Scaling up pro-poor land recordation
Findings and consequences of three peri-urban cases from sub-Saharan Africa

1Paul van Asperen, 2Bob Hendriks, 3Jaap Zevenbergen
1ITC/University of Twente, p.c.m.vanasperen@utwente.nl, Enschede, The Netherlands
2Independent consultant, bob.hendriks@yahoo.com, Nairobi, Kenya
3ITC/University of Twente, j.a.zevenbergen@utwente.nl, Enschede, The Netherlands

ABSTRACT
Scaling up promotion of land rights and improved access to land for the poor, women and other vulnerable groups has been at the core of the global land community's agenda. The pro-poor land recordation tool (PPLRT) offers an alternative approach to both conventional and emergent responsible land tools, which can be implemented on its own and in combination with other tools. It has recently been tested for various types of rural contexts. This article further develops the PPLRT based on literature review on peri-urban challenges and three documented peri-urban cases in sub-Saharan African cities. It recommends refinement of three design elements, especially related to peri-urban characteristics of rapid changes in landholdership, land fragmentation and asymmetry of actors in conflict resolution. Further research needs to include other continents, contexts with land appropriation, and attend to topics of local weighting of evidence, impacts of pro-poor land recordation, and contributions to the Sustainable Development Goals and the New Urban Agenda.

Keywords:
Land tools
Land administration
Land tenure systems
Pro-poor
Peri-urban

Résumé
L'intensification de la promotion des droits fonciers et de l'amélioration de l'accès à la terre pour les pauvres, les femmes et les autres groupes vulnérables est au cœur des préoccupations de la communauté mondiale de la gestion du territoire. L'outil d'enregistrement des terres en faveur des pauvres (PPLRT) offre une approche alternative aux outils conventionnels et aux outils émergents responsables des terres, qui peut être mis en œuvre seul ou en combinaison avec d'autres outils. Il a récemment été testé pour différents types de contextes ruraux. Cet article développe davantage la PPLRT en se basant sur une revue de la littérature sur les défis périurbains et sur trois cas documentés périurbains dans des villes d’Afrique subsaharienne. Il recommande d'affiner trois éléments de conception, en particulier liés aux caractéristiques périurbaines des changements rapides de propriétaires, de la fragmentation des terres et de l'asymétrie des acteurs de la résolution des conflits. Les recherches à venir doivent inclure d'autres continents, des contextes d'appropriation des terres, des sujets de pondération locale des données probantes, des impacts de l'enregistrement des terres en faveur des pauvres et des contributions aux objectifs de développement durable et au nouvel agenda urbain.

Mots clés:
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Enregistrement foncier
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1. INTRODUCTION

The global land administration community has increasingly recognized, embedded and practically worked towards the realization of alternative pro-poor and gender responsive approaches to land administration (Hendriks et al. 2019). Specifically, the work of the Global Land Tool Network (GLTN) and the International Federation of Surveyors (FIG) advocates for recognition and scaling up of a continuum of land rights and the use of fit-for-purpose approaches (Enemark et al. 2014, 2016). In order to promote the land rights and improve access to land for the poor, women and other vulnerable groups, GLTN developed and released its pro-poor land recordation tool (PPLRT; UN-Habitat 2012, Zevenbergen et al. 2013, Hendriks et al. 2019). It differs from conventional ‘titling’ tools, which have been copied from the Western world. These conventional tools largely failed because they are complex, expensive and tend to favor the elite (Fitzpatrick 2005, Toulmin 2009). The PPLRT also differs from other emergent responsible land administration approaches, particularly fit-for-purpose approaches.

Fit-for purpose (FFP) approaches, on the one hand, are generally part of (sub-)national interventions that tend to highlight a more systematic approach registering a whole area for the first time. FFP approaches have recently been critically reflected upon in terms of the FFP concept that ‘suits local circumstances’ versus FFP approaches that risk seeing their ‘key principles and other recommendations becoming bandied as a set of management bumper stickers’; while recommending an approach consisting of a national comprehensive strategic planning process which should lead to a FFP outcome (Barry 2018). The PPLRT, on the other hand, is a bottom-up and locally-customized approach to document transfers and capture existing rights on a (sporadic) case by case basis and more transparent for all to see. The PPLRT can be considered as complementary to FFP approaches. It is expected that in the middle to long run these approaches will become mutually supportive, while initial mixes of sporadic and systematic approaches are already taking place (Enemark et al. 2016, Hendriks et al. 2019).

The PPLRT was developed in two phases under the GLTN Partnership for Land Tools Project by ITC/University of Twente in collaboration with GLTN and partners. Phase 1 (2008-2011) concerned the initial design of the PPLRT. This included the identification of design principles or requirements, the design of the initial PPLRT diagram, and the formulation of the core design elements (Zevenbergen 2011, Zevenbergen et al. 2013). Phase 2 (2013-2018) focused on further refinement of the PPLRT. This was based on the incorporation of increased foci on institutional and political economy aspects, a more complex notion of community, and evaluation issues, the validation of the PPLRT in four types of documented rural cases in different countries (i.e. agricultural improvement/irrigation projects, large scale investment/inclusive business model projects, pastoralist land administration processes, and social land (ejido) rights administration), and the outcomes of the Washington DC Expert Group Meeting organized by GLTN in 2016 (Hendriks et al. 2019). It was during this verification process of the PPLRT, when the question on applicability in (peri-)urban areas was raised.

1 Two of the authors of this article have also been involved in development of the tool during phase 1 and 2.
The PPLRT can be defined as a set of design elements for establishing and maintaining land records for a community’s poorest members (UN-Habitat 2012, Zevenbergen et al. 2013). It is an approach that provides guidance for the situated development of local practices that can be implemented by poor communities themselves (UN-Habitat 2012, Zevenbergen et al. 2016). It contributes to more inclusive, equitable and sustainable land governance. The design elements form the core of the PPLRT. They are aligned to those for conventional recording tools: the components of Williamson et al.’s (2010) Land Management Paradigm have been used as a basis for articulating the pro-poor land recordation system design elements (Zevenbergen et al. 2013). Having common elements, the PPLRT can be seen as a modified, complemented and refined subset of Williamson et al.’s paradigm, in order to include land access methods and land rights as practiced by the poor. This ensures that the pro-poor system design lays a foundation for movement along the continuum of land rights (UN-Habitat et al. 2012), without having to jump out of one system into another. Table 1 presents the list of PPLRT design elements with a brief description per element.

The aim of this article is to further validate and/or refine the PPLRT design elements for peri-urban contexts in small, medium and large sized cities with hybrid and dynamic forms of land tenure and (rapidly) changing land use. The article examines the extent to which the design elements can be confirmed and makes recommendations for further refinement, although the previously investigated rural cases also partially experienced processes of urbanization.

The outline of this article is as follows: section two provides a brief overview of the research strategy and methods and a description of the three selected peri-urban cases of land records keeping. Section three presents the results of the literature review on the main challenges in peri-urban contexts to be accommodated by the PPLRT and already links those to some specific design elements. Section four discusses the results of the three peri-urban case studies in terms of validation and/or refinement of the PPLRT design elements. Finally, section five synthesizes on the specific requirements for the PPLRT in peri-urban contexts and recommends avenues for future research.

2. METHODOLOGY

2.1 Research strategy and methods
The study deployed a qualitative approach that consisted of two main steps. First, a review of recent literature on the main challenges in peri-urban contexts that the PPLRT needs to accommodate was carried out. Second, three documented cases related to pro-poor land records keeping in the peri-urban zones of small sized cities (Oshakati, northern Namibia), medium sized cities (Tlokweng and Mogoditshane, Gaborone, Botswana) and large sized cities (Changaza, Lusaka, Zambia) were analyzed (Figure 1) based on existing case materials. Selection was done based on existing practices of pro-poor land recordation, the existence of multiple tenure systems, and the rate of urbanization. Table 2 summarizes the various contextual characteristics of the peri-urban case areas. Data acquisition to capture local practices and experiences of pro-poor land recordation was done through studying of documents, participatory observation at the sites, and semi-structured interviews held with poor landholders, and experts and officials, including representatives from national and local government, NGOs and academics. The semi-structured interviews with beneficiary poor landholders covered a fair
representation of single female-headed, single male-headed and couple-headed households. In most cases, these interviews were held in a local language, using the services of an interpreter. Third, refining and tailoring design of PPLRT for peri-urban contexts.

![Case study areas](image)

**Fig. 1. Case study areas.**

### 2.2 Study area description

**Oshakati, Namibia**

Oshakati is a small, though fourth largest, city in sparsely populated Namibia. Most informal settlements already developed from the 60s and 70s of last century, due to the influx of people from the neighboring villages looking for employment and business opportunities (SDFN 2009). Twenty percent of the population in informal settlements is formally employed, while others are unemployed or engage in informal occupations such as sewing, hairdressing and petty commodity trading (Tvedten 2004).

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2 In total 105 households were interviewed across the three cases; composed of 30% single female-headed households, 9% single male-headed households, 60% couple-headed households (2/3 female; 1/3 male).
The central part of Oshakati is under freehold tenure, which is registered in the Deeds Registry of the Ministry of Lands. The major change affecting land tenure was the proclamation of townland in 1993 when the jurisdiction of the Oshakati Town Council (OTC) expanded. From that time on, the land surrounding the freehold areas, was no longer under the traditional authority. The local farmers previously under customary tenure now fell under statutory tenure of the council (Hamata et al. 1996). Additionally, the council issued the majority of informal landholders a right to occupy. Because poorer people cannot access freehold land, the council has been providing for plots, which are registered and surveyed by the Planning Department of OTC. The legal status of these holdings is unclear, though they are recognized by the council. A special case of land access was through a savings scheme, which provided collective access to land for the poor with the support of the Shack Dweller Federation of Namibia (SDFN) and the Namibia Housing Action Group (NHAG). The collective plot was further subdivided for each member, who in turn had to sign a land right agreement with the scheme. The savings scheme catered for 30 households (Van Asperen 2014).

Settling on land with recognition by the council or saving scheme is considered informal. Despite these possibilities for land access, illegal land access still continues. This means that people set-up shacks overnight without consulting anyone. They suffer from tenure insecurity, like one self-employed woman, living in a shack, said “We have always been worried about eviction because here we don’t feel comfortable, because we are waiting for anything what the municipality is going to decide” (Van Asperen 2014, p. 127).

Oshakati was one of the towns where the Flexible Land Tenure System (FLTS) was piloted. In four pilots around 2,000 plots were surveyed, though no legal certificates were issued to the beneficiaries (Hackenborch and Kozonguizi 2005) and the pilots have not been followed up. The largest land policy issue is that most informal settlements are in flood-prone areas, OTC therefore considers relocating them. In Oshakati, landholders from mainly four informal settlements were interviewed, depending on the nature of tenure, like the savings scheme (8 respondents), the FLTS-pilots (4), illegal settlers (4), and a traditional headman. The following (local) practices of pro-poor land recordation were observed: recognized occupancy by OTC, saving schemes, the FLTS-pilots, and the land register maintained by the headman.

**Chazanga, Lusaka, Zambia**

Chazanga is an unplanned settlement north of Lusaka. 20 percent of the population in Chazanga is estimated to be in formal employment (Ward Development Committee Chazanga undated). Those without formal employment earn money through house rentals, piecework, informal trading, tailoring, etc. (Yasini 2007).

Chazanga transformed from virgin land to farmland into residential land over the last 50 years. Land is traded informally to incoming settlers, mainly through subdivisions of farmland. In some cases, transfers are overseen by the headman or by the Ward Development Committee (WDC). It consists of volunteers, guided by the area councilor. Some residents in Chazanga converted their customary land rights to leasehold through the Land Act of 1995 (Mudenda 2007). By law, such conversions can only be made on customary land (Van Asperen 2014).

Chitonge and Mfune (2015) classify the area as village land with a non-legal status in terms of planning.
regulations. With respect to land tenure, the land is claimed by both the Lusaka City Council (LCC) and the Traditional Authority. The boundary is not clear between state land (council land) and customary land (traditional authority). This is reflected by the individual land access and tenure arrangements, using statutory agents (WDC) or customary agents (headman, including the possibility to convert to leasehold). Despite the claim by the traditional authority, LCC is using the Housing (Statutory and Improvement Areas) Act 1975 (HSIAA; now under the Urban and Regional Planning Act of 2015; Mulolwa 2016) to formalize the settlement. The process for declaring a settlement as an improvement area is considered cumbersome, with long duration, and conditions can change over time (Mulolwa 2016). This was also observed during fieldwork: the declaration was, for unknown reasons, put on hold. Residents can only be issued occupancy licenses when a settlement has been declared as an Improvement Area. Munshifwa and Mooya (2016) reported in a similar way about informal settlements in Kitwe, a city north of Lusaka: with few occupancy licenses issued and the process being temporarily halted. The following (local) practices of pro-poor land recordation were observed: occupancy licenses through the Improvement Area Act, and customary land registration by the headman.

**Tlokweng and Mogoditshane, peri-urban Gaborone, Botswana**

Within the city-limits of Gaborone, there is almost no land available for residential settlements. Therefore, aspiring residents look for land in the neighboring villages, particularly Tlokweng and Mogoditshane, making them the peri-urban areas of Gaborone. According to Shabane et al. (2010), a high percentage of the inhabitants of both settlements have formal employment in Gaborone, though an estimated 30% still depend on working in the fields and looking after livestock.

Land in the villages, excluding Gaborone, is managed through the Tribal Land Act 1970. This act converts customary tenure into statutory tenure, while retaining the underlying customary arrangements and regulations, relating to residential, arable, grazing, woodlots and hunting land uses. The Land Board is responsible for issuing certificates of customary land grants to landholders. Such a land grant can be converted to a 99-year common law lease (Kalabamu and Morolong 2004). Since 1970, the Land Boards have issued customary land grants to most landholders. Unfortunately, land delivery could not keep pace with demand, which resulted in informal land access, especially in Mogoditshane. This mostly happened through the subdivision and sale of customary land. There is no exact figure of the amount of these so-called ‘self-allocations’. Gwebu (2014) reports about at least 800 such allocations during the early 1990s, while Shabane et al. (2010) report on 2,400 by the year 2000. The Land Boards monitor these settlers, in some cases the occupants have been evicted and their houses demolished. Eviction can be prevented by payment of a fine, as declared in several presidential amnesties over the last 20 years (Kalabamu and Morolong 2004). In 2011, the last amnesty was declared, in an attempt to formalize all self-allocations within one year (Van Asperen 2014). Informal land access in Tlokweng is limited, due to restricted access to land for people not belonging to the local tribe (Kalabamu 2014). The following (local) practices of pro-poor land recordation were observed: certificates of customary land grants through the Tribal Land Act and practices evolving around the

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3 See for example https://tudelft.openresearch.net/page/14774/the-project-the-issue
Presidential Amnesty.

3. RESULTS FROM REVIEWING MAIN CHALLENGES PERI-URBAN CONTEXTS FOR PPLRT DESIGN ELEMENTS

Based on the literature review, the main challenges the PPLRT needs to deal with and accommodate in peri-urban contexts, particularly in sub-Saharan Africa, are the coexistence and interference of customary, statutory and hybrid tenure systems, the increasing pressure and varying claims on land by different actors due to rapid urbanization, the dynamics and (highly) contested nature of access to land, inequitable land markets, and the lack of (comprehensive and adapted) land use planning.

3.1 Co-existence and interference of customary, statutory and hybrid land tenure systems

The sponge of the urban fringe or peri-urban edge is often mentioned as a distinctive feature of cities in Africa and the developing world (Pieterse and Parnell 2014, Ravetz et al. 2013). Such an area often has a porous settlement boundary which is neither urban nor rural in its character or governance. These areas encompass “i) suburban areas, where land is being predominantly used for residential, commercial and industrial development activities and related infrastructure; ii) rural-urban fringes surrounding suburban areas, where agricultural activities are being phased out under pressure and anticipation of urbanization; and iii) rural hinterland of cities surrounding urban fringes, where changes in land use are not always visible, but where land transactions and land tenure conversions are done mainly under the control of urban-based actors/investors and where land values are still higher than in other rural areas” (Durand-Lasserve et al. 2018, p. 1). Common features of the urban-rural interface are conversion of agricultural land into built-up environment, relatively low population density by urban standards, scattered settlements, high dependence on transport for commuting, fragmented communities, mixed livelihoods and spatial uses, interconnected links and flows between rural and urban areas, and lack of integrated urban-rural (spatial) governance (Douglass 1998, Allen 2003, Simon 2008, Rauws and de Roo 2011, Ravetz et al. 2013, Ros-Tonen et al. 2015). For this article, peri-urban areas are defined as “areas at the periphery of urban centers, transforming from rural into urban land use under dynamic tenurial changes” (Van Asperen 2014, p. 32). The continuum of progressive transformation of rural into urban context manifests itself in the co-existence, conversion and interference of customary, statutory and hybrid tenure systems. (Lombard and Rakodi 2016; Durand-Lasserve et al. 2018). This often goes hand in hand with informal subdivision of both statutory and customary land involving rural populations, urban people and companies seeking affordable (often informal) land and housing away from central areas.

The review of the first challenge confirms the importance of building on inclusive community tenure practices (element 2), and considering informal and hybrid tenure forms (element 4) along a continuum of land tenure systems (element 10). The rapid pace of changes in landholdership and high level of land fragmentation calls for the further qualification of ‘multiple sources of evidence’ and ‘local weighting’ in element 7 by adding ‘timely identification of’ to more adequately capture the challenges in this regard in peri-urban contexts.
3.2 Increasing pressure and varying claims on land by different actors due to urban expansion related to conversion and largely informal subdivision of customary land

The challenge of increasing pressure and varying claims on land by different actors is primarily due to the rapid pace of urbanization in Africa. By 2050, it is expected that 56 percent of its population will be living in cities or towns (United Nations 2014). Rapid urbanization goes hand in hand with increasing pressure on land and various competing claims by different actors. Land institutions and land markets often fail to provide sufficient serviced or serviceable land in suitable locations to accommodate rapid urban growth and address inequality, and regulatory arrangements are often inadequate (Durand-Lasserre et al. 2015, Lombard and Rakodi 2016, Nuhu 2018). This contributes to the ongoing and spontaneous, informal and semi-formal land access and the emergence of urban sprawl, including informal settlements which offer space to low-income people in the rural-urban interface. These processes potentially negatively impact low-income communities, as well as other residents and urban authorities, in terms of tenure security and risk for conflict (Lombard and Rakodi 2016), especially disputes over boundaries, etc.

The review of the second challenge confirms the importance of building on inclusive community tenure practices (element 2), joint inspection of the land records (element 6), timely identification of multiple sources of evidence and (local) weighting procedures (element 7), and affordable, accessible and well-informed dispute resolution (element 8).

3.3 Dynamics and (highly) contested nature of access to land due to urban expansion related to (massive) land appropriation

Land redistribution, land ownership changes, land conflicts, land accumulation and land value capture are also caused by ‘socially constructed or produced’ rather than ‘absolute’ land scarcity (environmental scarcity perspectives), competition over resources related to economic, social and political factors of globalization, social injustice and identity (political ecology perspectives), or competition of resources related to institutions, regulatory/governance frameworks and the power and politics at play in land allocation and conflict resolution (legal anthropology perspectives) (Van Leeuwen and Van der Haar 2016, Lombard and Rakodi 2016, Zoomers et al. 2019; see also Bertrand 2017, Jenkins 2017, Mbatha et al. 2017, Van Soest 2017). Peri-urban land is mostly purchased by (inter)national investors, land developers, housing developers, government for housing projects for medium and high income groups (Durand-Lasserre 2018). Several actors such as governments, customary authorities and NGOs may take on ambivalent/fluid roles (Gillespie 2016, Noorloos et al. 2019). Land appropriation often goes hand in hand with intense land speculation accompanied by sharp increases in land values (Durand-Lasserre et al. 2018, see also De Boeck 2014, Goldman 2011). Land appropriation in peri-urban areas is exacerbated by “(i) the vulnerability of poor landholders to land market pressures (because of distressed sales to avoid possible takings of valuable land); ii) tenure insecurity given the absence of or limited recognition of customary land tenure by public authorities and other stakeholders and the lack of reliable land information systems; and iii) asymmetry in access to information between customary communities and urban-based land buyers and investors” (Durand-Lasserre et al. 2018, p. 6).
The review of the third challenge further emphasizes the need to ‘apply macro and micro political economy analysis’ (element 1a) in order to identify politically smart and locally-led solutions. PEA outcomes in turn support the desire for co-management (element 9), use of multiple sources of weighted evidence in assessment (element 7), and evaluation of outcomes in the medium to long term (element 11). It also confirms the importance of awareness creation and mobilization of communities to overcome asymmetry in access to information (element 1b). Finally, addition of pro-poor ‘litigation’ to element 8 reflects that alternative dispute resolution may not suffice conflict resolution over land appropriation, including on valuation and compensation, due to huge asymmetries between involved actors.

### 3.4 Inequitable land markets

The development of land markets, ideally to promote better land use allocation, is not a level playing field and often goes hand in hand with, among others, high prevalence of land conflicts over multiple sales and certification of plots due to unclear property rights and decreasing affordability of land under secure tenure option, and lack of fair compensation rates compared to the market value of the land after conversion to urban use (Durand-Lasserve et al. 2018).

The review of the fourth challenge confirms the need of incorporation of the institution of land markets in the structural and agency diagnosis of the ‘applied macro and micro PEA’ (element 1a), incorporation of varied perspectives through enabling mobilization (element 1b), which lay the foundation for better determination of outcomes (element 11), and the use of co-management of land records as a stepping stone towards addressing structural inequalities and potentially more strategic operations in land markets (element 9).

### 3.5 Lack of (comprehensive and adapted) land use planning

Recent literature indicates the importance of (peri-)urban land documentation and steering tools in land-use planning and management towards inclusive, equitable and sustainable land management and development in peri-urban areas and regions (Geneletti et al. 2017, La Rosa et al. 2017). This potentially contributes to an improved basis for individual and collective dialogue and/or negotiations over peri-urban land use and land governance. However, (peri-)urban ‘landholders’ often have a stronger position than renters in dialogue and negotiation processes in informal settlements such as in Dar es Salaam (Hooper et al. 2012, 2014). In addition, the improved basis for dialogue and negotiation often mainly revolves around the issues of valuation and compensation. Zoomers et al. (2017) re-emphasize the importance of the disparity between livelihoods change and composition in peri-urban areas for impacts in terms of compensation for loss of land and livelihood reconstruction. Thereby land values are often compensated based on harvest loss rather than land value and especially older people face difficulties in adopting and building new livelihoods (Phuc 2015, Zoomers et al. 2017). The actual impact depends on the level of inclusiveness of land governance in the area, both at local and at national government level (Archer 2016).

The review of the fifth challenge displays the potential of using system ownership and co-management of land records (element 9) as a stepping stone for (collective) engagement and negotiation in land use
planning processes. In addition, it confirms the need for addition of 'including contributions to empowerment' to element 11 as suggested by Hendriks et al. (2019).

4. RESULTS FROM PPLRT PERI-URBAN CASE-STUDIES

This section discusses the design elements as listed in Table 2 in light of the (local) practices of pro-poor land recordation in the studied cases. The following two questions are answered for each design element: i) How is the design element addressed in each of the cases?; ii) Does the design element need any refinement within the peri-urban context?

**Element 1 a Apply macro and micro political economy analysis (PEA)**

The success and impact of land tool interventions are very context specific and highly influenced by (and potentially influence) the political-economic status quo of an area and/or community (Zevenbergen et al. 2016). Therefore, a PEA needs to be applied, in a problem-driven and inclusive way, and covering both macro and micro levels (Fritz et al. 2009, Poole 2011, Harris 2013, Fritz and Levy 2014). “A PEA aims to situate interventions and outcomes within an understanding of prevailing political, economic, historical and other processes in society – specifically, the incentives, relationships, distribution and contestation of power between different groups and individuals” (McLoughlin 2014, p. 5). Harris (2013) proposes a PEA framework consisting of three main stages: reflection, analysis and diagnosis, and prescription. The analysis and diagnosis stage is differentiated into the mutually interactive structural diagnosis of contexts and institutions and agency diagnosis of power, incentives and behavior.

While no evidence has been found that any of the reviewed (local) practices of pro-poor land recordation were based on a PEA, the cases illustrate in terms of agency the importance of negotiations over interests, incentives and mutually beneficial power relations between statutory authorities, customary authorities and community leaders with respect to land management, in order to avoid and address claims and conflict between authorities and accomplish successful implementation and upscaling of pro-poor land recordation. Traditional norms and practices may persist, especially when they offer easier access to land compared to formal procedures. In Oshakati, the council has the authority over land, which is acknowledged by most landholders. Nevertheless, sentiments from the traditional authority still persist, like a customary headman responded: “I am the one with the final authority, but the municipality is the one that has the most” (Van Asperen 2014, p. 122). Landholders can therefore choose either the council or the headman to deal with land issues. In Chazanga, the case is even stronger, because the council and traditional authority both claim authority over the area, which raises the question whether documented land use rights would be acknowledged by both or not. In peri-urban Gaborone, the Tribal Land Act is very clear that traditional land is managed by the Land Boards since its enactment. Nevertheless, traditional practices are still used to access land, because formal access is almost impossible. Comparing the three case studies, we can conclude that the formal land management authority is clear in Oshakati and peri-urban Gaborone, while informal practices continue to happen in all three case-study areas, except for Tlokweng. Kalabamu (2014, p. 480) explains “that Tlokweng communities tended to uphold the pristine model of jural or community land ownership and exclusion of non-tribesmen while Mogoditshane was characterized by privatization...
and commoditization of land rights through unlawful land acquisitions, illegal land sales and unauthorized developments.” This indeed stresses the need for PEA at both local and national level.

In terms of economic structures/institutions of land markets and rapidly rising land values that would make land a popular commodity in peri-urban areas, the cases show a differentiated picture with respect to influence on processes of pro-poor access to land. Oshakati does not have a lively informal land market, people just invade on vacant land or apply at the council for available plots which are offered at low cost. Chazanga has a lively informal market, which is not counteracted by the authorities. As a market vendor said: “Most of the land in Chazanga that used to be given out by the chief freely has finished. The only land available is the one that has been given some time back and are dividing and selling it out. There is no land for free, just for sale. If you don’t have money, you can’t get land. Land has become expensive, it is like 5 million Kwacha (USD 1,080) and upwards” (Van Asperen 2014, p. 155). Mogoditshane has an informal market which is counteracted by the Land Boards. In both Chazanga and Mogoditshane, land is traded for substantial amounts, while formal land is delivered for free or at low cost. As explained earlier, Tlokweng is not suffering from informal land acquisitions, though Kalabamu (2014) reports on the sale of (mostly registered) vacant plots, which might be in violation with the Tribal Land Act. He concludes that no open free market on land exists in Tlokweng and Mogoditshane.

All three cases endorse the need for an applied PEA on macro and micro level (element 1a) in peri-urban contexts, illustrated by the importance of combined structural diagnosis of contexts and institutions and agency diagnosis of power, incentives and behavior. Although a full political economy analysis is largely overlooked in the (local) practices of pro-poor land recordation which have been studied, elements of political economy analysis such as agency and negotiations over interests, incentives and mutually beneficial power relations were clearly present in all cases.

**Element 1 b Enable mobilization**

Literature on collective action, social movement, and civic-driven change informs us that mobilization can be interpreted and implemented from the organizing (bottom-up) tradition or the mobilizing (top-down) tradition (Biekart and Fowler 2009, Boyte 2008). The cases included engagement based on both the organizing and mobilizing traditions. The organizing tradition was especially visible in the savings scheme in Oshakati, through the involvement of SDFN, a partner of Shack Dwellers International (SDI). The scheme has managed to provide land to its members, which is also practiced in Windhoek (Chitekwe-Biti 2018). The mobilizing tradition was represented in other parts of Oshakati and Chazanga, where headmen and ward committees represented inhabitants in negotiation with the local authorities. Mobilization in peri-urban Gaborone was almost absent, resulting in case by case solutions between the Land Boards and the self-allocators. Awareness can be regarded as an indicator for mobilization. Awareness was high that the final authority over land had been shifted from a traditional authority into a statutory body, only in Chazanga there was a strong belief that land was managed by the traditional authority. Awareness was in all cases created through community meetings (Van Asperen 2014). In addition, the community should understand what is needed, should have trust in the (local) practices of pro-poor land recordation and be included in all phases (Hendriks et al. 2019). Except for the saving scheme, due to their weekly meetings, levels of inclusiveness and trust were low.
Overall, enabling mobilization is confirmed as a design element through the existing community organizations in peri-urban settings. The current (local) practices of pro-poor land recordation show that more attention needs to be paid to this design element, which also relates to system ownership and co-management (element 9).

**Element 2 Build on inclusive community tenure practices**

This design element concerns the extent to which pro-poor land recordation takes community tenure practices into consideration. It is assumed that recordation will be more successful when local practices are supported. The first question is whether community practices are accepted and inclusive. In peri-urban Gaborone, land allocation and recordation were fully formalized; and local practices of informal subdivision and subsequent sales were clearly defined illegal. In Botswana, there is a strong political drive to end informal land rights, i.e. the self-allocations. The consequence is high pressure on formal land delivery, which is illustrated by long waiting lists like 17,000 applicants for about 285 plots (Seretse 2009). It is therefore observed that community tenure practices, which could be considered socially legitimate, are not always accepted by governments. The second question is which practices are taken into consideration. At the micro-level, people access land and secure tenure in many ways. These may differ because of timing (land authority might have changed) and original way of access (occupation of bare land, purchase of an existing house). In Oshakati and Chazanga, the laws and policies on land recordation did not refer to local practices. Nevertheless, local leaders were involved in overseeing land transactions and in many cases they liaised between individual landholders and the council. This resulted in ‘half-way documents’ as described by Hendriks et al. (2019), like the sale transfers in Chazanga and the database entries of plot allocations and water bills in Oshakati. The inclusion of local practices in the two case-study areas confirms the need for this design element within a (peri-)urban context and may serve as good practice for replication and future inclusion in law in less conducive legal contexts.

**Element 3 Introduce and institutionalize acceptable local recognition through involvement of para-land professionals with local knowledge**

The locally situated forms and practices of pro-poor land recordation did not introduce acceptable local recognition automatically in all the cases studied. Awareness had to be created among the landholders first. Meanwhile, some communities themselves develop local informal practices, normally before land interventions are implemented, though they may be adapted during or after implementation. Some settlements under study had an active local land committee. Members can be regarded as para-land professionals, but had not been specifically trained for that. Out of the three cases, only in Namibia efforts were made to introduce a land measurer as a para-land surveyor to support the implementation of the Flexible Land Tenure Act (Hackenborch and Kozonguizi 2005). As explained in Hendriks et al. (2019), various types of para-land professionals may be involved, such as para-legal officers, barefoot land surveyors and local record keepers. Such para-land professionals should on the one hand apply local knowledge, while on the other partner with the ‘expert’ professionals (Van der Molen 2015). In order to stress the purpose of this design element and acknowledge initial experiences of basic recognition in peri-urban contexts, we recommend rephrasing...
its title into ‘Introduce and institutionalize acceptable local recognition through involvement of para-
land professionals with local knowledge’.

**Element 4 Affordable and consistent recordation of all tenure forms**

This design element relates to the recognition by all stakeholders and subsequent recordation of all
existing tenures and rights. They may vary from claims to land, some kind of recognized occupancy, to
freehold, with or without support by locally accepted documents (for example half-way documents)
and officially authorized permits and titles, based on formal land rights (Hendriks et al. 2019).
In Oshakati, the council registers informal landholders as occupants of council land. Illegal settlers, as
decided as such by the council, are not registered. When encountered, the council orders them to leave.
Landholders on former communal land might be registered by the headman, who keeps a register as
well, which can be considered as a local register, as an outcome of local pro-poor land recordation
practice. These registers can be kept in place as a temporary measure, as long as formal systems are
not yet fully established; an example is the MWEDO case in Tanzania (Hendriks et al. 2019). The
registers may also be used as evidence. However, they might create confusion as well, particularly in
peri-urban areas where authority over land is contested. Local weighting will be important in such
cases (see ‘multiple sources of evidence and local weighting’).
In Chazanga, all informal tenures are taken into consideration for official recognition. Land claims are
based on former customary land acquisition, informal land sales, and gifts. Some headmen in Chazanga
keep shadow registries as is done in Oshakati. Application of the HSIAA converts the informal claims
into formal occupancy licenses. Some landholders managed to convert their customary land into
statutory leasehold through the Land Act. These leaseholds are not affected by the HSIAA.
In peri-urban Gaborone, all customary rights were recognized and converted. However, informal
subdivision and subsequent transfer is not allowed. Affected landholders can regularize through a fine
in order to avoid eviction. Freehold is not possible within the Tribal Land Act, however customary
certificates can be converted into common law leases. Based on the three cases, it is concluded that in
general all tenures (including informal and customary rights) and land rights are recognized. However,
it does not automatically lead to recordation, like the informal subdivisions in Chazanga or the
resettlement of squatters in Oshakati.
Affordability has been added to the design element recently (Hendriks et al. 2019). It concerns both
state and citizen’s affordability; in this study only citizen’s affordability is analyzed. Citizen’s
affordability can be assessed through initial recordation and recurring costs. The first were found to be
unaffordable for the poor in Chazanga (to be issued an occupancy license would cost USD 33 with an
additional survey fee of USD 48) and in peri-urban Gaborone (USD 15 for a certificate of customary
land grant and especially in relation to the fine for illegal landholders). Thus, a pro-poor system indeed
needs to be far cheaper, ideally less than USD 10 (UN-Habitat 2019; see also Zevenbergen et al. 2013
and Hendriks et al. 2019). Recurring costs (mainly land rent) were found to be affordable in all case
study areas, varying between USD 1 and 2 monthly. Obviously, affordability is a key requirement for a
PPLRT.
The case studies show that there are multiple (local) practices and forms of pro-poor land recordation
in peri-urban areas, caused by the hybrid and dynamic tenurial forces over time. Time is a crucial
dimension, because changes happen at a rapid pace while recordation might happen in a sporadic way. This temporal aspect will be discussed for element 7. Timeliness, consistency and affordability of recordation are challenging within the peri-urban context, though our cases do not provide for arguments to fine-tune this design element.

Element 5 Land records, indexes and a record keeper for a specified area and specified users and non-users

This design element relates to the properly and orderly recording and storage of forms, documents and maps, in close proximity to the community and reflecting the situation on the ground (Zevenbergen et al. 2013). Records were kept at either council (Chazanga, Oshakati) or Land Board (peri-urban Gaborone). (Local) practices of pro-poor land recordation are not necessarily rooted in a statutory governance framework; examples were found like the shadow registers being kept in some parts of Chazanga and Oshakati by a particular headman and the savings scheme. The headman keeps his register independent from the council, while the savings scheme synchronizes with the council’s administration. Such local registers, governed by a community or customary authority, may increase the power base of the custodians of the registers.

In the case study areas, index mapping was not given high priority. In Chazanga a base map was attempted, but not finalized during the research period. In Oshakati, an index map was piloted, although not adopted in official procedures. Only the savings scheme used an index map for internal purposes and negotiations with the council. In peri-urban Gaborone, the development plan was used as an index map. However, this map did not take account of the reality on the ground, causing a lot of uncertainty for landholders. Over the years, attempts were made to use aerial photography and satellite images to determine who settled illegally. With the exception of the savings scheme, all mapping exercises were government-driven. Application of participatory mapping methods under this design element could have accelerated the mapping process and provided a (stronger) power base to the communities.

In conclusion, records were kept at a variety of locations and little progress had been made on index mapping. Mapping in peri-urban areas is once again challenging, due to rapid changes and continuous fragmentation. Nevertheless the case studies did not indicate any specific fine-tuning of this design element.

Element 6 Joint inspection of land records

Joint inspection by officials and landholders can build and improve transparency, trust and buy-in from both the community and the state in the tools. There is little evidence in the case studies that joint inspection of land records is arranged, while most registers are state- or community owned. People can only inquire with the local authority or land board about their own situation. Only within the savings scheme in Oshakati, information is shared, because members are actively involved in the scheme. The findings of the case studies do not challenge this design element, though clearly show that it should be given more attention in land recordation processes in (peri-)urban contexts. This is especially valid when multiple registers are kept within the same area.

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4 For example, as described in table 2, regional inspection mobile units have not been observed in the case studies.
Element 7 Timely identification of multiple sources of evidence and local weighting

As mentioned above, people may access land through a variety of channels, with a variety of evidence, like local registers or witnesses, at different moments in time. It is not known how and by whom these sources are weighted during the practical implementation of land recordation. The design element allows for including contradictory information, which may for example occur when registers are combined. Nevertheless, most registers found in the cases aim at the univocal recordation of land rights.

Sources of evidence used are mapping data and imagery in peri-urban Gaborone, while in Chazanga witnesses of transactions were important to determine the legitimacy of claims by the landholders. Locally situated forms and practices of pro-poor land recordation such as the headman’s register may serve as a data source for evolving formal operations. As indicated under element 4, the temporal dimension is crucial. Land rights may be recorded in a sporadic approach, using evidence from varying lineage. Reference to persons or topographic features on documents, maps and images may become outdated. The addition of ‘timely identification’ of this design element as proposed in Hendriks et al. (2019) is therefore confirmed. More research on these weighting processes of evidence with varying lineage is suggested for improved transparency.

Element 8 Affordable, accessible and well-informed dispute resolution and litigation

While pro-poor land recordation ideally should result in a decrease of land disputes, it may rather lead to dormant conflicts flaring up. In spite of this, dispute resolution should be affordable and accessible at all times. This means that lodging a complaint or dispute should not be a burden for the poor. The dispute resolution office should be located nearby and its procedures not deter the poor.

Regarding dispute resolution in Chazanga, respondents brought their grievances to different persons and institutions: the area councilor, the headman, the WDC or the police in the event of violence. According to Chitonge and Mfune (2015), conflicts can also be reported to Lusaka City Council Town Planning authorities. According to Lupale and Hampwaye (2019), these avenues for dispute resolution are favored over formal judicial institutions, because the latter are unknown or perceived less effective. On the topic of affordability, people believed that conflict resolution would either be free or for a limited fee, like the equivalent to USD 2. The fee would be payable to the headman or WDC.

In Oshakati, people would refer to the council, to the headman or to the WDC. The headmen mostly refer conflicts to the council because they are formally not the land management authority. Costs for handling a dispute with a headman were said to be the equivalent of USD 0.5. The Flexible Land Tenure Act refers to the Registrar of the local Land Rights Office for dispute resolution. These offices were not operational at the time of the fieldwork.

In peri-urban Gaborone, people would mainly report to the Land Board. When the issue cannot be solved, both landholder and Land Board can appeal at the Land Tribunal. The fee for registering an appeal is the equivalent of USD 1. With respect to informal occupiers, Onoma (2009) explains that the land board often issues a customary grant to the claiming informal occupier by default. In this way, the land board seeks to prevent long appeals and to avoid the probable loss of face when its case is rejected by the tribunal.
The case-studies confirm the need for dispute resolution as a design element; creating awareness on dispute resolution is consequently a key issue. The suggested addition of litigation in section 3.3 is acknowledged, although poor landholders in the case-studies rarely referred to formal courts for effective settling land disputes. Nevertheless, especially when dealing with actors like investors and land developers, litigation is crucial for poor landholders.

**Element 9 System ownership and co-management by state and community – as a public good**

Local communities and leaders can ideally play a joint role with the local land office in delivering the land recordation function (Zevenbergen et al. 2016). System ownership of the land records by both state and community was not found in the case study areas. Either the local authority (Chazanga, Oshakati) or the Land Board (peri-urban Gaborone) was made fully responsible for the land records. As mentioned above, local registries were maintained by the traditional authority (Oshakati, Chazanga) or the savings scheme for its members (Oshakati). Such registries can be regarded as neo-cadastres (De Vries et al. 2015). Only the register from the savings scheme was synchronized with the council’s register on occupations, which might call upon the design element dealing with multiple sources of evidence.

Co-management was studied through the degree of community representation and participation relating to the local forms and practices of pro-poor land recordation. Especially in Chazanga, the WDCs and their zone leaders operate at the grassroots level, through monitoring and witnessing land sales within the settlement. This distinguishes Chazanga from the two other study areas as community participation was almost absent. In Oshakati, the level of co-management was of concern. As one inhabitant of an informal settlement said, also being a member of the Community Development Committee (CDC): “The municipality doesn’t come to hear the cry of the people. The municipality doesn’t involve us in decision making regarding the committee, it is not like in the past” (Van Asperen 2014, p. 120). In peri-urban Gaborone, the degree of community participation at grassroots level is rather low. Even with a history of evictions and demolitions, there was little evidence of an organized community. Community representation is only arranged at a higher level through election of land board members.

Local committees, CBOs and NGOs represent the philosophy of co-management at best in supporting the poor. Nonetheless, involvement of such organizations is no guarantee for success. For example, mismanagement and the vested interests of major stakeholders might put the poor and vulnerable at a disadvantage or create a gender bias. It is also advisable that traditional authorities, especially in peri-urban areas, are included in co-management. Their roles have already been briefly discussed in the section on political economy analysis. Overall, the findings confirm the importance of adding co-management to express the collaborative arrangement and use of land records for design and implementation of pro-poor land recordation in peri-urban areas, while in the light of the challenges in collaboration there may be need for further qualification of types and levels of co-management and system ownership.

**Element 10 Emphasis on continuum of land recording**

The pro-poor land recordation tool needs to support the poor to take the first step on the property rights ladder. These pro-poor land records should be part of a continuum of land recording
Paul V. A. et al / Scaling up pro-poor land recordation: Findings and consequences of three peri-urban

(Zevenbergen et al. 2013). This relates to design element 4 as well, focusing on the recordation of all tenure forms. While design element 4 focuses on the existing reality of multiple legitimate forms of tenure, element 10 focuses on the policy perspective to allow land rights and their related records being upgradable upon the needs of the landholder. Nevertheless, the first possibilities for upgrading are believed to be of major importance for the poor, at least to provide for improved tenure security. The case studies show that only a few landholders upgrade their land rights. This can be attributed to the recent recordation practices, their limited implementation rates or even the impossibility of upgrading. Opportunities for upgrading are considered better in peri-urban Gaborone compared to Oshakati and Chazanga, though difficult to achieve for the poor. As a retired widower explained: “We tried to get a title deed, by then we didn’t know it was going to end at the Ministry of Lands and Housing. We thought it was just come and register. We didn’t know you had to pay some money and that you have to visit some offices. That is why we gave up. We went to the land board, paid some money and went to offices but gave up. We wanted to get a loan to develop” (Van Asperen 2014, p. 196).

In Chazanga, laws and regulations excluded the possibility of upgrading of the occupancy license. Remarkably, upgrading would have been possible on customary land, where land could be transferred to a leasehold. One should also take notice of the possibility of deformalization (Barnes and Griffith-Charles 2007), which was reported in peri-urban Gaborone, where landholders deformalized their 99-years common law lease to a perpetual customary land grant. The case studies did not indicate any need to refine this design element.

Element 11 Evaluation of economic, social and environmental outcomes, including contributions to empowerment

Obviously, implementation of the PPLRT should be evaluated to monitor its outcomes. This design element was added to the PPLRT (Hendriks et al. 2019). Because of time and resource constraints, a full scale evaluation could not be carried out in the study areas. The evaluation focused on the impact on tenure security, which distinguished between legal and perceived tenure security. Whilst the PPLRT increases levels of legal tenure security in general, levels of perceived tenure security show more variation. Obviously, perceived tenure security increases through the legal documentation or the half-way documents. On the other hand, external events might result in decreasing levels of perceived tenure security. In Oshakati perceived tenure security was influenced through the announcement by Oshakati Town Council of possible relocations due to flooding dangers. In both peri-urban Gaborone and Chazanga, perceived tenure security also came under pressure through the implementation of planning regulations in relation to the local practices of pro-poor land recordation. In Chazanga, some respondents feared that their plots would be affected by the formalization. This could result into adjustments of the existing plot lay-outs, which affected the perceptions on tenure security by some landholders. Like a housewife in Chazanga said: “There were some rumors that they want to upgrade this road here, so that it should connect to Kasangana Road... They told me that it may come into the yard or they may be breaking the house” (Van Asperen 2014, p. 164). In Mogoditshane, the planned lay-out was even set out in the field, in disregard of the actual situation and apparently without proper communication. As one married self-employed woman complained: “The Land Board has put pegs, but

they haven’t shown us, we are worried, they didn’t communicate with the owners” (Van Asperen 2014, p. 193). This latter type of events, i.e. initial or changing planning regulations, calls for further research on the influence of pro-poor land recordation (that provides an individual and collective basis for dialogue and negotiation) in processes of land-use planning. Planning regulations would not be an additional design element for PPLRT, though it is an important issue to deal with when applying PPLRT in (peri-)urban contexts.

Regarding economic outcomes, it is observed that the (local) practices of pro-poor land recordation in the case study areas offer limited possibilities to use the proof of land recordation as collateral. Only the savings scheme provided access to capital, not through the landholding but through scheme membership. While occupancy licenses could be used as collateral, according to local experts most applicants will not qualify because of low building quality and low income of the landholder. Additional (micro-)credit facilities accompanying the land recordation might lead to improved economic outcomes and livelihoods.

The economic evaluation should also address land value capture. In Chazanga and Mogoditshane, individual land owners capture the rising land values through informal and illegal practices, while at least part of it could flow into the authorities for infrastructural development (African Centre for Cities, 2015). Lastly, the continuous influence of customary practices, like the disputed city boundary (Chazanga) or the formal removal of customary powers as land management authorities (Chazanga, peri-urban Gaborone), should be evaluated through the changes in power relations and the impact on social, economic and environmental outcomes.

5. CONCLUSIONS AND RECOMMENDATIONS

The PPLRT offers an alternative approach to both conventional and other emergent responsible land tools such as FFP, which can be implemented on its own and in combination with other land tools to truly reach inclusive tenure security. This paper aimed to validate and/or refine the PPLRT design elements for peri-urban contexts based on review of recent literature on main peri-urban challenges to be accommodated by the PPLRT, study of three cases in peri-urban zones of small, medium and large sized cities in sub-Saharan Africa, and refining and tailoring of PPLRT design elements.

The research findings largely validate the PPLRT design elements and system. The findings recommend refinements of three design elements (3, 7 and 8), especially related to the peri-urban characteristics of rapid pace of changes in landholdership, high levels of land fragmentation, and asymmetry of actors in conflict resolution over land appropriation (see Figure 2; with refinements in design elements underlined).

The findings also suggest that the relevance of these further refinements is relatively higher due to the contextual factors of size of cities (small, medium large), alignment between land use planning regulations, land value capture practices and pro-poor land recordation, degree of settlement and acceptance of division of authority over land management between customary and statutory authorities, and other factors related to the political and legal systems of the countries.

Future research on the PPLRT in peri-urban contexts needs to add cases from other continents, especially related to contexts of urban expansion through (massive) land appropriation. In addition,
further empirical research is needed on processes of 'local weighting of multiple sources of evidence'. While local registers might be maintained and half-way documents exist, it is usually not known how they are used and integrated in an evolving pro-poor land recordation system. What is more, the high pace of changes in landholdership and high level of land fragmentation may support practices of early registration and keeping of multiple contradicting evidences, though may provide challenges to (local) weighting of evidences at later stages. Furthermore, with the currently ongoing implementation, there is need for further research on the impacts of pro-poor land recordation and contributions to the SDGs (land related indicator 1.2.4 and SDG 11) and the New Urban Agenda (particularly paragraph 35). This should include research on the contributions of pro-poor land recordation to collective and individual land rights for the poor to processes of land use planning, land valuation and land value capture. Finally, research on conditions for politically smart and locally-led implementation of pro-poor land recordation in peri-urban contexts across various types of country contexts deserves further consideration.

Fig. 1. Pro-Poor Land Recordation Tool diagram (Source: Reworked from Hendriks et al. 2019, Williamson et al. 2010, Zevenbergen and Augustinus 2011, Zevenbergen et al. 2013).
6. ACKNOWLEDGMENT

An earlier version of this article was presented at the Conference on Land Policy in Africa, organized by UN-ECA on November 14th – 17th, 2017 in Addis Ababa, Ethiopia.

7. REFERENCES


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8. KEY TERMS AND DEFINITIONS

Land recordation: the recording of rights to land in some form of public register. It includes information on the rights, their location, and their holders.
Land value capture: a public finance method through which the relevant authority acquires a part or all of the increase in private land values that result from new public investment or increased property use rights.

Peri-urban: areas at the periphery of urban centres, transforming from rural into urban land use under dynamic tenurial changes.

Pro-poor land recordation tools (PPLRT): bottom-up and locally-customized approaches to document transfers and capture existing rights on a (sporadic) case by case basis and more transparent for all to see.
Paul V. A. et al / Scaling up pro-poor land recordation: Findings and consequences of three peri-urban

<table>
<thead>
<tr>
<th>No</th>
<th>Design element</th>
<th>Short description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a</td>
<td>Apply macro and micro political-economy analysis</td>
<td>Like any institutional intervention, and certainly one related to land, the success and impact are very context specific and highly influenced by (and potentially influence) the political-economic status quo of an area and/or community. When introduction of the tool is suggested or further supported from outside (formal government, NGO, donor), it is important to analyze this situation and consequences through problem driven and inclusive PEA that covers macro and micro levels. The PEA framework consists of three main stages: reflection (problem identification and questions formulation); analysis and diagnosis (structural diagnosis of contexts and institutions; agency diagnosis of power, incentives and behaviour); prescription (what can be done).</td>
</tr>
<tr>
<td>1b</td>
<td>Enable mobilization</td>
<td>To really let documentation and recordation have an impact on the ground, it is important that the community be aware, understands what is needed and believes in the tool, in order to bring forward the information for example after a transfer, and to rely on the information in preparing for instance a sale. In a true bottom-up development, the unscripted organizing approach might be more appropriate, but when outside support is being given, it can also be made a more scripted mobilizing approach.</td>
</tr>
<tr>
<td>2</td>
<td>Build on inclusive community tenure practices</td>
<td>The pro-poor land recordation system should build on existing local approaches. In many situations, the social land tenure system includes elements which should form an integral part of the pro-poor recordation system. However, it is important to emphasize inclusiveness, since not all communities and their practices are inclusive by nature.</td>
</tr>
<tr>
<td>3</td>
<td>Introduce acceptable local recognition and para-land professionals</td>
<td>Acceptance and local recognition of pro-poor land recordation of existing rights and transactions does not happen automatically. Facilitation of awareness creation and support through trained neutral persons with more appropriate knowledge than the average community member is necessary to strengthen acceptable local recognition.</td>
</tr>
<tr>
<td>4</td>
<td>Affordable and consistent recordation of all tenure forms</td>
<td>At the core of the pro-poor recordation system is the recognition by all stakeholders and subsequent recordation of all existing tenures and rights in an affordable and consistent way. Only when all these rights can be recorded easily, the system will become really inclusive.</td>
</tr>
<tr>
<td>5</td>
<td>Land records, indexes and a record keeper for a specified area and specified users and non-users</td>
<td>Land records should be in close proximity to the community and reflect the situation on the ground. The record keeper should store the forms in an orderly fashion, usually by numbering them so that they can be easily retrieved and by keeping indexes of the forms: a name index of both sellers and buyers and a set of indexes about the land. A spatial index ('basic map'), as a support to a community witness system of where boundaries are located, is vital in any modern land recordation system, as land is more stable than people and safer to use as the basis of a documentation system.</td>
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<tr>
<td>6</td>
<td>Joint inspection of the land records</td>
<td>Joint inspection can build and strengthen buy-in and trust from both community and state in the pro-poor land recordation system. The state should have regional inspection mobile units that travel to all the local land records offices. They could train and develop the capacity of the record keepers and para-land professionals; and make back-ups of records to limit the impact of disasters, violence or accidental fires. The community leadership, be it local government, customary or informal, could also play an inspection role. This would show mutual inter-dependence and be vital to improved governance.</td>
</tr>
<tr>
<td>7</td>
<td>Multiple sources of evidence and local weighting</td>
<td>The pro-poor recordation system contains information on land that is accessed through various channels and with a variety of evidence. Evidence that is counter to the information in the recorded land documents should still be allowed in the system. Over time, the information in the records will be seen as more certain if recorded information will be seen as more credible relative to verbal information, and if earlier recorded information has priority over information that is recorded later.</td>
</tr>
<tr>
<td>8</td>
<td>Affordable, accessible and well-informed dispute resolution</td>
<td>Alternative dispute resolution mechanisms that are locally grounded may offer avenues to ensure dispute resolution practices for all in the community that are culturally sensitive, affordable, relatively short in duration, in close proximity, and promote amicable rather than irreparable future relationships between disputing parties.</td>
</tr>
<tr>
<td>9</td>
<td>System ownership and co-management by state and community – as a public good</td>
<td>Local community and leaders play a joint role with the local land office in delivering the land recordation function. The pro-poor land recordation system should build on co-management of pro-poor land records, including identifying witnesses, creating evidence, building the currency and legitimacy of land records. Strong checks and balances are needed to protect vulnerable groups.</td>
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<tr>
<td>10</td>
<td>Emphasis on continuum of land recording</td>
<td>The continuum of land rights is a metaphor for understanding and administering the rich complexity of land and tenure rights on the ground. The pro-poor land recordation system should be the first step on the land tenure rights ladder and will build on existing paper-based systems; it will also be cheap and simple enough for local experts. Moving from an informal, paper-based system to a pro-poor land recordation system will increase the state's recognition of the communities' land rights and facilitate local government land management activities.</td>
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<tr>
<td>11</td>
<td>Evaluation of economic, social and environmental outcomes, including contributions to empowerment</td>
<td>It is important to assess, after some time, whether or not the outcomes are really as what was intended in the beginning. This calls for a baseline to be used as a point of reference. In general it is difficult to evaluate impact of land related interventions due to attribution issues in respect of many other developments, such as increased connection to 'modernization', increased pressure on land in the area. Nevertheless, research and practical implementation on suitable land indicators is increasingly being undertaken, particularly regarding increasing the focus on local perceptions of land tenure security and monitoring of land related for several of the Sustainable Development Goals (primarily via indicator 1.4.2.).</td>
</tr>
</tbody>
</table>

Table 1 Design elements of PPLRT (based on Zevenbergen et al. 2016, Hendriks et al. 2019, UN-Habitat 2018).
### Table 2. Main contextual characteristics of case study areas

<table>
<thead>
<tr>
<th>Oshakati, Namibia</th>
<th>Chazanga, Luska, Zambia</th>
<th>Tlokweng and Mogoditshane, Gaborone, Botswana</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year of origin</strong></td>
<td>• 1966</td>
<td>• Before 1966 (Independence)</td>
</tr>
<tr>
<td><strong>Size of city</strong></td>
<td>• Small: 36,541 (2011)</td>
<td>• Large: 1.747 mln (2010)</td>
</tr>
<tr>
<td><strong>Size study area</strong></td>
<td>• 36,000 (Republic of Namibia 2014)</td>
<td>• 38,000 (LCC and ECZ 2008)</td>
</tr>
<tr>
<td><strong>Urbanization rate</strong></td>
<td>• 4.5 to 5.5 % (Tvedten 2004, OTC 2012)</td>
<td>• 3.7 % (LCC and ECZ 2008)</td>
</tr>
<tr>
<td><strong>Relevant national and local legislation</strong></td>
<td>• Proclamation of Townland 1993</td>
<td>• Land Act 1995</td>
</tr>
<tr>
<td></td>
<td>• Proclamation of Townland 1993</td>
<td>• Housing (Statutory &amp; Improvement Areas) Act 1975</td>
</tr>
<tr>
<td></td>
<td>• Flexible Land Tenure Act (Republic of Namibia 2012)</td>
<td>• Urban and Regional Planning Act 2016</td>
</tr>
<tr>
<td></td>
<td>• Flexible Land Tenure Act (Republic of Namibia 2012)</td>
<td>• Land registration of occupancy by City Council</td>
</tr>
<tr>
<td></td>
<td>• Proclamation of Townland 1993</td>
<td>• Land registration of leaseholds by Ministry of Lands, Natural resources and Environmental Protection</td>
</tr>
<tr>
<td></td>
<td>• Proclamation of Townland 1993</td>
<td>• Land delivery beyond city boundary by customary authorities</td>
</tr>
<tr>
<td><strong>Centralised and decentralised land delivery and recordation system</strong></td>
<td>• Formal land delivery by City Council</td>
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<td></td>
<td>• Registration of freehold by Ministry of Lands and Resettlement</td>
<td>• Land registration of occupancy by City Council</td>
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<td></td>
<td>• Registration of occupancy by City Council</td>
<td>• Land registration of leaseholds by Ministry of Lands, Natural resources and Environmental Protection</td>
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<td></td>
<td>• Land delivery and registration beyond city boundary by customary authorities and Land Boards</td>
<td>• Land delivery beyond city boundary by customary authorities</td>
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<tr>
<td><strong>Local context of the city and its peri-urban areas</strong></td>
<td>• Proclamation of Townland suddenly converted customary tenure into statutory tenure</td>
<td>• Transition from farmland into residential land</td>
</tr>
<tr>
<td></td>
<td>• Proclamation of Townland suddenly converted customary tenure into statutory tenure</td>
<td>• No agreement on exact boundary between City Council and customary authority</td>
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<td></td>
<td>• Influx of people from surrounding rural areas looking for employment and business opportunities</td>
<td>• Landholders in land dealings without authority or with customary authority</td>
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<td></td>
<td>• Council cannot keep up with demand for land</td>
<td>• Declaration process of Improvement Areas (temporarily) put on hold</td>
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<td></td>
<td>• Council avails plots with unclear legal status</td>
<td>• Ward Development Committees overseeing land transfers</td>
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<td></td>
<td>• People settle illegally in shacks</td>
<td>• Rapidly changing due to lively informal land market</td>
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<td></td>
<td>• Local headmen and Community Development Committees act as agents for landholders to deal with land issues</td>
<td>• Land is managed by Tlokweng Land Board and Mogoditshane sub Land Board</td>
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<td></td>
<td>• Threat of relocation by Council due to location of informal settlers in flood prone areas</td>
<td>• Almost no land available for residential settlements in Gaborone</td>
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<td></td>
<td>• Moderately changing due to monitoring of illegal settlers and slow land delivery.</td>
<td>• Land boards cannot keep up with demand for land in Tlokweng and Mogoditshane</td>
</tr>
<tr>
<td><strong>Local context of the informal settlements</strong></td>
<td>• Origin: 1960s and 1970s (SDFN, 2009)</td>
<td>• Origin: rural villages</td>
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<td></td>
<td>• In total 11 informal settlements</td>
<td>• Poverty rate: 11% (Republic of Botswana 2008)</td>
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<td></td>
<td>• Poverty rate: 15% (Republic of Namibia 2014b)</td>
<td>• Tlokweng and Mogoditshane 7 and 5 km from CBD Gaborone</td>
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<td></td>
<td>• 20% formally employed (Tvedten 2004)</td>
<td>• Tlokweng and Mogoditshane 7 and 5 km from CBD Gaborone</td>
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<td></td>
<td>• 50% of settlements prone to flooding</td>
<td>• Tlokweng and Mogoditshane 7 and 5 km from CBD Gaborone</td>
</tr>
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<td></td>
<td>• Between 2 and 5 km from town centre</td>
<td>• Tlokweng and Mogoditshane 7 and 5 km from CBD Gaborone</td>
</tr>
<tr>
<td><strong>Informal land tenure systems – along the continuum of land rights.</strong></td>
<td>• Informal settlers recognized by council (60%), including savings scheme (30 members)</td>
<td>• Residential plots (majority certificate of customary land grant, common law leases possible as well):</td>
</tr>
<tr>
<td></td>
<td>• Illegal settlers (12%)</td>
<td>- Tlokweng: 5,000; Mogoditshane: 5,800 (RoG 2005)</td>
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<td></td>
<td>• Local farmers (5%)</td>
<td>• Mogoditshane: 2,400 self-allocation (Shabane et al. 2010)</td>
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<td></td>
<td>• Remainder freehold (22%)</td>
<td>• Tlokweng: 5,000; Mogoditshane: 5,800 (RoG 2005)</td>
</tr>
<tr>
<td></td>
<td>• Informal subdivisions of farmland</td>
<td>• Mogoditshane: 2,400 self-allocation (Shabane et al. 2010)</td>
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<tr>
<td></td>
<td>• No occupation licenses issued due to temporarily halt of the formalization</td>
<td>• Tlokweng: 5,000; Mogoditshane: 5,800 (RoG 2005)</td>
</tr>
<tr>
<td></td>
<td>• Some pieces of land have been conversion of customary land into leasehold</td>
<td>• Mogoditshane: 2,400 self-allocation (Shabane et al. 2010)</td>
</tr>
</tbody>
</table>