

<p><b>Institution:</b> University of Greenwich</p>
<p><b>Unit of Assessment:</b> (UoA 24) – Anthropology and Development Studies</p>
<p><b>Title of case study:</b> Transforming thinking, policy and practice in international development agencies on customary land tenure and land tenure security</p>
<p><b>1. Summary of the impact</b></p> <p>NRI's research in Africa has been influential in shifting thinking, policy and practice on customary land tenure and promotion of land tenure security. In particular it has promoted the recognition that customary tenure systems can sometimes provide a high degree of tenure security and do not need to be replaced wholesale, and that a variety of alternative approaches to conventional land titling are available. This led international agencies to develop new approaches and guidelines for land policy and set the stage for a new generation of land tenure projects and programme interventions in Africa, to which NRI is also actively contributing.</p>
<p><b>2. Underpinning research</b></p> <p>Julian Quan began the research in 1996 and led a small unit at NRI from 1998 onwards, and a broader research group including IIED and Oxfam from 1998 to 2006. The work involved collaboration with a wide range of African regional and international agencies including the World Bank. It consisted of: extensive, cross-disciplinary reviews of historical experience in land tenure reform documented in published and grey literature; study visits to multiple African countries to interview policy makers and practitioners and document field experience and outcomes; establishment of African regional research networks; commissioning, managing and undertaking country and comparative regional studies; organisation of conferences in UK and Africa; commissioning, drafting and compilation of a wide range of working papers; and the publication of key findings.</p> <p>The main findings and insights which led to impact were:</p> <ol style="list-style-type: none"> <li>1. Customary tenure arrangements still provide a large measure of tenure security for ordinary people and small farmers in developing countries, notably in Africa. Land, including land resources held in common by extended family and kinship groups and populations of specific localities and regions, has multiple functions and values within African livelihood and cultural systems which are not reducible to market values that can be attached to individual plots. At the same time, customary tenure arrangements provide for individual family land holdings in arable areas, and can also enable efficient land transactions.</li> <li>2. An emphasis on delivering tenure security through individual land titling has in many cases proved: a) inappropriate, in facilitating selective access to titles by local elites, failing to capture the complexity of existing land rights including those over common resources, undermining land access arrangements for the poor, and having generally negative impacts on women and vulnerable groups; and b) unaffordable, in being costly to deliver on a plot-by-plot basis, impeding scalability.</li> <li>3. The introduction of formalised private rights by land legislation alongside failure to address evolving customary land management arrangements has led to institutional conflicts and disputes amongst land-users claiming competing sources of legitimacy, requiring more far-reaching and innovative legislative reforms. African nations are actively grappling with the legacies of colonial land policies and laws which have led to dualistic systems of tenure in which formal and customary land rights often come in to conflict, leading to widespread tenure insecurity and undermining effective governance of land resources.</li> <li>4. In practice land rights are held in both rural and urban areas under a continuum of tenure arrangements, all of which require practical and legal support. A wide variety of alternative, lower-cost methods of securing land rights and approaches to decentralised, multi-stakeholder land management are available, and there is scope to develop more inclusive land tenure and management institutions and reduced land conflict by scaling up application of these methods.</li> </ol>

## Impact case study (REF3b)

5. Governments are using processes of policy review, land commissions and development of revised legislation to address the complex legacies of colonial land policies and resolve the conflicts between customary and formal tenure systems and institutions. This requires research support and specialist legal and technical assistance for evidence-based assessment of options, broader stakeholder participation, and strengthened voice for small farmers and ordinary land users in policy debate, conflict resolution and overall arrangements for land governance.

### 3. References to the research (REF1 submitted staff in **bold**, \*\*REF2 Output)

- 3.1 **Quan, J.** (1998). Land tenure and sustainable rural livelihoods. In D. Carney (Ed.), *Sustainable Rural Livelihoods: What Contribution Can We Make* (pp. 167–180). DFID: London.
- 3.2 Toulmin, C., & **Quan, J.** (2000). *Evolving land rights, policy and tenure in Africa*. London: DIFD, IIED & NRI. Quan lead-authored a 30pp analytical introduction, and authored or co-authored two further chapters. He developed the publication project oversaw and managed the commissioning of other contributing authors, and co-edited the texts. This book is listed on Google Scholar as having been cited at least 230 times, in addition to widespread citation of individual chapters, in particular Chapter Two, by Quan “Land tenure, economic growth and poverty in sub-Saharan Africa”, which has 88 citations and has also been widely used in teaching.
- 3.3 **Quan, J.**, Tan, S. F., & Toulmin, C. (Eds.) (2005) *Land in Africa: Market Asset or Secure Livelihood: proceedings and summary of conclusions from the Land in Africa Conference, November 8-9 2004*, London: IIED, NRI and Royal African Society. Contains a critical overview of contemporary African approaches to land rights management co-authored by Quan. Submitted by the University of Greenwich to RAE2008 under UoA43.
- 3.4. **Quan, J.** and Dyer, N. (2008) *The Implications of Climate Change for Land Tenure and Land Policy*. FAO Working Paper. [http://www.fao.org/nr/iten/abst/iten\\_081101\\_en.htm](http://www.fao.org/nr/iten/abst/iten_081101_en.htm)
- 3.5 Ubink, J. M., & **Quan, J. F.** (2008). How to combine tradition and modernity? Regulating customary land management in Ghana. *Land Use Policy*, 25(2), 198–213. Submitted by the University of Greenwich to RAE2008 under UoA43, and cited 34 times on Google Scholar.
- \*\*3.6 **Quan, J.**, Ubink, J. M., & Antwi, A. (2008). Risks and Opportunities of State Intervention in Customary Land management: Emergent Findings from the Land Administration Project Ghana. In J. M. Ubink & K. Amanor (Eds.), *Contesting Land and Custom in Ghana State, Chief and the Citizen* (pp. 183–208). Leiden: Leiden University Press.

The work began in 1996 and was carried out mainly in the period 1998-2007, supported by a variety of grants and projects:

- An initial series of small research grants assisted analysis of land tenure issues and policy perspectives: i) Land Tenure and Policy in Southern Africa (DFID, 1996, £5,760); ii) Land Tenure and Poverty (DFID Advisory and Support Services Commission, 1997, £16,100) which provided background to the 1997 White Paper on International Development; the output (*Better Livelihoods for Poor People: the role of land policy: a DFID consultation document* <http://eldis.org/vfile/upload/1/document/0708/DOC11008.pdf>) was later lodged in the House of Commons Library and iii) Land Tenure and Long-Term Development Trends in West Africa (IIED, 1998, £6,000), and on. This work assisted in defining DFID's and other agencies' future programming in land policy, and initiated a subsequent and continuing impact chain, involving policy uptake and further research.
- Secondment of Land Tenure Specialist (DFID Advisory and Support Services Commission, 1998-2002, £326,000 and Programme for Advisory and Support Services, 2002-04, £134,000). This incorporated both research and policy advice components, including the planning, conduct, management and review of a wide range of research, mainly in sub-Saharan Africa, co-ordination of a series of international conferences and editing, publication and dissemination of research outputs (including 3.1 and 3.2).
- Framework Agreement for Advisory Services to Support Government of Ghana's Land Administration Project (DFID Contract CNTR 04 6072, 2004-2009). This was a Technical Assistance rather than a research project as such but required field research and analysis of the development of Ghanaian land institutions at local and national levels. It led to invitations from Leiden University in the Netherlands to collaborate on a journal article and write an

academic book chapter, which was assisted by additional internal funding from the University of Greenwich (outputs 3.5 and 3.6).

#### 4. Details of the impact

Developing countries, especially in Africa, have struggled with the colonial legacies of dual systems of formal and customary tenure, whereby only a minority had secure property rights recognised by the state, and the majority accessed land under insecure and unrecognised customary arrangements, at risk of expropriation by the state or traditional leaders. Post-independence, individual land titling, based on colonial models, favoured the interests of local and national elites and proved too costly and cumbersome to roll out on a large scale. NRI's research identified alternative ways of increasing tenure security through registration of collective and group rights, establishment of decentralised land boards, and assistance to land management by customary authorities. These can be used to formalise existing land rights and improve existing tenure and management systems, instead of undermining and replacing them. NRI's research has helped achieve consensus on effective approaches by influencing international and national bodies and working closely with local organisations to pilot solutions. These methods have demonstrably improved the lives of rural land users in several African countries.

The impacts listed below were initiated by a landmark, NRI-organised, DFID-funded international conference in 1999; following this NRI also facilitated development of an African network and further work was presented at a series of conferences organised by the group in Africa and UK.

##### **Shaping land policy of African governments and pan-African bodies**

The team advised the African Union, UNECA and African Development Bank's *Land Policy Initiative* (LPI): Quan was principal author of the background paper and draft policy framework. The team helped establish an African Task Force and regional consultations which finalised the Land Policy Framework and Guidelines, endorsed by African governments and formally adopted by the African Union in 2009 (AUC, UNECA and AfDB 2010). NRI's inputs were seminal in incorporating research findings on legitimacy of indigenous land tenure systems, the economic context of agricultural and urban growth, development of effective land administration systems, gender and common property rights, and workable land policy processes into a key pan-African policy document that addressed land as one of the most fraught and complex policy issues, fundamental to Africa's development. The beneficiaries are African Governments, civil society organisations, private investors, and indirectly, the mass of ordinary land users. Quan continues to advise the LPI in rolling out implementation of the policy guidelines and specifically in addressing governance and capacity development issues in the context of large scale land acquisitions.

##### **Informing and influencing policy and practice of international agencies**

NRI presented research findings to a series of Annual World Bank Land Conferences, organised an African debate, provided independent input for the World Bank's review of land policy, and developed principles on donor engagement with land for the EU. As a result NRI research influenced two landmark documents that signalled decisive policy shifts on land tenure in international development, and have had lasting influence: the World Bank's Policy Research Report on Land Policies (Deininger 2003), and the European Union's Land Policy Guidelines <http://bit.ly/leWFsu>. These remain in force and are flagged on EuropeAid's Agriculture and Rural Development webpage ([http://ec.europa.eu/europeaid/what/rural-development/index\\_en.htm](http://ec.europa.eu/europeaid/what/rural-development/index_en.htm)). NRI helped develop policy and technical guidelines on land and rural development for FAO ([http://www.fao.org/sd/2003/IN0501\\_en.htm](http://www.fao.org/sd/2003/IN0501_en.htm)), also contributing one of the only research papers on land tenure and climate change in 2008 (Quan and Dyer 2008). The team contributed to agency staff training and policy development, and addressed high profile international events, including the 2006 FAO Conference on Agrarian Reform and Rural Development in Brazil, and a 2009 assembly of ambassadors to the EU.

In 2008, Quan synthesised research findings for a key UN-Habitat and Global Land Tool Network (GLTN) policy document on urban and rural land, *Secure Land Rights for All*, which cites the team's findings extensively, showing the importance of securing land rights through multiple tenure options rather than an exclusive focus on individual land titling in reversing social exclusion and reducing inequality. The document has been widely cited and continues to orient the 2012-17 GLTN programme. Quan also helped develop indicators for social, environmental and governance outcomes of land policies for the World Bank, part of the basis for continuing work on a global

## Impact case study (REF3b)

framework for improved land governance (see <http://go.worldbank.org/HY9RUE0PQ0>). Proposed targets on tenure security put forward for the post-2015 development agenda by an expert group with representation of donors and global civil society build on the conceptual underpinnings of the 2008 UN-Habitat publication and the contributions of the research undertaken and coordinated by NRI. The impacts of NRI's work on the EU Guidelines, AU Land Policy Initiative and UN-Habitat's publication on land, alongside the earlier collaboration with FAO, have all fed into the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (<http://www.fao.org/nr/tenure/voluntary-Guidelines/en/>) published by FAO and the Committee on World Food Security. These have now become a key point of reference for global debates on land tenure and governance, in the context of the post-2015 development agenda.

### Improving livelihoods of land users through UK and other aid programmes

The research had direct impact on UK policy and practice, influencing the 1998 White Paper on International Development, ensuring that the importance of land for the livelihoods of women and vulnerable groups, and need for open land policy reform processes, were incorporated into DFID policy. The team provided technical advice to DFID land reform programmes in Malawi, South Africa, Rwanda Tanzania, Uganda, and also Guyana, and to other agencies' programmes in Burkina Faso, Kenya, and Niger. NRI played a central role in the successful design and implementation of several innovative land projects, which can be traced to the research and collaborative platform coordinated by NRI:

- The Mozambique Community Land Initiative (iTC - 2006-2014), which provided tenure security for some 250 communities and 350 producer associations, now using land for productive projects and benefiting almost 1 million customary land users.
- Establishing over 30 Customary Land Secretariats linked to the formal land administration system in Ghana (2005-2009) through DFID funding of the World Bank Land Administration Project, leading to more orderly land transactions, and enhanced security for growing populations in and around Ghana's expanding major cities.
- Policy and programme management for communal area land reform in Namibia under the EC Rural Poverty Reduction Programme (2005-2010).

### 5. Sources to corroborate the impact

#### Reports, reviews, and other documented sources of information in the public domain:

1. Deininger K. (2003) *Land Policies for Growth and Poverty Reduction: a World Bank Policy Research Report* <http://bit.ly/184wefe>
2. UN-Habitat (2008) *Secure Land Rights for All* <http://www.unhabitat.org/pmss/listItemDetails.aspx?publicationID=2488>
3. AUC, UNECA and ADB (2010) *Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods* AUC-ECA-AfDB Consortium, 2010, Addis Ababa, Ethiopia <http://bit.ly/17VtDtp>. Quan's 2006 Issues Paper and Draft Policy which contributed to this is available on request from NRI.
4. iTC's website (in Portuguese) is at <http://itc.co.mz/> and KPMG's webpage for the project is at <http://bit.ly/lfgM9g>
5. The World Bank's Project Performance Assessment Report for the Ghana Land Administration Project, which cites Ubink and Quan (2008) nine times, <http://bit.ly/1jFpgmj>

#### Users/beneficiaries who could be contacted to corroborate claims:

- UNECA: contributions and relevance to African Union Land policy framework and guidelines and importance for African nations
- UN-HABITAT, Nairobi: relevance of the research to understanding of development policy and practice on land in Africa
- World Bank Land Policy Team: relevance to the World Bank, global development policy on land and contributions to consultation on the Bank's land policy research report
- Oxfam: continuing relevance of the research to development aid and NGOs in Africa
- IIED: continuing relevance of the work in debates about land governance, commercial land acquisitions, sustainable agricultural intensification, and adaptation to climate change.