

Introduction

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The UNDP's Drylands Development Center, the International Land Coalition (ILC), and the Consultative Group on International Agricultural Research (CGIAR) systemwide program on Collective Action and Property Rights (CAPRI) began formal collaboration in 2004. All three organizations, i.e UNDP (a global development policy implementation organization), ILC (a global advocate on land issues to increase cooperation between civil-society, governments and intergovernmental organizations) and CAPRI (a CGIAR systemwide policy research program) share the conviction that land tenure can be a mechanism through which the goals of gender equity, poverty reduction, efficiency and sustainable resource management can be achieved.

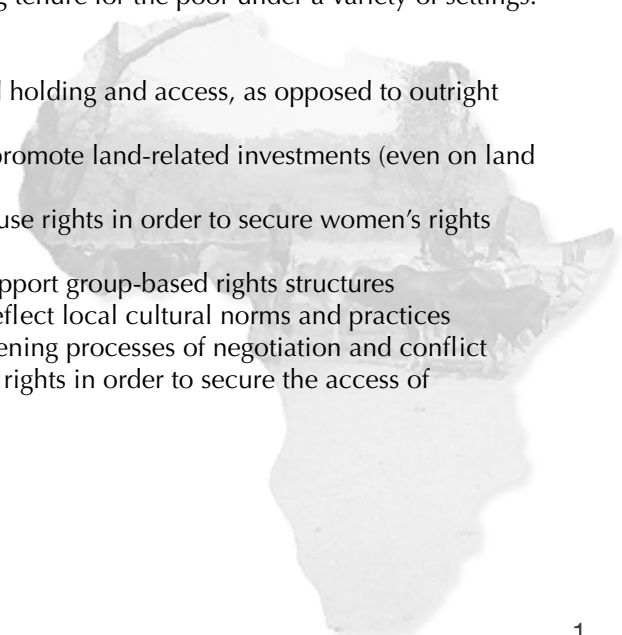
All three organizations also appreciate that the complexity of tenure systems, in Africa and elsewhere, requires complex policy solutions, which can be tailored to respond to cultural, political and ecological demands at multiple levels. Common property arrangements in particular continue to be significant to the lives and livelihoods of many poor, whose land rights are increasingly threatened. UNDPs DDC, ILC and CAPRI focus their joint efforts and comparative advantages in bringing these issues to policy at multiple levels and to engender the participation of multiple stakeholders to foster meaningful policy change.

From October 31st to November 3rd, 2005 UNDPs Drylands Development Center and the International Land Coalition hosted a workshop: *"Land Rights for African Development: From Knowledge to Action."* This workshop addressed key land tenure issues in Africa that influence food security, environmental sustainability, agricultural intensification, conflict, peace building and broader rural development. It brought together a total of about sixty five practitioners, legal experts, policy makers, development partners and civil society representatives from different parts of the world. This collection of briefs summarizes select papers presented at this workshop.

A wide range of issues are captured and reiterated in the 12 briefs contained in this collection. These include: the prevalence and importance of customary tenure; the prevalence and importance of common property arrangements; constraints to women's access under both customary and statutory tenure; the need to secure common property and other forms of tenure; and the importance of broad based participation to secure broad consensus among multiple actors in order to enhance the efficiency, equity and sustainability objectives of land tenure reforms.

The briefs also reflect on the innovations necessary for securing tenure for the poor under a variety of settings. These innovations include:

- adjusting received law to customary norms and rules of land holding and access, as opposed to outright replacing customary tenure
- altering lending rules by banks and financial institutions to promote land-related investments (even on land regulated by customary and/or religious law)
- de-emphasizing the notion of ownership and refocusing on use rights in order to secure women's rights and access
- restructuring conventional land administration systems to support group-based rights structures
- encouraging decentralized land management systems that reflect local cultural norms and practices
- in situations of multiple, overlapping resource use, strengthening processes of negotiation and conflict resolution as opposed to a generic concern with substantive rights in order to secure the access of permanent and transitory resource users.



A ten-step procedure is also suggested (Alden Wily), which would enable communities to restore their group rights and practices to create and control their own tenure norms. These innovations, while desirable, are also risky: corruption, elite capture, exclusion of 'non-members' and lack of capacities have been hurdles faced by communities.

The background papers and the issues they raised formed the basis of rich discussions by workshop participants. Workshop outcomes are a general restatement of the content of the background papers and presentations. There was substantial agreement on the following:

- Land tenure in Africa is complex. The existence of customary, religious and statutory arrangements (i.e. legal pluralism) is a critical, defining feature of African land tenure. Land tenure reform must accommodate this complexity rather than replace it.
- The pit-falls of formalization should be avoided, and in particular tenure codification should be delinked from collateralization. Cheaper ways of registering rights than the cadastre are needed.
- In order to effectively address land tenure security, power issues at local and national levels must be addressed. There is a need for a multi-level, multiple actor approach. Land tenure reform is an urgent governance issue that can best be addressed by all development partners in collaboration.
- The implementation and impacts of land tenure reforms should be evaluated at multiple governance levels in order to identify constraints, craft solutions, and to ensure that reforms are securing the rights and livelihoods of women, the poor and marginalized groups.
- New innovations are needed over and above tinkering with existing possibilities. For instance, the development of centers for legal advice and assistance for both rural and urban dwellers may enable the poor to claim their rights and even challenge abuses of power.

The entire set of panel presentations, background papers and discussion summaries is available at the following website: <http://www.undp.org/drylands/lt-workshop-11-05.htm>

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