

# RECOGNISING AND PROTECTING DIVERSE TENURE SYSTEMS



*Photo credit: CIFOR/Aulia Erlangga*

SCIENCE FOR ACTION



INTERNATIONAL  
**LAND**  
COALITION



# RECOGNISING AND PROTECTING DIVERSE TENURE SYSTEMS

The Science for Action Series is jointly coordinated by the International Land Coalition (ILC) and the Global Land Programme (GLP). It brings together key findings from research networks relevant to ILC'S ten commitments to People-Centred Land Governance. The Series facilitates exchange of knowledge between scientists, civil society and grassroots organisations to strengthen efforts of land users, practitioners and policy makers to bring about positive change in land governance.

This brief refers to Commitment Three: 'Recognize and protect the diverse tenure and production systems upon which people's livelihoods depend, including the communal and customary tenure systems of smallholders, indigenous peoples, pastoralists, fisher folks, and holders of overlapping, shifting and periodic rights to land and other natural resources, even when these are not recognized by law, and whilst also acknowledging that the well-being of resource-users may be affected by changes beyond the boundaries of the land to which they have tenure rights.'

It is based on the research of the Center for International Forestry Research, the International Food Policy Research Institute (IFPRI), Supporting Pastoralism and Agriculture in Recurrent and Protracted Crises (SPARC) and the International Livestock Research Institute (ILRI).

It is estimated that only about 30% of the world's land has legally recognised land tenure.<sup>1,2,3</sup> Efforts to consistently measure land tenure security globally are still developing, as differences in sampling and methodology complicate efforts.<sup>4,5</sup> Nevertheless, approximately 2.5 billion people globally rely on land that is not legally recognised for their livelihoods. A significant portion of these people are in rural areas of developing countries, and, as national laws in many countries do not formally recognise community-held land, this leaves these properties open to land grabs.<sup>6</sup>

A one-size-fits-all approach, such as merely converting all land into private property, risks over-regulation and does not acknowledge the varied ways in which different communities interact with and manage their land. A more effective approach involves adopting flexible definitions that respect and codify a wide range of land use practices and rights.

## DEFINING DIVERSE TENURE AND PRODUCTION SYSTEMS

**Diverse production systems** refer to the range of practices used to cultivate and harvest land-resources. Many rural households depend on a single area for a variety of resources; an area may not only support livestock, for instance, but provide meat, milk, hides, wool and other valuable

products.<sup>7,8</sup> Diverse production activities often take place on common lands whose lack of formal legal recognition makes livelihoods vulnerable and significantly contributes to rural poverty.<sup>9,10</sup>

**Diverse tenure systems** refer to the various structures for land rights and usage, including:

- private ownership
- communal land holdings
- customary rights

- informal arrangements
- others in combination

Tenure systems differ from production systems in that they refer to the allocation of rights of land usage. In many countries the protection of common lands – integrating them into national land registries – is extremely challenging. Governments often retain rights to high-value resources like timber and minerals, leading to overlapping claims and conflicts.<sup>11</sup>

## UNDERSTANDING THE CONTEXT

Recognising and strengthening communities' traditional land rights involves navigating complex local, regional and national legal frameworks, often complicated by competing commercial interests. Civil society organisations (CSOs) such as Pasture Users' Unions (PUU) are crucial, guiding communities through processes, helping to secure land tenure and community land rights through legally recognised entities.<sup>12</sup>

## FACING CHALLENGES

### MULTIPLE CLAIMS TO LAND

In many areas, claims by multiple users can lead to conflict among rival ethnic groups

or between local landholders and the state. These complex situations, especially when engaging with external stakeholders, require collaborative negotiation and management processes to ensure that all voices are heard.<sup>13</sup>

### OVERLAPPING OF TENURE TYPES

While land may be collectively held, specific land-parcels or resources are frequently allocated for individual or family use. Property may also be used and managed by groups while technically remaining under state ownership. This mosaic of tenure types is an intricate overlapping that requires careful management to ensure equitable access and use. Community ownership of resources is vital for indigenous peoples who rely on a variety of production systems - such as fishing, gathering and hunting - for their survival. In contrast, settler communities, which depend on crop and animal farming, tend to favour private land ownership.<sup>14</sup>

### LACK OF RECOGNITION TO CUSTOMARY ARRANGEMENTS

Lack of government recognition makes traditional land rights vulnerable to external threats. For instance, private owners or corporations have acquired common lands in Gujarat India; 78% of grazing lands traditionally belonging to all local pastoralists have been lost, jeopardising pastoralists' livelihoods.<sup>12</sup> ▶



Photo credit: Mokhammad Edliadi/ICRAF

## FINDING SOLUTIONS

### RECOGNISING LAND RIGHTS AND TRADITIONAL LAND USE SYSTEMS

Resolving land ownership conflicts requires acknowledging the diversity, complexity and often incongruent nature of tenure systems. Traditional land rights often exhibit flexibility shaped by centuries of adaptation to the landscape, production processes and community needs, compared to the rigid legal systems of states.<sup>13</sup> Reconciling customary and legal land rights involves identifying key resources - such as land, water, forests or rangelands - that are central to these claims and potential conflicts.



### ESTABLISHING TRADE NETWORKS AND OPEN DIALOGUE

Research has shown that establishing trade networks is a helpful structure, fostering open exchange, trust and cooperation within collaborative commercial projects. Shared positive outcomes can support ongoing conflict resolution, potentially reducing legal battles and promoting mutual benefit and stronger relationships between communities.<sup>12</sup>

### LEGAL SUPPORT

A range of legal support mechanisms can be implemented to recognise and protect the diverse tenure and production systems essential for people's livelihoods. For example, in Chenini, Tunisia, a strong governmental presence and supportive legal frameworks, combined with mechanisms for intercommunity dialogue have contributed to quick dispute resolution and increased stability.<sup>7</sup> Other mechanisms include:

- **Enforcing land rights and securing titles** for pastoralists and small-scale farmers.
- **Creating land use contracts** based on

- customary land tenure systems.
- **Supporting community-based natural resource management models**, such as PUUs, which promote environmental protection, social justice and rural economic development.
- **Ensuring accessible conflict resolution mechanisms**, allowing communities to appeal decisions, lodge complaints and request information about their applications.

### CAPACITY BUILDING

Capacity building is critical for participatory rangeland management. Training in negotiation, rule-making and collective governance equips communities to make informed decisions on biophysical factors like seasonal changes and socio-ecological elements such as herd mobility. These skills are essential not only for internal collaboration, but also for engaging with state authorities.<sup>7</sup>

Legal and psycho-legal counselling provides vital support to victims of land dispossession, educating and empowering them to understand and defend their rights, particularly for minorities

## EXAMPLES OF SOLUTIONS AT WORK – PUU IN KYRGYZSTAN

In Kyrgyzstan, herders have traditionally moved across pastures at different altitudes on a seasonal basis. Soviet governance replaced this system with a centralised administration favouring meat over wool. Since independence the country has had to fight to reverse decimated cattle and sheep numbers, and the overgrazing, neglect and erosion damage to 33% of pastureland. In 2008 the Agricultural Investment Services Project formed a seven-year mission to adopt and implement the 2009 "Pasture Law," handing pasture management back to local government, and then local pastoralists who formed a PUU. It was supported by the International Fund for Agricultural Development, together with the World Bank and the Swiss Development Cooperation.<sup>17</sup>



and indigenous peoples.<sup>12</sup> Finally, strengthening public institutions and producer organisations can help improve communities' access to technologies that enhance farming/pastoral productivity on rangelands.

### REDRESSING GENDER BALANCE

Securing community land rights also requires understanding the interaction between gender

local institutions, regulatory and enforcement practices and knowledge-management systems. However, aligning this approach with state agendas is challenging, as such decisions often require collaboration amongst many players.<sup>7</sup> For example, pastoralists prioritise the right to access forage - essential for their herds and livelihoods - over fixed land ownership rights. A multi-level governance is necessary; flexibility, negotiation, mutuality, overlaps in authority and the ability to

*Reconciling customary and legal land rights involves identifying key resources - such as land, water, forests or rangelands - that are central to these claims*

traditions, land tenure systems and production practices.<sup>15</sup> Secure tenure for women requires collective tenure security and guaranteed individual rights, including decision-making power, for women within that collective.<sup>13</sup> CSOs play a critical role, advocating for gender equality across statutory, customary and community norms and laws, and challenging discriminatory attitudes and cultural practices.<sup>16</sup>

### IMPROVING DATA BY FOSTERING COLLABORATION

Community-based natural resource management (CBNRM) is an effective way to collectively manage resources by integrating customary practices,

implement multiple governance models are all fundamental to success.<sup>7</sup>

In Cameroon, where a dual land tenure system exists, customary land rights are not fully recognised by state law, making community lands vulnerable to exploitation by investors. To address this, a cohesive land mapping tool has been developed by the Centre pour l'Environnement et le Développement (CED) in collaboration with government representatives, community members, and organisations such as the Rainforest Foundation UK (RFUK) and the Forest Peoples Programme (FPP). This collaborative tool has enabled land claims legible to the state. ▶

## LOOKING TO THE FUTURE

### COMMUNITY MANAGEMENT

“Community” is a diffuse term, so clear definitions are needed for its members and roles. In practice, community management of common land, watersheds and pastures is typically carried out by a pastureland management committee (PMC). Every household in the village participates, creating rules for access, usage and management of common lands, and security measures to ensure fair and equal access to water and fodder.<sup>12</sup> Other actors, such as NGOs, pastoralist communities, local government departments and ministries also play a role. CSOs can further support this process by promoting community management as an integrated system.

A notable example of successful community management is the work done in Sagatadi village in Rajasthan, India. The local pastoralist community had long been affected by the degradation of common lands and unregulated access to pastures, compounded by harsh weather and difficult terrain. In 1991, 85 families in partnership with an Udaipur-based NGO, Prayatna Samiti, came together to develop a comprehensive plan and establish a community-led PMC. Their goal was to restore and manage 75

hectares of degraded pastureland - 35 hectares designated for grazing and 40 hectares requiring restoration due to reduced watershed and poor fodder growth. Every household in the village was involved.

Through this collective effort, the community not only revived the land but ensured equitable access to resources. A significant increase in fodder yields then resulted in financial savings for households and improved milk production from their livestock, as well as a strong sense of ownership. This approach has worked successfully for over 25 years, with the PMC overseeing several key initiatives, from allotting plots to 85 families, developing a waterbody in the common area and establishing fodder-access rules, particularly after the monsoon.<sup>12</sup> With support from the Forest Department, the village implemented water and social conservation measures, further enhancing land fertility and productivity.<sup>18</sup>

### BUILDING MUTUALLY BENEFICIAL RELATIONSHIPS

Legal and administrative processes for resolving land conflicts can be lengthy. However, the trade networks, open dialogue as well as collaborative frameworks of CBNRM systems strengthen mutual respect and solidarity.<sup>12</sup> In sub-Saharan

Africa, for instance, reputation and cooperation have emerged as key factors in shaping land tenure rights and maintaining access to valuable resources.<sup>15</sup>

Investment in social relationships is also essential to sustainability efforts. A recent study of five community-based rangeland management cases from three countries identified two primary challenges: an organisation's 'horizontal' relationships across the broader landscape; and its 'vertical' relationship with government authorities. In light of these socio-ecological factors, the study's findings recommend:<sup>7</sup>

- Formal recognition of communal land tenure
- The establishment of institutions to mediate between communities
- Consideration of physical landscape features, other land uses and political borders that limit community territory or restrict their herds

### SUPPORT SYSTEMS FOR DIVERSE FORMS OF TENURE

CSOs can play a key role in helping local communities foster diverse tenure systems by investing in support such as:

- **Investment in social and institutional resources**, for example, communities with livestock might benefit from the establishment of a fodder fund, collecting fodder bales for communal use.<sup>12</sup>



- **Strengthening community management accountability** to their members is crucial for long term success.
- **Fair recognition of customary land tenure systems** is essential to preserving diverse tenure arrangements.
- **Clear and accessible procedures** for registering and documenting land rights fosters communities' legal security.
- **Incentives and a supportive policy environment** between PUUs, community members and government can ensure equitable resource-access for all.<sup>12</sup> ●

## ACKNOWLEDGEMENTS

This brief is based on the following research and articles used in consultation with the authors:

- Benjamin, E.O., Ola, O., Sauer, J., Buchenrieder, G. (2021). Interaction between agroforestry and women's land tenure security in sub-Saharan Africa: A matrilineal perspective. *Forest Policy and Economics* 133, 102617.
- Meinzen-Dick, R.S., Doss, C.R., Flintan, F., Knight, R., Larson, A.M., Monterroso, I. (2021). Women's Tenure Security on Collective Lands: A Conceptual Framework. IFPRI Discussion Paper 2074.
- Notess, L., Veit, P., Monterroso, I., Andiko, Sulle, E., Larson, A.M., Gindroz, A., Quaedvlieg, J., Williams, A. (2021). Community land formalization and company land acquisition procedures: A review of 33 procedures in 15 countries. *Land Use Policy*, 110.
- Robinson, L.W., Eba, B., Flintan, F., Frija, A., Nganga, I.N., Ontiri, E.M., Sghaier, M., Abdu, N. H., Moiko, S. S. (2021). The Challenges of Community-Based Natural Resource Management in Pastoral Rangelands. *Society & Natural Resources*.

We would like to thank Anna Larson (CIFOR), Ruth Meinzen-Dick (IFPRI) and Fiona Flintan (ILRI) for their contributions.

## REFERENCES

For a full list of references please refer to the Annex - [End Notes](#)

## EXAMPLES IN ACTION

### COMMUNITY-BASED ORGANISATIONS IN CHENINI, TUNISIA

In the 1990s, the Tunisian government established formal community-based organisations in Chenini called Groupement de Développement Agricole (GDA). Functioning as farmers' associations, GDAs took on the responsibility of managing users' rights to rangelands as well as overseeing land and resource management. They also collaborated with Conseil de Gestion de Terres Collectives (Collective Land Management Councils) - councils of local tribal leaders formalised by the government.

Chenini and neighbouring communities have developed effective land management strategies that involve resting sections of their rangelands by rotating herds to different grazing areas throughout the year. In partnership with the Agropastoral Development and Local Initiatives Promotion Programme for the South-East (PRODESUD), funded by the International Fund for Agricultural Development, this approach has brought numerous ecological and socioeconomic benefits over time, including:<sup>7</sup>

- Improved rangelands conditions
- Significant reduction in desertification and land degradation risks
- Decreased financial burden for communities by reducing the need for supplemental feed, transportation and water
- Increased participation from youth and other community members in rangeland management activities
- Positive outcomes for the local communities

This integrated approach has helped sustain the local environment while boosting the resilience and involvement of the Chenini community.

*Science for Action is a jointly coordinated series of ILC and GLP, gathering key research findings on land governance and land science from researchers in their networks.*



© ILC and GLP/University of Maryland College Park, Centre for Development and Environment, University of Bern, 2025.

DOI: XXX

GLP [Global Land Programme], ILC [International Land Coalition]. (2025). Recognising and protecting diverse tenure systems, Science for Action Series No. 3. Rome, Italy and Bern, Switzerland: ILC and GLP/ Centre for Development and Environment, University of Bern. Insert DOI webpage XXXXX

*This brief is based on the research of the Center for International Forestry Research (CIFOR), the International Food Policy Research Institute (IFPRI), Supporting Pastoralism and Agriculture in Recurrent and Protracted Crises (SPARC) and the International Livestock Research Institute (ILRI).*



### *Donors and strategic partners*



Government of the Netherlands



The opinions expressed here are those of the authors and do not necessarily reflect those of the institutions of affiliation or the donors and strategic partners.