

# Towards effective pro-poor tools for land administration in Sub-Saharan Africa



Paul van Asperen and Jaap Zevenbergen  
October 11, 2006

1

# Overview

- Introduction
- Continuum of land rights
- Cases:
  - Zambia
  - Uganda
  - Mozambique
- Final remarks



October 11, 2006

# Introduction

- Tenure security is one of the pillars for land development
- Co-existence of various tenure systems
- Conflicts arise due to population pressure or commercialization: decreasing tenure security
- Classic titling can not solve
  - Failure of titling programs
  - Biased against poor
- Development of pro-poor land administration tools
- What are the effects on tenure security?

October 11, 2006

FIG Munich

3

# Pro-poor

- Poverty:
  - low income
  - low human capital
  - low social capital
  - low financial capital
- Pro-poor land users can be:
  - In urban or rural areas
  - On customary or state land
  - Legal, informal, illegal
- Vulnerable groups: women, pastoralists, minorities

October 11, 2006

FIG Munich

4

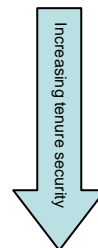
# CONTINUUM OF RIGHTS



5

# Continuum of land rights (2)

- Illegal
- Informal
- Customary
- Statutory - leasehold
- Statutory - freehold

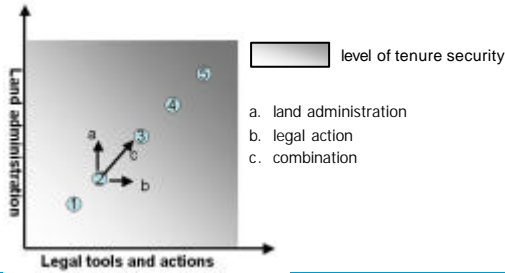


October 11, 2006

FIG Munich

6

## Continuum of rights (3)



October 11, 2006

FIG Munich

7

OTB Research Institute for Housing, Urban and Mobility Studies



## Zambia

- Customary Areas and Statutory Lease
- Legal action: recognition of customary law
- Conversion of tenure to Statutory Lease:
  - For outsiders
  - For customary right holders

October 11, 2006

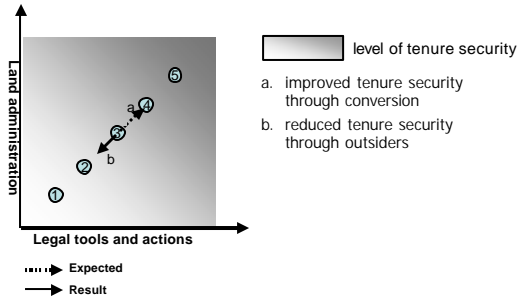
FIG Munich

8

OTB Research Institute for Housing, Urban and Mobility Studies



## Zambia



October 11, 2006

FIG Munich

9

OTB Research Institute for Housing, Urban and Mobility Studies



## Uganda

- Customary, freehold, leasehold and mailo
- Legal recognition of customary land
- Certification of customary rights
- Upgrading of customary ownership to titled freehold

October 11, 2006

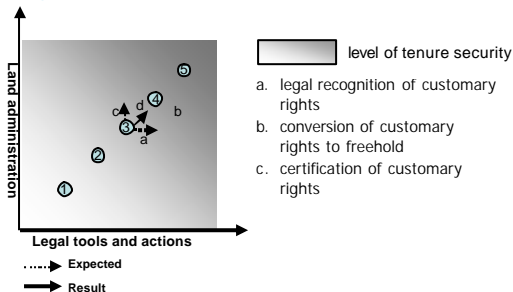
FIG Munich

10

OTB Research Institute for Housing, Urban and Mobility Studies



## Uganda



October 11, 2006

FIG Munich

11

OTB Research Institute for Housing, Urban and Mobility Studies



## Mozambique

- Customary and State land in post-conflict area:
  - large abandoned farms
  - returning refugees
- Community land registration:
  - within community boundary: customary law
  - incoming investors can only acquire free land and agree with local community

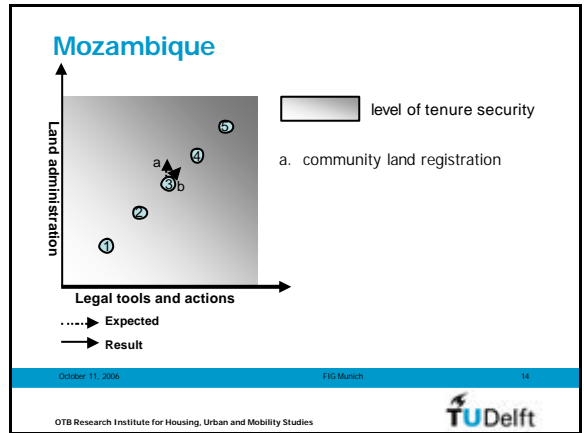
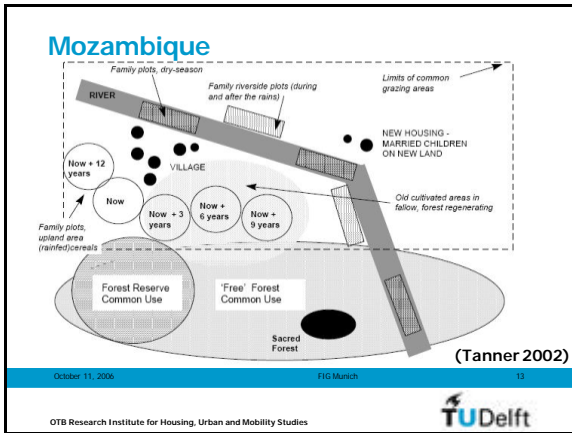
October 11, 2006

FIG Munich

12

OTB Research Institute for Housing, Urban and Mobility Studies





- ### Final remarks (1)
- Customary tenure in itself secure
  - Pro-poor tools:
    - High costs an issue (individual/communal)
    - Crucial factors:
      - Public information
      - NGO-participation
      - Institutional capacity
- October 11, 2006      FIG Munich      15
- OTB Research Institute for Housing, Urban and Mobility Studies      **TU Delft**

- ### Final remarks (2)
- Variety of pro-poor tools developed in land laws
  - Implementation is very slow and can have negative effects on tenure security
  - Till today, little increase in tenure security
  - More research needed on the effectiveness of pro-poor tools
- October 11, 2006      FIG Munich      16
- OTB Research Institute for Housing, Urban and Mobility Studies      **TU Delft**

## Thank you for your attention!!

October 11, 2006      FIG Munich      17

OTB Research Institute for Housing, Urban and Mobility Studies      **TU Delft**