



Some Observations and Recommendations of the EGM



Expert Group Meeting
Nairobi 11-12 Nov 2004



Guidelines

- **ToR Expert Group Meeting**
 - **secure land tenure**
 - **new legal frameworks**
 - **new tools**

Observations land tenure

- ❑ Residential licenses in urban areas to be converted to full title later (Tanzania)
- ❑ Flexible land tenure system: individual starter title but groupbased (Namibia)
- ❑ Certification in 2 phases related from local to spatialframework (Ethiopia)
- ❑ Certificate of ownership (Uganda)
- ❑ Certificate of occupancy (Uganda)

Observations Land tenure

- **Three forms of leases, primary, demarcated, registrable (Lesotho)**
- **Possessory title recognition, transfer into formal system + remedy (Jude, Indonesia)**
- **Land tenure certificates (Benin)**

Observations process

- ❑ Land owners to prepare their own plans (Zambia)
- ❑ Demarcation of 'big' boundaries of group ranches and trust lands (Kenya)
- ❑ Working backwards to reconstruct process (SA)
- ❑ evidence from different sources (SA)
- ❑ Predictable processes provide certainty (SA)
- ❑ Hierarchie of evidence SA)
- ❑ Informal land delivery processes effective where formal are not (Rakodi)

Observations processes

- ❑ **Access for the poor only plotsharing and inheritance (Rakodi)**
- ❑ **Formal registration urban and rural >5 ha en local registration <5 ha (Rwanda)**
- ❑ **Demarcation on local demand (Uganda)**
- ❑ **Identifying and mapping land rights through Plan Foncier Rural (IC, Benin, Burk Faso, Guinee)**
- ❑ **Land tenure certificates (Benin)**

Observations processes

- ❑ **Creation of land records prior to land registration (Lesotho)**
- ❑ **Let people decide which customary rights should be recorded (Benin)**
- ❑ **Malpractice resistant processes (Zambia)**
- ❑ **Neocustomary land delivery good alternative for formal (Durand)**
- ❑ **Viability on the on the long run questionable, land policy (Durand)**

Observations processes

- **Kenya from individual titling 1956 to also group ranches and trust land 1968**
- **Tribal Land Integrated Management System (Botswana)**

- **Public Private land**
- **Urban Rural Land**

Various

- ❑ **Subdivision group ranches ; Relation with wildlife**
- ❑ **Role of chiefs**
- ❑ **Delivering functions land boards**
- ❑ **Social legitimacy but no local political interference**
- ❑ **Customary systems borrow from formal**
- ❑ **Decentralisation**
- ❑ **Gender in Rwanda and Zambia**
- ❑ **Role of universities**

Recommendations

- ❑ **All options are open and should be explored**
- ❑ **Innovative (land tenure, delivery, administration, evidence, technology)**
- ❑ **Informal land delivery should be tolerate and accomodated (weaknesses, strengths)**
- ❑ **Evolutionary approach (Ethiopia, Tanzania, Namibia, Rwanda, Lesotho, indonesia)**
- ❑ **Inclusion of derived rights (water, grazing, pastoralists)**

Recommendations

- ❑ **Policy + effect implementation (Kenya, Uganda).
Relationship institutional and operational.**
- ❑ **Taxation to fund reform and upgrading**
- ❑ **Capacity building: better performance through
education, research and consulting and deceralsied
institutes**

Recommendations

- ❑ **Technology (orthophotos, satellite images, GPS) provides good base in case fulfilled conditions**
- ❑ **Develop standards with industry (data & processes)**

- ❑ **Dynamic (start with fiscal cadastre?)**
- ❑ **Maintenance guaranteed**
- ❑ **Sustainable investment**

Publication

- ❑ www.fig.net
- ❑ www.oicrf.org
- ❑ **Proceedings**

- ❑ **Rapporteurs, please sent reports to lemmen@itc.nl**
- ❑ **Deadline for paper submission: 15 December**