



# CUSTOMARY TENURE SECURITY

Tools, Methods and Approaches



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### CUSTOMARY TENURE TOOLS DEVELOPMENT PROCESS

Customary tenure, including communal tenure, has been widely described and documented in the literature of land professionals, geographers, planners, anthropologists and sociologists among others. There are many different perspectives, values and beliefs about what aspects of customary tenure are

most important and how to address them. Those aspects perceived as problematic are likely to be highly interrelated; changing one aspect will affect other aspects. It is important, therefore, to develop a comprehensive understanding of the interrelationships between these issues.

### Why customary tenure tools?

The challenges and pressures on customary tenure systems are many: insecurity, conflicts, legal pluralism, land market inconsistencies and inefficiencies, gender discrimination in customary systems, and the reluctance of some governments to formally recognize customary land tenure are just some of them. Furthermore, the decrease in customary land

reserves combined with the accelerated commodification of customary lands is leading to increased competition for access to land. This takes different forms, from intra-household conflicts to intra-community conflicts, and national elites and international investors all competing for land.

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As customary tenure systems have gained more attention from governments and the development community, the number of interventions specifically targeting customary landholders has also grown. Despite the relative nascence of practices and approaches to characterizing, accommodating and capitalizing on customary tenure regimes, development practitioners have, in recent years, created, tested and modified a number of tools, methods and approaches that address customary tenure issues as one component of the universe of all land issues. For instance, a tool meant to address land registration might have a component that expressly considers and

accommodates land rights held according to customs. Another example, “community conversions”, might be used to reach and change the minds of male elders when customs need to evolve to better recognize women’s formal, legal rights to land. These tools – perhaps best seen as a broad collection of approaches - cover many interrelated land access and tenure security issues and carry with them traits that inform their objectives, outcomes, sequencing, costs, scalability and limitations. However, to date there does not appear to have been an attempt to catalogue these tools in a way that is useful to primary and secondary stakeholders.



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## WHAT HAS BEEN DONE SO FAR?

To strengthen the tool development process, GLTN published a call for expressions of interest that was disseminated to all partners to support the advancement of a tool development process that is able to address the complexity of customary and potentially plural legal systems, to promote tenure security for the poor and most vulnerable and to strengthen the independent knowledge base in the area of customary/ indigenous/ group land. A number of GLTN partners, such as Landesa, the University of Florida, and Kwame Nkrumah University of Science and Technology, submitted expressions of interest to perform the customary tenure tools project. Three customary tenure scoping studies were produced:

- i) Global Scoping Study on Customary Tenure Security Tools,
- ii) Scoping study on Land Tools for Customary Tenure in sub-Saharan Africa, including customary tools used in IFAD-supported projects, and
- iii) Documenting the Ejido Land Tenure and Registration System in Mexico.

The global study done by Landesa developed a framework for organizing customary tenure security tools, methods and approaches and highlighted examples of tools that are missing from the assessment framework. The report also describes how they might

be located or developed. The sub-Saharan Africa study done by Kwame Nkrumah University of Science and Technology presents secure tenure tools delivered through customary tenure or governance systems and also identifies customary tools developed and/or used in IFAD projects in Eastern and Southern Africa. Finally, the study on Mexico done through University of Florida focuses on the Ejido community tenure system and attempts to identify tools, mechanisms or approaches that have proved successful, or which have the potential to facilitate sustainable land management. These scoping studies were presented during the Expert Group Meeting held in Addis Ababa Ethiopia, in 2014, when a team of experts identified gaps and the potential for further tool development. The enhanced studies were also presented during the Annual World Bank Conference on Land and Poverty held in Washington D.C. in 2015. These events offered an opportunity to validate the findings of the studies, to include their specific recommendations and to explore the potential next steps in the development of customary tenure tools.

## PARTNERS

UN-Habitat, Landesa, the University of Florida, Kwame Nkrumah University of Science and Technology, Huairou Commission.

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