programming and implementation. In setting priorities and developing new programmes, DFID and other interested donors need to be clear about the benefits, achievements, potential risks and consequences of LTR, and related programmes, at local and national levels. This review investigates both how LTR programmes can best fulfil their many objectives and how to mitigate potential social and economic risks to individuals and communities in target areas.

This report reflects on the experience of DFID land programmes which include LTR across six countries (Guyana, Rwanda, Nigeria, Ethiopia, Tanzania and Mozambique), drawing also wherever possible on relevant experiences of programmes driven by other donors. It summarises the drivers of LTR and land administration developments in different contexts experienced to date and includes wider evidence on successful LTR outcomes, factors influencing success and lessons learned in the design, implementation and follow-up of country land programmes and broader land-support facilities.

Key findings

Land reform and tenure regularisation programmes may encompass a wide range of economic, social and institutional objectives. The most common stated rationale for LTR is to secure land rights at scale, facilitating productive investment, credit access and land markets to stimulate macroeconomic growth, raise incomes and ultimately contribute to poverty reduction. Either implicitly or explicitly, LTR programmes have also aimed to:

- prevent and minimise disputes and conflicts over land rights, so that these do not contribute to wider social and civil unrest

- create a basis for government to clarify land ownership and to use that information for local and national planning, targeting land service provision and generation of revenue.

There have been some evident successes across these objectives – especially in terms of greater tenure security increasing investment at household level, and the positive effects of LTR on access to credit. However, defining appropriate levels of ambition for LTR programmes requires measurement of impacts beyond immediate outcomes. Good baseline data and impact evaluations, and enough time, are necessary to measure the contribution or attribution of LTR interventions. The process of LTR alone can have only limited effects if other interventions such as supporting land administrations, facilitating land market services and implementing dispute resolutions are not put in place.

Ensuring that LTR fosters equitable development also requires adequate analysis of existing customary and informal land tenure systems in order to avoid risks of corruption, elite capture and disempowerment of communities. There are risks that the most marginalised people – including women, ethnic minorities and the non-literate – could be negatively affected. While the wider literature flags these, this review indicates that DFID-funded programmes have been able to mitigate risks through effective design and implementation. Overall, LTR programmes and strengthened land administrations can have a positive impact on social and economic development in the longer term.

Successful LTR: eight lessons

This review of DFID land tenure programmes with large LTR components has identified a set of lessons and guiding principles for successful design, implementation and sustainability. These are offered to help those developing, managing and implementing LTR programmes to ensure that LTR is socially inclusive, politically smart and technically and financially effective.

Lesson 1: LTR is necessary but not sufficient to promote broad-based economic development

To achieve sustainable benefits, LTR normally needs to be included as a component of a wider programme to reform and strengthen legal, policy and institutional frameworks related to land. While important in many contexts, mass clarification and registration of land rights is not sufficient by itself to achieve the multiple objectives and ambitions associated with LTR, or to deliver long-term, sustainable outcomes. LTR and local land administrations cannot by themselves resolve the social and economic development constraints beneficiaries face. To achieve its economic aims, LTR is likely to need complementary measures for access to finance and market opportunities, legal empowerment and promotion of an enabling business environment, so that people can make use of land titles and certificates to transact and invest in land and property and to thereby improve economic opportunity. For instance, Ethiopia's Land Investment for Transformation (LIFT) programme with its dual focus on land certification and access to financial services should in due course serve to enable functional and inclusive land rental markets in the most productive agricultural regions.

Lesson 2: Sustainable land administration must be a central part of LTR work from the start

LTR interventions need to be integral to programmes reforming and strengthening legal, policy and institutional frameworks for land governance. LTR requires functional, service-oriented land institutions and ongoing development of accurate, comprehensive digital land information systems to deliver sustainable outcomes in the longer term. A key lesson from both Rwanda and Ethiopia is that development of the land administration system must keep pace with the delivery of titles, to avoid undermining the system's ability to register ongoing transactions and remain up to date. Following comprehensive LTR in Rwanda, recent developments in land administration suggest government revenues from national land registration may be enough

to recoup the full costs of the programme by 2025. However, institutional capacity to register changing rights and capture the resulting revenues needs to develop further as transactions accelerate in line with rapid economic growth. Establishment of sustainable land administration capacity therefore needs to be built into the design and implementation of LTR from the start and will become increasingly important in the post-LTR phases of the work.

Lesson 3: LTR does not have to be the same in every context

While most DFID-funded programmes have focused on large-scale, individual titling, this may not be the most appropriate approach in all contexts. Official land registration and titling may be useful under certain contexts, such as when:

- land markets are evolving rapidly, with significant pressure on land involving many people from outside the local community
- farmers require evidence of secure land rights to obtain credit and to protect their interests where urban encroachment, infrastructure development and private investment threaten land users.

In other circumstances it may be more appropriate to strengthen customary, collective management systems through issuing titles to whole communities or producer associations, as in Mozambique. It may also be appropriate to use a mixture of both approaches: perhaps integrating formalisation of individual rights in instances where land pressures are highest but strengthening collective management systems in others.

Lesson 4: LTR requires sustained political will and a politically smart approach

The experience of DFID's programmes shows that LTR is most successful when supported by strong government commitment and ownership, as in Rwanda and Ethiopia. Even with this commitment, there are significant challenges: sustaining a programme over the longer term needed to achieve LTR objectives means ensuring that political enthusiasm and target-driven approaches for immediate quick-fix results

from LTR do not compromise other parallel but essential activities in building capacity in land administration. In addition, vulnerable groups must not be further marginalised.

Taking a long-term strategic view from the start, adopting sustainable timing and pace of implementation and building the capacity of a broad group of stakeholders to support design and implementation significantly mitigates these risks. Where political commitment from national government is not immediately present, DFID advisers might look further afield for support, building inter-ministerial consensus and constructing a wider alliance of interests outside government.

Lesson 5: Social inclusiveness is crucial in LTR-related activities

Social inclusiveness is vital for achieving broad-based benefits from LTR and can help to build political support for it. Broad public support and consent for the processes and procedures of LTR lie at the heart of clarifying land rights. Programme designers must therefore ensure that those affected by LTR and related activities are fully involved and understand the long-term benefits and outcomes. In Rwanda for example, working with gender-balanced village teams to demarcate boundaries and with village councils to adjudicate disputes proved fundamental in achieving high levels of participation and served to ensure recognition of women's rights on the ground. To achieve results that reduce, rather than increase, inequalities in access to land, LTR programmes must therefore go beyond merely providing women and other socially vulnerable groups with a property title.

Holding separate meetings for marginalised groups gives them voice in the process and builds awareness, as well as capacity to protect and manage land rights. This, combined with legal empowerment, has proved particularly effective in local and national decision-making processes and has genuinely strengthened tenure security and challenged existing stereotypes.

Lesson 6: Consider appropriate use of fit-for-purpose new technologies

New technology, such as tablets, low-cost GPS and drones, backed up by customised software and IT infrastructure, can reduce the costs of mapping and documenting land rights and promote greater transparency. This has enabled recent DFID-funded programmes to implement LTR at a scale not previously contemplated. However, there are key processes around adjudication and dispute resolution that require full social participation and where the impact of technology might be more limited.

Consequently, new technology must be used with care and focus on serving users rather than emphasising top-down technical solutions and high-accuracy surveys. This raises inevitable challenges: ensuring technical and financial capacity and an appropriate legal and policy framework for selection, operation and access; building capacity for storing and processing the data generated; and breaking down resistance by surveyors and others with vested interests who may feel threatened by their introduction.

Lesson 7: Governments and donors need long-term commitments to the land sector

Successful implementation of LTR requires multi-year, multi-phase commitments and coordinated approaches to support institutional reform and capacity in land agencies and deliver lasting tenure security at scale. As part of this, it is critical to integrate activities and time to build capacity for land administration to ensure that cadastral records and land service delivery are sustainable. Land issues are socially and politically complex, and it requires patience and flexibility to set up a well-informed strategy, field-test it and build in opportunities for adjustment along the way over the long term. Manging this can be problematic where there are both changes in the political landscape and technical-staff changes in donor and partner agencies over time.

The process of preparing long-term strategies and plans to achieve results, if properly undertaken and made clear at the outset, can serve to ensure consistency in the long term. It can also encourage government buy-in and phased and targeted donor commitments to

supporting ongoing changes. The development of Rwanda's Strategic Road Map is a useful reference point: Phase 1 of Rwanda's land reforms in 2005–09 comprised development of DFID-funded strategic planning, field testing and institutional development, and a public consultation programme culminating in the government-approved Strategic Road Map (SRM) for implementation. This provided a basis for consensus among donor partners and government to support ongoing initiatives up to and including 2019.

Lesson 8: LTR and land administration work needs appropriate implementation modalities

It is vital to ensure that the right people, skill sets and systems are in place to support the design and implementation of LTR and land administration programmes within an appropriate institutional framework. Clearly defining roles and responsibilities of government management and technical assistance (TA) is crucial to avoid gaps or duplication of tasks, and to ensure efficient and harmonious relationships. TA arrangements can ensure more efficient technical progress, recruitment and provision of key staff at local and national levels and free up government employees to focus on strategic issues.

Overall, DFID's involvement in LTR has shown that having experienced and skilled management embedded within a government structure achieves the best results. This ensures that capacity will be established and can enable effective local skills development, as in Rwanda and Guyana.

The role of DFID and other donors

As a leading funder of programmes featuring LTR, DFID has an important role to play, alongside other donors, in unblocking paths to pro-poor land reform by working with governments in

the process of designing, implementing and monitoring effective and efficient activities. There is scope for strengthening this role, based on the experience of the last two decades. Key points include the following:

- **Ensuring lessons on design, planning and implementation are shared.** DFID has a history of managing LTR-related programmes, and some have benefited from DFID advisers' experiences in different countries. A robust system for retaining and sharing institutional learning is crucial here, and various links could be strengthened to support this.
- **Filling the evidence gap.** DFID and other donors could generate more evidence to inform the design and implementation of future programmes, for example by incorporating impact assessments into LTR programmes from the start, establishing baseline information and tracking progress with robust methodologies.
- **Promoting an approach that is strategic, adaptive and politically smart.** Donors need to link advisers and programmes working on Thinking and Working Politically (TWP) approaches and governance with those working on land, often in the same country offices.
- **Ensuring that internal systems and processes are realistic and flexible enough to enable course correction.** Reducing the pressure for business cases to overpromise on delivery within unrealistic timeframes in order to get approved may be an important step.
- **Investing more in government capacity to coordinate and articulate priorities.** This could improve sharing of experience among governments, funders and civil society, and ensure better sequencing of respective interventions.

Land: Enhancing Governance for Economic Development (LEGEND) is a DFID programme that aims to improve land rights protection, knowledge and information, and the quality of private sector investment in DFID priority countries. It includes the development and start-up of new DFID country land programmes, alongside knowledge management activities, a challenge fund to support land governance innovations, and management of complementary DFID grants. The implementation of LEGEND is supported by the Core Land Support Team.

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