

Peer Review

Review of: "Customary Land Tenure, Mining, and the Development Question: Insights From a Transitional State"

Daniel Nyangweso¹

1. Eötvös Lorand University, Hungary

The paper titled "Customary Land Tenure, Mining, and the Development Question: Insights From a Transitional State" is a good paper with an exceptional overview. However, the author needs to address the following:

1. Consider including updated references with current information on customary tenure systems, including also a connection with mining and development activities' impact, which are missing.

Suggestions which may be considered:-

General overviews and land governance

Peters, P. E. (2022). "Struggles over Land under Customary Tenure in Contemporary Sub-Saharan Africa." The Oxford Handbook of Land Politics. Oxford University Press.

This chapter provides a recent, high-level analysis of the complexities and political struggles surrounding customary tenure in Africa, moving past older, simplified narratives.

Ali, D. A., et al. (2025). "Land Tenure Governance in the First Decades of the 21st Century." Land Use Policy. MDPI.

This article reviews the progress of land tenure governance in several countries from 2021 to 2023, offering a fresh perspective on policies, regulations, and implementation challenges and successes.

Alden Wily, L. (2018). The Tragedy of Public Land in Africa: The Fate of the Land Commons in the Absence of Customary Land Rights Recognition (Vol. 30). The Land Deal Politics Initiative.

This work highlights the risks associated with the non-recognition of customary land rights and critiques the "tragedy of the commons" framework, arguing that the true tragedy is state appropriation.

Challenges and contemporary dynamics

Suhardiman, D., et al. (2023). "Silent transitions: Commercialization and changing customary land tenure systems in upland Laos." Land Use Policy.

This article provides a specific, recent case study on how external economic pressures, like commercialization, are influencing the evolution of customary tenure systems on the ground.

Gret. (2024). "The challenges of land governance in West Africa and Madagascar: Facing complex crisis situations." gret.org.

This publication details how contemporary crises—socio-political instability, climate change, and migration—are complicating land management and weakening traditional authorities.

Tanner, A. (2025). "When 'best practice' means formalising: foreign large-scale land investments and the interpretation of tenure security norms on customary land." Third World Quarterly.

This study explores the contradictions that arise when global land tenure norms, such as those related to foreign investment, are applied to customary land, focusing on the pressures toward formalization.

Innovations and hybrid approaches

Manya, M. M., & Kabanga, L. (2023). "Compensation assessment practices in expropriation of customary land: Evidence from Malawi." Land Use Policy.

This research offers a specific example of how customary tenure intersects with state law during expropriation, highlighting the need for more inclusive and equitable processes.

Liverpool University Press. (2023). "The self-regulation of informal land uses and tenure through neo-customary institutions in Sub-Saharan Africa." International Development Planning Review.

This article introduces the concept of "neo-customary" tenure, showcasing how traditional systems are adapting to urban informal settlements through new, hybrid governance mechanisms.

Resonance Global. (2022). "4 Key Trends for Securing Land Tenure in 2022." resonanceglobal.com.

This resource emphasizes the need for inclusive, collaborative, and gender-sensitive approaches to land tenure, providing insight into modern best practices for land projects.

Policy and legal recognition

World Bank. (2022). An Assessment of Customary Tenure Systems in the Lao PDR. World Bank Open Knowledge.

This report from the World Bank provides policy recommendations for strengthening and protecting customary tenure, including legal education, addressing gender discrimination, and improving the governance of commercial land deals.

Tandfonline. (2024). "Invoking 'the Customary' in the Formalization of Land Reform in Liberia and Sierra Leone." Third World Quarterly.

This article uses case studies to analyze the political and social dimensions of legalizing customary land rights, revealing how the term "customary" is strategically invoked by various actors in reform processes.

2. Some statements in the manuscript lack coherent reference material as stated, such as ... "some local millers have done some corporate social responsibility," which indicates a reference to some work or research not included.

3. A literature review on current research on the Social Tenure Domain Model and the Cadastre 2014 model needs to be included to support the arguments postulated in the paper.

Others which can also be included include:

Recent frameworks and references

1. Fit-for-Purpose Land Administration (FFPLA)

Reference: The concept evolved from the Global Land Tool Network (GLTN) and is advocated by organizations like the Food and Agriculture Organization (FAO) and GIZ. Its core principles are outlined in guiding documents like the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT).

Approach: FFPLA promotes practical, affordable, and scalable solutions for land administration, moving away from expensive, traditional survey-based methods. It emphasizes flexibility to account for different tenure types, including customary systems, and advocates for incrementally increasing the level of formalization and accuracy over time. For customary lands, this can mean demarcating outer community boundaries while retaining internal communal institutions for land management.

2. Social Tenure Domain Model (STDM)

Reference: A land information tool developed by the GLTN, based on the continuum of rights concept. A pilot project in Mbale, Uganda, showed its application in documenting informal and customary rights.

Approach: STDM operates on the principle that land rights exist on a spectrum, from informal to formal. It is a data model and tool designed to document the dynamic social tenure relationships that people have with the land, empowering communities to collect and manage their own land information. It is designed to be affordable and adaptable to local conditions.

3. Integrated frameworks for climate action

Reference: A 2025 study from the Global Land Alliance and FAO, along with research by the World Resources Institute (WRI), emphasizes securing collective customary tenure rights as foundational to addressing climate goals.

Approach: This framework links secure customary land rights directly to climate change mitigation and

adaptation efforts. It uses evidence that Indigenous and community-managed lands have lower deforestation rates and store significantly more carbon than other areas. Methodologies include:

Prioritizing legal recognition of Indigenous and community lands within climate strategies.

Aligning tenure reform with nature-based solutions and global climate frameworks, such as those related to biodiversity and carbon sequestration programs.

Innovative methodologies and tools

1. SmartSkeMa approach

Reference: Developed by researchers and presented in a 2021 MDPI paper, this system uses Computer Vision and Artificial Intelligence.

Methodology: Combines participatory, hand-drawn sketching with aerial imagery and ontology-based models of local tenure rules to create scalable, digitized records of customary land rights. This differs from other digital approaches by focusing on capturing local perspectives and social dynamics rather than just standardized spatial units.

2. Participatory mapping with technology

Reference: Various studies, including a 2023 paper on the SmartLandMaps approach, detail methodologies for community-based mapping using technology.

Methodology: Community members use printed satellite or drone imagery to identify and mark their boundaries and land uses. Advanced software automates the digitization of these hand-drawn maps, greatly reducing time and cost compared to traditional surveys. The process emphasizes community engagement and empowerment in data creation.

3. Conflict-sensitive land restitution approaches

Reference: A 2023 article in World Development by Joireman and Tchatchoua-Djomo.

Methodology: This approach addresses the complexities of customary tenure in post-conflict settings. It recognizes that relying solely on pre-conflict customary rules may be difficult due to displacement and erosion of traditional institutions. The methodology considers three trajectories of change for customary systems: erosion, adaptation, and replacement, with adapted mechanisms for land restitution and dispute resolution based on the context.

4. Legal and institutional reform that integrates customary law

Reference: The World Bank and others have studied diverse approaches to legally recognizing customary land rights in Africa, including Botswana, Mozambique, and Tanzania.

Methodology: Instead of replacing customary law, this approach seeks to elevate and integrate existing claims into formal frameworks, giving customary rights equal weight to documented ones. A multi-

criteria decision model (MCDA) can be used to synthesize various factors—local wisdom, customary legal principles, and formal legal requirements—to find effective resolutions for customary land conflicts.

5. Framework for recognizing collective rights

Reference: An analysis by the Rights and Resources Initiative (RRI) shows a global trend toward recognizing collective land ownership, with laws in many countries specifically acknowledging community property.

Approach: This framework focuses on solidifying the legal status of collective ownership for communities, clans, and other Indigenous groups. It counters historical attempts to privatize land and provides a legal basis for communities to collectively manage and protect their territories. This approach often involves strengthening local governance structures and building the capacity of community leaders

4. Doesn't have an area of study map nor the tools used for evaluation to support the conclusions stated.

Declarations

Potential competing interests: No potential competing interests to declare.