



SCALING UP PRO-POOR LAND RECORDATION: FINDINGS AND CONSEQUENCES OF FOUR CASES

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Abstract

In 2012, the GLTN released its pro-poor land recordation tool: design principles for establishing land records for a country's poorest people. The tool is undergoing refinement under the project *GLTN Partnership for Land Tool Development*. This paper concludes the further development of a pro-poor land recordation tool, based on 3 phases: 1) conceptual report, 2) case study analyses, and 3) tool design. Phase 3 focuses on overarching findings of the documented cases and consequences for the design elements and design system of the pro-poor land recordation tool. The review of recent literature in the conceptual report recommended the reformulation of one design element, addition of one design element (evaluation of economic, social and environmental outcomes), adding words to 8 design elements, and keeping one design element unchanged (Zevenbergen, Bennett & Hendriks 2014). Perhaps lessons from other, especially more bottom-up originated, cases of documentation of land relations, might lead to further refinements. In addition, the cases identified two additional paradigmatic design elements at the level of the system's design of the pro-poor land recordation tool itself. First, the need for awareness and sensitivity to the risk of inherent biases towards the dominant paradigm of individualization of land tenure and the pro-poor land recordation tool becoming inherently political itself. Second, ongoing practices in specific situations, such as subleasing, may pose challenges with regards to the pro-poor nature of land recordation as such and may require re-assessment of appropriateness and reprioritization of 'hot spots' or intervention areas.

Key Words: Pro-poor land recordation; GLTN; MIS; VODP; MWEDO; RAN.

INTRODUCTION

Pro-poor approaches to land administration are increasingly promoted in international agreements, national land policies, and NGO policy briefs. Specifically, the work of the Global Land Tool Network (GLTN) and the International Federation of Surveyors (FIG), advocates for recognition and scaling up of a continuum of land rights and use of fit-for-purpose approaches (UN Habitat 2008; FIG 2014). In 2012, GLTN released its pro-poor land recordation tool: a set of design principles for establishing and maintaining land records for a community's poorest members. A summary was also presented at the 2012 Land and Poverty Conference (UN Habitat 2012). An accompanying report articulated the need for further refinement: political-economy, mobilization, co-management, and CPR-management concepts needed incorporation. Additionally, examination of specific pro-poor development projects and processes was promoted: the way the projects and processes handled land tenure issues might further inform the design. This overarching paper reports the findings on this examination.

This overarching paper concludes the further *development a pro-poor land recordation tool*, based on 3 phases. These focus on drawing lessons from cases of 'documentation' related to four selected case studies in various contexts.

- Phase 1 involved a desktop study of recent literature and resulted in a conceptual report.
- Phase 2 was based on case studies of four relevant projects that were selected by GLTN in cooperation with the International Fund for Agricultural Development (IFAD). These included agricultural improvement/irrigation projects and large scale land based investment projects/inclusive business models in which IFAD is involved. The case studies, each of 3 to 5 days, aimed to extract lessons learnt by the participating project staff, project beneficiaries and others based on the design principles for the PPLRT as agreed upon in the 2012 EGM. The scope of the assignment did not include the actual execution of in-depth studies on (or piloting of) the individual design principles, which would not be feasible within the available time and also could be better done as part of implementation in a project, but rather aimed to capture experiences and lessons that selected projects have with regards to the design principles. The same goes for the implications on tenure security and poverty reduction.

The documented cases are based on multiple data acquisition approaches, including reading of available project documentation, reports from (evaluation) missions, and actual field work in which interviews were held with community leaders, community members, project/investment managers as well as representatives of government agencies active in the area.

- Phase 3 – the current phase –is based on a design approach in which the output from phases 1 and 2 are used in combination with the initial pro-poor land recordation design or tool. Although each case brings its own contextual richness, some common ground can also be found, be it that sometimes two different trends can be seen in different clusters.

This paper first briefly describes the contexts and backgrounds of the selected cases of ‘documentation’. Second, it discusses the drawn lessons from the four case studies for the requirements of the pro-poor land recordation tool. Third, the conclusions sketch the consequences from the review of recent literature and the four case studies for the formulation of the design elements and the overall system design and use of the pro-poor land recordation tool. Fourth, and finally, initial recommendations towards implementation of the pro-poor land recordation tool.

BACKGROUND OF THE CASES

Four cases of ‘documentation’ related to contexts of agricultural improvement/irrigation projects (MIS Mwea Irrigation Scheme, Kenya), large scale land based investment projects/inclusive business models (VODP Vegetable Oil Development Project, Uganda), pastoralist land administration processes (MWEDO Maasai Women Development Organisation, Tanzania), and agricultural social land (ejido) rights administration (RAN National Agrarian Registry, Mexico) are analysed and discussed, with the aim of contributing to the further upscaling of pro-poor land recordation practices. In this section the background of each of the cases is described briefly. For a more detailed description it is referred to the individual case study reports.

Mwea Irrigation Scheme, Kenya (MIS): Mwea Irrigation Scheme was established in 1956 and the predominant crop grown in the scheme is rice. This is the biggest of the 7 public schemes under the management of the National Irrigation Board (GoK 1967, 1977). It is situated in the newly created Kirinyaga South District, in Kirinyaga County. The scheme is about 100 kilometres North East of Nairobi.

FIGURE 1: Map Mwea Irrigation Scheme, Kirinyaga County, Kenya

Mwea Irrigation Scheme has a gazetted area of 30,350 acres of which 16,000 acres (i.e. 53%) have been developed for paddy production through approximately 7,500 farmers. The scheme grows paddy as its dominant crop once a year during the short rain period and uses the flooded paddy irrigation method. In addition to this, the scheme has a total of 4,000 acres of outgrower and *jua kali* (informal sector) areas

under paddy production through approximately 3,000 farmers. The rest of the scheme is used for human settlement, public utilities, subsistence and horticultural crop farming.

For GLTN it is important to trace how existing land tenure and recordation practices at the scheme accommodate the interests and rights of the poor. The land tenure in the scheme is by tenancy arrangements where the gazetted land is held under trust deed by the government through the NIB. In this case, every farmer rents an average of 4 acres as licensee having a user license with the NIB. The reason for holding the land under trust deeds is to prevent land fragmentations which have been witnessed to reduce economical productive units to meaningless parcel sizes congested with housing structures. Due to the increase in the population, most of the holdings have been subdivided among family members and in other cases transferred to new farmers. (NIB 2015; IFAD 2012a/b)

Vegetable Oil Development Project, Uganda (VODP): The Vegetable Oil Development Project (VODP) is implemented on Bugala Island in Uganda, instigated by the Ministry of Agriculture, Animal Industries and Fisheries, and backed by IFAD. Since the 2000s, Bugala Island has been the focus of development initiatives, specifically the introduction of palm oil plantations to facilitate economic and social improvement. In 2002, the first phase of a project was approved by IFAD. The project aimed to develop 6,000 Ha of vegetable oil palm plantation. A loan was provided to the Government of Uganda in order to acquire lands for a nucleus estate (2,500 Ha), to be run by a Malaysian private investor under the guise of Oil Palm Uganda Limited (OPUL). The loan also facilitated the establishment and ongoing support of so-called outgrower farms: farms run by local inhabitants, collectively totalling 3,500 Ha. As of May 2014, 1610 outgrowers worked on 3,300 Ha of vegetable oil palm plantation, delivering 900 tons of palm oil per month, and employing 2000 people (35.9% women). OPUL additionally employs 1600 people, 99% local, and only 50 of their own employees. (IFAD 2011; KLDG 2005, 2010; Santiago 2013)

FIGURE 2: Map VODP, Bugala Island, Lake Victoria, Uganda

Relevant to the GLTN work was how the land interests and records of the poor were handled during the project. The Ugandan Land Act of 1998 recognizes four broad types of tenure (Masaba et al 2014): freehold, mailo, state, and customary. Mailo is specific to Uganda and dates back to colonial times: via the British King square miles of land were granted to richer elites in exchange for support. In contemporary times, mailo landlords are usually absent and lease lands to tenants. The majority of land on Bugala Island is mailo. Meanwhile, authoritative land records relating to the tenures are held and maintained on the mainland in the Masaka Land Office, Ministry of Lands, around 50km from Bugala. The overarching quality of these records is unclear; however, certain portions are outdated. For example,

some names on the records are those whose great grandchildren now hold the land. Prior to VODP, on both mailo and state lands, formal leasing and informal occupancy (squatters) arrangements were in place. These holdings are at varying levels of formality, however, it was common that no records were held by the parties involved. (IFAD 2013)

Maasai Women Development Organisation, Tanzania (MWEDO): MWEDO works to empower grassroots' women's access to economic and social opportunities through education and advocating rights to land and properties in Longido and Kiteto districts. Since 2000, MWEDO has advocated both locally and internationally with the aim to promote the rights of indigenous Maasai women to benefit from land through individual and collective land allocations and other natural resources that improve community livelihoods. MWEDO integrated work has benefited over 60,000 households.

The Tanzanian government applies a hybrid approach to land tenure through combining formal land tenure systems at the national level and informal or customary land tenure systems at the local level since the mid/end-1990s (GoT 1995 1999a/b, 2007; Kironde 2006; Veit 2010, 2012; Nelson 2012; USAID 2011/2012; Komu 2012; Fairley 2012, 2013). In the last 10 years MWEDO worked in collaboration with partners such as the Huairou Commission, GLTN and UN Women to support Maasai women's access and control of land. MWEDO enhanced women leadership in various sectors involved in land issues and proactively promoted women's participation in governance and in local decision-making bodies. In addition, MWEDO worked to strengthen the capacity of women in order to take advantage of the strategic opportunities presented by the Tanzania Village Land Act 1999 (GoT 1999a). The Village Land Act 1999 aims to give customary rights of land occupancy equal standing to statutory legal rights of land occupancy, and it sets out procedures for management and administration of the land under customary tenure. This provided a mechanism by which Maasai communities can enhance their collective security of tenure, and also an opportunity for women to enhance their security of tenure. Using the Village Land Act 1999, MWEDO supported Maasai communities in 18 villages to secure their village lands through the certification of the village lands in such way that women's rights to land were securely defined, hence turning the Village Land Act as a tool to promote land rights through customary tenure (Ndnini Kimesera Sikar 2014).

The case study fieldwork concentrated on MWEDO's work in Longido district. Longido district is one of the six districts in the Arusha Region of Tanzania. The administrative seat is the town of Longido. Longido has a total area of 7,782 km². 82 percent of which is used for livestock grazing and wildlife conservation (Benjaminsen et al. 2013). The total population of the district is 123,153: 70,895 females and 52,258 males (GOT 2012).

FIGURE 3: Map Longido district, Arusha Region, Tanzania

National Agrarian Registry, Mexico (RAN): In 1992 RAN was established in Mexico as a federal agency to keep complete records of the three types of land rights of each member and certain other inhabitants of ejidos; the Mexican word for community based social property. An enormous logistical operation to document and record all these rights was undertaken systematically between 1993 and 2006 under the name PROCEDE. Although transactions of the land rights are limited to certain cases, the aim of RAN is to capture the changes in their records as well.

As a consequence of the post-revolution Constitution (1917), the most successful land reform of Latin America was initiated in Mexico. Groups of peasants and indigenous people could apply for community land, to which the group would receive a base land title in the form of a presidential decree. By the time the process stopped (in the 1980s), half of the Mexican territory had been turned into so called social property, making up about 30,000 ejido and indigenous communities. Although the land of the ejido was held in the name of each community, in practice three categories of land could be distinguished: the house plot for each member (and other accepted inhabitant) of the community, one or more fields for individual farming for each member, and the common lands (often forest, grazing or unproductive land) with shared access. *Communities* are created via communal land grants typically made to indigenous populations which make up just 8% of Mexico's social property sector. *Ejidos* are by far the dominant model, making up the remaining 92% of social properties (Barnes & Di Giano 2014).

FIGURE 4: Distribution of Ejidos and Communities within Mexico

In principle the members of an ejido could not sell their land use rights. One could not subdivide the land either, and therefore one could only leave the rights to one child upon inheritance (dividing it up among the heirs was illegal). If one left the land idle for a longer period (officially 2 years) the land would revert to the community.

In the early 1990s, in more neo-liberal circles, this community form of land holding was considered to limit certain developments, including the one to more individual and commercial forms of farming. This led to a change of the Constitution and the relevant legislation, which included a strengthening of the individual land use rights to the residential plot and the agricultural fields, while maintaining certain community elements, including shared use of the forest, grazing and unproductive land. Furthermore a procedure to fully privatize ejido land and move it into the realm of private property was introduced in the law. This procedure is quite complicated and requires a qualified majority of the (voting) members of the

ejido to agree, before it can be executed. After such a move, the land would fall under the land registry and cadastral systems kept at the level of each individual state.

The limitation on leaving the land to only one child was kept, and transfers officially remain constricted to other members (or at least within the community) (Barnes & Di Giano 2014; Boucquet 2009).

For GLTN, especially the parallel massive recordation operation PROCEDE is relevant, which aimed to also strengthen the ‘social’ land use rights. Under PROCEDE each member of an ejido would receive a title for their residential plot, a certificate for the agricultural fields and a certificate of share in the communal land. Each ejido could decide in the assembly whether to join the operation or not.

PROCEDE also involved two other federal agencies in addition to RAN: INIEGI and PA. RAN and PA still play important roles with regard to transfers in ejido land, whereas INIEGI only contributed to the more technological part of the enormous logistical operation between 1993 and 2006. The technological part of the operation for the remaining ejidos (less than 10% was not covered) is taken over by RAN under the program FANAR (Barnes & Di Giano 2014).

KEY LESSONS ON REQUIREMENTS

This section analyses, compares and synthesizes the lessons learnt in the four case studies with regards to each requirement for pro-poor land recordation tool defined in 2012. The four topics of further refinement are added to this as well. For convenience, a number of items are merged due to their overlapping nature and the capturing of all informal tenures is stressed by adding a specific reference to it in bullet 1. Furthermore, the order of the first two bullets was changed in comparison to the order in the previous documents since 2012, so as to increase separate readability of this report. The areas covered are shown below.

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- Recordation of all informal tenures and recognition of complex layered rights;
- Citizen and state affordability;
- Delivery of preventive justice;
- Sporadic vs. systematic approach;
- Flexible spatial index map;
- Transparent, inclusive, and equitable; and
- Unlocking the notion of community: political economy analysis, mobilization, co-management and common pool resource management.

Recordation of all informal tenures and recognition of complex layered rights: “...use the community to describe the tenure system and the kinds of evidence of the land rights currently in use. This will encourage the introduction of new forms of legal evidence into the system, which fit more with the social tenures of local communities.” (Zevenbergen 2011, 2013) and “The pro-poor design is certainly not a title system. Nor is it a fully-fledged deeds system. Evidence which is counter to that on the recorded land documents should still be allowed in the pro-poor system” (Zevenbergen 2011, 2013).

Recordation of informal tenures is prominent through the use of ‘halfway-documents’¹ such as entry into the database and documentation upon payment of Operations & Maintenance fees for allocation of water supply, the keeping of copies of application letters, minutes of meetings and receipts, and the keeping of shadow registries by communities or NGOs as a temporary measure as long as formal systems are not yet fully established. The recognition of complex layered rights hints towards two categories of land interests, of which the second one remains ‘off the books’, even in innovative approaches (e.g. informal subleases or subdivisions). Despite (partial) formal/legal recognition of the right of inheritance for women, underlying cultural and legal gender biases remain persistent.

MIS shows the pro-poor land recordation practice of registration of tenants (and holders of subdivided plots) upon payment of the Operations & Maintenance fees for allocation of water supply in the computerized financial management system of the MIS registry, while offering additional perceived tenure security through issuance of formal tenancy records of a License of Occupancy and Tenant Identification Card on demand. *MIS* also illustrates that continuation of colonial practices under post-independence national law within changing contexts calls for timely recordation of formal practices (subdivision) and informal practices (subleasing; additional on-farm activities such as keeping livestock) to avoid disputes and conflicts and resulting costly court cases. Women have the formal right of inheritance and many hold occupation licenses of subdivided plots through surrender due to inheritance. However, a recent study - under 91 child-women from Mwea in Kirinyaga aged between 18-70 years old and actively involved in farming activities - found that the land use right is vested in the household head (men) in 75 percent of the cases investigated (Mwathi 2013). This is considered as ‘an indication that any action the woman takes on the land must be approved by the head, and this curtails the women’s freedom to exercise and realize their full agricultural productivity potential’ (Mwathi 2013).

¹ A ‘halfway-document’ is defined as ‘any paper or digital record prepared and agreed upon between parties, relating to a specific people-to-land relationship, that indicates some form of holding interest, but may not be statutory or legally binding in a conventional land administration system’.

VODP predominantly used formal land administration procedures, while from 2013 more pro-poor land recordation practices through the use of *STDM*, facilitated by *GLTN*, were piloted. *VODP* shows that multiple layers of complex rights pre-dated *VODP*, but were recognized differently by local and state institutions. Official *Mailo* (lately called public lands) and Private *Mailo* co-exist with informal tenancy agreements, squatter arrangements, licences, smaller interests over specific resources (e.g. fisheries, wood for charcoal), and customary uses (e.g. described as spirits in specific rocks or trees). Private *Mailo* is the most dominant form of tenure (~85%), however, most landlords are absent and tenancy arrangements exist. The project acted as a catalyst for converging these differing institutional ‘recognitions’, however a process for enabling this needs to be established. Without *VODP*, it is likely that the tenure systems could have co-existed longer term, however, conflict between the systems is likely to have emerged eventually. New interests in land were created, of which the impacts on existing interests were not systematically recorded. This illustrates that next to establishing fast-track pro-poor land holding recognition, there is also need to fast-track processes for transfer, resettlement, and inheritance. The project did not have in place formal processes for systematically identifying and supporting ‘minority rights’ (e.g. widows, orphans, and environment).

MWEDO shows the pro-poor land recordation practice of the use of copies of application letters, minutes of meetings and receipts in the absence of issuance of formal *CCROs*. In addition, *MWEDO* keeps a shadow registry as a temporary measure, as long as formal systems are not yet fully established. *MWEDO* also shows that secondary use rights can be covered through the Village Land Use Plan rather than by being included on the *CCRO*. The women groups and village councils said that these rights were sufficiently catered for in the Village Land Use Plan. The Village Land Use Plan indicates for example which area is reserved for grazing and includes a map with the land use types per area. Sufficient tenure security of secondary user rights is considered to be provided by the fact that Land Use Plans need to be formally approved by the Village Assembly. After that these Land Use Plans have to be approved by the Village Authorities, communities and the District Officials. However, recently NGOs have started to prefer group *CCROs* to secure land use and tenure, as these are less easily changed than Village Land Use Plans. Furthermore, despite the hard-won legislation of the Land and Village Land Acts 1999 that guarantee women’s rights to own land, or to not have their husbands sell the house without obtaining their consent, women continue to fall into a legal black hole as a result of customary law. The Customary Inheritance Act explicitly denies the right of women to inherit land and property. Enactment of the draft new Constitution of Tanzania, which provides women with equal rights to own and use land, will be a major step forward in this respect. The new Constitution is expected to override customary practices. It

may also grant more power to women on leadership participation and property and inheritance rights (Thompson 2014; Isinika 2015).

RAN shows the pro-poor land recordation practice of keeping a shadow registry by communities as a temporary measure as long as formal systems are not yet fully established. *RAN* demonstrates that the recording of individual land use rights, as well as shares in the communal parts, via *PROCEDE*, was an efficient process, although gender issues were not high on the agenda. With regards to the position of women, most original members were men and, although a surviving spouse should be the first choice to inherit when the member dies, often the oldest son inherits the membership (incl. the land use rights). Official transfers are restricted, and the conversion to private land is very slow, creating a whole new layer of informal land access for children and/or outsiders that is not officially captured by *RAN*. With the average age of many members becoming quite high, and many younger people moving out of agriculture, informal arrangements are quite normal.

Affordability for state and citizens: “A pro-poor system has to be radically cheaper, in the order of USD 1 a parcel...” and “...also to enable many governments to be able to scale up their work to reach the majority of their citizens.” (Zevenbergen 2011, 2013).

Both citizen and state affordability remain an issue in the African cases, whereas Mexico has given strong financial support to the registration project and keeps a base budget to supply the base services for free. Citizen affordability, in all cases, exceeded the criterion of USD 1.

MIS shows that tenants are automatically registered into the system through the financial management upon payment of the yearly USD 35 Operations & Maintenance fees for serviced plots. On demand, an additional License of Occupancy and Tenant Identification Card are being jointly issued at a cost of USD 10. Furthermore, these recordation documents were not bankable. The *MIS* registry estimates that currently about 25 percent of the tenants have a license of occupancy and tenant identification card that are being issued jointly, while about 75 percent of tenants do not have the formal tenancy records. Security of tenure through registration with *MIS/NIB* seems to be perceived as sufficient for avoidance of payment of USD 10 for the license of occupancy and tenant identification card. Additionally, *MIS* shows the need to further qualify the main criteria of price for the requirement of citizen affordability with the size of the plot, as total land recordation fees for one holding relatively increase with subdivision into multiple smaller plots which range from 2 to 1, ½ and ¼ acre.

VODP shows, that in contexts of inclusive business models, affordability may increase after small scale farmers start harvesting and become land holders with a steady income. These outgrower farmers

increasingly start recognizing the need to secure their investments and to use their increased means to pay for surveying and mapping services of the district land surveyors. However, this applies less to farmers who commenced later and are in a relatively less sound economic position. For this category of outgrowers low-cost land recordation through STDm offers an alternative solution.

MWEDO shows that the land registration fee and land rent fee is set by the village itself and depends on the size and the use of that specific land. The amount differs from one village to another. For example one village in Longido District charges a land registration fee of USD 4.60 per plot and a yearly land rent fee of USD 9.20 per plot. However, these procedures are not mandatory under CCRO regulations. It is normally set by the Villages as village bylaws. This process is optional: some villages charge fees, while others do not. *RAN* National Agrarian Registry demonstrates that the services of legal advice (PA Agrarian Lawyers) and land administration (*RAN*) are free of charge for social land right holders (esp. ejiditarios). Local travel might be needed, although mobile service units are also reported to reach out to communities.

State affordability of land recordation in case of inclusive business model contexts is mixed. *MIS* shows that initial mapping was relatively affordable, due to the use of detainees under the colonial regime, while ignoring the humanitarian costs due to the specific historical context. However, additional mapping has been subsequently postponed due to budgetary reasons. *VODP* shows that land tenure issues for outgrowers were not considered important due to the focus on agricultural production. The direct costs relating to land recording were initially minimized by focusing on resolving specific land disputes. The existing land users (i.e. the poorer squatters or leasers) did not have to pay for land administration services as these were subsidized by the project funds and the inclusive business model put in place. However, these may have significant indirect costs in the medium or longer term due to formal court cases to resolve land disputes. *MWEDO* confirms that sporadic approaches and relatively low-technological approaches to land recordation, with prioritization of ‘hot spots’, can contribute to resolution of the state (and citizen) affordability issue. Gradual introduction of more advanced technology and starting off the process with a sporadic rather than systemic approach can be ways to reduce costs and increase affordability. *RAN* shows that under PROCEDE nearly all ejido land was registered with –for the time- innovative approaches, and with strong political support. Next to the ample (and still continuing) project costs, the base funding for maintenance and updating remains small. With the recent drop in the national budget linked to the oil price dump, worries on the sustainability of the current services were raised in September 2015.

Delivery of Preventive Justice: “A pro-poor land recordation system could have a major impact on both existing conflicts and in the prevention of new conflicts.” (Zevenbergen 2011, 2013)

Delivery of preventive justice never seems an explicit goal, whereas (alternative) dispute resolution is more clearly visible. *MIS and VODP* had economic and social development motivations: preventive justice was not a stated goal. As a consequence there have been frequent and contentious land disputes and conflicts. However, both projects have initiated preventive justice practices recently and work towards their further institutionalisation. *MIS* illustrates that through confirmation of informal sublease agreements between licensee and leaser in the register a lot of conflict and resulting court cases can be avoided, while the amount of registration fees influences the willingness of licensees to register sublease agreements. Thereby the establishment of a co-managed Scheme Advisory Committee or Land Tribunal for final resolutions on land related disputes is essential, but needs to go together with clearly spelled out guidelines for the selection process such as vetting of candidates by an appointment panel and confirmation by the scheme farmers and qualification criteria for committee members. *VODP* recently recognized resolving land tenure issues as a key ingredient for ensuring longer term sustainability. Subsequent phases on both Bugala Island and neighbouring Buvuma Island will ideally resolve land issues prior to any planting. *VODP* intends to formalize the alternative dispute resolution processes successfully used by *KOPGT* staff - such as facilitation or mediation, backed by pragmatism, fairness, and equity - in ‘Land Clinics’.

MWEDO also shows a preference for alternative dispute resolution mechanism, which concur better with pastoralist customs and traditions. Most conflicts are being solved through traditional structures. Community paralegals have also been trained on legal issues, including related to land, since 2011 *MWEDO*’s experience is that it is better to work on dispute resolution by community para-legals from the perspective of land related legal expertise than from the perspective of watch dog. Community para-legals are normally closer and able to link villagers to legal authorities. *RAN* learns that with the implementation of *PROCEDE* not only a land administration service (*RAN*), but also legal advice (*PA*) and Land Tribunals were set up. Presence of a legal advisor from *PA* in important ejido assembly meetings (incl. co-signing of the protocol by them) provides a clear preventative role. The *PA* really assists people (for free) in documenting all kinds of decisions regarding the land use rights (such as who is the intended heir, formal transfers, start of the privatisation procedure), although the number of *PAs* is limited. Internal conflicts are often first negotiated and mediated by the board. If the leadership is part of the issue, or the board cannot reach a solution, the attorneys from *PA* often mediate next. Occasionally a case goes to the

Agrarian Tribunal. Despite the PAs presence, still they cannot prevent people from seeking solutions for social realities that the law did not (want to) foresee.

Sporadic or Systematic Approach: "...it will not be possible to cover the whole country in a few years and areas of high priority will have to be chosen for a more systematic approach." (Zevenbergen 2011, 2013)

All African cases applied sporadic (or quasi-sporadic) approaches, focussing on 'hot spots' often related to interventions like outside investment (VODP and MIS). Mexico, on the other hand, used a systematic approach linked to a clear paradigm shift in the political view on the ejido land (towards more individual property). The true privatisation step, however, is only undertaken in a very sporadic manner.

MIS shows the need for a sporadic approach towards contentious informally agreed subleases, in situations with sparsity of resources. There is need for further guidelines with steps, criteria and considerations for sporadic land recordation processes. Design of these processes may need to be participatory and involve multiple stakeholders, depending on the demand of various stakeholders, and can build on existing co-management structures, while involving relevant land authorities at steering committee rather than sub-committee level for purposes of future buy-in.

VODP illustrates the importance of making a clear decision, one way or the other, prior to commencement, otherwise negative impacts - such as dispute resolution through formal courts - can be felt later in the project. The 2002-06 phase of VDOP used a sporadic approach to land adjudication, with a specific focus on enabling land acquisition. The formal land administration procedures were utilized. A low-cost, rapidly applied, pro-poor adjudication procedure of the island, or the parts of the island intended for plantations, would have been of use in this regard. From 2006 onwards, evidence of a more systematic approach to land recording is evident, although, not linked with formal land administration procedures. These activities coincided with the commencement of planting of outgrower farms: basic surveys of plot areas were completed by teams at the block level motivated by KOPGT staff. Meanwhile, a more sporadic approach was used for dealing with land conflicts, and consequently updating official land records. The lack of tailor-made land procedures relating to the project again meant that formal land administration processes, including court procedures were required to resolve disputes. A pilot of STDM in 2013, facilitated by UN Habitat and GLTN, was considered as a useful, low-cost and affordable first stage of more systematic enumeration and recordation, which requires relatively low technical knowledge from users (Kabuleta 2015). A participatory approach was utilized: outgrowers walked boundaries with support staff. The results were stored in the geodatabase, part of STDM.

MWEDO illustrates the need to start off with a (focused) sporadic rather than a systemic approach towards pro-poor and gender sensitive land recordation, in areas with increased pressure on land and subject to high levels of conflict around land use and tenure. Systemic approaches in contexts of insufficient awareness creation and limited human and financial resources, such as was the case in Tanzania, may turn into quasi-sporadic approaches that in practice build or shape around cases that have already become critically contentious rather than preventing this. Systematic land registration efforts in non-urgent contexts can also run counterproductive and actually spark off conflict and pressure on land or lead to a dying down of the process due to lack of demand by communities.

RAN illustrates that *PROCEDE* as a systematic approach was part of a political drive towards individualisation of land rights. Although legally it was a free choice of each ejido to join the recordation process (first of *PROCEDE* and now of *FANAR*), and thus could be considered sporadic, within the community the approach was systematic and applied to all, also to a minority that might have opposed recordation. The reason that certain ejidos stayed out (and a few are still staying out) is related to trust issues towards (federal) government. This was more apparent under the indigenous communities than under other ejidos. Both from the use of technology (in some cases via aerial images) and the field work procedure, clearly a systematic approach was used. Individualisation of land rights has not happened at the foreseen scale, but informal ‘half-way’ solutions are popping up in which small areas are privatized to allow access to land of children and/or sale to outsiders, esp. in peri-urban areas. A generational transfer crisis seems looming.

Flexible Spatial Index Map: “It may not be possible to have any form of spatial index at the beginning, because of cost and technical complexity.” (Zevenbergen 2011, 2013)

Spatial index maps again were not an explicit goal in the investment related cases, but in all cases flexible approaches were trialed and partly applied. At *MIS* Tenant Identification Cards and Licenses of Occupancy do not provide detailed spatial information itself, but specify the holding number. Section maps (scale 1:10,000) and unit maps (scale 1:5,000), based on the 1987 topo-sheet, provide a detailed overview of all (sub-) sections and holdings of the scheme. These maps provide a good basis for the determination of geo-reference points and the digitization of maps into *STDM* through the production of overlays on top of e.g. Google Earth images.

At *VODP* the importance or need of a spatial index map was either not recognized by major project stakeholders, or was a secondary consideration at best, during the start-up phase. No authoritative map of outgrower plantations was generated. However, area calculations were made for specific outgrower farms by *VODP* staff and basic survey teams from each block during the early phases. These measurements

enabled basic land size calculations in order to determine seedling numbers. Meanwhile, some outgrowers began paying for the services of the district land officers once they were returning profits and the value of their plantations was increasing. Concerns were expressed with using district surveyors as they are paid by the area, rather than time spent, or a fixed fee. Therefore, there exists an incentive to record larger parcels than actually exist. More recently (post-2010), the utility of an index map has been recognized by both KOPGT and outgrowers: both land administration and land management activities could be supported. The index map would act as a community resource in the form of evidence and verification for dispute resolution, negotiation of payment amounts between tenants and landlords, ensuring the amount of credit that can be accessed (i.e. neither too high nor low), and control of land use. For this reason a pilot of the freely available STDM software was undertaken in late 2013 – with the intention to extending the survey across all outgrower holdings if the method proved successful. A general boundary approach was used with trees and roads being used as delineators. The data was then loaded onto a computer. Two units (or 5.7% of the outgrower farms) were mapped and recorded over a short period. One case showed that a survey of a 40 Ha parcel could be completed within 1 day: this compared favourably with the 2 to 3 days that district surveyors took to complete the same job. Where discrepancies in areas between the new and old records were found, outgrowers were able to recalibrate their loan amounts with KOPGT. At the time of reporting, plans were underway to survey all outgrower farms using the method. In addition, the follow-up project on Buvema Island plans to undertake the STDM mapping upon start-up.

In Arusha District, *MWEDO*, CCROs at Village Councils contain a simple and low-cost hand sketched basic map of the single parcel which specifies the acreage and the main points or nodes of the plot. Thus ensuring that the information on the CCRO can be linked to the parcels on the ground and providing sufficient basis for tenure security based on a community witness system of where boundaries are located. These data can easily be digitized into GIS and land records database at village and district levels. However, most CCROs are currently still in the process and have not yet been issued, while tenure security is predominantly based on application letters, minutes of meeting, and receipts as proof.

RAN demonstrates that pre-1992 every ejido's outside boundary was set in the Official Gazette. Internal land use was only given verbally or in assembly minutes. *PROCEDE* and now *FANAR* covered all areas with good maps –applying innovative tools- of individual parcels for houses and agricultural plots. Communal land was also surveyed (and shares certified). Every ejido that joined got a high quality spatial index map. *INEGI* in the mid-1990s used very advanced technology for that time, and *RAN* has been keeping up with technological developments. *INEGI* at the height of the operation had 10,157 operational staff, whose training totaled 3.2 million hours in 500 groups. 1330 brigades/crews were in the field at that time. Five planes and two helicopters were part of the equipment put to use. A total of 9 million

cartographic products were produced, at different scale levels. For all of this work INIEGI established a new Directorate-General in its structures in 1993, which was dissolved again in 2006. Still, indirect methods of data collection are reported as not being liked by the farmers. Unclear is whether this relates to the level of participation or the technology applied.

Transparent, inclusive and equitable: "...the land recordation system should be closer to the ground to improve record correctness, also to ensure ease of access and improve land management, land tax and planning." (Zevenbergen 2011, 2013)

Overall transparency, inclusivity and equity were covered to a large extent; with progress made on access to land for women, but issues remaining for the youth. At *MIS* the land recordation system seems to support all license holders, and the structure seems easy and cheap, and thus is accessible to all. Records are generally freely available to the members at the registry. The recently started formalization of subleasing agreements through confirmation by the registry can contribute to increased transparency and reduction of land related disputes, conflicts and resulting court cases.

At *VODP* the land administration activities required during VODP start-up period (2002-2006) utilized the existing formal system. In this regard, they were as transparent, inclusive, and equitable as the Land Act 1998 demanded. As already stated these formal records and their processing take place on the mainland, not immediately close to the community. However, the community sensitization activities and public meetings illustrate attempts at transparency and inclusiveness during this period. The project illustrates the critical role of senior project staff, their personalities, decision-making approaches and management methods rather than policy or regulations, in delivering transparency, inclusivity, and equity in relation to land – regardless of whether they are formally trained in land administration. KOPGT and its records are located within the community: for outgrowers it acts as a de facto land administration office, or land clinic, amongst other things. The land records it holds (e.g. STDM data, collection schedule, numbers of trees per farmer) are not official in the sense of the formal land administration system, however, they are likely to be more up-to-date and reflect the true situation on-ground. The use of SMS, mobile telephony, and regular interactions between KOPGT staff and outgrowers act to improve levels of transparency and inclusiveness. At the same time, it raises questions of further institutionalization and sustainability once the project finishes, and questions regarding replication of KOPGT-style informal land administration processes in areas where VODP-style projects do not exist. Although efforts are undertaken to increase outgrower capacity with regards to financial planning and enterprise mixes. Fast tracking collective community ownership of the palm industry, and ensuring the benefits of VODP are maintained remains a challenge.

At *MWEDO*, in Arusha District, the Village Council is required to establish a proper village land register, in which to keep records of all land being certified in the village (VLA 1999: s.21). In practice, the registration is done by the village executive officer (VEO), a clerk previously appointed by the village council to deal with overall administrative tasks for the village. The VEO has got extended responsibilities. In his part-time function as village land officer and village registrar, the VEO is performing duties at the request of the government, handling the village land register (VLA 1999: s.21). The VEO is as such, being paid by the government, and is required to have a certain administrative training (Alden Wily 2003, 2011). Although the Village Executive Officers seemed dedicated to their jobs, in many villages land registries have not been established or sufficiently equipped yet. This is partly due to limitations in knowledge and resources, however especially due to political-economic interests (see section 10). Therefore, to ensure and increase accessibility, record correctness, transparency, inclusiveness and equitability, *MWEDO* keeps a shadow registry for its members (see section 10). *MWEDO* shows that transparency, inclusivity and equity are positively influenced by flexibility in procedures and fees at local level according to customary law, on the one hand, while negatively influenced by the lack of straightforward, uniform and comparable information to the local residents, on the other hand. NGO support and NGO-Local Government cooperation are prerequisites for improved pro-poor and gender sensitive provision of information on procedures and access to land documents.

RAN reveals that ejido self-governance has been long established and continuous; it seems that the processes can be considered transparent and inclusive, and that each person officially considered as a member or accepted land user received his or her land use rights documents. During the fieldwork both at agencies and in the ejidos, most talked positively about the processes and its outcomes. Nevertheless, several elements of the underlying tenure system (or at least its practical implementation) clearly lead to issues regarding equitability. Rights of ejidatarios, posesionados and others differ and create inequality within the communities. Ejido members traditionally were all male, and gender sensitivity is not widely accepted everywhere. On inheritance a surviving spouse should get the land, but often it goes to the oldest son. The equitable idea of the land reform leading to ejidos is also slowly dissipating with rules such as only one child can follow as full member. This has recreated a group of people that is potentially (and legally) landless when they remain in the ejido. The accepted category of posesionarios is a half backed way to deal with this. Informal leasing out is also happening, especially with the aging of primary farming members. Although the daily management committee is elected every 3 years and a second observatory ('vigilante') committee exists at the same time, internal power play can be found in some cases. Record keeping is not a priority within ejidos and left to the official organs (*RAN* and *PA*) who have regional offices and even mobile service teams visiting the communities. Overall *PROCEDE* seems to have

created a ‘snap shot’ of the land use right situation at the time with a fair process. About twenty years later the ‘snap shot’ seems to be losing parts of its relevance and correctness, also due to a social not really accepted intergenerational change model, further complicated by many leaving the agricultural sector. Landlessness for some, insecure renting forms for others and land concentration for yet some others seem to be the result of a frozen land tenure form that was only reset once in 1992.

Unpacking the notion of community: “... The term and idea of community as applied in the previous phase could be regarded as simplistic, if not naïve. The realities of communities are as complex as any other type of social combination of people, with all the strengths, weaknesses and challenges. Often communities and their leaderships are not benevolent for all, and what we could call ‘governance’ issues play as much as at national or formal organisational levels.” (Zevenbergen 2011, 2013)

Political Economy Analysis: A systematic political economy analysis was not executed by the initiators or directly involved stakeholders related to the four selected cases. Still the shared lessons learnt with regards to political economy analysis brought perhaps the most clear and less expected result. In all cases a more or less explicit individualisation drive played a strong role in the way the recordation was initiated, designed and implemented. This also makes such activities immediately part of a wider social, cultural and political debate, often surpassing the base goal of supplying tenure security to holders of any type of people-to-land relationship. As a consequence local innovations in especially intergenerational transfer and peri-urbanisation sales are happening, often bypassing the policy or legal intent. Further, a push to go ‘all the way’ to the formal solution exists that often ignores the financial and capacity issues involved in subsequent formal transactions and updating of the formal solution.

MWEDO and RAN illustrate the threats to livelihoods due to changing economic landscapes and reveal the importance of avoiding the generation of unintended/unexpected parallel informal land markets in addition to the formal hybrid land tenure system. Citizens create their own unique ways to guarantee their own land security if the prevailing local institutions and management of information are not sufficiently acknowledged.

MIS and VODP also show the necessity of including a wider spectrum of (customary) land tenure approaches than only those promoting individualization, upon commencement of the land acquisition phase rather than taking customary practices only into account after land acquisition and subdivision of plots. Also in several cases when preparations for an ‘intermediary’ tenure type document are done in a pilot with large budget and (technical) support, a drive emerges to ‘jump ahead’ to the most formal

solution, bypassing any local record keeping and ignoring the financial and capacity issues when transacting within and updating of the formal solution.

Generally, political economy analysis was found to gather more accurate data and information for identification of effective interventions to further improve pro-poor and gender sensitive access to land. *MWEDO* shows that in Tanzania processes of registration and issuance of CCROs and/or titles often remain pending through the non-conclusion of certificates of village land registration. Villages are required to have a village certificate, a village land use plan, and a land registry in place, as a pre-condition for the issuance of CCROs. However, it has not been a priority for the district and councillors, either or not in collusion with national government officers and private sector businesses, while there are also limitations in affordability due to non-earmarked budget as part of the general budget of village, and limited knowledge for establishing a registry. Registration and issuance of CCROs would drastically reduce the space and opportunities for allocation of land for own interests. Recently, NGOs such as UCRT have increasingly sought new mechanisms to augment and complement the past focus on obtaining Certificates of Village Land and facilitating participatory Land Use Plans so as to deal with the challenges related to political economic interests. The major advantage of the group CCRO is that it serves as a customary group 'title' to a defined communal land area, which makes it a stronger and less easily subdivided tenure instrument than the communal land designations under a land use plan (UCRT 2010, 2012, 2014).

Finally, *MWEDO* and *MIS* show a pro-poor land recordation tool also needs to incorporate the need of national and regional governments to serve overall development directions of the country (rather than the serving of vested and personal interest), while ensuring that well documented rights give a base for fair expropriation if needed for greater good. All-inclusive political and societal dialogue and decision-making on overall strategic development choices need to be facilitated, including national, regional and local level actors, without bypassing or excluding of pastoralist communities.

RAN shows that PROCEDE's 'picture' of the 1992 re-definition of land use rights was a comprehensive success, but does not have the flexibility to allow slow and moderate change. The outcome can be seen as a typical political compromise, retaining several social property ideas, increasing the individual character of the land use right and even allowing an opt-out procedure towards full-fledged private property. However, the political compromise has become a frozen situation, where the societal and economic needs are no longer met by certain elements of the ejido system, leading to informal (even illegal) practices. These tend to benefit those with connections and money more than the poorer side of the community, and also create a layer of tenure relations on top of the recorded situation. Often oral, or at best informally and

undocumented written down, arrangements stand a large chance of creating enough un-clarity to spark new disputes and conflicts. Especially access to land for the youth seems a problem, whereas in many families all children find non-agricultural livelihoods. The current land tenure system makes it difficult to deal with both. Formal individualization is complex and is not happening a lot, partly due to circumventing legal restrictions and partly due to the costs of conversion, but local innovations in especially intergenerational transfer and peri-urbanisation sales are happening, on and mostly off the books.

Mobilization: Mobilization is influenced by the drivers for change, and tends to be easier when local land use change is imminent, than when land tenure change is (politically) suggested or socially long overdue. However, at the same time, the increased pressure on the land in the former case complicates dialogue and negotiation of mutually agreeable solutions.

VODP and MIS show the necessity of differentiating between mobilization of the entire local population for informing them and asking their consent on sizeable changes in land use upon commencement of projects and mobilization of farmers and plantation workers for stimulating participation and involvement in farming. VODP impacted the entire population, not just farmers and plantation workers. However, the mobilization process by KOPGT immediately focused on acquiring the 6,500 Ha of land for the nucleus plant and the mobilization of smallholder farmers to grow the 3,500 Ha on a commercial basis (Mukasa 2014).

MWEDO illustrates several successful strategies to gain interest, willingness and political buy-in from the local government, traditional leaders, men and women as well as to avoid or reduce elite capture through political leaders and increase cooperation in the processes of pro-poor and gender sensitive land recordation: i) Involvement of local government as facilitators – partners – and participation of other local government officials in the joint trainings; ii) Approach and gain support from village leaders, who in turn approach and try to include others who are on MWEDO's line; iii) Apply the role model approach (with precursor and example males), through which other men will follow; iv) Allow for participation of everyone, both women and men.

RAN reveals that PROCEDE, now mainly over one or two decades ago, was a national program and voluntary for each ejido to join or not. Pressure and role modelling led to a very high percentage of participation. Local government involvement was limited, although they are responsible for land use planning, which sets limits to change. In the individualisation procedure all three levels of government are involved (RAN/PA at national level, land registry of private property at state level, and municipalities for

the land use planning). Before any of this can start there is the need for a qualified majority within the ejido assembly to even start the process. Community involvement in PROCEDE appears to have been fine. During the process three specific assembly meetings were scheduled, in addition to all the pre-work to settle issues and disputes within the community. On the other hand, the more individual land tenure documents are likely to have taken some of the communal land thrust out. Even for the conversion of a small piece of land a 2/3 majority and a 75 percent membership presence are prescribed, meaning that this only can be done by people that can mobilize the community. Furthermore, the way the assembly minutes are used and signed by many also mobilizes people to be engaged.

Co-Management: Co-management of land records in the four cases played out with a strong role for the official agencies, be it often their regional or even local representation. Really local, bottom-up records that government sector started to support were not evident in our cases.

MIS and VODP confirm the importance of co-management for the effective and efficient running of schemes, while being at different stages of co-management. *MIS's* rich history illustrates the limitations of running irrigation schemes either fully through the scheme management or through the cooperative society (MIWUA 2014; Karina 2011; Kabutha 2002; KHRC 2000; Kimani 1988). Co-management at implementation level has proven to be a more balanced and effective mechanism in case all stakeholders take on their mutually agreed upon roles and responsibilities, while the co-governance mechanism of a comprehensive steering committee with a wide variety of key stakeholders was added after the 1998 farmers revolt over prices and marketing of crops (including more recently the National Land Commission), to facilitate dialogue and decision-making on contentious strategic management issues and land tenure issues and prevent major conflicts.

However, the case of *MIS* also demands further attention for the dilemma of representation of sub-lessees in decision-making mechanisms with regards to management of the scheme, especially in situations with a majority of plots being subleased. Depending on the relative share of insider and outsider sub-lessees, participation and representation of sub-lessees in decision-making may to be considered. *MIS* also illustrates that in order to guarantee the pro-poor nature of the proposed land-recordation of licensed plots, it would ideally require the inclusion of the promise of the next step in the land recordation process through titling and the involvement of the County Land Management Offices in this gradual land recordation process, rather than being implemented through the NIB alone.

VODP is organised as a Public Private Producer Partnership (Marini & Basaalidde 2013) and has elements of co-management, generally speaking. However, it is not clear whether this co-management

translates to land records. Key reason for this is that land records were not a central concern at the commencement of the project, both for outgrowers and KOPGT/IFAD/MAAIF. The Ministry of Lands was only directly involved in the Land Acquisition Task Force for the identification and acquisition of land for the nucleus plant. Co-management – between outgrowers and KOPGT - especially took place related to project implementation and production at the level of blocks and units. Co-governance of VODP currently remains limited to indirect representation of KOPGA through KOPGT. KOPGT has the dominate role: the outgrower community is heavily reliant on their knowledge and expertise regarding land issues and other issues. In addition, KOPGT often operates as a ‘shock absorber’ for the outgrowers. In addition, KOPGT has only 3 of the 8 seats in the board. Therefore, the outgrowers cannot be considered equal managers in VODP, which has severe risks and limitations for institutional sustainability in terms of capacity building and influence of outgrowers.

MWEDO shows the need for co-management and co-governance for example through facilitation of joint trainings with local government officials in cases district government and village councils have only limited human and financial resources. In addition, it illustrates the importance of organizing individual women groups into larger umbrella women’s forums so that women can participate in decision making processes and can advocate with one voice and influence policies and practices.

RAN demonstrates, that in principal, the ejido system with the assembly in charge and support and oversight from PA and RAN clearly reflects a co-management and co-governance approach. Special agencies for the social property support, but also control, the ejido communities and their members. After PROCEDE, the meaning of the previously crucial membership list and minutes became less prominent, now that every ejido member has (at least) three documents that give him or her more tenure security to specific pieces of land. With RAN keeping duplicates of all these documents, as well as the original data collection information from PROCEDE, ejidos seem to have become relatively looser in record keeping and increasingly relying on the (free) services from both agencies. Local decision power remains, and is often supported by advice from PA.

Common pool resource management: In line with the observations under co-management with regards to limited bottom-up recordation, land records are not seen as common pool resources (CPR) themselves in any of our cases. The management of land documents was found either organized through the scheme management offices at MIS and VODP, village councils at *MWEDO*, and regional offices of the national *RAN*. In all cases, land records have not been kept and managed as a common pool resource by the citizens/farmers and authorities yet, although records are managed in close proximity to and interaction with the communities. Also, in most African cases citizens have not yet received tangible hard (or soft)

copies of land documents, due to reasons of sufficient perceived tenure security through registration upon application for water supply at MIS, limited financial capacity at the local government at MWEDO, and limitations in prioritization. Ideally, citizens would receive a laminated copy of the imagery of their plot, the boundaries, accompanied with their own photo, as is the case with citizens who already received official CCROs in Arusha district.

Finally, MWEDO and RAN illustrate the viable option of ‘shadow registries’ kept by NGOs or communities as a temporary measure as long as formal systems are not fully established yet. This contributes to improved perception of tenure security by members and can compensate for limitations in access, transparency, inclusiveness and equitability of the land recordation system in villages. At MWEDO most CCROs are still in the process of issuance by the Village Council. PROCEDE did deliver individual certificates to nearly all land use right holders; through a well-managed process it seems. Updates happen for formal, restricted, transfers, but especially transfers to next generation is becoming a big issue more so for the tenure type as such and agricultural lifestyle, than for the land records though.

CONCLUSIONS: CONSEQUENCES FOR DESIGN ELEMENTS AND DESIGN SYSTEM OF PRO-POOR LAND RECORDATION TOOL AND INITIAL RECOMMENDATIONS FOR IMPLEMENTATION

Consequences for design elements of Pro-poor Land Recordation Tool

The review of recent literature (Zevenbergen, Bennett & Hendriks 2014) and documentation of cases recommended reformulation of one design element, addition of one design elements (evaluation of economic, social and environmental outcomes), adding words to 8 design elements, and keeping one design element unchanged. See figure 11.1. Perhaps lessons from other, especially more bottom-up originated, cases of documentation of land relations, might lead to further refinements.

FIGURE 5: Adjusted Design Elements of Pro-poor Land Recordation Tool Tool (adapted from Enemark et al 2005)

Consequences for the overall system design of Pro-poor Land Recordation Tool

In addition, the four cases identified two additional paradigmatic design elements at the level of the overall system design and use of the pro-poor land recordation tool.

1. The need for awareness and sensitivity to the risk of inherent biases towards the dominant paradigm of individualization of land tenure and the pro-poor land recordation tool becoming inherently political itself. The cases show that the (overall system design of the) pro-poor land recordation tool

itself needs to promote taking into account the full range of possible pro-poor and gender sensitive land tenure systems in different contexts rather than those favouring individualization of land tenure, in situations of national formal hybrid land tenure systems as well as from the very start of the land acquisition phase in large scale inclusive business model projects and irrigation projects (see also Fairley 2012, 2013; Garcia 2015). Thereby it needs to be taken into account that for women and youth individualization also offers an opportunity of access to resources (Archambault 2014, 2015), although often resulting in a lower overall level of development of communities.

2. Ongoing land use practices in specific situations may pose challenges to the pro-poor nature of land recordation and may require re-assessment of selection of 'hot spots' for intervention. The case of MIS for example shows that the ongoing practices of considerable subleasing of plots by officially licensed tenant farmers - due to contextual factors such as the influencing of market prices through brokerage by middle men and informal subdivision of plots caused by increasing population pressure - pose a challenge with regards to the actual pro-poor nature of land recordation interventions. The case of RAN and the ejido system has similar issues, with on the one hand problematic access to land for the youth (long wait and no subdivision among siblings) and on the other hand peri-urbanisation pressure (reduced interest in farming and land transfer for residential purposes to outsiders).

Initial recommendations for implementation of the Pro-poor Land Recordation Tool

Initial recommendations for the implementation of the Pro-poor Land Recordation Tool, which will be further discussed and complemented at the EGM on the Pro-Poor Land Recordation Tool on 13 March 2016, are:

- 1) PPLRT as a way to establish and maintain a system of land recordation.
- 2) PPLRT as a tool in between STDm (entry level) and Fit for Purpose (national level).
- 3) Tenure baseline to prepare baseline interventions.
- 4) Explore more bottom-up originated cases for further lessons.
- 5) Additional urban trajectory.

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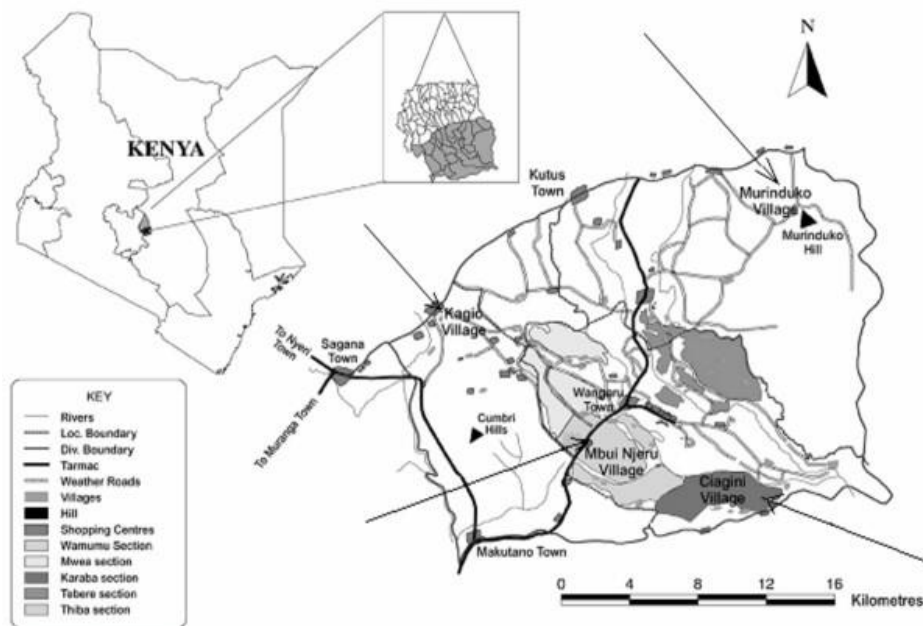
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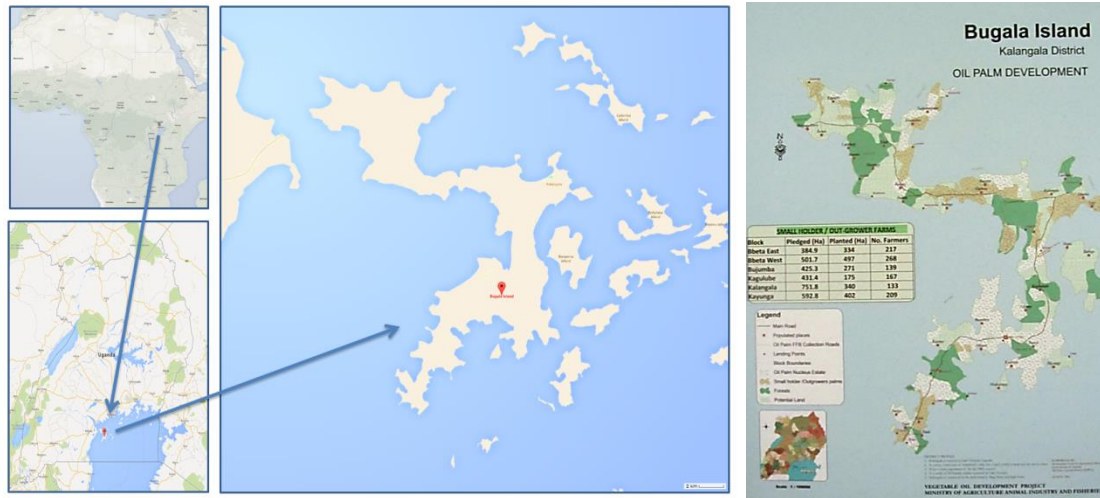
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FIGURE 1: Map Mwea Irrigation Scheme, South Kirinyaga County, Kenya



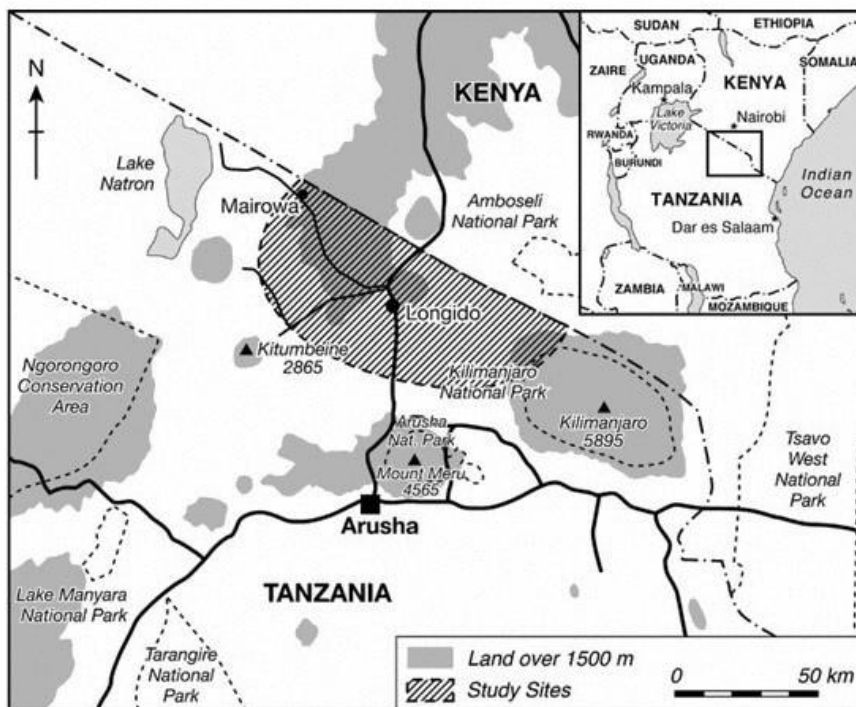
Source: NIB (2015)

FIGURE 2: Map Vegetable Oil Development Project, Bugala Island, Lake Victoria, Uganda



Source: KOPGT management.

FIGURE 3: Map Longido district, Arusha region, Tanzania



Source: Trench et.al (2009)

FIGURE 4: Distribution of *Ejid*os and Communities within Mexico



Source: IICA 2012

FIGURE 5: Adjusted Design Elements of Pro-poor Land Recordation Tool

