



# Linking Land Tenure and Use for Shared Prosperity

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## **PERCEPTIONS OF TENURE SECURITY: AN EXPLORATORY ANALYSIS OF PRE-TREATMENT DATA IN RURAL COMMUNITIES ACROSS ETHIOPIA, GUINEA, LIBERIA, AND ZAMBIA**

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**Abstract**

This paper examines variation in perceptions of tenure security and satisfaction with customary land governance across rural communities in four African countries. The objectives of the paper are threefold. First, using baseline data from four USAID-funded impact evaluations, the paper describes pre-treatment levels of resource tenure and property rights in Ethiopia, Guinea, Liberia, and Zambia. Second, the paper examines community satisfaction with land governance, including assessments of leadership accountability and transparency in land-related decision-making. Third, the paper provides a comparative analysis of subgroup differences within and across countries. The particular subgroups of interest for the analysis include female-headed households, youth, and resource-constrained families.

**Key Words:**

tenure security; land governance; Africa; impact evaluation; customary tenure

## **Introduction**

Secure tenure has been shown to play a critical role in rural economic development, as evidenced by numerous empirical studies (Deininger et al. 2011; Deininger & Chamorro 2004; Feder et al. 1988; Holden et al. 2009a; Jacoby et al. 2002; Rozelle & Swinnen 2004). Although the theoretical role of secure tenure in increasing access to finance and participation in rural land markets has not been strongly borne out by the wider literature, a recent comparative review finds there is good evidence that tenure security achieved through land titling leads to improved agricultural productivity and investment in contexts where other policy conditions are favorable, such as credit performance, input supply, and product markets, at least in Latin America and Asia (Lawry et al., 2014). However, despite promising results from, for example, Ethiopia (see, for instance, Deininger, et al. 2007; Deininger et al. 2009; Deininger et al. 2011; Holden et al. 2009b) and Rwanda (Ayalew et al. 2011), overall, land tenure formalization in Africa has shown relatively weak impacts compared to other regions (Lawry, et al., 2014).

Lawry, et al. (2014) hypothesize that this so-called “Africa effect” may be due either to the relatively low levels of wealth and income in African farming households as compared to their Latin American or Asian counterparts or to the potentially higher levels of pre-intervention tenure security provided by the customary tenure arrangements that continue to provide most farmers with access to land in sub-Saharan Africa. Given the rather mixed performance of titling efforts in Africa overall (see also Place, 2009) and the often negative impacts of past titling interventions on women and other vulnerable groups (see, for example, Sjaastad and Bromley, 1997), the authors also echo other experts (e.g., Knight, 2010; United Nations, 2012) by suggesting that legal recognition of extant customary tenure systems may be a more appropriate policy intervention in many African countries than the conversion of customary rights into freehold individual titles. Indeed, several countries in the region, including Liberia and to some extent Zambia, have taken steps to provide customarily held rights with the same legal recognition as statutorily held public or private rights, and a handful of countries have embarked on efforts to demarcate and register customary rights, including communal rights, often with donor support.

However, implementation of the demarcation and registration of customary rights allowed under some of these laws has been limited (USAID 2011a; USAID 2011b), and, as Lawry et al. (2014)

note, there remains a dearth of empirical evidence on the impact of these newer customary rights recognition interventions. Furthermore, the results of this comparative review also found that “all studies which compared landholders with and without title/tenure recognition did so ex-post, and did not address pre-policy landholders” (Lawry, et al., 2014, p. 16). The authors also “found a gaping lacuna of gender-relevant evidence and were unable to quantitatively examine differential impacts for women and men” (p. 22). Therefore, despite the demonstrated positive impacts of formalizing tenure security on agricultural investment and productivity in Latin America and Asia, there remain several questions that require further empirical evidence to address.

The research presented in this paper, which is based on baseline data from impact evaluations of tenure interventions across four countries in Africa (Ethiopia, Guinea, Liberia, and Zambia), aims to provide an exploratory analysis of several outstanding questions posed by the available literature, as highlighted by Lawry, et al. (2014). These include (i) the extent to which customary tenure systems provide pre-treatment tenure security; (ii) the level of pre-treatment satisfaction with existing land governance institutions (formal and informal); and (iii) differentials in perceptions of tenure security and satisfaction with land governance institutions among vulnerable or marginalized groups. All of the interventions studied, which are supported by the United States Agency for International Development (USAID) in Guinea, Ethiopia, and Zambia and Namati in Liberia, are based on the demarcation and registration of customary land rights at the community level (all countries) and, in Zambia, also at the household level. USAID is supporting rigorous impact evaluations of these interventions—in Liberia, in collaboration with Namati and the International Development Research Centre—to strengthen the evidence base on the impact of this new generation of tenure interventions in Africa that seek to strengthen existing customary land rights rather than replace them with formal title. Ultimately, it is hoped that the endline results for each of these interventions (planned in 2017-2018) will contribute strong evidence on the development impact of these more flexible and locally-adapted tenure interventions.

## 1. Country and intervention contexts

The four countries<sup>2</sup> under study are characterized by contrasting customary and formal tenure systems, which offers a unique opportunity to test the impact of similar tenure interventions in these different contexts. The next few paragraphs highlight these contexts and the interventions.

### *Ethiopia*

Successive national governments in Ethiopia have sought to transform land ownership in the highlands areas, which are largely populated by settled agriculturalists. Following the feudal regime imposed under Haile Selassie (pre-1975) and the repeated land redistributions under the Derg regime that followed the overthrow of the Selassie monarchy in 1991, the transitional government of Ethiopia implemented a series of land tenure reforms (USAID, 2011c). Although the 1995 Constitution still vests all land in the State and the peoples of Ethiopia, state-led land redistribution officially ended in 1997, and the Government embarked on an ambitious rural land registration program the following year to certify the long-term use rights of rural households (USAID, 2014c). The Government's land certification program, which was implemented in the four main highlands regions (Amhara, Oromia, Tigray, and Southern Nations, Nationalities, and Peoples), has been well documented as being among the most low-cost such programs in Africa (Deininger et al., 2011). Moreover, the available evidence suggests that this program increased investment in productivity-enhancing land management practices (Deininger, et al., 2011), such as tree planting and building soil and water conservation structures; positively impacted land rental markets, particularly for women (Holden et al., 2011); and improved land productivity and welfare (Holden et al., 2009b), also especially for women (Holden et al., 2009a).

Following these large-scale interventions in the highlands regions, the Government has only recently sought to strengthen land tenure and administration in Ethiopia's pastoral and agro-pastoral lowlands. Ethiopia's governance structure is characterized by a federalized system, where the Federal Government has some legislative powers related to land, but implementation is delegated to the Regional States (Adgo et al., 2014). Although several Regional States have passed regional laws strengthening the tenure security of farmers, only two states (Afar and Somali) have so far passed any legislation providing for secure land use rights for pastoralists,

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<sup>2</sup> Maps provided for context in Figures 1, 2, 3, and 4.

and there are not yet implementing regulations for these laws (Bekure and Mulatu, 2014). Meanwhile, the introduction of decentralized local government structures into lowland areas traditionally administered by customary governance institutions has undermined the authority of the customary institutions.

Rather than supporting the customary institutions that for generations have administered rules and regulations to manage rangeland resources, local government officials have at times reversed the decisions of customary authorities (Little et al. 2010a). This has significantly weakened the authorities of customary rules and institutions, such that rule violators are no longer bound to appear before or abide by the decisions of customary authorities. At the same time, the limited staff and expertise of the formal local government institutions has limited their ability to effectively implement their authority to administer and manage rangeland resources, leading to a de facto lack of administrative authority on the ground (Bekure and Mulatu, 2014).

Furthermore, despite constitutional protections, there are examples of local government authorities alienating pastoral land without adequate consultation and/or compensation and without recourse to appeal such decisions. In addition to formal government allocations of pastoral lands to various state and private irrigated agriculture plantations and wildlife parks, pastoral lands are also being lost to encroachment from both small-scale and commercial farmers from the highlands. Overall, it is estimated that the Borana and Guji pastoralists in southern Oromia Regional State, the initial target area of the intervention described below, may have already lost some 60,000 ha. Adding to these trends, population pressure and climate change are further exacerbating pressure on the remaining pastoral lands and leading to inter-ethnic competition for increasingly scarce and oversubscribed resources (Bekure and Mulatu, 2014).

It is in this context that the Government of Ethiopia and USAID have partnered to assist the Oromia and Afar Regional States in formally recognizing pastoral land use rights through new legislation, regulations, and formal boundary demarcation, certification, and registration under the Land Administration to Nurture Development (LAND) project. The implementing regulations will aim to formally recognize, for the first time, the functions and powers of customary rangeland management institutions as the legal holders and executors of the land use rights of the pastoralist communities they represent; ensure that these customary institutions are

both inclusive and accountable to both their constituents and the government; and provide guidance on the development of rangeland administration and management bylaws to be managed by customary institutions with defined roles and functions (Bekure and Mulatu, 2014). Likewise, the project aims to formally demarcate, certify, and register customary pastoral land use claims. In the Borana-Guji zone of Oromia, where LAND implementation has just begun, the project will target six Borana rangeland or dheda systems that encompass both dry and wet season grazing areas as they are customarily administered: Dida, Woyama, Dire, Malbe, Gomole and Golbo (USAID, 2014). The project will be implemented over the next two years, with an endline planned in 2017. For more information on the LAND project and local context, please see McPeak et al. (2015).

### *Guinea*

Like many countries in the region, land use in Guinea is dominated by smallholder agriculture, but the country also has a long history of pastoralism in the southern coastal zone (USAID 2010a). Historical government interventions under previous political regimes continue to affect land access and tenure security. Prior to the Touré regime, the elite kept slaves and controlled and benefited from their slaves' livestock herds. The Touré regime nationalized all land, forced the upper class to return the herds to the former captives, and granted the former captives land use rights. Following the fall of this regime, however, the elite attempted to reappropriate the land held by the former captives, and members of the upper class continue to control agricultural lands in many areas, with former captives holding only use rights (Astone, 1998; Cotula et al., 2006).

Although many of the country's more recent laws and policies recognize customary land rights, the Government has yet to effectively implement policies and laws that clarify and secure customary land tenure. While the Rural Land Policy of 2001 envisions formalization of customary rights, viable administrative procedures through which customary landowners can receive formal documentation remain absent. Likewise, the Land Code of 1992, which requires that rights be registered, has not been implemented due in part to the limited capacity of and resources available to state land administration institutions to support registration (USAID 2010a). At the same time, the expensive and technical registration process articulated in Article 9 of the Land Code is not feasible for rural communities (USAID, 2014a).

Despite the uncertain legal respect for customary rural land tenure, customary land tenure systems in the project area in southwestern Guinea remain sophisticated, flexible, and capable of effectively managing any disputes that arise, including those related to diamond mining. Guinea is an important producer of alluvial artisanal diamonds, with diamond mining occurring in most regions of the country. Although households remain primarily dependent on agriculture, trade, and forest resources, including charcoal and timber, diamond mining is a tertiary activity in the study area. Despite the close proximity of diamond mining and agriculture activities, disputes are few, and the customary conflict management system, which relies on customary landowners and village leaders, appears capable of managing the low-level conflicts that do arise. There is also a large surplus of land for agricultural activities in the area. Thus, the combination of strong social organization and abundant land minimize and mitigate conflicts between miners and farmers (USAID, 2014a).

The Ministry of Mines and Geology (MMG) has recently taken steps to increase the state's presence and control over the artisanal diamond sector, including by measuring and surveying one hectare parcels for artisanal mining, a process referred to as 'parceling.' The MMG demarcated 105 mining plots in the project (treatment) area in 2013, and the MMG plans to expand parceling operations across the entire watershed targeted by the intervention being studied (USAID, 2014b). Subsurface rights appear to be given preference over the existing surface rights of customary land holders in this process, which is designed to allow the government to clarify and strengthen access to sub-surface rights. As the land targeted for this process is held under customary ownership, there are direct implications for the surface rights of communities living in areas with potential for alluvial diamonds. To date, the parceling process has not included mechanisms to sufficiently compensate surface right holders whose lands are subject to sub-surface diamond claims. As such, the parceling process has the potential to undermine tenure security for surface right holders and increase the risk of conflict among rural communities, miners (who typically include outsiders), and the government (USAID, 2014a).

USAID is supporting the Property Rights and Artisanal Diamond Development (PRADD) II program (2014-2019) to increase the number of alluvial diamonds entering the formal chain of custody while expanding benefits accruing to diamond mining communities in six artisanal mining sites in the Forécariah Prefecture of southwestern Guinea. To achieve these objectives,



the program will pilot approaches to formalize customary tenure of surface rights through the new National Service for Rural Land Resources, a unit of the Ministry of Agriculture responsible for improving the policy, legal, and regulatory framework for rural land tenure, particularly with respect to the 1992 National Land Code. The program will also support local capacity building for conflict resolution and introduce refinements to the existing system of parceling mining claims (USAID, 2014a).

### *Liberia*

Liberia's land tenure has historically been characterized by a dual system, with a minority, urban-based elite, largely the descendants of freed slaves from the United States and the Caribbean, using a Western statutory system of land ownership based on individual titles along the coast, and the majority of indigenous Africans using their own customary tenure systems, often based on community or collective ownership, in the inland rural areas. While there were multiple causes of Liberia's 14-year civil war, which ended in 2003, conflict over land and natural resource rights, and in particular a policy framework that permitted the state to transfer large areas of customary lands for private concessions and national parks, played a central role (USAID, 2010b).

Critically, Liberia's new democratically-elected government has made a number of key reforms to the country's land tenure system that aim to address a number of the inequalities and grievances created by the previous policy framework. These include the passage of the 2009 Community Rights Law, which provides for community ownership of forest resources through Community Forests authorized by the national forest agency; the creation of the Liberian Land Commission, also in 2009, whose mandate included the development of a comprehensive new national Land Rights Policy, which was finally adopted in 2013; and, most recently, the development of a draft Land Rights Act and other implementing legislation to realize the vision set forth in the Land Rights Policy (Toe and Stevens 2014).

In a significant departure from the previous dual tenure system, the Land Rights Policy establishes four land tenure categories: Government Land, which is land used by the government for its operations; Private Land, which is land held in fee simple by an individual or legal entity; Customary Land, which is land held by a community in accordance with their customary

practices and norms; and Public Land, which is a residual category of land that is expected to constitute the smallest area of Liberia's land mass – “a dramatic turn of events in a country that has long-regarded nearly all land as public” (Toe and Stevens, 2014, p. 4). The Policy also provides for substantive and procedural protections for landholders whose rights are extinguished through expropriation and narrowly defines “public purpose” as it relates to expropriation. Perhaps most significantly, the Policy recognizes the full land ownership rights of customary communities in Liberia as equivalent to Private Land rights, regardless of whether the community has self-identified, established a legal entity, or holds a deed (Toe and Stevens, 2014).

Although parts of Liberia's land mass have been documented through “a patchwork of deeds and other quasi-legal documents, called tribal certificates,” there is no comprehensive and up-to-date information on the exact number of these documents, nor on the nature of rights they convey or the exact location of the claims held (Toe and Stevens, 2014, p. 5). An important remaining objective of the Land Commission has been the development and implementation of a methodology for documenting Community Land rights that has fed into the drafting of the Land Rights Act, which was submitted for review by the President in July, 2014. It is anticipated that the community engagement methodologies piloted by the Liberian non-governmental organization, Sustainable Development Institute (SDI), and the USAID community forestry project (People, Rules, and Organizations Supporting the Protection of Ecosystem Resources, PROSPER), will eventually be applied on a national scale (Toe and Stevens, 2014).

The Community Land Protection Project (CLPP), funded by Namati and implemented by SDI, will expand SDI's methodology for legal education, community boundary demarcation and conflict resolution, documentation and strengthening of community land and natural resource management rules and institutions to nearly 190 communities in three rural counties (Lofa, River Gee, and Maryland) over the course of 12-18 months, beginning mid-2014. The program aims to assist rural communities in applying national land documentation laws to protect their Customary Land claims and to strengthen their ability to protect, enforce, and defend their land rights. The program promotes an integrated community land documentation methodology that engages the entire community in every step of the process and is led by an elected, diverse “interim coordinating committee” that acts as a community mobilizer. Ultimately, the program is

expected to lead to enhanced agricultural productivity, entrepreneurship, and employment (USAID, 2015).

### *Zambia*

Similar to Ethiopia, while all land in Zambia is legally vested in the President, the Zambian Constitution of 1991 does recognize individual property rights (essentially use rights), and the 1995 Lands Act specifically recognizes both statutory and customary land rights. State lands, which include lands held by the national government or privately by individuals who lease land from the state, cover only a small percentage (as little as 6%) of the country's land resources. In contrast, customary lands, which are largely administered by customary chiefs outside the realm of Zambia's formal government institutions, represent the remainder of lands in the country.

Although the Lands Act does not directly provide for the formal documentation of customary rights, it does provide for a mechanism to convert customary lands into statutory lands that can be then be formally leased, subject to the consent of the cognizant chief (Adams 2003).

However, since this conversion process irreversibly transfers land out of the customary estate, the traditional authorities have never been particularly supportive of this process, and some chiefs have accused the Government of "widespread... 'land grabbing'" (Adams, 2003, p. 12). At the same time, while statutory leaseholds were anticipated to provide sufficient tenure security to promote the land's use as formal collateral, the limited ability of the formal registry system to handle the demand for leasehold titles and lack of transparency in the conversion process has reportedly resulted in less than fully secure tenure even on statutory leaseholds (Adams 2003).

As such, the vast majority of all rural inhabitants continue to live on customary lands without formal documentation of their rights to land. This often results in complex land disputes over boundaries, inheritance, and sometimes over the reallocation of land by chiefs, for example to an outsider seeking land for conversion, or by headpersons, for example to recent migrants. Given this context, non-governmental organizations (NGOs) have begun promoting the use of documentation, such as customary land certificates, to help traditional leaders increase household land use rights and help resolve conflicts in their chiefdoms. These informal certificates have so far been piloted in a limited number of chiefdoms in Petauke and Monze, although more recent efforts have targeted peri-urban chiefdoms around Lusaka, the capitol (Persha et al., 2015). To

our knowledge, there has been no rigorous empirical analysis of the impact of these interventions.

USAID has partnered with the four chiefs and the Chipata District Land Alliance, a local NGO, to systematically demarcate village lands, codify customary land use and administration rules, and issue customary land certificates at the parcel (field) level in roughly 130 villages in the Chipata District of Eastern Province. These activities will be accomplished through the support of chiefs and their advisors (indunas) and village-level headpersons, as well as Village Land Committees (VLCs) that aim to increase the inclusiveness and transparency of customary land management in the targeted villages. This tenure intervention is one part of a randomized control trial that aims to increase the adoption of climate-smart agricultural practices, especially agroforestry, in Chipata. For more information on the pilot design, objectives, and context, please see Persha et al. (2015).

The remainder of this paper is organized as follows: Section 2 situates the context and motivation for the sub-group analysis. Section 3 presents the methodology for this study, followed by the results in Section 4, a discussion in Section 5, and a brief conclusion in Section 6.

## **2. Land tenure and governance: sub-group analysis for vulnerable populations**

As Lawry et al. (2014, pg. 65) note, “any tenure reform may have negative social effects, including on women’s access to land and on displacement of the poor or others facing social and financial barriers to participating in the reformed regime for assigning rights.” As such, the lack of empirical evidence Lawry et al. found on the specific impact of tenure interventions on vulnerable and marginalized groups is particularly troubling. This paper aims to begin to fill this gap by examining impacts on three different sub-groups of interest to USAID: female-headed households, youth, and resource-constrained (poor) households. This section presents a brief overview of the limited empirical evidence on women’s land ownership, followed by more qualitative evidence on the land tenure challenges faced by youth and poor households.

### *Women’s land ownership*

Despite a recent increase in the overall number of impact evaluations of land tenure interventions, particularly in Africa, rigorous empirical evidence on the gender-differentiated impacts of tenure interventions that is based on longitudinal data remains scarce (Doss et al., 2013; Lawry, et al., 2014). Nonetheless, there is ample evidence from representative surveys of a distinct gender gap in land ownership in Africa (Doss et al., 2013). Doss et al. reviewed 16 studies from 8 countries in Africa (Ethiopia, Ghana, Malawi, Mozambique, Niger, Rwanda, South Africa, and Uganda) analyzing nationally or sub-nationally representative household survey data collected after 2002. While acknowledging the challenge of drawing generalizable conclusions across diverse samples, the authors draw attention to several noticeable trends. (1) Across countries and indicators of gendered land ownership, women are disadvantaged as compared to men with respect to both reported and documented ownership, as well as operation, management, and decision-making. (2) Despite this general finding, the magnitude of the gender gap varies widely, even within the same country, based on several factors, including country, region, land type (for example, agricultural or not), definition of land holding, and whether or not the study included joint ownership. (3) Where data were included on joint ownership, it is clear that this is a common occurrence across Africa; however, they also note that “joint ownership does not necessarily mean that women and men have equal rights over the land” (pg. 15). (4) Based on the few studies that include sex-disaggregated data on area or value of landholdings, women also have less land and land of lower value compared to men (Doss et al., 2013).

The authors also reviewed several sources of nationally representative data in Africa, including the Food and Agriculture Organization of the United Nations (FAO) Gender and Land Rights Database; the Demographic and Health Survey (DHS), which recently began collecting information on individual land ownership; and the Living Standard Measurement Surveys: Integrated Surveys on Agriculture (LSMS-ISA), which collected detailed data on gender-specific ownership, decision-making, and labor contributions to household cultivation. Data from 8 countries with post-2002 census data reported in FAO’s Gender and Land Rights Database indicate that women account for 24% of agricultural landholders on average, with a range from 3.1% in Mali to 50.5% in Cape Verde. Country-level averages from 10 DHS surveys show that 39% of women own land individually and 12 % of women own land jointly, compared to 48% and 31% of men. LSMS-ISA data analysis from 6 countries indicate that women solely own

(documented or undocumented) at most 31% of the total land area owned or accessed by households, followed by 16% in Uganda, 15% in Tanzania, 8% in Niger, and less than 1% in Nigeria. In contrast, men solely own on average up to 99 times as much land area as do women in Nigeria and between 1.1 to 6.9 times the land area solely owned by women in the other countries (Doss et al., 2013). Thus, while there is considerable variation across countries and survey methodologies, there appears to be a pronounced gender gap in land ownership in Africa.

This gap could be particularly detrimental to overall development in Africa if evidence from other regions is relevant. For example, Katz and Chamorro (2002) found that an increase in women's landholdings is associated with increases in household food expenditure and children's educational attainment. Likewise, research in Nepal suggests that the children of land-owning mothers are significantly less likely to be severely underweight because of a positive correlation between land ownership and control over household decisions (Allendorf, 2007).

Other research finds a positive relationship between the amount of assets, including land, that a woman brings to marriage and the share of household expenditures devoted to food, education, health care, and children's clothing (Quisumbing and Maluccio, 2002), and between women's land rights within marriage and their ability to claim assets upon death or widowhood (Fafchamps and Quisumbing, 2002). Secure land and property rights have also been found to enhance a woman's ability negotiate access to higher formal sector income markets (Charmes, 2000). More broadly, women with property rights have been found to be more likely to participate in local governance and other community institutions, and these institutions are, in turn, more likely to be responsive to women's needs (FAO, 2002; IDLO, 2013). For example, women with secure urban tenure in India have been shown to have higher self esteem and be more capable of participating in local governance and investing in their homes (Baruah, 2010).

In contrast, research in both Ghana and Uganda has found that productivity and income fall when women do not have sufficiently secure tenure to let their land lie fallow, an important soil fertility maintenance strategy in Africa (Mason and Carlsson, 2005; Goldstein and Udry, 2008). Similarly, a recent study by the World Bank suggests that the weaker rights of women as compared to men over land and other productive assets undermine women's effective participation in contract-based export crop farming, as investors primarily deal with men (Croppenstedt et al., 2013).

Given that a majority of women depend on natal and marital affiliations to access land – and are therefore vulnerable to losing these rights following a change in marital status – it has been hypothesized that securing women’s land rights regardless of marital status is crucial (FAO, 2007). Indeed, much research has focused on the impact of women’s land rights within marriages on their ability to claim land and other assets upon divorce or the death of their husbands (e.g., Fafchamps and Quisumbing, 2002). This theory of change is often applied to interventions in Africa, where patrilineal customary land tenure systems are understood to confer individualized land rights to men, but not to women (Adoko et al., 2011). The authors note that proposed solutions to this predicament therefore concentrate on replacing customary systems with formal systems. Such interventions include laws mandating equal co-ownership for husbands and wives or legalizing the status of cohabiting women as wives, as well as financially empowering women to use the market to purchase their own land. However, research in Uganda has demonstrated that customary leaders are seen to be more responsive than local government authorities in protecting the land rights of widows (Adoko et al., 2011). As such, the authors argue that interventions seeking to protect and strengthen women’s land rights must be “targeted to address the specific factors that weaken women’s land rights under custom...[and] ensure that they can be implemented within the context of women’s lives...within...customary paradigms in rural villages, where the state justice system may be highly inaccessible” (Adoko et al., 2011, pp 1).

In contrast to the limited but growing literature on women’s land ownership, there remains a dearth of empirical evidence on youth ownership of land. Nonetheless, the available evidence suggests that in many land systems, youth only have informal or secondary rights (UN Habitat, 2011). Although definitions of ‘youth’ vary widely across countries, it is noteworthy that the African Youth Charter defines youth to include individuals up to 35 years of age (African Union, 2006). In many countries in Africa, the transition from childhood to adulthood requires a formal, recognized marriage and children. Marriage, in turn, typically depends on several prerequisites, including land ownership. However, many males never acquire owned land in their lifetimes (Sommers, 2012), and a lack of youth access to land has been hypothesized as a contributing factor to the civil wars in both Sierra Leone and Liberia (Bangura and Specht, 2012). To address this potential driver of conflict, these authors have proposed accelerating land tenure reform processes to promote youth land access or at least ensuring that policies do not disadvantage

youth with respect to land and housing (Bangura and Specht, 2012; Sommers, 2012). As such, there is clearly a need for more empirical data on the impacts of land interventions on youth.

Similarly, although impact evaluations that rigorously quantify effects on marginalized groups, including the poor, are limited, there is a considerable body of qualitative evidence that suggests that the poor are often disadvantaged by customary tenure formalization (Lawry et al., 2014).

The conversion of customary rights into formal titles “extinguishes the social basis for claiming land rights”, which can be particularly detrimental for those without the financial resources required to access land through the market (Lawry et al., 2014, pg. 66). In Kenya, the “strengthening” of community property rights through formal recognition of private property is argued to have resulted in the exclusion and further marginalization of large groups within communities, including the poor (Meinzen-Dick and Mwangi 2005). Moreover, the poor, who by definition hold limited assets and who often face other barriers, such as limited education and access to information, may be less able to take advantage of the theorized benefits from formalization, such as the use of titles as collateral (Lawry et al., 2014). Finally, the ex post design of most rigorous impact evaluations of tenure interventions to date does not allow for an assessment of the impact of these interventions on displacement, for which no quantitative evidence at all was reported in the studies reviewed by Lawry et al. (2014). Although an analysis of potential displacement effects will only be possible at the endline of our study, the baseline data reported here assess the extent to which resource-constrained households may be disadvantaged by existing tenure systems.

### **3. Methodology**

This paper focuses on an exploratory analysis of baseline household data from four countries. The data source and sample size are displayed in Table 1.

Although project impact evaluation was the primary influence for indicator and survey development, the household survey instruments were also designed with the objective of cross-country comparison for key outcomes of interest. The focus of survey instruments varied across projects and country contexts; however, each instrument includes modules on livelihoods, land investment, conflict, land use and management, as well as land rules and governance. While we agree that the concept of “tenure security” is inherently context- and respondent-specific (Place



2009; Bruce 2012), by collecting similar data on various proxies for tenure (in-)security at the household level, as detailed below, we have attempted to introduce some standardization in the way that perceived tenure security is measured across all four household surveys to allow for cross-country comparisons. As such, similar and/or identical questions were included across surveys to promote long-term comparative analysis and improve the external validity of the research.

This paper provides an exploratory cross-country comparison of similar or overlapping tenure security and governance indicators through descriptive statistics. Overall sample averages are displayed through frequency tables and bar plots. For the sub-group analysis, basic statistical tests were performed to explore the significance of female- versus male-headed households, poor versus non-poor households, and youth. Youth are defined as individuals 18 – 35. Poor households are defined as those in the bottom quantile of an asset index created through principal component analysis.

#### **4. Results**

##### *Land Tenure Security*

The results presented in this section provide an overview of the tenure systems across the four countries and compare and contrast the average and sub-group perceptions of pre-treatment tenure security. We also examine correlations between perceived tenure security and several development outcomes of interest, including productivity-enhancing on-farm investments and the incidence of land-related disputes.

While much of the available literature uses the existence of a formal freehold title as a proxy for tenure security (Arnot et al., 2011), we present here a more comprehensive assessment of the concept of “tenure security” that is founded on both a recognition of the importance of customary tenure systems in providing this security throughout much of rural, sub-Saharan Africa, as well as on Schlager and Ostrom’s (1992) framework for describing the bundle of property rights relevant to the use of common-pool resources. The rights in this ‘bundle’, including access, withdrawal, management, exclusion, and alienation (whether through the sale or lease of management and exclusion rights), have been shown to be particularly relevant to common property systems, which, as we will demonstrate below, remain relevant in each of the

study areas we profile. Moreover, we believe these rights are also relevant to the (quasi-)individual or mixed communal-individual property rights systems that we believe more accurately characterize the study areas in Liberia and Zambia, in particular, and which will be the focus of this paper.

The following sub-section presents findings from our four household survey data sets on access, withdrawal, exclusion, and alienation rights, along with other proxy indicators for tenure (in-)security, including the perceived risk of conflict and incidence of tenure-enhancing investments. These results are followed by reported incidence of written documentation of tenure and an analysis of the relationship between tenure security and development outcomes of interest.

### **Rights to access (farm)land**

The survey results show that membership in a family, clan, village, or other “community” remains the main precondition for households to exercise their right to access land for household or individual needs, such as for cropping, at least in Zambia, where a majority of respondents (67%) acquired their cropping fields through inheritance. In Ethiopia, by contrast, where the establishment of fields for cropping is a relatively recent phenomenon in this historically pastoral setting (roughly 70% of fields were established within the past 25 years), most respondents obtained their cropping parcels simply by clearing the land, although some respondents (36%) reported seeking permission from formal or customary authorities to acquire their parcels. Overall, 18% of respondents in Ethiopia reported that they did not have any access to farmland. The sub-group results presented below in Table 2 demonstrate that poor households, youth, and female-headed households are significantly less likely to have access to farmland.

Perceptions of who owns community land and the land under household cultivation also vary greatly among countries. In Ethiopia, 94% of household members report that they are the owners of their farmland. Only 2% of respondents say the land belongs to the community, and another 2% believe the government owns their land. In Liberia, however, customary officials, such as the chief and elders, are reported to own 72% of the land, with an additional 17% belonging to the community as a group, and 10% saying the land belongs to the central government. In Zambia, 98% of respondents reported that the community land belongs to customary officials, and 2% reported it belonged to the government.

### **Rights to exclude non-owners**

Table 3 reports the perceived risk of encroachment by neighbors and/or neighboring villages, reallocation by village-level authorities, and expropriation by higher-level traditional and/or formal authorities, such as chiefs, urban elites, or local government officials. These data suggest relatively high levels of perceived tenure security. However, to a varying degree across countries, a sizeable minority of respondents report challenges excluding non-owners from accessing, reallocating, or expropriating their land.

The results from Table 3 demonstrate a high level of perceived tenure security in Guinea. Extended family encroachment followed by government confiscation represent the primary concern, although only expressed by 10% and 6% of the population, respectively. The findings indicate some statistically significant differences across sub-groups for this question series. Although we do not find any statistically significant differences for female-headed households, poor and youth respondents both feel less secure from encroachment by neighbors and are slightly less likely to respond that encroachment is impossible or would never happen (85% of poor and 85% of youth, compared to 90% of all respondents). The same is true of the perceived threat of encroachment by extended family.

In Liberia, encroachment by neighbors and neighboring communities appears to be the primary concern. Roughly 28% of respondents in Liberia reported that neighbors within their community could encroach on their land, while 25% indicated individuals from a nearby community might encroach on their community's land. Despite national concerns about the allocation of customary land for large-scale concessions, only 10% of households interviewed in Liberia reported that it was possible that elites or individuals from Monrovia would encroach on their land, while 13% indicated that outside investors or foreign companies could take or use community land without the permission of the community. Although the source of concern is different, similar to Guinea, we find some small but statistically significant differences between sub-groups. In particular, female-headed households were *more likely* to feel secure when asked about the likelihood of encroachment by a neighboring clan (mean=2.06) than male-headed households (mean=2.31). There could be a number of factors driving the relatively high proportion of households fearing encroachment on their farmland, in particular the lack of clearly identified land boundaries in

Liberia. Only 45% of respondents in Liberia indicated they could identify some of the boundaries of their community land.

In Zambia, where data on the perceived risk of encroachment were collected at the parcel (field/plot) level, households reported a greater threat from other households within the village (24% of fields) as compared to encroachment by neighboring communities (15% of fields). The next highest perceived risk to land rights in Zambia relates to land confiscation for private investment or encroachment by their own extended family. In contrast to Guinea and Liberia, we do not find statistically significant differences across this set of questions for the three sub-groups of interest.

An analysis of the aggregated household level data in Zambia reveals a more troubling picture. 28% of the households interviewed in Zambia reported that it was “very likely” or “likely” that elites would take at least one of their fields, while a further 40% thought it was “very likely” or “likely” that their own chief would give up at least one of their fields for investment (see discussion in the introduction on the customary land conversion process in Zambia). Table 4 below displays household level data for the question series regarding tenure security perception.

Reported cases of reallocation are rare. In Guinea, reports of land reallocation are extremely rare – 7 households in the sample report land reallocation. In Zambia, 2% of households reported having actually lost some of their land to reallocation, often to another household within the village who needed land (21% of reallocations). This suggests that household perceptions of the risk of reallocation, which remains rare in practice throughout the study area in Zambia, may be sufficiently high to undermine tenure security to some extent.

Overall access to relatively privately-held parcels for farming is reportedly widespread in southern Ethiopia (81% of respondents on average). Moreover, the use of enclosed grazing areas (*kalo*) appears to be evolving into *de facto* private appropriation of grazing and/or farming land within what has traditionally been communal land (McPeak et al., 2015). The qualitative data suggest that holders of private farming and/or grazing parcels are increasingly excluding others, including other community members, from accessing these parcels. The household survey data shows that only 24% of households report that other households in their village graze their animals on privately held cropland after harvest, and no households report that households from

outside the village graze on private farmland. Although stronger rights of exclusion on individually-held farm parcels are generally hypothesized to be associated with stronger incentives for productivity-enhancing investments, the rapid growth of private *kalo* enclosures in communal rangelands in southern Ethiopia may be undermining the overall integrity of this pastoral system, suggesting a possible trade-off between the expansion of stronger individual property rights and a concomitant loss of the area subject to communal rights. For a more in-depth discussion of these issues, please see McPeak, et al. (2015).

The number of years that a field is left fallow is another important indicator of tenure security. On average, households in Liberia expect to leave their fields fallow for 7.18 years (sd=3.30), suggesting their tenure is relatively secure. Although not a dramatic difference, poor, youth, and female-headed households in Liberia expect to leave their fields fallow for slightly fewer years – 6.87, 6.5, and 6.75 respectively – which is consistent with other data suggesting the tenure of disadvantaged groups is less secure than the community as a whole.

Consistent with the findings above, respondents in Zambia report mixed perceptions about the security of fields left fallow. Respondents report that 31% of parcels could not be left fallow without risk of having land reallocated to another household. In contrast, 44% of parcels could be left fallow indefinitely without threat of reallocation. In comparison to Liberia, we also find the absence of a differential sub-group response for fallow period in Zambia.

#### **Reported rights to sell, lease, or use land as formal collateral (alienation)**

The survey results confirm that customary land rights in the study areas remain mostly inalienable, whether through lease, sale, or use as formal collateral to access finance. The vast majority of community members interviewed in Liberia indicated they do not have the right to sell their land (over 80% of respondents) or use their land as collateral (77% of respondents). Likewise, in Zambia, only 6-7% of households reported renting and/or borrowing land from other households during the last agricultural season, despite the fact that over half (56%) of village headpersons interviewed reported that no additional land is available for cultivation in their village. Reported rental rates are even lower in Guinea, where only 3 households reported any rental income in the past year.

Given concerns about possible distress sales and the overall limited evidence supporting a strong empirical link between tenure security and access to finance (Lawry et al., 2014), we do not consider these findings as evidence of particularly weak property rights in the study areas. On the contrary, many customary systems are built on communal notions of tenure that prevent individual community members from permanently alienating land from the community estate. As such, these findings could be considered to demonstrate the continued existence of strong customary norms and practices governing (individual) land rights. Nonetheless, these findings will be examined carefully at the endline for any changes.

### **Perceived risk of conflict<sup>3</sup>**

Table 5 presents data on the prevalence and intensity of land-related disputes as a proxy for weak land tenure. The data suggest variation across countries in the proportion of households that have experienced some form of land-related dispute on at least some of their land over the past three years: 14% in Ethiopia, 2% in Guinea, and 26% in Zambia. However, the proportion of fields that have been subject to a dispute in Zambia, the only country where we have plot-level conflict data, is relatively low (just 11% of fields). Disputes over boundaries (10% in Ethiopia, 48% in Guinea, and 71% of reported disputes in Zambia) and inheritance (11% in Guinea and 26% in Zambia) are the most frequently reported, while a smaller proportion of households reported disputes related to land reallocation (20% in Guinea and 8% in Zambia). Qualitative data from Liberia and Zambia confirm that boundary disputes are [the most] common in the study areas. In Guinea and Liberia, poor, youth, and female-headed households experience equal instances of land disputes, but in Ethiopia, youth are slightly more likely to experience a land dispute (18% vs. 14%), and poor households are slightly less likely to have experienced a land dispute (12% vs. 14%).

Figure 5 reports overall levels of satisfaction with dispute resolution outcomes. The data in Ethiopia show that overall satisfaction with the resolution of land-related conflicts is highest when customary elders resolve the conflict and lowest when the government resolves it. However, this may be more related to the tractability of the disputes brought to each institution than the efficacy of the actors, and further research is needed to address this issue. 73% of

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<sup>3</sup> Note that a conflict series was not asked at the household level in Liberia due to concerns about the sensitivity of questions.

Zambian respondents and 70% of Guinean respondents express satisfaction with dispute resolution mechanisms in their communities.

### **Prevalence of tenure-enhancing investments**

Figure 6 shows the prevalence of investments that may be used to strengthen boundary claims, such as planting trees or installing fencing along field boundaries. Only 1% of households and 1% of fields surveyed in Zambia use fencing, while only 20% of the households who have planted agroforestry trees (which represent just 11% of all households and 5% of all fields surveyed) did so along the perimeters of their plot. Since most respondents who did plant agroforestry trees reported their primary reason for doing so was to increase soil fertility (53% of fields) and the cost of fencing is often a major expense for smallholders, we do not consider the data on perimeter tree planting to be a strong proxy for (weak) tenure security.

In Liberia, 88% of respondents have planted rubber trees on their field, though poor households have less freedom to do so – only 82% of poor households have permission to plant trees, compared to 90% of the rest of the population. Women are similarly disadvantaged, and only 83% of female households have permission to plant trees. Guinea has a much lower rate of tree planting (21%), and poor, youth, and women are all less likely to have planted fruit trees than the population as a whole. Guinea also has low rates of short-term agricultural investments (43%) in comparison to Liberia and Zambia. Poor households have slightly lower rates of investment. In Liberia, where 75% of households have made short-term investments in their field, female-headed households were less likely to have done so – only 73% of female-headed households compared to 81% of male-headed households.

Long-term investments like irrigation and fencing are not as prevalent in Zambia, where they exist on only 11% of fields. In Guinea, 18% of households have made long-term investments, and in Liberia, 19% of households have – though in Liberia, poor, young, and female-headed households all have lower investment rates. Since the up-front costs to these investments are high, it could be that low rates of long-term investments tell more about a respondent's income than their tenure security. Lower rates of long-term investment among poor households in Liberia and Guinea confirm this view. Table 7 shows tree planting by subgroup.

### **Existence and demand for customary rights documentation**

Figure 7 displays the existence of property rights documentation among respondents. As shown in Table 9, the vast majority of respondents in all study areas lack any written documentation of their property rights: only 30% of households in Ethiopia, 7% in Liberia, 3% of households in Guinea, and 1% in Zambia reported having some form of paper documentation for any of their fields. However, documentation rates in Ethiopia are higher in districts where farming is an important livelihood option (as compared to purely pastoral districts), which have likely been targeted by the Government's land certification programs.

Despite the very limited penetration of paper documentation in Zambia the vast majority (91%) of households expressed interest in obtaining some type of written documentation of their rights. Qualitative data confirm a strong desire for paper documentation, which respondents overwhelmingly associated with stronger evidence of ownership and tenure security.

### **The relationship between tenure security and development outcomes**

This section provides a simple exploratory analysis of the relationship between perceived tenure security and three development outcomes of interest – labor/capital intensive investment, income, and conflict incidence. We also present estimates for female- and youth-headed households. Other factors (beyond tenure) may impede these outcomes, e.g., small farm size, limited access to capital/markets, etc. As Lawry et al. and others have noted, tenure security is not in and of itself necessarily sufficient to achieve these outcomes.

The indicator we use for perceived tenure security is an average of the perception series discussed above. This series asked respondents to rank the likelihood of various types of encroachment, reallocation, or confiscation on a 5-point Likert scale. The scale ranged from highly unlikely to very likely; thus, a lower number on the scale represents a greater sense of tenure security. These questions were asked in Guinea, Liberia, and Zambia. The results are presented below in Table 8.

Overall, the results show that the overall average for perceived tenure security is quite high across all three countries, with respondents in Guinea expressing the highest average. Similar to the discussion above, the results for development outcomes and sub-groups are quite mixed and potentially counterintuitive to some of the literature on tenure security. In Liberia, we see that



households with greater land-related investments – defined here as fencing and irrigation –are less likely to feel secure, whereas there is no relationship between intensive investment and tenure security in Guinea and Zambia. In Liberia, these results could be explained by insecure households building fences as a means to improve security, which would be in line with evidence indicating that weak tenure requires non-productivity-enhancing investments in defending property claims (Feder et al., 1988).

As described above, the incidence of land-related conflicts is quite low across the study area, especially in Guinea. In Zambia, households that have experienced a land conflict express a significantly lower level of tenure security; however, we find the opposite in Guinea. Whereas there is a significant difference in the expected direction for poor and young households in Guinea (less tenure security), these results do not extend to Liberia and Zambia.

Finally, in Guinea and Liberia, we see that female-headed households feel slightly more secure in their tenure, whereas there is no difference between male and female-headed households in Zambia.

### *Land Governance*

The results in this section focus on transparency, accountability, and overall satisfaction with land governance in the study areas.

#### **Decision-making**

Table 9 shows that survey respondents in all three countries continue to rely primarily on customary rules and institutions to govern land and natural resource management in their communities. Almost half of the community members interviewed in Liberia stated that customary authorities, including elders and the traditional custodian or landlord in the community, are the most important authorities for land and natural resource management in the community. At 80%, the proportion of respondents in the Zambian study area recognizing traditional authorities as the most important decision maker on village land issues is even higher. Although conflict and encroachment are rare occurrences in Guinea, customary institutions are the dominant actor in conflict resolution in Guinea (74% of reported cases) and farmland encroachment (77%). Moreover, 65% of respondents in Guinea reported that traditional authorities and village elders would be most likely to punish individuals who violated artisanal

diamond mining norms. In Ethiopia, government institutions play a more pronounced role. Though 49% of respondents report that traditional authorities control community *kalos*, permission to graze livestock is granted by government officials, not community elders, in 69% of cases.

Although the customary governance systems that have historically regulated rangelands and associated resources in southern Ethiopia do incorporate elections, the existence of relatively “democratic” land governance institutions in Liberia and Zambia remains relatively limited. Some 50% of respondents in Liberia reported that their community has some form of community land governance council, but only 12% of respondents reported that members of these councils were elected, with the majority (59%) indicating that council members were chosen by elders and traditional authorities. Moreover, participation in these elections is not equal across various sub-groups in Liberia. Only 28% of poor households, 25% of youth-led households, and 14% of female-headed households take part in these elections, compared to an overall average of 34%. In addition, 59% of households from the Liberian sample report that land-related meetings take place in their village; in cases where there are meetings, attendance is almost unanimous (91%) – although poor, youth, and female-headed households attend at a lower rate.

Figure 5 displays a “ladder of power” regarding decision-making for land-related issues in Liberia. Respondents were asked to rank each group’s location on the ladder. The findings indicate that the village elders, town chief, and paramount chief hold the most power in land-related decision making, followed by the community as a whole, youth, and then women, with the least amount of power.

In Zambia, the number of villages with a community governance council is lower than in Liberia – only 19% of households report a village land committee exists in their village. Community meetings about land are more common, however – reported by 67% of Zambian households – and 40% of households participate in them to some degree. Community meetings about land are much less common in Guinea. Just 10% of households report these meetings take place, but when a meeting does take place, almost all households attend.

## **Rules**

Customary rules and institutions also continue to play a key role in influencing natural resource management decisions, even on household farm plots. 46% of respondents interviewed in Liberia and 44% of respondents interviewed in Zambia reported the existence of rules governing the use of community land and resources. In particular, in Zambia 71% of households report their village has a rule about grazing livestock on fields after harvest, a further 71% report the existence of a rule governing tree-cutting on household farmland, and 60% report their village has a rule to manage uncontrolled fires on private farms. By contrast, there appears to be less clarity on the rules governing the establishment and management of private farmland and enclosures (*kalo*) in Ethiopia. This could be a result of the relatively recent development of these private land holdings within the communal property management system that has historically characterized this area.

Despite a high level of satisfaction with the rules, there is evidence that these rules may provide advantages for some groups over others. In Liberia, approximately 35% of respondents agree or strongly agree that women are disadvantaged by community land rules, and poor and youth households are more likely to agree with this statement. Poor households and youth in Liberia are more likely to agree that the poor are disadvantaged. Finally, poor households and youth in Liberia are more likely to agree that outsiders are disadvantaged by land-related rules in comparison to other households.

Rules in the study countries do not appear to be consistently enforced by community leaders. In Zambia, just over half of households report that everyone obeys rules, and just 62% of households agree that those who break the rules are punished ‘often’ or ‘very often’. In Liberia, those figures are only slightly higher and not as high as household satisfaction with the rules. 61% of households in Liberia report they are satisfied with adherence to the rules, and 65% claim that households that break the rules are punished often or very often.

## **Governance and accountability**

Figure 10 demonstrates that the majority of respondents in three of the study countries express high levels of satisfaction with the fairness of land allocation decisions in their communities: 77% in Ethiopia, 99% in Guinea, and 85% in Zambia.

However, in Zambia, a sizeable minority (19%) “strongly agree” or “agree” that decisions about customary land allocation are not transparent. This suggests that while extant customary rules governing land access in these communities do provide a majority of community members with sufficient access rights, a sizeable minority of community members may be disadvantaged by the existing customary rules for land access.

In Zambia, poor households are more likely to agree that women and poor households have been disadvantaged by decisions about land allocation. Moreover, poor households and female-headed households in Zambia are more likely to agree that outsiders are disadvantaged by land reallocation in comparison to other households.

Similarly, in Guinea, poor and youth respondents are slightly less likely to rank land allocation as fair than other groups. However, in Ethiopia, poor households are more likely find the land reallocation process to be fair, and female-headed households are less concerned that some households will be allocated more farmland than others (17%, compared to 25% for male headed households). In the relatively land-abundant study areas in Liberia and Zambia, as is common in other countries in the region, land allocation decisions are based largely on the requestor’s ability to put the land into use, which often requires significant up-front investment in land (bush) clearing to ready the land for settled farming.

Both these quantitative findings and the qualitative data (not reported in this paper) collected in these surveys reflect the broader literature documenting inequalities within existing customary tenure systems in sub-Saharan Africa that provide relatively weaker rights to women and other vulnerable groups, such as the disabled (e.g., Adams, 2003; Teklu, 2005; Nkonkomalimba, 2014).

Table 13 presents data on the perceived transparency and accountability of customary land governance authorities in the study areas. As shown in the table, 85% of respondents in Liberia indicated trust in their community leaders, while 64% of respondents reported high levels of satisfaction with their customary leaders. Meanwhile, in Zambia, 83% of households either strongly agree or agree that village leaders allocate land fairly across households, and 85% feel that their leaders are trusted and honest.

Though Zambia also reports high levels of satisfaction with local leaders (81%), this figure is significantly lower for female-headed households and for youth. Liberia shows similar differences in satisfaction for poor and youth households. The difference in the mean response for poor households is substantively smaller than the mean for non-poor households, 2.89 compared to 3.5. The youth difference is smaller but still statistically significant. Similar patterns are shown regarding how leaders protect community land. Though high percentages of respondents agree that leaders protect the land, women in Liberia and poor households in Zambia disagree with these statements at higher rates than the rest of the population. Poor households in all four study countries are less likely to agree that land decisions are transparent, as are youth in Guinea and female-headed households in Liberia and Ethiopia.

Despite the overall reported satisfaction with customary authorities in the study areas, perceptions of decision-making related to outside investment suggest that respondents do not feel their customary leaders are exercising their authorities in ways that benefit the entire community. Only a minority (18%) of respondents in Liberia perceived that decisions regarding external investment in or use of community land and natural resources were made to benefit the entire community, and 46% felt that these decisions were made primarily to benefit elders or traditional landlords. Furthermore, 45% of respondents felt that benefits from investment would be distributed unequally within the community; 38% felt their leaders were involved in illegal activities on their community property, including bribes; and 40% reported that their community leaders did not consult with the community about decisions regarding land and natural resources. This suggests that even if customary institutions are generally perceived to perform satisfactorily with respect to land use and allocation decisions within the community, these institutions may not be capable of fairly addressing outside (investor) interest in community land and resources. Guinea's customary leaders may be more successful at addressing investor interests, as 93% of respondents agree that investors cannot take land without fair compensation.

## **5. Discussion**

Our results support Lawry et al.'s hypothesis that not only is customary tenure security in Africa relatively high as measured by a number of different indicators, but also that tenure security is highly context-specific. Less than one-third of respondents feel that encroachment or

confiscation of their land is likely or highly likely, and less than 30% of households reported land-related disputes, despite the fact that less than 10% of households in all countries except Ethiopia (30%) hold any form of paper documentation of their land rights. These overall positive indications of tenure security notwithstanding, there are important nuances in the data that need to be explored further.

For instance, although the actual incidence of large-scale commercial leases is arguably more relevant to tenure security in Liberia than in Zambia, only 7% of respondents in Liberia thought it likely or highly likely they would lose their land to an investment, whereas 40% of respondents in Zambia reported a high near-term likelihood of land confiscation by the chief (for investment). Overall, it appears that even if customary institutions are perceived to be effective in governing land use and allocation decisions within the community, the perceived limitations to the transparency and fairness of decision-making and benefit-sharing related to land allocations to outsiders suggest that these customary institutions may not be capable of fairly addressing issues related to outside (investor) interest in land and resources.

In line with these findings, customary land governance institutions in the study areas appear to remain highly relevant and, for the most part, are seen as responsive and fair to their constituents. Customary authorities or communities as a whole were reported as the most important decision-maker by more than three-quarters of respondents in all countries except Ethiopia, where formal government institutions have gradually encroached on the authorities of customary institutions (McPeak et al., 2015). Respondents in Guinea, Zambia, and Liberia also overwhelmingly report that land allocations and rules about land governance are fair and that they are satisfied with community land rules and with their local leaders. Again, there are important variations, however. For example, only 7% of respondents in Zambia feel that land allocation decisions are transparent compared with 85% in Ethiopia, and satisfaction with dispute resolution outcomes varied widely across the three countries where this variable was measured (Ethiopia, Guinea, and Zambia).

Statistically significant sub-group effects vary across country and indicator. Even though we find a good number of statistically significant effects in the expected direction, these are very small in most cases, especially given the overall high levels of satisfaction. For example, while 90% of

respondents in Liberia have permission to plant trees in their fields, only 83% of women-headed households and 82% of poor households have permission to do so. Whereas, in Ethiopia, poor households are slightly less likely to have experienced a land dispute compared to the overall population (12% vs. 14%), although youth are slightly more likely to have experienced a land dispute (18%). In fact, in Guinea and Liberia, female-headed households feel slightly *more* secure in their tenure using our composite index, while there is no difference between male- and female-headed households in Zambia. Whereas, our findings on the relationship between tenure security and development outcomes for different sub-groups are quite mixed. These results are in apparent contrast to much of the available literature (highlighted in section 2), which suggests that these sub-groups are often significantly disadvantaged, but may strengthen the argument made by Adoko et al. (2011) that customary tenure systems do not always disadvantage women's rights. However, female-headed households, the poor, and youth were generally perceived to be slightly disadvantaged in land-related rules and decisions, suggesting room for strengthening their rights within customary governance institutions.

## **6. Conclusions**

These results, although preliminary, appear to cautiously support the hypothesis put forward by Lawry et al. and others that legal recognition of customary land rights is sufficient to provide secure rural tenure in sub-Saharan Africa. Given the continued incidence of boundary and inheritance disputes, we hypothesize that written documentation of customary rights – without transforming them into private, freehold titles – may reduce conflicts and further strengthen customary tenure security. In addition, perceived limitations related to customary decision-making on outside investment and on the rights of poor, youth, and female-headed households suggest that some strengthening of existing customary governance institutions will be required to ensure that these structures truly represent the interests of all group members. All of the interventions studied here aim to achieve both of these objectives, and our endline analysis should provide strong evidence on the effectiveness of documenting customary rights and strengthening customary governance structures.

To improve the evidence base on the outcomes and drivers of tenure security, future work with USAID's LTRM research portfolio will take steps to ensure that survey instruments across

projects are more closely aligned on tenure security and land governance modules. This involves standardizing the questions, wording, scales and modules for community/customary land, as well as household farmland – even in cases where these modules are not fully relevant to a specific program under evaluation. In addition, the evaluation team will continue to improve the rigor of tenure security and land governance measurements by integrating survey experiments and behavioral games in the data collection instruments, as well as by linking the survey results to administrative and mapping data. Furthermore, community level data that was collected as part of each evaluation will be integrated and analyzed in the datasets to enable the examination of community level factors such as distance to roads and markets for explaining variation in levels of tenure security.

The next phase of analysis for each of the studies presented above involves moving from exploratory analysis to more sophisticated statistical models for understanding outcomes, mechanisms and subgroup effects. This includes a more rigorous exploration of within country and cross-country variation in outcomes through econometric models.



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**Table 1. Sample Overview**

Country	Project	Data collection period	Sample size
Ethiopia	Land Administration to Nurture Development (LAND)	August – September 2014	Household (N=3851)
Guinea	Property Rights and Artisanal Diamond Development (PRADD)	October – December 2014	Household (N=2000)
Liberia	Community Land Protection Project (CLPP)	February – March 2014	Household (N=1661)
Zambia	Tenure and Global Climate Change (TGCC)	June – July 2014	Household (N=3523)

**Table 2. Ethiopia—Farmland access**

Access to farmland:	Overall	Poor	Youth	Female-headed
Yes	81%	59%	79%	62%

**Table 3. Perceived risk of encroachment, reallocation, and expropriation by country**

Likely/ highly likely:	Encroachment by extended family	Encroachment by neighbors	Encroachment by neighboring villages	Land confiscation by government or elites	Land confiscation for investment
Guinea	10%	<1%	NA	6%	5%
Zambia	17%	24%	15%	15%	22%
Liberia	NA	28%	25%	4%	7%

**Table 4. Zambia—Household level tenure security perception series**

High likelihood over the next 3 years?	Extended family forced removal	Intra- village encroach	Inter- village encroach	Reallocation by village headperson	Elite confiscation	Chief confiscation
Zambia— household level	29%	28%	43%	21%	28%	40%

**Table 5. Prevalence of land-related conflict**

Land related disputes—Household level	Guinea	Zambia <sup>4</sup>	Ethiopia
Yes	2%	26%	14%

**Table 6. Type of dispute for households experiencing conflict**

	Guinea	Zambia	Ethiopia
Boundary	48%	71%	52%
Inheritance	11%	26%	NA
Rental	11%	1%	NA
Land reallocation	20%	8%	NA
Natural resource	8%	3%	8%
Grazing	0%	3%	19%

**Table 7. Tree planting by sub group**

Plant trees	Overall	Poor	Youth	Female-headed
Liberia	88% (rubber) trees)	82%	88%	83%
Zambia	11% (agroforestry trees)	11%	10%	11%
Guinea	21% (fruit trees)	13%	17%	12%

**Table 8. Perceived tenure security and development outcomes**

	Guinea	Liberia	Zambia
Overall average	1.53	1.83	1.74
Households with land-related investments	1.48	1.95***	1.70
Household that have experienced land conflict	1.28*	NA	2.12***
Poor households	1.63***	1.87	1.73
Female-headed households	1.36*	1.76*	1.73
Youth-headed households	1.64***	1.81	1.74

<sup>4</sup> The field level statistic is 11% of all fields.

**Table 9. Land related decision-making**

	Who is the most important decision maker for land related issues?	Who is the most important decision maker for land related issues?	Who has control of the community grazing area?	Who helps with farmland encroachment?
	Zambia	Liberia	Ethiopia	Guinea
Customary / Traditional Authorities or communities as a whole	100% (3365)	87% (1617)	54% (1011)	77% (1550)
Government institutions	0% (0)	10% (182)	42% (772)	22% (459)

**Table 10. Disadvantages to certain groups**

Are the following groups disadvantaged in land related rules/decisions?	ZAMBIA				LIBERIA			
	overall	female-headed	poor	youth	overall	female-headed	poor	youth
women	3.15	3.12	3.08**	3.17	3.44	3.48	3.18**	3.28**
outsiders	3.28	3.16	3.25	3.36***	3.39	3.44	3.02*	3.19*
poor	3.23	3.22	3.12	3.27*	3.54	3.59	3.19**	3.4**

**Table 11. Rule adherence and enforcement**

	Households obey rules	Sanctions are enforced for rule-breaking
<b>Zambia</b>	55%	62%
<b>Liberia</b>	61%	65%

**Table 12. Perceived fairness of land allocation**

	overall	female-headed	poor	youth
Zambia	2.01	2.01	2.03	1.97
Guinea	1.09	1.14	1.13**	1.11*
Ethiopia	1.76	1.83***	1.83***	1.76



**Table 13. Satisfaction with local leaders**

	<b>Satisfied with how local leaders govern land</b>	<b>Leaders are trusted and honest</b>	<b>Leaders protect community land</b>	<b>Leaders allocate land fairly</b>	<b>Decision making is transparent</b>
Zambia	81%	85%	90%	83%	83%
Liberia	64%	85%	87%	64%	75%
Ethiopia	NA	NA	NA	NA	81%
Guinea	NA	NA	NA	NA	98%

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**ETHIOPIA**

ERITREA

YEMEN

SUDAN

SOMALIA

UGANDA

RED SEA

GULF OF ADEN

INDIAN OCEAN

Regions: GONDER, TIGRAY, WELO, DIRBOUTI, GOJAM, WELEGA, SHEWA, ILUBABOR, KEFA, GAMO GOFA, BALE, HARERGE, SIDAMO.

Major Cities: Addis Ababa, Mekele, Gondar, Bahir Dar, Dire Dawa, Harar, Djibouti, Asmara, Adwa, Metema, Aykel, Sekota, Weldiya, Bati, Gubana, Fache, Debre Birhan, Guna, Asela, Nazret, Hiywet, Koka Dam, Agaro, Jima Waka, Hosaina, Sodo, Yirga Alem, Kibre Mengist, Negele, Garadase, Mega, Kusa, Murle, Jinka, Arba Minch, Shasha, Maji, Sogata, Gambela, Yeki, Gecha, Gore, Dembi Dolo, Gidami, Mendi, Goha, Asosa, Bahir Dar, Dangila, Bure, Debre Markos, Fache, Debre Birhan, Guna, Asela, Nazret, Hiywet, Koka Dam, Agaro, Jima Waka, Hosaina, Sodo, Yirga Alem, Kibre Mengist, Negele, Garadase, Mega, Kusa, Murle, Jinka, Arba Minch, Shasha, Maji, Sogata, Gambela, Yeki, Gecha, Gore, Dembi Dolo, Gidami, Mendi, Goha, Asosa, Bahir Dar, Dangila, Bure, Debre Markos.

Legend:

- International boundary
- Provincial boundary
- National capital
- Provincial capital
- Town, village
- Road
- Railroad
- Airport

Scale: 0 50 100 150 200 km / 0 50 100 150 mi

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Figure 2. Map of Guinea





### Figure 3. Map of Liberia



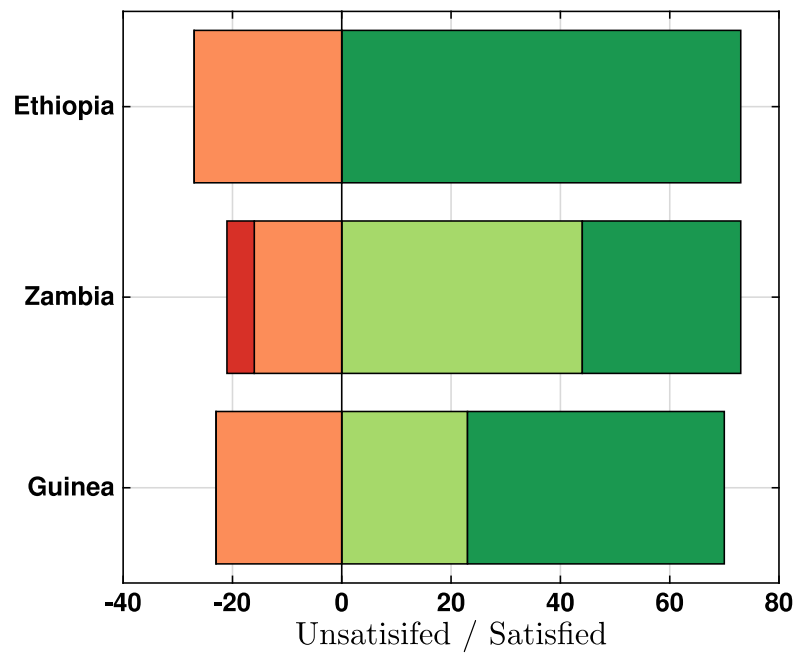
### Figure 4. Map of Zambia



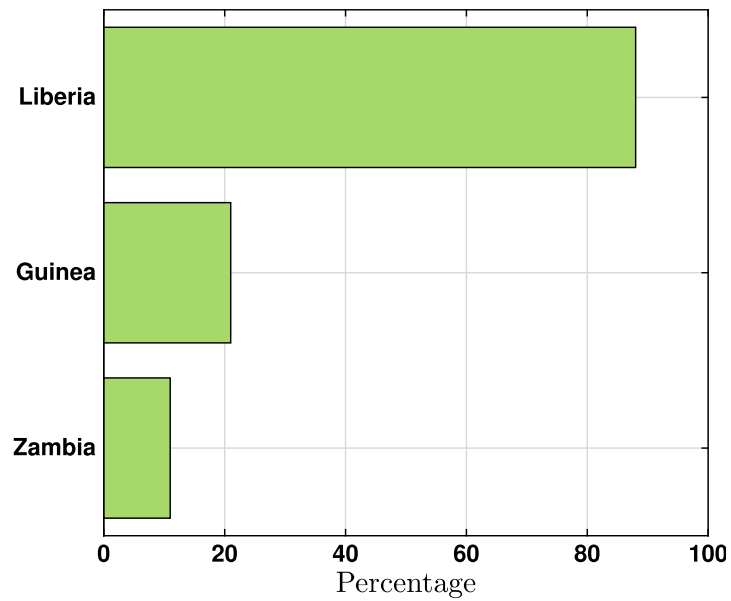
Map No. 3731 Rev. 4 UNITED NATIONS  
January 2004

Department of Peacekeeping Operations  
Cartographic Section

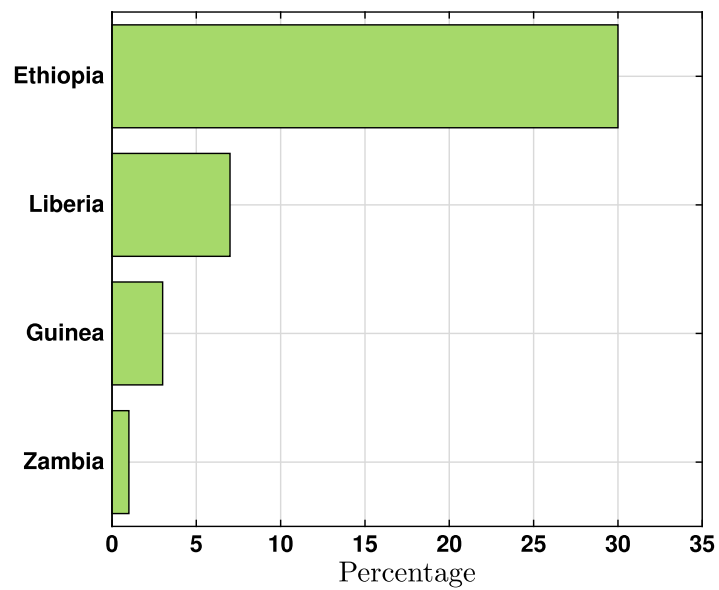
**Figure 5. Satisfaction with dispute resolution**



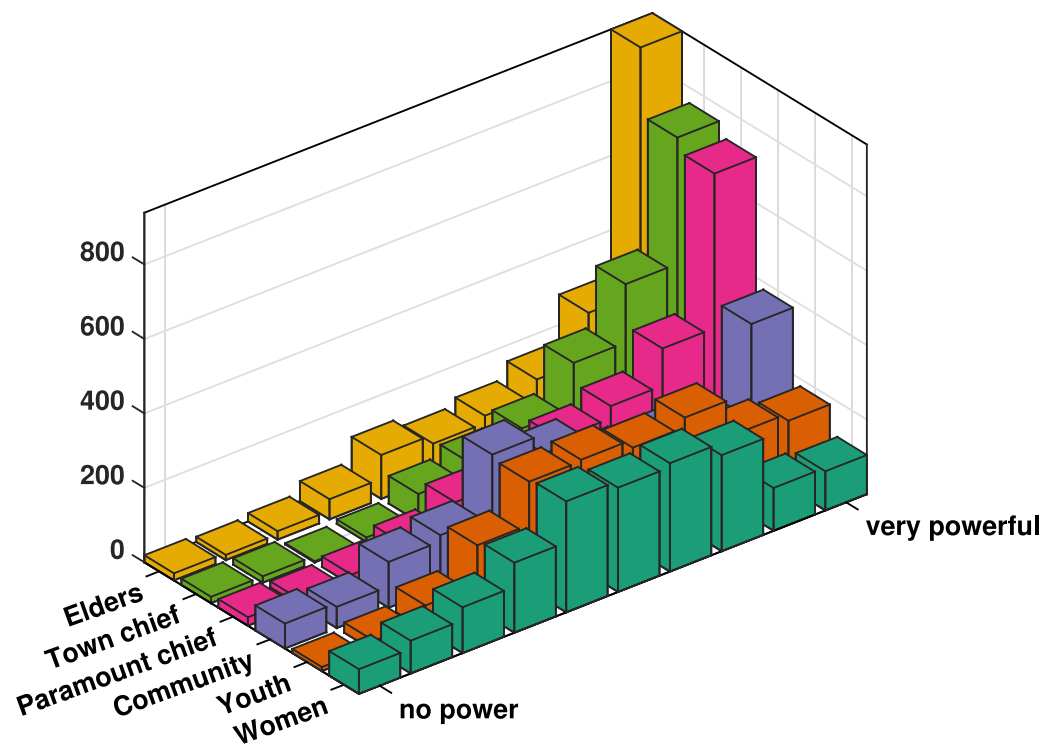
**Figure 6. Investment and tree planting**



**Figure 7. Households with paper documentation**

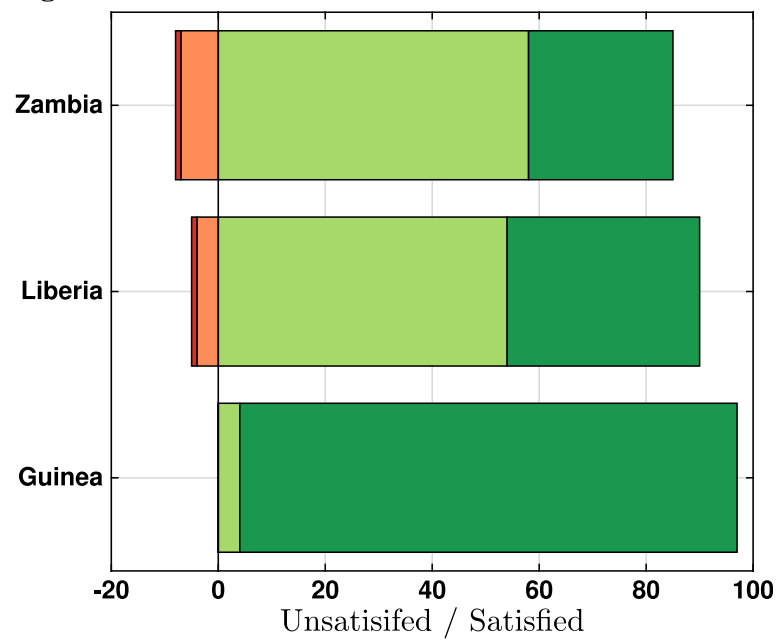


**Figure 8. Ladder of Power—Liberia**

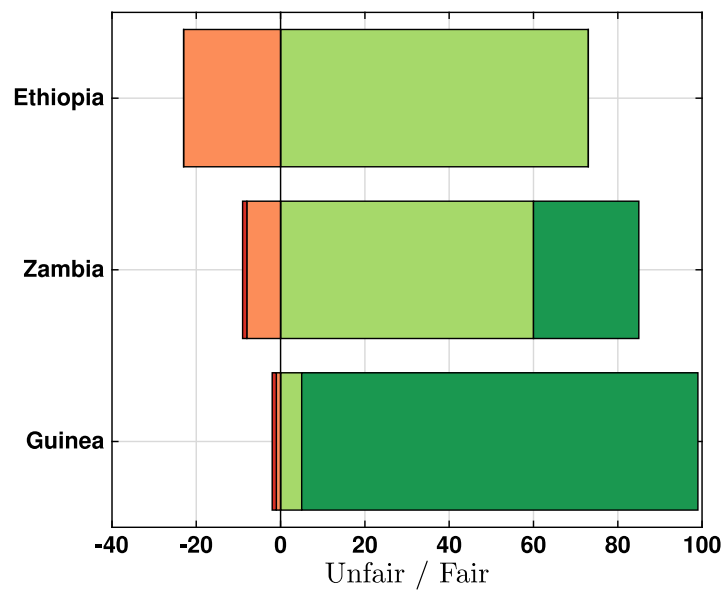




**Figure 9. Satisfaction with land rules**



**Figure 10. Satisfaction with land governance**



**Figure 11. Decision making transparency**

