Measuring the Land Tenure Security of Sub-Saharan Africa's Rural Poor

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SUMMARY

The search for land tenure security for all in developing countries has opened a new land administration paradigm based on pro-poor approaches. However, little is being done to provide governments with context-specific indicators to measure tenure security in a pro-poor manner. Subsequently many Sub-Saharan African (SSA) countries lack baseline data on the holistic state of tenure security within their jurisdiction. Until recently, it was argued that the overall challenge is the absence of a holistic conceptual understanding of land tenure security for the rural poor. Whilst this conceptual gap is now filled, the model requires operationalization. This paper uses design methodology combined with the systems approach for indicators selection and development to establish a multi-aspects assessment framework containing six baskets of indicators. Each basket reflects a key interaction that defines land tenure security. The value of the framework is demonstrated by comparing the proposed indicators to those used for the evaluation of land related interventions in Ghana, Ethiopia and Rwanda: deficiencies in the existing assessment approaches are exposed. The framework comprises indicators on institution harmony, legitimacy and trustworthiness, balance of land restrictions and land rights, update and maintenance of land registry and associated spatial information, which are practically missing for the three case studies. Three main applications of the proposed multi-aspects framework are anticipated: (1) evaluating the state of tenure security (baseline and longitudinal data), (2) evaluation of progress towards the achievement of national land policies, and (3) assessment of the contribution of land tenure reform interventions vis-à-vis national land policy objectives.

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1. INTRODUCTION

A search for land tenure security for all in developing countries has opened a new land administration paradigm based on pro-poor approaches to land management. International organisations and donors working on land issues have advocated a need for pro-poor land policies and tools to implement these. As a response, many SSA governments have embarked on implementing revised land policies and land administration systems claimed to be pro-poor. The recent efforts of this kind include land tenure regularisation in Rwanda, rural land certification in Ethiopia, land reform in South Africa, land administration reform in Ghana, land tenure services project in Mozambique, among others.

To support these efforts, pro-poor land tenure security indicators are required. However, little is done to provide governments, land administration agencies, NGOs, and other interested stakeholder organizations with context specific tools for evaluation. Existing indicators are scatted and mainly designed to address one or another specific characteristic of land tenure security. This may be at plot level, household level, or less frequently at community and regional levels. More importantly, these pro-poor indicators remain underdeveloped (Laksa and El-Mikawy, 2009). Commonly used tenure security indicators possession of title to land, the duration, the transferability and the exclusivity of land rights), are seen to be too narrow to depict the contextual aspects of rural poor especially in SSA context (Arko-Adjei et al., 2011, FAO, 2002, Lavigne-Delville, 2010, Place, 2009, Ubink et al., 2009, Van Gelder, 2009, Bromley, 2009, Toulmin and Quan, 2000, Meinzen-Dick and Mwangi, 2009, Simbizi et al., 2014). This explains why many Sub-Saharan African (SSA) countries lack baseline data on the state of land tenure security. A number of arguments found in the literature seem to be not convincing when it comes to the absence of a set of indicators sensitive to contextual situation of rural poor in SSA. For instance, it is believed that the variety of land tenure arrangements in SSA prevent having one universal operational definition (Laksa and El-Mikawy, 2009) and an agreed on set of indicators (Durand-Lasserve and Selod, 2009).

Fundamentally, the above issues arise due to the absence of a theoretical understanding of tenure security that captures its complexity and contextual aspects in an inclusive fashion. Referring to the well-known allegory of the blind men and the elephant, the measurement of land tenure security is primarily hindered by the failure to recognise the whole elephant. Put simply, past efforts have been more on measuring trunk, legs, tail, rather than describing the whole animal. However, a contemporary contribution fills the conceptual gap: a more holistic conceptual model

of land tenure security of the rural poor in SSA is available (Simbizi et al., 2014). This model needs to be operationalized into tangible indicators. The present paper aims to describe how this model might be translated into an operational tool for holistically measuring the land tenure security of the rural poor in SSA context. The rest of the paper is structured as follows: the first section provides a background literature on current efforts to measure tenure security. Specific focus is given to indicator-based approaches. The second section outlines steps and methods used to design the multi-aspects framework. The third section builds up the framework from the conceptual model and the selected indicators. The fourth section explores the application opportunities using three country cases: Ghana, Ethiopia and Rwanda. The fifth section provides a brief discussion followed by the conclusion.

2. BACKGROUND

In this section, existing initiatives for measuring land tenure security are reviewed. The synthesis focuses on the efforts that are relevant to rural Sub-Saharan Africa. The review is guided by the following questions: (1) what are the existing measures of land tenure security? (2) What's wrong with them? (3) What are the opportunities to improve existing efforts?

2.1 What are the existing measures of land tenure security?

Measuring land tenure security is mainly done through indicators. According to Hales (2010) an indicator is considered as a sign or a signal that something exists: it is used to show the presence or state of a situation. Indicators enable decision-makers to assess progress towards the achievement of intended outputs, outcomes, goals and objectives (Horsh, 1997). An indicator makes perceptible a trend or phenomenon that is not immediately detectable (Hammond et al., 1995). Thus an indicators' significance extends beyond what is actually measured to a larger phenomenon of interest (Niemeijer and de Groot, 2008). The indicator approach is commonly used as a measurement tool not only in the field of land administration, but also in other areas such as economic development, environment, sustainable development, health science, and so on.

Existing land tenure security indicators are on one hand developed by researchers for empirical investigation c.f. (Bruce and Migot-Adholla, 1993, Fenske, 2011, Kabubo-Mariara, 2007, Lindsay, 1998, Mitchell et al., 2008, Deininger and Jin, 2006, Feder and Nishio, 1998). On the other hand there exist tools or frameworks containing varying number of tenure security indicators. For many of these tools and frameworks however, tenure security is translated into one to three indicators. Examples include, the United State Agency for International Development (USAID) Land Tenure and Property Right Assessment tool; the Millennium Challenge Corporation (MCC) Land Right and Access Index; the World Bank Doing Business, the World Bank World Development Indicators, the World Economic Forum's Global Competitiveness Index, the Framework and Guideline on Land Policy in Africa (AUC (African Union Comission) et al., 2010), Economic Freedom of the World Index. There are other frameworks that include a subset of indicators for tenure security such as the World Bank Land Governance Assessment Framework (Deininger et al., 2011b), Evaluation Framework for Land

Administration Systems (Steudler et al., 2004), and Land Administration Reform Indicators of Success (Burns et al., 2006), and a Framework to Apply Total Quality Management Concepts to Land Administration (Ali et al., 2013).

2.2 What's wrong with existing measures of land tenure security?

Whilst indicator approaches are not inherently problematic, their development and operationalization can be. In the fields of land governance and land administration, the development of many indicators is often backed by expert opinion, and evaluation approaches and practice (Steudler et al., 2004, Deininger et al., 2011b, Burns et al., 2006, Ali et al., 2013, African Union Commission et al., 2011). Indicators based on expert opinion are criticised as being influenced by personal experience, discipline, intuition, heuristics and bias of relevant experts involved in the assessment (Kampichler et al., 2010).

One of the evaluation approaches commonly used as a framework for indicators development is the Logical Framework Approach (LFA) (and its variations). This paper is not questioning a number of advantages offered by this approach. However, the LFA exhibits limitations that are likely to affect the development of tenure security indicators. For instance, it is argued that the use of LFA in cross-cultural context has often led to the domination of an external concept (Fujita, 2010). Furthermore, LFA tends to assume a linear progression of effects regardless of contextual conditions (Fujita, 2010) This leads to a preference of quantitative variables and short term effect to the detriment of information which is qualitative and can only be captured in the long term (Fujita, 2010). Overall, LFA tends to emphasise outcome indicators whereas baseline indicators are given little attention.

Beyond land governance and land administration, other efforts mainly involve the use of theory-driven approaches whereby the selection of indicators is made basing on adopted theory or concept (Niemeijer, 2002). With regards to land tenure security, theory might be the evolutionary theory (Platteau, 1996), the de Soto thesis (De Soto, 2000), the Boserup's hypothesis (Kabubo-Mariara, 2007), among others. Theory-driven approach is regarded as more discipline oriented it falls short in taking into account different aspects of the concept being measured. In all cases, land tenure security definitions are oversimplified and do not adequately capture all forms of land tenure and the contextual situation that characterise rural poor. As a result, preference is always given to linear and quantitative indicators, which are not necessarily sensitive to the situation of the poor. The most commonly used indicators of tenure security are developed by international organisations involved directly or indirectly in land sector. One of the limitations of these indicators is that they are tailored to the organisation's understanding of tenure security (Laksa and El-Mikawy, 2009). Such understanding is mainly dictated by organisations philosophies, interests, agenda or expertise of their experts (Steudler et al., 2004).

2.3 What are the Opportunities to Improve Existing Efforts

Opportunities To Improve Existing Efforts Are Clear, Given The Above Outlined Limitations. Primarily, There Is A Need To Make Use Of An Inclusive Theoretical Understanding Of Land Tenure Security As

A Basis For The Development Of Pro-Poor Indicators. Existing Indicators Should Be Examined To Identify The Ones That Are Pro-Poor And To Determine, Which If Any, Indicators Are Missing. Overall, The Selection Of Indicators Needs To Be Backed By A More Robust Problem-Solving Methodological Approach. The Approach Should Enable The Selection Of Indicators That Not Only Reflect Simple And Linear Relationships But Also Non-Linear And Complex Relationships. The Same Approach Should Also Enable To Have A Multiple Perspectives To Avoid Narrowing Indicators To One Lens Or Level Of Evaluation. Thus Selected Indicators Should Reflect Different Evaluation Scales Of Land Tenure Security.

Overall, existing land tenure security indicators need to be more inclusive. The challenge remains the ability to operationalise a complex and context dependent concept in a holistic fashion (Simbizi et al., 2014). The methodological approaches currently in use, offer little ability to tackle the total complexity of the land tenure security in an integrated way. Existing indicators are fragmented and essentially discipline biased. Cleary there is a lack of an operational tool that can assist land administration agencies to monitor and assess their progress towards the achievement of land policy objectives.

3. METHODS

Basic Steps Of Design Research Methodology (Mcnaughton Et Al., 2010) Were Followed (Figure 1): (1) Problem Identification, (2) Definition Of Objectives, (3) Design Process And Development, (4) Evaluation, And (5) Communication. Design Science Uses Previous Scientific Knowledge (Gregor And Jones, 2007) To Bring Solution To Unsolved Scientific Problems (Piirainen Et Al., 2012). The End Result Of Design Research Is The Creation Or A Development Of An Artefact (Çağdaş And Stubkjær, 2011, Mcnaughton Et Al., 2010, Cross, 2007). This May Be A Software Tool, An Algorithm, User Interface, A Methodology Or A Framework. In This Case The End Result Is Expected To Be A Multi-Aspects Framework To Measure Tenure Security Of Rural Poor. Each Step Is Backed By A Sub-Methodology As Below Described:

Step 1 And 2: A Literature Review Of Existing Efforts To Measure Land Tenure Security Was Carried Out, To Assess Existing Gaps And A Need To Improve Existing Efforts. The Two Steps Are Covered In Section One And Two Of This Paper.

Step 3: the systems-based approach to indicators development borrowed from (Bossel, 2001) is used for the selection of indicators. This approach has proven to be the most holistic framework for indicators development (Bossel, 2001) in the field of sustainability. It is argued that unlike many other approaches for indicators selection, the systems-based approach insures that indicators cover all important aspects of the system that is object of the study (Reed et al., 2005). The later adds that the approach recognizes that a system cannot be assessed in isolation from the systems upon which it depends, and which in turn depends on it. Secondarily, the pyramid of indicators adapted from (Hales, 2010) is used to fit selected indicators into three scales of evaluation. The pyramid of indicators is recommended when dealing with a large number of indicators. Retained scales include: (1) micro level: individuals, households or plot level, (2) meso level made by a community and (3) the macro level that can be the entire country or a

region. For each level, there may be specific indicators and others that can be aggregated for higher level (Hales, 2010).

Step 4: the evaluation: opportunities to apply the framework are explored using country case studies.

Step 5: dissemination which is the actual publication of this paper

4. DESIGN OF A MULTI-ASPECTS FRAMEWORK

In Figure 1, the framework for operationalizing the conceptual model of land tenure security of rural poor in SSA context is presented. This framework aims to provide a set of indicators for holistically measuring the total tenure security of a rural poor. The target of the framework is to derive indicators that capture all important aspects of land tenure security in rural SSA context. In the following paragraphs, the components of the framework are explained. The two first blocks represent the conceptual model of land tenure security that is object of operationalization. The third block is made by six baskets of indicators. The fourth block contains three levels of evaluation and respective baskets of indicators.