Between Monitoring and Modeling
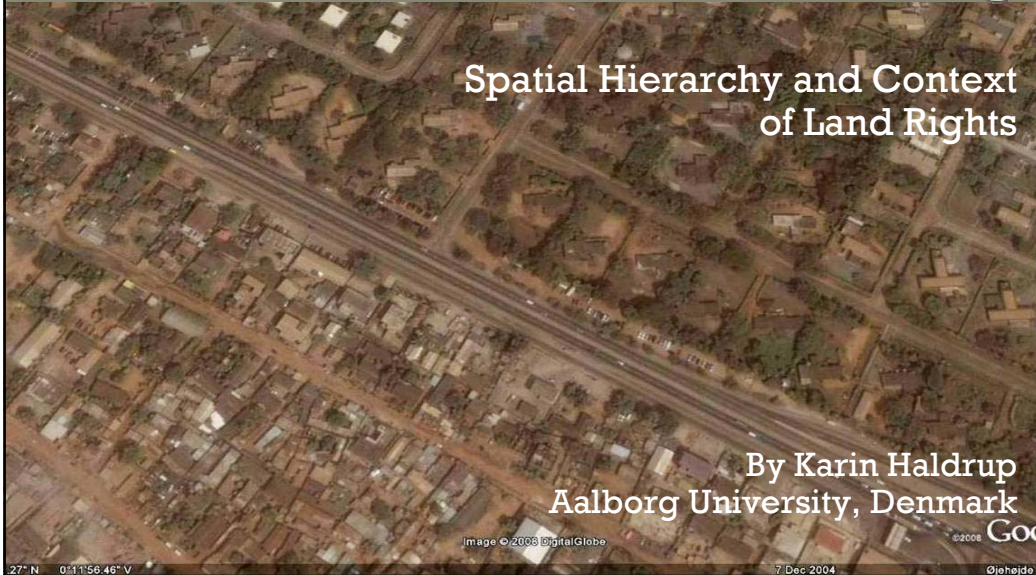
Spatial Hierarchy and Context of Land Rights

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Information gap

Monitoring	INFORMALITY	Modelling
General management tool: Indicators: Qualitative & quantitive; Summary statistics Non-spatial data!	VAST DATA VOID Perhaps maps Perhaps some land records	Formal land administration: Specificity of land rights; Data = formality Incl. any type of property right

Our Tenure Perception

○ **Specificity of land rights invades the inconcious:**
  - Bundle of rights > specific property carved out from territories
  - Vertical perception: "sticks" of rights
  - Strategy: Who owns what? ("easy" but tedious work!)

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○ **Instead start with the perspective of the undefined rights in a territory**
  - Affinity of land rights by areas –> horizontal perception
  - Common features of land rights – not just in cases of common land and common rights
  - Efficient and effective strategies related to land rights

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Property Rights' Definition

Property rights are social conventions backed by the power of the state or the community (at various levels) that allow individuals or groups to lay "a claim to a benefit or income stream that the state will agree to protect through the assignment of duty to others who may covet, or somehow interfere with the benefit stream"

NOTICE: Not a word on spatial factors

Power of the state or community

Social conventions
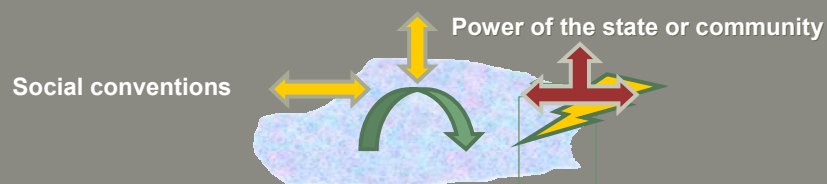
Definition of secure rights

Rights are secure, if they are not contested without reason and if, in case of contestation, they are confirmed by the legal or arbitration authorities (customary, government or both). Securing rights is above all a question of

institutions and enforcement,

rather than a function of the nature of the rights themselves." (EU-Land Policy Guidelines, 2004)

Institutions ⟷ FIELD SITUATION

Definitions help change focus:

Property rights **depend on factors beyond** the property Factors of tenure security **happen to be common** for holdings within smaller or larger areas

Alternative strategies of tenure clarification through use of the **spatial hierarchies of land rights:**
- ➢Common fate of properties within sub-areas
- ➢Common attributes of properties in clusters /sub-areas
- ➢Common sense to rediscover the power of PATTERNS in respect to land rights

Common fate sub-areas
Fictive examples

Administrative boundary

Village / community

State land
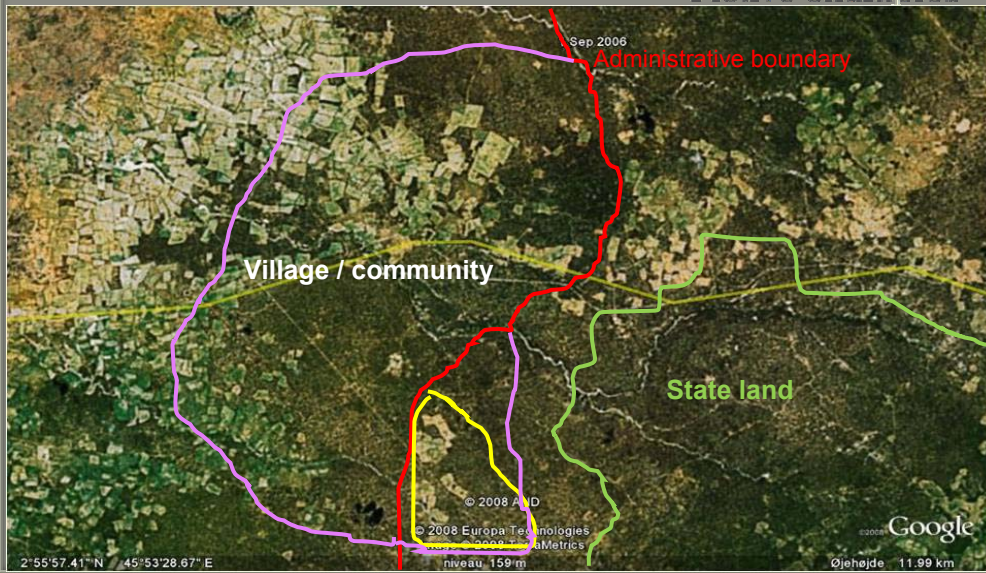
Common features of property rights within areas

| Normative-regulative areas "Common fate areas"	Spatial clusters Related to land tenure
Normative: -Domain -Jurisdiction -Community	**Geographical factors**: -Resources, land use -Environment, degradation -Proximity, infrastructure
Regulative: -Planning (zoning, plans) -Restrictions (protection areas) -Administration-management	**Socio-economics in space:** -Tenure typology - Land distribution -Demographics -Urban segregation
"Inherited" by every property within area	**Spatial correlation** **Location and land market**

Planned vs. Unplanned areas

Common attributes

- Spatial clusters of properties with same or similar attributes
- Geographical factors:
  - Resources, land use, fragmentation, structure
  - Environment, degradation
  - Infrastructure, proximity
- Socio-economic factors in space:
  - Tenure typology
  - Land distribution
  - Demographics
  - Urban segregation, property market value

Clusters: Resources, land use, Fragmentation, land distribution

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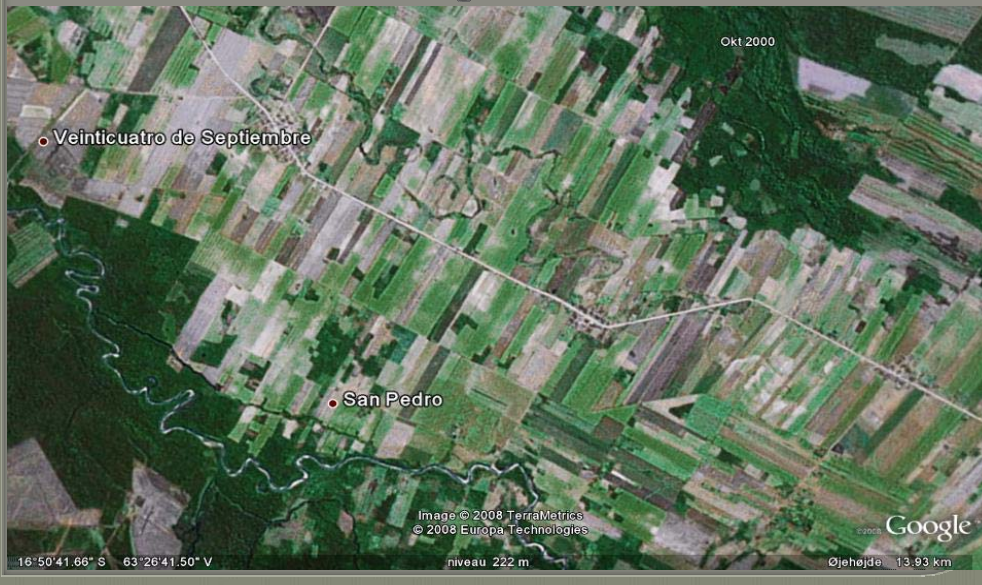
Clusters of properties shaped by time

**Land tenure security determined by:**

- **The past**: a shared history of settlement shapes current rights
  - Examples: Age of settlement, duration of tenure
- **The present**: De-facto recognition of informal land tenure is typically related to an area
  - Example: Recognition of a slum <u>are</u>a
- **The future**: Perceptions of protection and expectations to development
  - Ref. To the definitions of secure tenure

Clusters (subareas): Tenure typology, urban seggregation, proximity, land market

SUBAREAS:
- Micro-data sources available – statistics
- Links to administrative organisation – institutions:
  → Development economics!
- FUTURE LIS: Planning & Valuation

Part of Nyalenda B Sub-Location

THANKS TO : EMMA A.ODHIAMBO , KENYA NATIONAL BUREAU OF STATISTICS
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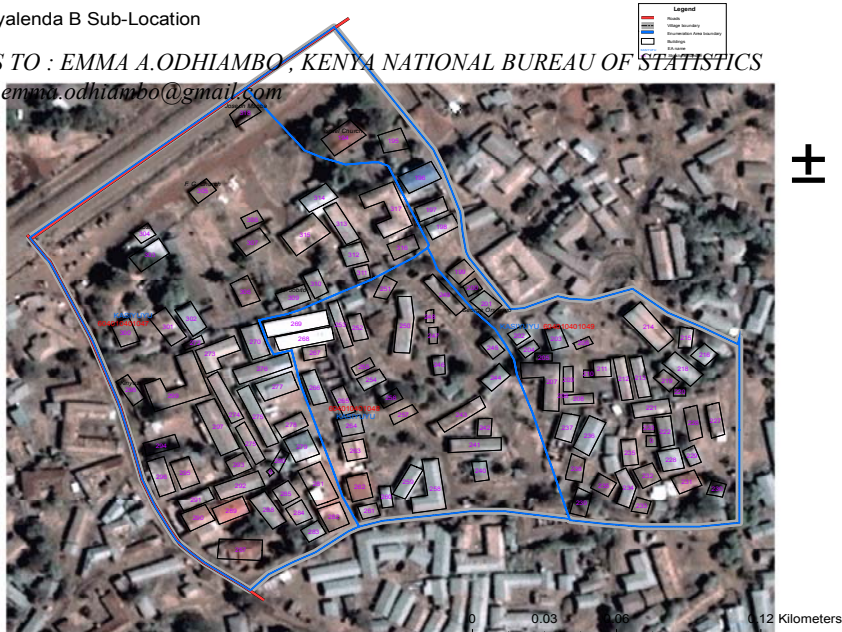
CONCLUSION

Suggested new strategy for land tenure clarification and project design:

1. Start with clarification of rights in spatial hierarchy:
   - Delimitation of jurisdictions and domains
2. Next delimit clusters of properties
   - Clarification of common attributes by sub-areas rather than specific properties
3. Safeguard vulnerable rights & areas
   - Ref. To gender sensitive upscaling strategies
4. In tandem with institution building
   - Systematic adjudication, land records