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# Governing Land

## Reflections from IFPRI Research

Land is still among the most important assets of the rural population in the developing world. Land resources are governed by a variety of tenure systems based on statutory, customary, or religious law. At the same time, many national, subnational, and local institutions administer the application and enforcement of these laws, relying on a wide variety of policies, rules, and regulations that promote different practices for using and managing land and land-based resources. IFPRI contributes to land policy debates by demonstrating the importance of land policy and its impact on rural people. This occurs across multiple dimensions, including people's livelihoods, the sustainability of the resource base, and the effectiveness of the institutions that govern land. This brief summarizes findings of relevant IFPRI research on land management and governance to promote strategies and policies targeted toward the achievement of gender equity, poverty reduction, and sustainable resource management.

Stephan Dohrn

### **Many ecosystems, such as rangelands, are defined by multiple users pursuing different livelihoods and production strategies; flexible tenure arrangements can accommodate this diversity**

In many semi-arid and arid regions where livestock is the predominant production activity, the ability to move livestock to different pastures is a key strategy for mitigating exposure to erratic rainfall. Reliance on access to a wide range of pasture resources has long been essential to the viability and sustainability of such systems, as is the case in Jordan, Morocco, Syria, and Tunisia, where rangelands receiving low and erratic rainfall comprise a large proportion of land. In these contexts, the institutional arrangements that underpin land access and management include state-based and herder-driven cooperatives, community- or tribally based land titling, individually held land titles, and joint state- and community-owned land holdings.

In assessing the effects of these range-management mechanisms on the welfare of herders and on range productivity, IFPRI

researchers found that community and herder-driven arrangements perform better than arrangements involving either government ownership or government sponsorship. It is important to note, however, that community-driven arrangements are complex and thus not unproblematic. In Morocco, for example, a large proportion of recorded disputes are on common pastures, most concerning cropping or encroachment of cultivation into pastoral zones. In Niger, all recorded disputes concern similar competition for pastoral resources. Thus, even in seemingly homogeneous landscapes, interests and production systems are heterogeneous. Flexible frameworks that provide more options for access to different users—such as agreements for grazing on crop fallows, along with improved mechanisms for local conflict resolution—can help deal with this heterogeneity.

Policies that aim either to increase tenure security or improve resource management must also incorporate potential tradeoffs between flexible access and pasture management incentives. On the whole, evidence of “overgrazing” across East Africa is scant; such problems tend to arise in more settled areas, where

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herds appear to be less mobile. Evidence from Kenya suggests that herd mobility is limited even in drought years. Hence, policies to improve tenure security and resource management should first focus on settled areas.

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### **Local cooperation is an important factor in the management of commonly held resources; it also has positive effects on household income**

Unfortunately, rhetoric on the use and management of common-pool resources still tends to be polarized. On the one hand, it is purported that local users manage their resources perfectly as long as “outsiders” don't interfere; on the other hand, local users supposedly never manage their resources, so overexploitation results. Results of IFPRI research show that in many instances local communities can and do manage their resources effectively, but their capacity to do so varies widely. Research in Burkina Faso reveals the dual nature of cooperative capacity: network capacity—that is, the density and membership of human networks—was seen to create greater efficiency in the delivery of reforestation and soil erosion control measures, while implementation capacity—the rules, activities, and rates of participation in collective action—appeared, even more importantly, to result in greater provision of local public goods, higher shares of land in common pastures, lower stock densities, and greater herd mobility. Additionally, where pastures were better managed and local public goods provided, households had significantly higher incomes, both from livestock and in total.

Greater cooperative capacity was generally found in medium-sized communities with comparatively more equal wealth distribution and fewer adults migrating for wage-based work—all of which should reduce the negotiation and enforcement costs of undertaking collective action. Other factors affecting cooperation differ across countries. For instance, external pressure to use community resources appears to have a much more negative effect on cooperation in Burkina Faso and Ethiopia than in Niger. Even though cooperation is inherently more difficult in certain communities, well-designed implementation policies can overcome these difficulties. In these circumstances, current approaches to decentralizing and devolving natural resource management need to incorporate mechanisms that support community cooperation.

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### **Strengthening women's rights to property and other assets has positive spin-offs for agricultural productivity, household welfare, and women's decision-making power**

In almost all countries, the gender gap in land rights has been widening rather than narrowing. Although use rights may be guaranteed in some societies, women usually obtain access through men—be it their fathers, brothers, or husbands. Indirect access to land and pro-male bias in titling and land reform make it difficult for women to acquire secure rights in a privatized system as well. An IFPRI study in Kenya has shown that equalizing women's levels of education, experience, and farm inputs compared with men may considerably increase their maize, bean, and cowpea yields. In Bangladesh, new vegetable technologies targeting women and disseminated by nongovernmental organizations (NGOs) are more profitable than traditional (male controlled) agriculture and may give women an important source of income, while increasing their bargaining power within the household.

Increasing the share of assets controlled by women can lead to an increase in household welfare. In Bangladesh and South Africa, assets in the hands of women lead to greater expenditure on child schooling. In Bangladesh, a higher proportion of pre-wedding assets held by the mother improves the status of women in the households, which is likely to lead to more attention to the health of girls. Attempts to increase women's incomes or agricultural productivity by equalizing land rights will only succeed, however, if other constraints women face—such as lack of access to inputs and extension, as well as time constraints due to their domestic responsibilities—are also addressed. Finally, gender equity in access to assets is a valuable outcome in its own right because it can lead to greater mobility for women, increased political awareness, and fewer incidents of domestic violence.

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### **Land titles can contribute to security but not necessarily to greater investment; securing property rights for some can come at the expense of the rights of others**

Peru has introduced different programs to formalize property rights to land in urban and rural areas. Studies analyzing the effect of two of these programs found that the risk of expropriation was lower after the titles were supplied. A clear gain in the

value of the plot was also observed, thus improving investment incentives and gains from the trade of land. Titles, however, had no effect on land owners' access to credit, either in terms of amounts or interest rates. Titles are simply not enough to facilitate investment. Looking at the impact of the titling program on the provision of local public goods suggests that communities focus first on providing basic infrastructure (roads, parks, bridges, community centers, and so on) and then move to public utilities (such as electricity, water, and sewage). Neighborhoods with high levels of tenure insecurity are reluctant to invest in community infrastructure.

A major factor in China's economic success is said to be the secure property rights granted to investors and the easy process through which they can obtain land. Although local governments provide partial functional substitutes for formal legal requirements, property rights at regional levels are secure for foreign investors. This, however, comes at the expense of individual property rights. Local governments capture farmers' land at low prices, competing with each other to provide the most favorable investment environment. Land grabbing is thus carried out to attract investment. Industrialization and urbanization boost land rents, expanding the prospects for local officials to take advantage of this situation. Land can also be used to seek (national) bank credit for local economic growth and as an input in cadre evaluation by boosting the region's GDP and providing money for prestige projects. Lack of legal grievance channels spurs unrest. In the absence of legal instruments to fight expropriation, crisis and threat may lead to institutional reform as individuals and groups deprived of land become stronger as a constituency.

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### **The legitimacy of the institutions and organizations that govern land use and management is critical for their effectiveness; similarly, institutional transparency and accountability are necessary for equitable land allocation and management**

In many parts of the developing world, property rights are supported by formal legal systems, communities, customary

authorities, and programs that modify the distribution of power. Multiple legal frameworks coexist and interact, and policies are only as strong as the institutions that sanction them. In the Nyando basin in Kenya there are at least 20 different sources of national and local authority for property rights and environmental governance. Most institutions do not have the capacity or resources to fulfill their mandates, and cooperation and coordination varies considerably among agencies. Over-emphasis on private property and ineffective regulations on private land use limit the capacity of institutions to manage collective resources, particularly water, effectively. In such contexts, a reassessment is needed of how to foster alternative sources of authority that engender legitimacy and trust and to establish local mechanisms for conflict resolution.

In examining the processes underlying the shift from collective to individualized property systems among the Maasai pastoralists in Kenya, a study found that declining land tenure security was among the main factors motivating the subdivision of collective holdings—a process that excluded women and youth and resulted in unequal land distribution and capture by the elite. Institutions crafted to enforce procedural rules, such as an elected management committee, a land control board, and even the judiciary, failed. Consequently, the management committee was able to redistribute a large proportion of resources to themselves and their allies, against the will of the collective. This outcome suggests that without clear mechanisms for enforcing transparency and accountability at different levels, including appropriate checks and balances, it is unlikely that equitable outcomes will be achieved in reform processes.

An important finding of IFPRI research on land management in East Africa is the importance of empowering local communities by devolving authority over natural resources. In Ethiopia, studies found that communities were more effective in managing community woodlots when the regional government was less involved and management was localized. A similar result was found in Uganda, where people were more likely to comply with natural resource management regulations enacted by local councils rather than central authorities.

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## KEY RECOMMENDATIONS

### **Recognizing the complex interrelationships among land tenure systems, resource management systems, and human networks is essential in achieving sustainable resource management and poverty reduction**

The research findings summarized here show that land tenure reform will affect the implementation and enforcement of policy instruments across local, regional, and national levels. While broad principles may best be established at the national level, and enforcement requires well-defined mechanisms that are backed by the state, specific rules and regulations should respond to cultural, political, and ecological demands at local levels and, thus, be adopted and implemented at the lowest possible level of governance. This also requires the recognition that external interventions never enter a vacuum; existing resource uses and the views of interest groups and a wide range of local institutions—some of which have evolved over centuries—must be taken into account. Charging existing groups with new roles may well be desirable in implementing policy reform, but overloading them could undermine their functioning and effectiveness not only in fulfilling new responsibilities but also in maintaining traditional ones.

### **Privileging individual private property is not productive in all settings**

In some settings, granting individual property rights may be the most effective way to secure the de facto rights of land users. At the same time, it can lead to expropriation of rights by secondary

users, such as those with seasonal rights. Individualizing rights often erodes systems of common property, threatening the land rights of many poor people whose livelihoods depend on these systems. While it is well established that secure rights for the collective are important in common property systems, recent research shows that security for the individual in the collective is also very important to ensure that people are given the necessary incentive to invest in collective resources. The achievement of individual security within the context of a collective requires transparency and accountability. It also necessitates an appreciation, on the part of policymakers and international agencies attempting to induce positive change, of the context within which institutional arrangements have evolved.

### **Efforts to strengthen the land rights of marginalized people, including women, will be more effective if accompanied by measures to strengthen access to other assets**

Strengthening the rights of poor and marginalized people to natural resources is essential. Having only access to land, forest, or water does not, however, increase incomes or opportunities because the infrastructure or capacity needed to capitalize on these opportunities may still be lacking. Policies targeted toward achieving efficient gender equity, poverty reduction, and sustainable resource management should therefore not be limited to strengthening land access and use rights but rather focus on improving access to education, extension services, and markets (for the purchase of inputs and sale of produce) and on strengthening the decisionmaking power of poor and marginalized people.

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*This brief summarizes presentations made at an IFPRI workshop held on December 15, 2005, in Washington, D.C. Stephan Dohrn (s.dohrn@cgiar.org) is a research analyst with the Consultative Group on International Agricultural Research's Systemwide Program on Collective Action and Property Rights (CAPRI), based in the Environment and Production Technology Division of the International Food Policy Research Institute.*

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