

The promises and realities of land formalization in Africa

By Marie Gagné

(1) Introduction

Land formalization is a particular type of land reform that, through formal documentation, land titling, registration or certification, is expected to promote tenure security and development at large.

Land reforms - the broader process of changing laws, policies and regulations related to land - have taken place in almost every corner of the globe throughout history, affecting millions of people. Since 1900, at least 165 countries have conducted 372 major land reforms (Bhattacharya et al. 2019). In rural societies where most of the population still depends on agriculture for livelihoods, food, and income, land reforms can have far-reaching—and sometimes unintended—consequences.

In this Data Story we review the literature and experiences on land reforms in Africa, and particularly on land formalization, to enquire: have they delivered on the promise for more land tenure security, agricultural productivity and women's land access?

The story first provides some background on the objectives and evolution of land reforms. Then, it zooms in on land formalization and analyzes **the case in Ethiopia**, a country that has a long record of land formalization efforts by the government and whose model is regarded as highly successful by the international community.

(2) What are land reforms all about?



What are land reforms exactly? When one conducts an Internet search with the keywords “land reform,” the most common results relate to legal revisions known as agrarian reforms that aim at reallocating land from the hands of wealthy landowners to people who have no or very little land.

There are different sorts of land reforms. For the sake of clarity, we cite two main types: **1) redistribution** and **2) formalization.** Although in reality land reforms can combine processes of redistribution and formalization, it is important to consider them separately as they pursue different goals and thus have different implications for land users and owners.

Land Redistribution

Redistributive land reforms entail the **transfer of ownership and/or the creation of new property or use rights.** Who are the new owners and for what purposes vary across cases. Redistributive land reforms can seek to achieve equity, redress, and productivity.

Land reforms that pursue an equity agenda intend to redistribute land more equally and decrease poverty (e.g. between landed elites and sharecroppers, between men and women, between adults and young people).

Land reforms can also aim to redress historical injustices. From this angle, they involve returning or redistributing land alienated through colonial occupation.

For their part, past socialist reforms aimed to introduce collective, state, or cooperative ownership for both equity and productivity purposes. Under this

model, the state manages land on behalf of the entire people or nation, and individuals only have use rights. In post-communist regimes, reforms were usually meant to de-collectivize land previously held in common.

Reforms through land formalization

A second type of land reform seeks to clarify, recognize, and legalise existing but undocumented land rights—whether of property, possession, use, or management. Land formalization includes processes such as titling, registration, certification or regularisation, with the main objective of securing tenure through state acknowledgement of land rights.

These reforms do not entail (in principle) the transfer of physical land to new owners.

Some laws institute titling of private property as the sole avenue for documenting and protecting land rights. Private ownership titles allow landowners to fully control their property and sell, mortgage, rent, give, or bequeath their land.

More recently, some land reforms have aimed to facilitate the recognition and registration of traditional tenure arrangements through simplified procedures.

(3) Historical background of land reforms in Africa

In Africa, land reforms have gone through four main phases.



Colonial period

Colonial administrations, especially France, attempted to introduce private property rights on the continent, although with limited success. Under colonial rule, **unregistered land was usually deemed to belong to the state**, thereby placing customary owners in a situation of legal precariousness.

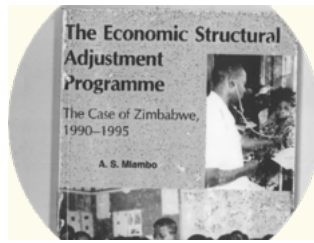
Image: Arrival of Béhanzin King of Dahomey (modern-day Southern Benin), at Goho: A vivid snapshot of the fierce battles between African resistance and European colonial expansion in the late 19th century.



Post-independence

After Independence, many postcolonial governments “tried to build the nation and promote development by exercising **strong, centralist and authoritarian leadership**” (Otto and Hoekema 2009). To achieve this, several states reformed land laws to abolish customary rights, nationalize land, and register property rights.

Image: Political leader celebrates as Tanganyika became an independent nation on December 9, 1961

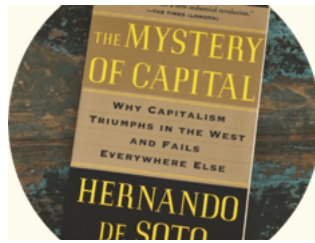


1990s

In the wake of neoliberal policies, the 1990s saw another surge in land reforms. These reforms commonly sought to **devolve authority over land and natural resources to decentralized bodies** and to increase community involvement as a way to dodge state corruption and inefficiency (Amanor 2008).

Image: In "The Economic Structural Adjustment Programme: The Case of Zimbabwe, 1990-1995", A. S. Mlambo delves into Zimbabwe's history, analysing the effects of IMF/World Bank economic reforms on the country's welfare and societal wellbeing

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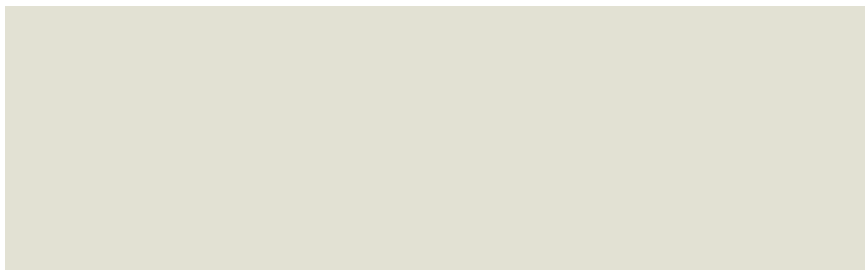
2000s

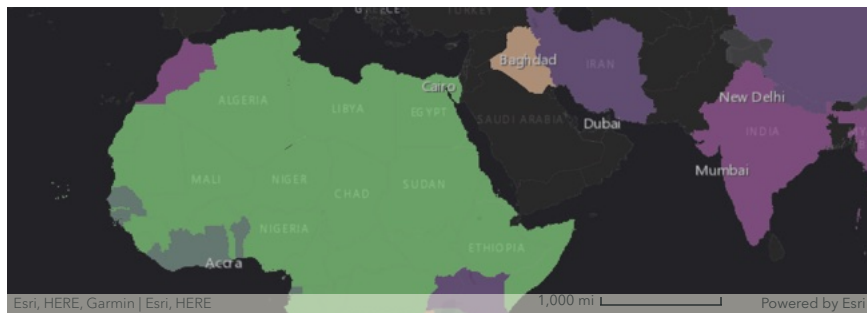
Land reforms in Africa have regained traction in recent years. The argument by Peruvian economist Hernando de Soto that **informal land tenure impedes development** has been highly influential. For him, the formalization of land rights through private property turns otherwise “dead assets” into “live capital” through greater access to credit (de Soto 2000).

In this thinking, many African countries have attempted to revise their legal architecture to promote land formalization. Since 1990, 39 out of 54 African countries enacted laws to better protect customary land rights (Alden Wily 2022). In theory, the latest wave of land reforms does not aspire to alter customary rights or other prevailing tenure systems, although in some cases, these reforms aim at creating new rights to facilitate women’s access to land.

Since the release of de Soto’s book, additional research has been conducted to theorize the impacts of land formalization. Many scholars, donors, and organizations now advocate for the recognition of customary and collective land rights to protect local communities and Indigenous Peoples from forced evictions. Since 2005, at least 98 land formalization projects have been financed in 29 countries, for a cumulative budget of around US\$ 770 million (Holland and Diop 2022).

--> For more information about land reform projects, check the Land Portal's [Projects Database](#)





These interventions take place in a context where **an overwhelming majority of land is held under customary law in Africa**, up to 78 per cent of the continental area according to calculations by researcher Liz Alden Wily (2020), based on data from [LandMark](#).

It has been long recognized that, in many cases, **traditional and local legal systems effectively guarantee tenure security even if landholdings are unregistered**. But customary land rights are increasingly challenged and pressured by recent developments, ranging from the contemporary wave of large-scale land acquisitions, to civil conflicts, climate change, population growth, urbanization, and state-led infrastructural development. Land formalization is often seen as a remedy to these challenges.

The map shows data from LandMark on the percentage of Indigenous and Community lands (I&CL) by country. Note the high percentage of I&CL in North and West Africa.

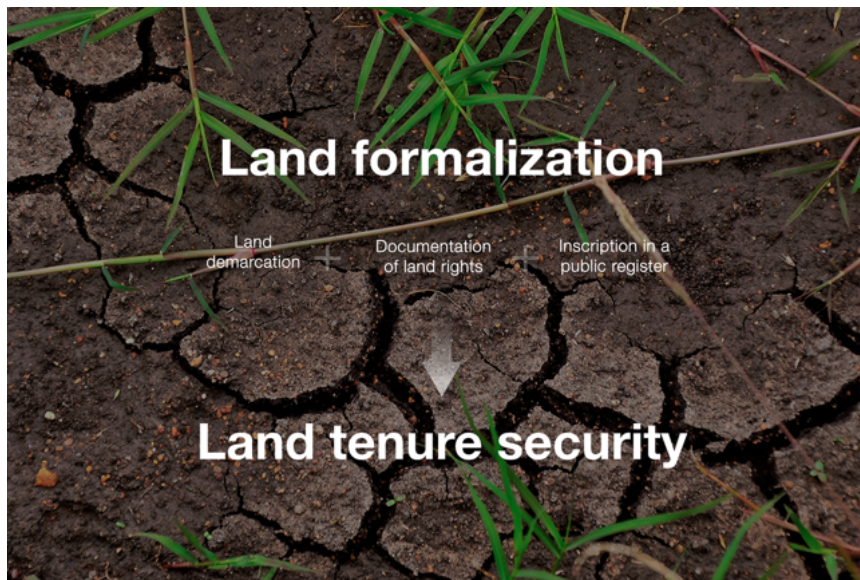
Community lands fall under the customary governance of the community whether or not this is recognized in national law.

Indigenous lands refer to the collectively-held and governed lands of

Indigenous Peoples.

(4) What is the motivation for land formalization?

The figure on the right shows common guiding assumptions behind land formalization initiatives.



The thinking is that **land formalization** – through the mapping and demarcation of informal ownership rights, issuance of titles or certificates, and inscription of land rights in a public register –produces proof of land rights that will be more difficult to contest, thus leading to greater **tenure security**.



Fundamentally, this assumption rests on another deeper implicit assumption, namely that **the state is the most suitable institution to enforce land rights**.



Security of tenure is the certainty that a person's rights to land will be recognized by others and protected in cases of specific challenges

(FAO 2002)

In turn, land tenure security is expected to result in a host of economic, social, and environmental benefits,

as depicted on the right.

(5) The big picture: What do cross-national and scoping studies tell us?

Land formalization interventions are presented as solutions that bring about a host of positive outcomes. But these endeavours are highly political and contested, both in terms of their aims and effects.

Very few cross-national studies investigate the posited link between land formalization and tenure security, pointing to a **lack of knowledge despite the enormous funds dedicated to land interventions by national states and donors**. The assumption that undocumented land rights are necessarily insecure is debatable, as indicated above and recalled by Land Portal's Rick de Satgé in this [piece](#).

In terms of the hypothesized effects of land formalization on development, **statistical analyses produce no robust definitive consensus** and may in fact seem bewildering. According to a review of 85 studies worldwide, only about half (54%) of these studies establish strong evidence that farmers whose land is legally protected are more likely to invest in their agricultural activities (Alban Singirankabo and Willem Ertsen 2020).

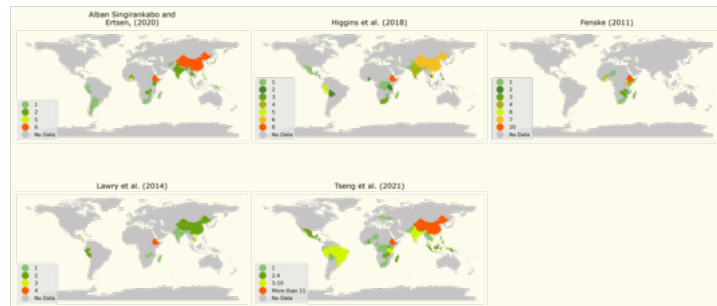
Another survey finds that eight out of ten quantitative studies that looked at the effects of land formalization interventions “found a positive effect on productive or commercial investments,” but only one observed an increase in productivity, and none saw a positive effect on incomes (Higgins 2018).

A broader review by Tseng et al. indicates that land formalization results in positive human well-being in 80% of cases (49 studies out of 61). Among the 26 studies that assessed environmental outcomes, 73% (19) found that formalization had a positive effect (Supplementary materials, Tseng et al. 2021).

In a meta-analysis of 54 studies in Africa, Fenkse (2011) concludes that, “Although there are strong theoretical reasons why more complete land rights are expected to enhance investment, empirically this link has been found to be weak.” Some find that land tenure recognition increased agricultural productivity and income gains: “40 per cent productivity gains

across the studies, though gains were on average more modest in the Africa cases” (Lawry et al. 2014).

Studies using different data collection and sampling techniques reach different conclusions. Methodological reasons and measurement errors have been invoked to explain the inconsistent correlation between land formalization and expected outcomes.



The findings of meta-analyses depend on the type of studies selected and the regions included. The samples vary between 29 studies for Lawry et al. (2014) and 117 studies for Tseng et al. (2021). **Reviews that include both quantitative and qualitative assessments, such as those of Higgins et al. (2018) and Lawry et al. (2014) offer a more granular understanding of the pathways to tenure security.** Finally, these studies look at the intended outcomes of land tenure interventions along various causal paths. For instance, Tseng et al. (2021) looked at the impacts of five types of interventions on “human well-being” and “environmental” indicators without providing a breakdown of these indicators and without exploring regional variations. But research has shown that the expected benefits of land formalization are lower in Africa than elsewhere in the world (Lawry et al. 2014). In contrast, the study of Fenkse (2011), which casts doubt on the benefits of land formalization in Africa, cannot be generalized beyond the continent.

(6) Land formalization’s ambiguous results

Land registration can increase overall perceived tenure security, as is the case in Mozambique (Lawry et al. 2014). However, **quantitative assessments are often unable to measure who are the beneficiaries of land formalization efforts.** “Most studies provide little information about why certain households or land parcels received tenure recognition while others did not, posing a problem of selection bias – better-off households may have been better able to secure their tenure, making their productivity, levels of investment and other class-related indicators a cause rather than an outcome of the tenure recognition” (Lawry et al. 2014).

Qualitative studies point to the fact that already vulnerable groups, such as women and poor households, are more likely to be excluded from these interventions, due to “corruption, elite capture

and clientelism” (Higgins et al. 2018). In these instances, land formalization contributes to consolidating existing power imbalances and inducing tenure insecurity (Holland and Diop 2022). When land is used by different social groups at different times of the year, land formalization can also exclude categories of land users such as pastoralists.

Existing research also shows that, even in countries seen as “best practice” cases respecting customary land tenure, such as Tanzania, Ghana, and Mozambique, “customary rights are seldom adequately protected in the context of land negotiations” for large-scale projects, and that the state itself frequently infringes on land rights to accommodate investors (German et al. 2011).

Case studies point to many instances whereby land formalization has disrupted previous secure arrangements or failed to consider communal and indigenous claims to land (Alban Singirankabo and Willem Ertsen 2020; Holland and Diop 2022). In Tanzania, various studies illustrate that formalization has led to widespread land dispossession of farmers (Maganga et al. 2016; Engström et al. 2023).

Moreover, in the absence of formal mechanisms, people develop bottom-up solutions to ensure a minimum of land security. Studies have shown that informal documents assigning land rights, such as *petits-papiers* in Benin and chiefs’ titles in Zambia, increase perceived tenure security (Honig 2022).



Woman with her children walking outside of Dodoma, Tanzania. In Tanzania, qualitative research has demonstrated that the benefits of reform may not be distributed equally. Typically, it's women with additional resources, such as a combination of age, experience, social status, education, or financial means, who possess the capacity to access the new formal land-administration institutions and manage responsibilities such as land allocation, land rights registration, or land dispute resolution.



(7) The land reform in Ethiopia

Let's have a look at how these dynamics play out in **Ethiopia**, a country that has conducted one of the most ambitious land formalization programs in the world and **is often seen as a success story whose model can be replicated elsewhere**. A wealth of studies that measure its impacts also exists. As of 2022, 77% of the Ethiopian population were living in rural areas.

For a more detailed coverage of the country's land sector, we suggest reading this [narrative](#). **The section below sketches out the three main historical stages of land governance in Ethiopia.**



Land tenure under the Abyssinian Empire

Ethiopia was not colonized except for a brief period of occupation by Italy from 1936 to 1941. Before 1975, under the Imperial regime, **elites owned and controlled most of the land**, leaving farmers with restricted rights, particularly in the conquered areas south of the country (Ayalew et al. 2021). The broader political context was marked by the **domination of the Abyssinian Empire over marginalized ethnic groups living in the peripheries**, who were transformed into tenants after their land was appropriated by the Imperial government (Chinigò 2015; Lavers 2017). In the northern highlands of Ethiopia, land was managed under the rist system, according to which land was owned by “descent groups from a common ancestor who first settled the land” (Lavers 2017). Members of the group are entitled to use rights over the land.

Image: Haile Selassie I: Emperor of Ethiopia from 1930 to

1974

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Derg regime reforms

The second phase began with the overthrow of Emperor Haileselassie in 1975 by the Derg military regime. Inspired by socialist views, the regime nationalized and redistributed land to peasants to abolish exploitative tenure relations (a case of redistributive land reform as described above). Through the “Public Ownership of Rural Lands Proclamation,” the regime abolished private land ownership, declared all land the property of the Ethiopian people, and formed local Peasant Associations to manage land. Farmers obtained usufruct rights and were allowed to bequeath land to their descendants. Despite its seemingly good intentions, the regime was responsible for widespread human rights abuses.

Image: Leading members of the Derg; Mengistu Haile Mariam, Aman Andom and Atnafu Abate.

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Reforms during the federal republic

The third and current phase started when the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) removed the Derg from power in 1991. Launched in 1998 by the federal government, the land reform seeks to record land use rights and leaseholds of farmers systematically. A 2005 federal proclamation requires that land be registered under the name of both spouses. Ethiopia's ten regional states are responsible for implementing the land reform in their respective jurisdictions and issuing land certificates. The communities conduct land demarcation and adjudication activities at the local level. Although land remains state property, those with land certificates can now rent their land (but not sell or mortgage it).

The land reform began with a first-level land certification process consisting of demarcating parcels with easily accessible tools such as ropes. Starting in 2014, the government has embarked on second-level land certification to map the parcels more precisely and store the information in a digital cadaster (Holden and Neumann 2021).

*Image: Rural Administration and Land Use Proclamation
No. 56/2005, Federal Democratic Republic of Ethiopia*



In the following sections, **the Data Story looks at the results of the land formalization reform in Ethiopia** along three dimensions.

First, we investigate whether certification leads to greater tenure security.

Then, we examine impacts on agricultural productivity and women's empowerment.

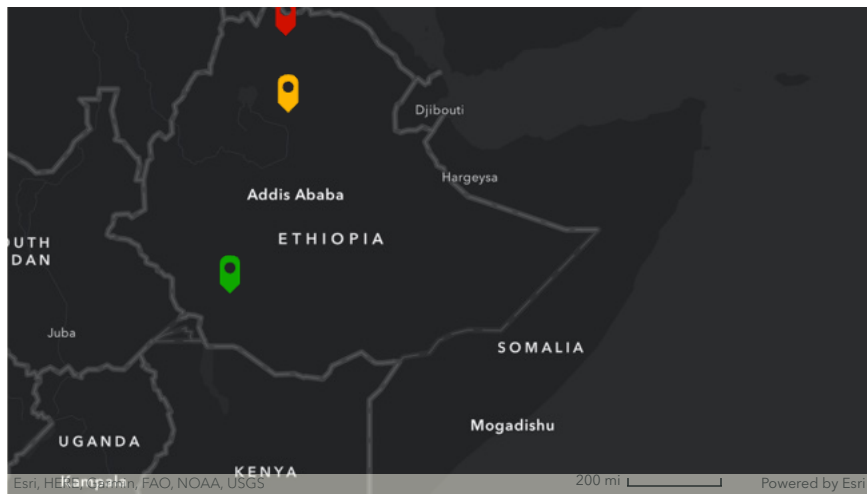
(7.1) Tenure security in Ethiopia

Evidence is mixed on the effects of Ethiopia's land certification program on tenure security.

In their early assessment of the program in the Amhara region, World Bank's economists found that it resulted in perceptions of increased tenure security. Their quantitative study shows that households possessing a land certificate are less likely to expect landholding changes due to administrative intervention than those who do not (Deininger, Ali, and Alemu 2011).

Another study conducted in five villages of the Amhara, Tigray and Southern Nations, Nationalities and Peoples (SNNP) regions similarly reports that most participants believed land registration improved their land tenure security (Yami and Snyder 2015).

The reform was conceived as a way to diminish farmers' tenure insecurity stemming from state land ownership and expropriation for redistribution. However, according to researcher Davide Chinigò (2015), the land certification program in Ethiopia in fact extended the reach of the state in rural areas.



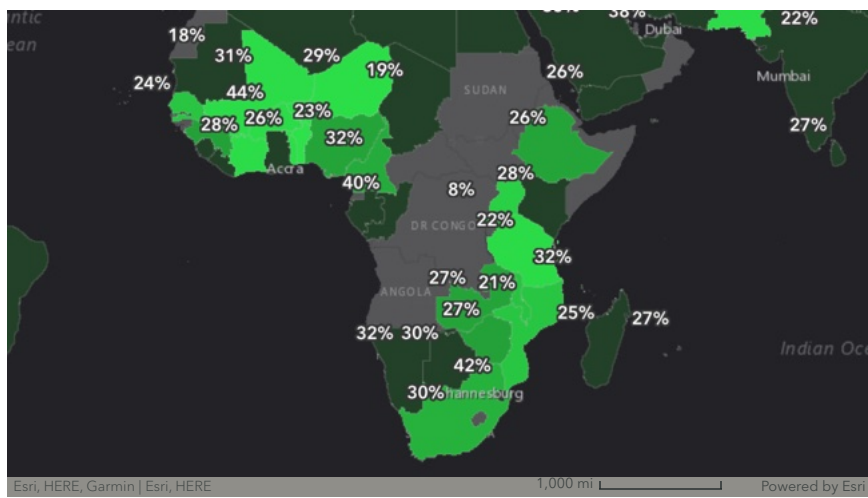
First, in a context where state **officials from the local to the national level** are typically party members, **they tend to direct development funds to existing political allies or pressure non-members to join the party to receive aid.** It was reported that farmers were also pushed to become party members in order to obtain their land certificates.

Second, local state **officials employ the threat of expropriation** to maintain loyalty and obedience for government's demands. Two federal land laws adopted in 2005 reinforce this threat: the Rural Land Administration and Use Proclamation (RLAUP) and a proclamation ruling the Expropriation of Landholdings. These two laws facilitate the expropriation of rural landholders deemed not to use the land properly or for "more important public uses."

This leads Davide Chinigò to argue that **the main source of tenure insecurity is the increased power of local officials** over land allocation in a context of land shortages. To maintain secure access to land, farmers must engage with the state and maintain good relations with government agents.

Tenure insecurity is also due to problems of corruption by state officials, who used the land certification process to enclose common pastoral land for private use or attributed land to non-resident urban dwellers working for the government (Ayano 2018).

According to [Prindex](#), 26% of people in Ethiopia still experience perceived tenure insecurity, a percentage similar or even higher than other African countries that have not reformed their land sector.



Prindex Indicators

(7.2) Agricultural productivity

Overall, quantitative analyses agree that the land certification program in Ethiopia resulted in enhanced land investments and agricultural productivity.

The study by Deininger, Ali, and Alemu (2011) finds that certification leads to increased investment in soil and water conservation and number of hours dedicated to such activities. Melesse and Bulte (2015) also establish that “certification has robust positive effects on farm productivity” through the adoption of soil-fertility management strategies.

A more recent study looking at the effects of second-level land certificates (SLLC) also found that 33% of those surveyed “felt more motivated to invest as a result of SLLC,” and 20% have actually increased their long-term investments, most notably through planting trees (Holden and Neumann 2021).

But **increased labour on the land may be due to the pressure of state officials**, who, in a pattern similar to the one described above, threatened that “lazy” farmers who did not work sufficiently hard would lose their parcels (Yami and Snyder 2015). More broadly, the productivity effect of land formalization is much lower in Africa, including in Ethiopia, than in other parts of the world (Lawry et al. 2014).

Research also shows that the **detrimental effects of climate change**, such as erratic rainfalls and droughts, represent a major impediment to agricultural yields in Ethiopia. Bad weather, not tenure insecurity, was raised as the biggest challenge by farmers. These findings indicate that “Tenure security is a necessary but secondary driver of productivity

and income, with other factors such as weather playing a more direct role. SLLC can however play an important role in diversifying and protecting income through incentivising planting of trees and longer-term cash crops” (Holden and Neumann 2021).

(7.3) Women’s land access



Since coming into power, the EPRDF has striven to promote gender equality. Among others, the Constitution and land proclamations provide that men and women have equal land rights (Lavers 2017).

Within this broader legal context, **quantitative research shows that joint land certification contributes indeed to women’s empowerment** along several dimensions at the household and community levels in the Amhara region.

In comparison to “uncertified” women, women who possess a land certificate are, among others, more likely to participate in household decisions and engage in community activities. They are also more knowledgeable about their land rights, have greater levels of tenure security, are more emboldened to protect their land rights, and participate more in local institutions (Melesse et al. 2018).

Qualitative accounts add texture to these findings, helping us understand that **women’s land rights were enhanced largely due to broader “efforts by state actors to transform informal institutions and power relations,”** and not solely due to formal certification (Lavers 2017).



Regions of Ethiopia

In the Tigray region, the reform occurred before the 2005 federal proclamation that required **joint certification** of land for both spouses. As a result, land was mostly registered under the name of men. Nevertheless, previous land redistribution efforts to allocate land to both men and women selectively built on existing local tenure institutions that supported women's land rights, thus ensuring their widespread acceptance. In case of divorce, land normally now reverts to the individuals who obtained it before marriage, despite the lack of formal female land registration (Lavers 2017).

In the region of Oromiya, women's land rights were also furthered, but these advancements were facilitated by parallel reforms in customary norms that banned practices detrimental to women. **The state co-opted and transformed local institutions** and leaders that carry authority to advance gender equality **and modify patriarchal relations**. In particular, the changes introduced allow widows to refuse marriage with a brother-in-law as per the tradition and instead retain the land of their deceased husbands (Lavers 2017).

Despite these advancements, **women who have secure land rights may be unable to plough their land**, leading them to engage in sharecropping arrangements and limiting their ability to maximize production (Lavers 2017). Some men also refused to have the name of their wives indicated on the certificate. The denial of women's land rights is particularly problematic in cases of divorce (Yami and Snyder 2015).

(8) Conclusion: Ingredients for secure land rights



Needless to say, people who depend on land as their primary productive asset, social identity, and place of belonging should not be arbitrarily and unwillingly deprived of it.

The recent two-year conflict in the Tigray region of Ethiopia has engendered massive population displacements, destroyed harvests, created hunger, and led to environmental degradation. The conflict is a sobering reminder that **land rights need to be propped up by peace, stability, and good governance to be truly secure and foster development.** Ethiopia has some unique features that make it difficult to generalize its land formalization experience to other countries. Nevertheless, it raises important cautionary insights.

Land formalization is one among various tools to improve land tenure security, and it can be a suitable strategy in certain situations. In others, land formalization on its own may be insufficient to reach its stated goals.

To achieve land tenure security and develop agriculture, land titling must be supported by a set of effective institutions, sustained political will, local democracy, broader support to smallholder farming, etc.

As Matthew K. Ribar shows with his [research](#) in Senegal, farmers themselves understand this rather intuitively. While demand for land titles in Africa is generally low, farmers who lack confidence in state institutions are even less likely to perceive the utility of land formalization.

More fundamentally, **land certificates or titles may prove useless in situations of civil conflicts, poor**

governance or authoritarian rule, whereby the state is unable or unwilling to enforce land rights. As Steven Lawry et al. (2014) aptly note, "context matters."

To address the difficulties in measuring the effects of land tenure interventions, the Land-at-Scale Program has launched a longitudinal study in Burundi. Stay tuned! More should come on the results of this research on the Land Portal.

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