Effects of multiple land tenure regimes on tenure security: African cases

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Abstract

Key issue in this article is security of land tenure. Land tenure can be described as the perceived right to hold land rather than the simple fact of holding land. Land tenure is concerned with the rights, restrictions, and responsibilities people have with respect to the land. Tenure security concerns a perception of (un)certainty to have and to keep adequate rights, for an adequate period, adequately assured/protected (Place et al, 1994). The key assumption is that security of tenure is required to make land contribute to economic development. However, it is difficult to assess the level of tenure security, as it is a perception from the right holder. In many African countries, multiple land tenure regimes exist. They can be defined as the simultaneous existence of multiple normative constructions of property rights in a social organization (Dekker, 2005).

In general, before colonization, the legal system, including land law, was based on customary, unwritten, law. Customary law relates to a particular tribe or clan. Colonization introduced state law, based on law of the colonial powers, which concerns the entire country. Concerning property, statutory land law was often only applicable in urban areas and rural areas with high agricultural potential. In the remaining areas customary land law was still applicable. Geographically spoken, land is legally subdivided in State Land and Customary Land. The existence of multiple tenure regimes has effects on tenure security. Statutory land tenure is often assumed to have a higher level of tenure security. Recent research has proven that customary law in itself is secure as well. However, due to commercialisation and urbanization, tenure security tends to decrease, especially for the local people. During the last decades of the twentieth century, land titling, often pushed by donor support, was seen as the solution to improve tenure security for all land right holders. Titling projects often failed, one of the reasons being the lack of harmonization with the customary laws. Recently, new forms of titling are being introduced in several countries, aiming to support economic development and to protect the interests of the local people. Negative side effects can be patchwork and forum-shopping.

The paper discusses in detail the recent developments in Zambia, Ghana and Mozambique concerning the existing tenure regimes. The cases will focus on the tenure realities in peri-urban areas and informal settlements. In those areas, problems related to the multiple existence of tenure systems are frequent. Zambia has a dual tenure system with limited possibilities for harmonization. Conversion of customary tenure into state

tenure often leads to denial of other ('secondary') customary rights. Ghana aims at harmonization through the establishments of customary land secretariats, responsible for the issue of Customary Certificates. In Mozambique, harmonization is enforced through law and policy development. These developments are relatively new; progress in these areas is generally slow. Therefore, major improvements on land tenure security cannot be expected on the short term. However, it is clear that multiple tenure regimes will continue to exists and that negative effects should be avoided whenever possible.

Introduction

Land is an important economic asset in almost all societies and can contribute to economic development and sustainable growth. Therefore, land has a potential to contribute to poverty reduction, especially in developing countries. Providing poor people with access to land (ownership/possession) and improving their ability to make effective use of the land they occupy is central to reducing poverty and empowering poor people and communities (Deininger, 2003). One of the main requirements for an individual to use land economically and willing to invest is the assurance of the land right for a period of time. This is referred to as tenure security, which will be discussed in more detail after having discussed land tenure itself.

Land tenure

Land tenure can be briefly defined as the way people are holding the land. More specific, land tenure is the perceived institutional arrangement of rules, principles, procedures and practices, whereby a society or community defines control over, access to, management of, exploitation of, and use of means of existence and production (Dekker, 2005).

As land is one of the pillars of any economy, land tenure is related to livelihood, social, economic, legal, religious relationships. Studying land tenure requires good knowledge of the local situation, the people and their beliefs. People might have different views on land and those are based on long traditions in society. One might think of migration, urbanization, economic changes, religious influences, interference from outside, etc. Besides that, the political system has an important role to play, as land is treated different in a market economy than in, for example, a socialist setting. One might argue that the political system imposes the tenure on its subjects, whatever they might believe themselves. Here, we are already touching on the central theme of this paper, the relationship between state imposed tenure versus local beliefs and customs concerning land.

Land tenure security

A landholder has security of tenure if she/he perceives little or no likelihood of losing physical possession of the land within some future time period (Hanstad, 1998). It refers to the degree of confidence held by people that they will not be arbitrarily deprived of the land rights enjoyed and/or of the economic benefits deriving from those. Land law and policies will determine the level of tenure security, however other factors may be important as well. It includes both 'objective' elements (nature, content, duration and enforceability of the rights, state guarantee, quality of boundary descriptions, conflict handling) and 'subjective' elements (landholders' perception of the security of their rights; Deininger, 2003; Kanji, Cotula et al., 2005).

Objective security is often referred to as *de jure* security of tenure, while *de facto* security corresponds with the subjective elements. *De jure* security is normally easier to determine by assessing the laws and regulations related to land issues, although *de facto* security might be more important with reference to economic growth and poverty reduction.

As tenure security has objective and subjective elements, it is difficult to assess it. One has to realise that many stakeholders are involved as well: formal right holders (farmers under state or customary law, investors/companies), in customary cases holders of so called secondary rights (grazing, collection of fruits and herbs), absent land holders, informal settlers, etc. This paper focuses on the tenure security in peri-urban areas and informal settlements. Strong threats of eviction will give informal settlers low levels of security, however, it may maintain a high level of security for an eventual original landowner. At this point, it is evident that policies dealing with tenure security are highly politically motivated.

Land tenure systems

Land tenure is dynamic. It adapts itself due to changing political, legal, societal, religious, economic, demographic and environmental circumstances. As a result, a variety of land tenure systems can be distinguished. A land tenure system can be described as the perception of all the types of land tenure, recognized by a national and/or local system of established rules and customary relationships in a social organisation. As a result, each land tenure system is a unique idiosyncratic system (Dekker, 2003). A general classification of tenure systems is given in figure 1. Religious tenure, for example based on Islamic or Hindu law, will not be addressed in this paper, as it does not appear in any of the chosen case study countries. The other tenure classes will be briefly described below.

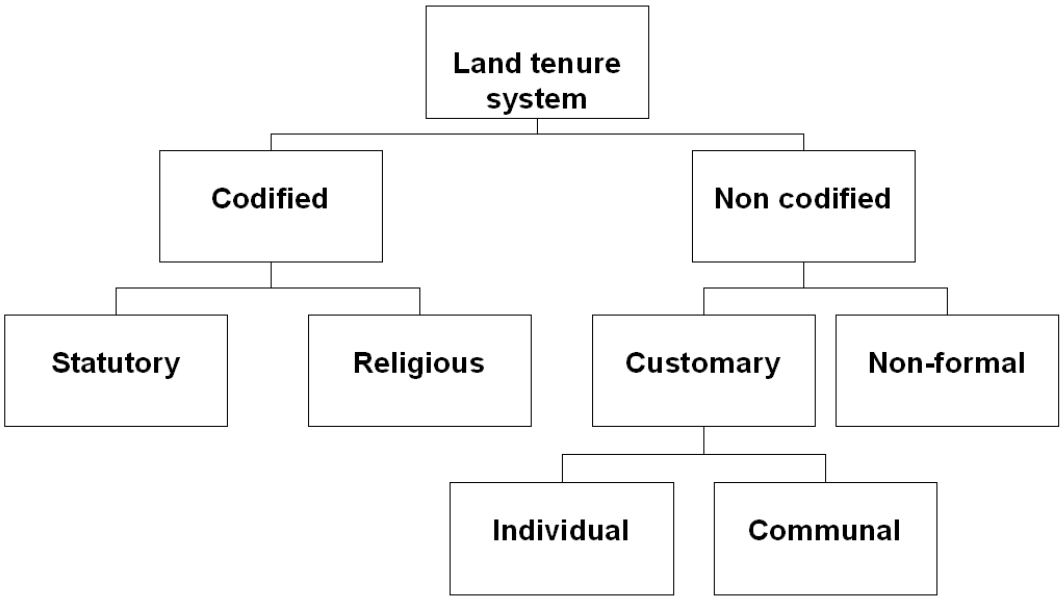

Figure 1 Classification of land tenure systems, adapted from Nkwae (2006)

Statutory tenure

State tenure is based on written land law. Two main law families can be distinguished: common law and Roman law. Common law sees a land right as a bundle of rights, of which some are powerful and some are with little value. Rowton Simpson (1976) compares the collection of rights pertaining to any one land parcel may have with a bundle of sticks: from time to time the sticks may vary in number (representing the number of rights), in thickness (representing the size or 'quantum' of each right), and in length (representing the duration of each right). Roman law tends to put more emphasis on full individual ownership (Oestereich, 2000).

Statutory tenure entered Africa through colonial powers. They imported their views and implemented their laws. Regarding land, most often, urban areas and land suitable for commercial farming was declared land under statutory tenure.

Customary tenure

Customary tenure can be defined as the rights to use or to dispose of use-rights over land which rest neither on the exercise of brute force, nor on evidence of rights guaranteed by government statute, but on the fact that they are recognized as legitimate by the community. The rules governing the acquisition and transmission of those rights being usually explicit and generally known though not normally recorded in writing (Rowton Simpson, 1976).

One of the main characteristics of customary tenure is the reciprocal relationship between membership of the family, tribe or clan and access to land (Platteau, 2002). In general, any member of the group can return to his or her village and is entitled to use a piece of land, independent of the period of absence. Another characteristic is that community heads allocate unappropriated land (Mabogunje, 1992).

Customary tenure is often referred to as communal tenure. Many scholars have already discussed the potential misunderstanding of customary and communal tenure. Nkwae (2006), for example, defines:

- Customary tenure: a tenure deriving or in accordance with customs, has evolved locally, and this does not connote time or history;
- Communal tenure refers to a situation whereby group rights are predominant, but not exclusive;
- Traditional tenure: meaning a tenure situation consisting or drawing from tradition, with a connotation of history or antiquity.

The term communal indicates that a tribe, group or clan has the most powerful rights over land. Although customary tenure will have elements of communal control and group rights, individual tenure is an important element as well. The term communal refers to the communal control of land, most often executed by traditional leaders. As communal focuses on the group element within the tenure, customary focuses on the unwritten and applicable customs.

In Africa, customary tenure is often applicable in rural areas. In fact, looking at area coverage, customary tenure forms the most important tenure class. McAuslan (2005) remarks that statutory tenure is the add-on for customary tenure as many value statutory tenure much higher. As various tribes inhabit African countries, various customary tenure systems do co-exist. Customary tenure systems are sometimes regarded as old-fashioned, however its strengths cannot be underestimated: customary tenure systems are relatively simple, can be operated on low cost basis and are in general equity based, although the position of women and marginalised groups are in some cases weak.

Informal tenure

Informal tenure systems are the remaining category, where none of the earlier mentioned categories are applicable. It can be described as a situation where people exercise ‘land rights’, without having acquired them through the customary or statutory channels. Such ‘right’ holders are often called squatters or illegal settlers. The informality can have various causes: informality of land acquisition, illegality of subdivision and/or non-conformality with land use planning and building regulations.

Lack of security of tenure is a central characteristic of informal settlements (UN Habitat, 2003). However, security might rise to considerable levels through its long existence, community recognition and policies.

Informal settlements are a common occurrence in the peri-urban areas of many African cities (UN Habitat, 2003). They may exist for long periods. In some cases they stem from colonial times, when indigenous people were not allowed to live in urban areas. As a result, they settled in informal settlements at the urban periphery. Governments can tolerate informal settlements, however, forced eviction of people and demolition of settlements still occur (COHRE, 2006).

A subgroup of informal tenure may be neo-customary tenure as introduced by (Durand-Lasserve): a combination of reinterpreted customary practices with other informal and formal practices, having the following characteristics:

- through individuals or groups;
- based on trust;
- involve social institutions;
- dealing with land rights that have been commodified;
- differences between neo-customary and other informal land delivery systems are difficult to establish.

Neo-customary are strong enough and effective enough in terms of quantity delivered to be an alternative to formal systems. They are less bureaucratic and more flexible than formal systems: time for delivery is short, transaction costs are lower than in the formal system and they provide enough security of tenure to encourage investment in housing (Durand-Lasserve).

Legal pluralism and multiple tenure systems

Legal pluralism is basically caused by two historical facts:

- The Scramble for Africa as organized by European powers resulted in the formation of colonies, accompanying various social groups and tribes, resulting in multiple customary legal systems;
- Colonialisation: former colonial powers implemented their legal system in the colony, which are, in most cases, taken as a basis for the statutory legal system after independence.

Hoekema (2004) distinguishes between legal (de jure) and actual (de facto) pluralism. Pluralism is de jure when the national law explicitly recognize customary law. The national law may be the constitution or national sector laws, like land law. Recognition of customary law in the constitution is of course more powerful and will cover all aspects of law, where recognition through sector law is specific. Pluralism is de facto, when state and customary law system(s) co-exist without any formal linkages.

Resulting from legal pluralism, multiple land tenure regimes exist. Multiple land tenure regimes can be defined as the simultaneous existence of multiple normative constructions of property rights in a social organization (Dekker, 2005). The multiplicity is in general created through three developments:

- the co-existence of former colonial law and customary law;

- the co-existence of various customary systems within a country;
- the emergence of informal tenure, most often in and around urban areas.

According to Fitzpatrick (2005), overlaying formal institutions on informal arrangements will increase uncertainty. This uncertainty may refer to tenure, jurisdiction or conflict resolution. As a consequence disputants are given the opportunity to manipulate overlapping normative order through 'legal institution shopping'. This is also called forum shopping, people can be opportunistic to reach their goals and try all available channels, even simultaneously.

Many scholars have written about ways of dealing with legal pluralism and multiple tenure issues. (Lavinge Delville; Fitzpatrick, 2005; Durand-Lasserve, 2003; Ooko Midheme, 2007; Durand-Lasserve and Tribillion, 2001). In order to, amongst other targets, improve tenure security, efforts have been made to replace (and dismantle) customary tenure by statutory tenure. However, these efforts have failed to a large extent. New policies are developed nowadays to find better ways of coexistence. Efforts are also made to regularize informal and customary tenure.

Tenure regularization is seen as one part of the solution to improve the livelihoods of landholders in informal settlements. Mertins, Popp et al. (1998) define tenure regularization as a deliberate process aimed at bringing the informal and unauthorized settlements within the official, legal and administrative systems of land management. There are three main types[1]:

- Recognition: the political or administrative acknowledgement or recognition of informal settlements in the official city administration, like anti-eviction laws or designate informal settlements as special planning areas.
- Transformation: the process of providing legal backing to the existing tenure systems on community or municipality level.
- Formalization: this refers to the registration or certification of individual or group rights into a land register, which may be combined with a form of cadastral survey.

The above listed types of regularization are state driven. Additionally, communities themselves can also act to improve security of tenure. Such community action can be described as the process whereby the community itself regulates tenure, to some extent within the existing legal framework.

The continuum of tenure

In literature, several continua of land rights have been designed (Habitat, 2004; Payne, 2004; Mabogunje, 1992). These continua help us to understand the relationships between land rights and tenure security. Most of them have a large level of detail, as they combine various tenure systems with other relevant laws and tenure formalization (for example planning and anti-eviction laws). These laws, even political statements, have an effect on

[1] Mertin's terminology is adapted

tenure security. In order to analyse the relationships between the existing tenure situation in an area and the applied methods of tenure regularization, the continuum is redesigned as a continuum of tenure (see figure 2). The continuum is based on the following categories:

1. Informal;
2. Customary;
3. State-leasehold;
4. State-freehold.

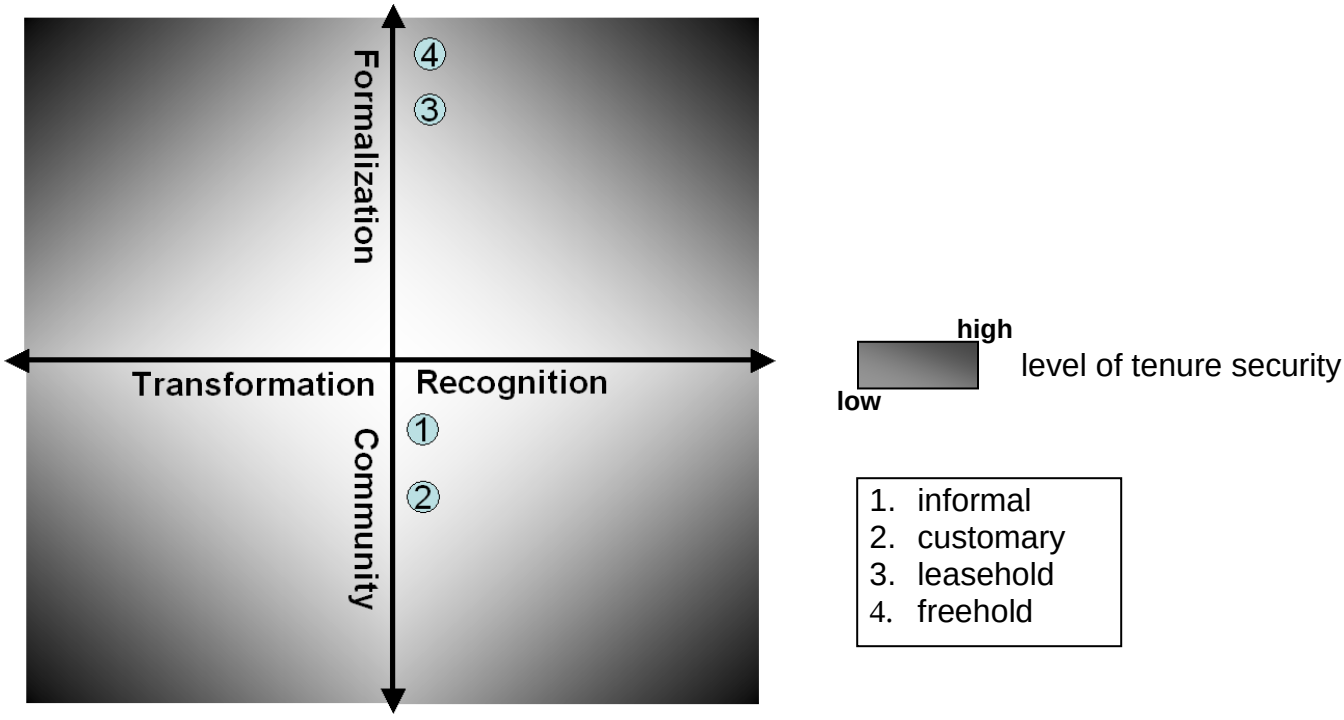

Figure 2 The continuum of tenure

Along the axes, the means for improving tenure security are set out: three types of tenure regularization and community action. Concerning the cases to follow in this paper, tenure security is considered as perceived or *de facto*, as much as possible, as perceived tenure is assumed to be most important for the community.

Figure 2 shows the theoretical starting point of an area having multiple tenure systems. Statutory tenures have in general a high level of tenure security, due to titling, whereby the level of leasehold is slightly less than freehold. Informal tenure is considered to have the lowest level of security, and customary tenure a modest level. Tenure security for both informal and customary tenure is in principle strongly related to community recognition.

In order to check whether the continuum can play a role in the search for effective tenure regularization methods, three case studies are carried out on tenure security in Ghana, Mozambique and Zambia. As law and policies may emphasize different aspects of land

management, tenure reform may have varying effects in rural and urban settings. This paper focuses on informal settlements and peri-urban areas. Application of the continuum in rural areas is described in Van Asperen and Zevenbergen (2006). The case studies are based on desk research and have not been validated in the respective countries. The position of tenure categories within the continuum is rather indicative in all three cases; however, the relative positions are assumed to correspond with reality.

Zambia

There are two main types of tenure in Zambia:

- Customary tenure;
- State Land: registered leases under the Lands and Deeds Registry Act having its foundations in colonial law.

In 1995, a new Land Act was implemented. Unlike previous laws, the Act explicitly recognizes customary tenure. However, it seems to have little value. There are no other provisions in the law to improve security of tenure within the customary system. The only consequence is that a customary right holder cannot forcibly be removed from his/her land. However, this security is already enjoyed within the customary system to a large extent (Mulolwa, 2002).

The Act further facilitates the conversion of customary land into leasehold. This is a voluntary procedure and can be applied by any occupant of customary land. On the effects of this conversion in rural areas is referred to Van Asperen and Mulolwa (2006). There is no evidence found that conversion of tenure has taken place in urban and peri-urban areas.

The 1995 Land Act explicitly prohibits illegal squatting and the Constitution offers no protection of a right to housing or basic squatter rights. Squatting or invasion of land has tended to occur mainly where the land has been vacant for a long period of time (UN Habitat 2005b). Despite the fact that squatting is illegal, officials from political parties are involved in plot allocation to informal settlers (Mulenga, 2003). Apparently, the involvement of party officials creates a perceived security, whereas de jure security is not available. As there is no Zambian law for adverse possession, implementation of such a law could improve de jure security in older settlements.

Another way of improving tenure security is provided by the Housing and Statutory Improvement Act (HSIA 1975). It facilitates the provision of services and regularisation of land tenure in informal settlements (which seem to contradict the Land Act on squatting). Informal settlements can be rezoned as an Improvement Area as described in the Town and Country Planning Act. In this way the Council will get a head lease or block title for the whole area. The Council issues occupancy rights to the inhabitants of the improvement area. The law has been applied in several cases, often financially supported by donors. UN Habitat (2005b) concludes after all that little progress has been

made, mainly because of the absence of a financial framework for the implementation of the law.

A draft National Land Policy is still under debate since 2003. Within the draft, customary tenure is recognised. The draft also addresses the pressures on and the need for land by urban populations, however these statements are not specified or translated into actions.

Informal settlements are frequent features in urban and peri-urban Zambia. Just recently, in March 2007, hundreds of structures in compound Kalikiliki were reported[2] to be demolished by the Council due to lack of legal title of the settlers
To summarize, the following tenure actegories exist in peri-urban areas:

- Leasehold: having a relative high level of (de jure) tenure security through titling;
- Informal: having a low level of security (de jure), due to the statements in the Land Act.

Mainly two possibilities exist for tenure regularization:

- Formalization: conversion of title from customary tenure to leasehold tenure (although not reported in peri-urban areas);
- Recognition and formalization: occupancy rights in Improvement Areas, however the effects on tenure security are not known.

Based on the materials studied, it is rather difficult to apply the continuum as data on the effects on the tenure regularization are not known.

Ghana

Ghana has multiple tenure systems. Originally, various types of customary tenure existed. They can be broadly classified as Stool Lands, Skin Lands and family lands. A separate category State Land was introduced during colonial times and continued to exist after Independence. Nowadays, approximately 22% is State Land. In the Constitution in Ghana, it is stated that customary law is officially recognized, meaning that customary land tenure is an official legal form of tenure. Various customary rights exist, like allodial rights, customary freehold and sharecropping.

Strictly spoken, Ghana has no informal settlements, as almost all people acquire plots through customary channels. However, the existence of multiple tenure regimes is a source of land related conflicts, leading to tenure insecurity and a heavy burden for the judicial system (see for example Crook, Affou et al., 2007). Examples of land related conflicts are described in Crook, Affou et al. (2007) and Gough and Yankson (2000), like multiple selling of the same plot and boundary disputes. COHRE (2006) reported for 2005/2006 the following forced evictions: 800 people from Legion Village and 2000 traders from Kantamanto market.

[2] South African Press Association, March 11, 2007

The rapid urbanization leads to a rapid growth of settlements at the fringe of Ghanaian cities, having the same physical characteristics as informal settlements. Within a Ghanaian context, it is more appropriate to discuss tenure security in peri-urban areas, rather than informal settlements.

In order to tackle the lack of tenure security in peri-urban areas (amongst others), the Land Administration Programme (LAP) has been set up. Its main aims are (Larbi, 2006):

- Enhanced economic and social growth and poverty reduction through improved access to land and enhanced security of tenure;
- Expanded role of civil society and private sector in land administration;
- Improved governance.

One of the measures is the establishment of new or strengthening of existing Customary Land Secretariats (CLS; Antwi, 2006). At least one CLS has been established in each of the ten regions in Ghana (Fiadzigbey, 2006). Pilots have been carried out in order to find optimal ways to register customary land rights (Antwi, 2006). At this moment, it is impossible to study the effects of the introduction of LAP and CLS on tenure security. However, many scholars are concerned with the role of chiefs: for example: *The risks to the CLS concept are that occupiers of stools/skins may use enhanced and equipped CLS to further tendencies of dispossessing their subjects of land* (Antwi, 2006). These risks seem to be realistic when referred to the role of chiefs, where Ubink (2006) concludes that many of the chief's current practices in peri-urban Kumasi are diametrically opposed to descriptions of customary law in authoritative literature, case law, and sections in the constitutions of Ghana. The role of chiefs is more often criticized (Abudulai, 2002; Gough and Yankson, 2000), although last reference also provides examples of chiefs dealing with land in a proper way, resulting in development of the area.

Despite the studies mentioned, Mends and de Meijere (2006) conclude that the customary land tenure system can well cope with the drivers behind urbanization, though there are some problems identified in the process such as tenure insecurity, lack of urban facilities and management.

Based on the materials studied, the continuum for peri-urban Ghana is given in figure 3. The current available tenure categories are:

- Leasehold (3): having a relative high level of (de jure) tenure security through titling;
- Customary (2): having a modest level of security, partly assumed to be based on the constitutional recognition of customary law (formalization).

Recent developments:

a. A number of chiefs do not act according to customary law in land matters, leading to decreased levels of security;
b. The Land Administration Project is expected to provide higher levels of tenure security through registration of customary land rights (2a), where the contribution of formalization is assumed to have declined.

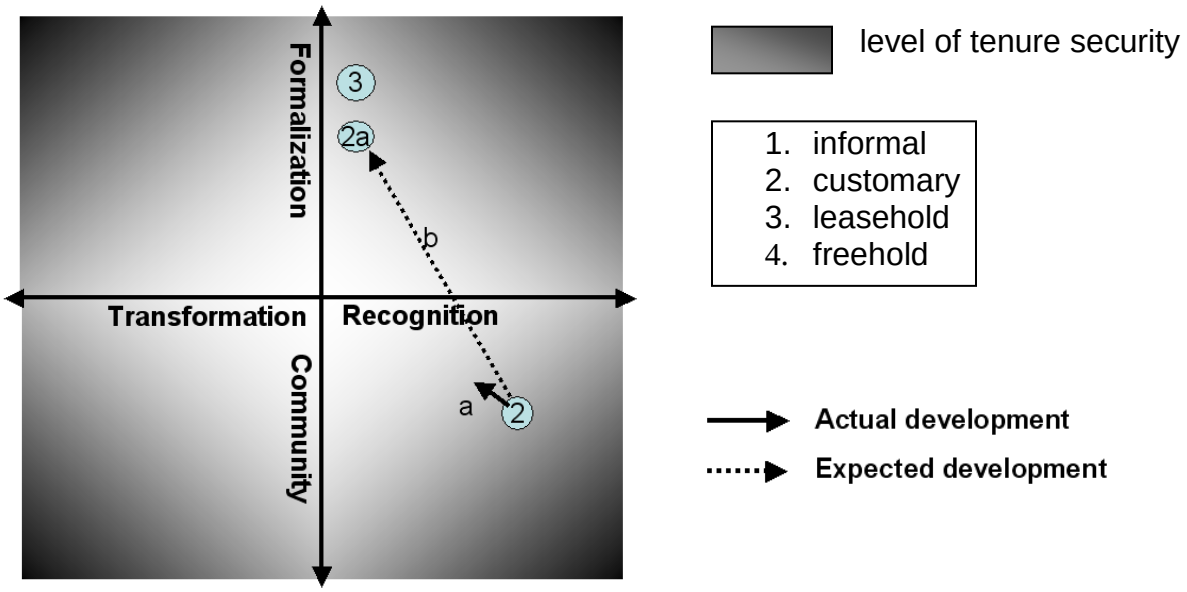

Figure 3 Ghana: continuum of tenure

Mozambique

The Constitution of Mozambique provides that land is the property of the state. It may not be sold or otherwise pass into other ownership, nor be mortgaged nor pledged. The use and benefit from land for creation of wealth and social well-being is the right of all the Mozambicans. This is further elaborated in the Land Law (1997): it provides a strong degree of security of tenure for existing land occupiers and users, whether rich or poor, in rural or urban areas;

In 1995, three years after the Peace Accord, Mozambique started to work on a new land policy and consequently implemented a new Land Law. The policy developed was guided by two principles: protecting existing rights and creating secure conditions for new investment that would benefit local people and investors alike. One of the principal directives of the policy, under agricultural land, is that customary land rights should be recognised. There is no officially approved housing or urban policy. The draft housing policy recognises informal settlements and provides for their upgrade where possible (UN Habitat, 2005a).

The Land Law has been designed with significant community participation. This resulted for example in the facility of community land registration, where communities are given the right over their territory. Within the territory, customary norms and practices could still be practiced (Tanner, 2002).

Although the Land Law is generally applicable, it tends to have a larger focus on rural areas than on urban areas. Community land registration is not applied in peri-urban areas. In urban areas, land provision to low-income groups has become more complicated by

the introduction of the Land Law and the simultaneous decentralisation of local government through the creation of 33 municipalities (UN Habitat, 2005a). Regulations specifically drafted for urban and peri-urban land rights are not approved yet (situation 2005). This creates insecurity in urban and peri-urban areas. Some municipalities, like Maputo, created by-laws to deal with this situation, for example through the introduction of a certificate of provisional title.

The civil code is currently under review. It is observed that, in this transitional phase, the law in Mozambique presents "a clear collision between two historically different legal systems: one, the retrograde law of a backward colonial power, the other inspired in the egalitarian ideas of the legal system of the ex-socialist countries and the most advanced democracies." An example is the Land Registry Law; this pre-independence law often contradicts the Constitution (UN Habitat, 2005a).

The peri-urban areas in Mozambique contain the following land rights:
- land use rights (registered);
- informal rights;
- customary rights.

Land use rights (DUAT: Direito de uso e aproveitamento da terra) can be legally acquired through (Malauene, Chilundo et al., 2005):
- Occupation by Mozambiquan individuals and by local communities, according to customary norms and practices;
- Occupation by Mozambiquan individuals who have been using the land for at least ten years;
- Authorisation of the request by individuals or collective bodies.

So-called bairro secretaries (local administrative units) are usually involved in informal land allocation. Ownership of informal (due to non-compliance with building regulations and/or land use plans) housing is normally demonstrated by a written declaration from the community authorities or the bairro secretary.

UN Habitat (2005a) states that the law provides a high degree of security of land tenure, even in the unplanned peri-urban areas, although one review noted that there is a high level of perceived insecurity of tenure among Mozambicans despite constitutional and legal safeguards for land rights. This is because of the lack of transparency in land adjudication and management and the slowness of the land registration process. Tenure is especially insecure for officially demarcated plots without buildings and land unofficially subdivided by the existing occupier.

To summarize the current available tenure categories are:
- Leasehold: assumed to be comparable with DUAT, a relative high level of (de jure) tenure security through formalization;
- Informal: having a low level of perceived insecurity, despite de jure security through recognition.

Recent developments cover municipal implementation of by-laws and housing policy development. However effects of these developments are not known and can therefore not be shown in the continuum.

Concluding remarks

From the cases, the following observations are made:

The effect of the implementation of land policies and laws may differ between urban and rural areas. Especially in Zambia and Mozambique, the effects of the laws and policies in urban and peri-urban areas seem to be much smaller compared to rural areas.

Recognition of customary law at constitutional, or sector (or policy) level does not automatically prevent tenure related problems. In addition, other methods of tenure regularization should be applied.

Formalization should not be often overestimated as an instrument to increase tenure security. The cases show that it might result in higher insecurity, due to bureaucratic procedures, lack of institutional capacity and finances. Before formalization can be implemented a thorough review of the resulting tenure categories should be made in combination with a study of expected effects.

Multiple tenure regimes will be a reality for a long time. It will take years to implement laws and policies, and to execute projects. It might even take generations for evolved tenure systems to be fully adapted by society as a whole.

The continuum of tenure is a tool to visualise the effects of tenure regularization. However, due to lack of data on the effects of tenure regularisation, the continuum could not be applied for Zambia and Mozambique. Future field research should be carried out in order to validate the continuum as used in this paper and to verify the observed tendencies in literature. The classification of the four tenure categories should be critically reviewed, as one category might contain various subcategories, which act differently on tenure regularization.

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