



Land tenure security: Revisiting and refining the concept for Sub-Saharan Africa's rural poor



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ABSTRACT

In more developed societies the concept of land tenure security is implicit and backed by long standing institutions. In contrast, the concept is less recognised and carries divergent meanings in developing countries. In these contexts past conceptualisation efforts have favoured reductionist approaches: the concept is narrowed to one aspect or another, but, no shared agreement on a definition prevails. The absence of this basic theoretical knowledge impedes discourse on land policy formulation, implementation, and evaluation. This paper contributes to this issue by revisiting and refining the concept of tenure security in the context of Sub-Saharan Africa's rural poor. Using a systematic review, scientific evidence on the conceptualization issue is provided. A typology of different schools of thought is developed: land tenure security is shown to be understood through (1) economic, (2) legal or (3) adaptation lenses. Generic constructs from these viewpoints tend to dominate the notion of tenure security and subsequent land policy formulation; however, it is argued that none adequately describe the totality of the concept. Using the review results and a systems approach a new inclusive concept of tenure security for rural poor in Sub-Saharan Africa is developed. The refined concept of security is defined as an emergent property of a land tenure system. The content of such security is explained by interactions between all elements of a land tenure system as a whole. It is concluded that rural poor in Sub-Saharan Africa can enjoy the total security when interactions between all elements occur in a dynamic equilibrium.

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Introduction

Much controversy accompanies the meaning of land tenure security for both the rural and urban poor in developing countries. In more developed societies the concept of land tenure security is well established, however, its meaning in developing countries entertains far more uncertainty. This is promoted by arguments that there is no one-size-fit-all definition of land tenure security (Maxwell and Wiebe, 1998). However, the lack of definition impedes the growing discourse focused on land tenure security in developing contexts: a great variety of definitions prevail, many of them narrow, western oriented, and reduced to legal or economic aspects (Arnot et al., 2011; Hagos and Holden, 2006; Van Gelder, 2010). These approaches do not adequately align with many of the tenure systems used in developing contexts. Whilst their use might help to illustrate high levels of land tenure security from one perspective, other important aspects might be ignored. The narrow approaches impede more complete analyses and discourses

of land tenure security being undertaken in developing contexts. More specifically: (1) it affects land policy formulation; (2) designing and evaluating land tenure security improvement interventions is likely to be flawed; and (3) it prevents scholars from empirically investigating the content of the total security to be enjoyed by a land holder.

Contemporary literature illustrates awareness of the above theoretical limitation (FAO, 2009a; Kabubo-Mariara, 2007; Lavigne-Delville, 2006; Place, 2009), as do the Global Land Tool Network; however, few attempts are made to fill the gap. Revised versions of the land tenure security concept are proposed by (Arnot et al., 2011; de Souza, 2004; Lavigne-Delville, 2010). Other pro-poor models such as the Land Administration Domain Model and its specialisation (Social Tenure Domain Model) are also developed (Lemmen, 2010; Lemmen et al., 2012). Whilst useful starting points, the efforts are arguably also reductionist: they are driven by economic or technical motivations. Van Gelder's (2010) study on the law and psychology of land tenure security resulted in the tripartite model incorporating three different conceptions of tenure security: (1) tenure security as perceived, (2) legal tenure security, and (3) *de facto* tenure security (Van Gelder, 2010). The generalised approach emphasises how the three forms of tenure security are elements of one composite concept. However, the three elements may not generate a full picture of security for any

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land tenure system: they don't reflect all interactions that explain security.

This paper aims to supplement these efforts towards a more integrated concept of land tenure security. However, it does so with a specific focus on the rural poor of Sub Saharan Africa, especially those who rely on land as a primary source of livelihood generation. This context constitutes the majority of rural poor¹ (World Bank, 2003) and is where the concept of land tenure security appears most controversial: a refined conceptualization would be highly useful. The underlying premise for the novel contribution is that land tenure security is an emergent property of a land tenure system. Consequently, systems thinking or holism underpins the conceptualization efforts (Laszlo and Krippner, 1998). The systems approach suggests that properties of a complex system can be fully understood through dynamics of a whole (Laszlo and Krippner, 1998). Systems have emergent properties that can only be examined at the level of a whole, but not at component level or parts in isolation. Though such attributes may be derived from system components, they cannot be reduced to them (Zevenbergen, 2002). Therefore conceptualising tenure security requires modelling a land tenure system as a whole.

The conceptual framework developed by FAO is used as the basis for the analysis and subsequent conceptualization. To be able to apply a systems approach, land tenure must be understood as a system. Analysis of land tenure components (or elements), attributes, functions of each element, relationships and interaction between elements, and the environment of the system, must be undertaken. According to FAO (2002), land tenure is recognised as a system that regulates relationships among people, as individuals or groups with respect to land. The later elaborates on the components of the system. Land tenure refers to a set of rules that define how access is granted to rights to use, control, and transfer land as well as associated responsibilities and restraints. In other words, the system of land tenure involves people (individuals or groups); a broad set of formally or customary defined rules; the relationship to land also known as land rights; and the whole framework that regulates and enforce land rights and responsibilities. It is argued that such systems bring into play social, technical, economic, institutional, legal and political aspects: these should be taken into consideration (FAO, 2002). Whenever 'land tenure system' is referred to in this paper, it is meant within this broad definition. Additionally, the terms 'inclusive' and 'holistic' are used interchangeably in this paper and refer to the concept of tenure security derived from the land tenure system as a whole.

The rest of the paper proceeds as follows. Following a brief overview of the methodology, the paper scientifically explains the fragmented set of reductionist approaches that result in narrow definitions of land tenure security. This synthesis leads to the introduction of a more inclusive conceptual model of tenure security for rural poor in Sub Saharan Africa. The utility of the model is briefly explained and the paper concludes with a summary of key findings and proposed future research.

Material and methods

In order to develop the systems view of land tenure security for the rural poor of Sub Saharan Africa, Kotiadis and Robinson's (2008) two processes of conceptual modelling were followed: knowledge acquisition and model abstract.

¹ Global poverty is predominantly a rural phenomenon. Seventy per cent of extremely poor people (those living on 1.25 dollar per day or less) live in rural areas International Fund for Agricultural Development, 2010. Rural poverty report 2011. International Fund for Agricultural Development (IFAD), Rome.. According to the later source, the key areas of concern are Sub-Saharan Africa and South Asia.

The first phase of the knowledge acquisition consisted of problem definition, goal formulation, and selection of elements of the system relevant to the goal. In order to complete these tasks a research synthesis methodology, also known as systematic review (Cooper, 1998), was utilised. Research syntheses aim to provide novel explanatory frameworks, enhanced theories, or new conclusions (Cruzes and Dybå, 2011). This methodology aligns with the aim of this study. The systematic search of literature enabled the problem to be defined: current narrow conceptualisations of land tenure security. Consequently, the goal of deriving a concept that portrays a full picture of tenure security to be enjoyed by rural poor in Sub Saharan African contexts was developed. The base element of the model was then determined.

Regarding the research synthesis, the five stages of research synthesis were rigorously followed: (1) problem formulation, (2) literature search, (3) data quality evaluation, (4) analysis and interpretation, and (5) presentation of results (Cooper, 1998). A computer based search strategy was developed using selected key words and other advanced search options such as Boolean operations (and, or) and truncation. This resulted in a number of search queries that could be reused whenever search options availed by databases could allow. Both published and grey literature was targeted. Due to resource constraints however, only resources accessible through databases (Web of Science, Elsevier, SCOPUS, GEOBASE, Springer Link, African Journals Online, JSTOR) and libraries to which we are subscribed were used. In addition, resources freely available on the World Wide Web (WWW) were utilised. In all cases only available full-text documents were considered. Inclusion criteria were developed to delineate boundaries of this review. Four types of documents were considered for the review: (1) peer-reviewed journal articles, (2) books, (3) technical reports published by international organisations, and (4) national land policy documents. Only resources written in English, addressing the meaning of land tenure security in explicit or implicit ways, were selected for the review. The study area was limited to rural Sub-Saharan Africa. This was reflected through specific country case studies, sub-regions, Africa in general, or developing countries related studies. A priori methodological quality judgement criteria (Cooper, 1998) were applied. Consequently, studies whose methodological quality was judged difficult to assess in a systematic way (thesis, conference papers) were excluded. To minimise publication bias, however, technical reports and national policy documents, that is grey literature, were also considered. Four international organisations were judged the most active in documenting land tenure security in the Sub-Saharan contexts: World Bank Group (WB), Food and Agriculture Organisation of the United Nations (FAO), the United Nation of Human Settlement Programme (UN-HABITAT), and International Federation of Surveyors (FIG). The review period was set from 1980 to 2012, bearing in mind that the year 1980 roughly corresponds to the recent history regarding the development of the evolutionary theory of property rights: this year can be argued as the start of heated debates on land reform in Africa. A data extraction form was used to systematically fill in the following information: (1) type of document, (2) the title, (3) field of the study, (4) country/sub-region/region, (5) meaning, definition or views of land tenure security, (6) location of the document, (7) reference (8) search date. A critical descriptive analysis was conducted using the technique of topic mapping (Hart, 1998). The results of the research synthesis are presented in the subsequent section.

The second phase of conceptual modelling as described by Kotiadis and Robinson (2008) is model abstraction. This involves identifying and describing the relationships between elements, and graphical modelling. The results of the research synthesis also informed these modelling processes. The results are presented subsequently.

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