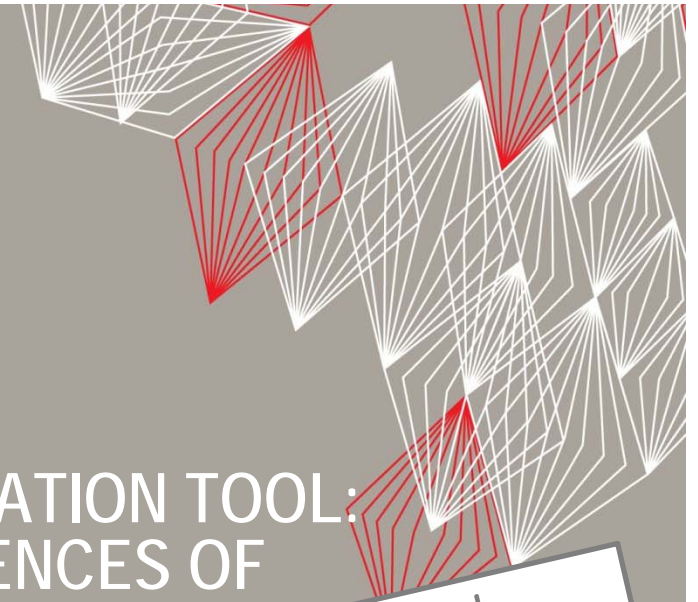
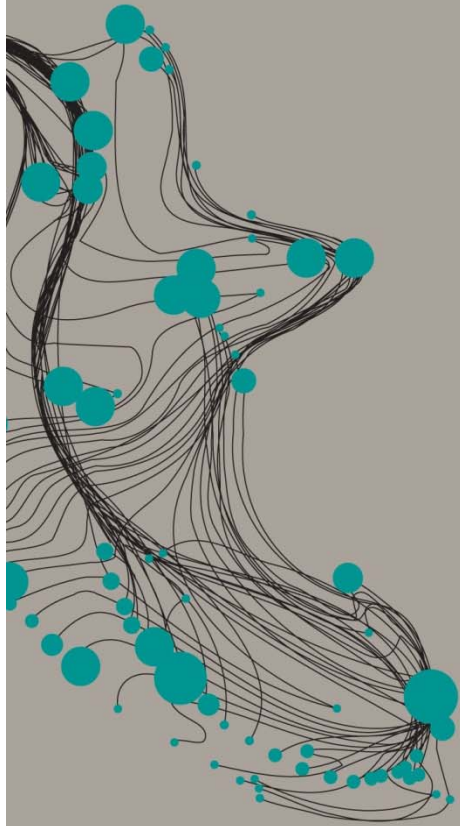


UNIVERSITY OF TWENTE.



# PRO-POOR LAND RECORDATION TOOL: FINDINGS AND CONSEQUENCES OF FOUR CASES FOR DESIGN ELEMENTS

...the title

ANNUAL WORLD BANK CONFERENCE  
ON LAND AND POVERTY

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...the authors

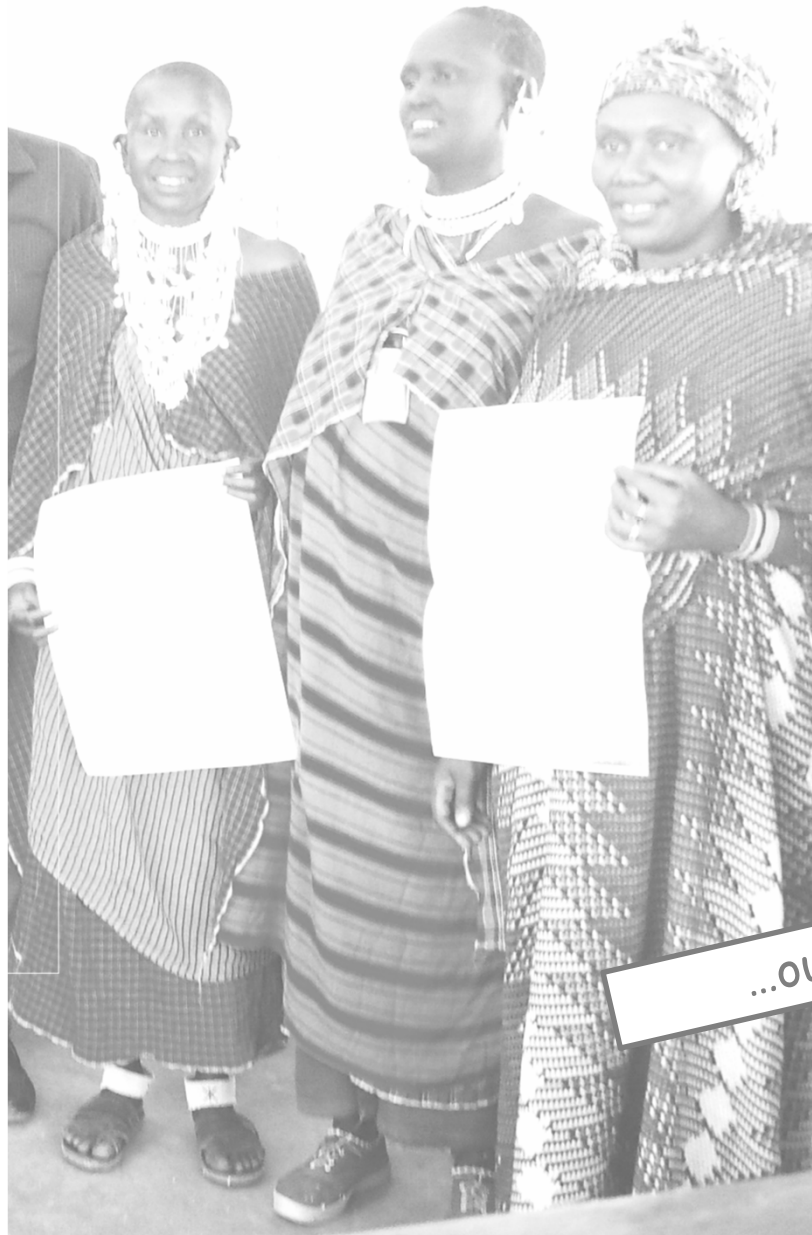


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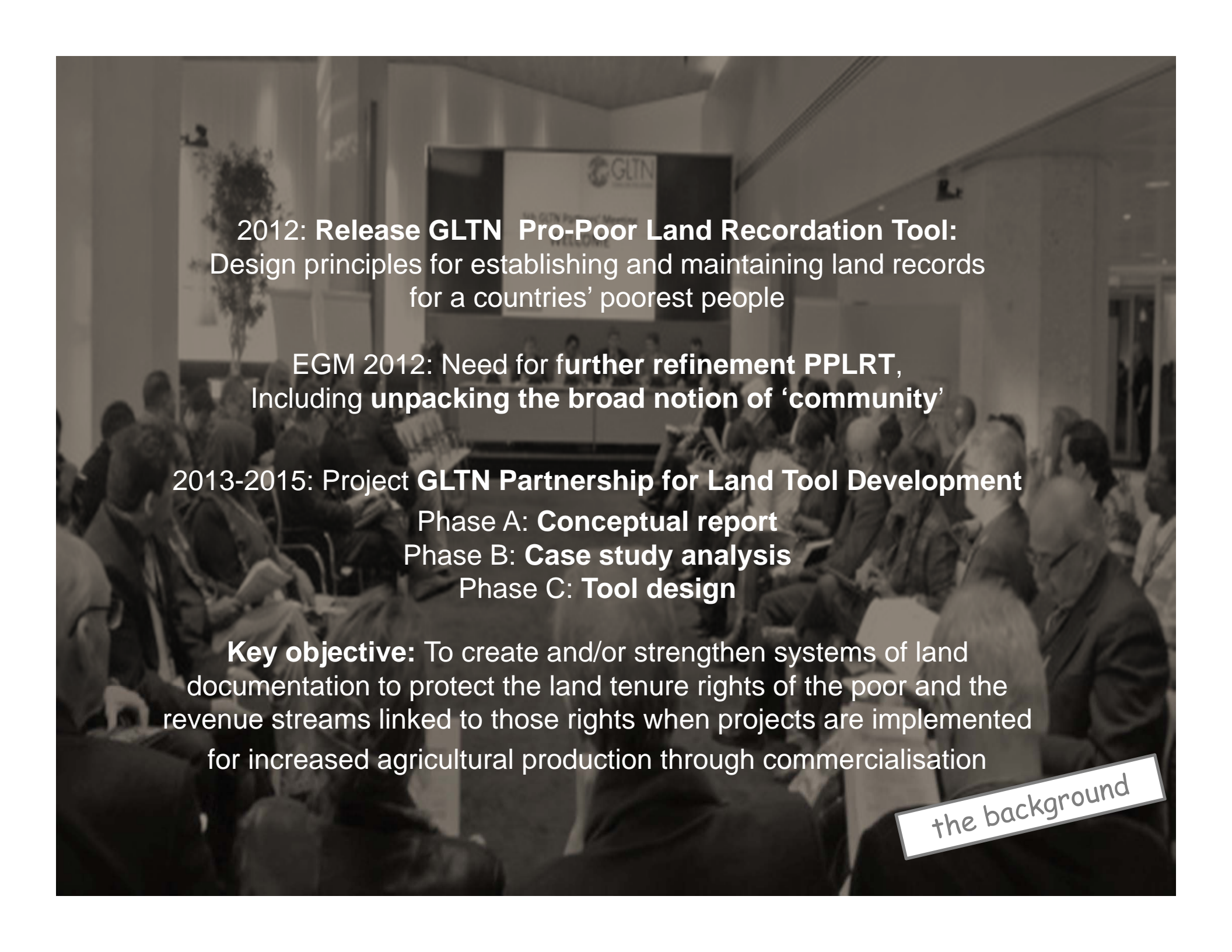


Enabling poor rural people  
to overcome poverty

**Background**  
**Four cases**  
**Methodology**  
**Refined Pro Poor Land  
Recordation Tool**  
**Some highlights of key findings**  
**Recommendations**  
**Questions**



...outline



2012: Release **GLTN Pro-Poor Land Recordation Tool**:  
Design principles for establishing and maintaining land records  
for a countries' poorest people

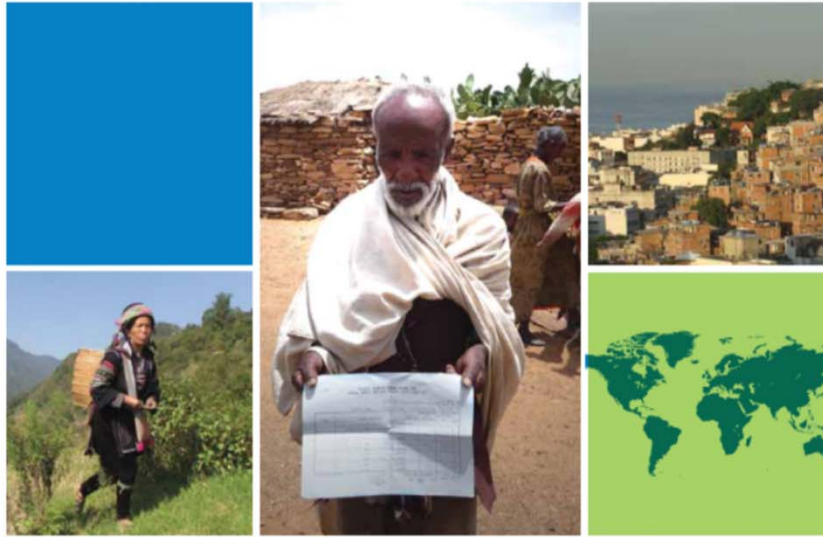
EGM 2012: Need for further refinement PPLRT,  
Including **unpacking the broad notion of 'community'**

2013-2015: Project **GLTN Partnership for Land Tool Development**  
Phase A: **Conceptual report**  
Phase B: **Case study analysis**  
Phase C: **Tool design**

**Key objective:** To create and/or strengthen systems of land  
documentation to protect the land tenure rights of the poor and the  
revenue streams linked to those rights when projects are implemented  
for increased agricultural production through commercialisation

the background

REPORT 2 / 2012



## DESIGNING A LAND RECORDS SYSTEM FOR THE POOR

the tool

*SECURE LAND AND PROPERTY RIGHTS FOR ALL*

**UN HABITAT**  
FOR A BETTER URBAN FUTURE

 UNIVERSITY OF TWENTE.  
ITC

 **GLTN**  
GLOBAL LAND TOOL NETWORK

affordability for state and citizens  
recognition of complex layered rights  
delivery of preventive justice  
sporadic or systematic approach  
flexible spatial index map  
transparent, inclusive, and equitable

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political economy  
mobilization  
co-management of land records  
common pool resources management

core requirements



Agricultural improvement /irrigation projects (MIS, Kenya)



Large scale land based investment projects/ inclusive business models (VODP, Uganda)

4 cases



Pastoralist land administration process (MWEDO, Tanzania)

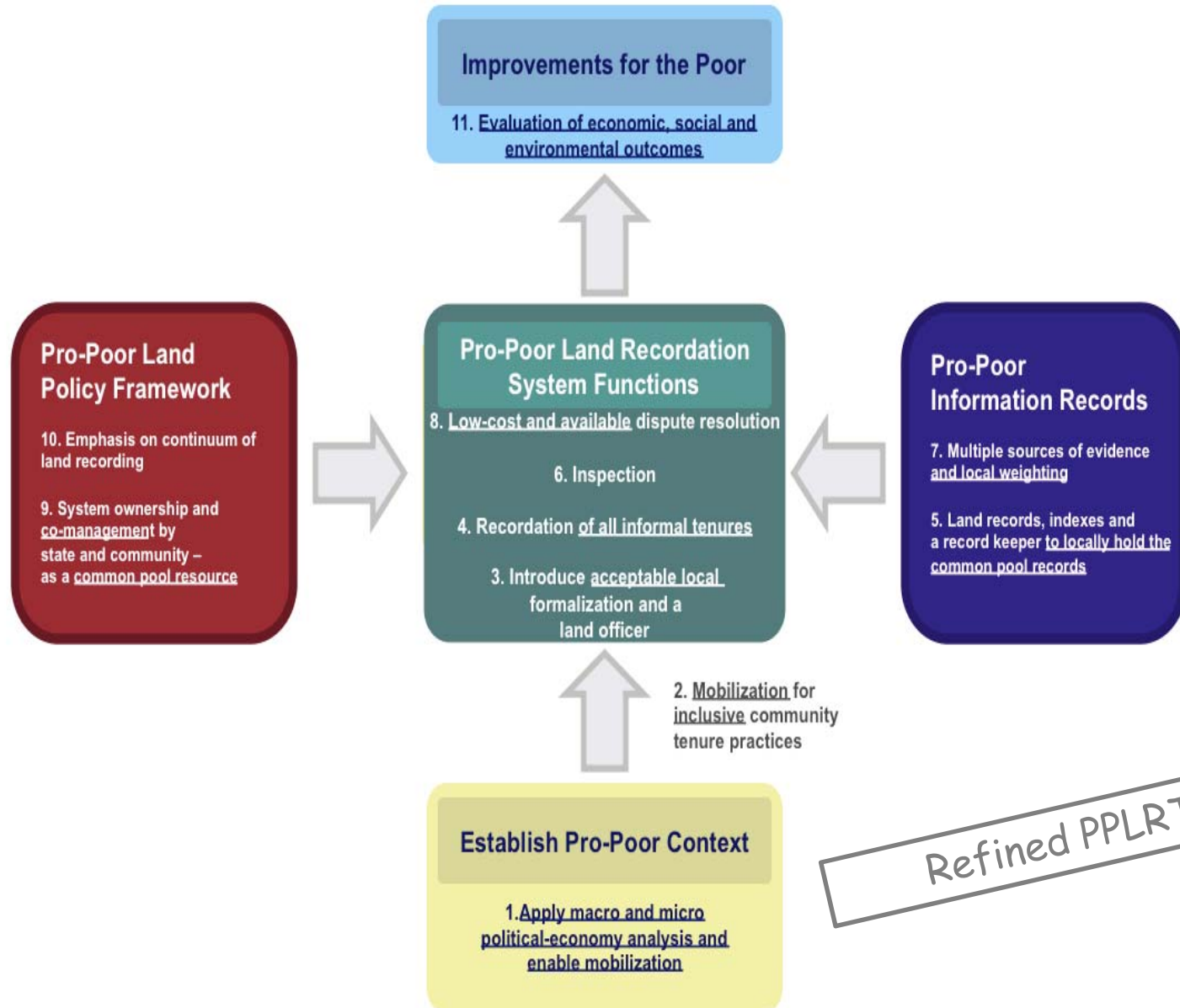


Social land (ejido) rights administration (RAN, Mexico)

- Selection of 4 cases by GLTN, in collaboration with IFAD
- Cases with field visits of 3 to 5 days
- Extract lessons learnt on design principles of the PPLRT by project staff, project beneficiaries and others (including community leaders, community members, project/investment managers, government staff)
- Scope did not include in-depth studies on individual design principles and implications on tenure security and poverty levels
- 'Living document'



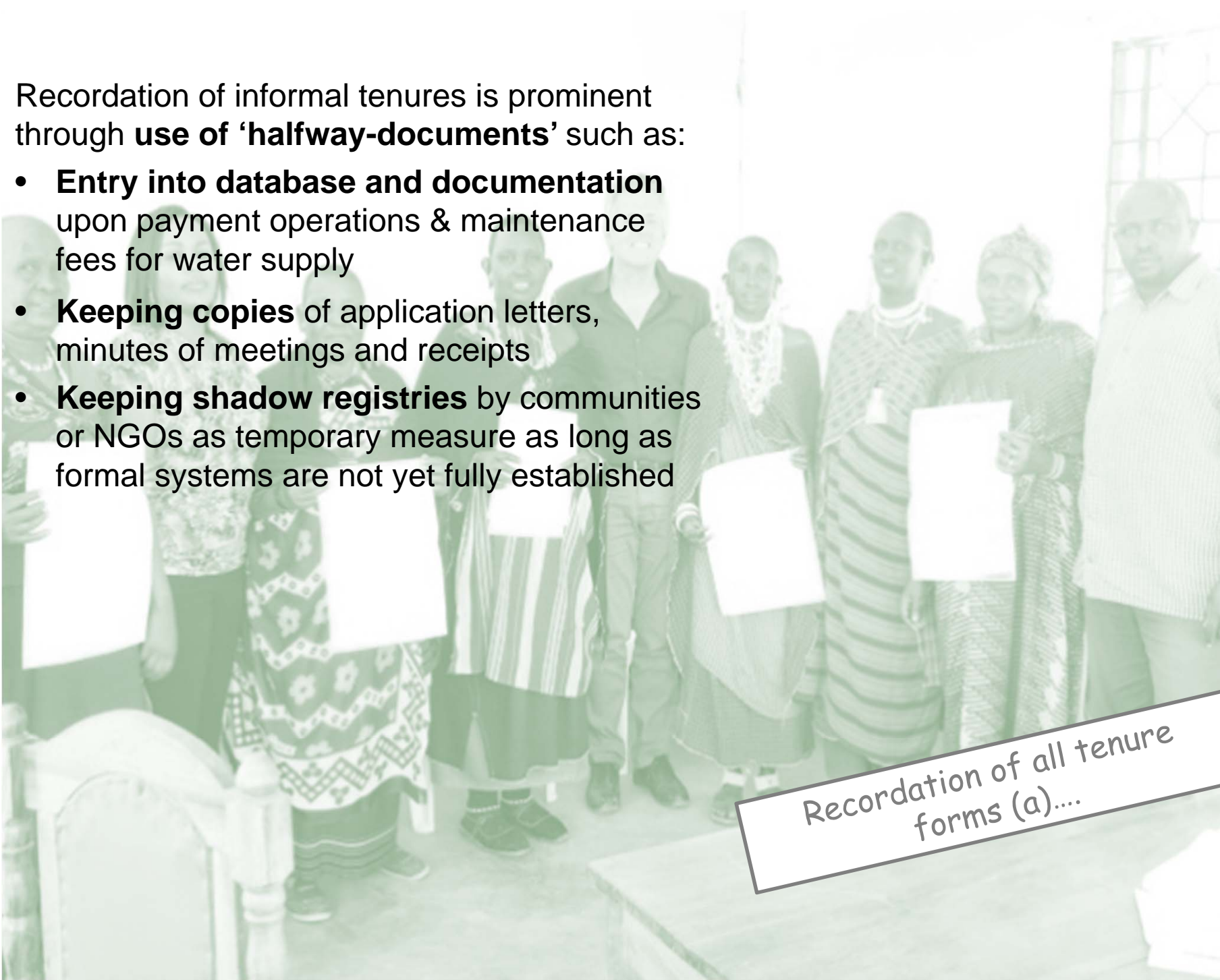
# Reformulation of 1 design element, addition of 1 design element, adding words to 8 design elements, keeping 1 design element unchanged



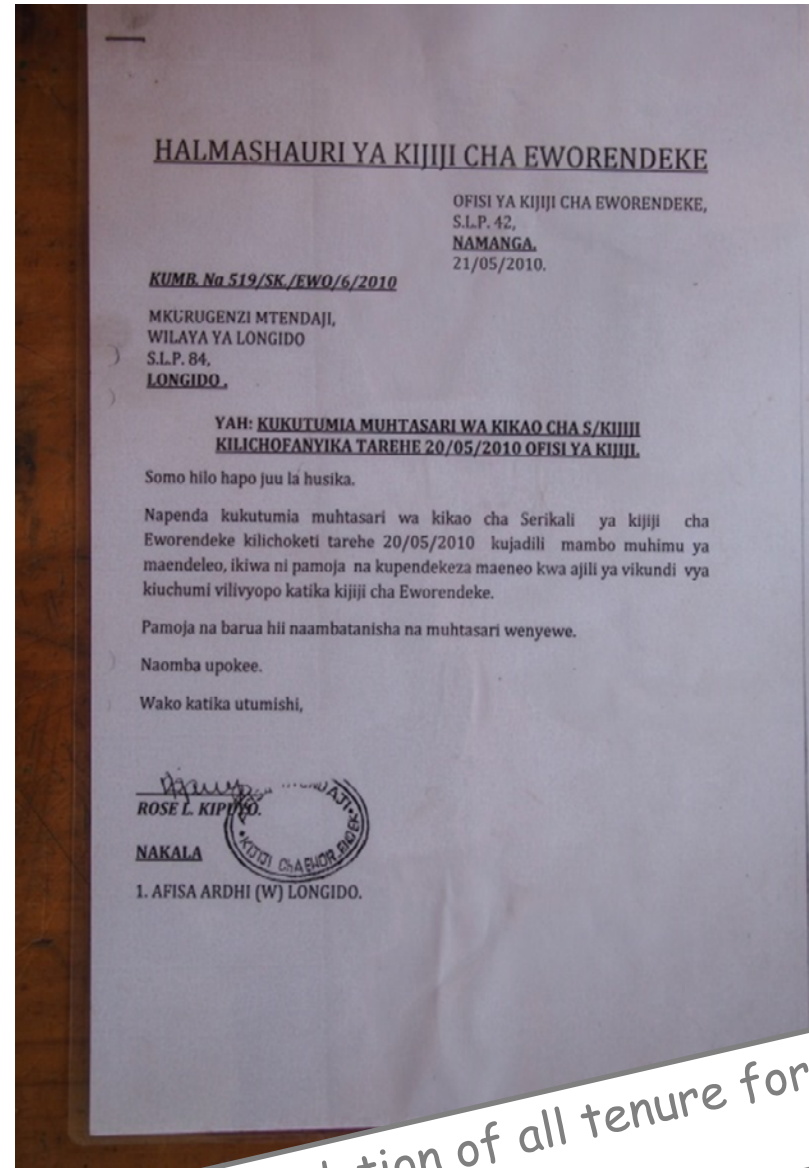
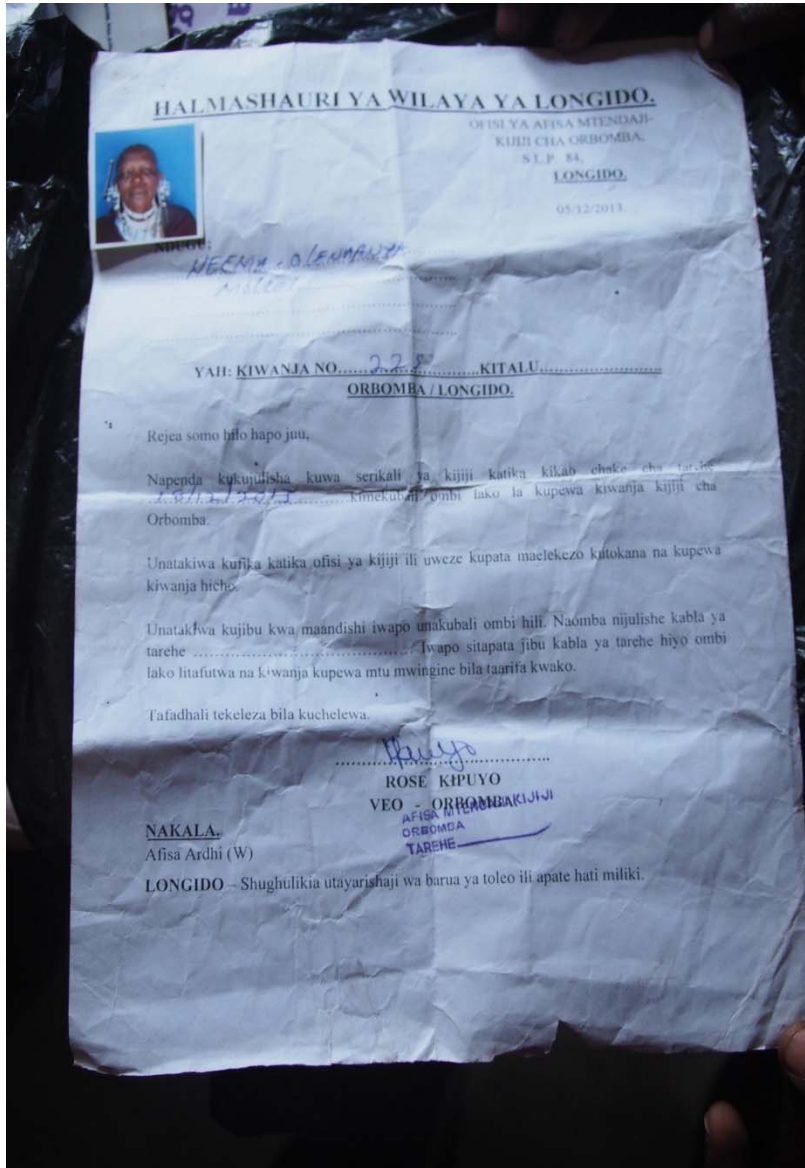


Recordation of informal tenures is prominent through **use of 'halfway-documents'** such as:

- **Entry into database and documentation** upon payment operations & maintenance fees for water supply
- **Keeping copies** of application letters, minutes of meetings and receipts
- **Keeping shadow registries** by communities or NGOs as temporary measure as long as formal systems are not yet fully established



Recordation of all tenure forms (a)....



Recordation of all tenure forms (b)...

The recognition of complex layered rights hints towards **two categories of land interests**, of which the second one remains 'off the books', even in innovative approaches (e.g. **informal subleases or subdivisions**)

Despite **(partial) formal/legal recognition** of the right of inheritance for women, **underlying cultural and legal gender biases remain persistent**



Recognition of complex layered rights...

NATIONAL IRRIGATION BOARD

The Manager,  
Mwea Irrigation Settlement,  
P. O. Box 80,  
KERUGOYA.

*Guardian*  
*Francis Wangari*  
*Gilumbi Market*  
*1st Location*

NOMINATION OF SUCCESSOR:

UNDER RULE 7 (1) OF THE TRUST LAND (IRRIGATION AREAS) RULES 1962, I WISH TO NOMINATE *MURHENA* *Be Njogu* OF THE FOLLOWING ADDRESS *M.S. P.O. Post. SP. Kerugoya* TO SUCCEED ME AS THE LICENSEE OF HOLDING NO: *3339* ON THE MWEA IRRIGATION SETTLEMENT IN THE EVENT OF MY DEATH.

SIGNATURE OF LICENSEE: .....

HOLDING NO: *3339*

DATE :- *3.11.20*.....19...

Both citizen and state affordability **remain an issue in the African cases**, whereas Mexico has given strong financial support to the registration project and keeps a base budget to supply the base services for free



Citizen and state  
affordability...

Spatial index maps again were not an explicit goal in the investment related cases, but in all cases **flexible approaches were trialled and partly applied**



Flexible spatial index map (a)...



Namba ya Hati ya Hakimiliki.....

SHERIA YA ARDHI YA VIJJI, 1999 (Na. 5 ya 1999)

HATI YA HAKIMILIKI YA KIMILA (CHINI YA FUNGU LA 25)

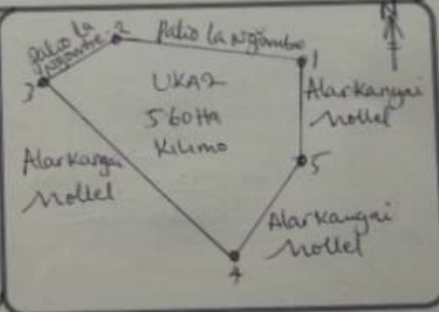
Leo tarehe 17/2 mwezi Decemba mwaka 2007 Hii ni kuthibitisha kwamba Halmashauri ya Kijiji cha (jina na anwani) KIMOKOWA WILAYA YA LONGIDO imetoa kwa (jina la Mkazi) ALARKANGAI LENGIYA MOLLEL (humu ndani akirejewa kama "Mkazi") hakimiliki ya kimila (itaitwa "hakimiliki") juu ya ardhi iliyofafanuliwa katika Jedwali (humu ndani itaitwa "ardhi") kwa kipindi kisicho na kikomo kwa miaka 99 kwa miaka tangu tarehe mwezi mwaka 20 kwa maudhui na tafsiri halisi ya Sheria ya Ardhi ya Vijiji na kwa kuzingatia vipengele vyake na kanuni zozote zinazotungwa chini ya sheria hiyo au sheria mbadala au marekebisho yake na kwa mujibu wa masharti yafuatayo:

- \*Futa lisilohusika i) Mkazi/Wakazi watalipa kodi ya mwaka ya Shs. kabla ya tarehe ya mwezi kila mwaka (kama inahusika). ii) Ardhi itatumika kwa ajili ya KILIMO. iii) Mkazi/Wakazi watawajibika kuhifadhi mazingira (ardhi na maji) iv) Mkazi/Wakazi watahakikisha kwamba mipaka ya ardhi inalindwa na idumu kuwa bayana kwa kipindi chote cha hakimiliki. v) Mkazi/Wakazi wataheshimu na kuhifadhi haki za njia zilizopo. vi) Uhakilishi wa hakimiliki kwa mtu yeyote au kikundi chochote cha watu ambao kwa kawaida si wakazi wa kijiji lazima uidhinishwe na Halmashauri ya Kijiji.

JEDWALI

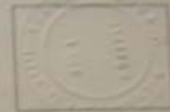
(Maelezo kamili ya eneo na mipaka yake)

Ardhi hii yenye eno lenye ukubwa wa ekari/hekta 5.60 Ha. iko katika Kitongoji cha LOLOIBONI Kaskazini itopakana na Pario la ngo'mbe Kusini inapakana na Alarkangai Mollel Mashariki inapakana na Alarkangai Mollel Magharibi inapakana na Alarkangai Mollel Kama inavyoonyeshwa katika mchoro ramani hapa kulia.



1. Jina kamili KELEMSU KIDO Saini Saini Anwani S.C.P 42 Longido Wadhifa Mwenyekiti wa Kijiji Jina kamili JULIO NAIKUYAT Saini Saini Anwani S.C.P 42 Longido Wadhifa Afisa Mtendaji wa Kijiji

LAKIRUMBUZI WA HALMASHAURI YA KIJJI



2. Mmiliki (Mkazi) Jina Saini Saini gamba (i) ALARKANGAI LENGIYA (ii) (iii) (iv)

PICHA



3. Inegongwa Lakiri ya Halmashauri ya Wilaya ya MANDUYU na Kusaniwa Ipo Tarehe 17 Mwezi 12 Mwaka 2007 Jina Nicodemus J. Hili Saini Saini Wadhifa Afisa Ardhi wa Wilaya

LAKIRI



Flexible spatial index map (b)...



Delivery of preventive justice never seems an explicit goal, whereas (alternative) dispute resolution is more clearly visible

**MIS & VODP:** Economic and social development objectives primary  
Frequent and contentious land disputes and conflicts  
Recently initiated preventive justice practices

**MWEDO:** ADR concurs better with pastoralist customs/traditions  
Community Paralegals from perspective of land related legal issues rather than watchdog


**RAN:** Presence legal advisor in important ejido assembly meetings incl. co-signing of protocol.  
Legal advisor assists people (for free) in documenting decisions on land use rights, incl. who is intended heir, formal transfers, start privatisation procedure

Delivery of preventive justice...

A systematic political economy analysis was not executed by any of the four selected cases

However, in all cases a more or less explicit **individualisation drive** played a strong role in the way the recordation was initiated, designed and implemented

This also makes such activities **immediately part of a wider social, cultural and political debate**, often surpassing the base goal of supplying tenure security to holders of any type of people-to-land relationship.



ID: 1234  
Holding: 5678

As a consequence **local innovations in especially intergenerational transfer and peri-urbanisation sales** are happening, often bypassing the policy or legal intent

Further, a **push to go 'all the way' to the formal solution** exists that often **ignores financial and capacity issues involved** in subsequent formal transactions and updating of the formal solution

Political economy analysis...



Mobilization is **influenced by the drivers for change**, and tends to be **easier when local land use change is imminent**, than when land tenure change is (politically) suggested or socially long overdue

However, at the same time, **the increased pressure on the land** in the former case **complicates dialogue and negotiation** of mutually agreeable solutions

**VODP & MIS:** differentiate between **mobilization of entire local population for informing them and asking their consent on sizeable land use changes** upon commencement projects *and* **mobilization of farmers/plantation workers for stimulating participation and involvement in farming**

**MWEDO:** Strategies for political buy-in from LG, traditional leaders, men as well as women, and prevention of elite capture through political leaders

- Involve LGs as facilitators/partners and participation of LG officials in joint trainings
- Approach and gain support from village leaders, who in turn gain support
- Apply role model approach (with precursor and example males)
- Allow for participation of everyone, both women and men

Mobilization...



**Need for awareness and sensitivity to risk of inherent biases towards dominant paradigm of individualization of land tenure and PPLRT becoming inherently political itself**

**PPLRT to promote taking into account full range of possible pro-poor and gender sensitive land tenure systems in different contexts**

Additional design elements at level of design system PPLRT (a)...



Ongoing land use practices may pose challenges to pro-poor nature of land recordation and may require re-assessment of selection of 'hot spots' for intervention

**MIS** : practices of considerable subleasing

Due to contextual factors such as influencing market prices through brokerage by middle men and informal subdivision of plots caused by increasing population pressure

**RAN/ ejido system**: similar issues

**Problematic access to land for youth** (long wait and no subdivision among siblings) and **peri-urbanisation pressure** (reduced interest in farming and land transfer for residential purposes to outsiders)

Additional design elements at level of design system PPLRT (b)....

A group of people are seated around a large wooden conference table in a meeting room. The room has a large window with a decorative metal grille on the left and a framed portrait on the wall. The text is overlaid on the image in white. 

PPLRT as a way to establish and maintain a system of land recordation

PPLRT as a tool in between STDM (entry level) and Fit for Purpose (national level)

Explore more bottom-up originated cases for further lessons

Additional urban trajectory

Develop 'how to' guides for country level implementation

Recommendations....

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Many thanks.

Questions.



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