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Securing Land within the Continuum of Land Rights Approach: Innovations from Kenya, Uganda and Zambia

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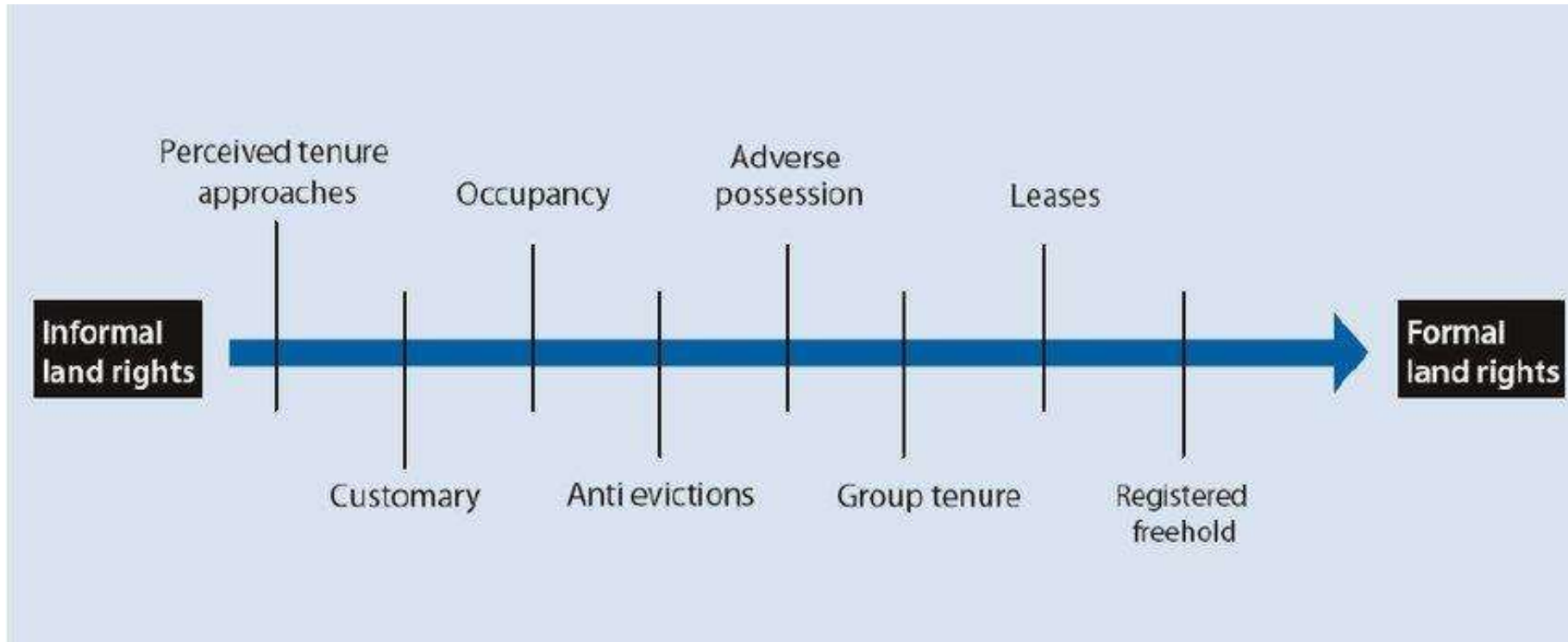
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The Continuum of Land Rights

The continuum of land rights is a powerful concept, or metaphor, for understanding the diversity of existing land tenure arrangements

- Rights to land are regarded as lying on a continuum between informal and formal
- In between, lies a wide and complex spectrum of rights



*In practical terms,
how does this work?*



Land Issues in Zambia, Uganda and Kenya



Land Issues in Zambia, Uganda and Kenya cont'd



Zambia has dual land tenure system; Customary (94%) and leasehold (6%) tenure systems. Customary land is the least secure type due to the absence of clear boundaries and documented evidence



Uganda has four tenure systems: Mailo, Freehold, Leasehold, and Customary. Customary tenure- the largest amongst the four-is largely unregistered. Only 20% of Uganda's land is registered

Kenya land challenges include; insecurity of tenure, forceful evictions, excessive land fragmentation and degradation, disparities in distribution, historical injustices in land distribution, proliferation of urban informal settlements and landlessness.



Land Tenure Interventions in Uganda, Kenya and Zambia



The Process



Community Taking the Lead!

Operationalizing the Continuum Approach: Building the Evidence

Better Engagement with Authorities

- Community using GLTN tools and approaches to organize themselves and interact with central and local government authorities.
- Local Governments using information to sensitize communities on planning regulations (Mashimoni, Mission cell)
- Information from communities used to steer discussions on development in the settlement and municipal development forums
- National responses; KISIP in Kenya; TSUPU and USMID in Uganda; supportive of the upgrading of informal settlements



Operationalizing the Continuum of Land Rights: Building the Evidence

Better Engagement with Authorities cont'd

- Support on the Issuance of certificates of Customary land occupation in Zambia at the Traditional, Local and National Government levels
- Government endorsement of local initiatives and embedding these processes in the legal, institutional and governance environment; Mombasa County-drafting of the Mombasa County Land policy
- Issuance of Certificates of Occupation for documenting settlers' rights to structures and land by the Mombasa County Government



Operationalizing the Continuum of Land Rights: Building the Evidence

Community Voices



“...we are happy because with STDM, data is stored in a system and can be backed up in many formats. A book might get torn but with STDM recorded data means it will always be there as a back up to land claims that come about,”



“STDM data gives chance to women to prove ownership of property in the same way as men because it records these structures, pieces of land etc. and shows who has rights on that property”

“Now, the Settlement Executive Committee is recognized by the Chief, when people lodge complaints at the chief’s office, the committee is called to resolve the situation using STDM data”

Operationalizing the Continuum of Land Rights: Building the Evidence

Community Voices



“Our only tenure security for now is STDM data. Now with the data, it is compact and shows the structural owners/ land lords and tenants; and also it shows the size of land. You cannot tamper with this and it can help resolve the issues coming up after this fire.”

“We had a very problematic past. There was a lot of uncertainty but with this STDM process, it is clear on what is yours. I now know where my land begins and where it stops.”

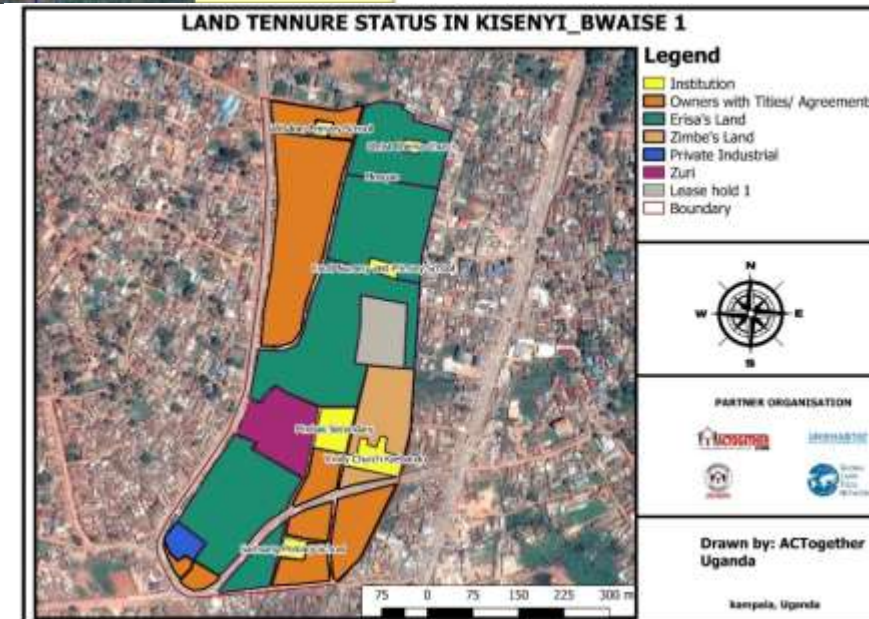
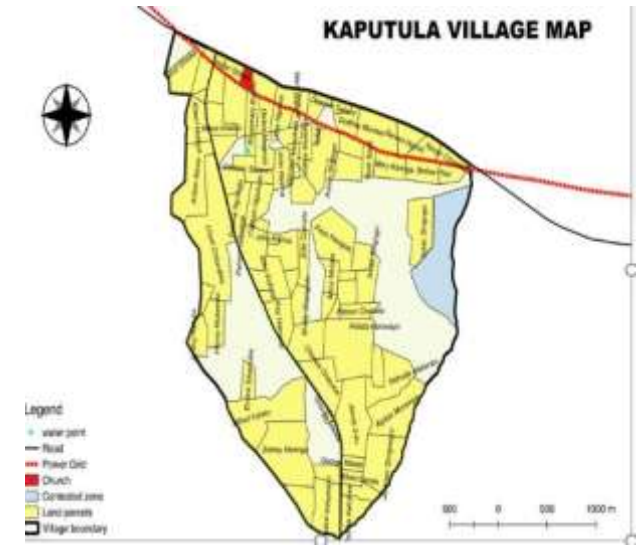
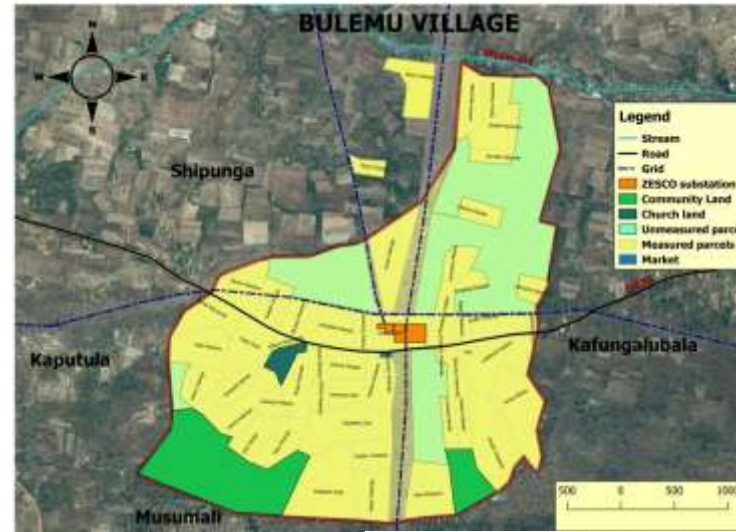
“Fire outbreaks in Mashimoni are common, cases of people encroaching on peoples land and constructing is also common but with STDM, recorded data shows who owns what, who was where and



EMERGING OUTCOMES

Increased Visibility of Residents of Informal Settlements

- Enumeration surveys and mapping has increased visibility of residents of informal settlements to both government and service providers.
- In Mashimoni, an access road passing through the settlement has been a major breakthrough in terms of opening up the settlement for more development
- In Mnazi Moja, residents have acquired water as a result of negotiations with the County Government of Mombasa using enumeration data from the settlement



Operationalizing the Continuum of Land Rights: Building the Evidence



Learning Centres for Sustainability

- Local governments have granted communities office space to set up STDM learning centres which serve as anchors of learning and activity, as well as broadening the appreciation of GLTN land tools by both community and the government.



Operationalizing the Continuum of Land Rights: Building the Evidence

Integrated and inclusive planning

- Implementation of the interventions has enabled the informal settlement residents and municipal councils to plan together on how settlements should be upgraded; developing realistic slum upgrading plans



Operationalizing the Continuum of Land Rights: Building the Evidence

Improved Management of Local Land Records

- Improved management of local land records; community members now identify their settlement boundaries and services within.
- Generated maps show settlement boundaries, services distribution, road network pattern and development proposals.
- Communities and traditional leaders can now manage and update local transactions, especially transactions on the change of ownership of land/structures following market sales.



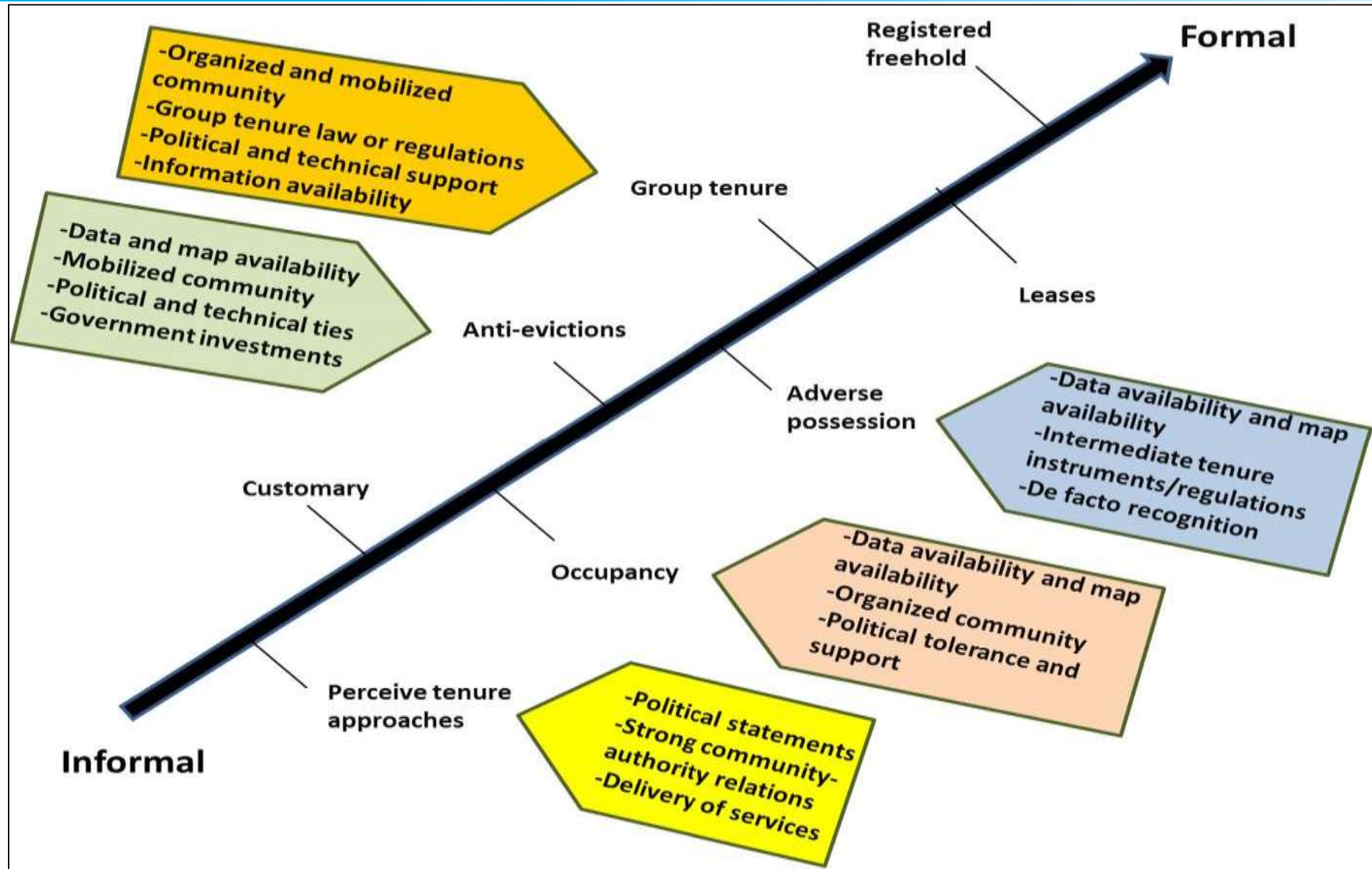
Operationalizing the Continuum of Land Rights: Building the Evidence

Heightened levels of improved tenure security

- The issue of forced evictions, displacements and disinheritance especially for women upon the demise of their spouses is now in the past
- The STDM process has also triggered behavioral change, (especially on the part of men and how they view women ownership to land), hence redefining gender roles with regards to land governance.
- Securing customary land has also helped ward off potential land grabs; the certificates have given the community power to engage potential investors and defend their right to this land where need be



The Continuum of Land Rights Framework at Work



THANK YOU!

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NEED TO KNOW MORE?

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