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# Holding Land in Common within Cities What Can We Learn from Collective Tenure in Urban Context?

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## **Holding Land in Common within Cities: What Can We Learn from Collective Tenure in Urban Context?**

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### **Summary**

In the Global South, access to decent housing and secure land tenure remains a great challenge for most urban dwellers. Yet secure land tenure is a key component of urban resilience. This paper summarizes the results of a desk-based study on collective tenure in cities in developing countries, which was conducted in 2016. This study is part of a wider research program led by AFD, which refers to the analytical framework of the Commons with the aim of renewing the vision of development aid.<sup>3</sup> The present paper explores to what extent collective tenure in urban context can help build inclusive and sustainable cities.

In its first section, the paper describes the potential contribution that the analytical framework of the Commons makes to the issue of securing land rights for the urban poor.

In a second section, the paper draws lessons from three of the six case studies developed in the study: housing cooperatives, collective land titling and Community Land Trust. Finally, the last section highlights the main features and effects of collective tenure in urban context, and suggests some research questions for further research.

**Keywords:** collective tenure, commons, Community Land Trust, housing cooperatives, urban land

**JEL Classification:** D79, O21, P32, Q15, R14, R21, R31, R52

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<sup>3</sup> <http://www.afd.fr/lang/en/home/recherche/programmes-recherche-afd/commons>

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# Holding Land in Common within Cities

## What Can We Learn from Collective Tenure in Urban Context?

In many cities of the Global South, access to decent housing and secure land tenure remains a great challenge for urban dwellers. Formal markets and public housing programs have proven inadequate in the face of rapid urban growth experienced in the Global South, and a majority of urban dwellers access land through unofficial channels. They build their houses where land is available and at a price they can afford. Therefore, land tenure statuses are very diverse in cities in developing countries, ranging from registered freeholds to squats (Payne, 2002*a*).

Land tenure security has been acknowledged as a key component of urban resilience mechanisms (Moser, 1998; Payne, 2002*b*). While massive legalization campaigns have had limited results and have faced implementation problems, securing *de facto* land rights is nowadays an option favored by international institutions such as UN-Habitat (2008) and the (former) United Nations Special Rapporteur on adequate housing, Raquel Rolnik (2013). Surprisingly, little attention has been devoted to collective forms of tenure,<sup>4</sup> such as group tenure, collective land titles and common property.

This paper is based on an exploratory study examining collective forms of land tenure for housing purposes, which we refer to as “collective tenure in urban context”,<sup>5</sup> conducted between March and December 2016 for Agence Française de Développement (AFD). The main purpose of the study was to explore the topics of “Commons” and land issues in the Global South, through a review of existing research and urban projects, while examining the potential role of collective tenure in urban contexts in providing secure and affordable land for housing to local communities, and its contribution to sustainable and inclusive urban development.

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<sup>4</sup> With the notable exception of a report by Cabannes (2013) for the UN Rapporteur on adequate housing.

<sup>5</sup> Referred to as “*communs fonciers urbains*” in French.

This study is part of a more extensive research program: “Commons and Development” supported by Agence Française de Développement (AFD),<sup>6</sup> which investigates to what extent the analytical framework of the Commons can renew development aid approaches. Similarly, the overarching question of the study was: Do collective tenure in urban context help grasp and act on land issues in the Global South for a more inclusive city? If they do so, this type of tenure could be supported by donors in order to achieve a more sustainable development within cities and to comply with Sustainable Development Goal 11 on Cities and Human Settlements.

This study is seen as the first phase of a research program on collective tenure in urban context led by AFD. It was conducted between March and December 2016 by Claire Simonneau and supervised by Irène Salenson. This study was meant to be exploratory: it was mainly desk-based, and its ultimate purpose was to establish priorities for further research. In 2017 and 2018, a second phase should be developed, comprising field surveys in several developing countries.

This paper shares the preliminary findings of what should be considered as work in progress. It is divided into five sections. The first section describes the context, the purpose, and the methodology of the study. The second section focuses on the potential contribution that the analytical framework of the Commons makes to the issue of securing land rights for the urban poor. The third section summarizes three case studies: Community Land Trust (the original concept and its implementation in Kenya), Mutual Aid Housing Cooperatives in Uruguay, and collective land titling in Namibia. In the fourth section, the specificities and effects of collective tenure in urban context are discussed. The last section highlights the main questions for further research.

## **1. Framework and Methodology**

### **Commons and Development**

As an international cooperation agency, Agence Française de Développement (AFD) seeks to understand how social practices connect with institutions and rules. Both as a conceptual and operational paradigm, the Commons appear to be inspiring regarding issues of equity and conflict mitigation that are of the utmost importance for a donor agency like AFD. Yet, the relations

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<sup>6</sup> <http://www.afd.fr/lang/en/home/recherche/programmes-recherche-afd/communs>

between the Commons and development has not been fully explored. This is the purpose of the recent research program launched by AFD.<sup>7</sup>

The seminal work of Ostrom (1990), who won the 2009 Nobel Prize in Economic Sciences, has contributed to a renewed interest in the Commons. Recent works consider that economic relations can be built apart from the free market and State actions alone. For instance, Ostrom demonstrates that communities are able to develop sustainable arrangements to manage common pooled resources by themselves.

More specifically, this paper considers Commons as being made up of three imbricated realms: a resource, a user community, and rules for managing the resource (Helfrich, Kulhen, Sachs, & Siefkes, 2009).

### **Collective Tenure in Urban Context**

The Commons are understood as institutional arrangements for governing the use and disposition of resources, following the work of authors including Schlager and Ostrom (1992) and Bollier (2014). The expression “collective tenure in urban context” refers here to a set of situations in which land is held in common and rights to access, use and transfer land are granted to the community. We also include practices of “commoning” concerning land rights, such as collective struggles for securing land occupation, even if they result in access to individual rights, leases or titles.

Three categories of collective tenure in urban context were defined at the beginning of the study: (i) collective land tenure referring to customary land tenure; (ii) new forms of collective tenure; and (iii) practices of commoning regarding land rights.

### **Methodology**

In line with the exploratory nature of the study, the methodology was based on secondary data. On the one hand, we examined theoretical debates around the Commons, land tenure and common property, through an interdisciplinary literature review. The latter included research on economics, law, philosophy, urban planning, and sociology, but also on publications from advocacy organizations.

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<sup>7</sup> <http://www.afd.fr/lang/en/home/recherche/programmes-recherche-afd/communs>

On the other hand, we investigated six significant case studies in developing countries: (i) a Community Land Trust in Kenya (ii) housing cooperatives in Latin America, (iii) land sharing agreements in South-East Asia, (iv) neo-customary land tenure in West Africa, (v) collective titling in Africa and Asia, and (vi) collective adverse possession in Brazil.

The case studies were selected according to the following criteria: the sample should be representative of the three continents where AFD finances most of its development projects (Africa, Asia, and Latin America); information should be available in English or in French; cases should illustrate one of the three categories determined above.

The six cases were documented on the basis of the information available in the literature, including both academic research and grey literature. We also interviewed key stakeholders of the cases studied and experts, to fill the information gaps and update data whenever it was possible.

The cases were analyzed through a comparative approach and scrutinized through a multidimensional analysis, considering their contribution to: (i) land conflict resolution, (ii) urban planning design and service provision (iii) inclusiveness, and (iv) land security.

Consequently, this study relied on the information made available in the literature, and which could be accessed from Europe. Deeper analysis requires fieldwork, which is planned in the following phase of the research.

## **2. The Commons and Urban Land Issues: A Literature Review**

Two sets of literature were developed, about the Commons on one side, and about urban land issues on the other. Yet, these topics seem to have been rarely tackled together.<sup>8</sup> The following literature review is therefore structured around three sections. First, we will expose the links between urban vulnerability and land tenure. Second, we will examine the contribution of the literature on the Commons to understanding urban land issues. Lastly, we will propose a new framework to tackle urban issues.

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<sup>8</sup> We have identified two exceptions in this regard: (Cabannes, 2013; Midheme & Moulaert, 2013).



## The Discussion on Land Tenure and Urban Poverty

### *From private ownership to land tenure security*

Access to decent housing remains a great challenge in rapidly urbanizing countries in the Global South, as witnessed by the proliferation of informal settlements (Huchzermeyer & Karam, 2006; UN-Habitat, 2012). Access to land, on the one hand, and secure land tenure on the other hand, represent key elements of decent housing, since land is the basis of shelter. Land also plays a crucial role in vulnerability and resilience processes. First, it provides access to livelihoods opportunities, such as shelter, informal economic activities, subsistence agriculture, etc. and serves as savings (Moser, 1998). Besides, land tenure security can leverage development, since it encourages investment in shelter, means of economic activities, and facilitates work and education for women and children (Payne, 2002*b*). Yet, the ability of the poor to access and retain urban land remains quite low. For many authors, the predominance of private ownership is key to this excluding process.

Property can be defined as a social relationship that organizes access to and the use of a resource and that is defined through property rights ("Land and Development" Technical Committee, 2009*a*; Le Bris, Le Roy, & Leimdorfer, 1982). Individual ownership has been the favored form of land property in many countries, including in the Global South, as set up in the national legal framework, encouraging individual land registration and land titling. Individual ownership confers to the owner the full gamut of land rights, including *usus* (the right to use), *fructus* (the right to withdraw the "product" of a property), and *abusus* (the right to alienate), through individual legal land titles. It has been imposed in many countries of the Global South by colonial rules, and served as a powerful means to conquer territories (RocheGude, 1982). More recently, it has been supported by international agencies as part of Structural Adjustment Programs and liberalization reforms (Massiah & Tribillon, 1988). Nevertheless, the issuance of land titles has proven grossly inadequate in coping with rapid urbanization.

Indeed, the land titling programs implemented by governments in Latin America and Africa, sometimes with donors' support, under the influence of authors such as De Soto (2000), have globally failed. Since they often involve complex and costly procedures that are beyond the reach of most inhabitants, they have been a vector of exclusion. They have also generated market-driven displacements, due to distress sales by poor inhabitants and land speculation (Durand-Lasserve, 2006; Durand-Lasserve & Selod, 2007; Payne, Durand-Lasserve & Rakodi, 2009). Moreover, most of them never reached their goals. They remain at pilot stages, delivering a very

small amount of titles, due to obstacles to implementation. In brief, they have failed to provide land security and have provoked exclusion.

### **Legitimate land rights and the diversity of land tenure forms**

As an alternative to this standard approach, academics and international organizations such as UN-Habitat (UN-Habitat, 2008) promote the notion of continuum of land rights and the diversity of land tenure forms (Payne, 2001).

They put forward occupancy rights, customary rights, group tenure, etc. and consider them as valid forms of land tenure, which should therefore be secured. In other words, they highlight that legitimate rights as experimented by communities, and not only legal rights, as settled by public authorities, should be protected.

According to this alternative vision, individual private ownership is just one form of land tenure that should not be systematically promoted, neither by governments nor by donors. It is in this vein that Raquel Rolnik, the former special Rapporteur on adequate housing for the United Nations,<sup>9</sup> writes (Rolnik, 2013, p. 4):

*“Individuals and communities occupying land or property to fulfil their right to adequate housing, and who have no other adequate option, have legitimate tenure rights that should be secured and protected. The concept of legitimate tenure rights extends beyond mainstream notions of private ownership and includes multiple tenure forms deriving from a variety of tenure systems.”*

### **The Contribution of the “Commons Literature”**

The literature on the Commons offers a multifaceted contribution to this urban land discussion in the Global South (Midheme & Moulaert, 2013): a renewed interest in collective tenure, a focus on use rights as opposed to freehold property, and the social function of land and property.

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<sup>9</sup> More exactly: Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.

## **A renewed interest in collective land tenure**

First, the work on common-pool resources of Elinor Ostrom<sup>10</sup> (1990), combined with the idea of diversity of land tenure, has fostered a renewed interest in common property regimes.

For Ostrom, Commons are defined as institutional arrangements to manage the use and disposition of resources, in which control regarding access, use and alienation is exerted collectively, but also jointly defined and enforced. Through documented case studies of common pool resources managed by rural communities, Ostrom demonstrates that common property regimes allow sustainable management, in opposition to the “Tragedy of the Commons” theorized by Garrett Hardin (1968). Collective tenure can thus be considered as a type of Commons.

Collective tenure is an historical feature in many parts of the world, since each production of good has depended, throughout human history, upon a pool of Commons encompassing land, water, wood, pastures, etc. In many countries of the Global South, references or practices of traditional collective tenure still exist.

Beyond the work of Ostrom on natural resources and rural communities, the discussion on the Commons has also expanded to subsume urban spaces and practices (Gidwani & Baviskar, 2011; Midheme & Moulaert, 2013; Ramos, 2016). Alongside traditional collective tenure, new forms of collective tenure have emerged in the Global North as well as in the Global South, such as Community Land Trusts, housing cooperatives, etc. (Denèfle, 2016; Midheme & Moulaert, 2013) as a testimony of a renewed interest and trust in common property regimes and management by communities. These new forms of collective land tenure do not systematically rely on traditional communities anymore, but far more on “contractual communities” that may even encompass public institutions.

The Commons paradigm emphasizes the role of local communities. These communities are empowered, as their ability to collectively build housing, create urban spaces and manage common resources is acknowledged by public authorities and by a wider urban community/civil society.

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<sup>10</sup> Ostrom, among other authors, has also put forward the notion of bundle of rights. The latter highlights the fact that different kinds of rights can be superposed on the same piece of land, and be attributed to different individuals or groups.

## **The primacy of the “social function” of land and property**

Second, the notion of the social function of land allows us to question whether private ownership is an appropriate form of land tenure regarding social needs (Bernard & Thys, 2014).

This notion posits the idea that land ownership cannot be absolute (encompassing the full gamut of property rights), since it is limited by its “social function”. In other words, since land is a limited resource, it should be used sparingly, especially in rapidly urbanizing countries where demand for land is increasing. In urban areas of developing countries, this social function is primarily housing, or more exactly the use of land for decent housing.

This idea has more recently been promoted both by the movement of the Commons and by the “right to the city” movement. The notion of “right to the city” was first put forward by Henri Lefebvre (1968) and essentially represents a pursuit of more inclusive cities through the promotion of everyone’s right to access the city as well as to change it (Harvey, 2011). The realization of the social function of land and property is considered a part of the right to the city, as put forward by Saule Junior (2016, pp. 47-48):

*“Social function of the city and property [is] understood as a fair and social use of urban space which ensures that citizens can take ownership of their territory by participating in democratic decision-making processes regarding their spaces of power, production and culture within the parameters of social justice and the creation of environmentally sustainable conditions.”*

According to this perspective, the land access system should be a means to achieve human dignity and encourage “human flourishing” (Alexander and Penalver, quoted by Midheme and Moulaert, 2013, p. 75).

## **The notion of use rights as opposed to freehold property**

Private and individual ownership is deemed inappropriate to achieve the social function of land and property. Indeed, since private individual ownership is characterized, theoretically, by a despotic control of one single person on one plot of land, and is mainly thought to facilitate profit-making, it triggers a central division between owners and non-owners, and in the end fierce social exclusion.

On the contrary, the use rights system considers the land as a means for achieving the basic needs of citizens, such as shelter. Consequently, the expansion of use rights represents the practical translation of the pursuit of the social function of land.

## **A New Framework to Tackle Urban Land Issues**

To sum up, tackling urban land issues through the framework of the Commons allows us to:

- Consider the social function of land beyond its legal status;
- Focus on collective land tenure;
- Consider one of the purposes of urban planning and policy, which is access to adequate housing for all.

The framework of the Commons encourages us to explore alternatives to the dominant models of private and public (State-owned) ownership, and to put management rules and use rights at the center of the analysis. Finally, it allows us to focus on an under-researched topic that is collective tenure in urban context. We now turn our attention to the case studies, with a focus on three of them that are particularly relevant.

### **3. Three Case Studies**

The study has relied on six case studies. As mentioned above, they have been organized in three categories: i) collective tenure referring to traditions and customs; (ii) new forms of collective tenure; and (iii) practices of commoning regarding land rights.

For the purpose of this paper, we detail only the cases that belong to the second category: Community Land Trusts, Housing Cooperatives and Collective Land Titling.<sup>11</sup> We have selected these three cases as they seem to be the most innovative ones. They have also yielded the most salient results regarding alternative forms of tenure for the poor. In this regard, they are relevant case studies for both researchers and practitioners.<sup>12</sup> We now present the case studies very briefly before turning to the discussion.

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<sup>11</sup> Collective Land Titling was considered to belong both to the second and third category.

<sup>12</sup> The whole study, including the six case studies, should be published by the French “Land and Tenure” Technical Committee in French.

## Community Land Trusts

A Community Land Trust (CLT) can be defined as *“a not-for-profit community-controlled organization that owns, develops and manages local assets for the benefit of the local community. Its objective is to acquire land and property and hold it in trust for the benefit of a defined locality or community in perpetuity”* (Diacon, Clarke *et al.*, quoted in Cabannes, 2013). While statutory definitions of CLT differ depending on the country, the defining characteristic of a CLT is the fact that the property is divided into two parts: land on the one side, and improvements on the other side. The first belongs to the Trust, the second belong to the inhabitants<sup>13</sup> (Davis, 2010).

CLTs came about in the USA, with the main purpose of keeping housing affordable through the control of land prices, for disadvantaged communities, especially African-American communities. The first experiments were carried out by civil rights movements, in the South of the country, parallel to anti-segregationist struggles. The first American CLT, New Communities Inc., was established in 1969 in Georgia by a private association. The model was then disseminated elsewhere in the country, with the support of the Catholic Worker Movement, until it was regulated by a law in 1992. According to Midheme and Moulaert (2013), CLT draws its inspiration from customary land tenure in Africa, the land discussion during the 19<sup>th</sup> century, the ideas of Henry George<sup>14</sup> and Ebenezer Howard (Garden City Movement), and also community experiences of the 1970s, such as kibbutzim and moshavim in Israel or the Gramdan Movement in India (1952). Today, CLT are developed in the USA (especially in Vermont) and Europe (UK, France, Belgium), but also in Kenya, Puerto Rico and Bolivia through pilot projects and local initiatives.

In CLT projects, the impact of land value appreciation is “locked” into the community through several arrangements. First, land is held in perpetuity by the CLT so that land is “taken out” of the market. Second, gains on resale are limited to a fraction of the increased value provided by the sale. Third, the lease of every parcel includes a preemption right that gives the CLT the priority to buy the property when an owner leaves the CLT. Due to these principles, prices are kept quite low for several generations of inhabitants (Davis, 2010). Midheme and Moulaert (2013) consider it a “type of modern Commons”.

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<sup>13</sup> Or also to the Trust in some cases.

<sup>14</sup> Especially his book Progress and Poverty (1879), exploring the issue of the inequalities triggered by land ownership and land rent.

In Kenya, at the end of the 1990s, a CLT was put in place as a component of a slum upgrading and land regularization program in the informal neighborhood of Tanzania-Bondeni in Voi City, with the help of the German cooperation agency (GIZ). Legal owners of the land agreed to donate their portion of squatted land as a contribution to the project, and the option to constitute a CLT was chosen by the community. The use of this collective form of tenure aimed at providing land tenure security for slum dwellers and avoiding land resale. Indeed, many slum upgrading projects lead to the resale of parcels by the inhabitants after the regularization process, meaning the targeted communities (the most deprived) do not finally benefit from the program. Nowadays, the implementation of the Voi CLT remains a challenge, since the legal context in Kenya is not adequate to create a Trust. It took 9 years to effectively put in place the CLT. Nevertheless, the most recent land laws might be more favorable to this kind of land arrangement, such as the Community Land Act, adopted in November 2016.<sup>15</sup> Despite the institutional and legal obstacles, the Tanzania-Bondeni CLT has allowed access to urban land for poor households and prevented them from market-induced displacements (Bassett, 2005, 2007; Bassett & Jacobs, 1997; Midheme & Moulaert, 2013).

### **Mutual Aid Housing Cooperatives, Uruguay**

Mutual Aid Housing Cooperatives came about in Uruguay at the end of the 1960s, following the strong mobilization of social movements, trade unions and political parties, which were demanding affordable housing programs.

Housing cooperatives were initially local experiments, based on the long experience of cooperatives in the country. A national law was, however, passed in 1968 that defined mutual aid housing cooperatives and their three pillars (Folléas, 2012):

- Collective and indivisible ownership: land and improvements (buildings) are collectively owned by the members of the cooperative, and the shareholders have use rights;
- Mutual aid: improvements are built through the joint (and mandatory) effort of every beneficiary family (21 hours of work per family per week);
- Self-management: the cooperative allocates resources (including a public subsidy) and manages all aspects of the project without intermediaries.

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<sup>15</sup> Together with a series of recent legal developments, such as a new housing policy from 2004 onwards, and a national land policy in 2009 (see Midheme and Moulaert, 2013, p.82).

In 2008, there were about 500 housing cooperatives in Uruguay. The number of houses built through them equals the number of houses built by the formal private sector subsidized by the national government (Arnold & Lemarié, 2015). The Uruguayan model of housing cooperatives has been replicated in many places, including Paraguay and Bolivia, but so far with fewer results.

### **Collective Land Titling Systems and Programs**

Collective land titling can be defined as the issuance of a land title at the scale of a community. The bundle of rights is conferred to a group of people (Buhot, 2013). The rationale behind collective land titling may be financial: collective titling may be cheaper than individual titling for both governments and inhabitants. Sometimes, it is also coherent with the local spatial organization, when, for example, the boundaries of each individual plot are not precisely delimited. In some places, it is also in line with customary practices. Finally, it has been considered as a means to avoid the gentrification process which can occur following a land tenure regularization program based on individual titles (Rigon, 2015).

Collective land titling has been implemented through development projects in developing countries, as for instance in Kenya (Rigon, 2015). However, we focus here on a more comprehensive approach to collective land titling through the case of the Namibian Flexible Land Tenure System.

The Flexible Land Tenure System stems from a series of local and national programs and policies aiming at producing housing for poor households, and especially black people who had been excluded from private ownership during the apartheid regime.<sup>16</sup> The 2012 Flexible Land Tenure Act is the last step of the Namibian land reform. In addition to the existing freehold title, the reform establishes two new types of land tenure: the Starter Title and the Land Hold Title. They are individual yet group-based titles: the outside boundary of a block of land is professionally surveyed and registered under the freehold tenure system at the Deeds Registry in Windhoek, while individual rights or plots within the block are registered locally at the Land Rights Offices. These titles can be upgraded (from Starter Title to Land Hold Title, and then to Freehold Title). The block of land can be owned by the Municipality, a private developer or a community-based organization (Matthaei & Mandimika, 2014; Mitlin & Muller, 2004). A comparison between the

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<sup>16</sup> Projects include: those of the Namibian Housing Action Group (NHAG), the Slum Dwellers Federation of Namibia (SDFN), but also the “Build Together” national program and Windhoek’s municipal land policy.



three types of tenure can be found in the Appendix. According to the literature, in 2014, a few pilot projects had been implemented, but the main decrees had not been enacted.

The following table displays the main features of the three case studies:

**Table 1. Main features of the three case studies**

| Case – Country                            | Community concerned  | Level of implementation and institutional recognition  |
|---|--|--|
| CLT – Kenya                               | Neighborhood (inhabitants of the area at the beginning of the GIZ project) | The CLT has been put in place through a GIZ cooperation project and is currently functioning. Yet, some official land documents are still missing.                                       |
| Mutual Aid Housing cooperatives – Uruguay | Cooperative members (contractual community)                                | Housing cooperatives have been defined by a national law since 1968. There are today 390 mutual aid housing cooperatives in the country, benefiting 20,000 households and 70,000 people. |
| Collective titling – Namibia              | Inhabitants of a given block   | The Flexible Land Tenure System Act was adopted in 2012. The Ministry of Land Reform is in charge of its implementation. So far, this has led to a limited number of pilot projects.     |

*Source: Claire Simonneau.*

## 4. Discussion

What can we learn from these case studies? This section is composed of two parts. The first part adopts a methodological and epistemological point of view: we discuss the specificities of collective land tenure as compared to other Commons. The second part considers the effects of collective tenure regarding key issues, such as social and economic inclusiveness and land security.

### Characteristics of Collective Land Tenure as Commons

#### *Innovative forms within existing legal contexts*

Interestingly, the three experiences studied are implemented within their existing legal context, especially as concerns land ownership and land holding. The innovation lies solely in the creation

of new organizations: housing cooperatives, community land trusts or some of the community-based organizations in Namibia.

Moreover, and in opposition to a widespread perception about the Commons, the central or local public authority is never missing in the cases studied here. The government can play various roles:

- A regulating role, by providing a legal framework for collective forms of tenure;
- A role of land owner, in the case of some housing cooperatives;
- A role of housing subsidy provider, in the case of CLT and housing cooperatives.

*Collective and individual tenure*

Second, and in line with the first point, the three experiences combine collective and individual rights. A block of land is owned by a group or a collective institution, but individuals or households possess use rights. The following table displays such a dual tenure for each case:

**Table 2. Collective and individual tenure**

|                         | Holder of the block of land                                     | Collective tenure (tenure of the block of land)    | Individual tenure (inhabitants) |
|-------------------------|---|--|---------------------------------|
| CLT                     | Trust   | lease or land title                                | sublease                        |
| Cooperatives            | cooperative   | land title   | cooperative share               |
| Collective Land Titling | municipality, private developer or community-based organization | collective title (Starter title or Landhold title) | use rights in perpetuity        |

*Source: Claire Simonneau.*

This table highlights two points. First, it confirms that collective tenure in urban contexts can rely on conventional forms of legal tenure, such as leases and land titles. This suggests that collective tenure can be implemented even in countries where private land titles are the favored form of land tenure by the public authorities. In this case, the innovation lies in the combination of collective and individual rights.

Second, it confirms the embedded nature of land rights: use rights depend on the inhabitants' belonging to a group ("Land and Development" Technical Committee", 2009*b*). This notion of embeddedness refers to the work of Karl Polanyi and underlines the fact that in non-capitalist societies, the economy works within social relationships (Polanyi, 1944).

This attention given to the group leads us to discuss the notion of community.

### **Urban communities**

Discussions about Commons in developing countries are often based on traditional and rural communities' experiences. But the cases studied in this paper comprise the main features of urban communities. Midheme and Moulaert (2013) underline a useful distinction made by Ostrom between traditional communities and contractual communities. Within traditional communities, which can be found in peasant societies, individuals belong to a community by birth, marriage or assimilation. Land ownership is then bound to community membership. On the contrary, contractual communities derive from a decision of individuals to cooperate in managing a limited amount of common resources. It means that belonging to a contractual community is not "natural" as in traditional communities, but stems from a clear will to be part of the group. Furthermore, the group defines rules to enter as well as to exit the group (to come and go). Contractual communities are more common in urban societies today.

Ostrom's work in rural villages is mainly about traditional communities. The case studies here reveal an innovative perspective on communities. First, they clearly involve contractual communities. The Uruguayan housing cooperatives, for instance, set up an explicit list of rights and duties associated with membership of the cooperative, which should be accepted and endorsed by members. Second, they offer a new conception of communities. For example, the CLT governance model does not only comprise inhabitants, but also representatives of the neighborhood and of local public institutions.

In addition, the case studies demonstrate that exerting rights through contractual communities is very demanding. First, the cohesion of the community should be built and sustained. This challenge is patent in the case of housing cooperatives in Uruguay: while the model was born along with the struggles for social rights in the sixties, a slight dismantling of communities is nowadays witnessed, as the second generation has inherited the houses. Second, the capacities of community to build houses, plan infrastructures and basic services at the scale of the neighborhood, and manage the collective goods are far from straightforward. Capacity building

remains a great challenge. This challenge is seriously tackled in Uruguay: housing cooperatives are obliged to engage the services of urban planning and design professionals (architects, technicians, etc.). They also organize training sessions for the members of the cooperative, in the field of management for example. Finally, the discussion about the role of communities raises the complex issue of empowerment.

## **Effects of Collective Tenure on Urban Development for a Sustainable City**

### *Security of land tenure*

Security of tenure can be defined, according to UN-Habitat, as the “*right of all individuals and groups to effective protection by the state against forced evictions*”, while forced eviction is defined as “*the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection*” (Augustinus & Benschop, 2003, p. 2).

Evaluating effective land security would require a deeper analysis than the one summarized in this paper, including a thorough examination of legal and institutional context and extensive fieldwork aiming at understanding the situation of households regarding legal and perceived land security (Payne, Durand-Lasserve, & Rakodi, 2008). Nevertheless, a rough assessment of the level of land security can be made, based on an examination of the bundle of rights held by the inhabitants. The conclusions of Yves Cabannes’ report (2013) to the Special Rapporteur on adequate housing is also useful.<sup>17</sup>

First, the following table, which is based on the information found in the literature, shows the inhabitants’ bundle of rights.

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<sup>17</sup> We tackle the issue of land tenure security here, since land is a primary livelihood asset for urban households. Nevertheless, what is also remarkable in the case studies is the fact that land tenure and housing tenure can be detached: in the case of the CLT, a Trust owns the land, while inhabitants own improvements have built on it. In the case of the housing cooperatives, land and improvements are not considered as two separate goods. In the case of the Flexible Land Tenure System, land and housing tenures are also separated. Separating land tenure from building tenure is at odds with the notion of private individual ownership. It is another feature of the Commons applied to issues of land for housing purposes, which actually reflects a situation existing in many informal neighborhoods (Bassett, 2005).

**Table 3. Bundle of land rights of the inhabitants**

| Types of rights (Ostrom):        |                                     | Access and withdrawal |                | Alienation                    |                       |     |
|----------------------------------|-------------------------------------|-----------------------|----------------|-------------------------------|-----------------------|-----|
| Land rights (regarding housing): |                                     | Use right             | Mortgage right | Right to sell                 | Right to inherit      |     |
| Cases                            | CLT<br>(land use right)             |                       | Yes            | No (depending on the country) | Yes, under conditions | Yes |
|                                  | Cooperatives<br>(cooperative share) |                       | Yes            | Data unavailable              | Yes, under conditions | Yes |
|                                  | Collective<br>Land<br>Titling       | Starter title         | Yes            | No                            | Yes                   | Yes |
|                                  |                                     | Landhold title        | Yes            | Yes                           | Yes                   | Yes |

Source: Claire Simonneau

This table proves, in the first place, that land use rights are granted by official documents (see table on use rights above), may they be a shareholding in a cooperative, certificates of use rights, or land titles. Provided there is political and institutional stability, these official documents may offer a substantial degree of security. Moreover, in many instances, land use rights can be inherited within the family, yet sometimes under specific conditions.

Last but not least, collective tenure may prevent eviction and market-induced eviction, such as distress sales and, ultimately, extreme poverty. This is allowed by facilitating measures or solidarity mechanisms that play either a preventive or assisting role. For example, in Uruguayan cooperatives, an aid fund (*fondo de socorro*) is created, with a contribution from every member, in order to address some members' financial difficulties. The contribution to this fund is mandatory. Saving groups are also often organized within these long-lasting communities. Donors could support this kind of initiatives, in order to achieve the first target of the SDG 11: "ensure access for all to adequate, safe and affordable housing".

Cabannes (2013) provides another noteworthy element regarding land security, yet concerning the Global North: during the 2008 sub-prime mortgage and foreclosures crisis, CLTs in the USA broadly prevented inhabitants from eviction. More precisely, citing a study of Thaden and Rosenberg from 2010, Cabannes reports that the number of households in the foreclosure process was by far lower than for those who contracted prime or subprime loans. He also reports that many delinquencies were resolved through "*a set mechanism offered and/or facilitated by CLTs, which included financial counselling or referrals to foreclosure prevention programs, providing direct grants or loans to homeowners, or working with homeowners and lenders on permanent loan modifications*" (Cabannes, 2013, p. 11).

### *Social and economic inclusiveness*

This last section analyzes the way in which the experiences studied tackle the issue of social and economic inclusiveness. Beforehand, the concept of social inclusion shall be considered carefully. Indeed, the structural boundaries of the Commons imply a form of exclusion, since Commons are exclusively based on and organized for a user community (see definition above).

This study aims at tackling a more specific issue which can be formulated as follows: To what extent do collective forms of tenure provide access to land for vulnerable households already excluded from the formal land market and private ownership? More specifically, to what extent does collective tenure contribute to affordable housing? Again, given the limited scope of the data available in the literature, we can only partially answer this question.

First, through alternative ways of financing access to land and housing, the three experiences target social and economic inclusion. The CLT model is the most comprehensive experience regarding this issue: a subsidy helps the Trust purchasing the plot and the plot can be used by and belongs to the community. In doing so, the burden of purchasing the land is not borne by the inhabitants, meaning the cost of housing for them is considerably lowered. The system of housing cooperatives also lowers the cost of housing, through mutual aid for building houses. Lastly, the collective land titles within the Flexible Land Tenure System in Namibia (in particular Starter Titles) are cheaper options for land titling, since they require fewer documents and procedures. Second, the issue of social inclusiveness remains crucial over the long term. In a CLT, thanks to the specific conditions regarding the sale of assets, housing remains affordable for a long period of time. In housing cooperatives in Uruguay, Cabannes (2013) highlights a risk of gentrification, as a second generation is currently entering the cooperative. This is due to the fact that the cost of a house encompasses the social capital value. The latter equals (mainly): the value of the number of hours worked during the construction, the social charges that would have been paid if the work had been done by a contracted worker, and the repaid amount of the loan, if any. Then, *“The new comer (...) needs to bring upfront over quite a short period of time what the one who left accumulated through a long period of time. He or she will need income and savings much higher than the one who leaves”* (Cabannes, 2013). As a result, according to Cabannes, sociological changes are observed, since the second generation of inhabitants is globally more affluent than the first generation. Moreover, over the long term, the households that decide to leave CLTs or cooperatives do not have the resources to find another housing solution in the conventional market. Indeed, for example, in Uruguay, a member who leaves a cooperative receives only 50% of its capital during

the first year, and the remaining 50% in the next three years.<sup>18</sup> This second point draws attention to the “time” variable, and stresses the need to scrutinize the effect of these new forms of collective tenure over the long term.

## 5. Concluding Remarks and Further Research

The aim of this paper was to report on and summarize the results of an exploratory study on collective tenure in cities in developing countries conducted for AFD in 2016.

The paper introduces a renewed analytical framework to study land issues in developing countries, which is enriched by the framework of the Commons. It allows us to (i) consider the social function of land beyond its legal status; (ii) focus on collective land tenure; (iii) consider the ultimate purpose of urban planning and policy, which is access to decent housing for all.

Three case studies have been presented. The analysis highlights the fact that collective tenure in urban context is quite specific compared to renowned examples of Commons (notably common-pool natural resources and immaterial Commons such as knowledge, etc.). Collective land tenure often relies on conventional forms of legal tenure, but combines collective ownership (or possession) with individual land rights. It is also based on contractual communities instead of traditional communities. Lastly, the three cases of collective tenure also show contrasting results regarding land tenure security and social and economic inclusiveness.

As a conclusion, it seems that further research should be conducted to scrutinize the effects of collective tenure over the long term, notably regarding social and economic inclusiveness. The question of scaling-up these experiences also emerges, since some are still at a pilot stage, while others benefit a very limited number of inhabitants. Indeed, these alternative forms of tenure might help achieving some targets of the New Urban Agenda and the Sustainable Development Goal 11 on cities and human settlements; but the case studies show the uniqueness of each context. Therefore, deeper analysis and research should first be developed to understand to what extent and according to which conditions these collective forms can improve the living conditions of vulnerable populations, and enhance the social inclusion at a city level. Second,

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<sup>18</sup> Another example concerns the CLT in Europe: in the Brussels-Capital Region, a member of a CLT who sells his house receives only 25% of its added value. The remaining 75% is for the CLT. Unfortunately, we do not have the same level of details for the case of Kenya at the time of writing this article.

each initiative would require specific assessments to understand the local constraints and the needed prerequisite to achieve the sustainability goals, before any urban development plan and any donor's intervention.

Finally, if donors decide to support these kinds of initiative, the partners could either be the concerned associations or cooperatives, or donors could help national and local governments or local banks supporting themselves these initiatives.



## References

- Arnold, P. & C. Lemarié (2015), *Habitat en Mouvement. Voyage à la rencontre de l'habitat populaire en Amérique du Sud*, self-published.
- Augustinus, C. & M. Benschop (2003), *Security of Tenure: Best Practices*, paper presented at the UN-Habitat Regional Seminar on Secure Tenure, Nairobi.
- Bassett, E.M. (2005), Tinkering with Tenure: The Community Land Trust Experiment in Voi, Kenya, *Habitat International*, 29, 375-398.
- Bassett, E.M. (2007), The Persistence of the Commons: Economic Theory and Community Decision-Making on Land Tenure in Voi, Kenya, *African Studies Quarterly*, 9(3).
- Bassett, E.M. & H.M. Jacobs (1997), Community-based Tenure Reform in Urban Africa: The Community Land Trust Experiment in Voi, Kenya, *Land Use Policy*, 14(3), 215-229.
- Bernard, N. & P. Thys (2014), Introduction: "Socializing" Land by Shielding it from Speculation, in C. Mathivet (Ed.), *Take Back the Land! The Social Function of Land and Housing, Resistances & Alternatives* (pp. 20-25), Ritimo/AITEC, Paris.
- Bollier, D. (2014), *La renaissance des communs. Pour une société de coopération et de partage*, Éditions Charles Léopold Mayer, Paris.
- Buhot, C. (2013), Propriété collective, in G. Boulay & C. Buhot (Eds.), *Les mots du foncier. Dictionnaire critique* (pp. 56-57), ADEF Éditions, Paris.
- Cabannes, Y. (2013), *Collective and Communal Forms of Tenure*, UN Special Rapporteur on Adequate Housing. Background Paper.
- Davis, J.E. (Ed.) (2010), *The Community Land Trust Reader*, Lincoln Institute of Land Policy, Cambridge.
- De Soto, H. (2000), *The Mystery of Capital. Why Capitalism Triumphs in the West and Fails Everywhere Else*, Basic Books, New York.
- Denèfle, S. (Ed.) (2016), *Repenser la propriété. Des alternatives pour habiter*, Presses Universitaires de Rennes, Rennes.
- Durand-Lasserve, A. (2006), Market-driven Evictions and Displacements: Implications for the Perpetuation of Informal Settlements in Developing Countries, in M. Huchzermeyer & A. Karam (Eds.), *Informal Settlements. A Perpetual Challenge?* (pp. 207-230), UCT Press, Cape Town.
- Durand-Lasserve, A. & H. Selod, (2007), *The Formalisation of Urban Land Tenure in Developing Countries*, Paper presented at the World Bank's 2007 Urban Research Symposium, Washington D.C., May 14-16.
- Folléas, S. (2012), *Les coopératives de logement en Uruguay. Une production de l'offre de logements par le tiers secteur*, *Métropolitiques*.
- Gidwani, V. & A. Baviskar (2011), Urban Commons, *Economic and Political Weekly*, 46(50), 42-43.
- Hardin, G. (1968), The Tragedy of the Commons, *Science*, 162(3859), 1243-1248.
- Harvey, D. (2011), The Future of the Commons, *Radical History Review* (109), 101-107.

Helfrich, S., R. Kulhen, W. Sachs & C. Siefkes (2009), *The Commons. Prosperity by Sharing*, in M. Huchzermeyer & A. Karam (Eds.) (2006), *Informal Settlements. A Perpetual Challenge?*, UCT Press, Cape Town.

Technical Committee on Land Tenure and Development (2009), *Land Governance and Security of Tenure*, White Paper, French Development Cooperation, Technical Committee on Land Tenure and Development, Paris.

Le Bris, É., É. Le Roy & F. Leimdorfer (Eds.) (1982), *Enjeux Fonciers en Afrique noire*, Karthala, Paris.

Lefebvre, H. (1968), *Le droit à la ville*, *Anthropos*, Paris.

Massiah, G. & J.-F. Tribillon (1988), *Villes en développement*, Éditions La Découverte, Paris.

Matthaei, E. & P. Mandimika (2014), *The Flexible Land Tenure System in Namibia: Integrating Urban Land Rights into the National Land Reform Programme*, paper presented at the 2014 Annual World Bank Conference on Land and Poverty, Washington D.C.

Midheme, E. & F. Moulaert (2013), Pushing Back the Frontiers of Property: Community Land Trusts and Low-income Housing in Urban Kenya, *Land Use Policy*, 35, 73-84.

Mitlin, D. & A. Muller (2004), Windhoek, Namibia: Towards Progressive Urban Land Policies in Southern Africa, *International Development Planning Review*, 26(2), 167-186.

Moser, C. (1998), The Asset Vulnerability Framework: Reassessing Urban Poverty Reduction Strategies, *World Development*, 26 (1), 1-19.

Ostrom, E. (1990), *Governing the Commons. The Evolution of Institutions for Collective Action*, Cambridge University Press, Cambridge.

Payne, G. (2001), Urban Land Tenure Policy Options: Titles or Rights? *Habitat International*, 25, 415-429.

Payne, G. (2002a), *Land, Rights and Innovation. Improving Tenure Security for the Urban Poor*, ITDG Publishing, London.

Payne, G. (2002b), *Tenure and Shelter in Urban Livelihoods*, in C. Rakodi, *Urban Livelihoods. A People-centred Approach to Reducing Poverty*, Earthscan, London.

Payne, G., A. Durand-Lasserve & C. Rakodi (2008), *Social and Economic Impacts of Land Titling Programmes in Urban and Peri-urban Areas: International Experience and Case Studies of Senegal and South Africa*. Final Report, submitted to the Ministry of Foreign Affairs, Government of Norway, to the Swedish International Development Agency (SIDA).

Payne, G., A. Durand-Lasserve & C. Rakodi (2009), The Limits of Land Titling and Home Ownership, *Environment and Urbanization*, 21(2), 443-462.

Polanyi, K. (1944), *The Great Transformation*, Beacon Press, Boston.

Ramos, J.M. (Ed.) (2016), *The City as Commons: A Policy Reader*, The Commons Transition Coalition, Melbourne.

Rigon, A. (2015), Collective or Individual Titles? Conflict over Tenure Regularisation in a Kenyan Informal Settlement, *Urban Studies*, 1-21.

RocheGude, A. (1982), Foncier et décentralisation : Réconcilier la légalité des pouvoirs domaniaux et fonciers, in E. Le Roy (Ed.), Retour au foncier, Cahiers d'anthropologie du droit (Cahier/Discussion Paper/ Cuaderno 2000-6), Cities and Development, Montreal.

Rolnik, R. (2013), Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-discrimination in this Context. General Assembly of United Nations, Human Rights Council.

Schlager, E. & E. Ostrom (1992), Property-Rights Regimes and Natural Resources: A Conceptual Analysis, *Land Economics*, 68(3), 249-262.

UN-Habitat (2008), *Secure Land Rights for All*, UN-Habitat, Nairobi, 47 p.

UN-Habitat (2012), *State of the World's Cities 2012/2013*, UN-Habitat, Nairobi.

## Appendix

Excerpt from Matthaei and Mandimika (2014, p. 42)

**Table 4: Comparisons of Flexible Land Tenure System and freehold systems**

| TOPICS/CRITERIA  | STARTER TITLE   | LANDHOLD TITLE  | FREEHOLD TITLE  |
|--|---|---|---|
| <b>Registered at Windhoek Deeds Office</b>             | A block of land   | A block of land   | An individual erf   |
| <b>Holder of the plot registered at Windhoek Deeds</b> | Municipality, private developer or CBO                                    | Municipality, private developer or CBO  | Individual owner  |
| <b>Type of tenure</b>                                  | Group based derived from the owner of the block                           | Group based, derived from the owner of the block                                      | Individual ownership  |
| <b>Extent of rights</b>                                | Right to occupy an undefined site within a block in perpetuity            | Right to occupy a defined site within a block in perpetuity                           | Right to occupy an individual site in perpetuity                |
| <b>Right to</b>  | Transfer or otherwise dispose of the occupation right, upgrade as a block | Transfer or otherwise dispose of the occupation right, mortgage, upgrade individually | Transfer or otherwise dispose of the occupation right, mortgage |
| <b>Restrictions</b>                                    | Conditions on block, group constitutions, no permanent structures         | Conditions on block   | Conditions on title on individual erf                           |
| <b>Individual rights registered at</b>                 | Land Registration Office  | Land Registration Office  | Windhoek Deeds  |
| <b>Maps/surveys</b>                                    | Community map (optional)  | Cadastral map prepared by land measurer   | Diagramme or general plan prepared by land surveyor             |
| <b>Planning</b>  | Feasibility study of local authority whether or not the block is suitable | Layout to be approved by local authority  | Layout to be approved by local authority                        |

*Source: Republic of Namibia, 2005.*

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