

Poor farmers' struggle for land, and the implications for agricultural development – how land claims are made, secured, and lost in Nicaraguan villages

Ph.D. project description

by
Rikke Broegaard
2002

1. Scope and objectives of the project

The proposed research project inquires into how claims to land are made, secured, or lost by households in developing countries. It specifically questions the often-held premise that land titles can be equated with secure land rights, as well as the conventional theory, which views land titles and secure land rights as being preconditions for farmers' investments in land and their sound management of natural resources (Alston et al. 1996, Binswanger et al. 1995, Feder *et al.* 1988). The conventional theory has led donors to focus on funding land titling activities and capacity building within the formal land titling and mapping institutions. These projects tend not to reflect the increasing attention that is being placed on the complex interweaving of the social, economic and political sources of land tenure security and insecurity (Dorner 1992, Mehta *et al.* 1999, Ostrom 2001, Wachter 1997). While secure property rights are undoubtedly important for creating a feeling of tenure security and for motivating investments in land, the conventional theory overlooks the fact that the assignment of rights is insufficient for creating the perception of tenure security, unless other resources (whether economic, political or social) are available for the use and enforcement of the assigned rights. Furthermore, even when having a formal title, poor households tend to be vulnerable to losing their land. Also, recent research in Nicaragua has shown that rather than viewing secure property rights as a precondition for making investments, farmers also undertake investments in land improvements *in order to strengthen* their tenure security (Broegaard 2000).

One of the reasons for the proposed research is the surprising finding that the concept of tenure security is rarely discussed beyond its legal definition, and especially not in the economically oriented realm of the land tenure literature. The concept of tenure security as it has hitherto been used in most of the literature, focuses on the economic and legal aspects. While both are important, they are insufficient to provide an adequate framework for a comprehensive understanding of how land claims and tenure security and insecurity influence the choices and actions of farmers. For this, the social and political aspects of land tenure security and insecurity must also be included. Inspired by recent literature (Berry 1993, de Janvry *et al.* 2001, Jansen & Roquas 1998, Juul & Lund 2002, Leach *et al.* 1999, Li 1996, Lund 1999, Mehta *et al.* 1999, Peters 1999, Sjaastad & Bromley 2000) the proposed research contributes to the ongoing debate by providing an enhanced understanding of the importance of social relationships, including relations of power, in the enforcement of property rights and in the constant process of creation, negotiation and contesting of these rights.¹ The proposed research goes further by distinguishing between the legal tenure conditions and the security or insecurity of tenure as *perceived* by the landholders.

Based on the above, the objectives of the proposed project are to:

- contribute to the understanding of how land claims are made, secured and lost, placing a special emphasis on the poor households, on the basis on empirical research;
- contribute to the theoretical understanding of the concepts of tenure security and insecurity, by transcending the focus on legal rights and examining tenure (in)security as it is perceived by the farmers, as well as the causes of perceived tenure security and insecurity;

- contribute to an understanding of the implications, which perceived tenure insecurity has upon land use and investments in land improvements;
- suggest improved ways in which to redirect development assistance interventions toward increasing perceived tenure security, especially for the poorest and most vulnerable land-owning households.

The proposed study will focus on two groups of households - those land-owning households that either do not possess a legal land title, or who possess a legal land title but lack the necessary resources (whether economic, political or social) that are required to ensure enforcement of those property rights, which the land title represents, and thus can be expected to perceive their tenure situation as being insecure. These two household groups have been selected on the basis of findings from previous research, which indicated that perceived tenure insecurity is widespread, even among households with formal land titles (Broegaard 2000). The situation of these groups will be analysed within the context of power relations where some farmers are able to take advantage of formal tenure institutions in their efforts to take over land rights from poorer and less influential farmers. As a consequence, formalisation of land rights may create even greater insecurity for the poorest and most vulnerable households (Deininger 1999, Jansen & Roquas 1998)ⁱⁱ. Thus, special attention needs to be directed towards the poorer households to help prevent their loss of land, as this may lead to re-concentration of land by wealthier farmers, increased social inequality and possibly environmental degradation (Boyce 1994, Thiesenhusen 1991). The role of land transactions in providing access to land for poor people, or in depriving them of their land, is also of interest.

I have selected Nicaragua because its recent history of turbulence and power struggles specifically concerning land distribution makes it a good case for studying the diverse causes of formal security and perceived insecurity of land tenure. Additionally, there are several on-going development projects in Nicaragua that target tenure security, land titling and land transactions, and the World Bank has recently approved a large Land Administration Programme in Nicaragua. Danida is currently considering a more active involvement in land tenure issues as part of the sector support to agriculture and the environment, which includes providing legal advice as a means of strengthening of land tenure security for increasing agricultural production and investments.ⁱⁱⁱ

2. Background

Problems of environmental degradation, social inequity and conflicts are intertwined with land tenure insecurity, conflicting property claims and the inequitable distribution of land throughout the developing world. For decades the conventional theory on property rights has argued that individual land titling provides the farmers with sufficient tenure security for creating stronger incentives for investing in long-term resource improvements and activities for enhancing land productivity (Alston *et al.* 1996, Feder 1999). The World Bank (WB) has advocated this line of thought, most prominently through Feder *et al.* (1988). Although more recent WB publications increasingly recognise customary rights as being important (Binswanger *et al.* 1995, Deininger & Binswanger 2001),^{iv} they still do not go beyond the conventional view that secure and clearly defined land rights (whether acknowledged by a land title or by informal institutions) are necessary preconditions for land investments, long-term natural resource management, credit and land markets. This view of land rights remains almost un-challenged by many project-implementing entities, especially within a Latin American context.^v

However, many donors seem to have generally underestimated the costs of obtaining and particularly, of using land titles. Often, these costs greatly exceed the prices that are used in the different programme's economic calculations, because they fail to consider corruption, mis-information and power-abuse (Jansen & Roquas 1996). One of the basic aspects that is ignored is

that in order to be able to use land titles for ensuring one's rights to a piece of land, it is critical to have access to social, economic and political resources (Broegaard *et al.* 2002, Wachter 1997). As such, limitations in these factors may impede the ability of poor households to obtain the required support from formal (or informal) institutions for the enforcement of their property rights, despite possessing a land title. Thus, land titles seem to provide a feeling of tenure security mainly, but to the wealthy landholders (Dorner 1992, see also Carter & Olinto 1998).

Research on Latin American land tenure has hitherto focused mainly on legal and economic aspects of land titling, as well as the inefficiency and insecurity created where the state has intervened strongly in land tenure issues. Among other things, this has placed a focus on the market as being the arena for resolving issues related to land tenure rights and their distribution (Molina 2000, Deininger & Binswanger 2001). However, another line of research currently examines market-errors and power-relationships as factors that influence and transform economic activities on the market (El-Ghonemy 1990, Putzel 1999).^{vi} There is also evidence that market liberalisation, together with tenure insecurity and economic emergencies, may actually lead to significant land selling among the poorer small-scale farmers and re-concentration of land among the already powerful (Carter & Chamorro 2000, Deininger 1999, de Janvry *et al.* 2001, Jonakin & Enríquez 1999). On the other hand, land renting seems to offer access to land for poor households. Furthermore, based on some research and observations on constantly recurring property-related problems, it appears, that providing legal land titles is not a one-off solution to the property question. Rather, the efforts to secure land claims should be seen as a continuous process for creating and maintaining claims.

While the legally oriented definition of tenure security often equates tenure security with the possession of a legal land title, the present research proposes to provide a broader understanding of the process of securing access and claims to land as seen from the point-of-view of the landholder. People take decisions and actions based on their subjective evaluation of their tenure situation, i.e. what they feel, know and believe, rather than basing their decisions on legal facts that they may not know or which do not correspond with local perceptions of legitimacy and/or power relations concerning use and property rights. The *perceived* tenure security may or may not coincide with the *legal* tenure situation. It is argued that the perceived tenure situation is likely to be more important for understanding the farmer's decision-making and actions than the legal situation (Migot-Adholla *et al.* 1991, Place *et al.* 1994, Sjaastad & Bromley 2000).

The importance of land titles and secure property rights as being a precondition or motivation for undertaking investments in land improvements and long-term natural resource management is also discussed by some scholars, who question whether the conventional understanding of property rights gives the full picture of motivations and mechanisms influencing natural resource management. For example, Sjaastad & Bromley (1997) propose that investments in land may be undertaken in order to *create* tenure security, rather than as a result of it. Similar findings were reached in a recent case study in Nicaragua (Broegaard 2000). Furthermore, Faris (1999) found that land titles are associated with a more rapid deforestation on the Nicaraguan agricultural frontier.

3. Theoretical and conceptual framework

As mentioned above, the conventional property rights theory sees secure land rights, whether titled or customary, as being a precondition for creating incentives for investments and long-term natural resource management, credits and land markets. The conventional theory suggests that land scarcity leads to a better definition of rights that therefore become more secure, all of which are seen as preconditions for the functioning of a land market. When land is traded or placed in rental markets, it should result in the allocation of land to the most efficient uses and users. Yet, this is rarely the

case in the real world. Rather, land rights and ownership tend to grow out of power relations. As a result, the framework for the conventional theory on property rights and competitive markets is unsatisfactory (Binswanger *et al.* 1995).

However, the conventional premises mentioned above are increasingly being questioned (Berry 1993, de Janvry *et al.* 2001, Jansen & Roquas 1998, Migot-Adholla *et al.* 1991, Sjaastad & Bromley 1997). Today, the resulting debate revolves around: i) whether property relations are best understood in terms of rights or of powers, including the extent to which secure land claims are created by legal actions or through constant negotiation and enforcement, and the role of social relations in property question; ii) whether rich or poor people are equally likely to be able to exploit flexibility and ambiguity in property rights; and iii) the importance of land ownership as being primarily based on economic consideration or on non-economic factors as well, which again is related to which factors that motivate people's actions. Part of the discordance between different scholarly viewpoints, which is often reflected in contradictory policy recommendations, seems to be closely related to their choice of analytical frameworks, methodologies and assumptions, as well as their various ideological and political persuasions (Binswanger *et al.* 1995, Li 1996).

Property: Bundles of rights or bundles of power?

Whether property-relations are best understood as rights, or powers, is a source of debate, as mentioned above. While some scholars speak of property as a bundle of rights (e.g. Bromley 1991, Ostrom 2001), others prefer to speak of it as 'bundles of power' (Verdery, quoted in Peters 1999). Relatively powerful land-owning groups often use coercion and distortions in land, labour, credit, and commodity markets to extract higher rents and land from peasants and workers. Such activities have been found to reduce the efficiency of resource use, retard economic growth, and increase the poverty of the rural population (Binswanger *et al.* 1995, El-Ghonemy 1990).

Whereas previous (and some current) research argued that ambiguities and indeterminacy of rights lead to insecurity among the producers (e.g. Alston *et al.* 1996, Feder *et al.* 1988, World Bank 1998), other scholars have drawn attention to the fact that these same characteristics allow for adjustments and flexibility, which are often used by households who would otherwise be excluded from having access to the resources in question (Berry 1993, Odgaard 1998, Rose 1994). However, while the poor may sometimes use the ambiguities and flexibility of rights, they can be used equally by the wealthy and powerful, as argued by Peters (1999). Within the Nicaraguan context, recent developments suggest that it is mainly the latter group which is able to abuse ambiguities to gain (and subsequently formalise) exclusive rights to land formerly owned by somebody else or under a differently defined set of property rights (Broegaard 2000, see also Jansen & Roquas 1998).

Therefore, negotiation and enforcement of rights and claims become a central focus of the discussion when the importance of power relations is acknowledged. As a result, land use and property rights turn into a complex arena of overlapping and competing social and political relations (Juil & Lund 2002, Leach *et al.* 1999, Lund 1999, Metha *et al.* 1999). Ambiguities and several competing normative orders may co-exist, and different groups and institutions compete over the jurisdiction to settle disputes and set norms. As such, security of property rights must be assessed in relation to the capacity of the persons to put rights into effect. As a result, enforcement of rights becomes another focus of analysis (Sjaastad & Bromley 2000, Coase 1960, Ostrom 1990 and 2001).

Berry (1993) argues that people 'invest' in social relations in order to achieve and maintain access to valued resources like land. Assuming that similar strategies are employed in order to create more far-reaching claims than access, such as use or possession of land, these strategies reproduce

linkages between the definition of property rights and perceived tenure security and issues of social identity and political relations (Li 1996, Moore 1999, Odgaard 2000).^{vii}

Economic and non-economic importance of land ownership

A third on-going theoretical discussion concerns the interplay between economic, social and moral elements for motivating the actions of landholders and other users of the land. It seems to be an underlying assumption of the conventional property theory (although rarely presented in an explicit manner) that actors can analytically be described as being independent, utility-maximising "economic men" who base their actions on economic rationality (e.g. Feder *et al.* 1988, Mendelsohn 1994). Consequently, they focus on the economic importance of land ownership. However, other scholars propose that the importance of land ownership is better understood as being based on both economic and non-economic factors (Bebbington 1999, Broegaard & Ravnborg 2001, Moore 1999).^{viii} For example, the possession of a piece of land represents a means of income and food supplies for many households, especially when no employment is available. Thus, ownership gives households some degree of independence. It also gives them an identity as farmers and the prestige of owning land, a place to live near relatives or known neighbours, as well as something to pass on to their children.^{ix} All of the non-economic values of land underscore the importance of developing a concept of tenure (in)security that is not limited to legal and economic aspects, but one which also includes non-economic factors, which can greatly influence farmers behaviour.

4. The local context - Nicaraguan land tenure

Before the Spanish conquest, the most valuable land in what eventually came to be Nicaragua was divided between the different indigenous groups in the territory. Land was usually held under communal tenure. Some indigenous communities had their land possessions (*tierras ejidales*) recognized by the colonial powers (known as *derechos reales*). However, over time, the area in possession by the indigenous groups has diminished, mainly due to pressures from other land users (Gould 1997).

Claiming land and formalizing rights

Mestizo and non-indigenous farmers have traditionally gained access to land in several ways. Their 'first possession' was - and still is - generally recognized as a legitimate way to establish claims to land within the continuously advancing agricultural frontier. Such claims could eventually be turned into formal, registered land rights after a prolonged period of possession. Within the more densely populated parts of the country, land could be bought, sold and inherited, although many such transactions were never recorded officially due to the high costs of title registration. Well-liked farm-workers were often rewarded by their *patrón* with a plot of land of their own. Squatting on another person's land for a longer period of time and investing in the land has been another way of obtaining land access, which subsequently has been seen as the basis for legitimate land claims. More recently, there have (since the 1960s) been several periods of land reform programmes of varying scope in Nicaragua, of which especially the Sandinista land reform provided land to many rural households.

However, much land remained untitled or unregistered, partly due to the high costs associated with this, and partly due to lack of feeling of necessity for titling among the land holders (Stanfield 1995). The process of titling and registering land rights was always long and expensive, involving a request by the owner to the cadastral office, public registry of property and the local court to provide witnesses to testify about the period of possession and the types of investments made. This situation favoured the wealthy and well educated, who were best informed concerning the actual laws and regulations and were able to mobilise the required resources to title and register their land. Lack of

integration between the existing registries allowed for abuses, such as registering land in one registry, even if it was already registered in another, and this led to transposed titling.

After the purchase of land through the aforementioned access mechanisms, it has often been subject to subsequent unrecorded land transactions. Although the established claims in many cases were legitimate, recognised and supported by neighbours, this has not prevented conflicts over land divisions and border disputes, nor contradicting claims based on transposed titles nor simply conflicting claims. Sources of insecurity included unclear and uncoordinated titling and registry procedures, often resulting in overlapping land titles; lack of conflict-mediating entities; the high costs associated with land titling and registering, not to mention the costs for a small-scale farmer of taking cases of neglected rights to court; power- and information abuses of powerful and wealthy persons, whether these being politicians, civil servants or local authorities such as cooperative presidents. Large inequalities of power and economic resources further aggravate this problem.

Forced land transfers and land reform programmes

Land ownership in Nicaragua has traditionally been highly concentrated (de Janvry *et al.* 2001). Approximately a third of the households were landless before the Sandinista land reform programme (Prosterman & Riedinger 1987). After an agro-export boom in the first half of last century, there were numerous forced land transfers from smallholders and indigenous groups to the large landowners, especially in the fertile Pacific region (Maldidier & Marchetti 1996). The dictatorial Somoza regime also created insecurity of land tenure for the smallholders (Thiesenhusen 1996). Reversion of the high land concentration was an important target for the *Frente Sandinista de Liberación Nacional* (FSLN), which after a civil war, overthrew the Somoza dictatorship in 1979. This led to the confiscation of large properties comprising about a fifth of Nicaragua's arable land, most of which had previously belonged to the dictator and his allies (Dorner 1992, Thiesenhusen 1996). Much of the confiscated land was assigned to newly formed cooperatives that were the beneficiaries of the land reform, even though the legal process of ownership change and titling was only partial in many cases (Stanfield 1995).

Beneficiaries of the land reform were challenged after the 1990 change in government gave rise to thousands of land claims by former owners whose land was confiscated or expropriated by the Sandinista government. Numerous land conflicts followed and many of them were violent. Insecurity was especially strong concerning the so-called 'reformed areas' (the areas given by the Land Reform). As a consequence, in 1995, the National Assembly passed a law of property stability, designed to offer security of land possession to beneficiaries of the Sandinista agrarian reform, while attempting to correct the abuses of '*la piñata*'.^x Renewed tenure insecurity arose in presidential campaigns in 1996, where the eventual President, Arnoldo Alemán, promised to reverse the 1995 legislation. In 1997 an agreement was reached, which sanctioned ownership of farms by legitimate beneficiaries of the Sandinista reforms, while establishing a new period of claims by former owners and an arbitration mechanism for properties still in dispute.

Present sources of insecurity: Legal complexity, lack of enforcement and widespread corruption

The complex legal framework for the formal regulation of property rights that resulted from the change of governments, has introduced legal as well as perceived tenure insecurity. Furthermore, it is estimated that less than half of the households have untitled or unregistered properties, and overlapping titles are still a problem (Hendrix 1992, Lavadenz & Deininger 2001). This complex situation is one important source of insecurity of land tenure. Indeed, Stanfield (1995) estimates that about forty percent of all households in Nicaragua are in a situation of property conflict or potential conflict. Many properties are still under contradictory laws and regulations due to ambiguities and overlapping legislation and an over-burdened court system, which only progresses slowly in

resolving land claims (IRAM 2000). By mid 2001, eighty-three percent of the rural properties under review after the 1990 change of government were still pending or on appeal (EIU 2001).

Reluctance to enforce laws is another problem creating tenure security in present-day Nicaragua, as there is considerable reluctance of the enforcing entities to enter property disputes. Furthermore, many of the rural properties in Nicaragua are handled in extra-legal ways, for example when being sold or inherited, or when invaded by force. Presently, corruption and power-abuse are widespread, and overlapping jurisdiction and confusion about legal matters are common. Some households are being threatened to leave their land as a result of land conflicts and physical violence, or because of a lack of formal land tenure documents, or economic and natural emergencies that lead them to distress sales (Broegaard 2000, IRAM 2000).

With the renewed focus on market forces, privatisation and individualisation of land rights, the current economic and political situation has become increasingly polarised.^{xi} The banking system has also been privatised, leading to very limited credit opportunities, especially for the beneficiaries of the land reform and the individual small-scale farmers, which contribute to distress-sales and re-concentration of land. Current problems of environmental degradation, such as landslides and loss of soil fertility further accentuates the awareness of and incentives to invest in long-term environmental improvements.

Based on the above, Nicaragua provides an appropriate opportunity for studying tenure insecurity and the overlapping legal, political and social aspects of (in)secure property rights and (il)legitimate property claims, as well as the mechanisms through which the negotiation of these takes place, and their relationship to land use practices. Furthermore, the extensive organisational experiences that the rural population has had with agricultural cooperatives and NGO's provide an interesting case for studying the use of such networks in relation to the process of securing property rights.

5. Research questions

The proposed project addresses the following research questions:

- ***How are claims to land made, secured or lost by Nicaraguan households?***
- ***What are the main causes that make people perceive their tenure situation as being secure or insecure?***

These two research questions will include: What is the relationship between perceived tenure (in)security and the possession of land titles, and to which extent does this relationship differ according to economic wealth and social resources? For which groups of households are land titles in themselves insufficient to provide perceived tenure security? Which alternative sources of tenure security exist, and which households can make use of them?

- ***What are the implications of perceived tenure insecurity on land use practices?***
This includes: For which groups of households does tenure insecurity reduce the level of investment in land improvements and increase the probability of land renting and selling? Which households undertake investments in their land and social networks *in order to* strengthen their land claims? How can these divergent strategies be explained?
- ***How can tenure security be strengthened for households without a legal land title, or households for whom a land title does not lead to perceived tenure security?***

This is in other words, the policy implication of the above three research questions.

6. Methodology

I have chosen to design the fieldwork as a case study, focusing on one geographical area in order to develop relations of trust with the local population, which are necessary to access sensitive information on farmers' perceptions of tenure (in)security, land conflicts and power relations. The

conceptual development and the exploration of processes and causes will draw primarily on qualitative methods. On this basis, an operationalization of the more intangible concepts will be made for the wider use of quantitative methods. Quantitative methods will be used in order to formulate hypotheses on the causal relationships between the different elements, based on statistical analysis, which will then be tested through subsequent qualitative in-depth analysis. The fieldwork will be divided into three overall phases (see below). Some fieldwork collaboration is envisaged with an on-going post-doctoral study by Helle Munk Ravnborg on collective action and organising practices with respect to natural resource management.

It is proposed that the case study area be selected in the Condega district, Department of Estelí, in the northwestern part of Nicaragua, which is a region where the World Bank funded Land Administration Programme is going to operate, and where Helle Munk Ravnborg currently carries out her research. The specific case study area will be selected according to a list of criteria, mainly concerning variation in the land tenure situation between households, variation in the perception of land tenure security, relatively intensive agricultural activities and high land values, and differences in the level of investments in land improvements. Ongoing research on land market liberalisation and land titling in Nicaragua and Honduras carried out by researchers from the World Bank and the Land Tenure Centre, University of Wisconsin, will also be used by the proposed research project for comparison of results, as well as for discussions.

I: Exploring the local meanings of the concept of tenure (in)security in relation to social relationships, wealth, and land improvements.

The initial phase of the fieldwork will explore the concepts of perceived land tenure security and insecurity and their sources. This is necessary for the subsequent operationalizing of these concepts. Constraints for obtaining perceived land tenure security, as well as the actions and social relationships used in attempts to strengthen the land claims will also be included. The conceptual exploration will be carried out using qualitative methods, mainly in-depth interviews and well-being rankings. A small group of informants will be selected in such a way that they represent a wide array of possible situations, i.e. maximum variation sampling (see Ravnborg *et al.* 1999). Focus group discussion will be used to further deepen the discussion of central concepts and mechanisms. In preparation for the conversational interviews local and external key persons will be identified and invited to give their account of the land tenure history and present situation in the case study area.

Two to three sub-locations will be selected (also following a maximum variation sampling procedure) within the overall case study area for this initial exploration. Approximately 10 taped interviews will be conducted in each sub-location and subsequently transcribed. The transcribed interviews will be coded using the software NUD*IST, developed for qualitative data analysis, and analysed in order to identify i) types of access mechanisms used to obtain land and its present formal tenure status; ii) level of economic wealth and social networks in which the farmer take place; iii) expressed perception of tenure security; iv) implications of tenure insecurity concerning land use/investments and social relations, and v) key constraining and enabling factors in strengthening tenure security and handling land disputes.

II: Identifying statistical relationships between land titles, social relationships, land improvements and perceived tenure security.

On the basis of the conceptual understanding obtained during the first phase, a questionnaire survey will be developed. The questionnaire will contain questions concerning property, access mechanisms to land, the legal status of land holdings, recent transactions of land, and the actual costs of titling and enforcement of rights; as well as questions concerning land conflicts and the

perception of land tenure security. It will also contain questions concerning investments in land improvements, economic wealth, use of social relationships and perceived tenure security. The relationships between these variables will be analysed quantitatively, and on this basis a number of hypotheses is developed for subsequent testing in phase three.

By administering this questionnaire to a representative random sample of households drawn from the case study area, this analysis will enable the identification of statistically significant associations between land titles, wealth, livelihood strategies, social networks and perceived tenure security, as proposed in the research questions. The questionnaire survey will involve personal visits to this group of randomly selected households in the case study area, and will be carried out with the help of research assistants. Data will be entered into a database and analysed in SPSS (Statistical Package for Social Scientists) employing various types of bi- and multivariate analysis procedures, such as correspondence analysis and optimal scaling procedures to explore relationships between multiple variables.

III: Testing the questionnaire hypotheses concerning tenure perceptions, securing of claims, and implications of tenure insecurity.

The third phase will focus on a small number of households (approx. 20) selected from the larger sample in order to obtain maximum variation. As such, these households will be chosen for their capacity to illustrate certain mechanisms or dilemmas, rather than for their representativity. However, the selection will include households that (based on the survey in phase two) perceive their tenure situation as insecure (some with land titles and some without), as well as households *without* land titles that perceive their tenure situation as *secure*. The latter group will thus illustrate successful use of alternative mechanisms to securing land claims or creating perceived tenure security. Through in-depth interviews and field visits a deeper understanding of their situation, their perceptions, as well as their actions and rationales will be gained. Also their perception of their tenure situation, the different mechanisms used to strengthen land claims, as well as to strengthen capacities of negotiation and enforcement of land rights will be explored in greater detail.

The interviews will focus on life-stories concerning i) how access to land is gained, maintained and lost; ii) constraining and enabling factors for obtaining tenure security, and how social relations are used in this process; iii) types of land disputes, and how conflicts are prevented, handled or maybe initiated; and iv) the implications of tenure insecurity with regard to investments and land use. This in-depth, qualitative method will also be used in order to obtain a better understanding of the processes and rationales and the causal relationships behind the statistical correlations identified in the second phase. As for the exploratory interviews, these interviews will be taped, transcribed, coded and analysed, using NUD*IST.

7. Research Cooperation

- The research will be undertaken as part of the research theme " People, Society and Nature" at the Centre for Development Research (CDR), Copenhagen. At CDR the proposed PhD forms part of a research programme under preparation on "Natural Resource Management and the Poor: The Social Embeddedness of Access to and Management of Natural Resources" led by Helle Munk Ravnborg. It also links into the theme's previous and on-going research on customary land rights and conflicts in land and natural resource management and a network on "Custom and Conflicts in Land and Water Management in Africa" led by Rie, as well as an on-going post-doc study by Helle Munk Ravnborg on organising practices around natural resource management in Nicaragua. Great complementarities are envisaged between the proposed PhD study and the post doc. Also,

the proposed research fits well into the research area Natural Resource Management - Political Processes and Institutional Dynamics, at International Development Studies, University Centre of Roskilde (RUC). International Development Studies, University of Roskilde, has been contacted for academic affiliation, with Henrik Secher Marcussen (RUC) and Helle Munk Ravnborg (CDR) as the proposed supervisors. Furthermore, contacts have been established with a SUDESCA network involving researchers from Aalborg University Centre and UNAN.

Internationally, the proposed PhD research will use already established contacts to:

- University of Wisconsin (UW), Madison, (Michael Carter, Daniel Bromley, David Stanfield), Department of Agricultural and Applied Economics (AAE) and The Land Tenure Centre, both of which currently undertake research on land tenure and land market issues in Nicaragua and Honduras. Data from these research projects will be compared and contrasted to findings from the proposed research. A 2-3 month visit to AAE and the Land Tenure Centre at UW is planned as part of the PhD.

In Nicaragua, the project will benefit from previously established contacts and cooperate with:

- Escuela Economía Agrícola (ESECA) at Universidad Nacional Autónoma de Nicaragua (UNAN), university department working with land markets and re-concentration of land.
- Nitlapán, research institute with strong capacities in land tenure and natural resource management at the Universidad Centroamericano (UCA), Managua, Nicaragua.

8. Qualifications of applicant

During my BA and MSc. studies in human geography at the University of Copenhagen I focused on land tenure and natural resource management (NRM). I have worked with NRM and community organisation in Nicaragua for approx. two years, and have paid longer visits to the country since 1990. I am fluent in Spanish and have a large network of contacts in Nicaragua and USA with special emphasis on rural development and NRM, including academic, donor and NGO contacts. A previous version of this project proposal was supported for funding by the Danish Council for Development Research (RUF) in late 2001, although financing was subsequently cancelled due to cuts in the RUF-budget.

9. Publishing

The findings of the research project will be published in Nicaragua as a research report from either UNAN or Nitlapán-UCA. The findings will also be presented to researchers, local farmers organisations, politicians and administrative officials involved with land tenure questions in workshops. In order to obtain a broader audience, a minimum of two separate articles will be written, in addition to the PhD-thesis itself. Efforts will be devoted to publishing articles in international journals, such as *Development and Change* and *Development Policy Review*. Also, an article will be produced for *Den Ny Verden*, CDR. Furthermore, contacts have already been established with advisors in TSA-Danida, the World Bank and at the Danish Embassy in Managua and potential cooperation has been discussed, given the high relevance of the subject to Danida and the World Bank.

References

- Alston, Lee J., Gary D. Libecap & Robert Schneider (1996):** The determinants and Impact of Property Rights: Land Titles on the Brazilian Frontier. National Bureau of Economic Research, Working Paper 5405. NBER Research Program in the Development of American Economy.
- Bardhan, Pranab (1989):** The New Institutional Economics and Development Theory: A Brief Critical Assessment. *World Development*, 17 (9):1389-1395.
- Bebbington, Anthony (1999):** Capitals and Capabilities: A Framework for Analyzing Peasant Viability, Rural Livelihoods and Poverty. *World Development*, Vol. 27, 12, Pp. 2021-2044.
- Berry, Sara (1993):** *No Condition is Permanent*. Madison: The University of Wisconsin Press.
- Binswanger, Hans P., Klaus Deininger & Gershon Feder (1995):** Power, Distortions, Revolt and Reform in Agricultural Land Relations. In: Behrman, J. & T. N. Srinivasan (Eds.): *Handbook of Development Economics*, Volume III, Amsterdam, Elsevier. Pp. 2659-2772.
- Boyce, James K. (1994):** Inequality as a Cause of Environmental Degradation. *Ecological Economics* (11):169-178.
- Broegaard, Rikke, Rasmus Heltberg & Nikolaj Malchow-Moeller (2002):** Property Rights and Land Tenure Security in Nicaragua. Submitted to Journal of Development Studies, July 2002.
- Broegaard, Rikke & Helle Munk Ravnborg (2001):** Diversificeringens forskellighed *Den Ny Verden(1):83-94*.
- Broegaard, Rikke (2000):** *Land titles, tenure security and land improvements. A case-study in Carazo, Nicaragua*. Published Master thesis, Geographica Hafniensia C10, Institute of Geography, University of Copenhagen.
- Bromley, Daniel W. (1991):** *Environment and Economy. Property Rights and Public Policy*. Oxford, Blackwell.
- Bruce, John W. & Shem E. Migot-Adholla (Eds.) (1994):** *Searching for Land Tenure Security in Africa*. Iowa, Kendall/Hunt Publishing Company.
- Carter, Michael & Juan Sebastian Chamorro (2000):** Estudio de las dinámicas de la economía rural. Impacto de Proyectos de Legalización de la Propiedad en Nicaragua. Universidad de Wisconsin-Madison.
- Carter, Michael & P. Olinto (1998):** *Getting Institutions Right for Whom: The Wealth-Differentiated Impact of Property Rights Reform*. Paper prepared for the XXI International Congress of the Latin American Studies Association, Chicago, 24-26 September, 1998.
- Coase, Ronald H. (1960):** The Problem of Social Cost. *Journal of Law and Economics*, 3:1- 44.
- Danida (1997):** *Landstrategi for Nicaragua 1998-2002*. København, Udenrigsministeriet.
- De Groot, Jan P. & Ruerd Ruben (Eds.)(1997):** *Sustainable Agriculture in Central America*. London, Macmillian Press Ltd.
- De Janvry, Alain, Gustavo Gordillo, Jean-Philippe Platteau & Elisabeth Sadoulet (2001):** Access to Land and Land Policy reforms. In: De Janvry, Alain, Gustavo Gordillo, Jean-Philippe Platteau & Elisabeth Sadoulet (2001): *Access to Land, Rural Poverty, and Public Action*. Oxford University Press. Pp.1-26.
- Deere, Carmen Diana & Magdalena León (2001):** Who Owns the Land? Gender and Land-Titling Programmes in Latin America. *Journal of Agrarian Change*, 1 (3) 440-467.
- Deininger, Klaus & Hans Binswanger (2001):** The Evolution of the World Bank's Land Policy. In: De Janvry, Alain, Gustavo Gordillo, Jean-Philippe Platteau & Elisabeth Sadoulet (2001): *Access to Land, Rural Poverty, and Public Action*. Oxford University Press.
- Deininger, Klaus (1999):** Making Negotiated Land Reform Work: Initial Experience from Colombia, Brazil and South Africa. *World Development*, 27 (4): 651-672.
- Dorner, Peter (1992):** *Latin American Land Reforms in Theory and Practice. A Retrospective Analysis*. Madison, University of Wisconsin Press.
- EIU, The Economist Intelligence Unit (2001):** *Country Profile. Nicaragua 2001*. London: The Economist Intelligence Unit Limited.
- El-Ghonemy, M. Raid (1990):** *The Political Economy of Rural Poverty. The Case for Land Reform*. London, Routledge.
- Faris, Robert (1999):** Deforestation and Land Use on the Evolving Frontier: An Empirical Assessment. Development Discussion Papers 678, Central America Project Series. Institute for International Development, Harvard University.
- Feder, Gershon (1999):** *Land Administration Reform: Economic Rationale and Social Considerations*. Paper presented at the UN-FIG Conference on Land Tenure and Cadastral Infrastructures for Sustainable Development, Melbourne, Australia, 25-27. October 1999.
- Feder, G., Onchan, T., Chalamwong, Y. & Hongladarom, C. (1988):** *Land Policies and Farm Productivity in Thailand*. World Bank, Baltimore: The Johns Hopkins University Press.
- Gould, Jeffrey L (1997):** *El Mito de "La Nicaragua Mestiza" y la Resistencia Indígena, 1880-1980*. San José. Editorial de la Universidad de Costa Rica.
- Hendrix, Steven E (1992):** The Crisis of Land Law and Policy in Nicaragua. *Comparative Juridical Review*, 29 :3-24. Rainforth Foundation, Florida.
- IRAM (2000):** Estudios sobre la tenencia de la tierra. Contrato de consultaría No. OPA-001-2000.

- Jansen, Kees & Esther Roquas (1998):** Modernizing Insecurity: The Land Titling Project in Honduras. *Development and Change*, 29:81-106.
- Jonakin, Jon & Laura J. Enríquez (1999):** The Non-Traditional Financial Sector in Nicaragua: A Response to Rural Credit Market Exclusion. *Development Policy Review*, 17:141-169.
- Juul, Kristine & Christian Lund (Eds.) (2002):** *Negotiating Property in Africa*. Portsmouth, Heinemann.
- Lavadenz, Isabel & Deininger, Klaus (2001):** Land access and tenure insecurity in Nicaragua. Policy and operational implications. Briefing note.
- Leach, Melissa, Robin Mearns & Ian Scoones (1999):** Environmental Entitlements: Dynamics and Institutions in Community-Based Natural Resource Management. *World Development*, Vol. 27, 2, pp. 225-247.
- Li, Tania Murray (1996):** Images of Community: Discourse and Strategy in Property Relations. *Development and Change*, 27:501-527.
- Lund, Christian (1999):** Development and Rights: Tempering Universalism and Relativism. In: Lund, Christian (Ed): *Development and Rights. Negotiating Justice in Changing Societies*. London, Frank Cass.
- Maldidier, Cristobal & Peter Marchetti (1996):** *El Campesino-Finquero y el Potencial Económico del Campesinado Nicaragüense*. Tomo 1; Managua: Nitlapán-UCA.
- Mehta, Lyla; Melissa Leach, Peter Newell, Ian Scoones, K. Sivaramakrishnan & Sally-Anne Way (1999):** Exploring Understandings of Institutions and Uncertainty: New Directions in Natural Resource Management. Institute of Development Studies, *Discussion Paper 372*. University of Sussex.
- Mendelsohn, Robert (1994):** Property Rights and Tropical Deforestation. *Oxford Economic Papers* (46):750-756.
- Migot-Adholla, Shem, Peter Hazell, Benoît Blarel & Frank Place (1991):** Indigenous Land Rights Systems in Sub-Saharan Africa: A Constraint on Productivity? *The World Bank Economic Review*, 5 (1):155-175.
- Molina, J.(2000):** Derechos de propiedad, mercados de tierra y crédito rural. *Land Reform* (2):63-70.
- Moore, Sally Falk (1999):** Changing African Land Tenure: Reflections on the Incapacities of the State. In: Lund, Christian (Ed): *Development and Rights. Negotiating Justice in Changing Societies*. London, Frank Cass.
- Mosse, David (1995):** Local Institutions and Power: The History and Practice of Community Management of Tank Irrigation Systems in South India. In: Nelson, N. & S. Wright (Eds.): *Power and Participatory Development. Theory and Practice*. Intermediate Technology Publications. Pp. 144-156.
- Nabli, Mustapha K. & Nugent, Jeffrey B. (1989):** The New Institutional Economics and its Applicability to Development. *World Development*, 17, (9):1333-1347.
- North, Douglass C. (1991):** Institutions. *Journal of Economic Perspectives*, 5 (1): 97-112.
- Odgaard, Rie (2000):** *Network on: Custom and Conflict in Land and Water Management in Africa*. CDR Project Proposal submitted to SSF, May 2000.
- Odgaard, Rie (1998):** Fathers and Daughters in the Scramble for Women's Land rights: The Case of the Hehe and Sangu Peoples in South Western Tanzania. Copenhagen, Centre for Development Research, SASA Working Paper.
- Ostrom, Elinor (2001):** The Puzzle of Counterproductive Property Rights Reforms: A Conceptual Analysis. In: De Janvry, Alain, Gustavo Gordillo, Jean-Philippe Platteau & Elisabeth Sadoulet (Eds.)(2001): *Access to Land, Rural Poverty, and Public Action*. Oxford University Press. Pp.129-150.
- Ostrom, Elinor, Larry Schroeder & Susan Wynne (1993):** *Institutional Incentives and Sustainable Development*. Boulder, San Francisco & London, Westview Press.
- Ostrom, Elinor. (1990):** *Governing the Commons. The Evolution of Institutions for Collective Action*. Cambridge, Cambridge University Press.
- Peters, Pauline E. (1999):** *The Limits of Negotiability: Security, Equity and Class Formation in Africa's Land Systems*. Paper prepared for Roskilde Conference on Negotiating Property: Processes of Vindication of Land Claims in Sub-Saharan Africa.
- Place, Frank, Michael Roth & Peter Hazell (1994):** Land Tenure Security and Agricultural Performance in Africa: Overview of Research Methodology. In: Bruce, John W. & Shem E. Migot-Adholla (Eds.): *Searching for Land Tenure Security in Africa*. Iowa, Kendall/Hunt Publishing Company.
- Platteau, Jean-Philippe (1996):** The Evolutionary Theory of Land Rights as Applied to Sub-Saharan Africa: A Critical Assessment. *Development and Change*, 27: 29-86.
- Prosterman, Roy L. & Jeffrey M. Riedinger (1987):** *Land Reform and Democratic Development*. Baltimore, The Johns Hopkins University Press.
- Putzel, James (1999):** "Market-Friendly" Agrarian Reform and the Shadow of the State. Paper presented to the International Colloquium "Development and Agrarian Reform: Peoples and Countryside in the XXI Century", Puebla, Mexico 6-8 December 1999.
- Ravnborg, Helle Munk, M. P. Guerrero & O. Westermann (1999):** *Acción colectiva para el manejo de los recursos naturales. Manual para identificar grupos de interés*. CIAT publications no. 310. Cali: Centro Internacional de Agricultural Tropical.
- Rose, Carol M. (1994):** *Property & Persuasion. Essays on the History, Theory and Rhetoric of Ownership*. Colorado, Westview Press.

- Runge, Carlisle F. (1986):** Common Property and Collective Action in Economic Development. *World Development*, 14 (5): 623-635.
- Scott, W. Richard (1995):** *Institutions and Organizations*. Thousand Oaks, Sage Publications.
- Sjaastad, Espen & Daniel W. Bromley (2000):** The Prejudices of Property Rights: On Individualism, Specificity, and Security in Property Regimes. *Development Policy Review*, 18:365-389.
- Sjaastad, Espen & Daniel W. Bromley (1997):** Indigenous Land Rights in Sub-Saharan Africa: Appropriation, Security and Investment Demand. *World Development*, 25 (4):549-562.
- Stanfield, J. David (1995):** Insecurity of Land Tenure in Nicaragua. *LTC Research Paper 120*. Land Tenure Center, University of Wisconsin-Madison.
- Stanfield, David J. & Steven E. Hendrix (1993):** Ownership Insecurity in Nicaragua. *Capital University Law Review*. 22: 939-963.
- Thiesenhusen, William C. (1996):** Trends in Land Tenure Issues in Latin America. In: *GTZ: Land Tenure in Development Cooperation* (1998).
- Thiesenhusen, William C. (1991):** Implications of the Rural Land Tenure System for the Environmental Debate: Three Scenarios. *The Journal of Developing Areas*, 26:1-24. Western Illinois University.
- Uphoff, Norman (1996):** *Learning from Gal Oya: possibilities for participatory development and post-Newtonian social science*. London.
- Wachter, Daniel (1997):** Land Titling and Prospects for Land Conservation: Lessons from a Case-Study in Honduras. In: De Groot, Jan P. & Ruerd Ruben (Eds.): *Sustainable Agriculture in Central America*. London, Macmillian Press Ltd. Pp. 181-190.
- Williamson, Oliver E. (1984):** The Economics of Governance: Framework and Implications. *Journal of Institutional and Theoretical Economics*, 140:195-223.
- World Bank (1998):** World Development Report 1998/99. Washington.

Notes

ⁱ While there is an emerging acknowledgement of these complex interrelationships in the African-based land tenure literature, these issues have rarely been studied in a Latin American context.

ⁱⁱ Particularly women and female-headed households are often disfavoured by formal land titling, as discussed among others by Deere & León 2001.

ⁱⁱⁱ Poverty is most widespread in the rural areas, where three quarters of the population are at or below the poverty line (Danida 1997). Tenure insecurity is mainly affecting the poor (Lavadenz & Deininger 2001). Consequently, both equity and efficiency gains are expected from improving the land tenure security.

^{iv} This is especially true in an Africa setting, as well as in relation to indigenous groups (Bruce *et al.* 1994).

^v E.g. the individualization and titling process of *ejidal* lands in Mexico, and titling projects in Northern Nicaragua.

^{vi} As such, the role of the state and its level of interaction with the market and civil society are thus underlying themes of debate.

^{vii} A newly established Danish-funded and based research-network on land tenure will look into exactly these processes of negotiation and (ab)use of ambiguities of rights within an African context (see Odgaard 2000).

^{viii} This links into the discussion Bebbington (1999) opens concerning different types of "capital" as the resources that make livelihoods possible, give material well-being and capability, and are outputs that make livelihoods meaningful.

^{ix} This more pluralistic view of the importance of land ownership, and thus of motivating factors for action, is related to a broader concept of rationality than the above-mentioned economic rationality. Scholars from the New Institutional Economics (NIE), who argue that action is based on bounded rationality (Bardhan 1989, Nabli & Nugent 1989, North 1991, Williamson 1984) are among the proponents of using such a broader concept. Others propose that the logic and rationality of the actor is instead grounded in norms and values, such as ethics, traditions, solidarity or 'good craftsmanship' (Ostrom *et al.* 1993, Platteau 1996, Mosse 1995, Runge 1986, Scott 1995, Uphoff 1996).

^x Before a change of government in 1990, a concerted effort was made by the outgoing FSLN government to assure the legal status of the new landowners. However, this process became known as '*la piñata*', a handout of candy to children, hinting to the fact that many illegal transactions were undertaken in order to obtain legalisation of property rights, mainly to benefit the Sandinistas themselves (Hendrix 1992).

^{xi} It is currently discussed whether individualization of land rights creates a stronger or weaker position for the beneficiaries of the land reform to maintain their land holdings (pers. comm., Nitlapán-UCA & ESECA-UNAN).