

LAND TENURE VERIFICATION: DUE DILIGENCE PROCESSES

In most contexts where humanitarians work, there may be a lack of reliable land registry to check and confirm who owns the land. But verifying land ownership is crucial to establishing IDP sites, collective and individual shelters, WASH facilities, and boreholes. It is also a key factor in trying to address disputes and negotiate peace.

In these contexts, how can one verify ownership? HLP is about information. In contexts where there is no reliable property registry, verifying tenure (or ownership) of a target property will depend on identifying alternative sources of information.

Depending on the context, some sources of information will be more valuable than others. So once the sources are identified, the information that they provide must be evaluated as having high, medium or low reliability. The tenure verification effort (commonly referred to as due diligence) is akin to detective work. And remember, it is not only about confirming who owns it, but also about finding out if the land is available. It is not uncommon to obtain confirmation that the land belongs to the government, but then discover that the same land has already been rented out to a company who is about to start using the plot.

Depending on the type of property being assessed, these sources can be useful to explore:

- **Neighbours:** people who live near the target property are likely to know something about it. Who lives in it (if it's a building), who visits, or works on it. They may even give you identifying information on who they believe the owners are.
- **Local elders:** elders can be valuable sources of information on tenure. They tend to know the history of the property, who it used to belong to, and what it was used for in the past. Knowing the history of the property can give you clues to who the owners may be today. Another advantage of consulting elders is that they tend to be available during the working hours, whereas other adults may be working off site and difficult to find during the day.
- **Local chiefs or traditional authorities:** in many places, traditional (customary) or religious chiefs have a role in organizing land use, transferring ownership, officiating, marriages and inheritances, or in keeping records on who lives where. These roles give these traditional chiefs important insights on the social dynamics in the village and valuable information that can point to the ownership status of a property.
- **Land officials:** different countries have different types of bureaucracy to deal with land and property. In the country where you work, there may be land administration officers, land commissioners, notaries, property registrars, land courts or other types of authorities. Find out which of them exists in your context and who is relevant as a source of information on tenure.

Triangulate

Triangulation is the action of cross checking the information obtained from the different sources that you identified as relevant to learning about the ownership of your target property.

If all your sources point to the same direction, you may consider that your land tenure verification has reached enough certainty and move to the next phase. If one of your sources contradicts the information from the others, you must flag that discrepancy and either:

- Conduct further investigation to check which information is correct: this may involve asking the main claimant to explain why some sources say that someone else is the owner
- Accept the risk but obtain additional guarantees from the owner that will protect your beneficiaries from any attempt of forced eviction; or
- Reject the land and identify alternative location for the shelter.

There is no "best practice" option here. The right choice will depend on several factors that can only be evaluated in a concrete case.

Create a record

When conducting the due diligence, it is important to document your findings. These records will help you and others to understand what is known about the property and, from this information, infer who the most likely owners are.

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