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Introduction to Land Tenure and Property Rights Issues, Terms and Concepts

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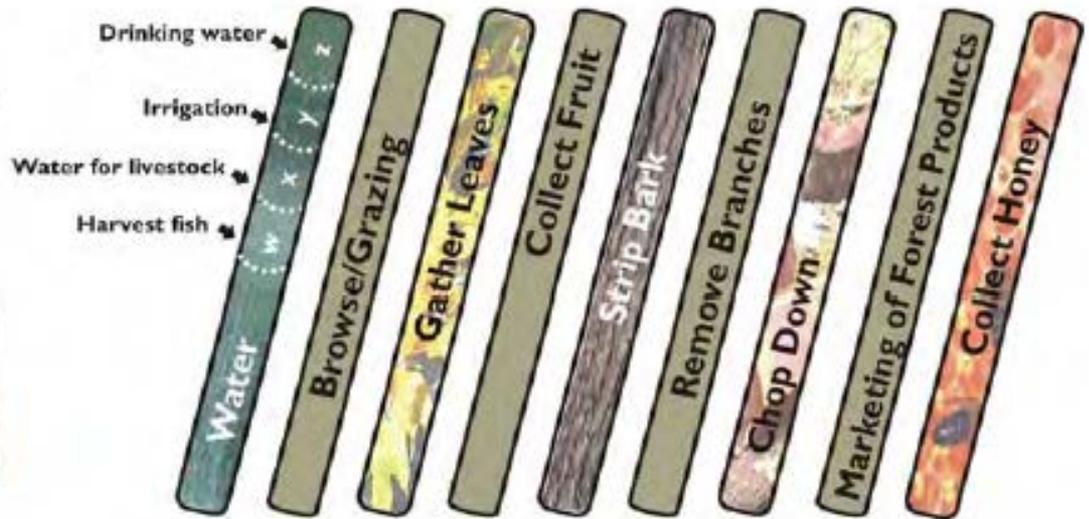


What is tenure?

A bundle of rights



Resources



Use Rights



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What characterizes secure tenure?

- Perception of having secure rights to land and property on a continual basis
- Free from unreasonable interference from outsiders
- Ability to reap benefits of labor and capital invested, either in use or when leased or rented to another



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What is legal pluralism?

Coexisting multiple sources of property rights

Why is it important?

- Parcels may be held under different tenures
- Can create uncertainty about which system prevails or what authorities are responsible





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What is customary tenure?

- A body of norms generated and enforced by a community to govern the use of land by its members
- Customary tenure does not = communal tenure
- Customary tenure does not = insecure tenure



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What is land formalization?

- Titling: the state confers a title on an individual in specified land, either by grant or by recognition of a pre-existing right
- Registration: creation of an official, public record of the right (title registration) or the document creating the right (deed registration)
- When might these be appropriate/inappropriate policies?



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What is “secure enough” tenure?

- Continuum of rights that can be strengthened through a variety of affordable and sustainable approaches
- May include:
 - Public recognition of customary or indigenous rights to an area
 - Certificates that secure the rights to use or manage resources
 - Community-managed titling process
 - More formal strategies such as land titling or creating public land registries
- Secure enough does not = everyone holds a legal title to their land or home



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What are large-scale land acquisitions?

- Large-scale land acquisitions do not = “land grabs”
- Responsible investment in land can be small, medium or large
- Can involve domestic or foreign actors
- Can involve a wide range of purposes: commercial agriculture, conservation (including REDD), biofuels, mining and petroleum exploitation
- How can large-scale investment benefit local communities and individuals?



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What does the U.S. Government support?

- Systems that recognize, record, and administer a multiplicity of statutory and customary land tenure and property rights
- Systems that protect the rights of women and marginalized groups
- Fully participatory processes to define, record, administer LTPR
- Market-mediated approaches to provide access to land
- Systems that are reasonably accessible to all members of society
- Systems that allow and support the creation of transparent and effective land markets
- Equitable application of laws, regulations, and administrative practices



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What does the U.S. Government not support?

Expropriations and forcible evictions/relocations (or the use of compulsory purchase/resumption) that violate rights to due process and do not award prompt, adequate and effective compensation or that take private property for a private purpose





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Key questions

- What tenure systems are present where you work?
- Are there overlapping rights, contradictory rules, or competing authorities?
- Is tenure “secure enough”? How do you know?
- What events/trends may highlight tenure concerns: rising demand for land/resources, urbanization, disasters, climate change?
- Are interventions cognizant of situational needs/challenges? Attentive to gender concerns?