

1. Land Tenure

DFID

The purpose of these *Key Sheets* is to provide DFID Natural Resource Advisers with an easy and up-to-date point of reference on issues relating to development in the natural environment.

The sheets are designed for those who are managing change and who are concerned to make well-informed implementation decisions. They aim to distil theoretical debate and field experience so that it becomes easily accessible and useful across a range of situations. Their purpose is to assist in the process of decision-making rather than to provide definitive answers.

The sheets address three broad sets of issues:

- Service Delivery
- Resource Management
- Policy Planning and Implementation

A list of contact details for organisations is provided for each sub-series.



Overview of the debate

Over the past 5 years, the land tenure debate has focused on:

- The comparative advantage of formal and informal tenure systems, and how to integrate these systems better.
- Assessing the economic efficiency of small *vs* large landholdings (including the balance between economies of scale through mechanisation, and diseconomies of scale through supervision and monitoring costs).
- The effects of different tenure systems on natural resource management in rural areas.
- Defining the preconditions for effective management of common resources and seeking options for joint public/private management.
- The continuing marginalisation of various groups – in particular women, indigenous peoples and the poor – due to lack of access to land.
- The pros and cons of market-based *vs* non-market-based mechanisms for land reform.

Key issues in decision-making

Donor involvement in the area of land tenure can take a number of forms:

- the provision of support to land titling efforts;
- support to modification of the rules of tenure;
- policy, technical or financial support to land redistribution (between different types of ownership regime – state, private and common property – or between different types of private owner).

Alternatively donors can invest in related areas such as improving the provision of services to new landowners or building management capacity where group ownership/tenure results.

Which type of investment – if any – is most appropriate will depend upon a number of factors, including the current land tenure situation:

- How is land allocated within the current system? Who benefits/loses?
- Are there particular groups (such as women and younger households) which lack access to land under the current system?
- Have any recent changes in land tenure systems and land use had differential impacts on particular groups of users? (eg. privatisation of land harming the interests of traditional users of water/forest resources)
- What are the advantages of the current system? (It is now understood that many customary systems have evolved in ways which compensate for absent or imperfect markets, help mitigate risk in marginal areas, and accommodate rapid agrarian change).
- How 'effectively' is the current system working (communal systems can break down without being officially changed, and state ownership can be meaningless, allowing unregulated offtake of resources (trees, fodder, water) and illegal land grabbing by elites) and how well is the system integrated?
- How do broader policy and institutional frameworks impact on land tenure and land use? (eg. are special privileges, such as tax incentives and subsidies, accorded to larger owners or for certain types of land use?)

Tenure reform – particularly on a national scale – is an intensely political area of intervention. When donors concur with the overall objectives of reform, they can support the reform process, for example through support to research and policy units, but they should not attempt to drive it. Careful consideration needs to be given to the impact and the costs of any proposed changes.

- What impact will tenure reform have on access to other resources? (especially water and forest products)
- Do proposed reforms permit efficient resource flows between common pool and private agricultural land?
- What effects will reform have on inter- and intra-household access to resources?
- Is there a danger of reforms leading to increased landlessness? What livelihood options are available to the landless?
- What is the probable impact of land tenure reforms on land use? How sustainable are any changes likely to be?
- What effect is reform expected to have on aggregate levels of production?
- What complementary reforms and investment in support services are likely to be necessary? (especially where land reform is regarded as a means to facilitate efficient land allocation, provide collateral for credit or to promote natural resource investment)

DFID financed research

- Privatisation of rangeland resources in Namibia (ODI and NRI - start 1996)
- Review of common property rights, rights of tenure and access in land use management and planning at the forest/agriculture interface (global) (NRI - start 1995)
- Applied research on African rangeland policy (ODI and IIED - start 1992)

DFID project experience

- Land reform pilot programme (South Africa - start 1995)
- Estate land utilisation study (Malawi - start 1995)
- Support to land legislation reform process (Tanzania - start 1996)

UK and other expertise

- **Overseas Development Institute**, Natural Resources Group
- **International Institute for Environment and Development**, Drylands Programme
- **L'Université de Saint-Louis**, Groupe de Recherche et d'Echanges Technologiques
- **University of Wisconsin-Madison**, Land Tenure Center
- **Food and Agricultural Organisation**, Sustainable Development Department

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- If the aim of reform is to reduce poverty, how will the poor be targeted? Do they have the means to take advantage of the reforms?
- How effectively can proposed reforms be implemented? The coexistence of competing or incompatible formal and informal tenure systems may be the worst of all options.

There are a range of different implementation mechanisms for tenure reform, from market-based approaches (such as taxes/subsidies and special credit facilities) to non-market-based approaches (such as restrictions on certain types and size of land ownership, and expropriation with or without compensation). Where possible, lessons should be learnt from land reform efforts elsewhere and probably from pilot reform efforts in country. Care should be taken to ensure the existence of genuine political will to carry through reform and consideration must be given to how to counteract the protests of any 'losers'.

Major concerns include:

- Should land redistribution be market or non-market based, or a combination? What are the implications in terms of cost, growth, adaptability and equity of either option?
- What is the appropriate institutional home for the land reform programme (eg. within a particular ministry or as an interministerial body) and what is the appropriate level of decentralisation?
- Which groups may have the will and power to derail the process? How can these groups be brought into the process or otherwise neutralised?
- Has provision been made for consultation at all levels and stages during the reform process? How will conflicts be resolved?
- How accessible will new titling procedures be (especially for poor people with low levels of education living in remote areas)?
- How will information about the reforms be passed to those affected?
- Is the timetable for reform realistic?
- How will land reform affect other sectoral legislation (for example, in forestry and wildlife sectors), and what measures must be taken to address these issues?
- What provision will be made for encouraging long-term investment in the interim?

Land tenure issues remain firmly on the agenda, not only because of the coexistence of landless poor with inefficient large landholdings in dualistic systems, but also because of their enormous influence on the prospects for sustainable management of natural resources. Land reform is, though, extremely costly and complex in political, legal and production terms. Donor support to policy can be very important (as in South Africa), a fact which is reflected in the World Bank's recent rural strategy document which urges it to do more in this area and not to avoid this fundamental issue simply because of its controversial nature.

Seminal literature

- Adams, M. (1995) Land Reform: New Seeds on Old Ground, *Natural Resource Perspectives 6*, London: Overseas Development Institute.
- Agarwal, B. (1996) *A Field of One's Own: Gender and Land Rights in South Asia*, New York: Cambridge University Press.
- Davis, S. & A. Wali (1993) Indigenous Territories and Tropical Forest Management in Latin America, *Policy Research Working Paper Series 1100*, Environment Department, World Bank.
- GRET & IIED (1997) *Managing Land Tenure and Resource Access in West Africa*, Proceedings of a Regional Workshop held at Gorée, Sénégal, November 18-22, 1996, mimeo.
- Platteau, J.-P. (1992) Land Reform and Structural Adjustment in Sub-Saharan Africa: Controversies and Guidelines, *FAO Economic and Social Development Paper 107*, Rome: FAO.

Key Sheets are available on the Internet at: www.odi.org.uk/keysheets/
or through DFID's website

Department for International Development
Rural Livelihoods Department
Tel: +44 (0)20 7023 0022 Fax: +44 (0)20 7023 0624
Email: rl-policy@dfid.gov.uk Website: www.dfid.gov.uk/

ODI Series Editor: Diana Carney