

Sustaining tenure security for improved livelihoods

A Policy Brief



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1 INTRODUCTION

Land tenure security (LTS) is a concept that informs many programmes by international development agencies working on land governance. The thinking behind these programmes, in short, is that land right holders are insecure in their land tenure, which prevents them from using their land sustainably and efficiently. Increasing their tenure security will allow for e.g. a reduction in conflicts over land, higher investment into the productive use of their land, and the implementation of more sustainable land-use practices. Ultimately, LTS will lead to economic, environmental and social impacts and improved livelihoods for the land right holders. For continued improvement of livelihoods to materialise, tenure security needs to be sustained over the longer term. This policy brief gives direction as to how programmatic interventions can contribute to sustained tenure security effects on the ground. It draws lessons from a number of studies conducted for the LAND-at-scale (LAS) programme on relevant themes that influence tenure security and the role of land in livelihood strategies. Sustained tenure security for improved livelihood starts with a thorough understanding of the situation on the ground, engaging and building local structures, ensuring that rights are upheld, and a realisation that livelihoods are more than land and land is more than an economic resource for building livelihoods.

2 SOURCES OF INSECURITY, OBJECTIVES OF TENURE SECURITY

A first step towards sustained tenure security for improved livelihoods is to understand the sources of tenure *insecurity*. Local systems and multi-local livelihoods are increasingly connected to, and operate within, national and global systems. Structural processes such as decentralisation of land governance, rapid urbanisation, and climate change affect the vulnerabilities and opportunities under which people shape their livelihoods. External actors shape the wider societal changes that often leave rural communities more vulnerable. Equally important to consider are differences to tenure security within communities, and even within families and households.



Tenure security interventions can have different objectives. On the one hand a passive objective aims at protecting land right holders from losing these rights. On the other hand, in a more active strategy the objective is to strengthen tenure rights for land to be an economic asset for productive use. These objectives can be contradictory as to whom benefits. Land rights might improve for the more vulnerable groups under the passive approach, whereas financialisation resulting from the active approach tends to favour those with more financial strength. Formulating the objective is thus not straightforward, and is informed by a “plurality of objectives held by pluralities of politics [which] makes it impossible to pursue unitary aims” (Rittel & Webber, 1973, p. 160). In addition, tenure security is not a binary situation that can be measured in terms of ‘yes’ or ‘no’ (Zevenbergen & Van Westen, 2023). Joint establishment of the motivation of a tenure security intervention, aligning this with the sources of tenure insecurity, and what outcome is sufficient, is imperative to

understand whose tenure security an intervention aims to strengthen in the first place, and address the current barriers to achieve such secure tenure rights.

"Under the land reform programme, they (i.e. women) have been given land but cannot go there. They have a high level of tenure security, but not physical security. In Colombia, when you talk about tenure security, they mainly consider this physical aspect."

(Interview LAS project partners Colombia, April 2024)

Recommendations:

- Jointly formulate the objective of tenure security and acceptable outcomes prior to an intervention, addressing the causes of tenure insecurity: whose tenure security, security for what purpose, and security from whom? What are the risks?
- Address the full spectrum of land rights, including communal, secondary and temporary rights. A singular focus on ownership and private rights denies the tenure security of many.
- Transparency particularly in the role of government: this actor is often regarded as a major threat to tenure security, but is also tasked to uphold the security. Be aware of, and willing to address, power structures and elites who stand to lose from a more robust tenure system. Elite capture and a retained lack of perceived tenure security after intervention undermine a sustained, just impact on the ground.

3 LOCAL EMBEDDING



Local, participatory, bottom-up approaches can give communities a high level of agency in processes such as land mapping, dispute resolution, and land use planning. They build an understanding of the full spectrum of existing rights, the threats to these rights, and how this plays out for different groups within communities. Interventions can then adapt to the specific context, and design strategies that align with

local realities. These local, participatory, processes themselves also increase levels of tenure security as perceived by the rights holders. For communities to feel heard, it is important that visible measures are delivered following their engagement. This can be in the form of a land certificate, but also participation of community representatives in dispute resolution bodies or land-use planning processes, or regular interactions with commercial investors. But, a heavy burden is placed on community members for activities such as dispute resolution, land use planning and monitoring. Interventions tackle current issues but do not fully equip the community structures to cope with future challenges. The engagement and empowerment of local actors requires continued efforts and integration in broader structures. Short-term interventions need to anticipate on this.

"The process of mapping was transparent, inclusive, which in itself increases tenure security."

(Interview LAS project partners Burundi, April 2024)

Recommendations:

- Involve members representing the different groups within communities on a continuous basis to have an understanding of their rights and needs, and to align to local realities with regard to the spectrum of rights and livelihood strategies.
- Participatory processes need to result in tangible outcomes (in the local language), people have been listened to and have been taken seriously. Their time has led to something.
- Empower and remunerate local actors and invest in sustaining local land administration institutions by reserving long-term budget.
- Look beyond the local level, establishing coordination with higher levels of administration.

4 SUSTAINING TENURE SECURITY – RIGHTS AND PROTECTION

Whereas a strong focus traditionally lies on land certification, it is clear that land tenure security depends not solely on having a document (Nizalov et al., 2024). Equally important are functioning structures that are able to uphold these rights as well as having opportunities to access and use these structures. Clear rights linked to an (informal) document, or to unwritten practices, that are understood by the right holders as well as the dispute resolution bodies, allows for rights to be upheld and conflicts over land to be resolved in a transparent manner. This extends to the protection of tenure rights by national laws and policies, recognising that statutory and customary rulings are often interrelated (Serwat, 2024). Documenting how disputes have been resolved, including the laws, rules, and customs applied, provides transparency and can mitigate the risk that conflict continue to exist or resurface in the future. Furthermore, security is felt at a level below that of a certificate, with women and youth in particular being insecure in their tenure rights within their own household/family.



“It is important to not only explain the importance of a title, but also what they can and cannot do with it.”

(Interview LAS project partners Mozambique, April 2024)

Recommendations:

- Be clear and transparent in rights, roles, responsibilities and procedures. Include procedures for protection from within households through to those from external actors. Document these in local language, in handbooks, standard operating procedures, etc.
- Consider the interrelationships between statutory and customary regulations, which in practice often are combined in mediation processes (Serwat, 2024).
- As with local embedding, support local dispute resolution institutions that protect rights, and connect these with higher level structures (Serwat, 2024).

5 ADDRESS THE CONTEXT FOR IMPROVED LIVELIHOODS



Tenure security is a pre-condition for investment in sustainable, productive use of land, but in itself it is not sufficient. How land holders can use their land as tool in their livelihood strategy is affected by contextual dynamics such as assets, knowledge and environmental contexts. A positive relationship holds for those who have access to land certificates, but the more vulnerable households risk being excluded from their land rights and the related livelihood opportunities. Credit is better accessible to larger, better-off farmers whereas for those most vulnerable and unable to service their debt the risk of land alienation is real. A more efficient land market might accrue benefits to some segments of the community. At the same time it undermines the social basis to claim land rights, with the risk of assets being

threatened by more powerful actors. The diverse impact of tenure security on livelihoods runs the risk of fostering inequality. Stakeholders must understand these dynamics. Local bottom-up approaches can be designed to fit specific contexts, establish more direct links between tenure security and livelihoods, and build local capacity to address these risks.

Secondly, livelihoods are dynamic, multi-dimensional and multi-local, and land plays a different role in livelihood strategies at different points in time. Where smallholder farmers can obtain loans using their land as collateral, research in LAS interventions has found that these funds are also used to diversify their livelihoods away from agriculture, as a risk mitigation strategy. Environmental dynamics that influence how land plays a role in the livelihood choices (knowledge, assets, etc.) also apply to non-land related livelihood opportunities (even in different localities). Knowing that their land tenure rights are secure enable people to pursue non-agricultural livelihoods.

“Other contextual factors are needed to bring about these transformations, it is about more than land registration.”

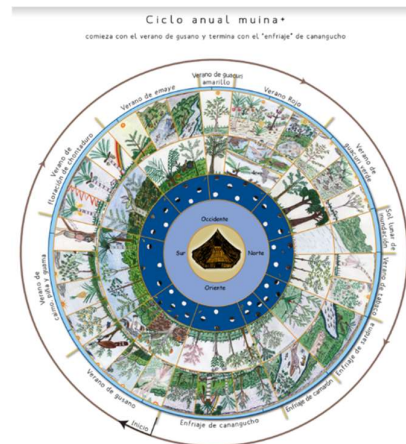
(Interview LAS project partners Uganda, April 2024)

Recommendations:

- For sustained impact on livelihoods, tenure security is a piece of the puzzle. An enabling environment for right holders to use their land is equally important. To increase the positive livelihood outcomes, land governance projects should be combined with farmer training, investments in infrastructure, etc.
- Consider taking into account non-land related livelihood opportunities, particularly in rural areas, as alternative strategies to build (economic) livelihoods.
- Address climate resilience of rural communities as this threatens the productivity of land, but also the access to land. The impact of land governance programming on climate resilience must be considered in decision making and vice versa.

6 LAND IS MORE THAN AN ECONOMIC RESOURCE

Lastly, land is more than an economic asset and livelihood strategies are more than economic decisions. Elements such as identity, environmental, spiritual and nature are fundamental for the lives of communities. Tenure security is not necessarily sought for monetary purposes. Land has a much more profound meaning, particularly to indigenous people. Land does not only provide for (human) life, land is alive (Chamberlain, 2023) and considered as law by itself (Graham, 2008). These non-financial considerations need a place in the design of land governance interventions if these are to lead to lasting impacts on sustainable livelihoods.



"In the Sierra Nevada people don't feel like owners but rather custodians of the land. They move around to look after the land spiritually."

(Interview LAS project partners Colombia, April 2024)

Recommendations:

- Acknowledge communities' rights to non-productive land use, as land contributes to their livelihoods in many ways.
- Give attention to the mapping, registration and provision of rights for non-productive land use such as conservation and spiritual use.

CONCLUSION

Land plays a central role in the livelihood strategy of many people in the Global South. Determining, registering, and protecting rights to increase tenure security has therefore been an integral part of development programming by numerous donors and governments. But in reality rights are messy with overlaps in time and in rights. To add to the complexity, livelihoods are dynamic in nature, and situated in multi-local networks. The interdependencies between land and livelihoods are complex, making tenure security a wicked problem (Rittel & Webber, 1973). Diverse values must therefore inform both the formulation of the objective of tenure security, as well as the 'solution' in which tenure security is to improve livelihoods. Considering the wicked nature of the problem, tenure security has no defined end-point, and neither is it true-or-false. It requires firm, clear and inclusive decision-making as to whose land rights are to be strengthened, who is to uphold these rights, and how land is to be used. The impact of these decisions will not be the same for everyone. The risks particularly to vulnerable people need to be acknowledged and addressed upfront. As sustained tenure security and its contribution to people's livelihoods is a continuous journey, following a non-linear path, there needs to be space to reconsider, revise and reformulate earlier choices. It is in the spirit of this adaptive thinking that the recommendations in this policy brief aim to contribute in the search for acceptable, rather than optimal, solutions (Almeida, 2021).

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