



Land Tenure and GIS Best Practices



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II. Land Tenure Literature

- A. Adams, Martin; Sibanda, Siphon and Stephen Turner. "Land Tenure Reform And Rural Livelihoods In Southern Africa." *Natural Resource Perspectives*, no 39 (February 1999).
<http://www.odi.org.uk/nrp/39.html>
This paper reviews land tenure reform on communal land against the background of the repossession of private land occupied by white settlers. The purpose and scope of the proposed tenure reform in the former homelands of South Africa are described, as well as the attempts by South Africa's neighbours to resolve tenure problems in the Communal Areas.
- B. Barrows, Richard and Michael Roth. "Land tenure and investment in African agriculture: Theory and evidence." *Journal of Modern African Studies* vol 28, no 2 (Jun 1990): 265-297.
The economic theory generally used to analyze various types of land tenure is often inadequate. Land tenure reform may be an important precondition for economic development and should be an objective of government agricultural policy in Africa.
- C. Berry, Sarah. "Debating the Land Question in Africa." *Comparative Studies in Society and History*, vol 44, no 4 (October 2002): 638-668.
<http://www.journals.cambridge.org/bin/bladerunner?30REQEVENT=&REQAUTH=0&500001REQSUB=&REQSTR1=S0010417502000312>
In February 2000, twenty years after their victories brought Rhodesia's ruling white regime to the conference table, veterans of Zimbabwe's war of liberation began to occupy some of the large privately owned commercial farms that controlled Zimbabwe's most valuable land. During the next few weeks, thousands of people followed suit: by May, nearly a third of the country's large-scale commercial farms had been seized (*New York Times*, 27 May 2000; Moyo 1998). Armed with a court order, landowners demanded that the "squatters" be evicted, but the police demurred, and President Mugabe refused to order them to carry out the court's instructions. A few weeks earlier, voters had rejected a proposed constitutional amendment that would have strengthened the President's powers to seize white-owned land, without compensation, for redistribution to land-hungry blacks. Angry over the deteriorating economy, rising levels of corruption, and Zimbabwe's costly involvement in Congo's civil war, a majority of those who voted were unwilling to increase the President's powers, even if they supported the cause of land reform. When the veterans took matters into their own hands, Mugabe lost no time in

associating with their cause. He, in turn, was accused by Western governments, the opposition Movement for Democratic Change, and the international press, of sacrificing the rule of law in order to save his own political skin.

- D. Bruce, John W. "Evolving Land Rights, Policy and Tenure in Africa. *African Affairs* 101, no. 403 (Apr 2002): p. 264-266.
- E. Bruce, John W. "African tenure models at the turn of the century: individual property models and common property models." *Land Tenure Models for 21st Century Africa Conference: African Studies Center* (September 1999).
- F. Deininger, K. "Making Negotiated Land Reform Work: Initial Experience from Colombia, Brazil and South Africa." *World development*. 27, no. 4, (1999): 651.
http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2000/04/05/000094946_99031911113060/Rendered/PDF/multi_page.pdf
- G. Deininger, Klaus and Hans Binswanger. "The evolution of the World Bank's Land Policy: Principles, experience, and future challenges." *Land Tenure Models for 21st Century Africa Conference: African Studies Center* (September 1999).
- H. Dunning, Brian C. "A comparative study of legal ideology: African land tenure systems." *Boston College Third World Law Journal*, vol 10, no 2 (Spring 1990):297-319.
- I. Firmin-Sellers, Kathryn. "Custom, capitalism and the state: the origins of insecure land tenure in West Africa. *Journal of Institutional & Theoretical Economics*, vol 156 no 3 (September 2000): 513.
The examples of Ghana and Cote d'Ivoire are used as case studies for property rights theories.
- J. Juul, Kristine and Christian Lund. Negotiating Property in Africa. Heinemann: Portsmouth, NH, 2002.
- K. MacCormack, Geoffrey. "Problems in the description of African systems of landholding." *Journal of Legal Pluralism*, no 21 (1983): 1-14.
- L. Manji, Ambreena. "Land reform in the shadow of the state: the implementation of new land laws in Sub-Saharan Africa." *Third World Quarterly - Journal of Emerging Areas* vol 22, no. 3 (2001): 327-342.
- M. Mazzucato, Valentina and David Niemeijer. "Population growth and the environment in Africa: local informal institutions, the missing link." *Economic Geography*, vol 78, no 2 (April 2002): 171-193.
Population and environment debates regarding Africa, whether Malthusian or Boserupian in nature, focus on population levels as the driving force behind the relationship between environment and society. This article argues, instead, that how people adjust to their rise in numbers is more important than are population levels. It focuses on the role of local informal institutions, such as land tenure systems, but also on customs, norms, and networks, and their change over time in mediating the relationship between people and the environment. The article is based on fieldwork conducted between 1995 and 1998 in the Sahelian and Sudano-Sahelian zones of Africa, as well as on a review of colonial documents pertaining to the area written in the first half of the twentieth century. The article concludes that adaptations made to local, informal institutions within the past century have enabled an environmentally

sustainable land use within the context of a rising population and growing scarcity of natural resources.

- N. McAuslan, Patrick. "Land policy: a framework for analysis and action. (Africa) (Special Commemorative Volume: A.N. Allott)" *Journal of African Law*, vol 31 no 1-2 (Spring 1987): 185-206.
- O. "Reconstructing the African Commons" *Africa Today* (Winter 2001): 76.
<http://content.ebsco.com/fulltext.asp?wasp=2pw78amutkctxtm3ng86&ext=.pdf>
Abstract: Discusses land law reform in Eastern and Southern Africa. Importance of common land status to a majority of rural citizens; Development of customary tenure regimes by state governments as a legal way to acquire, hold, and transfer land; Probable impact of such developments on rural common property resources.
- P. Rukuni, Mandivamba. "Land Tenure, Governance and Prospects for Sustainable Development in Africa." *A Natural Resources Policy Consultative Group for Africa* no 6.
Environmentalists and agriculturalists know that secure land tenure is a critical requirement for sustainable development in the poor regions of Africa. Policy makers have ignored this issue for too long. Because land tenure is at the heart of how rural communities are governed or govern themselves, African governments and scholars alike should place a higher priority on land tenure policy reform. This paper examines different land tenure systems in several African countries.
- Q. Rukuni, Mandivamba. "Land tenure and sustainable development in Africa: experiences from community based natural resource management." *Land Tenure Models for 21st Century Africa Conference: African Studies Center* (September 1999).
- R. Rutman, Ault and Gilbert L. "Land scarcity, economic efficiency, and African common law." *Research in Law and Economics*, vol 12 (1989): 33-54.
- S. Sjaastad, Espen; Bromley, Daniel W. *Indigenous land rights in sub-Saharan Africa: Appropriation, security and investment demand. World Development*, vol 25, no 4 (Apr 1997): 549-562.
The links between rights appropriation, tenure security and investment demand in sub-Saharan Africa are examined.
- T. Toulmin, Camilla and Julian Quan (ed.). "Evolving Land Rights, Policy and Tenure in Africa." *DFID Issues Series: London*, 2000.
This book is a collection based on DFID's "Workshop on Land Tenure and Sustainable Development" which was held in February 1999. The review in *African Affairs* (Vol 101: No 403, April 2002, pg. 264) states that "There is no other book available that offers a remotely comparable and up-to-date review of thinking on land tenure in Africa. It provides a nuanced overview, and there are also more deeply analytical pieces and excellent case studies."
(This book is not available in the USAID library but could be obtained through an interlibrary loan.)
- U. van Donge, Jan Kees. "Law and Order as a Development Issue: Land Conflicts and the Creation of Social Order in Southern Africa" *Journal of Development Studies* (December 1999): 48.
Abstract: Discusses an evolution of registration of individual land title for purpose creation of legal security as central issue in literature on land and law in Africa. Land conflicts in Africa as synonymous with leadership conflicts; Review of the Mary

Mpwari vs. Village Headman Chiondo case; Claims on land in Africa as part of sectionalist conflicts.

III. Geographic Information Systems (GIS) Literature

- A. Bishop, Ian D.; Barry, Mike; McPherson, Elsworth; Nascarella, Joiana; Urquhart, Karen ; Escobar, Francisco. Meeting the Need for GIS Skills in Developing Countries: The Case of Informal Settlements. Transactions in GIS 6, no. 3 (2002): 311-326.
- B. Kyem, Peter A. Kwaku. Embedding GIS applications into resource management and planning activities of local and indigenous communities: a desirable innovation or a destabilizing enterprise? Sage Urban Studies Abstracts 29, no. 2 (2001): 1-101.
- C. Van der Merwe, Johannes Hendrik. Gis-aided land evaluation and decision-making for regulating urban expansion: A South African case study. GeoJournal 43, no. 2 (1997): 135.

IV. USAID Experience

A. Africa

1. Bloch, Peter and Jeremy Foltz. "Recent tenure reforms in the Sahel : assessment and suggestions for redirection." (April 1999)
http://www.dec.org/pdf_docs/PNACF814.pdf
This document provides a synthesis of current land tenure reforms in the Sahel during the last decade and investigates how they can lead towards sustainable socioeconomic development. In assessing the current thinking on tenure reform programs a number of important principles of tenure reform are missing, among them an admission of some of the pitfalls of decentralization and an over-concentration on sustainable natural resource management to the potential detriment of distributional equity and agricultural productivity. The logic of creating tenure security is to enable increased investments, conservation, and agricultural intensification, but these increases will only take place when tenure reforms are implementable and enforceable. This suggests that land and natural resource tenure should be reformed in ways that reflect the socioeconomic reality of Sahelian countries rather than some idealized world.
2. Dickerman, Carol W. "Security of tenure and land registration in Africa: literature review and synthesis." (December 1987).
<http://www.dec.org/search/orderdex.cfm?DocId=PN-ABE-874>
The literature review provided here is an attempt to gather in one place data about the diverse efforts at land registration in Africa and to describe briefly for each country the various registration programs that have taken place (if any), why they were undertaken, and what subsequent studies of these programs have found.
3. Freudenberger, Mark Schoonmaker and Nancy Ann Sheehan. "Tenure and natural resources in The Gambia : summary of research findings and policy options." (July 1994).
<http://www.dec.org/search/orderdex.cfm?DocId=PN-ABZ-230>
This report is a synthesis of research conducted by the Working Group on Resource Tenure and Land Use Planning and the Law Reform Commission of The Gambia. Part I, a brief guide to key tenure issues in The Gambia, addresses 15 commonly asked questions about tenure and natural resource management. Part II addresses the same issues in a much more detailed way. Both parts look at definitions of tenure and resource-management vocabulary, formal legislation and customary tenure arrangements, and areas where tenure issues are the most contentious. Having identified the key problems in current tenure systems, the

report addresses various broad approaches that government and donors may wish to consider in addressing these problems. These range from replacing customary tenure regimes with new legal frameworks, to looking for ways that customary arrangements can be strengthened. The report goes on to consider how working in the natural resource domain can better respond to tenure concerns in designing and implementing their projects. Finally, the report focuses on specific policy actions that the government may wish to take in the short, medium, and long term to address the kinds of concerns raised in the report. Includes bibliography.

4. Green, Joy K. "Evaluating the impact of consolidation of holdings, individualization of tenure, and registration of title : lessons from Kenya." (February 1987)
The Kenyan program to consolidate land holdings and individualize title and land registration is often cited as an example of successful land tenure reform in Africa. This paper reviews several micro-studies on the reform and examines their findings on a broad range of issues: tenure security, access to credit, land fragmentation and subdivision, land markets, accumulation and efficiency in resource allocation, land disputes, agricultural investments and productivity, and security of economic opportunity.
<http://www.dec.org/search/orderdex.cfm?DocId=PN-ABB-825>
5. "Land policy in Tanzania : issues for policy consideration." (1995)
<http://www.dec.org/search/orderdex.cfm?DocId=PN-ACA-799>
6. Rassam, Amal. "Land tenure in the Ivory Coast : a developing problem and a problem for development." (August 1990).
<http://www.dec.org/search/orderdex.cfm?DocId=PN-ABQ-581>
7. Roth, Michael and Dwight Haase. "Land tenure security and agricultural performance in Southern Africa." (June 1998)
http://www.dec.org/pdf_docs/PNACL422.pdf
8. Swartzendruber, Fred; Collings, Emily; t al. "FRAME (framework for regional action and monitoring on the environment) : Southern African opinions on environmental trends and emerging issues" (November 1998).
http://www.dec.org/pdf_docs/PNACE905.pdf
9. Van den Brink, Rogier and Daniel W. Bromley. "Enclosures revisited : privatization, titling, and the quest for advantage in Africa." (January 1992).
<http://www.dec.org/search/orderdex.cfm?DocId=PN-ABK-599>
Many development experts are promoting privatization and land titling as the salvation to all that is wrong with African agriculture. This paper argues that the above reasoning is theoretically incorrect, and in the case of sub-Saharan Africa, lacking empirical evidence as well. Moreover, the paper claims that land titling is an example of the rent-seeking behavior that is so often denounced by those most enthusiastic about land privatization.

B. Latin America

1. Barham, Bradford; Barnes, Grenville, et al. "New land tenure research studies in Latin America and the Caribbean : research impacting on the disadvantaged, the environment, broad-based and sustainable economic growth, trade and investment, debt reduction, and democratization." (September 1994)
<http://www.dec.org/search/dexs/index.cfm?fuseaction=order.dexs&DocId=PN-ABU-842&cfid=125851&cfoken=55052491&httpReferer=http://www.dec.org/search/dexs/index.cfm?fuseaction=search.keyword.dexs&cfid=125851&cfoken=55052491>

2. Barnes, Grenville. "Comparative evaluation framework for cadastre-based land information systems (CLIS) in developing countries." (March 1990).
<http://www.dec.org/search/dexs/index.cfm?fuseaction=order.dexs&DocId=PN-ABF-253&cfid=125851&cftoken=55052491&httpReferer=http://www.dec.org/search/dexs/index.cfm?fuseaction=search.keyword.dexs&cfid=125851&cftoken=55052491>
 The primary objective of this study is to provide a tool for evaluating alternative approaches to the formalization of land tenure data and information in a CLIS (cadastre-based land information system). A first step toward this objective is the development of a generic CLIS model that is used as a common structure or skeleton for organizing data and information about the systems to be evaluated. The second objective is to identify the effectiveness of a system within a particular developing country's environment, not merely to suggest an ideal model. The final objective is to validate the CLIS model and evaluation framework by applying it to CLIS in three developing countries: Honduras, Ecuador, and St. Lucia. (Author abstract)

3. Dorner, Peter. "Latin American land reforms in theory and practice: a retrospective analysis." (1992)
<http://www.dec.org/search/dexs/index.cfm?fuseaction=order.dexs&DocId=PN-ABK-333&cfid=125851&cftoken=55052491&httpReferer=http://www.dec.org/search/dexs/index.cfm?fuseaction=search.keyword.dexs&cfid=125851&cftoken=55052491>
 In Latin America, highly concentrated land ownership, accompanied by extremely skewed income distribution, leads to recurring and sometimes violent demands for land redistribution and reform. This monograph deals with the political, social, economic, and institutional aspects of various land reforms attempted in Latin America over the past 30 years. Its purpose is to analyze the outcomes of these attempts and to summarize and synthesize the ongoing debate about land reform. The document first discusses competing theoretical and ideological positions, including structuralism, dependency, institutionalism, and liberation theology. A brief summary is presented then of the reforms implemented in Latin America since the establishment in 1961 of the Alliance for Progress, along with an evaluation of their achievements. The reforms are also analyzed with respect to corollary changes in agricultural and industrial systems and in population dynamics. In light of the progress and changes revealed, the question is raised whether reform is still needed. The report then discusses related issues, such as land registration and titling, land taxation, and land transfer and financing mechanisms. The last chapter comments briefly on the role that international agencies can play in the sensitive national policy decisions that are at the heart of any serious attempts at land reform. Includes 11-page bibliography.

4. "Evaluation of: the tenure security and land market research project." (May 1990)
<http://www.dec.org/search/dexs/index.cfm?fuseaction=order.dexs&DocId=PD-ABB-565&cfid=125851&cftoken=55052491&httpReferer=http://www.dec.org/search/dexs/index.cfm?fuseaction=search.keyword.dexs&cfid=125851&cftoken=55052491>
 Evaluation of a project to conduct long-term applied research on land tenure issues in the Latin America and Caribbean (LAC) region in support of A.I.D. project development and implementation. The University of Wisconsin Land Tenure Center (LTC) is the primary implementing agency. External evaluation covers the period 8/86-5/90.

5. Forster, Nancy and David Stanfield. "Tenure regimes and forest management: case studies in Latin America." (March 1993)
<http://www.dec.org/search/dexs/index.cfm?fuseaction=order.dexs&DocId=PN-ABN-957&cfid=125851&cftoken=55052491&httpReferer=http://www.dec.org/search/dexs/index.cfm?fuseaction=search.keyword.dexs&cfid=125851&cftoken=55052491>

Ecologists and social scientists are in the preliminary stages of understanding how to foster sustainable forest management, particularly in tropical ecosystems. This paper, the product of a workshop sponsored by USAID's DESFIL and ACCESS II projects, draws together current knowledge on tenure issues in sustainable forest management and specifies areas for further research. It draws on recent research and case study experiences in Latin America, but many of its findings and the proposed research framework can be applied in other regions. One strong lesson which emerges from this synthesis is that tenure regimes must be designed for specific situations (e.g., for particular types of managers, ecological conditions, and demographic, market, and policy circumstances) and they must be adapted to changing conditions. Ten brief case studies are appended.

6. MacFarland, Craig. "Lessons learned and future opportunities under the environmental strategic objective of USAID and the Government of Guatemala : (summary of conclusions and recommendations to USAID for support to the environmental sector in Guatemala 1999-2005)." (February 1999).
http://www.dec.org/pdf_docs/PDABR449.pdf
7. "AID grant no. 527-0000-G-00-4412-00 to the Institute for Liberty and Democracy to support a pilot program to test and improve ILD's existing registry system." (September 29, 1994)
<http://www.dec.org/search/dexs/index.cfm?fuseaction=order.dexs&DocId=PD-ABJ-924&cfid=125851&cftoken=55052491&httpReferer=http://www.dec.org/search/dexs/index.cfm?fuseaction=search.keyword.dexs&cfid=125851&cftoken=55052491>
Grant is provided under the Program Development and Support Project in Peru to the Institute for Liberty and Democracy (ILD) to test and improve its land registry and business formalization systems, which serve as models in Peru and developing countries worldwide and which have shown great promise in pilot projects funded by USAID and the World Bank. More specifically, ILD will work to improve both (1) PROFORM, a revolutionary method for transforming informal property rights in land to formal property on a massive scale which is many times faster and cheaper than other land titling systems; and (2) its Unified Business Registry, which extends ILD's pioneering work on property rights to the institutions governing the registration of informal microenterprises.
8. Shearer, Eric B.; Lastarria-Cornhiel, Susana and Dina Mesbah. "Reform of rural land markets in Latin America and the Caribbean: research, theory and policy implications." (April 1991)
http://www.dec.org/pdf_docs/PNABI011.pdf
In most Latin American and Caribbean countries, lack of access to land for the majority of rural populations is considered a fundamental obstacle to development. This paper summarizes recent research on rural land markets in the region and the relationship between this research and broader land tenure issues. Case studies examine rural land market conditions in four Central American countries (Guatemala, Honduras, El Salvador, and Costa Rica), two Caribbean (St. Lucia and the Dominican Republic), and in Ecuador and the Andean region. The studies highlight the barriers facing land-poor campesinos in gaining access to land through the market and shed some light on their strategies to manipulate the market. There is some evidence from Ecuador, El Salvador, and Costa Rica that land has moved from the large-farm to the small-farm sector as a result of pressure from organized campesinos and the threat of both land expropriation and direct government action. The report then evaluates reforms to increase market efficiency and make land markets more accessible to the landless and rural poor in the region. These reforms have included elimination of subsidies to scale, land taxation, modernization of land registration

systems, land titling, and land banks and mortgage banks. Policy options are presented in conclusion.