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## Securing land rights at scale: eight lessons and guiding principles on land tenure regularisation

By **Joseph Feyertag**, **Anna Locke**, **Julian Quan**, LEGEND Core Land Support Team, and **Clive English**, land tenure specialist, DAI

Since its involvement in Guyana's land administration reform and development programme (1997-2005), the Department for International Development (DFID) has been at the forefront of efforts to secure land rights at scale. As interest in land tenure regularisation (LTR) continues to grow among international donors, it is vital we take stock of this experience and thereby help guide future programming. **A new LEGEND report**, published alongside this quarter's Bulletin, aims to do just that by laying out eight lessons and guiding principles that will help secure land rights at scale.

The lessons span all stages of the traditional policy cycle, through design, implementation and

evaluation. However, one of the more conceptual guiding principles is that tenure reform does not represent a single approach. Too often, such efforts are considered synonymous with one-off large-scale individual titling programmes. But as our experiences in land reform have grown, so too has their variation and complexity. Across the six countries that DFID was most involved in, the mass-registration of individual titles in Rwanda contrasts strongly with efforts to strengthen collective management systems by issuing titles to communities and producer organisations in Mozambique. Likewise, second-level land certificate registration carried out in Ethiopia is different not only from first-level registration in Rwanda, but also from efforts that focussed on building up the capacity of land administration in Guyana. Before reading the report, it is therefore vital to understand the multifaceted nature of land reform.

### Part and parcel of a larger reform package

This is reflected in the first lessons, which primarily address the design phase of the policy process. Clarifying rights and one-off registration are not in themselves sufficient. Tenure reform needs to be considered as part of a wider programme to reform and strengthen legal, policy and institutional frameworks. Apart from strengthening the capacity of land administration systems, complementary reforms include measures that strengthen market

support, legal empowerment and target groups learning about their rights. Particularly in Rwanda and Ethiopia, experience shows that titling needs to go hand in hand with the development of land administration systems. Likewise, issuing titles to women and other disadvantaged groups is not enough if we don't challenge existing stereotypes.

### Tenure reform needs to be part of a wider programme to reform and strengthen legal, policy and institutional frameworks.

One of the most important takeaways from DFID's previous experiences is that management and technical support achieves the best results when embedded within a government structure. Failure to do so can result in gaps and duplication of tasks. The role of technical assistance is crucial here, but contracting out certain tasks can also help build capacity within government management by freeing up certain staff to focus on key strategic issues. Doing so also helps support strong government commitment and ownership, as in Rwanda and Ethiopia. Finding alliances of interest between donors and national governments as well as between policymakers and interest groups can ensure that there is



a sustained political will to follow through on reforms and to do so without marginalising others.

Another lesson from recent experiences of implementation, especially in Tanzania, is that the adoption of fit-for-purpose technology can make implementation more time- and cost-efficient. Nonetheless, a human element will always be required in dealing with processes around adjudication and dispute resolution; and, as always, technology should be used to guide existing procedures rather than replacing them. In this respect, social inclusiveness and participatory processes lie at the heart of achieving broad-based benefit. In Rwanda, for example, working with village teams comprising of both men and women to demarcate boundaries

and with village councils proved fundamental in achieving high levels of participation and acceptance.

### Long-term commitment from donors

The final evaluation stage of the policy process is also the phase in which donors can make the biggest difference. Successful implementation of LTR requires multi-year, multi-phase commitments and coordinated approaches to support institutional reform and capacity in land agencies and deliver lasting tenure security at scale. This brings us back to the first point, which is that LTR needs to take place within a wider reform package in which activities and time are integrated to build capacity for land administration and ensure

that cadastral records and land-service delivery are sustainable. Only this will ensure that LTR will achieve its wide range of economic, social and administrative objectives. These include stimulating growth; reducing poverty; resolving conflict and disputes; and creating a basis for governments to clarify land ownership, and use it as a basis to raise revenue and provide public services. It is worth finishing on this note and a final takeaway from the review process: better baseline data and impact evaluations are necessary to measure the short- and long-term contribution of LTR interventions.

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## Reflections on land tenure regularisation lessons for future DFID land work

**Chris Penrose Buckley**, Land Policy Lead, DFID

**L**and tenure regularisation' to me always sounds like a very technocratic way of describing what is a very political and contested process. As highlighted in the recently published LEGEND LTR review, political will and support is needed to implement LTR but the bigger question is what to do when political support is absent, weak or divided across different interest groups? In other words, what do you do when reform is sorely needed but you do not find yourself in Rwanda or Ethiopia, where land is managed from the centre with strong government commitment to reform? The case for land reform and mass strengthening of poor people's tenure security has never been stronger, so it is vital that we look beyond the technical solutions and draw on experience from other sectors on how to influence and build political support for reform. DFID is currently exploring ways to strengthen this critical foundation for future land programmes, particularly in countries where land reform requires a whole

new political settlement between central government and traditional authorities (please send us any ideas and evidence and on how to do this).

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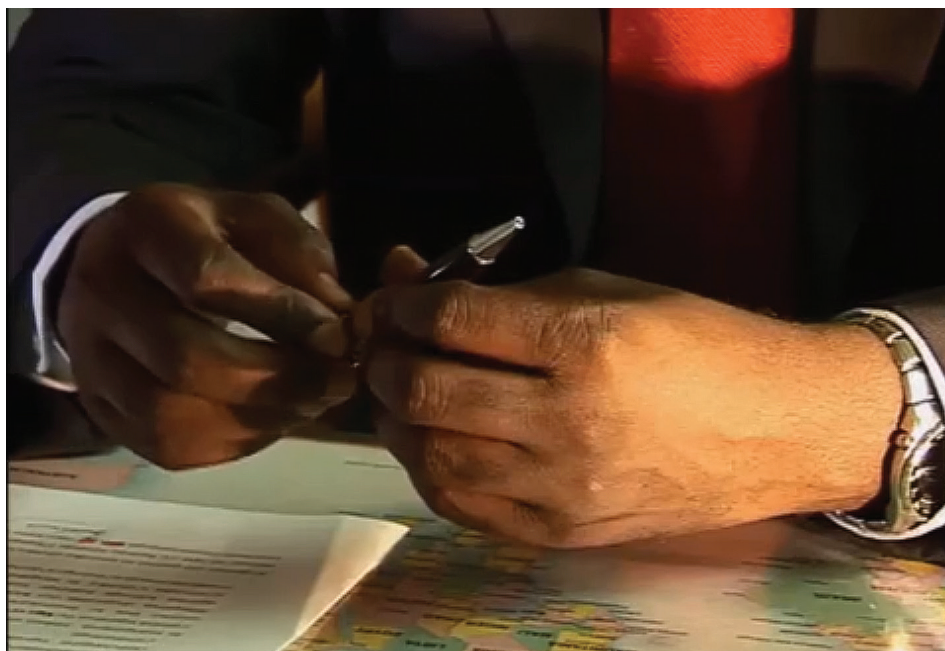
A second important reflection on the LTR review is the obvious but no less important lesson that LTR is necessary but not sufficient to achieve many of its aims. I have always been amazed by how many large land programmes get away with measuring outputs – such as land documents received – as the final result of the programme. The Ethiopia LIFT programme described in this bulletin (see p. 5) is

a significant exception in this respect because it includes a significant component to help beneficiaries utilise their land documents. Too many land programmes still fail to deliver significant impact (and make it harder to convince Ministers of Finance to invest) because land documents and databases are not sufficient and nothing was done with regard to other complementary interventions, such as providing incentives for financial institutions. Both governments and donors need to be much clearer how LTR programmes work alongside other services and interventions in different parts of a country to bring real impacts.

My last take-away from the LTR review is the case for a more demand-led approach to LTR: a central reform process that accommodates different ways of managing and clarifying land rights within a single system and gives equal recognition to individual and collective rights. Drawing on my previous reflection, this would recognise that in many

sub-regions individual titling is not necessary (or sufficient) or, for that matter, economically viable. Despite the many challenges, the Mozambique example below hints at the direction this could take, assuming governments, donors and multilaterals can get behind a common approach. This would require new tools to assess and determine how to proceed in each sub-region under consideration, and a flexible system that allows collective rights holders to register individual rights sporadically in the future, e.g. with growing pressure on land and rising land values.

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## The Rwandan land tenure regularisation experience: a model for the sub-region?

**Thierry Ngoga Hoza**, Head of Support to State Capability, AGRA

Following the 1994 genocide against the Tutsi, Rwanda embarked on an ambitious land tenure reform programme, aimed at increasing land tenure security, improving land use management and investment in land by introducing an efficient land administration system. It was hoped that the programme would indirectly contribute to reducing poverty and ensuring sustainable peace. The process was aligned with the country's **Vision 2020**, falling within the pillar on infrastructure development. At the time, more than 90% of land was unregistered.

The process started with a consultative phase involving a variety of stakeholders, including communities. This intensive process ensured awareness, buy-in and the comprehensive incorporation of diverse perspectives. The participation of communities throughout the process also provided community ownership and legitimacy.

Within five years, 11 million parcels of land were registered, clarifying the rights of existing owners and formalising them into a legally

recognised form. It also enabled landowners to use their titles as collateral to access investment capital whenever they needed to.

The Rwanda LTR process is seen as a model in Sub-Saharan Africa and provides key lessons for potential replication or adaptation in other countries.

### Outcomes and socio-economic benefits

Surveys carried out after the end of the programme indicated that 99% of landowners reported that their tenure security had been strengthened by the registration of their parcels. About two-thirds of the people interviewed said that the title they obtained had helped them to gain access to credit by using their registered land as collateral. A **World Bank survey** (2018) on ease of property registration ranked Rwanda in second place, up from 138<sup>th</sup> place in a few years.

- **Increased land-related revenue.** The government was able to increase land-related revenue five-fold in two years. With the completion of the programme,

more land parcels have been titled and are now taxed. The Rwanda Revenue authority has created a web-based link to the land register to ensure that land lease fees and fixed asset tax due on every parcel is paid.

**At the end of the programme, 99% of landowners reported that their tenure security had been strengthened by the registration of their parcels.**

- **Women's land rights were strengthened.** The registration process enhanced women's land rights and ownership. Data from the land registry showed that out of 11 million registered parcels, 2.1 million were registered to women as de facto owners and 1.2 million to men. Joint ownership represented 5.6 million. Surveys indicated that 3 in 4 women felt empowered with their names on land titles.





- **Digital land registry.** The creation of a digital land registry has resulted in the facilitation of information sharing and transactions. Interested parties can now have access to information about land, size and use of land as well as any encumbrances on a particular parcel via a text message. This is reducing costs and potential fraudulent transactions. The mortgage register is now linked to the land register, facilitating the operations of banking institutions, especially when verifying ownership.

### What made a difference?

- **Strong political will and ownership.** The government was committed to improving land tenure, land use management and administration and to reducing tenure-related disputes. This was backed up by adequate budgetary support as well as the adoption of relevant laws. The country's leadership (national and local administration, implementing agencies) offered practical support, getting monthly LTR implementation updates and making quick decisions to facilitate the process.
- **Starting small.** Carrying out a national Systematic Land Registration (SLR) process is a complicated exercise, fraught with technical, financial and organisational challenges. It is good to start on a small scale,

perhaps in a few urban and rural areas, moving incrementally to cover the entire country, rather than wait to get resources for a national programme. This will also help trying out solutions to overcome these legal, technical and organisational challenges, with the lessons learned in these pilot sites helping to improve implementation in subsequent areas.

- **Implementing the SLR on a project basis.** A challenge of land reform processes includes weaknesses in terms of resources, capacity and independence among the institutions carrying out the process. Though the Rwanda process was a national exercise, it was implemented as a privately led project. This ensured that the field operations were carried out with relative flexibility, especially in terms of procurement and other management decisions, as opposed to operating within lengthy, bureaucratic government procedures.
- **Stakeholder engagement.** The successful implementation of the LTR programme, especially the SLR, required the concerted efforts of multiple stakeholders – government institutions, development partners, private sector, NGO and communities. They were all consulted at the inception of the programme, including on drafting of relevant

laws. Stakeholder identification enabled the devolvement of some of the SLR activities such as awareness raising and training for community-based organisations. It also facilitated a clear division of labour leading to greater operational efficiency.

- **Use of technology and open source software.** The SLR demonstrated that using open source software for data processing for large scale projects is possible. This reduced the financial burden that comes with the use of commercially licensed software, even though some processes necessitated the combination of free and commercial software for optimal results.

Using free software was also a major cost-cutting measure. The high cost of land registration is one of the factors holding back initiatives on the continent, but the SLR in Rwanda is considered one of the least expensive.

- **Clear policy and legal framework.** Though the Rwanda programme had high level political support, such a crucial programme still had to be backed by a clear legal and policy framework. Such laws and policies must also be informed by information from stakeholders. In Rwanda, all secondary legislation that guided the LTR processes was developed based on findings from field consultations and trial land registration exercises.
- **Mutual accountability: government and development partners.** Close monitoring and progress reporting between the government, implementing staff and development partners who co-funded the programme kept all stakeholders up to date with the various milestones and challenges. The partners made regular field visits where they received first-hand information on progress.

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# Ethiopia: can LTR lift people out of poverty?

Andy Smith, LIFT Programme Manager, DAI Europe

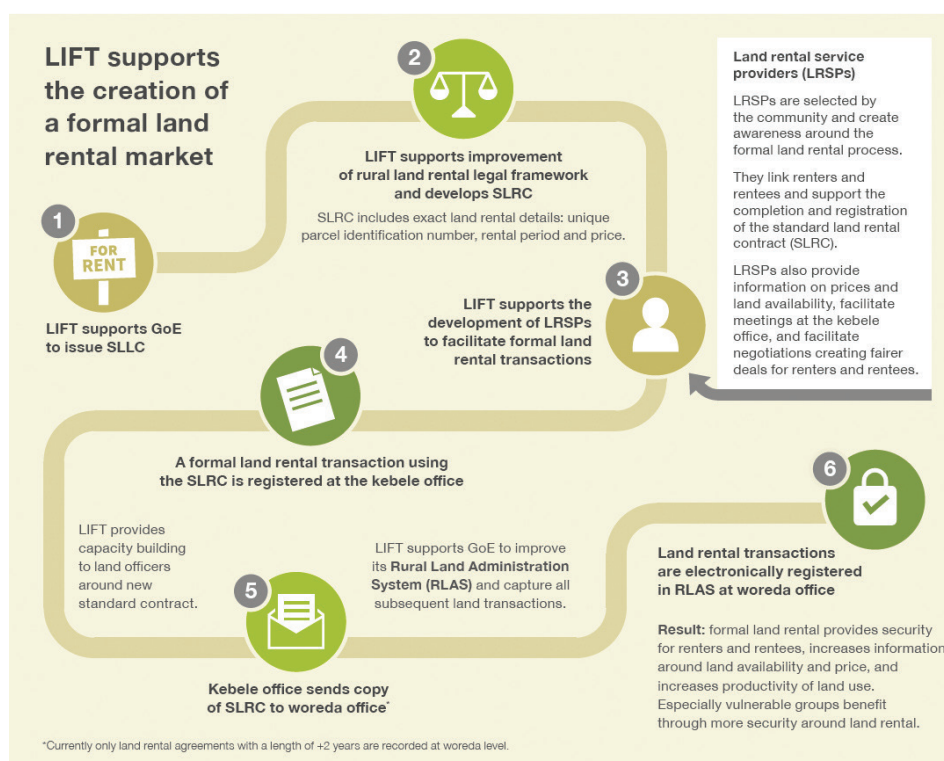
In Ethiopia, insecure land tenure was seen as a barrier to improving low levels of agricultural productivity and investment by smallholders, acting as a brake on economic growth. Land Investment for Transformation (LIFT) – a Second-Level Land Certification (SLLC) programme – aims to deliver 14 million certified rural land parcels in four regions of Ethiopia. Its implementation is supported by DFID-Ethiopia with the Government of Ethiopia (GoE) and managed by DAI Europe.

For the first time in a land programme of this size, LTR is complemented by a market systems approach to further increase certification value.

Reflecting an evolution in DFID's thinking and the evidence base on LTR, the programme explicitly recognises that most of the economic benefits of LTR depend on complementary interventions designed to promote the use and uptake of land certificates. Such interventions include improved access to finance, or more efficient land rental and agricultural markets in the most populated rural regions in the Ethiopian Highlands. For the first time in a land programme of this size, LTR is complemented by a market systems approach to further increase SLLC value and increase demand for formal registration. By doing so, LIFT aims to boost productivity, create jobs and strengthen markets to raise income and lift people out of poverty.

## Context and challenges

LIFT encompasses pace and volume, employing around 2,000 people to deliver 100,000 parcels per week. This rapid approach can mean that



vulnerable groups in particular may struggle to engage effectively with the process. Geography also creates challenges in supporting the four regions where LIFT operates, the largest of which is the size of Germany, and discreet regional legislation, languages and styles further complicate support. Procurement also sits firmly in the critical path of efficient processing, and delays can cause immediate, direct and significant impacts on performance. Equally, protracted approval of additional equipment and resource requests can have a similar negative impact.

The programme has faced many political challenges during implementation, notably when two states of emergency were declared in 2016 and 2018 following sporadic unrest and strikes prevented staff from travelling and halted LIFT operations. This period culminated in the resignation of the Prime Minister, and the subsequent government meetings and staff changes also affected

implementation, with staff diverted from SLLC-related duties and new leaders needing to be familiarised with the programme.

Sustainability also comes sharply into focus as the programme implements the training and equipment to process subsequent transactions following SLLC. The low volume<sup>1</sup> of subsequent formal land transactions threatens the currency and accuracy of the land register, and thereby the sustainability of programme interventions.

## Response

LIFT continues to maintain pace but with increased and more effective public engagement, focused on vulnerable groups. Social Development Officers (SDOs) have been introduced in every active *woreda* (district) and coordinate Gender Equity and Social Inclusion (GESI) awareness activities, as well as becoming focal points for vulnerable groups during SLLC. This has delivered significant benefits, with 1,439 parcels restored to

1 A LIFT Customer Satisfaction Survey (2017) found that 17.3% of all households had been engaged in a land transaction but only 31.4% had formally registered the transaction.

802 rightful landholders (including 470 parcels restored to 511 women), all from vulnerable groups. Economic benefits deriving from the new certifications such as improved access to finance and change in land rental system have also been observed.

The programme benefited significantly from maintaining a strong relationship with the GoE, supported by government commitment that was formalised in strategic policy, and combined with an excellent network of communications across the four regions. This was key in maintaining the momentum that was threatened by poor performance of field teams or navigating areas of civil unrest. Procurement has also been improved with a longer-term procurement plan, maintaining additional stocks of vital equipment and LIFT taking responsibility for managing the process.

Finally, LIFT has taken an innovative approach to the critical challenge of increasing the volume of transactions recorded in the land register. Improving farmers' awareness of the benefits of formal registration is a priority, now also supplemented by the Woreda Land Administration Model Offices (WLAMOs) approach. This identifies two WLAMOs from each region to develop, test and share best practice with other districts, to enable immediate improvements in land administration operational effectiveness.

The programme continues to progress well with over 12.5 million rural SLLC parcels demarcated to date. Nearly 70% of these certificates have been distributed to farmers, and 89% include the name of a woman. Systems and training to handle subsequent transactions have also been implemented in 84 of 140 planned *woredas*.

### Lessons learnt

Key lessons learnt so far can be set out as follows:

- Strong and mutually supportive relationship with Government, and alignment with government policy are critical;
- Reliable and efficient networks of communications are vital;
- Long-term planning is essential;
- Key inputs delivered by third parties should be minimised;
- Additional programme resources need to be implemented swiftly;
- Flexibility and adaptability are essential in a constantly changing environment;
- Programme assumptions should be tested regularly;
- Innovation and learning from others is essential.

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## Tanzania: cooperation leads to greater impact and innovation

Richard Baldwin, Senior Consultant and Managing Director, iLand

Tanzania was one of the first countries to establish a national land policy and legal framework that recognised customary land rights and granted them equality with formally assigned land rights. The 1999 Land Act and the 1999 Village Land Act set out the overarching legal framework and recognised three broad categories of land: "general", "reserved", and "village". The Land Act covers both general and reserved lands and gives the Ministry of Lands, Housing and Human Settlements Development (MLHSD), through the Commissioner of Lands, the power to issue grants of occupancy. The Village Land Act deals specifically with village land (approximately 70% of the country), which is administered at zone, district and village levels. There are 139 districts across the country, 75% of which cover mostly village land, with an estimated 12,500 villages. Each village is responsible for managing its land through a 25-member village council.

MLHSD has undertaken various initiatives to develop computer-based systems to manage its data and support its processes, and there are a number of systems in place at the departmental level in Dar es Salaam. The Ministry is now developing a unified system, the Integrated Land Management Information System (ILMIS), that is intended to computerise all of the Ministry business units; however, the current plans do not appear to include the management of village lands, although it is understood ILMIS can be extended to cover these in future. There have also been various programmes to register village land and grant Certificates of Customary Right of Occupancy (CCROs) piloted and supported by the Ministry, but until recently these have mostly been localised initiatives.

From 2015, the British (DFID), Swedish (SIDA) and Danish (DANIDA) departments for international development have been supporting

the Land Tenure Support Programme (LTSP), which has been developing and testing a methodology for the systematic registration of village land which can be applied at district level. The work involves the agreement and definition of village boundaries, the preparation of Village Land Use Plans (VLUP), Detailed Settlement Plans and the issue of individual CCROs to all eligible villagers. The Land Tenure Support Programme has been working in Malinyi, Ulanga and Kilombero districts as well as supporting legal and policy reforms at the central level.

At the same time, the United States Agency for International Development (USAID) has been supporting the Land Tenure Assistance (LTA) programme in Iringa and, more recently, Mbeya districts. LTA has adapted the USAID Mobile Application to Support Tenure (MAST) field collection tool specifically to support the systematic registration process in Tanzania and





issue CCROs. In order to manage this data and support transactions, LTA has developed a local register solution – Technical Register Under Social Tenure (TRUST), which is deployed at the District Land Office.

For the first time, villagers are not only issued with CCROs, but they are able to register transfers, mortgages and other transactions. These tools are now deployed across both programmes using a standardised, highly participatory field collection methodology and standardised systems and technology. To date, the LTSP has identified and demarcated more than 276,649 parcels in 120 villages in three districts, and the Land Tenure Assistance (LTA) programme has issued more than 70,000 CCRO in 41 villages, at an average estimated

cost of around 10 USD (around 8 GBP) per parcel. LTA/LTSP have triggered the establishment of an MLHSD Task Force to set out the rules and operating instructions for managing CCRO transactions (for the first time) and have begun to reach out to financial institutions to develop financial products adapted for CCROs. This experience has been a unique collaboration between the two programmes: while LTA has been quick to innovate, LTSP has been quick to take up the successful innovations, customise them and institutionalise them through the Ministry in anticipation of future scale up, and has developed considerable experience in managing large programmes at district level.

Tanzania is now ready to take its next steps: set out the

business case for national scale up considering social, economic and national development objectives and identifying both impact and benefits to all citizens, including marginalised and disadvantaged members. At the same time, it will prepare a detailed strategic roadmap that will set out the necessary policy, technical, organisational and resourcing needs required to complete such an assignment, with detailed financial, implementation and management plans.

While both LTA and LTSP were conceived and initiated in isolation from each other, and indeed, even with a sense of competition, it is to the credit of the participants – the Ministry, development partners and implementing contractors – that such positive cooperation has developed. Indeed, the results achieved in terms of traction, ownership, technical innovation and results in the field are probably far greater than either project could have achieved separately. Tanzania now needs to build on this solid base of experience, and while the participatory and technical approach are now proven, it will need to show flexibility and innovation in its approach to financing and implementing the national scale up.

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## Mozambique: regularising individual and collective land rights

**Julian Quan**, LEGEND Core Land Support technical lead, professor of Land and Development Practice, University of Greenwich

In Mozambique, land is owned by the state, but held and managed in rural areas under customary tenure arrangements. The 1997 Land Law recognises established land rights and enables rural communities to register them collectively. It also enables households, producers, associations and private investors to register leasehold concessions based on agreement with host communities. Up until now, the emphasis has been on the registration

of collective rights by communities and producer groups, delivered through technical assistance from civil society, with limited attention to building land administration capacity or to household level tenure regularisation.

Between 2006 and 2018, DFID was the lead donor supporting a Community Land Use Fund which mapped and registered land in the name of approximately 700 rural communities and 650 producer associations, with approximately

2 million beneficiaries across eight provinces. The programme established an independent organisation, the Community Lands Initiative (known by its Portuguese acronym, iTC), which worked through a network of provincial teams and local service providers to prepare community groups for participation in development programmes and private investments in agriculture and other sectors, and build capacity for land and natural resources management, leveraging access

to shares of government tax revenues from forestry, mining and tourism enterprise.

## Where customary land management is no longer effective, community land delimitation offers an entry point for demand-led household-level LTR.

Despite the central government's strong initial commitment to this approach, the growth of large-scale land acquisition and the increasing value of urban land in the late 2000s gave rise to vested interests in commercial land development amongst the national elite. Ruling party officials came to regard community land-holding and productive investment as incompatible, and instructed the land administration services, already struggling with low capacity and outdated technical systems, to prioritise registration of private rights and concessions, directing iTC away from investment target areas. The DFID-supported land use fund was however not designed to address policy and legal ambiguities that arose of capacity gaps in land administration.

LTR was piloted in urban and more densely populated rural areas in Northern Mozambique by the US Millennium Challenge Corporation between 2009 and 2013, also resourcing land administration and expanding community titling through iTC, enabling better progress. A DFID



successor programme to iTC was to play a key role in linking community demand to improved supply of land services from local government, linked to economic opportunities, but it was never implemented.

In 2015, the Minister of Lands announced a policy of mass individual tenure regularisation, and sought funding from the World Bank. In practice, as many rural development actors recognise, Mozambique needs a flexible, geographically and socio-economically differentiated approach, combining household-level LTR with support for community land rights and for fit-for-purpose land administration. Community land delimitation offers an entry point for demand-led household-level LTR in more densely populated locations where customary land management is no longer effective, also building community links with economic development plans.

From 2016, following a secret debt scandal, bilateral donors cut back sharply on funding for Mozambique,

leaving iTC without continued support, and the land sector without a coherent, coordinated approach. Although integrated regularisation of individual and collective rights has been successfully piloted, as the World Bank MozLand programme enters final planning stages, it risks prioritising a top-down approach by commercial contractors to generate mass titles, bypassing needs to strengthen land administration locally, and forge meaningful economic development links.

The situation calls out for renewed support from bilateral donors, with strategic advisory engagement and leadership, in addition to what civil society and private contractors can do, to build on achievements so far, and apply lessons learnt in Mozambique and elsewhere in challenging political and economic times, to build more robust local land governance and promote continued innovation.

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Photo captions and credits:

Page 3: The former Rwandan Minister of Natural Resources, Amb. Stanislas Kamanzi, discusses land tenure regularisation. Credit: DAI

Page 4: The Land Tenure Registration programme in Rwanda. Credit: DAI

Page 5: LIFT's Standard Land Rental Contract diagram. Credit: LIFT

Page 7: Certificate issuance ceremony in Tanzania. Credit: DAI

Page 8: Workshop to support communities in the demarcation of land in Mopeia, Mozambique. Credit: iTC-F

## About us

Land: Enhancing Governance for Economic Development (LEGEND) is a DFID programme that aims to improve land rights protection, knowledge and information, and the quality of private sector investment in DFID priority countries. It includes the development and start-up of new DFID country land programmes, alongside knowledge management activities, a challenge fund to support land governance innovations, and management of complementary DFID grants, MoUs and contracts, and supported by a Core Land Support Team.

Future issues of this bulletin will feature updates on our most interesting findings and results, keeping you posted and enriching the debate. Contributions reflect their authors' views, not those of DFID or members of the LEGEND Core Land Support Team.

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