Examining sources of land tenure (in)security. A focus on authority relations, state politics, social dynamics and belonging

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ABSTRACT

This article reviews the current state of literature on the notion of security of tenure of land. This examination is topical as tenure security has become a key objective for land policies and development interventions. While tenure security is widely defined by people's perceptions, land policies tend to address it through the registration and administration of land rights. The article argues that these practices ignore the complexity of the sources of tenure (in)security. Building on critical development literature of political ecology, social anthropology and political science, these sources are identified as stemming from the politics of land and linked to authority relations, state politics, social dynamics and belonging. The article concludes that their consideration enables us to contextualise perceptions of tenure security and to conceive practices for securing tenure.

KEY WORDS
- Tenure security
- Practices for securing tenure
- Land tenure
- Land administration
- Land policies

1. INTRODUCTION

In development literature and interventions, security of land tenure rights is consistently portrayed as crucial for economic growth, poverty reduction, social cohesion, governance and environmental management. Tenure security, when achieved through clear and enforced rights, is considered to create incentives for investment (e.g. in agriculture), provide access to credit, facilitate transfers of land and revive informal assets, thus raising people out of poverty (Arnot et al., 2011; Bambio and Agha, 2018; Colin et al., 2009; De Soto, 2000; Deininger, 2003; Lavigne Delville, 2010; Pedersen, 2016; Place et al., 1994; Rose, 1994). It is associated with social integration and citizenship when people's assets are protected, and rights recognised by legal systems (Hall, 2013; Lavigne Delville, 2010) or when tenure systems are effectively governed according to common social norms (Rose, 1994). Moreover, tenure rights and security are linked to participation in decision-making by empowering and providing people, especially women, with a stronger voice in development processes (Deininger, 2003; Hall, 2013) or protecting them against dispossession (Byamugisha, 2013). Furthermore, it is considered favourable for conservation and natural resource management endeavours (see Robinson et al., 2011; Robinson et al., 2018). In the words of Simpson (1976: 8), 'proper development depends on "security of tenure"'.

This omnipresence of tenure security for development is, moreover, reflected in contemporary policy analysis and debate. From linking tenure security with registration programmes and their benefits for agricultural production, investments and access to markets (Dickerman et al., 1989), discussion has moved toward securing customary tenure systems and their gradual adaptation to statutory forms (Bruce and Migot-Adholla, 1994). Land policies, with a focus on legal and institutional aspects, were seen in the 2000s as key for establishing secure property rights (Deininger, 2003). National policies and donor programmes have flourished where tenure security is taken as a leitmotiv for reform, one of many documented examples being Madagascar (AAA, 2018). Most recently, tenure security has been appropriated by international policy frameworks. The Sustainable Development Goals (SDGs), the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* and the *Framework and Guidelines on Land Policy in Africa* all refer to it. The Voluntary Guidelines in particular call for the recognition, respect, safeguard, promotion and facilitation of all legitimate tenure rights and for the provision of access to justice to handle any infringement (FAO and CFS, 2012). Increased attention was furthermore paid to

tenure security with the mid-2000 crisis on the high and volatile prices of food and fuel which had a double effect upon foreign operators seeking land in developing countries to grow food and to produce biofuels. These effects raised fears about the dispossession of people in host countries, states expropriating land from farmers, and the emergence of new patterns of access and control over land (e.g. Burnod et al., 2013; Cotula et al., 2009; Cotula and Vermeulen, 2011; De Schutter, 2011; Peluso and Lund, 2011; White et al., 2012). Hence, calls were made to secure the tenure rights of local people to ensure their livelihood opportunities (e.g. De Schutter, 2011) or to scale up land registration programmes to protect individual rights and to reduce vulnerability (Byamugisha, 2013).

These examples demonstrate that tenure security is casted as beneficial for wider economic and social development, as a consideration for policies and as an incentive for practices of securing tenure such as legal recording and cadastral mapping. This omnipresence in the contemporary development scene invites us to critically review definitions of tenure security, practices through which it is pursued and sources to which it is linked. Building on existing theoretical outlooks (Gelder, 2010; Simbizi et al., 2014) and state-of-the-art literature, this article first contributes to synthesising and clarifying these diverse elements of tenure security. It then focuses on the determinants of insecurity at different levels (see Linkow, 2016). It brings forward sources of tenure (in)security, that have been examined in critical development literature, in an overarching conceptualisation.

The article finds that while a general agreement exists in terms of tenure security being about the recognition and protection of one's legitimate tenure rights by other people and social institutions, the dominant practices of securing tenure have focused on the registration of rights and operations of land administration. These interventions are, however, susceptible to the influence of political authority, social inequality and citizenship rights (Boone, 2007) that for me are also connected to insecurity. Hence, technocratic interventions ignore the more dynamic sources of tenure (in)security that ultimately stem from the politics of land which characterise tenure relations (MacPherson, 1978). An analysis of critical development literature concurs that these sources stem from authority relations, state politics, social dynamics and notions of belonging. The literature underlines that tenure security lies in institutions that enjoy social legitimacy and political authority (see Lavigne Delville, 2010, 2017; MacPherson, 1978; Shipton and Goheen, 1992; Sikor and Lund, 2009). Yet, the authoritative position of an institution might fluctuate due to wider state politics (Sikor and Lund, 2009). To guarantee

security locally, people then also rely on social relations as a form of recognition and protection of tenure rights (see Berry, 1997; Fortmann, 1995; Goodwin, 2013; Rose, 1994; Shipton and Goheen, 1992). However, these social dynamics are not based on consensual and equal rules but rather benefit some (e.g. local power holders) at the expense of others (e.g. women and young people) (see Peters, 2004, 2009; Platteau, 1996; Sjaastad and Cousins, 2008). Belonging or not to a community can finally become one element of exclusion (Lund, 2011).

Considering these insights, the article encourages policy-makers and practitioners to attend to the sources of tenure (in)security. The main argument is that the understanding of these sources should be a starting point for contextualising the perceptions of tenure security and for conceiving of practices for securing tenure. This is to avoid simple narratives and 'blueprint' solutions such as those of registration (see Roe, 1991) which rather than enhancing security can activate existing or create new sources of tenure insecurity.

I start this review article by explaining its methodological framing. I continue by analysing definitions of tenure security and exploring dominant practices of securing tenure before focusing on the sources of (in)security. I conclude by restating the importance of attending to the complexity of determinants of insecurity and the interlinked politics of land prior adopting any policy and technical prescription.

2. METHODS

The review of literature builds on existing theoretical outlooks and definitions (Gelder, 2010; Simbizi et al., 2014). The starting point is Gelder's (2010) tri-partite view of perceptions, legal security and de-facto situation on the ground. Within these, the first enables us to define tenure security; the second to attend to practices of securing tenure; and the third to highlight sources of tenure (in)security. The tri-partite view has also built a basis for a conceptual model introduced by Simbizi et al. (2014). The authors find that security is an attribute of tenure systems characterised by elements such as people, social and public institutions, continuum of land rights, physical land and land information. They highlight the interaction between these elements which enables to allocate rights, protect and recognise rights, legitimise institutions, manage land and sustain information. These interactions are central for people's perception of security, enjoyment of rights and empowerment (Simbizi et al., 2014). With their conceptual

model, the authors touch base with literature on the politics of land without, however, going deeper in the dynamics and politics of the interaction that also influence sources of tenure (in)security.

The focus here is on the sources of tenure (in)security presented in critical development literature. A review of a corpus of literature on political ecology, social anthropology and political science enables to associate the sources to authority relations, state politics, social dynamics and belonging. These sources stem from the politics of land. They play upon the sense of comfort and trust people have regarding their legitimate and legal rights to access, manage and control land, the ability of institutions to guarantee and protect rights, and the capacity of land administration to govern rights. While I largely draw from a literature on sub-Saharan Africa, that has been at the focus of my own research, examples from other geographical contexts enable to strengthen the overall argument and highlight the diversity of insights. The conceptualisation should then benefit policy-makers and practitioners working in a range of geographies.

3. TENURE SECURITY AND PRACTICES OF SECURING TENURE

Tenure security is commonly defined as 'the certainty that a person's rights to land will be recognised by others and protected in cases of specific challenges' (FAO, 2002: 18). This certainty is subjective as tenure security is about the perception of people (e.g. Bouquet, 2009; Broegaard, 2005; FAO, 2002; Gelder, 2010; Migot-Adholla and Bruce, 1994; Place et al., 1994; Simbizi et al., 2014; Sjaastad and Bromley, 2000). There is, however, a difference between the impression of losing one's rights and the likelihood of that happening (Sjaastad and Bromley, 2000). In other words, 'what resides in the mind of the perceiver is something different than the facts on the ground' (Gelder, 2010: 452). To fill this gap, institutions, through stable rules and agreements, should reduce uncertainty (North, 1990) and procure a feeling of security for tenure right-holders. In this respect, Lavigne Delville (2010, 2017) talks about authorities and institutions validating, guaranteeing and confirming socially legitimate tenure rights.

Together these definitions suggest that tenure security relates to a sense of comfort that what one has is recognised and protected by authorities and institutions, and will not be taken away when one needs it. This way of understanding tenure security means abandoning debates on the

breadth of rights to be protected and their duration (see Migot-Adholla and Bruce, 1994; Place et al., 1994) as these are constituents of property rather than tenure security (see Lavigne Delville, 2010; Sjaastad and Bromley, 2000). What is needed is assurance – the certainty of being able to exercise the given rights (Lavigne Delville, 2017; Place et al., 1994) and during a timeframe needed to serve the purpose of the rights (Simpson, 1976).

It is important to acknowledge that tenure security works on trust and confidence between actors and towards institutions (Bezabih et al., 2011; Lavigne Delville, 2017). It can rely on voluntary agreements between parties, depend on customary systems or be governed by legislation (Simpson, 1976). This entails that tenure security can exist without concrete evidence (e.g. a title or a written record) to prove it, hence going against the assertion of 'overenthusiastic advocates of registration' (Simpson, 1976: 9). Indeed, what counts is the perception of a guarantee that can exist independently of legal measures and formal administration of land. This assertion invites policy-makers and practitioners to go beyond the debates opposing customary and statutory tenure systems and ways of recognising rights (see Chimhowu and Woodhouse, 2006).

Even though a general agreement exists that tenure security is about perception and trust, land policies have dominantly addressed it from the perspective of registration of rights (Dickerman et al., 1989; Hall, 2013; Pedersen, 2016; Sikor and Müller, 2009) and operations of land administration (Simbizi et al., 2014; Palmer, 1998). In Gelder's (2010) framework this is linked to the legal construction of tenure security, while Simbizi et al. (2014) have brought forward the legal aspects by talking about the enforcement of rights in a continuum of rights approach (see also Barry and Augustinus, 2016; UN-Habitat and GLTN, 2008) and attended to the administrative dimensions by referring to the management of land information.

The association of tenure security with registration has historic roots. Blomley (2003: 124) observes that for classical European scholars, a space without law and property was savage and violent. Law enabled people to secure tenure and provide state protection while on the other side of the property frontier subsisted uncertainty, communal tenure and a lack of guarantees (ibid). When it came to registering and processing transactions, for instance, in Scotland the register of Sasines in the early 1600s sought publicity, security and accessibility of land sales as a measure of protection (Simpson, 1976). In Finland in the mid-1800s, the land sales process involved first writing down transactions at the presence of witnesses and then certifying these

in court (Ralli and Weckström, 2005). In sub-Saharan Africa, the first registration of rights dominated the approaches of colonial and post-colonial authorities until 1990 (Benjaminsen et al., 2008) and resurged again with the popularity of De Soto's (2000) ideas, according to which property rights, formalised by titles, would revive informal assets and raise people out of poverty. In general, registration of rights as well as governance and modernisation of land administration are pursued as a means to bring clarity to rights, to prevent tenure disputes and to guarantee rights (Benjaminsen et al., 2008; Bruce et al., 1994; Byamugisha, 2013; Enemark et al., 2014; Palmer, 1998; Toulmin, 2008; Zevenbergen et al., 2013). Some actors have called for mapping tenure rights as protection from the food and fuel crisis (De Schutter, 2011) or suggested subdividing land into clearly defined and legally guaranteed properties to render the allocation of land to investors more complicated (Chouquer, 2011). Others assert that there is 'a security of tenure vacuum' because some 75 per cent of the world's population cannot access statutory administration and is thus 'trapped in poverty' (Enemark et al., 2014: 34).

A rich literature exists on the registration of rights. Approaches have evolved from central state-led titling programmes, towards the legal recognition of customary tenure rights and administration of land by local government, to the gradual recording and survey of land, for instance, in situations where recurrent conflict exists and customary tenure systems cannot govern land (see e.g. Benjaminsen et al., 2008; Bruce et al., 1994; Colin et al., 2009; Fitzpatrick, 2005; Knight, 2010; Platteau, 1996; Rose, 1994). Counter-mapping has been a way for local communities 'to bolster the legitimacy of "customary" claims to resources' (Peluso, 2005: 273) and most recently land use planning is argued to be means for enhancing tenure security (Chigbu et al., 2017). These approaches all entail a certain degree of legal recognition, recording of rights and mapping or surveying of land. They can be done by central states, decentralised institutions or local communities, undertaken through systematic or sporadic approaches, and relying on precise surveying methods or 'fit-for-purpose' tools. Scholars started to question, in particular, the state-led land registration approaches in the 1980s and a new wave of criticism towards the registration of rights emerged as a response to De Soto's book.[1] Numerous case studies have shown how the (state-led) registration approaches have failed to find support and adapt to local tenure systems and authority relations, introduced new sources of conflict, 'modernised' existing tenure insecurities and social inequalities, accentuated wealth

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[1] Critical views of registration were presented in a special issue of the Land Use Policy (2008) that challenges De Soto's approaches and records experiences on registration. In Francophone circles, a book on registration was edited by Colin et al. in 2009.

differences, ignored secondary rights to land and, in some cases, reinforced state control over access to land (Benjaminsen et al., 2008; Colin et al., 2009; Sikor and Müller, 2009; Toulmin, 2008). Furthermore, concerns have been raised about governance in contexts where states and legal frameworks are weak, costs of registration high, technical solutions complex and updating of records challenging (Benjaminssen et al., 2008; Colin et al., 2009; Toulmin, 2008). Bromley (2008: 26) notes 'what arrogance is required to presume that titles will fix, rather than undermine, long-standing fundamental social and economic relations'.

The registration of rights moreover requires setting up a system to manage, conserve and update the relevant records and note subsequent changes. The operation and governance of such a land administration (Palmer, 1998) as well as the guarantee of the symmetry and availability of information (Simbizi et al., 2014) are constitutive of what I call legal and administrative tenure security. As explained by Rochegude (2005), securing tenure in these circumstances would require users to rely on the land administration, and the system itself needs to monitor the administrative processes and manage data. Yet, field experience indicates a recurrent failure to ensure the sustainability of systems and hence guarantee the security provided by titles and certificates, also because of the high cost of subsequent transactions for the right holders (see e.g. Ali et al., 2017; Comby, 2011; AAA, 2018). This goes against the basic principles of land administration. FAO (2017a and b), for instance, reminds that there is a need to address mechanisms for the maintenance of the system and the updating of records when the process for recognition of rights is designed, to ensure effective operating budgets, to take care of management and to have a service focused on customers.

Seeing tenure security from the angle of registration and administration of rights is a dominant approach of land policies. Yet, as Boone (2019: 394) argues, seeing 'land registration as a one-size-fits all strategy is not necessarily "better than nothing"'. It should at least be 'responsive to the variety of property arrangements on the ground' and recognise the multiple sources of authority that sanction rights to land (Sikor and Müller, 2009: 1312). The legal and administrative interventions should therefore adapt according to the sources of tenure insecurity (see Fitzpatrick, 2005). Rochegude (2005) invites us to go beyond ideas of registration, recognising the right to act on something (*droit d'agir*) and attend to social processes through which tenure relations are dealt with locally. Sjaastad and Cousins (2008: 7) propose a shift of attention towards the 'institutional arenas in which negotiations take place and power relations assert themselves'. Moreover, Bouquet (2009) calls for attending to the perspective of up-

stream actions (policies, discourses, motivations) and down-stream mechanisms (administrative processes of registration, titling etc.) as well as considering the histories of places and the temporalities of tenure security. These more politically, socially and culturally sensitive ideas inform the remaining analysis of this article that focuses on sources of tenure (in)security. I suggest that a clear understanding of these determinants should be a starting point for any practical approach to securing tenure.

4. SOURCES OF TENURE (IN)SECURITY

I have, so far, maintained that tenure security is about the perception of the recognition and protection of one's legitimate tenure rights by others, and that practices for securing tenure have dominantly focused on the registration of rights and operations of land administration. I argue that these dominant practices do not address the multiple factors affecting tenure (in)security and people's perception of it. I concur that these determinants are about authority relations, state politics, social dynamics and belonging, which stem from the fact that tenure is a matter of everyday politics bringing together a range of actors with their own interests, perceptions and abilities to use power. I go through these sources next, building on literature on political ecology, social anthropology and political science.

4.1 Authority relations

The starting point for considering sources of tenure (in)security is to recognise their institutional connection, in a context of institutional pluralism. The link to institutions first entails that to be secure, tenure rights need to be recognized and enforced by social actors or institutions. Indeed, tenure rights are above all claims to use or benefit from something that needs to be justified and enforced (MacPherson, 1978). Lund (2011) notes that what makes tenure rights different is their recognition by other social actors. These can be politico-legal-social institutions such as communities and state structures (Palmer, 1998). They can be coercive organisations (e.g. mafia) where legitimate organisations are weak or absent (Palmer, 1998). The point is that these institutions can enforce rights based on custom, convention, law, economic or political influence, or even threat of force and violence (MacPherson, 1978; Shipton and Goheen, 1992).

Through the act of recognising and enforcing property rights and setting the rules of tenure, the institutions themselves gain legitimacy in the eyes of wider society (Sikor and Lund, 2009). This can equally apply to people whose rights have been recognised and protected compared to those whose rights have not. The social actors and institutions can furthermore use this legitimacy to exercise control over natural resources and people (Sikor and Lund, 2009). Gradually land becomes a political asset – a 'territory to be controlled both for its economic value and as a source of leverage over other people' (Berry, 2009: 24). Barry and Danso (2014) have shown that customary leaders in peri-urban Ghana have misused their power to sell land for residential and development purposes without the wider lineage benefitting from it. Control over land has hence encouraged the manipulation of rules of tenure for one's own benefit (ibid.). It can additionally provide political power for the commanding authorities (Benda-Beckmann et al., 2006) and constitute state power (Lund, 2016) used, for instance, for expropriation and exercising sovereign power over people and land.

A number of institutions recognising and guaranteeing tenure rights can exist in parallel (e.g. statutory and customary ones) and institutional competition emerges when land becomes an asset and its control a source of political power (Boone, 2014; Lund, 2011; Sikor and Lund, 2009; Toulmin, 2008). In sub-Saharan Africa authority is often seen from a dual perspective: formal state policies and laws, and customary ones that are managed locally with varying degrees of state recognition. While this dichotomy is partly superficial, as customary tenure systems have been strongly modelled by colonial states (Peters, 2004; Berry, 1997; Boone, 2014) and are still linked to wider state politics (Boone, 2014), in practice it can be a source of insecurity and conflict. Institutional pluralism can create 'contradictions and insecurity regarding whose rights count, whose will be supported in the event of contest, and which decision-making structures are paramount' (Toulmin, 2008: 13). Some people might gain legally undeniable and state-enforced rights on land that have, however, been legitimately occupied by others under customary tenure systems, making it difficult to decide on which basis rights should be recognised (Lavigne Delville, 2010). In such a situation, people might be encouraged to seek recognition and enforcement of rights from multiple authorities, on the assumption that the plurality of sources guarantees stronger rights (Broegaard, 2009). Broegaard (2009) notes, however, that this can lead to some actors 'shopping around' to find the most favourable guarantee. In a much-cited example from Indonesia, Benda-Beckmann (1981) describes how parties of tenure conflicts relied on institutions with which they would have the most favourable outcomes ('forum shopping'), but also the institutions manipulated

disputes for their political ends or silenced disputes affecting their interests ('shopping forums'). The practice of 'forum shopping' can furthermore create inequalities between people, as some have access to institutions with authority, while others do not.

These scholarly contributions underscore the importance of analysing the relations people have with institutions guaranteeing their tenure rights. These contributions also invite us to explore the nature of these institutions as well as their social legitimacy, political position and legal status. The guarantee of tenure security then lies within these institutions and in their position within the society. This position is, however, subject to change, as we see next.

4.2 State politics

While the recognition and protection of rights by other social actors and institutions is crucial for guaranteeing tenure security, social and historical evolutions and wider state politics can influence their legitimacy and meaning (FAO, 2002; MacPherson, 1978). These evolutions can be linked, for instance, to the imperatives of global agreements, national economic and agricultural policies, measures of environmental protection and changes in government.

Changes in the wider fabric of society might, indeed, destabilise the position of a once-legitimate institution (Sikor and Lund, 2009). Sikor and Lund (2009: 19) observe that 'just as many people struggle to turn access claims into legitimate property, many are stripped of property rights to their possessions when the institutions that guaranteed them are weakened'. Moreover, fluctuations in state policies can influence concepts of legality and security (Bouquet, 2009). One of the most notable examples of these dynamics has been the destabilisation of institutions built around private property with the collectivisation of land by socialist states. Also, redistributive reforms have affected the perception of tenure security, for instance, of large landowners whose land has been allocated to small-holder farmers.

The point here is to demonstrate that a tenure right recognised today might not be recognised tomorrow as the governing principles and the rules of institutions evolve and alter (Sikor and Lund, 2009). State politics also risk impacting the legal and administrative security gained through titles and certificates within statutory systems. Such changes can weaken pre-existing tenure rights, meaning that a position where rights are secure is not absolute (Boone, 2014).

Security is then not only linked to the legitimacy of an institution but also to the solidity of its political and legal position in time and space (see Benjaminsen et al., 2008).

These observations underscore the importance of investigating social evolutions and political changes that can possibly affect the position of an institution supposed to guarantee tenure security. Such analysis can reveal potential sources of tenure (in)security that emerge when institutional positions fluctuate.

4.3 Social dynamics

In addition to being an institutional matter, sources of tenure (in)security are furthermore connected to social and power dynamics that entail interaction between people, households and communities. Indeed, tenure security can be sought via interpersonal links (Goodwin, 2013) and connected to broader social entities (Shipton and Goheen, 1992). Observing tenure relations in Ghana, Berry (1997) finds that tenure security is about processes of negotiation. She argues that the position of individuals in families, communities and society at large defines the security of rights. Using an example from Zimbabwe, Fortmann (1995) maintains that property rights are constantly renegotiated in a dynamic process of telling stories and building discursive strategies to defend one's position. For both Berry (1997) and Fortmann (1995), the audience and witnesses of narratives are important in legitimising and protecting tenure rights. These concepts join Rose's (1994) definition of property as something held together by common beliefs, understandings and culture. For her, narratives are ways to persuade people of the common good of property regimes, ensuring that they are adhered to. A sense of security is constructed within and between communities in dynamic processes of negotiation (Rose, 1994).

While Peters (2004, 2009) recognises that narratives and stories are used to justify tenure rights and that negotiations take place, she questions the extent to which the ability to negotiate one's position is influenced by questions of class, race and gender, and conditioned by processes of division and exclusion within social groups. As Blomley (2003: 122) argues, 'access to property, including land, is an important predictor of one's position within a social hierarchy'. A range of case studies discuss tenure insecurity in relation to inequalities in social position, wealth and power (Broegaard, 2005; Ghebru and Lambrecht, 2017). From these perspectives, insecurity is linked to power plays inside tenure systems that are not necessarily established around common consensual rules (Sjaastad and Cousins, 2008). For instance, women might

face impediments in customary tenure systems (Whitehead and Tsikata, 2003). Some scholars then argue in favour of allocating separate individual or group rights to women, guaranteed by statutory systems (Agarwal, 2003), while others underscore that, regardless of these, women's rights continue to be mediated by social relations within broader contexts of marriage, household, kinship, custom and authority (see Jackson, 2003; Rao, 2017; Whitehead and Tsikata, 2003). Blanc-Pamard and Fauroux (2004) illustrate this in relation to Western Madagascar, where village elders retain power over women and young people, taking decisions on common issues behind closed doors, even when apparently open and participatory discussions had been held earlier on.

These power plays might be intensified by political, institutional, social and economic changes. Platteau (1996) observes, for instance, that an evolution towards formal private property can disturb social stability and create injustices (e.g. towards women) by empowering the already wealthy and powerful segments of society. Overall, he finds that the processes of registration of rights are vulnerable to manipulation and abuse of power, creating new sources of tenure insecurity, especially for less influential right-holders (Platteau, 1996). For instance, there is a risk that local leaders may gain power by progressively starting to control land legitimately used by local people (Benjaminsen et al., 2008) or by capturing land thanks to the possession of information and resources that allow them to act strategically (Sjaastad and Bromley, 1997). Also, in the context of privatisation of rights and economic development, women might face disadvantages in buying land (Whitehead and Tsikata, 2003). This can be due to their weaker socio-economic position where illiteracy as well as lack of capital, resources and collateral constrain them (Mutangadura, 2007). They risk being considered dependents under patriarchal norms (Rao, 2017). It might also be that men resist political and legal changes because they are concerned about losing their authority and respect (Leeuwen, 2017).

Finally, a key aspect in these social relations is mutual trust that arises as an issue in land transactions and registration (Bellemare, 2012; Bezabih et al., 2011; Colin, 2013). In reference to Madagascar, Bellemare (2012) points out that landholders prefer to rent land to family members, friends or someone recommended, to guarantee their security as an owner and attest to the wealth and honesty of the renter, to guarantee regular payment of rent. They can engage in sharecropping arrangements (rather than rental ones) just to maintain continuous oversight over their parcel and hence secure their rights as legitimate owners (Bellemare, 2009). The preference for family members and close acquaintances continues to exist, even if a formal

guarantee for transactions is also available from institutional third parties such as the chiefs of *fokontany* (village) and local land offices (AAA, 2018).

Together these arguments suggest that policy-makers and practitioners should attend to social struggles and contentious relations in the examination of sources of tenure (in)security and conceptions of practices of securing tenure. Mathieu (2002) moreover demands attending to the 'changing rules of the game' to which people have different abilities to respond. Nevertheless, the more powerful can also be subject to tenure insecurity if they are outsiders to the community and/or outside the dominant group controlling land allocation (Platteau, 1996; Boone, 2014). These aspects call for attending to the questions of belonging that are discussed next.

4.4 Belonging

Sources of tenure (in)security can also be analysed in relation to belonging of people to a certain group, whether a state, a local community or a lineage. Lund (2011) finds that belonging, when defined as a relation with an institution of public authority, is used to claim access to resources and secure property in sub-Saharan Africa. For him, belonging is a recurrent determinant in land conflicts (ibid.). It can be employed as an initial gatekeeping function or as an argument to solidify one's presence when resources become scarcer.

People can claim belonging in terms of their past, origins and ancestry (Berry, 2009). In Madagascar, for instance, land is linked to ancestors and 'there exists a deep-rooted belief in the absolute land rights of the first cultivator of a land and his descendants' (Evers, 2013: 27). Belonging to a village community is thus expressed as being a descendent of the founders of the village, possessing land and having a family tomb in the village (Omrane, 2008). Ancestral linkage and tombs as concrete symbols of family authenticity can be used as arguments to claim land in situations of competition (Evers, 2013). Being recognised as belonging (or not) to an original lineage can then be a determinant of tenure (in)security. In Malawi, Mutangadura (2007) has observed that tenure can remain insecure for outsiders to the core lineage of a community. While they have accessed land within the community, they are subject to evictions or are forced to share previously allocated land with new arrivals or members of the core lineage (Mutangadura, 2007).

When referring to belonging to claim access and to secure tenure, differences are quickly drawn between "us" and "them". These nuances have been central in tenure disputes across sub-Saharan Africa, opposing, for instance, autochthones (us) and migrants (them) (Blanc-Pamard and Fauroux, 2004; Boone, 2014). Autochthony then becomes 'a mechanism of inclusion and exclusion' (Lund, 2011: 74) that can play out between people but also between authorities and groups. Referring to communal forest management in Northern Burkina Faso, Côte (2020) argues that customary chiefs use autochthony as an argument to claim rights and to empower themselves. This is to ensure the consideration of their point of views in management decisions by outside actors and to guarantee the drawing of benefits from forest resources (ibid.). These oppositions between autochthones and others can be further constructed and reinforced by state policies on and legislation of access to land and directed in favour of or against groups based on ethnic and indigenous divisions. Chauveau (2009) notes that such state intervention took place with the 1998 land law in Côte d'Ivoire, which made a distinction between 'customary rights in conformity with tradition' (allocated to autochthones) and 'customary rights of third parties' (non-autochthones, but citizens of Côte d'Ivoire).

Belonging emerges as an argument to claim and secure rights when the value of land increases, when competition occurs over land and authority, and when, for instance, land registration programmes restructure tenure relations (Berry, 2009; Peters, 2004). These dynamics can be accompanied by the narrowing of definitions of belonging to an ethnic group, a community, a lineage or a family, generating stricter criteria over the legitimacy of rights (Peters, 2004). Colin (2013) provides an illustration from Côte d'Ivoire where younger urban generations questioned the rights their elders had allocated to migrants, but only when the younger generations returned to the countryside to seek employment and livelihoods, claiming belonging to the local community and lineage. Linkow (2016) asserts that a pregnant source of insecurity in villages in Burkina Faso was connected to the return of former residents claiming land currently occupied by others. When competition increases, authors have observed the revival of custom, tradition and historic precedent as a basis for legitimising rights (Berry, 2009; Côte, 2020). This might threaten long-established but non autochthonous groups and enhance existing social inequalities, for instance playing against women as seen previously.

These insights on belonging, together with the observations on social dynamics, invite us to note changes in the allegiance of people to different groups when resources become scarcer (Shipton and Goheen, 1992), and to consider the potential winners and losers of tenure activities

(Peters, 2009). They should inform policies and practices of securing tenure that are responsive to sources of tenure (in)security.

5. CONCLUSION

In this article, I have reviewed the current state of the literature on the notion of tenure security, and its sources, which has become a key objective for land policies and development interventions at all levels. With reference to existing literature, I have defined tenure security as the perception of comfort a person has of the recognition and protection of her/his rights by others. It is linked to the feeling of certainty that these rights will not be taken away when one needs them. Conceiving tenure security in this manner entails attending to institutional matters, social relations and power. Yet, dominant practices for securing tenure have reduced it to the registration of rights and the operations of land administration. My argument has been that these cannot solely guarantee security. Indeed, even a legally validated paper can be questioned, including by the same statutory authority that provided it. Tenure security, even in the form of a title, is relative and ultimately related to the perceptions of others.

Developing further existing conceptual frameworks (see Gelder, 2010; Simbizi et al., 2014) and drawing on a rich political ecology, social anthropology and political science literature, I have invited policy-makers and practitioners to explore in detail the determinants of tenure (in)security. These can be revealed by a fine qualitative examination of the politics of land as demonstrated by the reviewed literature. I have identified the sources as authority relations, state politics, social dynamics and belonging.

I conclude that this fine understanding of the sources of tenure (in)security is crucial in a context where sustainable development is measured against tenure security; global frameworks are established around it; national policies aim to enhance it; and concrete interventions act upon it. In my opinion, these should be a starting point for contextualising the perceptions of tenure security and for conceiving the practices for securing tenure. Their appreciation by policy-makers and practitioners is necessary for applying approaches that are sensitive to the politics of land. Otherwise we might reduce complex issues to one common understanding and narrative that risks directing policy prescriptions within single frames or conducting action only towards

legal and administrative solutions. Rather than enhancing security, there is then a risk of activating existing or creating new sources of tenure insecurity.

DECLARATIONS OF INTEREST

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