Some Observations and Recommendations of the EGM

Expert Group Meeting
Nairobi 11-12 Nov 2004
Guidelines

- ToR Expert Group Meeting
  - secure land tenure
  - new legal frameworks
  - new tools
Observations land tenure

- Residential licenses in urban areas to be converted to full title later (Tanzania)
- Flexible land tenure system: individual starter title but group-based (Namibia)
- Certification in 2 phases related from local to spatial framework (Ethiopia)
- Certificate of ownership (Uganda)
- Certificate of occupancy (Uganda)
Observations Land tenure

- Three forms of leases, primary, demarcated, registrable (Lesotho)
- Possessory title recognition, transfer into formal system + remedy (Jude, Indonesia)
- Land tenure certificates (Benin)
Observations process

- Land owners to prepare their own plans (Zambia)
- Demarcation of ‘big’ boundaries of group ranches and trust lands (Kenya)
- Working backwards to reconstruct process (SA)
- Evidence from different sources (SA)
- Predictable processes provide certainty (SA)
- Hierarchie of evidence SA)
- Informal land delivery processes effective where formal are not (Rakodi)
Observations processes

- Access for the poor only plot sharing and inheritance (Rakodi)
- Formal registration urban and rural >5 ha en local registration <5 ha (Rwanda)
- Demarcation on local demand (Uganda)
- Identifying and mapping land rights through Plan Foncier Rural (IC, Benin, Burk Faso, Guinee)
- Land tenure certificates (Benin)
Observations processes

- Creation of land records prior to land registration (Lesotho)
- Let people decide which customary rights should be recorded (Benin)
- Malpractice resistant processes (Zambia)
- Neocustomary land delivery good alternative for formal (Durand)
- Viability on the long run questionable, land policy (Durand)
Observations processes

- Kenya from individual titling 1956 to also group ranches and trust land 1968
- Tribal Land Integrated Management System (Botswana)
- Public Private land
- Urban Rural Land
Various

- Subdivision group ranches; Relation with wildlife
- Role of chiefs
- Delivering functions land boards
- Social legitimacy but no local political interference
- Customary systems borrow from formal
- Decentralisation
- Gender in Rwanda and Zambia
- Role of universities
Recommendations

- All options are open and should be explored
- Innovative (land tenure, delivery, administration, evidence, technology)
- Informal land delivery should be tolerate and accommodated (weaknesses, strengths)
- Evolutionary approach (Ethiopia, Tanzania, Namibia, Rwanda, Lesotho, Indonesia)
- Inclusion of derived rights (water, grazing, pastoralists)
Recommendations

- Policy + effect implementation (Kenya, Uganda). Relationship institutional and operational.
- Taxation to fund reform and upgrading
- Capacity building: better performance through education, research and consulting and decentralized institutes
Recommendations

- Technology (orthophotos, satellite images, GPS) provides good base in case fulfilled conditions
- Develop standards with industry (data & processes)
- Dynamic (start with fiscal cadastre?)
- Maintenance guaranteed
- Sustainable investment
Publication

- www.fig.net
- www.oicrf.org
- Proceedings

- Rapporteurs, please send reports to lemmen@itc.nl
- Deadline for paper submission: 15 December