



Designing and Implementing a Pro-Poor Land Recordation System

A WORLD IN WHICH EVERYONE ENJOYS SECURE LAND RIGHTS

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ACRONYMS/ABBREVIATIONS



CSO	Civil society organization
FAO	Food and Agriculture Organization of the United Nations
FIG	International Federation of Surveyors
FFP	Fit-for-purpose
GIS	Geographic information system
GPS	Global positioning system
GLTN	Global Land Tool Network
IFAD	International Fund for Agricultural Development
ITC	Faculty of Geo-Information Science and Earth Observation of the University of Twente
MWEDO	Maasai Women Development Organization
NGO	Non-government organization
STDm	Social Tenure Domain Model
UNECA	United Nations Economic Commission for Africa
UN-Habitat	United Nations Human Settlements Programme

PREFACE

The challenges to tenure security in both urban and rural areas are not only large, but they are increasing due to the different types of pressures making land more and more scarce. There is growing acceptance that only by recognizing and supporting a continuum of land rights, can tenure security be reached for all people in an inclusive way.

GLTN's partner network began implementing this vision in 2006 with the development of land tools, 18 of which have now been designed and tested, and are increasingly implemented at scale. The pro-poor land recordation system outlined in this publication is one of these tools, and is designed to be implemented on its own or, better, in combination with other land tools to reach inclusive tenure security.

In an ideal scenario, a national level, inclusive land policy would exist or be established, and prepared in a participatory way in consultation with all stakeholders.¹ Depending on the priorities in such a policy, the existing land sector needs to be assessed, for example with regard to the cost of running the system², the capacity available and needed to run and improve the system³. In addition, the frameworks of a fit-for-purpose land administration approach should be taken up⁴. With an unacceptably low percentage of landholders worldwide being women, it is crucial that every step is scrutinized

for both the obvious and the more systemic gender biases, via the Gender Evaluation Criteria⁵, one of the earliest GLTN land tools.

Systematic land administration approaches take time and often prioritise areas of value for the formal economy. To be truly inclusive, the land policy needs to allow for demand-driven initiatives tackling local challenges in a case-by-case manner, where the need is urgently felt within the particular community. The pro-poor land recordation tool focuses on a more bottom-up approach that starts from local community practices, but needs attention and support in a variety of areas, as described in this publication. Depending on the local situation, special attention might need to be given to issues of (spatial) planning⁶, (upgrading) informal settlements⁷, and (evolving) customary practices⁸.

Ideally, when there is large buy-in for a first step of recordation, an area-wide participatory enumeration process could be organized by community groups⁹; when the use of information-technology tools fits the local situation, the Social Tenure Domain Model¹⁰ can really

1 See UN-Habitat (2008). How to Develop a Pro-poor Land Policy - Process, Guide and Lessons. <https://gltn.net/2016/11/28/how-to-develop-a-pro-poor-land-policy/>

2 See UN-Habitat, GLTN and FIG 2015, Framework for Costing and Financing Land Administration Services (CoFLAS). <https://gltn.net/2018/09/26/framework-for-costing-and-financing-land-administration-services-coflas/>

3 See UN-Habitat and IHS 2012, Manual: Training Needs Assessment and Training Outcome Evaluation in an Urban Context. <https://unhabitat.org/books/training-needs-assessment-and-training-outcome-evaluation-in-and-urban-context/>

4 See FIG and World Bank (2014). Fit-For-Purpose Land Administration <https://www.fig.net/resources/publications/figpub/pub60/figpub60.pdf>; and UN-Habitat, Kadaster and GLTN (2016), Fit-For-Purpose Land Administration. Guiding Principles for Country Implementation. <https://gltn.net/download/fit-for-purpose-land-administration-guiding-principles-for-country-implementation/>

5 See UN-Habitat, FIG, UEL and GLTN (2011). Designing and Evaluating Land Tools with a Gender Perspective: A training package for land professionals. <https://gltn.net/download/designing-and-evaluating-land-tools-with-a-gender-perspective-2011/>; and UN-Habitat, Huairou Commission, FIG, UEL and GLTN (n.d.) Gender Evaluation Criteria for large scale land tools. <https://gltn.net/download/gender-evaluation-criteria-for-large-scale-land-tools/>

6 See UN-Habitat, GLTN, GIZ, TU München, GIZ (2016), Tenure Responsive Land-Use Planning – A guide for country-level implementation. <https://gltn.net/2016/11/09/tenure-responsive-land-use-planning-a-guide-for-country-level-implementation/>

7 See https://www.mypsup.org/About_US

8 See UN-Habitat, FIG and GLTN (2015). Certificates of Customary Ownership. Experiences from the District Livelihood Support Programme in Uganda. <https://gltn.net/download/certificates-of-customary-ownership/>

9 See UN-Habitat and GLTN (2010). Count Me In: Surveying for tenure security and urban land management. <https://gltn.net/download/count-me-in-surveying-for-tenure-security-and-urban-land-management/>

10 FIG, UN-Habitat and GLTN (2010). The Social Tenure Domain Model. A pro-poor land tool. <https://gltn.net/download/the-social-tenure-domain-model-a-pro-poor-land-rights-recording-system-eng-2010/>; and <https://stdm.gltn.net/>.

support such an enumeration and form the beginnings of a land management information system.

The pro-poor land recordation tool starts to address local land challenges, when the need is felt locally. With the involvement of local authorities, the records so created can contribute to an increase in tenure security without going to so-called “full titles”, which are hard to attain and may be even harder to maintain for most members of more vulnerable groups.

The impact of using this tool varies depending on the type and level of threat to the tenure security in question and on the flexibility of rules of evidence applied in dispute-resolution processes and by the courts. Often, local and municipal authorities buy into the recording process earlier than national authorities, especially the

conventional, formal land sector. Awareness-raising with those actors on the importance of administering the on-the-ground realities of tenure along the continuum of land rights needs to continue to allow for the eventual incorporation of data from local records into an innovative national land information system which will eventually be rolled out nationwide via a fit-for-purpose approach.

There are no quick fixes. All concerned land actors need to commit sustained time and effort to equitably document land tenure rights in line with Sustainable Development Goals' Indicator 1.4.2. The documentation of these rights is needed as part of responsible land governance and to support the realization of many other SDGs as well as the New Urban Agenda.¹¹

11 See UN General Assembly, “Transforming our World: the 2030 Agenda for Sustainable Development”, 21 October 2015, *A/RES/70/1*. <https://www.refworld.org/docid/57b6e3e44.html>; and United Nations (2017). “New Urban Agenda. HABITAT III. *A/RES/71/256*. <http://habitat3.org/wp-content/uploads/NUA-English.pdf>.

1.1. BACKGROUND

Inclusive approaches to land administration that protect the rights and serve the needs of all, including women, youth and marginalized groups, are increasingly promoted in international agreements, national land policies and NGO policy briefs. Specifically, the work of the Global Land Tool Network advocates fit-for-purpose land administration and the application of pro-poor, gender-responsive land tools (see 1.4 below; FIG and the World Bank 2014; UN-Habitat and GLTN). Individual land titling alone will not deliver security of tenure to most people in the developing world or increase the amount of land worldwide that is regulated by some form of land registration/recordation system beyond the current figure of 30 per cent. They require approaches that provide security through the recording of rights that exist at different points along a continuum of land rights (see box below).

After its formation in 2006, the Global Land Tool Network (GLTN) identified pro-poor land records as one of 18 new land tools needed to move the global land agenda forward. The GLTN is composed of more than

grassroots, professionals, bi-laterals, multi-laterals, and training and research institutions. GLTN partners, such as the Faculty of Geo-Information Science and Earth Observation (ITC) of the University of Twente (the Netherlands), the International Union of Notaries (UINL), the International Alliance on Land Tenure and Administration (IALTA), and the International Fund for Agricultural Development (IFAD), have been very involved in the development of this pro-poor land recordation tool.¹²

GLTN's agenda has a number of focus areas. One of these is "land rights, records and registration". The pro-poor land recordation tool is located within that focus area as part of the work stream "deeds and titles". The tool builds on completed or on-going work on other GLTN tools and focus areas, such as the continuum of land rights approach; co-management; the development of a pro-poor land rights recording system called the Social Tenure Domain Model (STDM); participatory enumeration; post-conflict and post-disaster land tools; gender evaluation criteria; scaling up grassroots approaches; and others. The pro-poor land recordation tool is closely linked with STDM and enumeration and

Box 1.1: The continuum of land rights

Implementing the continuum at scale requires, inter alia, the introduction of new forms of land recordation. This publication focuses on the important task of designing a pro-poor land recordation system that can cater for the majority of the urban and rural population, particularly in developing countries.

The key question this publication seeks to answer is: what does a pro-poor land recordation system look like and how can it be established and implemented? This publication outlines an innovative and affordable land recordation system that encompasses different types of land rights and tenure within a co-management framework with the community. The publication incorporates some elements that have been learned from experience and existing land systems, as well as the experiences of professionals, government authorities, civil society, researchers and others in addressing related land issues.

75 international partners who are developing land tools to address a wide range of complex challenges in rural and urban areas. These partners include civil society,

¹² UN-Habitat and GLTN wish to acknowledge the Faculty of Geo-Information Science and Earth Observation (ITC) at the University of Twente for the sustained role it has played in the development of this innovative land tool.

could be implemented in parallel with either tool or with both. (See UN-Habitat and GLTN, 2012a)

In 2012, GLTN published the report “Designing a Land Records System for the Poor” (UN-Habitat and GLTN, 2012b). This report is a revision and expansion of that publication and incorporates further refinements in design. It also presents the pro-poor land recordation system diagram that was developed during the formulation process between 2012 and 2016 and is based on conceptual reports, documented cases of records keeping, and discussions in the Expert Group Meeting held with legal/notary, technical and registry professionals in Washington D.C. in March 2016. It also outlines how pro-poor land recordation is put into practice in the added Chapter 5 on good implementation practice of the pro-poor land recordation system, and Chapter 6 on improved and scaled implementation of pro-poor land recordation through the application of the STDm.

The documented cases related to record keeping include contexts of agricultural improvement/irrigation projects (Mwea Irrigation Scheme, Mount Kenya Area, Kenya), large-scale land-based investment projects/inclusive business models (Vegetable Oil Development Project, Bugala Island, Uganda), pastoralist land administration processes (Maasai Women Development Organization, Arusha Region, Tanzania), and agricultural social land (ejido) rights administration (National Agrarian Registry, Mexico).¹³

Finally, it should be noted that many of the issues and positions outlined in this publication are much more complex and nuanced than can be presented in a short publication. In addition, there is a variety of options and variables that need to be considered in the fit-for-purpose application of these to any specific local situation or context. This publication is intended to be an important if limited step along a longer road towards the recognition, recordation and effective administration of a variety of appropriate and legitimate land tenure forms at scale.

¹³ More on the cases can be found in Hendriks et al. (2016) and Hendriks et al. (2019). Further lessons from peri-urban contexts (Lusaka/Zambia; Oshakati/Namibia; Gaborone/Botswana) were also incorporated into the pro-poor land recordation tool design elements presented in this document. For more details, see Van Asperen, Zevenbergen, Hendriks (2017).

1.2. WHAT IS THE PUBLICATION ABOUT?

This publication summarizes the benefits of land recording. It identifies some of the critical problems that poor people experience with conventional land registration systems. There is a review of some lessons learnt with land records, land reform and land administration; for example, many of our legal and land recordation systems contain historical, anti-poor biases that need to be addressed when designing a pro-poor land recordation system. Also, rapid urbanization has created a massive demand for land records in situations where resources are scarce, and this has put immense strain on the conventional land registration/recordation systems and contributed to large-scale slum formation. The social land tenures of low-income people, including those in rural and customary areas, have consistently not been recognized in land registration systems, yet these social tenures, including both main and secondary land rights, provide security of tenure for the majority and should be recognized and protected.

The core requirements or elements for the success for a pro-poor land recordation system are given; for example, possession/prescription is a key foundation of security for poor people and includes an inventory of rights and/or claims and a simple map within a jurisdiction of the size of a municipality. Also, a pro-poor system should improve participatory adjudication approaches to accommodate social land tenures, including complex layered rights, and accommodate less strictly accurate forms of data and maps. The system would have to be implemented at community level to improve the correctness of the records and their accessibility. Other key pro-poor design elements are affordability and delivering preventative justice. A co-management system is outlined whereby the state and the community share responsibility for the land records and for limiting the injustices the poor face with regard to their land.

The design of a pro-poor land recordation system is outlined. It builds on inclusive community tenure practices and introduces simple land records and indexes, a (para- or “barefoot”) land officer and a record keeper, both of whom are embedded in the community and linked to the state structure. Other aspects discussed include joint inspection, information in records not being the only evidence, and broader governance issues. A

continuum of land recording is proposed that could support a range of rights and allow for the upgrading of land records and systems over time.

... a pro-poor land recordation system is a possible remedy for the problems of conventional land registration systems.

The publication is intended to demonstrate to local, regional and national government authorities, civil society organizations, professionals, donors and other key stakeholders that a pro-poor land recordation system is a possible remedy for the inability of conventional land registration systems to deliver land tenure security at scale.

1.3. WHY DO WE NEED PRO-POOR LAND RECORDATION?

When it is designed and implemented correctly, land registration or recordation can have many benefits for landholders and, by implication, for local governments. These do not happen automatically. Benefits need to be added step by step to the pro-poor system and will potentially include:

- Evidence/proof of land rights, including of transactions, of the parties involved, of the land involved, of the acceptance by the community;
- Notice to the world, including the state;
- The creation of rank/priorities for different recorded documents;
- An index linked to the names of the parties, which will facilitate ease of access to information;
- A geometrical index, which facilitates linking the land documents to the ground;
- Easier operations for (local) government for services and to organize other land management activities;
- An increased level of status in the eyes of the state;
- An increased level of status in the eyes of the community, depending on the community's acceptance of the system, its presence on the ground, the land documents and other services.

A pro-poor system could also:

- Lead to improved access to subsidies, consumer loans, etc.;
- Provide the basis of an address system;

- Act as a proxy for participation in democratization;
- Be the first step towards the recognition of a range of tenure rights;
- Promote capital formation;
- Increase predictability and efficiency by reducing *ad hoc* land-related activities by the state;

- Decrease some of the conflict over land by increasing predictability. The land records themselves would contribute to better local dispute resolution in general;
- Make it possible to make large investments that take a long time to recoup;
- Increase the community's bargaining power in land-use planning processes and for provision of services.

The pro-poor land recordation system could deliver all these benefits. The degree to which it does so depends on factors such as:

- How well the system is embedded legally, either with a law or a high-level policy document, or at least if it is not prohibited by existing legislation;
- The way in which disputes are resolved, including how the courts will interpret disputes;
- Prevailing attitudes in society as a whole, including the community in which the system is located, the surrounding communities and jurisdictions;
- The legitimacy of the pro-poor system in the eyes of different actors (public and semi-public agencies and private-sector actors).

1.4. POSITIONING OF PRO-POOR LAND RECORDATION AND FIT-FOR-PURPOSE APPROACHES

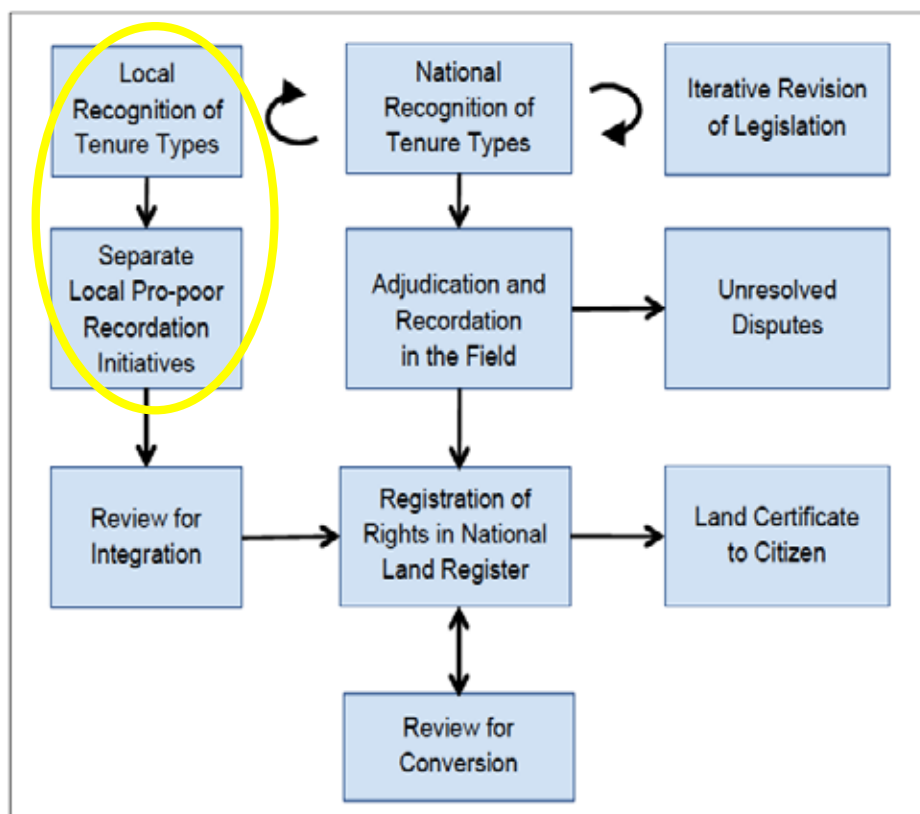
The need for a new approach to land registration and extending the coverage (by registering land) at country level has been increasingly recognized by governments, scholars and donors. GLTN has supported this under the term "fit-for-purpose" land administration (FFP); specific tools focus on participatory enumeration, community mapping, participatory GIS, and the Social Tenure Domain Model (STDM). It is worth noting that both FFP and STDM suggest a systematic approach when registering an area for the first time.

Land records, however, only live up to expectations when the information is updated every time a change happens, such as after a sale, a subdivision of the land or the death of the land right holder. The work leading to this publication on pro-poor land recordation, started with the idea of capturing these changes, which are usually locally known (at least by word-of-mouth). Even in areas where no formal land register exists, more and more of the transfers (usually within communities) are recorded in writing. Such cases were first documented in francophone West Africa and described using “*petits papiers*” (“little papers”) (Lavigne-Delville, 2002; Edja, 2001). Usually, parties seek a witness for such transactions and use a local leader they trust for this (e.g. community leader, tribal leader, religious leader, local government leader). Using the “little papers” concept as a basis, it is suggested a more generalized “bottom-up” and “community specific approach” could be created.

The pro-poor land recordation tool is advocated as an approach that will emerge within communities to docu-

ment transfers and existing rights sporadically, and will make these more transparent. A pro-poor land recordation approach could stand alone for a time, capturing more and more of the land rights as they are transferred. The tool could also be used to keep current the data that has been collected in a systematic, community-based way (e.g. with STDM). Such an approach is suitable in scenarios and contexts with limited resources; it creates a simple, affordable and effective system. It is conceivable that the data could eventually feed into a (national) FFP approach - once such a national approach reaches the location of a specific community (see Figure 1.1, with an oval around pro-poor recordation). The focus is more on (sporadic) case by case capturing and documenting of transfers (that can happen haphazardly) than on (systematic) area-wide approaches. However, work from both a pro-poor land recordation approach and a FFP approach can (and should) be mutually supportive in the middle to long run.

Figure 1.1: Complementarity of pro-poor land recordation and fit-for-purpose approaches for recognizing, recording and reviewing land rights (UN-Habitat and GLTN (2016), p. 46 (adapted)).



The theoretical benefits of land registration have been widely documented. Conventional land systems have often been evaluated within a legal-administrative framework rather than an implementation framework that

includes poor people as users. Using a pro-poor implementation framework draws attention to the many challenges and problems in conventional systems, and these often have historical roots. A pro-poor implementation framework is now supported by the Sustainable Development Goals, which aim to leave no one behind. This is shown in particular by Indicator 1.4.2 on the proportion of the total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure.

THE HISTORY OF THE LAW. Many of our legal and land recordation systems demonstrate historical anti-poor biases that need to be addressed when designing a pro-poor land recordation system. Land tenure laws are part of the codification of a larger body of law that was created in the past, often hundreds of years ago. The biases of the original people who undertook the codification were manifested, so it often supported the powerful and conquering authority. This body of law was then exported to colonies and many current land tenure systems still reflect these biases. The powerful and the elites have generally used formal systems to exclude others, particularly in developing countries. Even after decades or hundreds of years of independence in some countries, many people still do not have legal rights, and if they do have legal rights, they do not have formal documents to prove it.

THE HISTORY OF THE LAND RECORDS. Many developing countries had no land recordation system prior to colonization in the nineteenth and twentieth centuries,

... many people still do not have legal rights, and if they have legal rights, they do not have formal documents to prove it.

and colonization was often the first stage in the introduction of land recordation systems. These systems, many of which are still in place, reflect both the bias of the original codified laws of the coloni-

zing country and the biased amendments to laws in the colony by the colonizing authority for its own purposes and for its settlers. Often, newly independent countries have struggled, with limited success, to expand these systems in order to manage land beyond the parcels that were registered during the colonial period, and the new owners of properties are often the post-independence powerful and elites. Currently, legal frameworks are increasingly amended in order to formalize the recognition and documentation of non-legal customary and communal tenures that existed before colonization and deemed to be genuine, but implementation lags in most cases.

THE RISK OF FIRST REGISTRATION. Conventional adjudication or first registration, either through sporadic or systematic approaches, is an opportunity for powerful and informed people to manipulate the system for their own gain (or that of their relatives and friends). Land registration and titling focuses on the main land rights and often excludes the secondary rights that are a key part of the social security systems of women and other vulnerable groups. The loss of these rights can have a significant impact on individual and household livelihoods; there have been many reports of registered owners of the main land right, preventing holders of unrecorded secondary rights from accessing their land.

NON-REGISTRATION OF SUBSEQUENT TRANSACTIONS. There is increasing evidence that many people do not register subsequent transactions, even when they have registered land rights. Instead, they informally hand over documentation to a buyer. Reasons for this are:

costs, an unfamiliar corporate and professional culture, the number of steps involved, and long delays. These issues are common in conventional land registration systems and, together with too few staff and an inability to pay them, often lead to malpractices. This in turn benefits the rich, who obtain services by paying facilitation fees and/or using their influence, regardless of the situation on the ground.

THE POOR DO NOT USE REGISTERED RIGHTS AS COLLATERAL. It is often argued that land should be registered so that owners can obtain collateral. Experience from large land titling projects is mixed but evidence from Peru and South Africa shows that, generally, the poor do not use this financial facility for several reasons: they fear losing their land through a forced sale; banks focus not only on the land documentation but also on the income of the household applying for the loan; and the cost of registering the mortgage may be high compared to the loan amount being requested. The design of land recordation that allows for the registration of a mortgage may include additional steps, including technological and legal processes, which increase the cost.

ALLODIAL TITLE AND THE POSITION OF THE POOR. In some developing countries the state owns all land and citizens acquire a lesser right allocated by the state,

such as use rights, perpetual use rights or leasehold. In other countries, this allodial right is vested in the individual as part of the right of ownership. The state or local government may also hold ownership rights (for land allocated for public purposes) that include the allodial right. The owner of this right (private or state) can use it or give a lesser right to another person/s (e.g. tenancy or leasehold). Many poor communities live on land that is held privately by the state or local authorities. Poor people usually have no allodial rights and often do not even have lesser forms of formal rights. In some cases, the allodial title is used to evict or weaken the rights of poor occupants. In other cases, it has helped to start land reform or led to limited or no compensation when authorities decide to acquire or take the land “for the public good”. The issue of allodial title has to be addressed with a pro-poor land recordation system so that people can move along the continuum of land rights.

POSSESSION AND PRESCRIPTION. Land in areas under pressure is nearly always being used and/or is occupied. Even if there is no *de jure* holder of the land there is always a *de facto* landholder. The status of the people on the land, i.e. those in possession, differs between legal and institutional frameworks. Given the way that many of the poor occupy land, and the current range of legal opportunities that exists, addressing possession/



Warning sign against invasion of government land. Photo © Jaap Zevenbergen

prescription is important. The pro-poor land recordation system will have to rely more on possession, both on privately held and state land. The design will also need to support the fact that this information needs to be treated as equal evidence when it conflicts in a prescription procedure with the *de jure* rights, which these rights “adversely” possess.

The notion of prescription exists in many legal systems. It means that claims which people have under law expire at some point in time. For example, if an owner does not responsibly administer the land and another person occupies and uses it without any resistance from the owner, then the legal system assumes after a certain time that the owner has given up their claim on the land. This strengthens the position of the occupier, although not all legal traditions allow them to become the “new owner”. The length of time after which the original owner loses their claim varies between countries, with 5, 12, 20, 30 or 40 years all being common.

Generally, state land cannot be acquired with the same ease as private land, or at all. Also, certain legal clauses usually apply both to the conditions at the start of the adverse possession of the land and to what has happened during the time period. Violent possession of land is usually excluded from this process and, in some jurisdictions, courts equate squatting by poor people (often defined by courts as a crime against the land) as violent and will bar any prescription claims.

Some countries, however, support the poor settlers’ possession/prescription claims in both urban and rural areas. This fits with the understanding that someone in possession of the land may have the stronger right to it, based on the principle that possession is nine tenths of the law. There may still be problems with the evidence for the claim, even when possession is accepted, unless the owner who loses the right accepts their neglect.

Witness statements are usually crucial, but aerial photos or satellite imagery taken in previous years can also help to substantiate possession claims. It is still hard for the poor to make a claim as they cannot easily fulfil the requirements, pay the necessary fees, hire professionals, repeatedly travel to relevant offices or they do not have the appropriate knowledge and contacts.

A GAP IN THE SUPPLY OF LAND DOCUMENTS ENCOURAGES CORRUPTION. In the developing world, only about 30 per cent of land is registered. This means that, in using conventional land registration and administration systems, the supply of formal land documents is very limited, which leads to a supply gap relative to the demand. In turn, this encourages facilitation fees and malpractices that mean the poor are excluded.

URBANIZATION AND AREAS OF RAPID DEMAND. Land administration systems, including registries, are designed to deal with modest levels of change. In settled urban areas, the size and shape of a formal property does not usually change for decades; names of the landholders of formal urban properties change due to death and sales probably every ten years and the size and shape of formal buildings are stable over long periods. However, these assumptions do not apply with rapid urbanization. Slum development and the illegal construction of structures are much faster than formal development and conventional tenure systems are not able to keep up and land recordation and (index) mapping cannot be kept up to date. The same limitations apply to land allocation, land taxation, land distribution and the spatial planning of urban areas, and mirror the limitations of legal and land documentation systems.

In sub-Saharan Africa, more than 60 per cent of city residents live in slums and this is directly linked to the inability of the urban systems to scale up using conventional approaches.

03

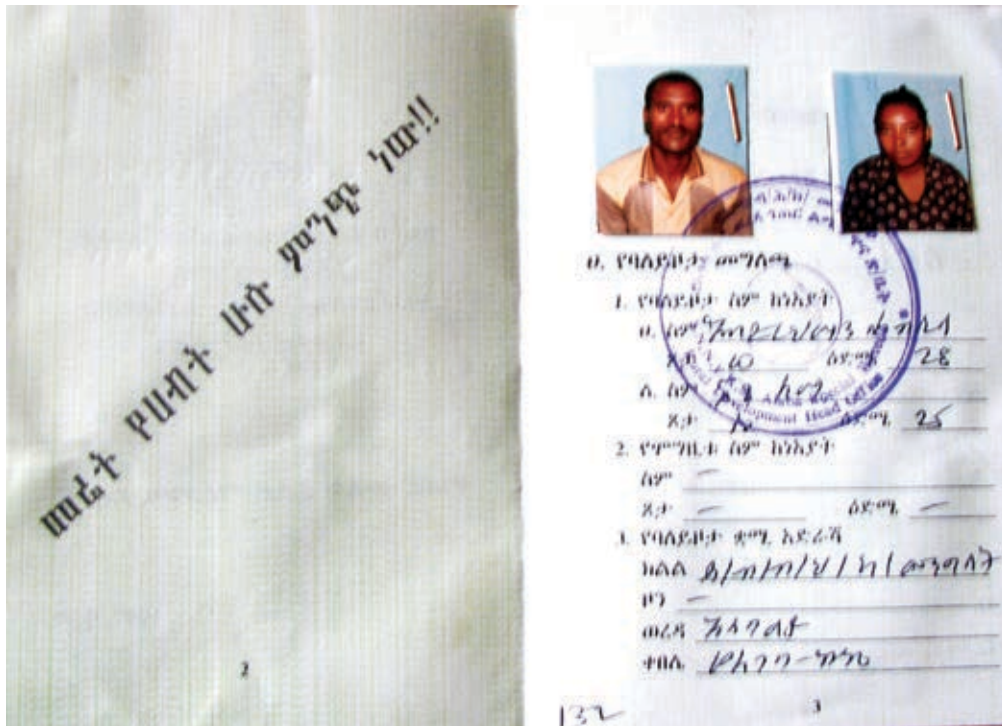
CORE REQUIREMENTS FOR PRO-POOR LAND RECORDATION

Eleven core requirements for the pro-poor land recordation system were extracted from the key functions, processes, people and technical tools required: grassroots affordability; state affordability; complex layered tenures; delivery of preventative justice; consideration of sporadic or systematic implementation; flexible spatial index map; transparency; inclusivity and equity; political economy analysis; mobilization; co-management and common pool resources management.¹⁴

GRASSROOTS AFFORDABILITY: The poor cannot afford land documents delivered by conventional systems. The adjudication of a parcel of land in Latin America, for example, can cost between USD 27 and USD 603 (even USD 2,800). A pro-poor system needs to be far

cheaper, ideally less than USD 10 a parcel but preferably USD 1. Additionally, states or state governments need to refrain from charging excessive fees and taxes on the initial registration and early transactions of selected poor groups. Only once the system has stabilized should such fees and taxes be applied.

STATE AFFORDABILITY: Most governments cannot afford to subsidize the cost of land documents in the conventional system, particularly as it includes a range of expensive private sector professional fees. Full government implementation could be cheaper in principle but requires considerable resources for staff training, which often means also addressing motivational issues due to low salaries and increased staff turnover. Finally, governments may prioritize other



Improving tenure security with a rural land certificate estimated at USD 1 a parcel, Amhara, Ethiopia. Photo © Jaap Zevenbergen

14 Nine of these eleven core requirements are discussed below. For elaborative text on political economy analysis and mobilization, see Chapter 4, Sections 1a and 1b.

issues, such as health, education, infrastructure and transport, and the “department of land” is seldom one of the best-resourced departments. A pro-poor system

should be affordable for the majority of citizens, making it realistic for governments to scale up their support for it.

COMPLEX, LAYERED TENURES:

Historically, customary and other informal tenure systems have been considered to be less sophisticated than formal tenures in the Western world. However, these customary and informal systems encompass more complex rights over resources by different people than those found in individualized, Western systems of registration. The web of tenures found in some societies can provide a safety net for the most vulnerable people in the community (e.g. widows) by giving them access to limited benefits (secondary rights) on someone else's land. The tenure complexities can also cater for geographical and climatic circumstances, and these tenure rights can have a stronger time dimension compared with that of ownership or even leasehold. These tenures tend to be flexible and adaptive to change, and attempts to codify them would reduce their flexibility. If codification was integrated into a conventional land registration system of simplified statutory land tenure types, it would also set aside secondary rights, among others, which would have a negative impact on the livelihoods of vulnerable people. In many countries, any attempt at national codification would be impossible because of the diversity of social tenure types. This is important even in peri-urban areas, where customary tenures are often adapted to urban situations.

A better approach for the design of a pro-poor land recordation system is for the community to describe the tenure system and the types of evidence currently used. This will encourage the introduction of new forms of legal evidence into the system that fit better with the social tenures of those communities. It will also allow the types of evidence linked to the land records to be altered over time as the communities' land tenure evolves. These kinds of activities would make the land recordation system appropriate and more flexible.

It would, however, also mean that the pro-poor system records would have less clarity on their own in comparison with Western land registration systems, which are stand-alone systems. Co-management by the com-

Better approach for the design of a pro-poor land recordation system is for the community to describe the tenure system and the types of evidence currently used.

munity leaders would be important for risk management and to clarify the information prior to the actual recordation of rights. While some risk may remain, this can be limited by making land recordation part of a wider system

of land governance and land management. This builds on the security of tenure recognized and respected by the community prior to the creation of the land records. Such processes would address a broader land management issue and will ensure legitimacy and acceptance by the community.

DELIVERY OF PREVENTATIVE JUSTICE: An important reason for introducing land recordation is to facilitate preventative justice. Society invests in preventing conflict by creating land records that are evidence of land rights and contractual relations. In this way, when two parties (including advisors) transfer land between them, objective information is available that clarifies the rights and contractual relations, and limits the need to go to court for a final agreement. It also means that the creation of strong evidence (almost impossible to undo for a land title) is not the primary task of such a process. Rather, it is about ensuring an equitable process in which both parties understand what they are doing. Of course, evidence of this process has to be recorded so that others have access to it, particularly if the transacting parties are not available or, at a later stage, are not willing to agree on what was done. However, the information could be incomplete or incorrect, so the need for additional evidence is not precluded.

CONSIDERATION OF SPORADIC OR SYSTEMATIC IMPLEMENTATION: A great deal of work needs to be done before a country is fully covered by a land recordation system. Adjudication started in Western Europe around 1807; it was completed for the Netherlands (a small country) in 1831 and for France in 1850. This shows how long full coverage can take and how important maintenance and constant updating is.

There is evidence from many parts of the world that people increasingly use some kind of informal/ formal paper document when they transfer land rights. The proposed pro-poor system aims to build on this trend and take it one step further, though without becoming

an oversized solution. The approach should be sporadic at first to allow people to join as and when they trust the concept and feel the need. At the same time, awareness-raising should be done so that people know what the system has to offer. Most people would probably enter the system when they are involved with a transfer, such as a sale. These transactions are usually relatively easy to capture and record; the consequences for land rights following a death, marriage or divorce are, traditionally, much more difficult to capture.

Depending on the local circumstances, it may be important to start more systematically. Participatory enumeration has shown that when communities are organized, they can undertake a systematic identification of land rights. With a pro-poor land recordation system, a more systematic approach to the creation of records can also be done when the community is ready. In some communities it might not be possible to start with a sporadic approach because of suspicion between neighbours, and the first step will have to be systematic. Although cheaper per property (due to economies of scale), this requires more upfront investment.

Information should be freely accessible, which should make it harder for any person or group to manipulate land records or land rights.

Even if a quicker, cheaper pro-poor system is used, it will not be possible to include the whole country in a short period, which means that areas of high priority will need to be chosen. Also, the system should build on the

paper documents already being used by communities (and government, where applicable) and should be implemented either sporadically or systematically, depending on community demand and available resources.

FLEXIBLE SPATIAL INDEX MAP: An important weakness of a simple, purely administratively designed land recordation system is that the information on the land document is not sufficient to (easily) identify on the ground the land described in the document. Sometimes several documents describe the same parcel of land differently. The solution is a simple geometrical index (basic map) as a support to a community witness system of where boundaries are located.

Such a simple geometric index has to be fit-for-purpose and cheap to create, and a range of options are available including: participatory mapping, participatory geographical information systems (p-mapping/pGIS) such as STDM, and the use of base maps, aerial images (e.g. satellite imagery, including maps sourced from



Participatory enumeration exercise by Mahila Milan (women's groups) in Orissa, India. Photo © SPARC

the Internet such as OpenStreetMap. Sketch maps are frequently used at the local level and maps of an area may already be available or easily accessed; with assistance, drones could be used to get aerial images. Once the community is ready and the competence is available, an enumeration should be done, perhaps including some mapping, to increase the clarity of the records.

TRANSPARENCY, INCLUSIVITY AND EQUITY: The purpose of the proposed system is to be inclusive and available to the poor, so it is critical that it is transparent and equitable. Information should be freely accessible, which should make it harder for any person or group to manipulate land records or land rights. Accessible records also make it possible for (local) people to check their tacit and local knowledge against what is documented without the need to hire expensive professionals and/or without resorting to bad practices, such as paying bribes.

Not all people hold the same amount of land, but all people should have an opportunity for their interests in land to be recorded. In an equitable system, women and men should be treated equally and age, ethnicity and marital status should not hinder something being recorded. It should also be possible to record all local types of interests, including secondary rights. The existence of a recorded main right should not alter the ability to record an existing secondary right that is acknowledged by the community.

CO-MANAGEMENT: There is increasing recognition that land recordation systems do not solve all problems, are not politically neutral and that elites may capture them. Research by Transparency International, for example, shows that many officials in land systems use these systems for corrupt purposes (Transparency International, 2009). To improve land governance around a pro-poor land recordation system, a system needs to be closely linked to its user community through a co-management approach.

A co-management approach is one in which some of the tasks usually carried out in a land registry and/or surveyor general's office and/or by notaries and/or licensed surveyors are, instead, carried out by the community

and its leaders in conjunction with a local land records office. The term co-management describes a partnership between a community of users and other primary stakeholders who share responsibility and authority for management. The terms of the arrangement have to be carefully negotiated and maintained to ensure that the roles, responsibilities and contributions of the parties are clear. There needs to be clarity on the storage and ownership of data and realistic expectations of the different parties. Critically, the parties must be able to openly discuss the power relations between them. Such a co-management approach could have a range of benefits for a land recordation system, including increasing coverage, filling capacity and resource gaps, enabling access to government data, providing access to land administration innovations, monitoring inclusion, ensuring protection of vulnerable groups, managing conflicts and ensuring sustainability. Some co-management design features could be the identification of witnesses, evidence creation, building the currency and legitimacy of land records, paralegal aid, dispute resolution, capacity building and political support.


Thus, the community, and particularly its leaders, such as local government leaders, community-based leaders and NGO leaders, should carry out some tasks. This will make the system more affordable, particularly by reducing the professional time that is usually involved. This approach is as strong as the community leadership on which it relies. If no clear sense of community exists and/or leadership is contested, this approach cannot be applied easily unless it emerges quickly and fairly. When the community leadership is a powerful local elite, which is also not unusual, then strong checks and balances under co-management are needed for equitability and to protect vulnerable groups. The legitimacy of records and the credibility and legitimacy of the recordation system rest on the system's links to the state structure and to the community leadership structure. Ultimately, the currency of the system, its use by the community and its usefulness to the community depend on the community leadership and its relationship to the land recordation system. Importantly, the land records will be based on local forms of evidence. This will make it possible eventually to build customary and informal social tenure approaches into the legal system.

UNPACKING THE BROAD NOTION OF COMMUNITY

The design of the pro-poor land recordation system needs to align with the broad notion of community and political, economic and institutional aspects. The realities of communities are as complex as any other type of social combination of people, with all the usual strengths, weaknesses and challenges. Sometimes, communities and their leadership are not benevolent for all, and what could be called “governance” issues play out at community level just as much as they do at national or formal organizational levels. Nevertheless, in the context of land tenure and disaster management, a positive empirical example of communities is given by Usamah (2013). Four “perspectives of community” were identified that are of (further) interest when designing a pro-poor land recordation system based within (and run by) a community. These perspectives, detailed below, are political economy analysis, mobilization, co-management, and common pool resources management (i.e. land records seen as a common pool resource).

SUMMARIZING THE CORE REQUIREMENTS FOR PRO-POOR LAND RECORDATION

- **Grassroots affordability:** affordable to the poorest in the state (i.e. an income of around USD 1.90/day), in the order of USD 1 per parcel. The recordation system should be affordable for all of a country’s citizens, particularly the poor.
- **State affordability:** affordable to the state in terms of start-up and ongoing sustainability. The system should be affordable for the majority of citizens, making it realistic for governments to scale up their support for it.
- **Complex layered tenures:** enable community definition and recordation of existing tenures in use. The system has to deal with complex, layered rights. Next to formal tenure rights, a system needs to take care of customary and informal tenure forms, as well as secondary rights.
- **Preventative justice:** facilitation of preventative justice is the underlying driver, not recordation itself. The system has to deliver preventative justice by having land records that contain objective information that clarifies the rights and contractual relations, and limits the need to go court.
- **Optional sporadic or systematic implementation:** recordation processes should be implementable in a sporadic fashion across the state. 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, whereas elsewhere a sporadic start can be made on a voluntary basis.
- **Flexible spatial index map:** the most fit-for-purpose should be used when developing an index map. A spatial index map should be introduced early to identify on the ground the land described in the document. A simple geometrical index can be created. Maps or aerial images may already be available.
- **Transparent, inclusive and equitable:** all records should be freely available, and all people should have equal access to recordation. The land recordation system should be close to the ground to improve record correctness and overall acceptance, to ensure ease of access and improve land management, land tax and planning.
- **Political economy analysis:** the political economy analysis should be applied in a problem-driven way, inclusive and covering both micro and macro levels. The political economy analysis framework should cover three main stages: reflection (problem identification and questions formulation); analysis and diagnosis (structural diagnosis of contexts and institutions; agency diagnosis of power, incentives and behaviour); remedy/prescription (what can be done).
- **Mobilization:** in a true, bottom-up development, the unscripted organizing approach might be more appropriate, but when outside support is being given, it can also be more scripted. To really let documentation and recordation have an impact on the ground, it is important that the community is aware, understands what is needed, believes in the tool, and is included in all phases.

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- **Co-management: local community and leaders play a joint role with the local land office in delivering land recordation function.** The system should build on co-management of pro-poor land records, including identifying witnesses, creating evidence, and building the currency and legitimacy of land records. Strong checks and balances are needed to protect vulnerable groups.
 - **Common pool resource management: land records seen as a common pool resource.** Initial local practices towards joint recognition of available land records, such as appreciating the utility of an index map or keeping shadow registries, may serve as first steps towards considering and managing land records as a common pool resource.

INTRODUCTION

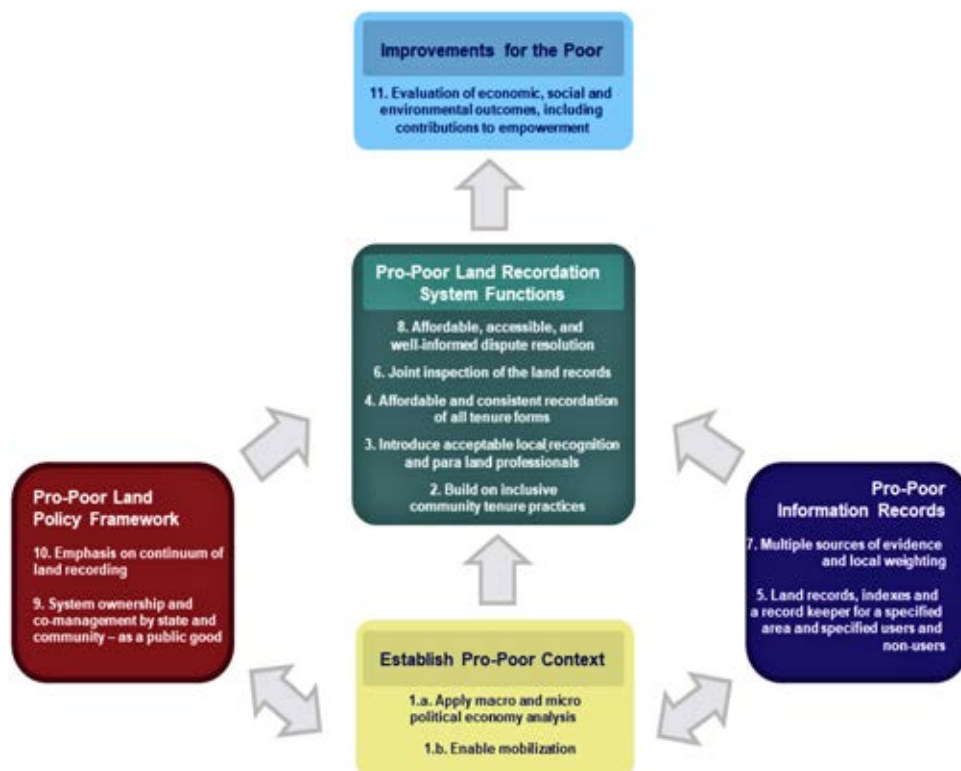
The pro-poor land recordation system consists of five main components and eleven design elements (see Figure 4.1). The components of Williamson *et al.*'s widely acknowledged Land Management Paradigm (Williamson *et al.*, 2010) are used as a basis for articulating the pro-poor land recordation system design elements. This is important to ensure that the design lays a foundation for movement along the continuum of land rights, without having to jump out of one system into another – a common problem in the design of new forms of land tenure; for example, with Tanzania's residential licences or Zambia's occupancy licences. Eleven specific design elements are necessary in the pro-poor land recordation context. There are links and overlaps between these elements – indeed many are sequential in implementation - however, each is discussed separately here.

1.a. APPLY MACRO AND MICRO POLITICAL ECONOMY ANALYSIS

Like any institutional intervention, and certainly one related to land, the success and impact are very context specific and are highly influenced by (and potentially influence) the political-economic status quo of an area and/or community.

A political economy analysis should be applied in a problem-driven way, be inclusive and should cover both macro and micro levels. A political economy analysis aims to situate interventions and outcomes within an understanding of the prevailing political, economic, historical and other processes in society – specifically, the incentives, relationships, distribution and contestation of power between different groups and individuals. The political economy analysis framework consists of three main stages (Harris, 2013):

Figure 4.1: Diagram of a pro-poor land recordation system



- Reflection: problem identification and questions formulation;
- Analysis and diagnosis:
 - Structural diagnosis of contexts and institutions;
 - Agency diagnosis of power, incentives and behaviour; and
- Remedy: what can be done.

A variety of practical tools can be used during each of these stages in the iterative political economy analysis process. The chance of the political economy analysis findings being accepted can be increased through process design, the formulation of a theory of change, a qualified mix of international and local expertise, appropriate timing according to the purpose of the work, and continuous communication before, during and after fieldwork to bridge analysis and follow-up action. The formulation of relevant theories of change is included both in step 1 as *ex ante* form of analysis (in the review of previous interventions) and step 3 as *ex post* form of analysis (in the design of action by external agents).

It is recommended that this framework is not rigidly followed in training on applied political economy analysis for NGOs and others, but that a practice-oriented approach related to concrete, continually adapting programming options (Booth, 2016) is used. "Rather than starting training sessions by discussing country realities that are mostly already known to the participants, ses-

sions can be focused on sharpening the strategies and programme approaches of the host organization based on exploration of the tacit knowledge of participants". Similarly, it is more productive to move away from introducing concepts and analytical frameworks and start with a set of "why" questions. Why are things the way they are? Why have past reforms not worked? The answers to these questions often allow for the introduction of concepts and ideas from the political economy analysis toolbox. In turn, insights will frequently emerge that challenge some of the (prevailing) programming assumptions in the organization.

Based on the documented cases of records keeping (see Section 1.4 above), attention needs to be given to the issue of potential individualization of land tenure which, in certain cases, has been implicitly pushed by documentation or recordation activities. Furthermore, the stability, transparency and level of equity within the community leadership need to be looked into in detail; issues of sustainability of funding need to be incorporated into the level of sophistication of the design; and finally, as a prelude to element 11, certain baseline information is best collected early to be able to determine the outcome in the medium run.

Of course, political economy analysis is relevant both at the community level (micro) and the national level (macro). The former focuses firstly on the local power



A sensitization process at community level is essential in promoting peoples support and active agency, and so achieving legitimacy. Namibia. © UN-Habitat / Jean du Plessis

balance, while the latter focuses on the buy-in from the formal (land) sector as a prelude to element nine: co-management.

An important criterion when outlining the jurisdiction of the records is that the community using the records must feel that they own them and that the records do not just belong to a higher authority

1.b. ENABLE MOBILIZATION

To really let the documentation and recordation have an impact on the ground, it is important that the community is aware, understands what is needed and believes in the tool, in order to bring forward the information, for example after a transfer, and to rely on the information in preparing, for instance, a sale. Additionally, for any impact, the engagement of both the entire affected population on considerable land-use change and of resource users or project participants on project implementation issues is needed. As already indicated above, in a true bottom-up development, the unscripted, organizing approach might be more appropriate, but when outside support is being given, it can also be made more scripted.

2. BUILD ON INCLUSIVE COMMUNITY TENURE PRACTICES

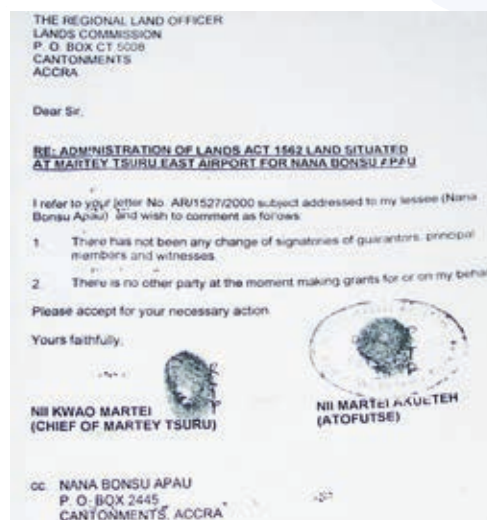
The pro-poor land recordation system should be built on existing local approaches. In many situations, the social land tenure system includes elements which should form an integral part of the pro-poor system. However, it is important to emphasize inclusiveness, since not all communities and their practices are inclusive by nature. This should have been identified in the political economy analysis of element 1-a.

Community rules for identifying leaders should be followed. In customary areas, leaders may be chiefs and elders. In informal areas, they may be local community leaders and ward or block heads. They may as well be members of possible special land committees working under the leader/s. In some communities, religious leaders may be important. These types of leaders know the local land tenure rules and their current interpretation in changing circumstances. Even where irriga-

The legitimacy of records and the credibility and legitimacy of the recordation system rest on the system's link to the state structure and on the community leadership structure.

tion schemes have set aside customary practices, over time these can re-emerge, and the role of the elders can again become key. They also know the position and land interests of the different people in the community. The leadership will

know whether the person selling the land is entitled to sell it and whether the buyer meets the criteria to



Chief signs off on the document that incorporates the local customary tenure system. Photo © Paul van der Molen

acquire the rights. They will also know the family law appropriate to the parties, for example a lineage might have a pre-emption right when land is being sold, or the land rights of orphans when there is a sale. Leaders can also

act as witnesses to the parties' intentions and record the knowledge in their heads and/or on informal documents. Such forms of leadership are more likely to be more cohesive in rural areas than urban areas in general; however, informal settlements in urban areas are also often cohesive.

Not all communities have stable leaders or leaders who give equal and fair treatment to members of the community. The selection of the area for implementing the pro-poor land recordation system should take account of this. Nevertheless, it is necessary to locate the pro-poor system at community level for a number of reasons, including the failure of conventional land regis-

tration systems to cater for the needs of the poor. The capacity of leaders and communities will need to be developed through awareness creation, manuals, training and advice by the (para- or “barefoot”) land officer and/or the local record keeper. This will take time, but it is the best way to extend security of tenure to the poor and build the systems over time.

3. INTRODUCE ACCEPTABLE LOCAL RECOGNITION AND PARA-LAND PROFESSIONALS

The pro-poor land record design is intended to build on the practice of non-formal land transactions being recorded on paper. The first step is to use standardized forms for transactions (pre-recording). Standard formats will:

- help people to remember certain elements;
- allow equitable policies to be introduced slowly through, for example, the manner in which items are formulated (e.g. expecting the inclusion of both spouses by having space for two names); and
- facilitate later recording, processing and re-use.

The forms should accommodate diversity and overlap in tenure arrangements and family relations, but bring clarity if, and when, possible.

Ideally, filling in the form should be supported by, or even be done by, a neutral person with above-average appropriate knowledge. The (para- or “barefoot”) land officer could also act as the secretary to the communities’ leaders, but in doing so he or she should maintain a neutral position. Their primary task is to identify clearly the intentions of buyer, seller and community, and document these correctly and clearly. Their role is not to judge the relationship between the parties or the negotiated changes, but to facilitate. Advice on adherence to broader policies, such as national laws, can be a responsibility of the land officer in due course, but should not be rigid as this could hinder the land recordation system in its early stages.

The land officer’s main qualifications at the start need to be literacy combined with acceptance within the community and reasonable knowledge of the com-

munity and its rules. Full capacity will not be possible initially and capacity issues will be critical, but land officers’ knowledge can be increased with training. Their funding as well as their appointment will depend on local circumstances; they could be based in the municipality, district council, NGO and/or the community. The issue of governance needs to be dealt with appropriately otherwise informal fees may become part of the system. Both the state and the community need to support the concept of co-management.

4. AFFORDABLE AND CONSISTENT RECORDATION OF ALL TENURE FORMS

The next step is the consistent recordation of information in the land recordation system. This is only possible if standardized forms and the para-land officer are already in place. Completed forms would be presented to the local records office at community level. The ideal location for the records will differ according to local circumstances; not every village in rural areas with a tribal structure will need a land records’ office but in larger cities, a separate district, slum or area that was settled will need its own office.

It is important to make sure that, in principle, all locally relevant tenure forms along the continuum of land rights are recorded. Secondary and communal rights tend to be left out of documentation in many of the conventional land registration projects; that often means that rights that were locally recognized before (and thus legitimate) suddenly lose their standing and the access to and use of the resource by the poor is even blocked. Only when all these rights can be recorded easily will the system become really inclusive.

An important criterion when outlining the jurisdiction of the records is that the community using the records must feel that they own the records and that they do not belong just to a higher authority. This ownership can be considerably enhanced when residents are themselves involved in the data-gathering process, using the Social Tenure Domain Model and participatory enumeration land tools (UN-Habitat and GLTN. 2010). A key function of the land officer is to take the standardized forms to the land records’ office where a record keeper will receive them. The record keeper’s role will include doing

a very quick check to identify serious mistakes. They may also use this opportunity to build capacity of the land officer for the next case by giving advice. Although there are some overlaps in the functions of the land officer and the record keeper, this is necessary in order to create enough checks and balances in the system.

5. LAND RECORDS, INDEXES, A RECORD KEEPER FOR A SPECIFIED AREA AND SPECIFIED USERS AND NON-USERS

The record keeper should store the forms in an orderly fashion, usually by numbering them so that they can be easily retrieved and by keeping indexes of the forms. Each form should have a number of indexes. The first is the name index to enable a search for a person by name, both as a seller and as a buyer. This can be challenging if the format is not standardized, or when different scripts are used and transcription rules vary. It is prudent to enter the same transaction under two separate spellings rather than risk not finding the name at a later date. Indexing can be done by using a card index box-based system or a ledger. The former is more flexible but is more easily manipulated. Auxiliary indexes can also be set up in this way.

The second set of indexes is about the land. It may not be possible to have any form of spatial index at the beginning because of cost and technical complexity. However, the co-management and witness system, together with the planned small size of the land records' office jurisdiction, will probably fill the gap and ensure that the information on the land records (without a spatial index) can be linked to plots/sites on the ground to some degree.

An important weakness of a simple, purely administratively designed land recordation system is that the information on the land document is not sufficient to (easily) facilitate the identification on the ground of the land described in the document. Sometimes several documents describe the same parcel of land differently. The solution is a simple geometrical index ("basic map") as a support to a community witness system of

where boundaries are located. The spatial index is vital in any modern land system. Land is more stable than people are and is safer to use as the basis of a documentation system. Each piece of land that is linked to a form or transaction should receive a number that is also used for all subsequent forms linked to the same piece of land.

The weakness of this indexing system is how to establish whether a subsequent transaction affects the same land or not. This can be improved (definitely in urban areas) by placing the number visibly on the house structure. A further improvement is to put the number on some kind of graphical index (map) as well. A range of tools can be used, including existing maps and plans. It is possible to derive a base map of a semi-developed area from a satellite image and print this to put the numbers on and record subsequent changes, such as subdivisions. This approach becomes more difficult as the area changes, densifies and is (re) developed. If a community is ready for it, a spatial index can be achieved by participatory mapping and/or participatory geographical information systems (pmapping/pGIS), with or without aerial photos or satellite imagery as a backdrop to a sketch map. At this stage, it might be possible to link it to the Social Tenure Domain Model (STDM) software for land administration. A comprehensive cadastral map with subdivision surveys should not be considered at this stage. Again, the initial steps should be modest using whatever is available or can realistically be done.

6. JOINT INSPECTION OF THE LAND RECORDS

The state should have regional inspection mobile units that travel to all the local land records offices. They could train and develop the capacity of the record keepers and para-land officers. They could also make back-ups of the records to limit the impact of disasters, violence or accidental fires. The community leadership, be it local government, customary or informal, could also play an inspection role. This would show mutual inter-dependence and could be vital to improved governance. For example, an annual co-inspection ceremony would be a possible way to demonstrate this.



Various land documents, not necessarily cadastre and other formal land records, can assist in confirming and improving the tenure security of the urban and rural poor. Photo © UN-Habitat / ITC

7. MULTIPLE SOURCES OF EVIDENCE AND LOCAL WEIGHTING

The pro-poor design is certainly not a title system, nor is it a fully-fledged deeds system. Evidence that is counter to the information in the recorded land documents should still be allowed in the system. Over time, the information in the records will be seen as more certain if recorded information is seen as more credible relative to verbal information, and if information recorded earlier has priority over information that is recorded later.

Some of these recordation features can also be introduced at later stages. They should fit the way the community understands its tenure system and the role the land records should play in it. Whatever the status of the evidence, people who start a transaction will benefit from the land record information, as they will be able to check on the land's status.

8. AFFORDABLE, ACCESSIBLE AND WELL-INFORMED DISPUTE RESOLUTION

Land conflict is common and dispute-resolution mechanisms need to be put in place. Many communities have traditional, local or alternative dispute-resolution mechanisms that generally complement a formal court system and include the use of negotiation, mediation,

conciliation and arbitration. The advantages of these mechanisms are flexibility, low costs, lack of complex procedures, mutual problem solving, preservation of relationships and they are familiar to people. The proposed pro-poor system builds on these mechanisms. However, some communities might not have existing mechanisms and a dispute-resolution system may need to be set up to deal with conflicting opinions on access to land, the rules to be applied and the interpretation of such rules. It is vital for an inclusive tool that the dispute-resolution system is affordable and accessible to all in the community.

UN-Habitat's experience with conflict mediation in the eastern DRC has shown that, even in areas of violent conflict, it is possible to agree on rules with regard to land disputes. The dispute-resolution mechanism should be acceptable to the disputing parties and the wider community, including those who make and implement the decisions. The dispute-resolution mechanisms should be coordinated with the land records' office, both to assist in making the decisions and in recording them. The records should be one source of evidence.

During adjudication, most of the (dormant) conflicts will emerge and should be settled. This will mean that fewer conflicts will emerge after such an adjudication exercise. However, it will depend on local conditions as

to whether the community goes through a systematic adjudication or deals with disputes on a sporadic basis.

9. SYSTEM OWNERSHIP AND CO-MANAGEMENT BY STATE AND COMMUNITY – AS A PUBLIC GOOD

For land records to contribute to better governance of land for the poor, it will be essential that the land recordation system is owned by both the local community – the resource users and the wider community - and by the state through a co-management arrangement. Land records can be seen as a common pool resource which adheres to the design parameters of such an arrangement. However, this conceptualization is not yet common practice. At best, some lands, especially communally used lands, are considered to be a common pool resource. To highlight the importance of community buy-in, if not ownership, of land records, and to strengthen the notion that it serves the community as a base infrastructure (like water or electricity), it is em-

phasized that land records are a public good, available to all, and aim to serve all by bringing stability, preventing and solving disputes, and supporting investment among others.

10. EMPHASIS ON CONTINUUM OF LAND RECORDING

Pro-poor land records should be part of a continuum of land recording. The pro-poor land recordation system should be the first step on the property rights ladder and will build on existing paper-based systems; it will also be cheap and simple enough for local actors. Moving from an informal, paper-based system to a pro-poor land recordation system will increase the state's recognition of the communities' land rights and facilitate local government land management activities. Both the exact shape of the pro-poor land recordation system and the point at which the pro-poor system is upgraded to another major level would have to be determined during piloting and scaling. It would also depend on



Can communities co-manage a land recordation system? Northern Uganda. Photo © Jaap Zevenbergen

the local situation. While the legal-administrative and mapping aspects of the records can evolve at different speeds, they should not get completely out of sync.

11. EVALUATION OF ECONOMIC, SOCIAL AND ENVIRONMENTAL OUTCOMES, INCLUDING CONTRIBUTIONS TO EMPOWERMENT

Even after a careful political economy analysis followed by design, it is important to assess, after some time, whether or not the outcomes are really what were intended. This calls for a baseline to be used as a point of reference, as mentioned under element 1-a. In general, it is difficult to evaluate the impact of land-related interventions due to the possible impact of other factors, including increased “modernization” (e.g. through mobile phones, migrant workers), increased pressure on the land in the area (e.g. outside large-scale land-based

investment, conservation projects, discovery of minerals, urbanization) or other interventions, such as subsidies for terracing, tree planting or fertilizers. Nevertheless, research on and the practical implementation of suitable land indicators is increasingly being undertaken, particularly increasing the focus on local perceptions of land tenure security and monitoring land-related targets for several of the Sustainable Development Goals (primarily via Indicator 1.4.2). The indicators also need to include the contributions of pro-poor land recordation to empowerment at local, national and international levels. This includes the degree of the improved individual and collective basis for dialogue and negotiation over the protection of and access to land, in households and communities, but especially in land-use planning processes in contexts of rapidly changing land use. Obviously, the actual impact depends on the level of inclusiveness of land governance in the area, both at local and at national government level.



MWEDO women groups in Eworendeke Village. Photo © UN-Habitat / Bob Hendriks

5.1 INTRODUCTION

The Maasai Women Development Organization (MWEDO) provides an excellent example of good practice in the application of the pro-poor land recordation tool. MWEDO works to empower grassroots women access to economic and social opportunities through education and advocating rights to land and properties for productive purposes. Its areas of focus are the pastoralist districts of Longido, Kiteto, Monduli and Simanjiro, Arusha and Manyara regions of northern Tanzania. Since 2000, it has advocated both locally and internationally 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's integrated work has benefited over 60,000 households (Sikar, 2014).

In the last 10 years, MWEDO collaborated with partners such as the Huairou Commission, Global Land Tool Network, and UN Women to support Maasai women's

access to and control of land. MWEDO enhanced women's leadership in various sectors involved in land issues and proactively promoted women's participation in governance and local decision-making bodies. MWEDO also worked to strengthen the capacity of women in order to take advantage of the strategic opportunities presented by the Tanzania Village Land Act 1999 No. 5 (revised in 2002).

Tanzania's Village Land Act 1999 No. 5 aims to give customary rights of land occupancy equal standing with statutory legal rights of land occupancy, and it sets out procedures for management and administration of the land under customary tenure. Among the most important procedures for rural communities are those for registering village land by obtaining a Certificate of Village Land and the procedures for obtaining a group or individual Certificate of Customary Right of Occupancy. The Village Land Act 1999 provides these rights without discriminating against women, widows or their daugh-

Figure 5.1: Major steps to acquire a Certificate of Customary Right of Occupancy (UCRT, 2014).

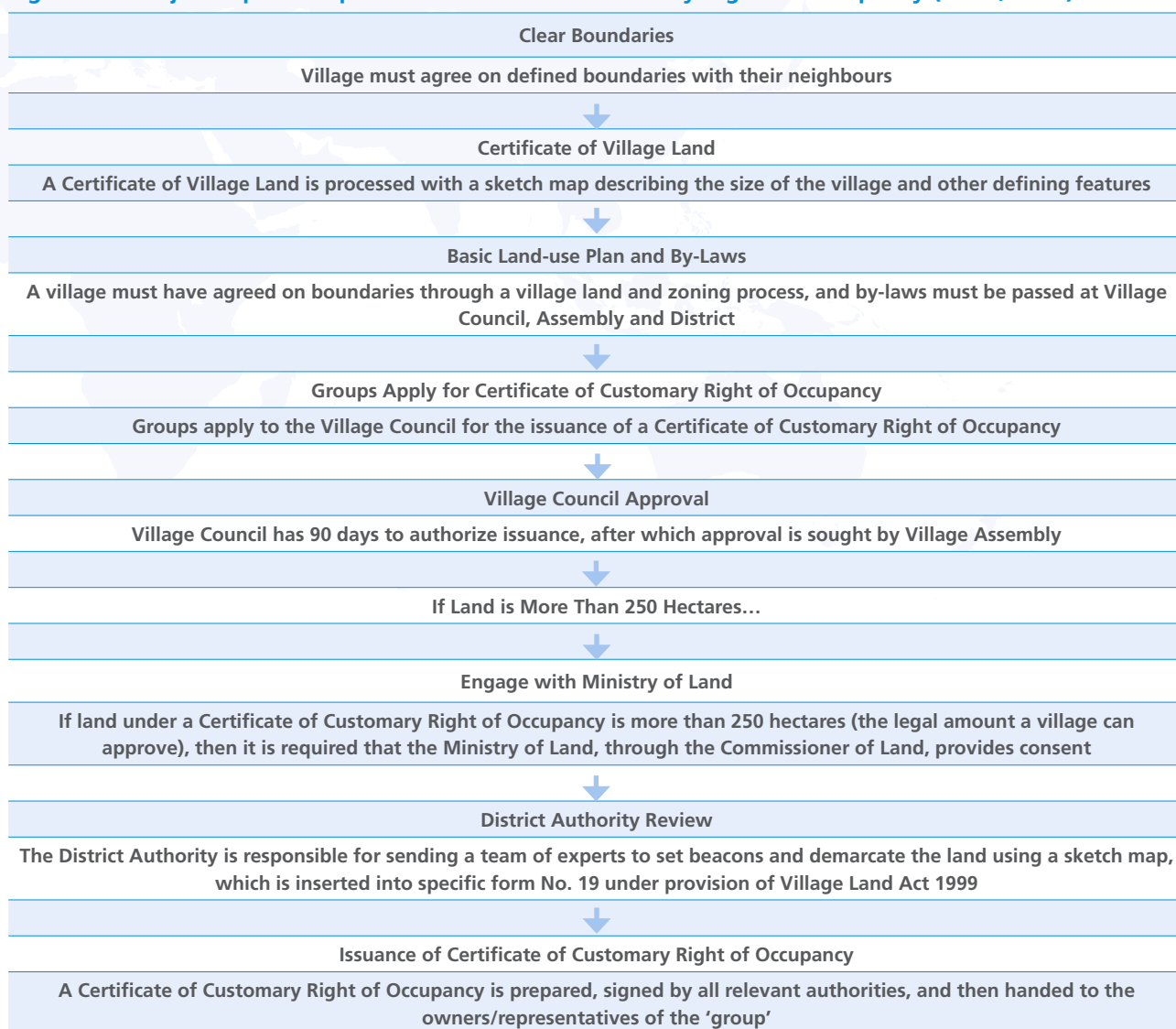
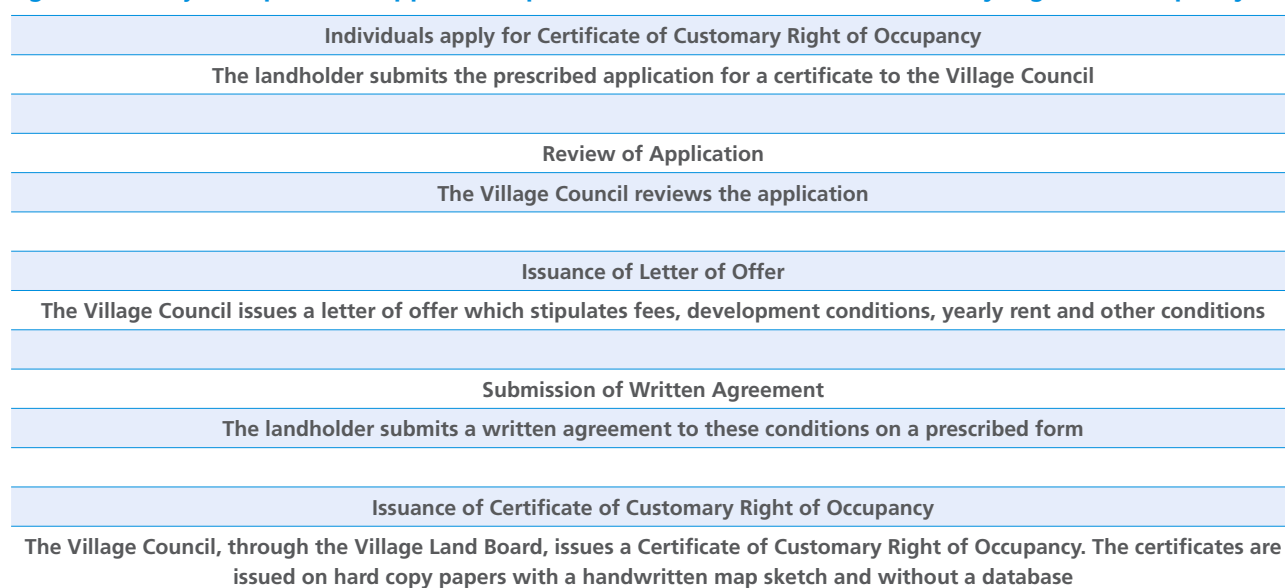


Figure 5.2: Major steps in the application process for a Certificate of Customary Right of Occupancy



ters who want to own and have control over land. **This is a mechanism by which Maasai communities can enhance their collective security of tenure and is also an opportunity for women to enhance their tenure security. The major steps to acquire group and individual Certificate of Customary Right of Occupancy are presented in figures 5.1 and 5.2.** The application procedure for a Certificate of Customary Right of Occupancy normally takes 90 days, after which approval is sought by the village assembly. Therefore, in practice, the total procedure takes three to four months on average. Land granted as a group Certificate of Customary Right of Occupancy must adhere to the conditions of that certificate, including for specific land uses. For example, land issued as communal “grazing” land cannot be used for agricultural purposes without seeking approval from relevant authorities for a new or amended Certificate of Customary Right of Occupancy.

The Certificate of Village Land under the Village Land Act 1999 and the Village Land-Use Plan (VLUP) under the Land-Use Planning Act 2007 are formal prerequisites for the issuance of a Certificate of Customary Right of Occupancy. However, implementation of a Village Land Certificate and Village Land-Use Plan has been slow and a major challenge. In the seven districts of the Arusha region, 129 out of 300 villages (43 per cent) had been presented with a Village Land Certificate by August 2015. A total of 251 villages (84 per cent of total villages) had been registered, and 259 villages (86 per cent) had been officially surveyed. In Longido district, 42 villages were registered by August 2015, while the 14 recently established villages (9 in 2010, 5 in 2014) had not yet been registered. In most of these recently established villages, the original village certificate is not valid anymore due to their division into two villages or, as in the case of Longido, into a city and a village. In the whole of Tanzania, only 1,731 out of 12,545 villages had a Village Land-Use Plan by May 2017 (NLUPC, 2017).

There is a fees structure that is payable for the processes leading to issuance of a Certificate of Customary Right of Occupancy. The land rent fee and the land registration fee under the certificate regulations are non-mandatory, are flexible and can be set by the individual villages themselves as village bylaws. Some villages charge fees - for example a USD 4.60 land re-

gistration fee and a USD 9.20 yearly land rent fee per parcel - while others do not. For “existing land” there is no registration fee; for “new land” a registration fee is charged. The fees often depend on the size and use of the specific land. Some holders of a certificate may try to avoid paying land rent fees and accumulation of debts on plots over time is curbed with a fine up to a limit in accordance with Tanzanian law. Costs are further raised with approximately USD 6.50 due for legally required official “crested papers” and ancillary forms.

Customary or village land accounts for over 70 per cent of the land in Tanzania and includes registered villages and any land that villagers had been using for at least 12 years prior to enactment of the Village Land Act. Increasing agricultural and commercial land values, deteriorating quality of governance and a growing human population are all factors contributing to heightened pressures on community lands and an increasing level of insecurity in rural land tenure in Tanzania. Such pressures are leading to widespread conflicts, including outbreaks of violence between competing land-user groups, and a deterioration in livelihoods and cultures that are closely tied to the land.

Rural communities face numerous threats from outside interests seeking to take control over their lands and resources. Pastoralist and hunter-gatherer communities are particularly vulnerable to land loss and expropriation, especially those in northern Tanzania that practice mobile systems of livestock production. These groups often live in areas of high natural resource value, with wildlife, forests and water resources, and their seasonal use of pastures can lead to the misperception that their reserved grazing areas are “unused” and thus available for alternative purposes. In addition, pastoralists are socially and politically marginalized across Tanzania as a whole. For these reasons, the land rights of mobile peoples – and in particular tenure over communal grazing areas – have been a major concern and the subject of much organized policy engagement and advocacy in Tanzania’s recent history.

Regardless of the progressive laws in Tanzania, customary norms still limit women from fully enjoying their rights to own land and prevent them from adding value to their households. Community agendas are mostly determined by men and issues concerning women, such

as property and land rights, are not given appropriate attention or priority. Grassroots women (65 per cent) engage in smallholder farming and pastoral livestock keeping, producing over 80 per cent of their household food supply. Traditionally, women had been involved in activities such as milking, fetching water and firewood and taking care of children. More recently, they have become increasingly active in food production for their families and communities. This role is still largely being pursued by men, but more and more women take care of food security for their families while men look into production for cash and market valuables.

Using the Village Land Act 1999, MWEDO supported Maasai communities in 18 villages to secure their village lands through certification in such a way that women's rights to land were securely defined, hence turning the Village Land Act 1999 into a tool to promote land rights through customary tenure. MWEDO especially promotes the acquisition of group rather than an individual Certificate of Customary Right of Occupancy, to support economic activities by the Maasai women's groups and to be able to reach out to a greater number of women. MWEDO recognizes that women are stronger working together

and advocating as groups rather than as individuals. However, the Maasai women themselves increasingly prefer to also acquire an individual Certificate of Customary Right of Occupancy. Once familiar with the procedure by learning from the application process for the group Certificate of Customary Right of Occupancy, many women also apply for individual certificates. MWEDO does not financially support the acquisition of individual certificates.

The good practice presented in this chapter aims to showcase the MWEDO approach as a concrete way to implement the pro-poor land recordation tool. But while the MWEDO approach has many similarities with the pro-poor land recordation approach, there are some slight differences. The pro-poor land recordation tool, for example, emphasizes more strongly the importance of dialogue in vertical relations and horizontal relations. It also has a slightly wider perspective, as it incorporates requirements for the establishment and running of land registries and the issuance of pro-poor land records. Still, MWEDO has temporarily taken on a number of quasi-government responsibilities related to land administration and recordation to enable implementation progress.



MWEDO women groups. Photo © MWEDO

5.2. LESSONS LEARNT ON IMPLEMENTATION OF PRO-POOR LAND RECORDATION

1.a. Apply macro and micro political economy analysis

The MWEDO process to ensure the effective use of the Village Land Act 1999 implicitly applies the three main stages of a problem-driven and inclusive political economy analysis, i.e. reflection; analysis and diagnosis; and remedy. The aim of this process is economic and social empowerment of grassroots women **through education and advocating for rights to land and property for productive purposes and improved sustainable livelihoods.**

During the *stage of reflection*, the MWEDO process started in 1999/2000 with: i) membership meetings of one week in four districts to establish MWEDO and the Pastoralist Women's Forum. At these meetings, the women raised issues such as gender disparities, human rights violations, the lack of education for their children, and insufficient health services in their communities; ii) formulation of the draft strategic plan by MWEDO staff; iii) discussion of the draft strategic plan in the MWEDO Board; and iv) discussion of the draft strategic plan in the MWEDO annual general meeting.

In 2004, during the **stage of analysis and diagnosis**, a small survey and a follow-up study on the links between land tenure rights and economic empowerment were carried out in collaboration with the University of California. These studies compared users with owners of land and found that the empowerment of women related positively to land ownership. In addition, community mapping (grassroots documentation) processes empowered the Maasai women to further understand the obstacles to their access to land and housing. Community mapping is a **grassroots-led tool whereby groups jointly analyse a specific situation or issue in their community and its direct effects on them. Community mapping is also a leadership tool because it positions individuals or marginalized groups, who are normally excluded from decision-making or research work, to lead the effort.** MWEDO uses a simple six-step strategy:



Community mapping. Photos © MWEDO

- i) identify the issue at community level;
- ii) determine the appropriate geographical mapping area;
- iii) collect the necessary data;
- iv) conduct short surveys by all women involved; conduct oral, one-to-one interviews at random and/or focus group discussions with community members, including local authorities in each targeted village;
- v) create documentation on findings;
- vi) validate findings and use documentation to promote identified issues.

Mapped communities learn new ways to claim, gain and maintain land and property and how to move towards greater economic empowerment.

The results of the community mapping process feed into local dialogues (see under element 2 below). Community mapping also includes the identification of key leaders to be invited to the dialogues as well as the identification of people who can enable the women to reach these leaders and convince them to participate in the dialogues at village to district level. Analysis and diagnosis of strategic opportunities and constraints at the macro-level for engagement and dialogue with national government has been relatively underemphasized, even though MWEDO is part of the Pastoralist Indigenous Non-Governmental Organizations (PINGO) Forum. Further integration of these vertical links is required in order to contribute more effectively to overcoming implementation challenges related to the national level. This includes the issues of limited progress in implementation of a Village Land-Use Plan, which is a prerequisite for the issuance of a Certificate of Customary Right of Occupancy, and limited prioritization and availability of funds for issuance and printing of the certificates.

During the **stage of remedy** and implementation, MWEDO formulated several successful strategies to gain interest, willingness and political buy-in from the local government, traditional leaders, men and women. These strategies also reduced the possibility of elite capture through political leaders and increased cooperation in the processes of pro-poor and gender-responsive land recordation. The following main strategies were developed and applied:

- *Women were organized into groups under a larger umbrella of the Pastoralist Women's Forum.* Collective advocacy for rights and other issues through the network structure of small groups can be powerful enough to: i) overcome some harmful cultural norms; ii) be heard more by local government authorities; and iii) be more easily accepted by their male partners than individual initiatives. The small groups can own portions of land as groups and individually, but as a forum, women can participate in decision-making processes and can advocate with one voice and influence policies.
- *Local government was involved as facilitators – partners – and participation of other local government officials in the joint trainings.* The limited resources of local authorities for implementation of the Village Land Act 1999 contributed to the provision of joint trainings financed through MWEDO. The joint facilitation in turn contributed to participation of other local government officials.
- *Village leaders were approached and their support gained; they, in turn, approached and tried to include others who supported the MWEDO methodology.* Apart from the above-mentioned change in traditional cultural patterns through collective claims, the contribution to the political support base may also be an important incentive.
- *Male role models were found, which influenced other men to also follow.* A major success factor was the inclusion of men at an early stage in the process of women's applications for land, which countered resistance from husbands and male community leaders.
- *Allowed for the participation of everyone, women as well as men.* MWEDO promotes the principle of gender equity in all its activities, which accommodates dialogue between women and men.

1.b. Enable mobilization

The Village Land Act 1999 presented a great opportunity for grassroots participation in land management at the village level in Tanzania. Traditionally, Maasai women were excluded from these decision-making processes and were not allowed to control basic property such as land. MWEDO has worked systematically to define and promote women's participation in these processes through:

- Training on the Village Land Act 1999 and land administration processes for women's groups and local government officials;



- Developing leadership skills for women's groups;
- Conducting systematic awareness-raising campaigns and activities on women's land rights and communities' rights that targeted local leaders and women, including on women's rights to representation within local, regional and national decision-making bodies (councils, assemblies) to promote their land and other interests and rights.

The reported success of the MWEDO strategies and mobilization has led to a change in attitudes and behaviour related to women's land rights. The organization has helped about 1,500 women to gain land allocations from village land committees, it has provided direct training for over 1,500 women and it has improved women's representation in village governance.



2. Build on inclusive community tenure practices

MWEDO used the local-to-local dialogue methodology in particular to build on existing inclusive community tenure practices. Local-to-local dialogues are local decision-making talks organized to initiate and engage in ongoing dialogue with different stakeholders at the village to the district level. Participants use the talks to negotiate a range of development issues and influence policies, plans and programmes to address and advance women's priorities and concerns. The dialogues allow for addressing issues collectively, building consensus and setting priorities, which help women to gain power and influence negotiations with local leaders and authorities.



Maasai women engage local leaders and authorities in a dialogue to reach a common understanding on the issues of access to and control over land for women within the pastoralist Maasai community and how they can support Maasai women in their efforts to secure land. To make the dialogues effective it is necessary to involve key decision-making people such as district and village government officials, traditional leaders and women within the community, and ensure that key issues are prioritized, resolved and action plans developed. These dialogues make the Village Land Act 1999 useful, as women issues - including their land rights - are critically discussed, prioritized and fulfilled.

Training sessions and meetings with local government authorities, traditional leaders and women. Photos © MWEDO



Local-to-local dialogues in Longido, Tanzania. Photos © MWEDO



MWEDO successfully used local-to-local dialogues to engage local leaders and authorities in Longido, Kiteto, Monduli and Simanjiro districts, which cultivated a deeper understanding of the issues that women face in accessing and controlling land in their pastoralist society. MWEDO leaders also engaged community women in political processes. Through the Village Land Act, local authorities provided allotment letters (“letters of offer”) to over 1,050 women as a step to land tenure, effectively guaranteeing their control over land. Traditional authorities also agreed to enforce new community agreements, such as abandoning traditional customs and practices that deny Maasai women’s public participation and access to property.

Further lessons learnt on the implementation of local-to-local dialogues by MWEDO include:

- Grassroots women should have their issues of concern documented thoroughly and well in advance, outlining the main problems and possible solutions;
- The issues documented should inform people as to how the solutions will enhance development in the given community (e.g. if women are given opportunity to control land, this will improve their livelihoods and the livelihoods of other people in the community);
- The organization of the dialogue should include enough time to enable people to prepare. The venue should be at a place where all leaders will be comfortable to attend;
- The risk of politicians hijacking the dialogue to discuss their own agendas should be mitigated against. Participants should be careful to keep the agenda in mind.

3 Introduce acceptable local recognition and para-land professionals

The recordation of the collected information is, in principle, based on the standardized application form for a Certificate of Customary Right of Occupancy, and these are normally provided and processed by all village administration offices at community level. However, provision of information on the process of acquiring a certificate may differ between villages. The Government of Tanzania made it a priority to locate land records close to and accessible to the community in all villages and in rural areas with a customary structure. This is even though, in practice, this implied that there was no separate land registry office and that land recordation tasks were being carried out by general village staff.

MWEDO staff and trained para-land professionals facilitated the process of land applications by assisting some women’s groups whose members were not literate to write and submit applications to the village authorities. The letters contained the address of the applicant(s) and receiver, date, heading or title, the particulars of the groups, their request and signatures of the group leaders. Some groups were innovative and made their claim verbally, though they were instructed to submit a written application as well. A number of follow-ups were made with local government officials to ensure village councils followed the procedures and timeframe necessary for approval of land allocation. The results of these sessions guaranteed grassroots women their rights to own the land through customary rights of occupancy.



Community para-legals. Photo © MWEDO

The combination of awareness-raising activities in the communities and practical hands-on support by MWEDO staff and trained para-land professionals increased the local recognition, understanding and trust in the land recordation processes through a Certificate of Customary Right of Occupancy. Focus group discussions during case study fieldwork in 2015 indicated that it is important to start awareness creation processes well before the start of the application process. This was not done in Oltepesi village, where about 5,000 people applied but access was limited to 400 people, while plots were mainly allocated to outsiders, i.e. non-village residents.

4. Consistent recordation of all tenure forms

To ensure that grassroots women acquire security of tenure through having a Certificate of Customary Right of Occupancy or title deeds for the land allocated to them, MWEDO facilitates the process of documenting, demarcating and surveying the plots allocated to women's groups. This is done in a participatory way, in collaboration with the district land officer and surveyor, respective group members and village government offi-

cial. It is important to recognize and integrate indigenous knowledge approaches in understanding and demarcating the physical space of the community (as well as social, political, etc.) and work with this knowledge when carrying out the survey. The acquisition of title deeds is especially relevant in urban areas in villages. However, villagers have also become increasingly interested in titling in villages, especially because of the requirement that a Certificate of Customary Right of Occupancy is renewed after 99 years. These processes are long and expensive, for which women seek both monetary and legal support. The facilitation of the processes helped to ensure that women received a secure certificate and/or title and acted as example to the village government leaders and grassroots groups.

The recordation process for a Certificate of Customary Right of Occupancy followed the legislative requirements of the Village Land Act 1999. The main focus was on documentation of primary land tenure rights. According to the Village Land Act 1999, secondary and communal rights are covered under the Village Land-Use Plan.

Primary ownership rights through an individual certificate can be obtained by men and women of at least 18



Land allocation, demarcation and surveys exercise in Longido district. Photos © MWEDO

years of age in their own names for any land granted to them by their local governments or land they have used for more than 12 years. The law also permits joint registration; for example, a husband and wife can register as co-owners and the certificate will include both of their names. MWEDO promotes gender equity and recommends that both women and men include the name of the husband or wife on the individual certificate. In polygamous marriages when more than two family members jointly own land, the Certificate of Customary Right of Occupancy can include the names of all of the users under a group registration. The group certificate for the women's groups mention both the name of the women's group and the names of the individual group members.

Secondary use rights are currently not listed on an individual or group certificate and land titles. Depending on the specific context, women's groups and village councils considered these rights to be sufficiently

protected through the Village Land-Use Plan. Specific areas can be designated for grazing and are shown on maps that display various land-use types. However, NGOs increasingly prefer a group Certificate of Customary Right of Occupancy as a mechanism for securing land use and tenure because the group certificate can be less easily converted into general land by the government for purposes of national interest, including preparation for commercial development. In addition, a group certificate compared with an individual certificate is less vulnerable to trade and sales or traditional customary norms and practices, although the latter also slowly change due to ongoing dialogue. Other NGOs promote the inclusion of secondary use rights in both a group and an individual Certificate of Customary Right of Occupancy, including seasonal rights such as post-harvest grazing.

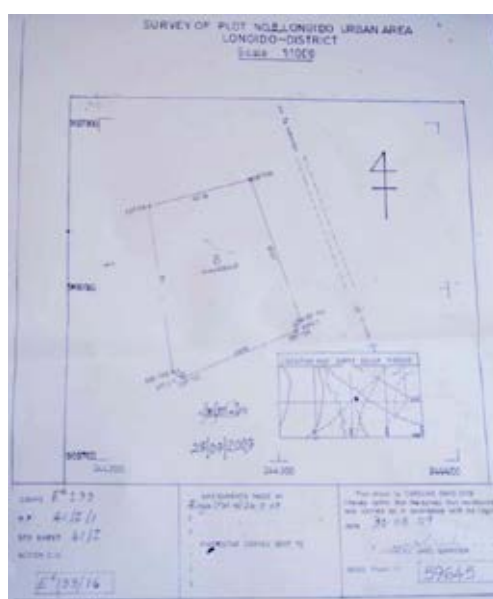
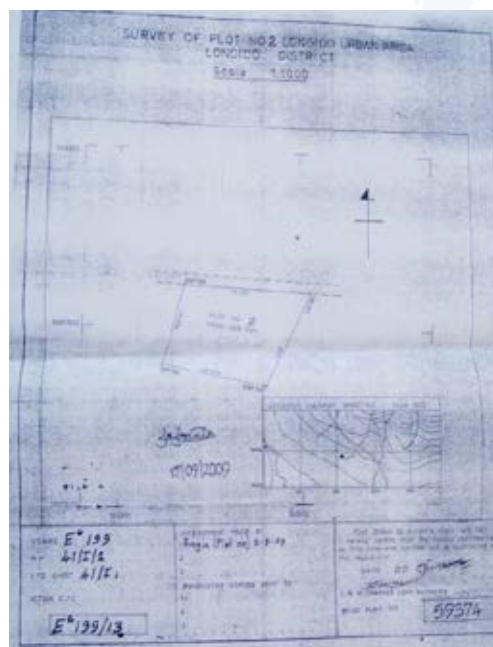
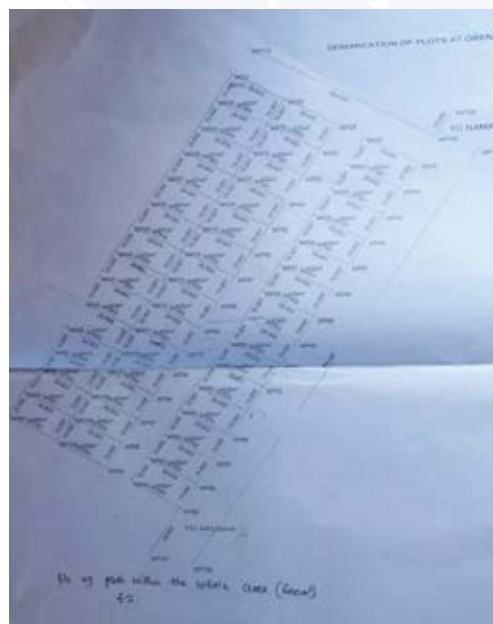
Inheritance is not covered by the certificate. The Land Act 1999 and Village Land Act 1999 promote equa-

lity and specifically stipulate women’s rights to own land, that their husbands cannot sell the house without obtaining their consent, that spouses are required to obtain written consent before applying for a mortgage and that three out of seven representatives on local land-dispute adjudication councils are to be women (Thompson, 2014). However, despite the hard-won legislation, women continue to fall into a legal void as a result of customary law. Codified versions of customary law which discriminate against women’s inheritance of land have remained in force and unchanged since their enactment in 1963. The enactment of the new constitution may override customary practices and provide more power to women in terms of leadership participation and property and inheritance rights (Thompson, 2014; Isinika and Kikwa, 2015).

Subdivision and transaction through trade and the sale of land secured under a group or collective Certificate of Customary Right of Occupancy is highly unlikely and provides greater certainty of continued land access. This is because these can only occur with the consent of the entire group and the group certificates cannot be used as collateral, although distress sales can still happen. In the case of MWEDO women groups, the subdivision of land under a group certificate is further limited due to the small plot sizes of 2 to 3 acres and the average group size of 30 women. The plots are obtained for economic activities and the economic empowerment of women. Provisions in the Village Land Act 1999, Section 31, pertaining to a certificate provide rules for the sale or grant of “derivative rights”, breach of conditions, revocation and other matters. Subleasing or “renting out” of land is prohibited and often prevented through the informal punishment of not being allowed to buy another plot. During the field visits to the villages, various examples of this practice were shared in which people often informally rented or sold their plot and left the village and then returned after the received amount had been spent.

5. Land records, indexes and a record keeper for a specified area and specified users and non-users

As it is the entrusted village land manager under the Village Land Act, the village council is required to esta-



Demarcation map of Eworendeke village. Survey maps of Eworendeke village. Photos © UN-Habitat / Bob Hendriks



Village office/land registry of Eworendeke village and *Daftari la ardhi la kijiji hati za haki ya kimila*, Eworendeke village. Photos © UN-Habitat / Bob Hendriks

publish a proper village land register to keep records of all land being certified in the village. In practice, the registration is done by the village executive officer, a clerk appointed by the district council to deal with overall administrative tasks for the village. This officer has extended responsibilities. In the part-time function as village land officer and village registrar, the executive officer performs duties at the request of the government, managing and updating the village land register. This person is paid by the government and is required to have some administrative training.

Although the village executive officers seem dedicated to their jobs, in many villages the formally required land registries have not yet been established or sufficiently equipped. This is partly due to limitations in knowledge and resources, but is also due to a lack of prioritization and hidden political-economic interests at higher levels. To ensure and increase accessibility, record correctness, transparency, inclusiveness and equitability, MWEDO keeps a shadow registry for its members.

Currently, a Certificate of Customary Right of Occupancy is registered formally by the village council in the local ledger of land rights (*Daftari la Ardhi la Kijiji Hati za Haki Miliki ya Kimila*), primarily based on the date of payment and name of the holder. MWEDO's shadow registry organizes files based on the name of

women's groups and individual members. Land recordation through a STDM pilot may offer an opportunity for incorporation of land parcel-related indices in the short term and the Integrated Land Management Information System (ILMIS) will introduce a more advanced country-wide indexing system.

6. Joint inspection of the land records

Inspection of the land records is a responsibility assigned to the district land office; oversight by the national government is limited. The inspection is executed as part of the general monitoring. In addition, there are *ad hoc* visits whenever time and finances allow. Trai-



Village office: village executive officer and chairman, Oltepesi village. Photo © UN-Habitat / Bob Hendriks

ning and capacity development of the village chairman and executive officer responsible for the management of the land records focused on basic training about the Village Land Act 1999 and the issuance of a Certificate of Customary Right of Occupancy during the initial stages of provision and issuance. The training was supported by MWEDO. In early 2017, the district trained the village land offices on how to keep and maintain paper-based records. Due to the limited number of certificates issued so far, systematic identification of weaknesses in the land recordation practices has not been done or has only been done on a project-related basis. However, the village offices have increasingly been equipped with metal filing cabinets and/or locks to store the certificates, copies of title documents and other paper-based land records. Back-ups of these paper-based records are not available at the village office. Still, the district land office keeps paper-based copies of issued certificates. MWEDO established and maintains a “shadow registry” for its members as a temporary measure as long as formal systems are not fully established yet. This contributes to improved perception of tenure security by members. In addition, it can compensate for limitations in access, transparency, inclusiveness and equitability of the official land recordation system in villages.

7. Multiple sources of evidence and local weighting

In its current form, the formal recordation of a Certificate of Customary Right of Occupancy through the village council does not include recording contradicting evidence. However, in MWEDO’s shadow registry all available evidence related to the parcels is kept and stored. The practice of keeping contradicting evidence has proved to be very useful in several cases, especially in highly contentious contexts. For example, one illiterate woman’s parcel was partially grabbed, but any type of paper brought in was included in her file in the shadow registry. At a later stage, this enabled a thorough analysis and local weighting of the sources to be done which resulted in her successful resolution of a court action.

8. Affordable, accessible and well-informed dispute resolution

Traditional, local or alternative dispute-resolution mechanisms play an important role and are complementary to the formal court system. These mechanisms include negotiation, mediation, conciliation and arbitration. The advantages are better concurrence with pastoralist customs and traditions, increased affordability, rapid accessibility, limited travel time and costs, and shorter process duration. Most land-related disputes and conflicts, especially boundary and family disputes amongst Maasai, are thus being resolved amicably through traditional structures, such as councils of elders, local chiefs, (sub-) clan leaders and other customary leaders. Local leaders, acting alone or with others, might mediate in a dispute, encourage reconciliation, suggest compensation, or take on the role of a judge by examining the evidence and making a ruling. Sometimes, these decisions are then formalized through the occupational rights’ formal systems. The idea is that not only is the dispute resolved, but opportunities are also created for an amicable relationship between the disputing parties in the future. In contrast, court cases often result in a winner and a loser, meaning that relationships can break down irreparably. Disputes related to different types of land uses (such as between pastoralists and farmers, or through conversion into general land) and absentee owners are not always resolved through traditional structures but often through village and district authorities. These types of disputes generally include outsiders, which was not common in traditional Maasai culture and its conceptualization of communal land. In a number of cases, conflicts have been resolved through the payment of compensation.

Community paralegals have been trained in basic legal issues and methods of advocacy for the provision of support and referrals for women facing land and property related issues; this has been done with support from the Huairou Commission since 2009/2010 (Huairou Commission, 2011a). The para-legals are normally closer to communities and are able to mediate between villagers and the customary and judicial justice system.

A number of traditional leaders has also been part of this group of para-legals so as to influence other local traditional leaders. Initially, these para-legals operated from a community watchdog (whistle blower) perspective to guard against women's rights abuses. Community watchdog groups identify situations where disputes have arisen or might arise and bring these to the attention of the community and community leaders so as to protect women's property rights and increase access to and management of land. However, this was widened to include the more collaborative community justice volunteer approach with the provision of land-related legal expertise. This featured counselling on channels and the most appropriate methods for accessing justice, procedural assistance, filling out legal documents and gathering information needed for customary or court proceedings.

For litigation and protection of human rights through the formal court system (village land tribunal, ward land tribunal, primary courts and district courts), women's groups and individuals are referred to the legal and human rights centre. The centre's Arusha Legal Aid Clinic, which consists of land, family, employment and civil units, provides free legal aid services for those who cannot afford them.



Maasai community and village authorities at Kimokuwa village.
Photo © UN-Habitat / Bob Hendriks

9. System ownership and co-management by state and community – as a public good

A Certificate of Customary Right of Occupancy is kept as a record by the village council, especially the village land board, but village land registries are often not established or are not sufficiently equipped. Most registries have not received the correct forms and facilities, they do not follow the proper procedures, and most are still acting on application letters. Letters and minutes of meetings are used as proof in such situations and these can serve to gain access to formal records once the registry complies with formal requirements. Data storage is paper based but, although minutely kept, have safety and security risks. Further digitization, although costly, would increase the accessibility and safety of land records.

MWEDO's "shadow registry", predominantly paper-based, could be seen as a common pool resource to ensure records keeping for its members; it allows each MWEDO member to keep copies of applications, minutes of meeting, receipts of payments and the certificates. In cases where a village has a registry, numbers are followed up and copies are made. As such, MWEDO partly takes on the role of the local government until the full establishment and functioning of registries.

10. Emphasis on continuum of land recording

The current land recordation system for a Certificate of Customary Right of Occupancy partly builds on the informal verbal and paper-based practices that have been used in pastoralist communities and shows features of gradual upgrading along the continuum of land recording.

The majority of the women's applications for group and individual certificates are still being processed and the certificates have not yet been issued. In practice, tenure security for many women's groups and individual women has been predominantly based on copies of stamped application letters, stamped minutes of village council meetings, and stamped receipts of payment as proof and security for their plot by the village autho-



Copies of land-related documentary proof, Eworendeke Village Council. Photo © UN-Habitat / Bob Hendriks



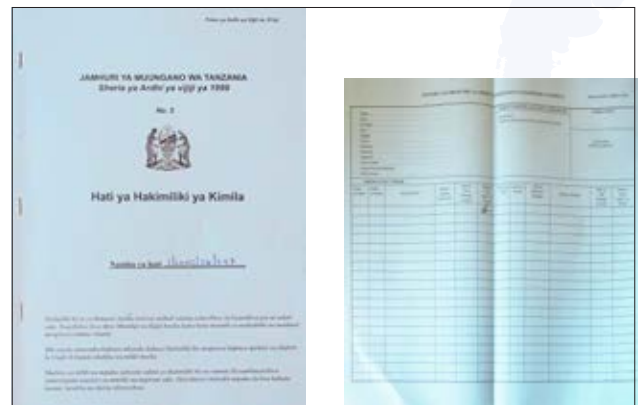
Copies of a Certificate of Customary Right of Occupancy with coordinates, Eworendeke Village. Photo © UN-Habitat / Bob Hendriks

rities. Especially in areas with high pressure on land, these are highly valued.

Some women’s groups and individual women have been issued certificates by the village council. The certificates contain a simple and low-cost hand-drawn map of the single parcel, which specifies the acreage, the main points or nodes of the plot, and community witnessed proof of plot boundaries. The information listed on the certificates can thus be linked directly to the parcels on the ground and provides sufficient tenure security.

Since 2016, certificates have increasingly listed the GPS-measured coordinates of the nodes. Furthermore, the certificates are officially provided in a blue-coloured carton cover and contain a blue-coloured addendum form for additional information.

Secondary land-use rights are considered to be sufficiently covered through the Village Land-Use Plan and

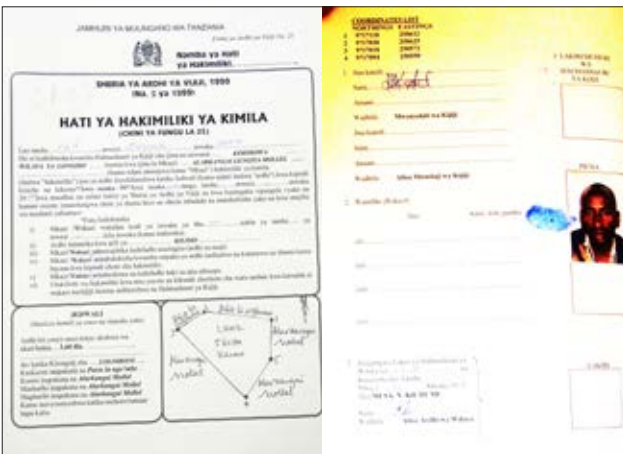


Certificate of Customary Right of Occupancy - blue carton cover and addendum form, Eworendeke Village. Photo © UN-Habitat / Bob Hendriks

are not included on a Certificate of Customary Right of Occupancy. However, in the near future, these secondary land-use rights may be registered in a digitized land information database, for example in STDM, at village and district levels, and possibly be presented in an addendum to the certificate. In the long term, this may also be further incorporated in the Integrated Land Management Information System (ILMIS).

In principle, all those included in the list of people approved for the allocation of specific land are considered to be registered landholders by MWEDO. The total number of women on the list was estimated at 1,500 in August 2015.

However, the practices at MWEDO also show that being an early adopter and initiator of change in pro-poor land recordation may somehow activate the “inhibitory head start” in terms of gradual upgrading of the land recordation system. So, if land rights have already



Official individual Certificate of Customary Right of Occupancy with sketch map and acreage, Kimokuwa Village. Photos © UN-Habitat / Bob Hendriks

been documented and certificates issued, the transition from paper-based to digitized land records seems to become less urgent because basic tenure security has been accomplished. The inclusion of secondary rights is seen as something “nice to have” instead of “need to have” and more persuasion to include them is needed.

Currently, MWEDO is working towards documentation of land rights in STDM with mapping of coordinates to further security, including for secondary use rights, through the system and possibly an addendum. The Land Act 1999 stipulates that it should be applied for land titles in urban areas and for a Certificate of Customary Right of Occupancy in rural areas.

11. Evaluation of economic, social and environmental outcomes, including contributions to empowerment

As a member of the Women’s Land Link Africa, MWEDO participated in a monitoring and evaluation workshop and engaged in the process of developing the “Monitoring and Evaluation: A how-to guide for grassroots women” (Huirou Commission, 2011b). *Monitoring and evaluation matters to grassroots women’s groups, because it allows them to learn from their own expe-*

riences, to share their good practices and challenges, to enhance their plans and strategies, and to inform their future decisions.

The main results of the MWEDO process to ensure effective use of the Village Land Act 1999 through partnership with Huirou Commission and GLTN pilot project are:

- Over 1,500 women have accessed occupational rights to village lands;
- Allocations were for the individuals (households), but the majority received the allocations of land as a collective (groups);
- 30 groups’ land demarcated and surveyed;
- 25 women in leadership positions;
- Collaboration with local and national governments strengthened;
- Improved livelihoods through increased income and skills development;
- Over 2,000 women graduated from adult literacy and land rights training.

The good practice of MWEDO shows that when women have access to structural resources of land ownership, they gain power in their marital relationships and are thereby more likely to become engaged in political



MWEDO women with maps of demarcated plots. Oltepesi Village. Photo © UN-Habitat / Bob Hendriks

participation and decision-making. Grassroots women's NGOs such as MWEDO that offer an alternative view to development – by transforming traditional power structures – are an important and effective means of achieving change on a number of different fronts: structural (e.g. property ownership), relational (e.g. marital power) and individual (e.g. being comfortable speaking at meetings and involved in household decision-making) (see Grabe, 2015; Goldman *et al.*, 2016).

Currently, remaining major challenges for rights and access to customary land through group and individual Certificate of Customary Right of Occupancy are related to increased engagement and dialogue with the national government. This includes the issues of limited implementation of Village Land-Use Plans which are a

formal requirement for issuance of group and individual certificates, delays in the approval of village land maps by the Ministry of Lands, Housing and Human Settlements Development, limited resources for the establishment and equipment of village land registries, which is a formal requirement for issuance of the certificates, and limited resources for paper and printing of the certificates. The National Land-Use Planning Commission (NLUPC) recently established a taskforce composed of ministries, institutions and CSOs to formulate a strategy for addressing land-use challenges in Tanzania in 2017. The proposed recommendations in the draft strategy report include strengthening coordination and co-operation between various stakeholders from government, civil society and the private sector, for example through inclusion in the Land-Use Coordination Committee.

06

IMPROVED AND SCALED IMPLEMENTATION OF PRO-POOR LAND RECORDATION THROUGH THE APPLICATION OF STDM

STDM AS A CONCEPT

The Social Tenure Domain Model (STDM) is a pro-poor, gender-responsive, participatory and flexible land recording and management tool that accommodates all tenure forms, social tenure relations and overlapping claims. It is used to document enumeration and geospatial information about people and their social and tenure relations to the pieces of land they occupy. It acknowledges that the poor, vulnerable and marginalized hold land and property rights in a complex manner that is often left out in a formal system of recording land rights. STDM aims to bridge this gap by providing a standard for representing “people-land” relationships independent of their level of formality, legality or technical accuracy. It is especially relevant for developing countries where there is very little cadastral coverage in urban areas with slums, rural customary areas, or complex situations like post-crisis areas. Figure 6.1 shows the STDM conceptual model, which explains the inter-relationship between parties, social tenure and spatial units supported by relevant documents.

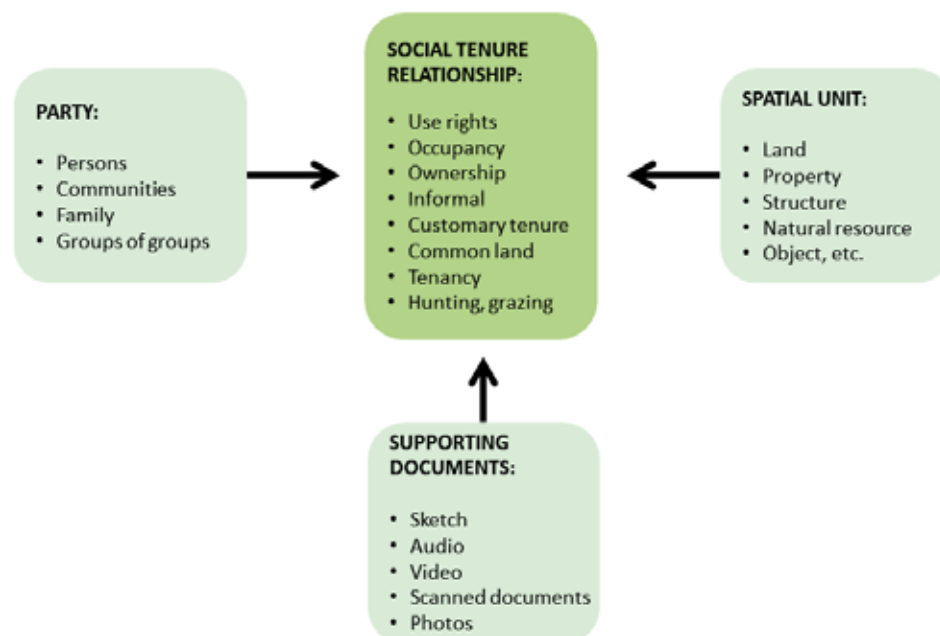
STDM AS A MODEL

STDM is a “specialization” of the International Organization for Standardization (ISO) approved Land Administration Domain Model (LADM). In this context, specialization means that there are some differences, which are mostly in the terminology and in the application area. LADM development took place in parallel with STDM development as a concept and a model, and the core developers of both models are the same or supportive of each other. Any form of right, responsibility or restriction in a formal system is considered to be a social tenure relationship in STDM.

STDM AS AN INFORMATION TOOL

The need for efficient land rights recordation tools and the use of ICT has become a necessity and technological options are becoming increasingly available. The STDM information tool provides the front-end interface for testing and applying the STDM concept and mo-

Figure 6.1: The STDM conceptual model (UN-Habitat and GLTN 2014, 2016)



del. Between 2009 and 2010, UN-Habitat, GLTN and ITC developed and tested the STDM design elements (user, technical and functional designs) and prototype. Building from the prototype and adhering to GLTN core values (e.g. pro-poor, equity, affordability, good governance, subsidiarity, gender sensitiveness, systematic large-scale approach and sustainability), UN-Habitat and GLTN, together with implementing partners, have supported the continuous further development and modification of the information tool in a variety of application areas. These have ranged from informal settlement upgrading to natural resource management, and the tool has been implemented in Kenya, Uganda, Congo, Namibia, Zambia, Nepal, Philippines and Colombia, among others, often starting as a pilot, but increasingly upscaling to larger projects. For more detailed information on STDM as an information tool and technical implementation issues, see: FIG/GLTN/UN-Habitat, 2013; Lemmen *et al.*, 2010; and UN-Habitat and GLTN 2014, 2016.

PROCESS OF DOCUMENTING LAND RIGHTS IN STDM

The process of land rights documentation through STDM consists of four main stages: design, implementation, finalization and evaluation. This can be in the form of a pilot project, follow-up project or a new project. In some countries, documentation of informal and customary land rights may already have been formally recognized, while in others this may not have occurred. In both situations, a tailor-made approach to showcasing the process and benefits of pro-poor land recordation through STDM is required. In largely supportive contexts, an overall collaborative approach from the start is preferred. In less supportive contexts, showcasing the pro-poor land documentation process through STDM in a pilot implemented by local communities and/or NGOs may be preferable. In general, the relevant land agencies and involved private practitioners need to be willing to adapt their ways of working to allow for dealing with the concepts of STDM rather than the “conventional land administration” approach. This includes recognizing a range of rights and mechanisms to gather the data on these rights in a community based, participatory approach.

DESIGN

The design phase consists of five major activities to ensure the successful implementation of the land documentation process through STDM. It is important that the land rights documentation in STDM aligns with and builds on the country's institutional, legal, policy, technical, human resources and organizational practices and capacities.

1. Analysis of the country's legislative requirements for community-based mapping and QGIS-based mapping tools, including laws, regulations, standards and guidelines for the areas of land rights, surveying and mapping, ICT, land information systems (connectivity, databases privacy and access), secure communication and transmission of data, and statistics;
2. Technical review of the tools currently used by the local government for issuance of certificates;
3. Assessment of the capacity development needs of regional, district and local government land agencies for use of STDM-based data collection, land information management system (LIMS) database management, and production and issuance of certificates;
4. Political economy analysis of potential blockers of pro-poor land recordation based on threats to their interests – including the local and national government and other influential stakeholders - to understand their fears and how to obtain their support for successful implementation of pro-poor land records;
5. Stakeholder mapping and identification of champions, especially those that can facilitate government support and ownership of the pro-poor land recordation – issuance of certificates based on STDM platform.

IMPLEMENTATION

Preparation

- *Site identification*: Site identification is carried out through consultation and negotiation with the key stakeholders at national, regional and local levels.
- *Mobilization of the community and other stakeholders*: Participatory design and management of the land tenure recordation processes ensures the engagement and commitment of key stakeholders to the process. A key feature of a collaborative ap-

proach is the formation of a decision-making committee at the start of the process, and the clarification and alignment of expectations and roles/responsibilities of all stakeholders involved. The main aim is to ensure participatory and agreed decision making and guidance on the overall process and key issues such as design of processes (for example, the updating and selling of plots), custodianship and maintenance. The composition of the committee should be representative of all stakeholders involved, in particular women. It is recommended that at least one government representative is present at an early stage.

- *Training of enumerators:* The enumerators are trained in the approach, process and tools used for the geo-spatial and personal data/land rights collection and analysis. This includes training of grassroots community members on the use of computers and simple and affordable geo-spatial software. Hand-held GPS-based data capture is possible, but it may not be understood by some people. In general, imagery or tape-based observations are well understood with regard to participatory approaches. In STDM, evidence from the field can be scanned and included as an authentic source document. Different types of source documents are possible: images, maps, photos, etc. The timely organization of training sessions is recommended so as to build a body of grassroots community enumerators for future follow-up field exercises and to avoid the cost of an external professional for repeated training.
- *Customization of STDM:* Customization of the STDM tool based on the specific local context and demands may often be required.

Fieldwork

- *Participatory enumeration and mapping:* The STDM is very appropriate for participatory data gathering organized at community level. Communities (villages, co-operatives, slum dwellers organizations or NGOs) can arrange this. During participatory mapping related to the identification of spatial units in satellite imagery, the “cadastral surveyor” will have to perform the role of facilitator much more than that of a technological expert. Existing paper-based land records that include sketch maps with coordinates could be verified and transferred into

STDM directly. Care should be taken that, on the one hand, the community continues to feel that STDM supplies them with documentation on *their* social tenure relations for their own benefit, and on the other hand that the procedures used are transparent, fair and equitable in order to build trust for the data entered into STDM, both by the community and by the formal public sector and courts. Depending on the mutual trust between those two and the wider land policy and law context, this may be difficult to do.

- *Data entry and analysis:* The enumeration teams enter all the collected data, documents and photographs into the STDM tool. Initial digital maps are also updated.
- *Data verification and validation:* In any case, the data collected should always be presented for inspection and this is an opportunity for objections to be considered through an appropriate dispute-resolution mechanism. Even when data does not have a legal, authenticated meaning, it is very important that everyone feels it has been fairly gathered and, under certain circumstances, is usable. Aerial imagery - increasingly high-resolution satellite images or images locally acquired with drones - can be the base for a geometric index for overlapping land rights, and can be understandable and participatory for grassroots people. Right now, such imagery is expensive to acquire, although the cost of satellite imagery and drone use is constantly going down. Support from donors or international NGOs is not unusual here.
- *Report writing and launching:* Report writing and launching involves the compilation and publication of results and the sharing of the report with the stakeholders.
- *Certification:* Printing and issuance of certificates to grassroots people in accordance with the country’s legislative requirements.

FINALIZATION AND EVALUATION

- *Handover:* Ensure that land rights data are handed over to and embedded in the line organization for secure storage, both in cases where external cloud-based data management servers or internal stand-alone servers are being used.
- *Documentation of lessons learnt:* Documentation of lessons learnt from the perspective of the various

key stakeholders during the process is very useful for the successful planning and implementation of follow-up projects. The collection of lessons learnt may be done through key stakeholder interviews, key stakeholder workshops and/or participatory video exercises. This includes recordation of the names and contact details of all people and organizations involved during the STDM land recordation process design, implementation and finalization.

- *Impact evaluation:* The impact of the acquired improved security of tenure through pro-poor land recordation in STDM as related to recorded parcels and rights holders needs to be measured, shared and discussed after project completion.

IMPROVED AND SCALED IMPLEMENTATION THROUGH STDM

Improved implementation

Pro-poor land recordation with paper systems created from printing the results of (mobile) STDM-supported data gathering has been considered to be more appropriate for areas with low ICT penetration, little to no registered rights and limited land transactions (through market and non-market means). The gradual upgrading from paper-based to computerized pro-poor land data recorded through STDM offers at least three main improvements. First, the land information tool can easily accommodate the collection and storage of all tenure forms, social tenure relations and overlapping claims. Second, computerized updating through STDM eases maintenance and recordation of transactions. Third, it contributes to the preparation for future conversion to or integration with formal land administration information systems by creating an opportunity to formulate the requirements for that conversion or integration. The inventory of informal rights could eventually serve as a “what to do list” after integrating the land data

collected by the local community with data from a land administration agency – possibly in co-operation with other institutions.

Scaled implementation

Technical and financial requirements for land documentation and recordation programmes are substantial, prompting donor and government interest to find low-cost approaches. Such programmes must be feasible to implement at scale, with manageable time, personnel and technical requirements. But they should also provide sufficiently high-quality service delivery to meet development objectives and ensure the sustainability of the process beyond initial donor support.

Recently, there has been some initial exploration of formulating standard approaches to determine per-parcel costs or the cost-effectiveness of land documentation in different cases (Persha *et al.*, 2017; Achilla, 2017). These analyses can help to clarify resource needs and potential efficiencies, to identify how differences of approach may contribute to overall quality and sustainability, and to facilitate selection from a range of options. Recent findings hint at the need for approaches to balance trade-offs between per-unit cost, quality, delivery time and beneficiary trust. To improve the accuracy of cost estimates, future efforts may benefit from tracking measures, such as costs, paid and unpaid staff days, during project implementation with this explicit goal in mind. In addition, the accuracy of costs could be improved by tracking effectiveness measures, such as tenure security, conflict incidence, land rental, or investment within villages, obtained from rigorous surveys of beneficiaries and by examining longer-term outcomes that are anticipated to results from customary and informal land documentation.

SUMMARIZING THE SYSTEM DESIGN.

Key reasons to create a pro-poor recordation system are to protect the rights of the poor, to supply preventative justice and to limit the emergence of future conflict. The pro-poor land records office should not be a totally independent feature. The corporate culture associated with the system should be based on co-management between the community and the state to ensure that the records remain current and are useful to the community. Co-management should include a governance approach that manages malpractice and corruption. This means that there should be a two-way flow of information and capacity development between local communities and national experts. Guidance and inspection from a higher level should also be instituted to maintain and increase the local land office knowledge, to assist in developing working procedures, to improve the overall transparency and quality of the local office records and to contribute to the protection of third party rights. This should be a low-key function initially and focus more on motivation and support than on penalizing and prescribing. The land records' office should build on local initiatives and support, but should also be embedded in the national context, including the legal, institutional and governance environment. This will mean being flexible instead of just applying nationally standardized approaches, allowing very basic forms and equipment to be adapted to local conditions, and encouraging bottom-up land record creation.

Key reasons to create a pro-poor recordation system include: to protect the rights of the poor, to supply preventative justice and to limit the development of future conflict.

CAPACITY DEVELOPMENT AND LEARNING.

This approach should be linked to a continuum of land recording, whereby records can be improved over time as required. This means that the design should be simple and affordable at the outset, while ensuring that the details that are needed for the ultimate goal can be reached in the future. Building capacity with (para- or "barefoot") land officers and a local land recorder, would be an important design feature and would facilitate the phasing in of the continuum of land recording. It is important that both roles exist to strengthen the checks and balances. A delicate balancing act is needed, particularly in the initial years of implementation. Other sectors, such as planning offices, courts, the police and those who solve local land disputes, could learn from what the local land records offices have to offer and start to use the information in their own work. Those in the private sector would also come to value this knowledge. The global land community has accepted that individual land titling on its own cannot deliver security of tenure to the majority of people in the world and that countries need to adopt a continuum of land rights. Any country adopting a continuum of land rights at scale will need to introduce innovative land administration systems such as the pro-poor land recordation system. This publication outlines a possible approach.

POLITICAL WILL.

Political will is vital for the success and sustainability of this approach. Political elites may try to set up a land registry and/or capture the land registry for their own purposes – that is, to distribute the land use rights for their own benefit. To protect the land rights of the poor, therefore, it is necessary, but not sufficient, to assert these rights in a land recordation system. Such a system does not exist in isolation from the political system. So, to ensure security of tenure for the poor, the affected people need to be linked to, and mobilized around, the land records

It is necessary, but not sufficient to assert these rights in a land recordation system.

office. This means that both political understanding and political will from the community and its leaders needs to be part of the system design and implementation. An assessment of national and local conditions, and a clear understanding of

the institutional perspective on communities, the political economy within such a community, and between state and community, is important for implementation. These aspects are key to the success and sustainability of a pro-poor system and Global Land Tool Network partners will continue to explore them.

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UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME (UN-HABITAT)

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THE GLOBAL LAND TOOL NETWORK

The Global Land Tool Network (GLTN) is an alliance of international land actors contributing to poverty alleviation and the Sustainable Development Goals through promoting access to land and tenure security for all. The Network's partnership is drawn from rural and urban civil society organisations, international research and training institutions, bilateral and multilateral agencies, and international professional bodies. GLTN takes a holistic approach to land challenges through the development, dissemination and implementation of pro-poor and gender responsive land tools. These tools and approaches contribute to land reform, good land governance, fit-for-purpose land administration, sustainable land management, and functional land sector coordination. For further information, visit the GLTN web site at www.gltn.net

THE FACULTY ITC, UNIVERSITY OF TWENTE

The Faculty of Geo-Information Science and Earth Observation (ITC) focuses on teaching, research and capacity development. It addresses problems related to the management of space and resources and problems related to the provision of relevant, timely and reliable geospatial information. Its research focuses on a number of societal challenges at global through to local scale, addressing many of the Sustainable Development Goals. Within the field of land administration, the prime contribution is towards secure tenure rights as included in Indicator 1.4.2. Equal attention is given to technological (geo-ICT information systems, database systems and international standards) and institutional (land policy, land law, land administration and business administration) developments and challenges, necessitating integrated approaches. One of the core topics is the development and implementation of pro-poor land tools.





ABOUT THIS PUBLICATION

“Designing and Implementing a Pro-Poor Land Recordation System” aims to fill gaps in the development of new forms of land recordation and is intended to assist the implementation of a continuum of land rights approach at scale. It is about the design of a pro-poor land recordation system - a recording system aimed at supporting the recognition and protection of a range of rights of the poor, in particular women, youth and vulnerable groups.

This publication emphasizes a co-management approach in which the community has a greater role in the design and management of the system. The design also highlights affordability, legitimacy and credibility as key requirements for success.

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