WORKSHOP REPORT:
SECURING LAND RIGHTS IN AFRICA: CAN LAND REGISTRATION
SERVE THE POOR?

Kaya Kwaga, Maputo, Mozambique
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1. Introduction

This report summarises the discussions and outcomes of the second meeting of the above research programme. The research, funded by the Social Science Unit of the UK's Department for International Development (DFID), is being carried out in 3 African countries – Ghana, Ethiopia, and Mozambique over the period 2002-2005. This second mid-term workshop provided a valuable opportunity for the research teams to discuss findings of the first phase (September 2002- October 2003) and plan the second phase (November 2003- January 2005). The end of project workshop will take place in Ghana in the last week of January 2005 and the main aim will be to discuss the final outputs of the research as well as the policy-related work carried out. The final phase (February-June 2005) will consist of refining and publishing the outputs.

The researchers come from:
- Mekelle University, Mekelle, Tigray, Ethiopia
- SOS Sahel, Addis Ababa, Ethiopia
- Institute of African Studies, University of Ghana, Legon, Accra, Ghana
- Land Studies Unit, University of Eduardo Mondlane, Maputo, Mozambique
- International Institute for Environment and Development, London, UK

The report begins with a reminder of the key questions and hypotheses (section 2); section 3 describes the key findings to date, including a summary matrix, as well as common issues which require further research; section 4 deals with policy work carried out by the teams and how we might input into monitoring systems and section 5 is forward looking, including work plans for the next phase, ways of working/ communicating and outputs.

A workshop programme is presented in Annex 2. A short field trip was included in the programme to visit two peri-urban sites in Maputo, to get an idea of the physical characteristics of land use and to talk to a few key informants – concerning land conflicts in the first site and registration processes in the second site.

2. Research questions and hypotheses

We began the workshop with a reminder of the key research questions we were trying to address. Our research is based on testing a set of interlinked hypotheses which assert that:
- Land registration is not inherently anti-poor in its impacts;
- The distributional consequences of land registration will depend on the design of the process and governance of the institutions responsible for its management;

- Land registration procedures can be elaborated which systematically address the risk of bias against poorer, more marginal groups, by considering location, registration fees, language used, recognition of secondary rights, and so on.

The research seeks to address three sets of questions:

Questions related to the design and practice (which may be different) of the land registration process:

i. What land and what land rights are being registered?
ii. How is land being registered, and by institutions based at what level?
iii. Where registration is done at village level, on the basis of which rules and procedures, and drawn up by whom? What variation in land administration practice is found between villages?
iv. How are boundaries being demarcated on the ground and recorded and with what forms of technology (paper, maps, aerial photos, GPS…)?
v. Where are land registers stored, in what language and how accessible are they to the general public? Is local terminology used to describe the arrangements which people have agreed?
vi. Have special precautions been taken to ensure equitable access to the registration process, such as cost, language used, place of registration? Has this made a difference in terms of access in practice?
vii. What happens to secondary rights as a result of registration? Are they recognised and in what terms?

Questions related to the governance of these processes:

viii. Which state and non-state actors are involved in registration processes?
ix. What political and legislative framework governs the actions of the various actors involved in land registration? How is accountability to a broad constituency assured?
x. How do these institutions deal with disputes? How transparent are these conflict resolution processes?
xi. How well do the different institutions involved in land registration coordinate their activities?
xii. How do formal processes of rights registration interact with "informal" processes for securing rights, recognising that this is often not a dichotomy, but rather a continuum?

Questions related to equity of outcomes:

xiii. Who is seeking to register their land rights, and why? Are some groups more eager than others? Which groups succeed, and what factors prevent other groups from succeeding? Which groups are the winners and losers in this process?
xiv. What happens to the claims of weaker groups in society? What means do they have to make their voices heard, locally and at higher levels? Do they have means to protect themselves against unjustified claims on their assets?
xv. What happens to unregistered rights in practice?
xvi. How are land rights of smallholders affected by the policy thrust to attract large, sometimes foreign, investors?

xvii.   How are land rights of more disadvantaged groups changing in peri-urban contexts, where competition for high value land is intense?

In our discussion, we recognised that many of the equity-related outcomes are not directly related to land registration itself but to land and land use policy in a wider sense, as well as the way in which land markets operate, when they are not regulated. This is important to distinguish when we analyse and present findings.

3. Findings of the first phase of research

Each of the four teams presented their research reports and we discussed the findings as well as identifying gaps and questions for further research. This section provides a brief summary of discussions and a matrix comparing findings from the four case studies, which obviously entails simplification but allows a quick appraisal of key commonalities and differences. Finally some key gaps are identified which will be addressed in the next phase of the research.

3.1   Summary of discussions by case study

Mekelle University
In Ethiopia, land law and family law are decentralised to the State level. Mekelle University's presentation focussed on the effects of the land registration process undertaken in Tigray from 1996 to 1998, which covered all cultivated lands. Land registration has not changed rights over holdings and confirmed the results of land distribution of 1991 and the additional distribution of plots that became available later on (no legal heir, leaving community etc.).

The system used was decentralised and low cost. Registration followed the system used for allocating land, with one certificate by household listing the various plots in use. Boundaries are not indicated but rather the location is described (part of village land, name of neighbours). First an individual record of these plots was filled in by the villagers and checked by the team of experts. This information was then copied and recorded in a book, followed by the issuing of a certificate in the name of the household head that is kept by the land users. The local language is used, but many people are illiterate. Costs are low (2 birr). CPRs are not registered but they may be recorded at tabia level using byelaws.

Landlessness is a growing problem in Tigray and affects particularly young people. For this reasons, women having land are allowed to keep their field when they marry and leave for another village, until they have received land in their new place. This is formally against the law (rights to land are lost when the person has been away for more than 2 years) but in this case the local nature of land administration and good administrative practice protected women's position. Landless people will not benefit from registration, which they may even regard as against their interests as it will make new land redistribution less likely. Landless people gain access to land through sharecropping, if they possess oxen. Others are developing sources of employment

outside farming or migrate to urban areas or resettlement schemes[1]. It should be noted that landless women have less alternatives than men.

Certificates are of no use to settle boundary disputes, one of the most common conflicts over land and are rarely used in disputes over user rights. They give no protection against appropriation of land by the government, although the certificate holder will be entitled to some compensation. The certificates are valued most by women, who feel less secure about their rights. Upon divorce women receive half of the land, but as new certificates are no longer available in many communities, this is not registered. Keeping the system updated is a key problem in most tabias visited.

New actors on the scene are 'investors' who obtain land through the State and woreda, a different system than what is described above. Most of the investors interviewed are small-town businessmen from Tigray or elsewhere. They are faced with much uncertainty, such as the length of the contract.

SOS Sahel

Berhanu Adenew, started his presentation with an overview of the land debate in Ethiopia, which is partly a proxy for choices in development policy. A key issue is whether the State should promote privatisation of land.

The research conducted by SOS Sahel focussed on enclosures in Amhara State and explored recent initiatives on land registration. Some work was also started in the peri-urban areas of Addis Abeba, focussing on displaced farmers.

The so-called 'enclosures' are a strategy to establish common property regimes, thus ending situations of open access which have led to degradation of natural resources, a major preoccupation in North Ethiopia. Enclosures are generally located on steep mountain slopes and used to cut grass and firewood, and to a much lesser extent for free range grazing. Law in Amhara[2] to legalise enclosures was voted in 1996, partly as a result of lobby by SOS Sahel. Enclosures are registered at woreda level. Groups of people were formed to manage enclosures, based on burial societies or church groups. Some of these groups have fallen apart, partly because some members were to poor to contribute to the payment of guards. Other groups function well, and some decided to subdivide the land amongst the members, who may plant trees and cut the grass on individual parcels.

Church groups exclude those who have no land, landless people thus lost access to these resources and are even fined when their goats enter the area. Although churches formally lost their lands in the land reform of 1974, villagers seem still to consider churches as the legitimate owner, and members of the enclosure groups even pay a fee to church for using the land. A new development is that common lands are being claimed for women, youth and farmers associations, which are linked to the leading political party. This is becoming a source of uncertainty. It is also unclear whether enclosures are recognised in the registration system which is now starting up.

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[1] In urban areas, the availability of low cost housing is a problem for migrants.

[2] There also exist legislation on enclosures in Tigray, possibly comparable to what is happening in Amhara.

Amhara is starting with land registration and two systems are in place. One of the differences with Tigray registration is that boundaries will be registered in the certificate. The system will cover all land, and not just cultivated fields. They have also opted for joint titling, that is both the name of husband and wife will be mentioned on the certificate. At present farmers rely on tax receipts to prove their right to use a certain plot. It should be noted that Amhara land law includes many regulations on land use planning to prevent environmental degradation.

The first system is 'the cadastral survey based registration' a Swedish SIDA funded pilot in 2 woredas, covering 3500 ha and implemented by a consultancy firm. Using GPS, boundaries are recorded and entered in a computerised system. The pilot is being monitored and evaluated. The results were due in June 2003, but the date has moved to December 2003. The researcher has not yet been able to visit the pilot, but has spoken to various stakeholders involved at the level of Bahir Dar. The consultants are of the opinion that the system should only be used in areas where land is of high value (eg peri-urban), but some politicians seem to like this sophisticated option.

The second system is called 'traditional registration' and resembles the approach followed in Tigray. Training of woreda officials started in early 2003, involving 100 out of the around 200 woredas. The intention is that all land should be registered by the end of 2006. Elected committees will be involved in the process, but it is not clear what criteria will be used and to what extent authorities will supervise the process. This may influence the equity of outcomes. The certificate will include the boundaries and also a photo of the user. The benchmark is the land redistribution[3] that took place in 1997.

Ghana

The context in which land registration takes place in Ghana is characterised by high demographic growth and increased pressure on land (particularly in peri-urban areas); by the coexistence of statutory and customary law and institutions, and of hybrids thereof; by increased agricultural diversification, which in some areas involves a shift from "traditional" to "new" crops (eg. from cocoa to pineapple), and from small-scale farming to plantations; and by an on-going policy debate on the Land Administration Programme (LAP), a government programme supported by the World Bank and other donors and aimed at strengthening land administration institutions.

Registration is based on land title registration in selected urban and peri-urban areas, and on deeds registration in the rest of the country. Although both systems have been in place for a long time (1986 and 1883, respectively), very few land rights have actually been registered. The reasons for this include the very complex, slow and cumbersome procedure, and the weak institutional capacity of competent government agencies. Moreover, corruption and mismanagement (double registration, etc.) are common.

Besides statutory registration procedures, some customary land secretariats (eg. Asanthene, Gbawe, etc.) have put in place informal (ie. extralegal) systems to document land rights. These usually involve keeping record of the land allocations made by customary authorities, and in some cases quite sophisticated systems of land

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[3] A study conducted in 2020 concluded that informal land markets in Ethiopia are contributing more to the efficiency of land use than administrative land distribution as the first system favours capable farmers even when they have limited resources.

surveying. These procedures are usually faster than formal registration, and corruption tends to be lower than in government land agencies. However, some customary institutions have been weakened in recent times, and in some areas so have the mechanisms to ensure their accountability to community members.

Investors (eg. in the pineapple region) and urban elites (politicians, businessmen, civil servants) are the groups benefiting the most from land registration. This issue will be explored more in depth in the next phase of the research.

Other issues raised by the presentation and discussion of research findings include:

- Mining: even when land rights are "secured" through registration or other means, mineral resources belong to the state. These are sometimes interpreted very broadly by District Assemblies to include even gravel, and licences are issued with little or no consultation of landholders.

- Compensation for compulsory land acquisition: where the government acquires land for public purposes, compensation tends to be paid to customary chiefs as representatives of their community, although in practice compensation does not always trickle down to community members. This is a very contentious issue, and cases of compensation paid directly to community members have been reported.

Mozambique
Interpretations of the land law of 1997 and of its regulations are still evolving in Mozambique and a new inter-sectoral working group on land has begun work to develop a land strategy for 2005-2009. One of its tasks is to assess the effects on economic development and poverty reduction of the simplification of procedures for registration of DUATs (Land Use and Benefit Rights**)** *to new land users*, which came into effect in October 2002. This has reduced the time allocated for processes leading to the issuance of provisional DUATs to 90 days, which includes community consultations to determine whether (and on what terms) the land in question can be made available. The objective of the simplified procedures is to facilitate private investment in rural areas, with renewable 50 year DUATs, a type of state leasehold that is fully inheritable. Urban land regulations have still not been approved.

The Mozambique presentation began by describing the process followed for applications for DUATs for new land users, both individuals and companies, and then described the different process followed for community land delimitation, where land is registered in the name of the community. The technology used in both cases varies from GPS based surveys to community mapping of boundaries. The focus of the rural research to date has been on community registration, which began in 1998. In these cases, a certificate is issued to the community. The differences between a land title (with land demarcation) and land certificates (with land delimitation) are still unclear, both in law and in practice. (The main difference may be that the surveying must be more accurate and borders marked out afterwards – in practice, however, it may be that titles are being treated as stronger than certificates). The cadastral services at provincial level have a key role in authorising (and storing) titles and certificates although the national level office is involved when it comes to areas over 50,000 hectares.

The field work in Zambezia province showed that NGO and donor-supported land registration processes have provided communities with more secure rights over their land and a stronger hand in negotiating for benefits with private timber companies operating in the area. In contrast, in the Nampula study sites, there were few outside investors and registration has not been seen to bring any material benefits to community members. A high proportion did not know that registration had taken place. This pointed to a lack of follow-up support (to develop land and natural resource use) on the part of NGOs promoting and facilitating registration and the general lack of access to markets, infrastructure and services of communities in many parts of the country. However, registration in the study sites in Nampula has been accompanied by awareness raising of conservation issues and local leaders say that uncontrolled fires for land clearance have diminished and some species of trees are now protected.

Although individual members of communities have the legal right to apply for individual registration, none had actually done so in any of the study sites[4]. It was noted that although community land delimitation reduces border conflicts between communities, it does not affect intra-community differences in access to land, which takes place through inheritance and marriage and through gift, borrowing and "purchase"(which is 'illegal' since land is owned by the state). In one of the field sites in Zambezia, namely Murrua, where there is a relative shortage of land, purchase of land was indicated as the second most common way of acquiring land after inheritance. The outcomes of these community-level land transactions, which often occur with witnesses (including local authorities) and written declarations of transfer, require further study.

Peri-urban case studies in Maputo were presented by three university students and a combined report will be developed. Maputo city and residential areas in particular are expanding. Due to considerable demand for land from investors and from better-off groups in general, there are increasing levels of conflict. The Department of Urban Construction, which is responsible for demarcation and titling is widely perceived to be corrupt and to engage in illegal sales of land (by law, only infrastructure in urban areas can be sold or mortgaged) and to titling for new users without consultation of existing users. There is growing interest on the part of farmer associations and disadvantaged groups to register their land but the process is slow and expensive and only well-resourced and connected groups are succeeding in acquiring titles at the present time.

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[4] In some study sites, some (a few) community members did express interest in individual titles to guarantee security of tenure for their children but most did not. However, they felt it was too costly and did not have the information on how to go about it. Peasant (producer) associations are more likely to want to register rights to cultivated land seen to belong to the association.

3.2 A simplified matrix of findings

	Land registration in rural areas			
	Ethiopia		**Ghana**	**Mozambique**
	Tigray	**Amhara**		
System analysed	State land registration system	-"Enclosures" system - "Traditional" system (100 woredas); -Sida -funded pilot (2 woredas)	Land title registration (LTR) and Deeds registration	-Community land registration -Titles (DUATs) to new land users (analysed to some extent)
Stage of implement-ation	Registration completed in 1999, problems with updating	Traditional: Started in 2003, to be completed in 2007 Sida pilot: to be completed end of 2003	Ongoing since 1883 (Deeds Registration) and 1986 (LTR)	Ongoing since 1998
PROCESS				
Land ownership	State	State	Individual; stools, skins & families; State	State
Rights being registered	User rights	User rights	All interests in land	User rights
Basis of rights	State (Last land distribution)	State (Last land distribution)	Customary and statutory land tenure systems	Occupancy; customary land tenure
Type of land covered by system	Cultivated land	CPR (inc. enclosures) Cultivated land	All land	All types of land
Registered right holder	Household head	Joint titling (cultivated land); group (enclosures)	All individual and collective legal entities	All individual and collective legal entities; "Communities"
Systematic/ request	Systematic	Systematic	Systematic with LTR On request if deeds	On request
Boundaries documented	No	Yes	Yes	Yes
Technology	Very simple	Very simple ("traditional") GPS-GIS (Sida pilot)	Ranging from traditional to survey	Ranging from simple to GPS based surveys
Language	Local (State)	Local (State)	Official	Official

Fees	Very low	Very low	costly	Individual: costly; communities; relatively low (usually externally supported)
Community consultation before registration	yes	yes	no	yes
Feedback mechanisms/ monitoring system	No ongoing system, after registration was completed	Evaluation taking place for SIDA pilot; planned traditional system	Existing but inefficient; planned in LAP	Not yet?
Level of implementing authority	Tabia	Kebele and Woreda	Regional level (but part of process at national level)	In principle provincial (but also authorisation of higher levels, depending on size and nationality)
Level of storage of the Register	Tabia	Sida system: ? "Traditional" kebele	- Regional and national level for Deeds - National storage is with the LTR	Provincial cadastral service. Any other level?
Length of registration process	1 week	not available	Very long; at least 5-6 months for 'well-connected'	Provisional title to be issued within 90 days, but variable. Definitive title within 2 or 5 years
GOVERNANCE				
Other non-state actors involved in registration process	Elders	Elders, church?	Customary authorities	Customary authorities, NGOs
Account-ability mechanisms of implementing	Elections (tabia); Hierarchical accountability (woreda)	Elections (kebele); Hierarchical accountability (woreda)	Hierarchical authority	Hierarchical authority

authority				
Conflict resolution - Predominant nature of land conflicts	Border disputes within community	Border disputes within community; excluded users of CPRs	Many types	Communities versus investors
-Accessibility of conflict resolution institutions	Good (social courts or tabia leader) (local, rural location; local language; very low cost; social networks)	Good (social courts or kebele leader) (local, rural location; local language; very low cost; social networks)	Judiciary system not easily accessible; customary institutions mixed results	Weak: distant institutions using the official language
Level of corruption	Relatively low	Not available yet	Relatively high	Variable
Coordination between various institutes involved in land and natural resource management	Good	Good	Very weak, beginning to improve	Weak but improving?
EQUITY OF OUTCOME				
Who is eager to register or values registration	Mostly valued by women less appreciated by larger households (registration implies end of land redistribution)	Not available yet	investors Politicians, business people; civil servants Migrants	Communities with conflicts with outsiders; investors; Politicians, business people; civil servants (peri urban farmers)
Who is succeeding	All having land in 1997; returnees from resettlement schemes;	Not available yet	Better resourced among the above	Some communities; many investors and better resourced
Grounds for exclusion	Divorced women (no more new forms available)	Not available yet (Landless from enclosures based on church	Lack of information, contacts and money; Gender	Lack of resources (information, contacts, money)

		groups)		
What happens to unregistered rights.	variable	Not available yet (leaseholders may lose land)	Some form of protection for those who already exercise use-rights, e.g. women through marriage, or for all others through kinship ties and bonds	User rights are <u>in principle</u> protected by law regardless of registration

3.3   Common themes which require further study

3.3.1 "Informal" means to secure land rights

In all the case studies, it was decided that we needed to know more about "informal" ways in which land rights are secured, particularly through different kinds of documentation. Although the distinction between the processes described above and below are not always clear cut, it is clear that people use many ways to try and secure rights over land, on a continuum of formal to informal means. These may be important to identify even if they remain outside the key focus of our research. Each team had a 'brainstorming' session to identify these forms and means of documenting land rights, and these are presented below by case study.

Tigray:

Tigray: Other forms of documenting land and land transactions				
	CPRs	**Smallholder lease**	**Investors lease**	**Other: tax receipts**
What land	Hillsides, pastures, forests	Cultivated (rainfed, irrigated)	Cultivated; forests	Cultivated
Right holder	community	Individual leaseholder	Leaseholder	User
To whom	Community group	leaseholder	Leaseholder	User
Systematic	Yes	On request	On request	Not applicable
Source of authority	Tabia	Social courts	State	Tabia
Boundaries	Text	No ?	Yes	No
Technology	Very low	Very low	Measured	Very low
Language	Local	Local	Local or official	Local
Fees	No	No	Yes	(tax)
Community consultation	Yes	No	Yes?	No

Monitoring system	Yes	?	Yes ?	No
Level	Tabia	Tabia	Tabia-state or federal	Woreda collected at tabia
Stage	Complete and continuing	Continuous	Continuous with uncertainty	Continuous

Note: The registration of Common Property Resources (CPRs) in Amhara are included in the last section because it has been investigated in the first phase of the research and because there is an intention to include CPRs in the registration of land now being undertaken. The differences, if any, between the Tigray and Amhara processes for CPR registration need further investigation.

Ghana:

1	Receipts	Written evidence of transaction /contract
2	'school teacher' documentation	Written detailed record of transaction by 3rd literate party
3	Indentures/ site plans	Written contract + description of site; copy may be stored at court (though has no legal value)
4	Customary land secretariats	(Asantehene, Okyenhene, Gbawe stool) keep record of all land transactions within customary area in question (contracts, maps, record book) This may constitute the first step to formal registration

Customary land secretariats:
Process
- Nature of rights: use rights, lease and free hold
- Language: English
- Fees are much lower than in formal system
- Time for documentation is short
- Technology in use vary from simple to traditional and modern surveying
- Process quite efficient

Governance
- Accountability rather good but depends on personality of king/ paramount chief and whether there are conflicts between chiefs and communities (Hierarchical chain: king→paramount chief-→divisional chief-→village chief-→ clans and families)
- Corruption is much lower than in formal system

Equity
Who are most eager to document 'informally':
- Outsiders (more keen to seek documentation)
- Members of family who acquire piece of family land for themselves

- Those with more resources
- Women less possibilities to succeed

Mozambique:
In many rural areas people feel secure about the land they have and trust is a basis for land transactions to take place, without written documentation. However, there are informal ways of documenting rights:
- rural and peri-urban agricultural land and residential land:
registration of land transactions (sales, leases) using witnesses (local leaders, influential people or family of the people involved) in the form of a written declaration

-groups of people having land together (rural/peri-urban), linked to the government's "casa agraria" which provided support for agriculture:
documenting who are members and recording internal transactions

-payment of members to belong to agricultural producer associations, and recording payments, to secure access to land and other rights

3.3.2 Difference in land registration processes and outcomes in the peri-urban context

Land registration and its impact on disadvantaged groups in peri-urban areas has emerged as a key concern in all the case studies. Not every team will be able to do further work in this area. Nevertheless, each team carried out some 'brainstorming' to identify how the matrix produced for registration in rural areas might differ in the urban context. The results of the group work are documented below and may serve as an input into work in peri-urban settings in some of the case studies the next phase.

Tigray:
Differences in process:
- Tax receipts are being used to 'create' title; sale of immovable; 'moon' houses
- Technology and boundaries ↑ (experts)
- Fees   ↑
- Community consultation ↓
- Monitoring ↑ (land use planning)

Governance
- Accountability ↓- increased number of agencies
- Conflicts ↑ compensation very variable, forced social changes
- Corruption ↑
- Coordination↓

Outcome
- Equity: those with 'illegal' interests are extinguished

Mozambique:

<u>Process</u>
- technology- theodolite (using surveying instruments)
- fees higher

<u>Governance</u>
- conflicts: communities vs. DCU officials over land sales by the latter
- coordination: peri-urban not efficient; improving in rural areas

<u>Outcome</u>
- better resourced are succeeding, not the poor

Ghana:

Formal registration procedure –land title registration- only applies to specified urban and rural areas (see comparative matrix above)
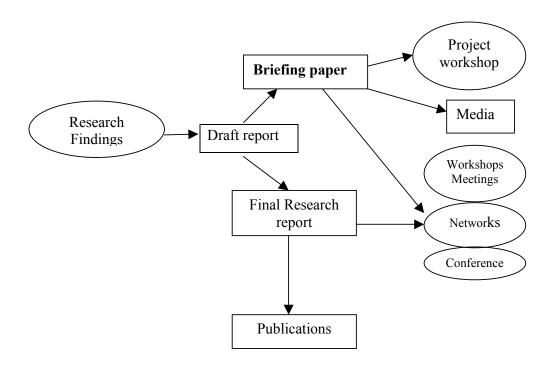
4. Policy linkages and monitoring systems

4.1 Work to date

We began with a reminder of the kinds of linkages, both formal and informal, that we had discussed at the last workshop, including feeding back our research findings at local and national levels.

The linkages we discussed developing included work at or near the research sites, with land users and local policy makers as well as more distant stakeholders, including relevant government and non-governmental organisations, researchers, private sector representatives and donors.

Some of the activities discussed included:

- Produce a policy brief for dissemination (also to local media)
- Workshops organised by this research programme to present and discuss results with policy makers of various levels, land professionals and land users
- Participation in ongoing working groups, fora and networks on land or in seminars and conferences organised on land related issues
- Informal linkages with policy makers (with help of advisory committee)

The work done to date in making formal and informal links with policy makers varies considerably across the case study contexts.

The Mekelle University research team is in close contact with policy makers in Tigray, as some members of the research team and the advisory committee are parliamentarians or part of the constitutional or State courts. Discussions with policy makers have included the issue of exemption from losing access to land for civil servants who have left the area; inheritance regulations and the nature of investors and where to promote their expansion. The team is planning a presentation on the findings of the research on registration process in 2004.

The SOS Sahel team is in contact with policy makers but not directly connected to the policy debate, as is the case for Mekelle University. Nevertheless, the main researcher has participated in policy and professional forums linked to land and more systematic contacts are planned for 2004.

In the case of Mozambique, the advisory team has not yet been formally set up, nor specific workshops held on this piece of research, although both formal and informal linkages exist between NET and key people working on land including decision makers. NET participates in the new working group to develop the land strategy in Mozambique, which may become a critical forum which can use and benefit from our research findings. Advisory group meetings and a specific policy workshop are planned for the next phase of work.

In Ghana, policy briefs were prepared and circulated during meetings organized by other organisation such as ISODEC and ISSER.   These meetings brought together different agencies and researchers working on land administration in Ghana and discussed ways forward in land-related research, policy and programmes.

Two workshops were organised at the national and the local levels. The local workshop was held at Nsawam on June 27th, 2003. It was attended by 36 participants drawn from various departments, the District Assembly, farmers in both staple food and cash crops, and opinion and traditional leaders. The research findings were presented to participants, after which discussions on land acquisition, land use, land demarcation and registration processes took place. The national workshop (Accra 8th August 2003) enabled the project team to discuss the research findings with a wider audience, including some respondents and research assistants from all the field sites. Reports are available for both workshops.

4.2   Participatory monitoring systems

At the first workshop (see report), we discussed using the research findings for developing a means for local actors to monitor the performance and impacts of the registration programme underway, and to establish feedback to policy makers at meso and national levels. It was proposed to the research groups to assess the interest and possibilities for developing such a monitoring system during the first year and to develop a proposal for discussion at the mid-term workshop. While we did not have actual proposals to discuss at this workshop, the teams felt that assisting or feeding ideas into any potential or ongoing initiatives to set up monitoring systems was more realistic that initiating a system per se.

The identification of end-users and their information needs is the first step of setting up a monitoring system. The selection of indicators is key and they should be simple, easily observable and subject to change over a certain period of time. As such, the research teams could contribute to this intellectual work.

In Ghana, this could happen through linkages with the LAP, which envisages developing a monitoring system. In Mozambique, there may be potential to encourage a monitoring system through the working group set up to develop the land strategy (2005-09). In Amhara, much depends on how the 'traditional' system of land registration develops over the next year, as well as the Sida-supported pilot. In Tigray, it may be more a question of feeding ideas into local political processes (parliament), as there is not central body for land registration.

In all case studies, the research teams will give priority over the next phase to making or strengthening institutional links and discussing the kinds of information and indicators which might be useful for a monitoring system, bearing in mind the needs of local users as well as policy makers at a higher level.

5.   Planning for the next phase, ways of working and expected outputs

Key activities in the next phase are described below for each case study.

Ghana
Activities will focus on investigating the research questions concerning the "impact" of land registration, particularly by establishing who is succeeding in registering land and who is not (smallholders, business or urban elites; men or women; etc.), and why.

Research work will include secondary data collection at government land agencies (e.g. at the Land Registrar: number of applications, number of completed procedures, etc.), as well as fieldwork based on interviews and group discussions with a variety of stakeholders (local and national government officials, District Assembly members, customary authorities, business people, extension officers, NGO's, farmers, migrants, women etc.) Fieldwork will be undertaken in the same sites covered by the first phase of the research. Particularly interesting "cases" (e.g. of a pineapple plantation) will be investigated more in depth, so as to trace the evolution of land interests as a result of registration.

While research work will constitute the bulk of the activities in the next phase, these will also include the elaboration of two policy briefs (one for national-level policy debates and one for the Western Region) and two policy workshops (a national one in Accra and a local one in Western Region). The project will ensure that local stakeholders from the field sites (customary chiefs, farmers, etc.) attend the policy workshops.

As discussed in section 4, the project will establish and consolidate links with existing larger-scale monitoring systems, particularly the M&E component of the LAP, with a view to feeding conceptual input into these processes.

Mekelle University
The first activity will be to sort out finances, as this will determine the amount of fund available for fieldwork. The team will also organise meetings with colleagues at Mekelle University and with the advisory committee to receive feedback on the first findings and suggestions for more research. A final round of fieldwork will start in early 2004 to consolidate findings. Some areas of attention are the resettlement areas in western Tigray, peri-urban (compensation court cases) and the relation between investors and communities.

The findings will then be presented to local land users and feedback will be used for writing the final reports. A policy brief will also be published. The plan is to publish results in 2005 in the Mekelle University law journal, which is published in both English and Tigrynia.

Mekelle University and SOS Sahel decided not to organise a federal level workshop on the result of the study as this will be very costly and of limited use as the research focuses on State policy. However, both institutions will make use of other conferences, workshops, meetings etc. to present results of the study.

SOS Sahel
SOS Sahel also has to sort out the financial situation first as, again, this information is needed to decide how much fieldwork can be done. The focus of fieldwork of 2004 will be the implementation of the 'traditional land registration' programme and the effects on various user groups as well as on enclosures. The team will also participate in discussions on the evaluation of the SIDA funded pilot.

It has not been decided yet if the work in the peri-urban areas of Addis Abeba will continue. Human and financial resources may not be sufficient to undertake this work given the complexity and sensitivity of the issues at stake.

Mozambique

An immediate priority for the Mozambican team is to combine and consolidate the university students' work on peri-urban land registration, identify and fill in gaps with further field work and produce a report.

The rural and urban work so far has focused on the views of government, NGOs and community members. Yet, the private sector is increasingly important and investors' views on land registration processes have not yet been collected and analysed. This is true of small local investors as well as larger investors with an interest in land and natural resources. The forthcoming urban work will include investors' views and seek to document individual case studies.

Further work will be carried out in both provinces, with the researchers returning to the districts where they have already carried out extensive field work. These visits will seek to:

1. Examine community-investor relationships in more depth, including interviews with investors and documentation of specific case studies
2. Further explore intra-community transactions in land and the outcomes for poorer groups, since little is known about these processes within land which is delineated for the community as a whole.

The visits will also include district workshops to feed back findings to local actors.

In addition, a policy brief will be produced and a national workshop will be organised, when draft reports are completed. Links with the new working group on land will be strengthened and the possibilities of contributing to a monitoring system will be discussed.

Publications

We discussed possible publications from this programme of work, building on the discussion in the first workshop. Country case studies will be published as IIED working papers or research reports. As we discussed before, IIED welcomes the use of the research material in other publications but requests acknowledgement is made of the research programme as well as the donor.

We discussed the possibility of producing a book which brings together all the results, including a synthesis paper, each country case study and cross-cutting chapters (that is, including research from more than one country) on issues such as peri-urban land registration, investor-community relationships, land registration and common property resources. IIED will further explore the publication possibilities in the second phase but much depends on the quality of the reports which are prepared for the Ghana workshop. Policy briefs are also extremely important for in-country work and each team will produce these in the next phase.

Annex 1: List of Participants and contact details

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Annex 2: 2nd RESEARCH WORKSHOP, MAPUTO, 3-6 NOVEMBER 2003
Workshop programme

	Monday 3/11	Tuesday 4/11	Wednesday 5/11	Thursday 6/11
Morning 8.30-10.30 (Monday 9am) Coffee break 11.00-13.00	**1. Introductory session** Welcome, introductions and workshop programme. A reminder of key research questions and workplans. *2. Presentations from each case study team:* Presentation and discussion: Mekelle University: Findings on land registration processes and effects on poor groups	Presentation and discussion: Land Studies Unit, Eduardo Mondlane University, Mozambique: Findings on land registration processes and effects on poor groups Common findings and differences. Preliminary conclusions. Gaps to be filled and specific issues for further work (group work)	**3. Planning the next phase** Reports and publications; sharing information on networks and related projects. Policy work/links to date and discussion of next phase. In working groups: each team discusses next phase of project, including participatory monitoring system, dissemination and prepares work plan and budget.	Presentation and discussion of work plan proposals, by each group - cont Responsibilities, reporting and deadlines. Communications, IIED support and final meeting.
13.00-14.00	LUNCH	LUNCH	LUNCH	LUNCH
Afternoon 14.00-15.30 Tea break 16.00-18.00	Presentation and discussion: SOS Sahel: Findings on land registration processes and effects on poor groups Presentation and discussion: Institute of African Studies, University of Ghana	Field visit – peri-urban site in Maputo.	Working groups cont. In plenary: presentation and discussion of work plan proposals, by each group	Discussion of project to date: problems, issues and opportunities to improve. Final discussions and wrap up.