

# Improving land tenure security by increasing access?

An analysis of how the World Bank  
conceptualizes secure land tenure



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## Abstract

Securing access to land around the world is an issue that pervades many development agendas. Often promoted through legal and administrative systems, secure land tenure is used in the battle against poverty and to reduce land based conflict. Conceptualizations of secure tenure tend to differ between international institutions and academia.

This thesis aims to understand *how the World Bank conceptualizes secure tenure* by investigating World Bank policy documents and other discursive material available online. The Bacchi “*What’s the problem represented to be*” (2009) method guides the analysis and asks how the World Bank constructs ‘the problem’ of insecure tenure and the proposed solutions to make it secure.

The networks of access and the accompanying exclusionary effects, based on the ‘*Powers of Exclusion*’ theory from Hall, Hirsch and Li (2014) are not acknowledged in the World Bank discourse on secure tenure. Instead, the World Bank advocates for increased market involvement and legal regulation. This has exclusionary effects that remove access to people’s land and livelihoods.

Furthermore, the composite view of secure tenure which includes customary, formalized legal and perception based security is less prevalent (van Gelder, 2010). The analysis finds that the World Bank promotes formalized legal frameworks as the main mechanism to secure tenure.

These findings embed the discourse of the World Bank into larger theoretical discussions about the purpose and use of land. However, more comprehensive studies of international institutions’ discourses on land tenure security are still needed to fully understand the consequences of such conceptualizations.

*Keywords: land tenure security, international institutions, World Bank, legal tenure systems, customary tenure, exclusion, access, policy discourse.*

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“Oh, give me land, lots of land under starry skies above. Don’t fence me in.”

*‘Don’t fence me in’* A song by Cole Porter & Robert Fletcher

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## 1.0 Introduction

The relationship between people and land is characterized by tension and negotiation. Many academics and development researchers have been investigating land tenure and what makes it secure for decades. International institutions, like the World Bank use the term ‘land tenure security’ as a way to describe a bundle of processes that aim to prevent poverty, increase economic opportunities, and solve land use problems around the globe. Land tenure and its security is a concept that attracts many speakers all of whom utilize the term to represent different combinations of meaning. Academics have described what creates secure land tenure differently over time (Singer 1996; Durand-Lasserve and Selod, 2009; Payne, 2001; van Gelder, 2010; Valkonen 2021).

This research explores the problematization of security of tenure in the discursive material of the World Bank. The World Bank promotes a traditional view that tenure is secure when formalized property rights are enforced by legal institutions that emphasize ownership over other methods of tenure securitization. This view is at odds with the academic scholars who agree that tenure is secure through a complex network of access and exclusion. Exclusion in land use is a necessary tool for any type of effective use of land and the opposite of exclusion is access (Hall, Hirsch, and Li, 2011). Formalized legal systems of tenure promoted by the World Bank advocate for increased access, which on the surface might look inclusive but in practice have exclusionary effects that are rarely disclosed (Hall, Hirsch, and Li, 2011). By investigating the discourse of the World Bank and its conceptualization of secure tenure, pinpointing instances of inequality of access to land and unintended exclusion can be further identified.

The gap between academia and the international institutions is one of contention where political theory clashes with policy objectives. The World Bank and their policy on land tenure security has been the target of criticism from academics (Murray Li, 2014; Hall, Hirsch and Li, 2011). While the validity of the critique is not something explored in this paper explicitly, the attention from academia placed on this institution sparked the interest to further investigate this specific entity. Paired with the increased attention placed on secure tenure from the Sustainable Development Goals, popularity of the term secure tenure is currently attracting new international attention (World Bank, 2017).

Land tenure security is a popular term in the policy and webpages on land use from the World Bank. These policies, guidelines and webpages from the World Bank make an important discursive space for defining, conceptualizing and promoting a particular view of what makes tenure secure (World Bank et. al, 2019; World Bank, 2011; World Bank, 2023; World Bank, 2017; World Bank, 2019). The gap between the academic view of secure tenure and the World Bank’s view is one that needs to be further explored.

Inspired by the work of Obeng-Odoom and Stilwell (2013), this research builds on their understanding of how international institutions conceptualize secure tenure by focusing on more modern discursive landscapes like webpages. For this research, the inclusion of the most visited web pages from the World Bank that use the term “secure tenure” is an important research space that hasn’t been explored to the full extent. These websites, along with the policy available on tenure online are an important platform that can be further investigated.

This research also considers how secure tenure is treated as a problem in the policy or webpage by utilizing Carol Bacchi’s (2009) policy analysis question framework that aims to answer how a policy frames its problem. This method is conducive to answering how the World Bank conceptualizes secure tenure.

This paper is structured with a literature review after the research outline and delimitations. Followed by a theoretical discussion, methods overview the paper then analyzes the discourse in three sections followed by a conclusion where final results are discussed.

### *1.1 Research problem, research aims and research question*

Land tenure can be secured through various systems that are guided by different authorities but that all regulate the use of accessing and benefiting from land. Formalized, *de jure*, systems use legal frameworks with state authorities to guide access through ownership rights and land titling programs (World Bank, 2017). These programs are increasingly popular, easy to measure, and are based in technical legal instruments. However, addressing the issue of insecure tenure regimes with only formalized systems might be only addressing one aspect of the full tool box available to policy makers (van Gelder, 2010). This is a problem because with the complexity of land tenure arrangements, any tool should be implemented with care in order to ethically assess impacts of policy. Models of secure tenure, when only looking at the legal variety of security, may be undervaluing the other factors, like social community or trust in the political system, that undermine tenure security (van Gelder, 2010).

The World Bank utilizes the term ‘secure tenure’ as a solution to many problems connected to the use of land. In the policy and websites regularly available from the World Bank, the term ‘secure tenure’ is used frequently in discussions and content about land use. This research aims to understand the notion of ‘secure tenure’ and how it is being conceptualized. Academics recently started to identify many factors that secured tenure, which combine formal, customary and perception based systems. This research investigates if this newer composite understanding of secure tenure, pioneered by van Gelder (2010), is considered in the discourse of the World Bank. If the World Bank considered a more complex view of tenure, perhaps more tools for increasing tenure security could be leveraged in policy and in practice.

If this complex understanding of land tenure is not present, then this research might act to signal further and wider investigation of the discourse of the World Bank. This research evaluates a segment of the most public discursive materials from the leading international institution defining secure tenure. The investigation of the published and public materials, including the World Bank Land Tenure Policy, two informational web pages, one blog post and the measurement guide on land tenure security will be investigated to understand:

*“How does the World Bank conceptualize secure land tenure?”*

### *1.2 Relevance of topic and delimitations*

Around the world people live in insecure systems of land tenure and to only consider one solution for making systems more secure can lead to instances of exclusion and inequality. Land tenure and its security is on the global agenda as something that can be solved and measured effectively, however the SDG indicators (1.4.2 and 5.a.1) consider legal tenure as being more of a priority than securing tenure through a combination of customary and formal systems (World Bank et. al, 2019). Tenure can be secured in ways outside of formal rights, as academics point to in their research (Valkonen, 2021; van Gelder, 2010; M.C.D Simbizi et. al, 2014). The World Bank’s conceptualization of secure tenure might include some previously undisclosed exclusionary effects that can be the result of advocating for formal legal systems that increase access to markets for sale of land.

The usage of the term land tenure security can produce and replicate different program outcomes based on what the concept symbolically represents in the international discourse (Obeng-Odoom & Stilwell, 2013). International institutions, like the World Bank are highly criticized bodies under intense scrutiny from academia (Storey, 2000). Disclosing potential side effects from advocating certain policy positions or definitions in their discourses is something still needed. The World Bank, without political analysis of their policy, transfers technical solutions that could harm the people they say they try to help (Storey, 2000). The prevalence of the online World Bank discourse on land tenure is an understudied perspective. New literature conceptualizing land tenure security will help evaluate this online discourse in this research (Masuda et. al 2022:p.6-7; Sunderlin & Holland, 2022:p.15-18).

Web pages from international institutions are some of the primary sources online to define the concept and the World Bank is no exception (WB, 2017; WB, 2019; WB, 2023). This research focuses on the discourse of the World Bank for three main reasons. The World Bank has a large presence online on the topic of secure land tenure (WB, 2017; WB, 2019; WB, 2023). They helped craft the SDGs on land tenure and created a guide to measure formalized tenure in conjunction with the Food and Agriculture Organization of the United Nations and United Nations Habitat (WB et. al. 2019). They have also published a large policy on land tenure security (WB, 2011). This research is also delimited by a time element, limited to data published

as recently as 2020 and as early as 2011. This time frame shows an updated view of how the World Bank conceptualizes tenure security. The oldest policy was included to showcase the conceptual origins and to demonstrate how much the conceptualizations have changed (World Bank, 2011).

This research is also delimited to international discourses because of my positionality as a researcher. For my source data, I wanted to make sure the data was available in untranslated English, as this is my native language. I also wanted to make sure the data was available online so that other researchers could access the same sources I used in my research to increase replicability. The World Bank met both these qualifications, their availability online and their publications in English. Both of these delimitations also place boundaries on my findings. The research I conducted will not and does not apply to every case of tenure and development. My findings should be contextualized with my positionality as a researcher. Therefore, my perspectives, my application of theory, and my findings are exactly that, they are connected to my delimitations and my collective experience up until this point. Ignoring that context would be unethical and would decouple my findings from my awareness as a researcher. In the next section I will cover the academic literature behind land tenure security. This will then be followed by a section on my theoretical framework, both of which helped inform me when I was analyzing the discursive material from the World Bank.

## **2.0 Literature Review**

### *2.1 Literature on land tenure security*

In the existing literature on securing land tenure there have been three main waves of thought that are relevant to understanding how conceptualizations of security have changed in academia. Land tenure as a concept is evolving as more concepts have been woven into a more complex understanding of what makes tenure secure (van Gelder, 2010).

### *2.2 First wave: secure tenure for economic investment*

In the earlier literature on land tenure security the formalization of customary rights into legal formalized institutions were pursued heavily by policy makers and international institutions to incentivize economic investment in land (Musuda et. al 2022:p.1-11). Formalization replaced existing customary systems by translating them legally using land titles that promoted private property institutions (Sunderlin & Holland, 2022:p.15-18).

Research that promoted economic investment and the property rights based approaches to secure tenure surged in popularity in the mid-2000's. The idea was that property that was outside of the system of formal property rights lacked the security needed for owners to invest in their property, which would enhance the value and productivity of land (Singer, 1996; Durand-Lasserve & Royston 2002).



In this understanding of land tenure, the whole objective purpose for making “owners” feel secure was to promote a decentralized development process that stemmed from the economic traditions of incentives and legal rights. Translating customary systems of ownership into more formal systems of private property ownership also required changes in the political systems. New systems were needed to exclude, limit and grant access and manage the ownership of this new commodity (Sunderlin & Holland 2022:p.25-35). Translating customary tenure regimes guided by social authorities replaces the authority of traditional hierarchies with the state backed authority of law (Valkonen, 2021). These systems that convert traditional customary systems substituted cultural authorities for state authorities. Some scholars have been able to demonstrate that while formalization of rights has negative effects on customary land tenure, in Kenya it was shown to improve investment in land which boosted the value of the land potentially at the expense of people being displaced from their land (Olagunju, K.O. et al, 2023; Murray Li, 2014).

One sided views of tenure can still be present in the literature being produced in academia today. Olagunju et. al. 2023 view ownership rights through a systematic economic view that can be used to avert production risk. The production risk of small scale farmers decreased when the farmers felt secure in their tenure because of the legal institutions and rights present. However, to understand tenure as only an ownership mechanism secured through legal means leaves answers to questions like ‘*security for whom?*’ or ‘*security at what cost?*’ unanswered. Land users may have been displaced when the systems changed from customary to legal based tenure, excluding people from accessing their land and increasing long term inequality (Murray Li, 2014). Conceptualizing land tenure in a narrow way may leave out important actors like female farmers who might not have the same access to legal systems as their male counterparts.

Land conceptualized as an ownable asset in need of *investment* is challenged by more recent authors like Tania Murray Li, 2014. The authors, like Singer 1996 and Durand-Lasserve & Royston 2002 used the term ‘secure land tenure’ to describe a process that sparked economic investment. By advocating for that process, they also made assumptions about the purpose of land which largely ignored side effects of investment and market access that cause real harm to land users (Murray Li, 2014). By only considering investing as the main goal of secure tenure, livelihoods and ecological sustainability are left undervalued.

### *2.3 Second wave: the bundle of rights and formalization*

Scholars continued to build off the research made by the property rights for investment literature by detailing the property rights as a *bundle of rights* (Durand-Lasserve and Selod, 2009; Payne, 2001). This started to specify and detail the rights included in the formalization of customary rights as being a transferable package of tenure rights that supported the confidence needed to spur investment. Political institutions started being weaved into the academic discussion in connection with the *bundle of rights*, as these institutions were charged with the maintenance and the most inclusive way to include owners legitimately in the transfer of customary to formal systems (Durand-Lasserve & Royston, 2002).

The bundle of rights can be broken into six distinct rights based on Masuda et al. 2022: pg 6. The rights of access and exclusion are especially important to understanding the conceptualizations presented in the World Bank materials. Masuda et. al. (2022) defines access as “the right for community members to enter the land area.” and exclusion as “the right to refuse access and or use of a resource to an entity.”

The right of access and exclusion are, in this understanding, legal mechanisms that remove and obstruct benefits to and from land, which can create and disrupt secure tenure conditions. Clearly defined in the literature on secure land tenure, some authors started to bind individual property rights into a code that was used by administrative institutions that enforced these ownership rights (Robinson & Diop, 2022; Waaranpera, 2018). Authors like Robinson & Diop (2022) challenge the assumptions about states being the only entities that can grant rights of access and exclusion to land. This gap in the literature is filled by the precedence of the composite view of secure tenure that is more than just formal or rights based tenure but perception based and the reintroduction of customary tenure systems.

#### *2.4 Third wave: complex perspective*

Jean Louis van Gelder (2010) and his “tripartite view” of secure tenure incorporated formal, customary and perception based factors, all of which are used to secure tenure. Formal tenure of legal rights like the *bundle of rights* are not the only components that secure tenure in this approach. Social communities and their customary normative power to grant access and exclusion are also incorporated in complex views. Perception of how secure the tenure system is from the land user is also a factor in whether systems are considered secure or not, regardless of legal or social mechanisms present (van Gelder, 2010).

All of the relationships between people and the land are guided by some sort of rules based on rights to access or exclude users from land (Hall, Hirsch and Li, 2011). State authorities are not the only legitimate entities that are granting the *bundle of rights* (Masuda et al. 2022:p.6-10). A non-state actor (e.g. mafia or gang) may also be able to legitimately grant a bundle of rights through social authority that is replicated through social norms rather than laws (van Gelder, 2010). If both state and non-state actors are able to grant the right of access and exclusion from land, legal or social authorities might both equally be able to secure tenure by this conceptualization. With this logic, customary systems and legal systems might control land access in parallel to secure tenure.

Land tenure security is also widely used, described and researched empirically both by scholars and by the development actors using the term. Used throughout many disciplines, land tenure security can comprise many different meanings and can be utilized to label many different tenure situations in a specific context. In Simbizi, Bennet & Zevenbergen (2014), the labels used to describe tenure security in Sub-Saharan Africa were generic in policy and subsequently did not accurately describe the tenure insecurity. In this article, the *interactions* between the different aspects of tenure, described as the legal, economic and adaptation lens, was a more transparent

way to gather information about a tenure situation (Simbizi, Bennet & Zevenbergen, 2014). Applying the complex, tripartite view of tenure to the Sub-Saharan context in the article provided a more cohesive analysis to the current situation in Africa. Results can be juxtaposed to a purely legal and administrative view of secure tenure from the earlier example from Kenya (van Gelder, 2010; Simbizi, Bennet & Zevenbergen, 2014; Olagunju, K.O. et al, 2023).

The argument in this text is not complex for complexity's sake but because many actors are contributing to making tenure secure; identifying the actor interactions acts as a proxy for how secure a system is. Therefore Simbizi, Bennet & Zevenbergen (2014) argue that secure tenure is stabilized by the interactions inside the land tenure *system*. This 'equilibrium' in interactions is achieved when the different types of tenure are accessible by a wide range of users. Meaning that measuring the real security situation, is not just measuring the degree of formal systems present, but mapping the interactions between the components of customary, formal and perception based factors (van Gelder, 2010: Simbizi, Bennet & Zevenbergen, 2014).

This more complex understanding of tenure is also found within discussions in the land conservation discourse. Robinson et. al. (2017) explains that using a complex and varied understanding of land tenure security impacts conservation efforts because each definition alters actors, changes the solutions and warps the problematization. By changing the definition of secure tenure it also changes the answer to '*tenure security for whom?*'. If formalized systems pursuing investment means 'secure tenure' is conducive for economic growth but not long term ecological sustainability (Robinson et. al. 2017).

### **3.0 Theoretical Framework**

To better understand the World Bank's conceptualizations of secure tenure, I utilize the double sided theory of access and exclusion from Hall, Hirsch and Li's (2011) book *Powers of Exclusion*. Combined with Tania Murry Li's article from 2014 *What is Land?* and Ribot and Peluso's (2003) *Theory of Access*, I try to pinpoint what I believe access and exclusion are in the context of land tenure security. Hall, Hirsch and Li focus on understanding how land relations are governed rather than prescribing solutions. Preventing crude black and white approaches to increasing complex networks of access and exclusion. They caution against blindly implementing land programs or policies that include "exclusionary effects" (Hall, Hirsch and Li, 2011:p.13). They suggest that institutions like the World Bank should acknowledge that exclusionary effects can result from programs that advocate for increased access, because the opposite of access is exclusion (Hall, Hirsch and Li, 2011:p.13). I think that this acknowledgement and awareness should also apply to the discourse material from the World Bank that is investigated in this research.

#### *3.1 Theory of exclusion*

To guide the investigation in this research about how the World Bank conceptualized tenure security this research uses two connected concepts that explain the foundational power dynamics that govern land tenure. In Hall, Hirsch and Li's *Powers of Exclusion* published in 2011 the authors argue that exclusion is an essential component in securing tenure. Their approach to exclusion is that all use of land requires some degree of exclusion (Hall, Hirsch, Li, 2011:p.1-5). Exclusion is a political necessity in land relations and even in the positive uses of land, there will be some dimensional aspect of excluding access or use (Hall, Hirsch, Li, 2011:p.4-5). The core exclusionary element to land relations can be central to the understanding of the World Bank's discourse on land tenure security. The goal of this research is not to prove there is an element of exclusion in the World Bank discourse and to juxtapose it with 'non-exclusionary' positions. However by not disclosing the exclusionary elements that are attached to increasing access, the World Bank could be replicating a conceptualization of secure tenure that causes more land user displacement and inequality of access than it intends.

The authors further describe the exclusionary process as being governed by 'power relations' which they define as being the interaction between "regulation, force, the market and legitimation" (Hall, Hirsch, Li, 2011:p.4). This interaction between the power relations is intertwined. For example, the market requires certain levels of regulation in order to function (Hall, Hirsch, Li, 2011:p.5). By defining the mechanisms of exclusion as including these four aspects, a new web of power relations can be constructed from international institutions to land holders far away from the decision making bodies. This principle of exclusion is connected to all different types of land relations. Being governed by socio-political power relations is the cornerstone to understanding why the discourse of the World Bank is important to investigate.

Exclusion from access to land is also rooted in a larger theoretical discussion about what the purpose of land is and if land can even be owned. Murray Li's discussions on ownership of land is context specific to the ideas of the indigenous Sulawesi Highlanders. Basic assumptions based in the western legal traditions of land are the starting point for her larger argument about the foreign and domestic investment in land and the institutions that enforce exclusion and limit access (Murray Li, 2014). By assembling land as exclusively an investment opportunity the customary regimes and community understandings of land as a life-giving resource are warped beyond recognition (Murray Li, 2014). Murray Li challenges the view of land as only investment potential. Institutions that grant rights of access become the legitimate entities that control who benefits from using land (Murray Li, 2014).

Property is conceptualized as something that is removable. Property is "like a rug that can be rolled up and taken away", whereas land does not have this quality (Murray Li, 2014). Rooted in the conceptualization of indigenous Sulawesi Highlanders, land is not something that can be owned because it cannot be removed. She further emphasizes that unfettered market access

makes a market mechanism “decide the fate of human beings and their natural environment.” (Polayi 1994, p.73 in Murray Li, 2014).

Rights to access and exclusion should be negotiated through “deep cultural work” and not through the law (Murray Li, 2014). Transferring customary systems to formal legal ones subverts the indigenous autonomy and could lead to cultural erosion (Murray Li, 2014). By removing the power and authority to dictate the future of their communities, indigenous peoples are more at risk in formal regimes than their customary regimes. The authority to exclude and grant access is changed from local and cultural authorities, to state authorities. This is also compounded by the problem that what land is and what it does for people is very different to the supporters of property rights versus those who support the customary regimes (Murray Li, 2014).

### 3.2 *Theory of access*

The opposite of exclusion is not inclusion as detailed by Hall, Hirsch and Li but rather is the access to land (Hall, Hirsch and Li, 2011:p.7). This is an important component for understanding the limits and powers of exclusion and it opens up to what potential solutions are to mitigating the worst forms of systemic exclusion (Hall, Hirsch and Li, 2011:p.7). As a theory, this conceptualization of exclusion and its counterpart access are framed by the power of land relations that govern who, where, when and how people will access land (Hall, Hirsch and Li, 2011:p.7).

Hall, Hirsch and Li pull their understanding of access from Ribot and Peluso’s definition of access being the ‘...ability to benefit from things..’ (Hall, Hirsch and Li, 2011:p.7). Therefore the opposite of access is their definition of exclusion or “.. lacking the ability to benefit from things... ” The ‘thing’ in this case being land (Hall, Hirsch and Li, 2011:p.7). They then go on to detail exclusion through the lens of access by outlining three ways exclusion can exist in the land relations: (1) existing land access predicated on the exclusion of potential users, (2) mechanisms where current users with access lose access and (3) users who lack access are prevented from access (Hall, Hirsch and Li, 2011:p.7-8). These three concepts detail and explain most of the relationships that land use policy tries to address. This understanding of exclusion informs the author's definition of property which is described as “... socially acknowledged and supported claims or rights... ” (Ribot and Peluso, 2003 in Hall, Hirsch and Li, 2011:p.8). The authors mention that it's not just the presence of the rights to access land that is important but that ultimately the *wider socio-political powers* that guide the exclusion or access to *benefit* (Hall, Hirsch and Li, 2011:p.8).

Access to institutions that grant land access, ownership and resource rights is also a topic that is contested in the literature on land tenure security. Those individuals that are disconnected from the new property right granting opportunities, through a wide variety of social reasons, are less likely to be able to benefit from the resources that land offers (Ribot & Peluso, 2003). This complex “web” of social networks and hierarchies grants access to land and its benefits.

Institutions that are founded when customary regimes are transferred into formal ones are also embedded in a “web” of social relations that can distribute the benefits of land unequally based on social hierarchy, power and authority (Ribot & Peluso, 2003). This means that, even if the law is in effect, a state authority granting title rights through a *bundle of rights* might give preferential treatment to specific socially connected persons.

It could also mean that those who are connected individuals in the social web, might still be able to leverage their social authority in a powerful way in whichever system is deemed legitimate (Ribot & Peluso, 2003). They also argue in their paper that social relationships are the fundamentals in accessing resource benefits from land, with or without the use of the formal *bundle of rights*.

By extension, investigating who has access to these benefits or by tracing access to a “constellations of means, relations and processes ...” identifying who is being excluded is more clear (Ribot & Peluso, 2003). By tracing the access of persons to land benefits, the security of the resource benefits can also be revealed. The constellations of access are important when measuring tenure security. People benefiting from formalization efforts may be well connected individuals to legal authorities. Whereas the individuals who benefit from customary authorities, might be well connected on the basis of their belonging to the culture that guides access not proximity to the lawyer (Ribot & Peluso, 2003).

### *3.3 Double edge of exclusion*

Access and exclusion both create secure tenure but can be the cause of insecure tenure. (Hall, Hirsch and Li, 2011:p.8). Hall, Hirsch and Li describe this ‘double edgeness’ as being the cause of land use tension around the world. Amending the negative effects of exclusion by promoting increased access is a common position that the World Bank takes in their policy and discourse (Hall, Hirsch and Li, 2011:p.8-9; World Bank, 2017). By investigating how the World Bank uses the theme of access to combat exclusion might better assist this research to understand how secure tenure is conceptualized in a way that is sustainable for the users and not just the investors. In the next section I will be discussing the methods I used when working with the discursive data from the World Bank which when used in conjunction with the theory helped me analyze the data.

## **4.0 Methods**

### *4.1 Research design*

To investigate the conceptualization of secure tenure in the World Bank, a sample of discursive material has been selected. This material is discourse about tenure security, in a policy context, on the World Bank website and in a document that aims at trying to find a way to

measure and quantify secure tenure. This material is public, readily accessible online and aims to inform different audiences about how tenure can and should be secured through formal and property rights based means. The web pages from World Bank are some of the primary sources online to help to define secure tenure (WB, 2017; WB, 2019; WB, 2023). This research focuses on the discourse of the World Bank for three main reasons. (1) The World Bank has a large presence online on the topic of secure land tenure (WB, 2017; WB, 2019; WB, 2023). (2) They helped craft the SDG's on land tenure and created a guide to measure formalized tenure (WB et. al. 2019). (3) They have also published a large policy on land tenure security (WB, 2011).

#### 4.2 Research method

In this data set, particular attention was paid to where, when and how the discourse is shaped by the World Bank. Part of this process was to identify how secure tenure is conceptualized as a 'problem'. To do this, Carol Bacchi's (2009) book *Analyzing Policy: What is the problem represented to be?* provides a helpful framework of analysis questions that can help frame how a policy represents a problem. This method focuses on how problems are created and what conceptualizations that are attached, which is conducive to answering how the World Bank conceptualizes secure tenure.

Since the conceptualization of secure tenure is being investigated in this paper, only three of the six total Bacchi questions<sup>1</sup> pertained to this goal.

- 1: "What's the 'problem' represented to be in a specific policy?"
- 2: "What presuppositions or assumptions underlie this representation of the 'problem'?"
- 4: "What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?"

Each of these questions were specifically chosen because they can examine how the World Bank conceptualizes secure land tenure. Answers to each of these questions will be made using my background knowledge on the literature about land tenure security and the Hall, Hirsch, and Li 2011 'double edge' theory of exclusion and access. For each piece of discourse data, the questions and the related answers were recorded in a data matrix<sup>2</sup> and then further triangulated for common themes.

#### 4.3 Data collection

For collecting this set of discursive data two main qualifications were established in connection with the delimitations. The first qualification was that the data needed to be readily

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<sup>1</sup> See appendix for the full set of Bacchi (2009) questions.

<sup>2</sup> See appendix for the final data matrix.

available online from a World Bank official website. The second qualification was that the data being analyzed needed to be published officially in English. Each of the following documents that were selected met those qualifications. Each document was found using an online search engine using the key words: “World Bank land tenure security” or “World Bank tenure security”.

The first document *Land Tenure Policy: Securing Rights to Reduce Poverty and Promote Rural Growth, 2011 World Bank* aims at outlines a case about why formalization of rights is the achievable and preferred way to promote secure tenure. This article takes several cases, five total, to demonstrate how the World Bank interventions and programs have worked to secure tenure through property rights. The beginning section, which takes place between page 1-8 is important discursive data to evaluate how land tenure security is conceptualized as a ‘problem’ (World Bank, 2011; Bacchi, 2009). By understanding how the beginning section outlines the problem of land tenure security, analyzing the proposed solutions reveals silenced or underdeveloped methods for securing tenure (van Gelder, 2010; Bacchi, 2009).

The second document is *Measuring Individuals’ Rights to Land [...] , The World Bank, et. al. 2019*. This article addresses a critical component to why different conceptualizations of secure tenure affect actions beyond academia. This document outlines the guidelines for what is secure tenure because it also outlines the ways to measure secure tenure. By giving a clear set of guidelines to policy makers and development practitioners about how to measure tenure security, the World Bank is specifying what constitutes secure tenure (WB et. al. 2019; Bacchi, 2009). This article was included because, by creating guidelines the World Bank is able to promote a definition of secure tenure that they control. When outlining the problem, with ‘*what is the problem represented to be?*’ the Bacchi method helps to show how conceptualizations are being created out of the measurement criteria.

The final three documents come from the web pages published by the World Bank. These are more informative documents to understand how the World Bank acts to influence the wider development community of actors through its discourse on land tenure security. Two documents are about land more broadly as an issue. The third is a blog post that promotes a view of land tenure security as being an issue of formalization with property rights (World Bank, 2017). Each of these documents outlines a specific set of assumptions, definitions and discussion about what makes tenure secure. These are all used in this data set to showcase that impactful language comes in many forms, not just policy or measurement documents but sometimes in the form of a blog post or an informational page defining technical terms like secure land tenure.

#### 4.4 Data analysis

To understand the conceptualizations of tenure security across the different discursive materials from the World Bank, the data processing was done in a semi-systematic way. To find



common themes in the discursive material, the questions aimed at conceptualizing problems from Bacchi (2009) were answered then recorded in a ‘data matrix’. This semi-systematic approach to recording the thematic data helped with problematizing the five sources to find commonalities in the conceptualizations.

All three questions from Bacchi (2009) were asked of each of the five World Bank discursive materials. 30 answers were found from 49 data points of selected textual quotes from all five sources. These data points were based on a thematic coding procedure and were not for the purpose of quantifying but to inform the creation of the common themes. The Bacchi (2009) method does not require the data to be coded or semi-systematically organized. In this research to increase coherence of the themes this semi-systematic recording and cross thematic coding was utilized.

The questions chosen were selected from an original set of six questions detailed in the book written by Bacchi in 2009, *Analyzing Policy: What is the problem represented to be?* The three questions selected accurately assess how land tenure is conceptualized in the various policies and discursive sources. The answers to the first two questions come directly from the text being assessed. The answers to question four required the input of theory, existing literature and personal interpretations in order to be answered. To answer the first two questions, each data sample section was read through once, and then read through again to select key instances of correlations between terms like “land tenure security” and the proposed solutions.

This collection process was combined into a ‘data matrix’<sup>3</sup> where the key themes were pulled from the selected representations of tenure security in the text. These themes were then correlated which provided a wide overview to answer Bacchi’s first two questions “*how is the problem represented?*” and “*what assumptions are present in this representation?*”. To answer question number four<sup>4</sup> required theoretical foundations to identify the silenced and alternative conceptualizations. Important for understanding the silences of the texts, question four data was processed using the same procedure as one and two with the addition of theoretical citations. By introducing the theoretical knowledge about increased access the prevalence of certain conceptualizations could be analyzed to expose unintended exclusionary effects (Hall, Hirsch, and Li, 2011).

## 5.0 Analysis

To structure the analysis, each of the following sections focuses on one of the three questions selected from the Bacchi (2009). This structure helps to answer the components of the conceptualization of secure tenure from the World Bank. Answering the questions in order also

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<sup>3</sup> See appendix for the final data matrix.

<sup>4</sup> See appendix for the full set of Bacchi (2009) questions.

helps to layer the analysis to first (1) find the framing of the secure tenure, then (2) outline the assumptions about that frame, with a final investigation into (4<sup>5</sup>) the silences in the conceptualization (Bacchi, 2009).

### *5.1 Formal rights based tenure security*

To find this common conceptualization of secure tenure the first question “What's the ‘problem’ represented to be in a specific policy” investigates the surface level connection between the policy and what is considered to be the issue as outlined. This identification of what was framed as ‘the problem’ with tenure security was taken into account for each discursive article individually. Two main themes were present in the answers for Bacchi’s first question: (1) Land tenure is a process used to increase investment and legal formalization secures access for investments. (2) Technical solutions and regularization make tenure more secure. Both of these themes outline the insecurity of tenure as solvable with market inputs, legal reforms and technological upgrades

In the documents that were included in this research, conceptualizations of secure tenure were legal formalized tenure regimes that increased incentives for investment in land. The main correlation between formal regimes and the need for investment is described frequently throughout the data as the main reason to secure tenure (WB, 2017; WB, 2019; WB, 2011; WB, 2023; WB et. al. 2019). This need to increase access to invest in land also includes foreign investment in land and the need to open land markets by formalizing the land tenure systems through legal means (WB, 2017; WB, 2019; WB, 2023). By making secure tenure a problem that can be solved with increasing access, the coupled exclusionary effects should be mentioned more explicitly (Hall, Hirsch and Li, 2011:p.9). Instead the discourse frames increasing access as creating a secure investment environment (WB, 2017; WB, 2019; WB, 2011). Since land is a limited resource some exclusion is necessary to grant certain land users access (Hall, Hirsch and Li, 2011:p.9). Not everyone is able to access land at all times and formal regimes can use the law to remove people from their land, granting access to some users but not to the people that already live on the land perhaps (Hall, Hirsch and Li, 2011:p.9). By framing the security of tenure as being a problem of legal regulation, the right to access land is governed by a complex web of ‘power relations’ that grant access or by opposition exclude users (Hall, Hirsch and Li, 2011:p.9).

This understanding of ‘the problem’ in the World Bank materials grants the solutions of insecure tenure with increasing the legal formalization of existing tenure systems. To solve this the World Bank offers technocratic solutions where tenure is secure when open markets, private ownership and legal administrations regimes are supreme (World Bank, 2017; World Bank, 2023).

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<sup>5</sup> See appendix for the full set of Bacchi (2009) questions.

The solutions and conceptualization of secure tenure proposed by the World Bank present is heavily critiqued because it is only one-third of a larger system that secures tenure (van Gelder, 2010). Identifying the underlying assumptions in this extensive advocacy of formal systems and increased access should reflect the wider exclusionary effects created when this conceptualization is brought forth (Hall, Hirsch and Li, 2011:p.7-8).

Within the World Bank Tenure Policy from 2011 illustrations of secure tenure often are formed by connecting ownership directly with laws and then an economic component.

*“From this perspective, clarifying land ownership and occupation, and the distribution and value of land resources, as well as designing appropriate laws, regulations and institutions, are very important for growth, poverty reduction, and sustainable development.”* (World Bank, 2011).

The problem in this case would be that “laws, regulations and institutions” can be used to secure tenure which can lead to “growth, poverty reduction and sustainable development.” (World Bank, 2011). Yet the academic literature says that focusing only on the legal aspect is missing more tools to secure tenure that might better fit local contexts (van Gelder, 2010). There is a political power relation in this correlation between the law and regulation and development because access is being regulated and that can be abused to coerce people (Hall, Hirsch and Li, 2011:p.9-13). Instances of formalization leading to investment that constitute secure tenure can be found in the World Bank measurement guidelines “*Measuring Individuals Right to Land*” from 2019 and on the three web pages from 2023, 2017, and 2019.

Each source misses an opportunity to properly disclose the exclusion that is paired with the advocated increased access. I argue this is a highly political action that “turns a blind eye” to the exclusion that is created as an after effect of proposing increased market intervention or regulation of land (Hall, Hirsch and Li, 2011:p.13). In the next section I will be outlining underlying assumptions of unfettered access to land. These assumptions lead the World Bank to project a secure tenure as unaffected by power relations that control access to land. The technological, legal and market mechanisms they promote however, are deeply intertwined with a hierarchy of power that can exclude users from gaining, keeping or sharing access to the benefits from land (Ribot and Peluso, 2003).

## *5.2 Underlying assumptions in the World Bank’s conceptualization of secure tenure*

To further explore the complex conceptualizations of secure tenure in the World Bank discursive materials, Bacchi’s second question was used to highlight the underlying assumptions about the ‘problem’. “What presuppositions or assumptions underlie this representation of ‘the problem?’” is the question that targets the dormant understandings that are just assumed to be

true in the solutions proposed in the policy and materials. This question, along with all of the other questions, was again asked when reading through each of the five texts from the World Bank. The common result was along two lines (1) Customary tenure is less secure than formalized tenure (2) Only state authorities can legitimately grant property rights. Both of these were found in all five of the documents in some form and are problematic when assumed to conceptualize secure tenure.

In line with the theoretical and academic background literature used in this research, both assumption that were found in the five materials from the World Bank showcase a deep rooted affinity with securing tenure through formalized legal and administrative avenues to increase market involvement, private ownership and spur economic investment (World Bank, 2023; World Bank, 2017). The literature from van Gelder (2010), Obeng-Odoom and Stilwell (2013) and Valkonen (2021) argue that tenure can be secured in a multitude of ways, not just through formalized routes. The World Bank's emphasis on legal formalization of customary tenure can change the authorities who enforce the rules of access to resources attached to land. The governance of this access, which is transitioned from social authorities to state authorities, is assumed to have "[...] positive effects for women, indigenous peoples and people in poverty." (World Bank et. al. 2019; World Bank, 2017). This is contested by Murray Li, where she explains that people who lose access over the management of their land may also lose control over their identity, languages and ways of life (Murray Li, 2014). By substituting state authorities for social authorities, land users are distanced from the 'cultural work' that negotiates access rather than the market or regulatory system (Murray Li, 2014).

Informal tenure is not always better at securing tenure in all cases. Formalization is a constitutive part of the composite view of secure tenure from van Gelder (2010). Conceptualizing secure tenure as being only legal formalization misses the intertwining of customary, formal and perception of secure tenure (van Gelder, 2010).

The World Bank in their later policy even states that legal formalization can sometimes fall short of providing the perceptions of a secure tenure regime. Trust in the authorities granting the titles and enforcing the rights might be less in some areas where social normative systems are stronger than legal ones.

*"... there may be contexts where there is a considerable portion of the population with valid legal documentation to prove their rights but individuals may still feel tenure insecure if they have limited trust in the land administration services, fear of duplicated or forged documents, if they have inadequate access to the institutions responsible for enforcing their rights, or if cultural norms or family members may prevent them from realizing their rights." (World Bank et. al., 2019).*

This complex understanding of how secure tenure is perceived demonstrates how difficult securing tenure is in practice. In essence, if perception can override the legal system and users still *feel* insecure, in many cases they *are* insecure. By acknowledging that tenure can still be insecure in legal regimes, the World Bank's policy for formalization to provide incentives for investment might be seen as a purposeful political choice if left unacknowledged. Formalization of tenure may not make the system more secure for land users, but may prove to make international investment in cheap land a possibility (Murray Li, 2014). The assumption that perception and legal systems are at odds still emphasizes arguments to promote formalization because the customary systems are left out of the dichotomy. By assuming that customary systems are less secure, the World Bank promotes an pro-formalization argument that supports international investors more than customary land users. If this is their goal, they should be more transparent about that in their discourse.

Secure systems do not rely on only one form of tenure but mix the systems to provide a web of interactions between legal and cultural systems that reinforce perceptions that tenure is secure (van Gelder, 2010; Valkonen, 2021). The World Bank document reinforces formalization by saying:

*“ ... individuals may perceive themselves as tenure secure even without legally recognized documentation. This could be the case, for example, in contexts where rights are not formally recorded but are respected, such as in customary tenure systems or trusted local land governance arrangements.” (World Bank et. al. 2019).*

This argument undercuts the legitimacy of customary tenure in favor of the formalization. Other instances of customary regimes being seen as less secure are also common in other documents.

*“Improving security of private, customary and common land rights, so more people can invest in and better manage their resources for future generations, start or grow a business, partner with the private sector and improve their livelihoods.” (World Bank, 2019)*

Customary land rights in this representation are seen as something that needs to be more secure, directly for the purpose of increasing investment. Formal regimes do make the investment easier, however the investment often is not the existing user but a foreign company or person with a better understanding of the legal system (Murray Li, 2014). This process is called “land grabbing” where a person with more access to the institutional levers is able to buy up land and limit access (Ribot and Peluso, 2003; Hall, Hirsch, and Li, 2011).

*“Secure collective rights to land and other resources are also important for Indigenous peoples and marginalized groups. Strengthening communal land rights of vulnerable*

*populations does not only respond to basic norms of equality but has positive outcomes on human capital and development” (World Bank, 2019)*

Securitizing the customary tenure systems frame them as being less secure than the legal formalized regimes. By ‘strengthening’ the communal land rights, there is an assumption that the state should be the one who administers and grants access to land rights (World Bank, 2019). Promoting indigenous rights should also coincide with recognizing or legitimating existing systems of customary control rather than imposing a legal system onto them. By assuming that customary systems are less secure, and by promoting that states can secure them, the “deep cultural work” that is used to negotiate access and reconcile disputes within indigenous communities gets completely removed from the control of users and placed in the hands of the distant policymaker (Murray Li, 2014).

### *5.3 Unproblematic conclusions and silences in World Bank discourse*

Holistically analyzing the conceptualizations of secure tenure requires an avenue of investigation past the surface and underlying assumptions. Using Bacchi’s fourth question “*What is left unproblematic in the problem representation? Where are the silences? Can the ‘problem’ be thought about differently?*” the five World Bank materials investigated had one similar unproblematic component, one common silence and had one common alternative conceptualization.

The exclusionary effects of transitioning customary regimes to formal regimes are continually discussed as an unproblematic process. The stress on land users, the conflict that can occur when regimes are transitioned and the potential violent loss of life is never explicitly mentioned in the World Bank. The process of transition is silent on the ‘growing pains’ or the transitional conflict that can occur between regimes. The use of violent force to remove people from land newly legally formalized is never mentioned (Hall, Hirsch, Li, 2011). This transitional process is left unproblematic in the descriptions of legal formalization (World Bank, 2019; World Bank, 2017).

The common silence in the texts from the World Bank is customary tenure and the role it plays in the process of securing tenure. In each of the five articles, the role of customary tenure is overshadowed by conceptualizations of secure tenure being provided by legal and administrative formalization of the customary regimes. What is rarely mentioned in the text is the benefits these existing systems have on administering, guiding and regulating access to land (Murray Li, 2014). The difference these customary systems have is their ‘power relations’ mechanisms to grant access. Benefits from land are tied to legitimation more heavily which provide the moral claims that govern the social normative web that coerces users behavior (Hall, Hirsch, Li, 2011:p.4). Customary tenure utilized socially guided legitimation to regulate access, while the World Bank promotes regulation and the market as the mechanism that grants access to land

(Hall, Hirsch, Li, 2011:p9). Explaining the decline of customary systems the World Bank wants to formalize would detail a process that undercuts indigenous authorities and can damage the environment (Murry Li, 2014; Robison et. al. 2017).

As discussed in the literature review a common alternative conceptualization is a coherent complex perspective. The answer to this part of the fourth question is difficult, mainly because it requires an element of optimism that the alternative approach is better than the current trajectory. This mindset and subsequent answer that tries to entertain such a possibility is not the aim of this research. With that being said, alternative conceptualizations of secure tenure, based on the research conducted herein, would advocate for a composite approach in line with the literature on land tenure security (Valkonen, 2021; van Gelder, 2010). This composite approach would incorporate a more transparent understanding of the power relations that grant access and increase exclusion to land based benefits (Hall, Hirsch, Li, 2011:p.13). Including this understanding, even while still advocating for a certain type of tenure, is more transparent about the exclusionary effects that are coupled with increasing access to land (Hall, Hirsch, Li, 2011:p. 13). By not layering this composite perspective into the discussions about land tenure security, an unbalanced and hierarchical ‘top down’ replication of power is perpetuated. The main consequence of not implementing a complex view of tenure would be land users still being insecure in their tenure after legal systems were put into place.

A corrosive alternative is that systems of legal formalization create more instances of exclusion to existing land owners by granting open access to markets to buy up large amounts of land (Hall, Hirsch and Li, 2011:p. 13-17). This is a worrying possibility with the one sided type of tenure system that the World Bank promotes in their discourse. With unfettered open market access there is a real likelihood that existing users could lose access to the international buyers (Murray Li, 2014; Hall, Hirsch and Li, 2011:p.13-17). The power of international funding streams, that originate in the global north, can use legal formalized systems more efficiently to exclude land users. International corporations can use their vast human and economic capital in legal formalized systems to enforce the exclusion of existing users. They can then plant, mine or harvest valuable resources in the global south (Hall, Hirsch and Li, 2011;p.13-17).

In each of the conceptualizations of secure tenure, a package of meaning is attached to the terms and concepts. These packages also deliver assumptions that are necessary to support the perspective's meaning of secure tenure. The package of meaning also includes silenced parts that limit understanding and produce alternative conceptualizations (Bacchi, 2009). Conceptualizing the security of tenure through the replication of legal institutions reduces opportunities to increase security through other means. As of now, when the World Bank reduces the definition of secure tenure to be the formalization of customary tenure, the political power relations of the market and regulation limit the self determination of land users. The gap between the literature on the conceptualization of land tenure used in the World Bank material might grow larger if

composite views are neglected for more single function definitions of secure tenure. I argue that the World Bank should be more delicate with the correlation between what types of tenure being advocated for, what kind of exclusion they reproduce and the wider trend their approach inspires in the development community. The long term exclusionary effects of World Bank conceptualizations can revoke access to land users through legal mechanisms instead of the traditional customary negotiating process (Murray Li, 2014).

Complex views of tenure may produce more equitable, more sustainable, and more locally acceptable secure tenure regimes that could promote long term stability rather than economic growth that might motivate further development.

## **6.0 Conclusion**

The aim of this paper was to demonstrate the conceptualization of what makes tenure secure from the viewpoint of the World Bank. This paper argues that a heavy legal formalization approach may have undisclosed corrosive exclusionary effects. Increasing access and openness to markets can limit the access of some existing land users in customary systems in favor of those who can utilize the legal mechanisms in formalized systems. As a result, by conceptualizing tenure as secure in formal legalized systems a whole alternative customary system, already securing tenure, is reduced to ‘a problem’ that needs to be remedied. Customary systems make tenure secure and are alternative tools that can be utilized in parallel to formal systems in certain contexts to more robustly secure tenure.

This paper contributed to filling the gap between the academic scholars' conceptualization and the World Bank's view of what makes tenure secure. The World Bank's conceptualization of secure tenure as being a formal process reduces customary tenure and perception based systems to a minor factor. While this study did build understanding of how the World Bank conceptualizes tenure, further research is still required to understand more of the effects, the long term issues and the land user's perspectives directly. Future research on secure tenure should focus on newer discursive spaces, for example the social media platforms used by international institutions or NGO's working on secure tenure. Acknowledging the exclusionary effects of the World Bank's increased access position with formal secure tenure is an important step towards increasing international institutional transparency.



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## 8.0 Appendix

### 8.1 Final discursive data matrix

Discursive Material from World Bank	<i>Land Tenure Policy: Securing Rights to Reduce Poverty and Promote Rural Growth, World Bank 2011 (Pages 1-7)</i>	<i>Measuring Individuals' Rights to Land: An Integrated Approach to Data Collection for SDG Indicator 1.4.2 and 5.a.1, The World Bank, et. al. 2019. (Pages 5-18)</i>	<i>World Bank. (2023). Land Tenure. <a href="#">[online]</a></i>	<i>World Bank. (2019). Land. <a href="#">[online]</a></i>	<i>World Bank. (2017). Why Secure Land Rights Matter. <a href="#">[online]</a></i>
Questions from Bacchi, 2009					
1: "What's the 'problem' represented to be in a specific policy?"	Land is deeply conceptualized as a thing that can be owned, transferred and invested in. The existence of land is seen as a natural opportunity for formalization.	Land is a bundle of economic resources, and measuring the formalization of legal tenure will help target and promote secure tenure.	Land is an economic resource and the tenure security is linked to the economic value of land. Legally recognized and perceived land rights need to be secure.	Identifies technical challenges to formalizing tenure, which limits the security.	Tenure is secured when the system of administration is formalized and resolved with technical solutions.

Discursive Material from World Bank	<i>Land Tenure Policy: Securing Rights to Reduce Poverty and Promote Rural Growth, World Bank 2011 (Pages 1-7)</i>	<i>Measuring Individuals' Rights to Land: An Integrated Approach to Data Collection for SDG Indicator 1.4.2 and 5.a.1, The World Bank, et. al. 2019. (Pages 5-18)</i>	<i>World Bank. (2023). Land Tenure. <a href="#">[online]</a></i>	<i>World Bank. (2019). Land. <a href="#">[online]</a></i>	<i>World Bank. (2017). Why Secure Land Rights Matter. <a href="#">[online]</a></i>
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2: "What presuppositions or assumptions underlie this representation of the 'problem'?"	<i>Assumption 1:</i> The main assumption is that by fixing the administrative and legal hurdles that the problem of tenure insecurity can be solved.	<i>Assumption 1:</i> A State authority is the central entity that produces the legitimacy for securing tenure rights.	<i>Assumption 1:</i> Legal rights as the main form of secure tenure rights largely ignores the security provided by customary systems and perceived rights.	<i>Assumption 1:</i> Increased tenure security boosts investment opportunities.	<i>Assumption 1:</i> Formalizing rights and improving the administration of land management is the only relevant building block of creating a secure tenure environment.
	<i>Assumption 2:</i> Absorption of private ownership and rights issuing institutions will be smooth and automatically spark investment.	<i>Assumption 2:</i> Actors are rational and they will invest in their land once they have the legal authority to do so.	<i>Assumption 2:</i> Measurement of legal implementation. Congruent with SDG indicators leaves little room to explore the other aspects of secure tenure.	<i>Assumption 2:</i> Secure tenure is formalized through legal and administrative systems.	<i>Assumption 2:</i> Main authorities backing the tenure regimes are national governments, not communities or customary authorities.

Discursive Material from World Bank	<i>Land Tenure Policy: Securing Rights to Reduce Poverty and Promote Rural Growth, World Bank 2011 (Pages 1-7)</i>	<i>Measuring Individuals' Rights to Land: An Integrated Approach to Data Collection for SDG Indicator 1.4.2 and 5.a.1, The World Bank, et. al. 2019. (Pages 5-18)</i>	<i>World Bank. (2023). Land Tenure. <a href="#">[online]</a></i>	<i>World Bank. (2019). Land. <a href="#">[online]</a></i>	<i>World Bank. (2017). Why Secure Land Rights Matter. <a href="#">[online]</a></i>
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4: "What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?"	<b>Unproblematic:</b> Understanding tenure security as the formalization process and how it can be received differently.	<b>Unproblematic:</b> The measurability of perceptions of tenure security. The timing of the data collection. Tenure situations can change on a moment's notice.	<b>Unproblematic:</b> The purely economic focus of land, its assumptions of ownership and how people use the land.	<b>Unproblematic:</b> Transitioning customary systems of tenure into legal formalized systems.	<b>Unproblematic:</b> The administrative burden and overhaul that needs to formalize systems. Also the adoption of new titling programs.
	<b>Silenced:</b> The existing systems of tenure are silenced by describing the land as "wild". This void of governance is ready to be concurred.	<b>Silenced:</b> Measurements for the formal systems outway the indicators used for quantifying the existing tenure systems.	<b>Silenced:</b> Customary land tenure as a form of legitimate management of land as an economic resource.	<b>Silenced:</b> Input of the people who are being transitioned from customary to formal.	<b>Silenced:</b> The customary systems are again left as the thing that is being silenced, through the formalization process.

Discursive Material from World Bank	<i>Land Tenure Policy: Securing Rights to Reduce Poverty and Promote Rural Growth, World Bank 2011 (Pages 1-7)</i>	<i>Measuring Individuals' Rights to Land: An Integrated Approach to Data Collection for SDG Indicator 1.4.2 and 5.a.1, The World Bank, et. al. 2019. (Pages 5-18)</i>	<i>World Bank. (2023). Land Tenure. <a href="#">[online]</a></i>	<i>World Bank. (2019). Land. <a href="#">[online]</a></i>	<i>World Bank. (2017). Why Secure Land Rights Matter. <a href="#">[online]</a></i>
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4: "What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?"	<b>Different Conceptualizations:</b> The continued push to formalize could erode how owners perceive their customary land rights.	<b>Different Conceptualizations:</b> Measuring tenure security should be more a diagnostic tool rather than a way to measure the success of formalization of tenure.	<b>Different Conceptualizations:</b> Viewing tenure as being secured in a multiplicity of ways, not just through legal or perceived ways.	<b>Different Conceptualizations:</b> Tenure security as being a problem of social, political and "cultural work" (Li, 2014)	<b>Different Conceptualizations</b> Customary rights are not the thing that needs to be formalized but rather understanding tenure as complex might include many ideas of what works.
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8.2 Full question list from Bacchi 2009 *Analyzing Policy: What is the problem represented to be?*

1. What is the 'problem' represented to be in a specific policy?
2. What are the presuppositions or assumptions underlie this representation of the 'problem'?

3. How has this representation of the problem come about?
4. What is left unproblematic about this problem representation? Where are the silences? Can the 'problem' be thought of differently?
5. What effects are produced by this representation of the 'problem'?
6. How/where has this representation of the 'problem' been produced, disseminated and defended? How could it be questioned, disrupted and replaced?