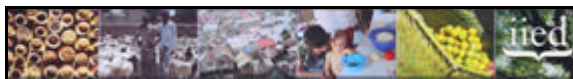


Better land access for the rural poor

Lessons from Experience and Challenges Ahead

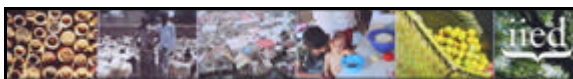
Lorenzo Cotula

Researcher – Law and Sustainable Development
International Institute for Environment and Development



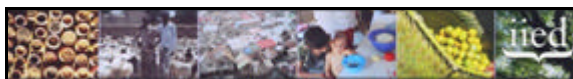
I. Why land matters

- National economy: Agriculture major % GDP; cash and food crops; smallholders & agribusiness.
- Household: land as production factor, basis for livelihoods; safety net - access to land especially important to poorer groups;
- Technical *and* political issue.



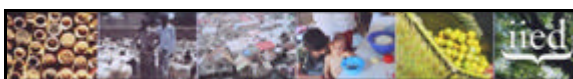
II. Better land access

- Redistribution - equity and rural development goals; state and market-based approaches;
- Improving tenure security - “no arbitrary deprivation”; objective & subjective elements; basis for economic development; what approaches?



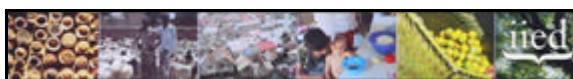
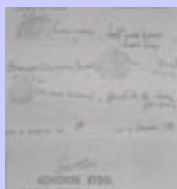
III. Securing land rights

- Great diversity of contexts. In much of Africa:
- Most land formally held or controlled by the state - with country exceptions;
- Local users: land access through blends of group to individual rights, based on (reinvented) “custom”, statutory law and “in-betweens” ...
- ... but with little formal documentation (e.g. titles) and legal protection (use rights);
- Varying degree of tenure (in)security - some “customary” systems still effective.



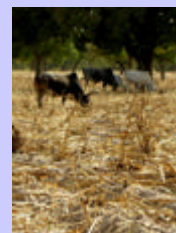
A comprehensive strategy

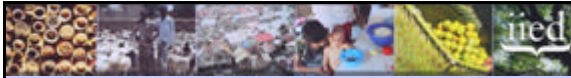
- Build on local practice: protect local (“customary”) land rights; secure transactions;
- Registration as component of broader package (high-value land, collapsed customary systems, widespread disputes);
- Registration models: simple, low-cost and accessible; group rights;
- Key challenges: access and updating;
- Dispute settlement;
- Tailored approach for diverse resource access needs; special attention to “secondary” rights.



Pastoralism

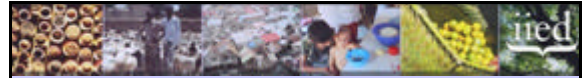
- Scarce & erratic rainfall, scattered pastures require mobility and access to strategic resources;
- => Need for flexible arrangements;
- Lessons from the Sahel: “pastoral” legislation, local conventions.





Gender

- Intra-household bargaining;
- Early registration programmes: mainly household heads (e.g. Kenya); same for redistribution (much of Latin America);
- More recently, greater attention:
 - Joint titling (Nicaragua, Brazil, Ethiopia/Amhara), with varying success (eg Nicaragua vs Brazil);
 - Women's reps in land admin bodies (eg Uganda);
 - Presumption of co-ownership and joint consent for mortgage (eg Tanzania);
 - Implementation challenges.



IV. Conclusion

- Reform requires political commitment and sustained support;
- In project/policy design & implementation, learn lessons from experience - what works where what doesn't and why, re both redistribution and tenure reform;
- Build capacity to design and implement reform – govt, professions and citizens;
- Support civil society for informed policy debate.