

Development groups work to secure land rights for Africa's poor

One option, 'property ladder,' offers range of possibilities, from community tenures to individual ownership

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In Africa and elsewhere in the developing world, less than a third of people living on the land actually own it or have any officially recognized right to it.

Development experts say gaining land rights is important for reducing poverty, since it offers poor people collateral they can use to get loans to improve the land. Without legal recognition, some tenant farmers receive only a fraction of the earnings as their share of the harvest.

Securing land rights through, for instance, land recordation and registration also promote economic growth. They assure foreign investors that the land, and the rights of those on it, are secured under some form of legal framework .

Clarissa Augustinus is the chief of the Land, Tenure and Property Administration Section of UN-Habitat in Nairobi, Kenya.

Clarifying land rights

"When an investor goes to the government and says, 'I want a piece of land,' the government looks at its maps which show that that particular piece of land is empty, and they give it to an investor," she said. "But the investor goes there and it's occupied by a tribe or maybe families. It then becomes problematic for the investor to take over that land because it can cause what European investors call 'reputation risk.' If they evict people, and it gets to the newspapers, it can affect the reputation of the investors."

But Augustinus says surveying, establishing boundaries and registering land and issuing deeds are expensive.

"You could be talking of a couple of hundred dollars to create a deed or a title," she said. "Most countries cannot afford to give the majority of citizens at this point in time ownership rights because of the cost of creating, managing and updating it, and most individuals can't afford to subsidize it."

Augustinus recommends an intermediate form of tenure that can build the assets of the poor.

"It could start," she explained, "with something as basic an intermediate form as a politician saying, 'I'm going to protect this informal settlement. You are not going to get moved, you're not going to be evicted.' It could include family rights and group rights as you find in customary tenure. It could be a lease. In cities, 60 percent of people are renters, so these are all intermediate forms of tenure that have to be formalized or put on some form of ladder where people can climb up over time.

Augustinus says one approach supported by UN-Habitat is the creation of what she calls a "property ladder," or "continuum" of land rights. Under the arrangement, tenants could receive a simple

certificate or starter title to the land and continue on to more sophisticated forms of recognition, including what she calls the “Mercedes Benz” of individual ownership.

A scale of rights

She says at least 23 countries use a property ladder, including Namibia, which grants a starter title.

"In terms of starter title," said Augustinus, "people would be safe within that community. They would not be under any form of threat, eviction by the state, which is common, or by wealthy people buying that piece of land. That piece of land itself would be considered for informal settlement and people there would have starter title. That title would give them very few things: they'd be able to leave their land to their children, which is important to the poor, and be able to sell that piece of land within the community. But there would be no planning and no services [like electricity or water]."

Further up the ladder of land rights, would be a form of lease, which gives inhabitants more security. With a lease, the bank could allow people to mortgage the land. In the last step up the ladder, a majority of a community could decide to convert the land to individual ownership, or title.

Besides Namibia, other countries adopting the property ladder approach include Uganda, Tanzania and Zambia. Augustinus says Ethiopia has already delivered 20 million land certificates on the lower end of the property ladder, for about \$1 US each. She says it's one of the most successful certification programs in Sub-Saharan Africa.

New and alternative ways to registering land, like the land ladder, are important to both rural and urban areas.

UN-Habitat notes that Africa's urban population is expected to increase fourfold between 1990 and 2020. Today more than a quarter of the 924 million slum dwellers worldwide live in Africa. Granting them security of tenure is an important way of meeting the UN's Millennium Development Goals, which call for eradicating hunger and poverty and improving the lives of 100 million slum dwellers.