



Handling land

Innovative tools for land governance
and secure tenure

SECURE LAND AND PROPERTY RIGHTS FOR ALL

Handling land

Innovative tools for land
governance and secure tenure

Handling Land:
Innovative tools for land governance and secure tenure

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FOREWORD



Everyone has a relationship to land. It is an asset that, with its associated resources, allows its owner access to loans, to build their houses and to set up small businesses in cities. In rural areas, land is essential for livelihoods, subsistence and food security.

However, land is a scarce resource governed by a wide range of rights and responsibilities. And not everyone's right to land is secure. Mounting pressure and competition mean that improving land governance – the rules, processes and organizations through which decisions are made about land – is becoming increasingly urgent.

Every country has some form of land management and administration, but these often serve only a small proportion of the population, usually the more wealthy. Huge numbers of people are still to have their relationship to land documented and protected.

These are the problems that the Global Land Tool Network (GLTN) is working to solve. With its Secretariat in UN-Habitat,

GLTN recognizes that conventional ways of managing land are not realistically going to meet the needs of millions of people. By law, practice or custom, many individuals find themselves unable to own land or to make decisions on how to use it. Women and young people tend to face disproportionate barriers in accessing land. Without secure rights to the land they live on, these residents have little incentive to invest in their homes. Poor farmers become unable to invest in their land, further aggravating environmental degradation, which may greatly affect their harvest, their income and, in turn, their survival.

This book celebrates the first five years of GLTN's work. It features the "land tools" that GLTN has developed – practical ways to solve problems in land administration and management. These range from a simple checklist for conducting a survey or a set of software and accompanying protocols, to a broad set of guidelines and approaches. The emphasis is on practicality; users should be able to take a land tool and apply it (or adapt it) to their own situation. The book also emphasizes a number of values such as gender-responsiveness, affordability, grassroots and youth engagement, that are needed to ensure a land tool benefits the poor and disadvantaged and is available to use at large-scale.

Also featured in this book is an outline of the critical next steps for the Network. These include giving continued attention to the challenges that urbanization poses to the availability of land, and that globalization and competition for arable land pose for small-scale farmers. The book also presents an opportunity to rethink the issue of urban planning and management, as well as to explore what innovations such as land readjustment have to offer as potential solutions.

My special thanks go to the Governments of Norway and Sweden for their belief in the Global Land Tool Network and their continued financial and technical support. I also want to thank the 45 international

partners who today constitute the Network, in particular those partners who have contributed directly to this book.

Secure land tenure and property rights are fundamental to a wide range of development issues: housing, livelihoods, human rights, poverty reduction, economic prosperity and sustainable urban and rural development. GLTN is promoting a global paradigm shift in the approach to secure land tenure. The ideas and tools represented in this book illustrate what this paradigm shift is about and how all land stakeholders can play a role in handling this critical social change towards equitable access to land for all.



Dr. Joan Clos

Under-Secretary General of the United Nations and
Executive Director, UN-Habitat





Maasai women learning about their land rights under the Village Land Act, Tanzania

Photo © UN-Habitat/Åsa Jonsson



Rural-urban flow of people and goods, Myanmar
Photo © UN-Habitat/Åsa Jonsson

1

INTRODUCTION

Millions of people around the world face difficulties related to the land where they live, work, grow crops, tend animals and run businesses. Even though they or their families may have lived on the land for many years, it is a serious obstacle that they have no formal relationship to it. Perhaps it is too expensive to get the official paper that documents their claim, or possibly inheritance laws or local customs prevent them from even making a claim. There are many reasons for insecure tenure and women and young people in particular face major barriers.

In developing countries, conventional ways to manage and administer land have a history of failing to deliver what is expected of them, that is, secure tenure, fairness and broad coverage at a price that is affordable for both landholders and governments. Existing technical solutions are too expensive, they are inappropriate for the range of tenure found in developing countries, they are financially unsustainable, and they are unfeasible given the available capacity to manage them. At the same time, the need for workable systems to manage and administer land is now greater than ever, with new challenges being added to the problems that already exist.

Land is a finite resource and competition for it is intensifying because of rapid urbanization, growing populations, economic development, persistent insecurity of food,

water and energy, and the effects of conflicts and disasters. Changes in land use affect the economy, society and ecology of the areas around cities. The divide between urban and rural is diminishing. These areas are today interconnected by flows of goods, money, resources and people. Climate change and different land-use patterns also affect rural areas, including farmland, drylands, wetlands and forests.

Half of humanity now lives in cities and by the middle of this century 70 per cent of the world's people will live in urban areas. Developing countries currently account for over 95 per cent of global urban population growth and, while their urban populations are expected to double in the period from 2000 to 2030, the built-up area of these countries is expected to triple in size. Cities need to adapt to urban expansion (Angel, 2011) and there is an urgent need to prepare for growth and its related land requirements. This calls for a realistic projection of urban land needs and innovative responses. Failure to do so will only worsen slum development and poverty in cities. However, there are also immense opportunities for tapping the positive transformation of cities, including the potential of economies of scale, governance, and land and property tax systems to self-finance cities.

Rural land also needs to be managed cautiously. Pressure on rural land is increasing

as a result of a rising world population (now at seven billion), climate change, declining soil fertility and the need for global food and fuel security. With countries and businesses now recognizing the potential for growing biofuel crops on land that cannot sustain food crops, even less-fertile land can have greater value. Globalization is also increasing the demand for such land for tourism. These trends offer developing countries an opportunity to attract foreign investment, but they also threaten the land rights of small-scale producers and indigenous communities. When irrigation is introduced into previously rain-fed farmland, or roads are built to link farmers to markets, the new economic potential of the land makes it more attractive. Small-scale producers can then lose their land to more affluent or powerful interests. For many of the world's rural women and men

in developing countries, secure access is becoming less certain than ever.

Ultimately, the failure to reconcile competing interests in land across the rural-urban continuum can contribute to the outbreak of violent conflict. This is the most acute outcome of failed efforts to manage the opportunities that land provides.

LAND, POWER AND PEOPLE

Land (Box 1) involves a wide range of rights and responsibilities. It is in demand by a wide range of users, institutions and interest groups for different and often conflicting reasons, for example, housing and livelihoods, access to credit, investment, cultural heritage, and political power. Competing claims over land often occur under conditions of unequal power and resources. Rich people and the middle classes have the means, knowledge and connections to buy and sell land, register it officially, demand services, use land as collateral to borrow money, and defend their rights to it.

The situation is different for people with low incomes, and especially for poor women and young people. They lack the resources to do these things. Also, most land management and administration systems are biased against poor people and often ignore realities on the ground. For example, an area designated as "open land" may in reality be an informal settlement that is home to thousands of people. Without any official rights to the land they live on, these residents have no security of tenure, little incentive to invest in their homes, and no way of getting loans to do so. Getting their

BOX 1. DEFINING "LAND"

While the definition of **land** may seem obvious, distinctions are often drawn between:

- **Land that is unimproved** except for any municipal services delivered to the property boundary line.
- **Land that has been improved** through the installation of buildings or other permanently attached constructions on the land.

When GLTN refers to "land", the reference is generally to land without permanent improvements.

Permanently attached structures and other improvements are usually referred to as property, though in some countries the term property can also include the land under any improvements.

paperwork into order means navigating a costly bureaucratic and legal maze.

Women are particularly at a disadvantage. In many countries, by law, practice or custom women cannot own land or make decisions on how to use it. Widows and single mothers are particularly vulnerable; when her husband dies or leaves her, a woman may lose the rights to her home and to the land she farms. Often, women are not allowed to buy land or register it in their own name, even if they have the money. Young people face a similar situation; in many places, decisions are made by groups of elders – almost all of them men.

Young people have few chances to control the land they need to build their lives or to use what is perceived to be an “adult-only” resource.

MANAGING LAND

The responsibility of managing and administering land (Box 2) is the task of a range of formal and informal organizations and institutions. These include government, private and non-government actors. “Government” can be the national government (typically the ministry in charge of land affairs or its equivalent), district or

BOX 2. WHAT DO LAND MANAGEMENT AND ADMINISTRATION DO?

What do land management and administration cover?

- **Land tenure:** Securing and transferring rights in land and natural resources.
- **Land value:** Valuation and taxation of land and properties.
- **Land use:** Planning and control of the use of land and natural resources.
- **Land development:** Implementing utilities, infrastructure, construction planning, and schemes for renewal and change of existing land use.

How do land management and administration benefit society?

- Support of governance and the rule of law
- Alleviation of poverty
- Security of tenure
- Support for formal land markets
- Security for credit
- Support for land and property taxation
- Protection of state lands
- Management of land disputes
- Improvement of land-use planning and implementation
- Improvement of infrastructure for human settlements

city councils, and a range of local authorities. They have many functions, including land administration, taxation, planning and infrastructure provision. Private-sector providers include lawyers, notaries, estate agents (realtors), surveyors, valuers and financial institutions. “Non-government” can be informal leaders, academics, residents’ associations, and interest groups that focus on the land rights of marginalized groups, and on specific aspects such as forests, irrigation water or pasture.

Unfortunately, conventional government land administration systems do not provide security of tenure to the majority of the world’s people. They rely on documents or computerised systems that record information such as who owns (or has rights to) what land, the existing or planned land use, and land values. This information is the basis of a land management system and is what public- and private- sector land managers and decision-makers need to manage cities, local revenue streams, irrigation schemes, watersheds and ecosystem services.

But most people do not have legal documents for the land they occupy or use and fall outside the formal management system. This means that most decisions are made without information. Limited land records and lack of information cause dysfunctions in the management of urban and rural areas, from the household up to national government level, which impairs the lives of billions of people.

Decision-making processes about land are also biased against poor people. Choices about land-related policies and about individual parcels of land are made by

politicians, commercial interests, land-owners and developers, while people with low incomes lack political clout, information, and the technical background and resources they need to make their voices heard. This is especially the case for women minorities, and indigenous peoples.

These problems occur mainly (though not exclusively) in the developing countries of Africa, Asia, Latin America and the Caribbean as well as in the transitional economies of Central Asia and Eastern Europe. Most of the developed world has a long history of formal land management and administration, so systems are established and are adequately resourced. Also, it is the developing world that is experiencing rapid population growth and urbanization. Its land management and administration systems are being tested as never before.

THE GLOBAL LAND TOOL NETWORK

This book shows how the Global Land Tool Network (GLTN) is setting an international agenda on land through a global network of partners. This agenda focuses specifically on the concerns of poor women and men. It is developing a set of “land tools” that are practical ways to solve problems in land administration and management, and that are affordable and capable of being scaled up to be used in the whole country.

The Global Land Tool Network was established in 2006, and has just completed its first phase of operations towards ensuring that urban and rural poor have better access to land and security of tenure. This book celebrates the Network’s achievements

so far and outlines its global mandate to continue developing land tools for equitable access to land for all.

HOW THIS BOOK WAS PRODUCED

This book is the result of an intensive participatory “writeshop” held in Naivasha, Kenya, on 8-12 November 2011, involving 20 representatives of GLTN partners (listed on page viii), along with editors, facilitators and logistics staff. The writeshop was facilitated by the International Institute of Rural Reconstruction, which developed the writeshop process and has used it to

produce numerous books and information and training materials.

During the writeshop, each of the co-authors presented a manuscript about one of the topics in the book. After each presentation, the other participants made suggestions on how to revise the manuscript and enrich it with case examples. They then formed small groups, one for each chapter, and with the assistance of the editors, reworked the materials into a coherent text. They presented these revised versions to the plenary for further suggestions and revisions. After the writeshop, the complete text was edited into the form you see in this book.



An overview of Mathare slum in Nairobi, Kenya
Photo © UN-Habitat/Julius Mwelu

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THE GLOBAL LAND TOOL NETWORK

GLTN was started in response to requests from governments and local communities worldwide to UN-Habitat. Together with several partners, UN-Habitat inaugurated the Network in 2006. It has since grown to 45 partners.

GLTN partners recognize that secure land tenure and property rights are fundamental to housing and livelihoods, and for the realization of human rights, poverty reduction, economic prosperity and sustainable development. Secure land rights are also important to address gender discrimination and the disadvantages faced by the poor, indigenous peoples and other vulnerable groups linked to inequitable and insecure access and tenure to land.

The *vision* of GLTN is to provide appropriate land tools (see below) at global scale to implement pro-poor land policies and land reforms. Its *mission* is to assist national governments at the global level in implementing land policies that are pro-poor, responsive to both women's and men's needs, and at scale.

In its first phase of operations (2006–11), GLTN's overall *goal* was to ensure that urban and rural poor have better access to land and security of tenure. Its work covered four functions:

- **Knowledge management:** improving knowledge to support the realization of equitable land rights.
- **Advocacy:** increasing awareness of and commitment to equitable land rights.
- **Tool development and capacity development:** strengthening capacity to enhance quality of land governance, management and administration through pro-poor land tools and training activities that respond to both women's and men's needs.
- **Institutional capacity:** strengthening GLTN's own institutional capacity to secure equitable land rights, including supporting the operations of its International Advisory Board and Steering Committee.

The second phase of operations (from 2012 on) has a similar goal: to contribute to poverty reduction and sustainable development through promoting secure land and property rights for all. The future direction of the Network is discussed in more detail in Chapter 11 of this book.

GLTN has so far been funded by the governments of Sweden and Norway and by the Cities Alliance. The International Fund for Agricultural Development has now joined

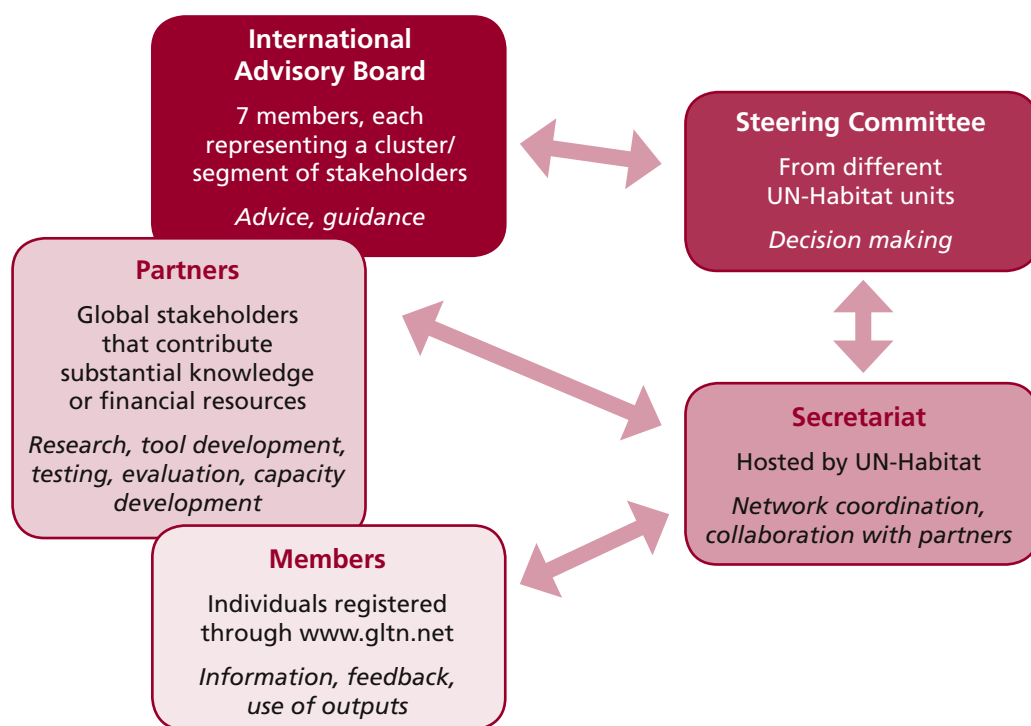


Figure 1. Institutional framework of GLTN

as a development partner. The institutional framework of GLTN comprises an International Advisory Board and a Secretariat, the latter hosted by UN-Habitat (Figure 1).

LAND TOOLS

A *land tool* is a practical way to solve a problem in land administration and management. It is a way to put principles, policies and legislation into effect. The term covers a wide range of methods: from a simple checklist to use when conducting a survey, a set of software and accompanying protocols, or a broad set of guidelines and approaches. The emphasis is on practicality: users should be able to take a land tool and apply it (or adapt it) to their own situation.

Land tools may complement each other, or they may offer alternative ways of doing something. For example, one tool may give overall guidance on how to address a land-related issue, while another may give detailed instructions on how to deal with a particular aspect of the same issue, such as checking whether the different needs and situations of women and men are taken into account.

For land tools to benefit the poor and disadvantaged, they need to have certain features:

- **Pro-poor.** They should aim to reduce poverty. That means taking the situation and needs of the poor into account, and giving them a voice in decisions.

- **Equitable and gender-responsive.** The land tools should seek to treat everyone fairly, with particular attention to inequalities faced by women as compared to men.
- **Affordable.** They should be cheap enough both for the poor to afford (if they are required to pay user and maintenance fees), as well as for the government or other body that manages them.
- **Sustainable.** They should be capable of being implemented into the future without large-scale inputs from outside. Where possible, they should be self-financing through fees or taxes.
- **Subsidiarity.** To ensure they are sensitive to local situations and needs, the land tools should be capable of being applied at the lowest appropriate level of authority: by the community or at the lowest level of local government.
- **Governance.** The process of tool development should take into account how decisions are made regarding access to and use of land, how those decisions are implemented, and how conflicting interests in land are reconciled. Key elements of this include decision-making, implementation and conflict resolution, with emphasis on both process and outcomes.
- **Systematic, large-scale.** The land tools should be capable of being used at a large scale – city-wide or across a whole country, not just in a one-off, local manner. That means they must be flexible enough to deal with a wide

range of situations, and capable of being replicated easily and at little cost.

Figure 2 shows the logic underlying GLTN's work. The interplay between supply and demand results in competition for land. Imperfect institutions are unable to cope with this, leading to Scenario 1: poverty, social exclusion, tenure insecurity, environmental degradation, vulnerability, conflict and corruption.

GLTN's work aims to overcome institutional problems by providing pro-poor, gender-responsive "land tools". These make possible an alternative, Scenario 2, with equitable economic development, social inclusion, secure tenure, greater environmental sustainability and resilience in face of disasters and climate change, improved social stability and greater transparency.

BENEFITS OF GLTN SUPPORT

The GLTN partnership provides a range of value-added support at the country level:

- **A network** of experienced and committed people, with many organizations having both global and national representation.
- **Advocacy** in favour of pro-poor and gender-responsive land policies through dissemination of research and evaluation findings; dissemination of good practice and reference to national and international experts; provision of normative guidelines, training material, and capacity-development methodologies.

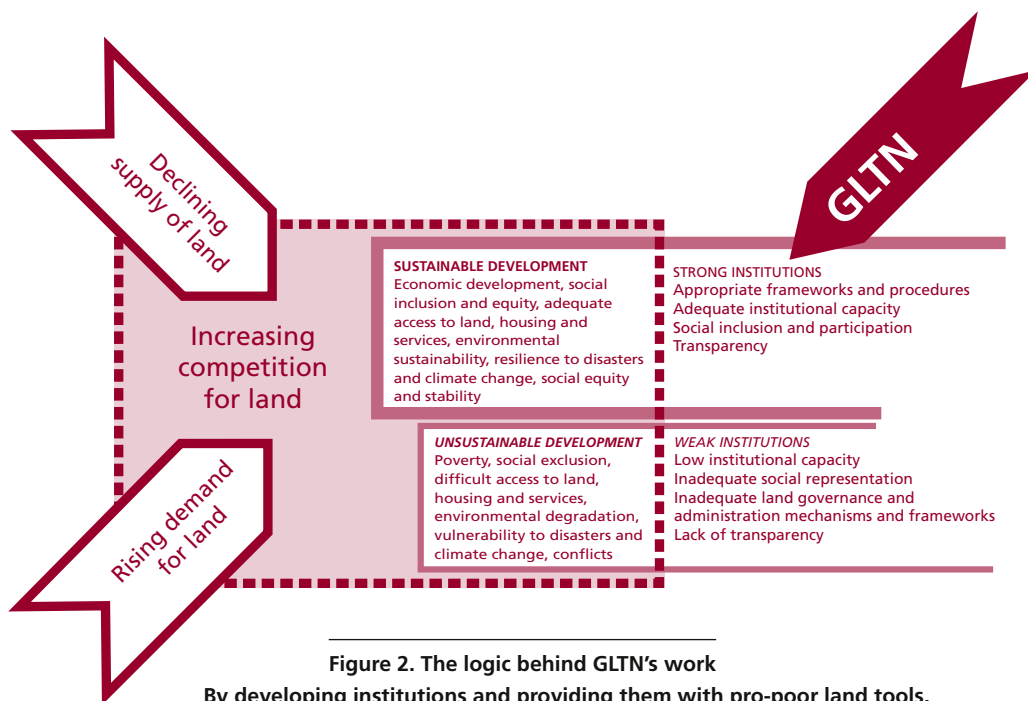


Figure 2. The logic behind GLTN's work
 By developing institutions and providing them with pro-poor land tools, GLTN promotes sustainable development

- **Knowledge management** by documenting best practice and evaluation methodologies.
- **Capacity development** through scaling up good practices, development and piloting of new tools, strengthening land-related institutions and organizations, and enhancing skills of land sector staff.
- **Strengthening the land sector** by promoting improved coordination and harmonization of land sector interventions.

FILLING THE LAND TOOL GAP

The agenda for GLTN was inspired by the land tool gap in Africa, which was validated as a global concern through a number of multi-stakeholder meetings.

In the 1990s, many African countries developed pro-poor land policies and recognized a range of tenure types, alongside land ownership by individuals, the most common type of tenure in the developed world. Box 3 summarizes some of these innovations.

Introducing these new types of tenures meant adapting land management and administration systems so they could deal with them. That revealed gaps: the land

BOX 3. EXAMPLES OF AFRICAN TENURE INNOVATIONS

Tanzania: residential licenses in urban areas can later be converted to full title deeds.

Rwanda: the law specifies that formal registration at the national level is necessary only for plots larger than 5 hectares. Otherwise, local registration methods are to be used.

Ethiopia: certification in two phases is under consideration: a less complex form and a more comprehensive form.

Lesotho: three forms of leases are under consideration with different levels of technicality: "primary", "demarcated" and "registrable". The creation of land records prior to land registration is also under consideration; however the Land

Act of 2010 stopped short of legalizing these innovations.

Mozambique: has made a lot of progress towards innovative forms of tenure and land administration. The 1997 Land Law accepts occupancy rights as equivalent to registered land rights. Oral evidence is equated with title evidence. An investor can obtain a land title only after thorough adjudication to check that the rights of occupants are taken into account and that they have reached agreement with the investor. This is a very pro-poor approach, but it has not yet been applied to urban areas as the necessary regulations have not yet been passed.

tools needed to implement these policies and approaches did not yet exist. New tools were needed which were pro-poor and affordable for both governments and individuals, particularly the poor who were the majority in most African countries. The type of tools lacking included those associated with legal tenures, property and land tax, land administration systems, land-use planning and law enforcement.

We can summarize the types of gaps as follows:

- **Limited implementation.** While there are many examples of good land policies, there are few policies that have been fully implemented due to lack of pro-poor, gender-responsive and large-scale land tools to do so.
- **Inappropriate and inflexible ways to provide tenure security.** Conventional

land titling approaches have largely failed to deliver their expected results: existing technical solutions are too expensive, inappropriate for the range of tenure found in developing countries, unsustainable financially or in terms of available capacity. Instead a range of land tenure options is more appropriate.

- **Limited coordination and partnerships.** Land-sector work cannot successfully be done at scale in many countries without the combination of various factors and strategies in place. These include good donor coordination, strong partnerships of key land actors, capacity-development initiatives, and continuous communication among key stakeholders: various levels of government, land professionals, civil-society groups, academic and research institutions, grassroots and target communities.

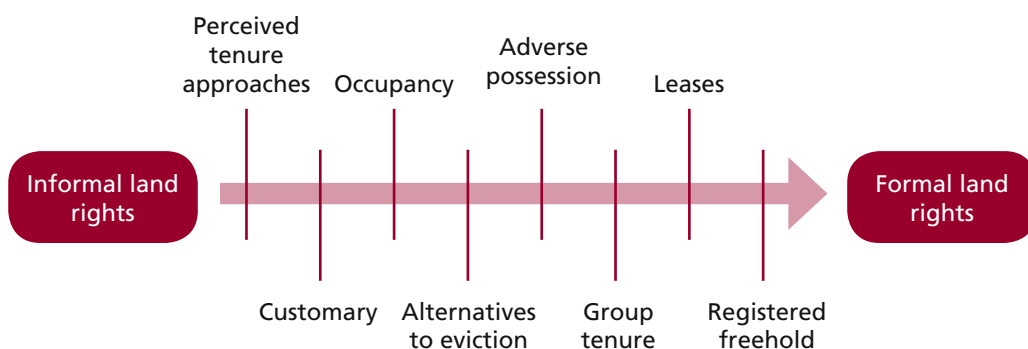


Figure 3. Continuum of land rights

■ **Limited capacity.** Developing countries lack the tools, systematic strategies and support necessary to address these challenges and deliver secure land and property rights for all.

CONTINUUM OF LAND RIGHTS

A key aspect of GLTN’s work is the *continuum of land rights*. We can view rights to land as lying on a continuum. At one end are formal land rights, where the owner is an individual, who holds a set of registered rights to a parcel of land that are enshrined in law: the parcel is delineated on a map; held in a record office; the owner has the right to occupy the land, build on it (subject to approvals), sell it, rent it out, transfer it to his or her heirs, and prevent other people from coming to it.

At the informal end of the continuum are informal rights: a group of individuals (such as a clan) may have traditional rights to use a piece of land. The boundaries of the land

may not be clearly marked on the ground or on a map, and there may be no official paperwork certifying who owns or has what rights to the land.

In between these two extremes are a wide range of rights. Figure 3 illustrates this in a highly simplified way: in reality, the rights do not lie on a single line, and they may overlap with one another. Tenure can take a variety of forms, and “registered freehold” (at the formal end of the continuum) should not be seen as the preferred or ultimate form of land rights, but as one of a number of appropriate and legitimate forms. Registered freehold, for example, requires a sophisticated (and costly) administration system, a reliable survey of the land parcels and good land governance.

The most appropriate form depends on the particular situation: customary rights, for example may be superior to registered freehold in certain situations. Land tools have to take this continuum into account. This idea is gaining increasing acceptance internationally (see below).

TABLE 1. GLTN THEMES AND ISSUES FOR DEVELOPING LAND TOOLS

Theme, issue	Summary, purpose of land tool	See also
1 Access to land and tenure security	Strengthening citizens through access to land and property	
1a Enumerations for tenure security	Participatory methods of gathering information on population size, ownership and infrastructure in a slum or other area	Chapter 3
1b Building on the continuum of land rights	Taking the range of types of rights to land, from formal to informal, into account to improve tenure security	Figure 3, Chapter 3
1c Maintaining deeds or titles	Systems of recording or registering formal land documents and keeping them up to date	Chapter 3
1d Socially appropriate adjudication	Ensuring the process of ascertaining the rights to parcels of land is fair for women and other disadvantaged groups	Box 13
1e Statutory and customary tenure	Linking customary tenure into formal land administration systems	Chapter 3
1f Co-management approaches	Joint management of land by local communities with other actors: such as a government agency, the private sector or an NGO	Chapter 3
1g Land record management for transactability	Simplified ways of keeping land records to allow land to be bought, sold, rented, etc.	Chapter 3
1h Family and group rights	Ways to allocate tenure rights to families or groups rather than to individuals	In process
2 Land management and planning	Securing land and property rights for all	
2a Citywide slum upgrading	Improving infrastructure and basic services for slums, and regularizing tenure arrangements	Chapter 5
2b Citywide spatial planning	Planning the use of land in a city in collaboration with local residents	Chapter 7
2c Regional land use planning	Planning land use in a larger region	Chapter 11
2d Land readjustment (slum upgrading and/or post crisis)	Rearranging the land ownership and use to improve conditions and develop an area	Chapter 7
3 Land administration and information	Creating opportunity through property rights	
3a Managing information on spatial units	Developing new approaches to obtaining and managing spatial information about land and people's relationships to it	Chapter 3
3b Costing and financing of land agencies' budget approach	Improving the budgeting of land agencies	Chapter 8
4 Land-based financing	Transforming society by raising funds from land	
4a Land tax for financial and land management	Ways to tax land that raise revenue, discourage speculation, and encourage improvement	Chapter 8
5 Land policy and legislation	Changing structures through land policies	
5a Regulatory framework for private sector	Designing laws and regulations within a public-private partnership that also benefit the poor	In process
5b Legal allocation of the assets of a deceased person (estate administration, HIV/AIDS areas)	Ensuring that the property of people who die without leaving a will is dealt with fairly	In process
5c Expropriation, eviction and compensation	Preventing evictions, and compensating evicted people for their loss	In process

TABLE 2. CROSS-CUTTING ISSUES ADDRESSED BY GLTN

Cross-cutting issue	Summary, purpose	See also
Capacity development	Building the capacity of all stakeholders in land-related policies and practices.	Chapter 6
Conflict /disaster	Building the capacity to address land in post-crisis and post-disaster situations	Chapter 9
Environment	Utilizing land to promote environmental sustainability, including climate change	Chapter 11
Gender	Ensuring that land tools take the needs of both women and men into account and involve both in land matters and decision-making	Chapter 4
Grassroots	Ensuring grassroots participation in land matters, tool development and decision-making	Chapter 5
Islamic aspects	Considering Islamic dimensions of land as an option	Chapter 6
Land governance	Improving the rules, processes and organizations through which decisions are made about land	Chapter 10
Youth	Involving youth in land matters, tool development and decision-making	Chapter 4

THEMES, TOOLS AND CROSS-CUTTING ISSUES

GLTN is developing land tools on 18 subjects, grouped into five broad themes: access to land and tenure security; land management and planning; land administration and information; land-based financing; and land policy and legislation (Table 1).

These tools cannot be implemented in technical isolation. GLTN has identified a number of critical cross-cutting aspects to be integrated as part of the development and use of land tools to make them effective (Table 2).

HOW GLTN DEVELOPS LAND TOOLS

Land issues are notoriously complicated, and they involve extensive vested interests. To design land tools that are pro-poor, gender-responsive and usable at scale requires inputs from various disciplines, professions and stakeholder groups (Figure 4).

The land tools must be able to be applied broadly across different fields. That means the inputs from the various specializations must be integrated, not merely co-existing in “silos”. For this reason, land tools are best developed by multi-disciplinary teams. This requires openness both to the content and

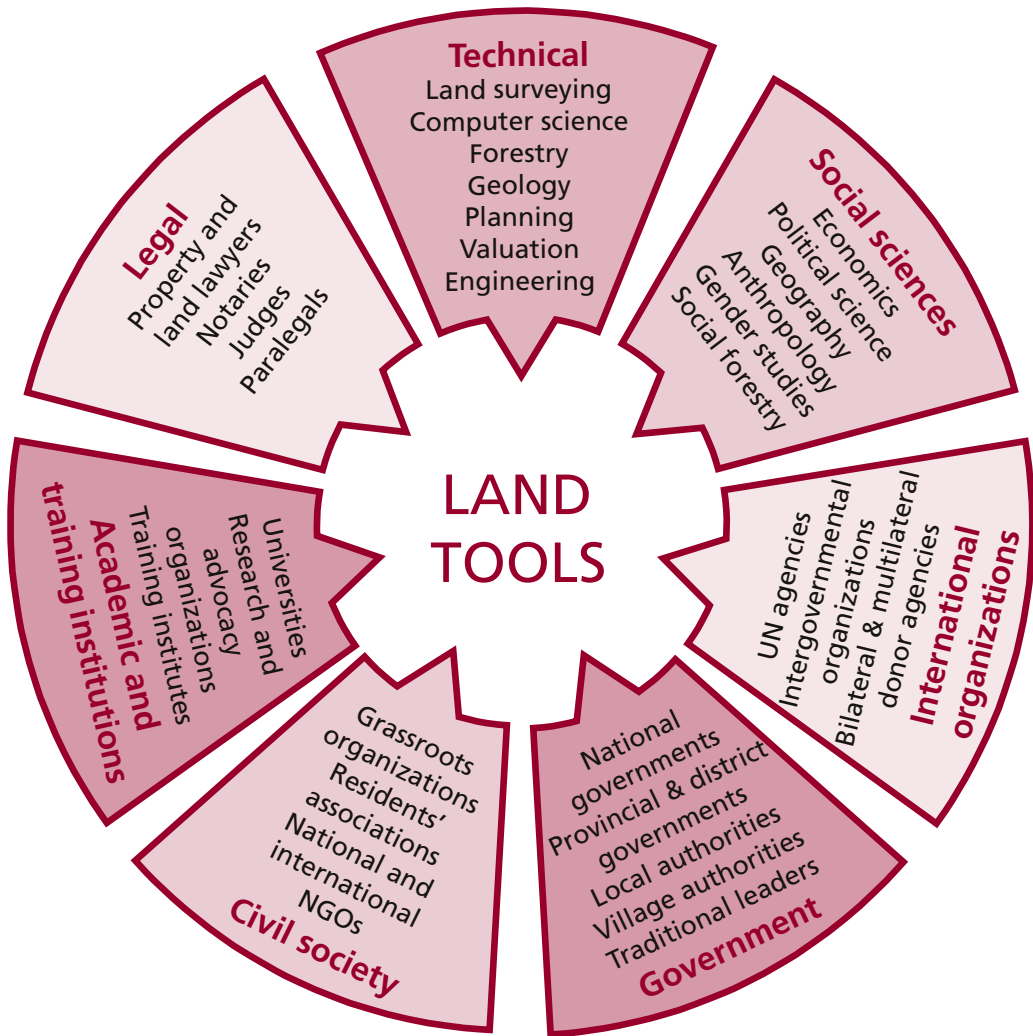


Figure 4. Different stakeholders contribute to developing land tools

to new ways of working so that different views can be accommodated.

The team of GLTN partners working on a land tool generally follows six generic steps (though these may be in any order) (Figure 5):

- **Scoping studies.** These aim to discover the current situation and needs regarding the issue, the global knowledge about it, and current initiatives.
- **Consultations.** The team consults with a wide range of stakeholders: technical specialists, government, academics and grassroots organizations.
- **Tool development.** The team designs and drafts the land tool.
- **Piloting and testing.** The new land tool is tested on a small scale in one or more cities or countries, together with partners.

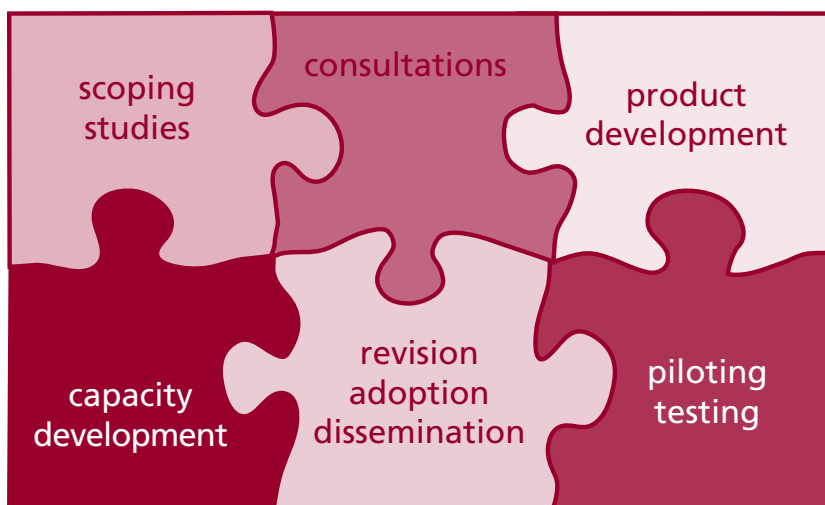


Figure 5. Six steps in developing a land tool

- **Revision, adoption and dissemination.** In the light of these tests and after consultations with partners, the tool is revised and enhanced. When complete, it can be published and distributed for use.
- **Capacity development.** This includes the development of training packages, training trainers, and conducting training courses of practitioners.

REGIONAL PLATFORMS

GLTN is also advancing its agenda through regional platforms. One example is the support that the Network has received from the African Union and African ministers of housing and urban development. This support is a result of Network members' efforts to sensitize governments about the need for a paradigm shift in land policies (Boxes 5 and 6).

ADVANCING THE GLTN AGENDA THROUGH PARTNERING

GLTN PARTNERS

GLTN is advancing its agenda through its wide range of partner organizations from academia, the land-related professions, civil society and the grassroots, as well as bilateral and multilateral organizations (Box 4).

UN-HABITAT

UN-Habitat, the host of the GLTN Secretariat, is the United Nations agency with the global mandate for sustainable human settlements and urban development. Its commitment to land is outlined in several international agreements (Box 7).

As an international organization and part of the United Nations, UN-Habitat is responsible to its Governing Council, which brings together representatives of 58 governments, along with observers

BOX 4. GLOBAL LAND TOOL NETWORK PARTNERS

Rural/urban international civil society

- Alliance for Green Revolution in Africa**, www.agra-alliance.org
- Centre on Housing Rights and Evictions**, www.cohre.org
- FIAN International**, www.fian.org
- International Federation of Women Lawyers**, www.fidafederation.org
- Groupe de Recherches et d'Échanges Technologiques**, www.gret.org
- Hakijamii Trust** (Economic and Social Rights Center), www.hakijamii.net
- Huairou Commission**, www.huairou.org
- Habitat International Coalition**, www.hic-net.org
- International Land Coalition**, www.landcoalition.org
- Slum/Shack Dwellers International**, www.sdinet.org
- World Vision International**, www.wvi.org

International training/research institutions

- Institute for Housing and Urban Development Studies**, www.ihs.nl
- International Alliance on Land Tenure and Administration**, www.ialtanetwork.org
- International Institute for Environment and Development**, www.iied.org
- International Islamic University Malaysia**, www.iium.edu.my
- International Research Group on Law and Urban Space**, www.irglus.wordpress.com
- Landesa**, www.landesa.org
- Lincoln Institute of Land Policy**, www.lincolninst.edu
- Network-Association of European Researchers on Urbanisation in the South**, www.n-aerus.net
- Terra Institute**, www.terrainstitute.org
- Technical University of Munich**, www.tum.de
- University of East London**, www.uel.ac.uk
- University of Twente**, Faculty of International Institute for Geo-Information Science and Earth Observation, www.itc.nl
- University of the West Indies**, www.sta.uwi.edu.com

International professional bodies

- Commonwealth Association of Surveying and Land Economy**, www.casle.org
- Fédération des Géomètres Francophones**, www.fgf-geo.org
- International Federation of Surveyors**, www.fig.net
- International Union of Notaries**, www.uinl.net
- International Union for Land Value Taxation**, www.theiu.org
- Lantmäteriet** (National Land Survey of Sweden), www.lantmateriet.se
- Royal Institution of Chartered Surveyors**, www.rics.org
- Statens kartverk** (Norwegian Mapping Authority), www.statkart.no

Bilateral organizations

- Bill and Melinda Gates Foundation**, www.gatesfoundation.org
- German International Cooperation**, www.giz.de
- Millennium Challenge Corporation**, www.mcc.gov
- Norwegian Ministry of Foreign Affairs**, www.regjeringen.no/en/dep/ud.html
- Swedish International Development Cooperation Agency**, www.sida.se

Multilateral organizations

- Cities Alliance**, www.citiesalliance.org
- Food and Agricultural Organization of the United Nations**, www.fao.org
- International Fund for Agricultural Development**, www.ifad.org
- United Nations Economic Commission for Africa**, www.uneca.org
- United Nations Environment Programme**, www.unep.org
- United Nations Human Settlements Programme**, www.unhabitat.org
- UN-Women**, www.unwomen.org
- The World Bank**, www.worldbank.org

1 As of December 2011

BOX 5. THE AFRICAN UNION AND GLTN'S PRINCIPLES

Joint Conference of African Union Ministers of Agriculture, Land and Livestock

This conference recommended member states to:

- Recognize the multiple types of land tenure and their complementarities in policy development;
- Strengthen security of land tenure for women which merits special attention;
- Recognize and properly plan the diversity of uses of land in rural and urban contexts;
- Develop appropriate systems of documentation and securing land rights to facilitate ease of recognition and proof of access/ownership of land;
- Harmonize and clarify linkage between land and sectoral policies;
- Identify and resolve conflicts arising from contestation of land as a result of diversity of uses;
- Ensure that land laws provide for equitable access to land related resources among all land users including women, the youth, and other landless and vulnerable groups such as displaced persons.

Source: UNECA (2012).

BOX 6. BAMAKO ACTION PLAN 2010–12

Third African Ministerial Conference on Housing and Urban Development

This conference made these recommendations to governments on the subject of land:

- Promote security of tenure for all by identifying intermediate tenure arrangements to facilitate access to land and security of tenure for people living in informal settlements and move away from individual titling alone;
 - Develop innovative land administration systems that are based on cost-effective technologies and the human resource realities of Africa; land records should be simplified and developed in an incremental manner;
 - Anchor land interventions in land governance frameworks. This entails emphasizing both technical solutions and focusing on improving land governance;
 - Legislate and enforce new innovative laws to improve women's' and vulnerable groups access to land and to secure their property rights, establish measurable national goals to assess progress.
- On capacity building on land, recommends governments to:
- Design and implement innovative human resources and capacity development programmes commensurate with the new land governance and urbanization challenges.

More information: AMCHUD (2010).

BOX 7. UN-HABITAT'S COMMITMENT TO LAND

UN-Habitat's mandate includes addressing land issues to improve the lives of poor people in urban and rural areas by securing land and property rights for all. The following documents outline the mandate of the Agency and the components of its programme:

The **Vancouver Declaration on Human Settlements** and the associated **Vancouver Action Plan** (UNCHS 1976).

The 1996 **Istanbul Declaration on Human Settlements** and the **Habitat Agenda** Goals and Principles, Commitments and the Global Plan of Action (UN-Habitat 1996a and b).

The **Millennium Declaration** and **Millennium Development Goal 7** targets C and D (United Nations 2010).

Various **United Nations General Assembly resolutions**, including:

- Resolution S-25/2 (Declaration on cities and other human settlements in the new millennium) (UN General Assembly 2001).

- Resolution **59/239** (Implementation of the outcome of the UN Conference on Human Settlements (HABITAT II) and strengthening of the United Nations Human Settlements Programme (UN General Assembly 2005).

UN-Habitat Resolution 23/17 on sustainable urban development through expanding equitable access to land, housing, basic services and infrastructure (United Nations 2011).

UN-Habitat's commitment to the land agenda was reaffirmed in its restructuring in 2011, which created a Land and GLTN Unit in its Urban Legislation, Land, and Governance Branch.

UN-Habitat is reporting against the Medium Term Strategic and Institutional Plan for 2008–13 on focus area 3 (access to land and housing for all). It will report against the strategic plan on focus area 1 (city, regional and national authorities have established systems for improved access to land, adopted enabling legislation, and put in place effective decentralized governance that fosters equitable sustainable urban development, including urban safety).

from other governments, international organizations, local governments, NGOs, the private sector and academia. At its 23rd meeting in 2012, the Governing Council passed a resolution to recognize a “plurality of tenure systems” (i.e., a continuum of land rights) and to promote security of tenure for all segments of society (Box 8). The resolution also applauds GLTN's work and its engagement with civil society.

This resolution was a breakthrough for GLTN: it was the first detailed resolution in the United Nations on underlying land systems (as opposed to specific land topics such as evictions and climate change). While it is important to have good land tools, such political support for GLTN's work is vital as the Network expands its work to the country level in its next phase, which begins in 2012.

BOX 8. UN-HABITAT GOVERNING COUNCIL RESOLUTION GUIDING THE WORK OF GLTN

Resolution GC23-17 on “sustainable urban development through expanding equitable access to land, housing, basic services and infrastructure”

“7. Encourages Governments and Habitat Agenda partners, with regard to land issues:

- (a) To implement land policy development and regulatory and procedural reform programmes, if necessary, so as to achieve sustainable urban development and to better manage climate change, ensuring that land interventions are anchored within effective land governance frameworks;
- (b) To promote security of tenure for all segments of society by recognizing and respecting a plurality of tenure systems, identifying and adopting, as appropriate to particular situations, intermediate forms of tenure arrangements, adopting alternative forms of land administration and land records alongside conventional land administration systems, and

intensifying efforts to achieve secure tenure in post-conflict and post-disaster situations;

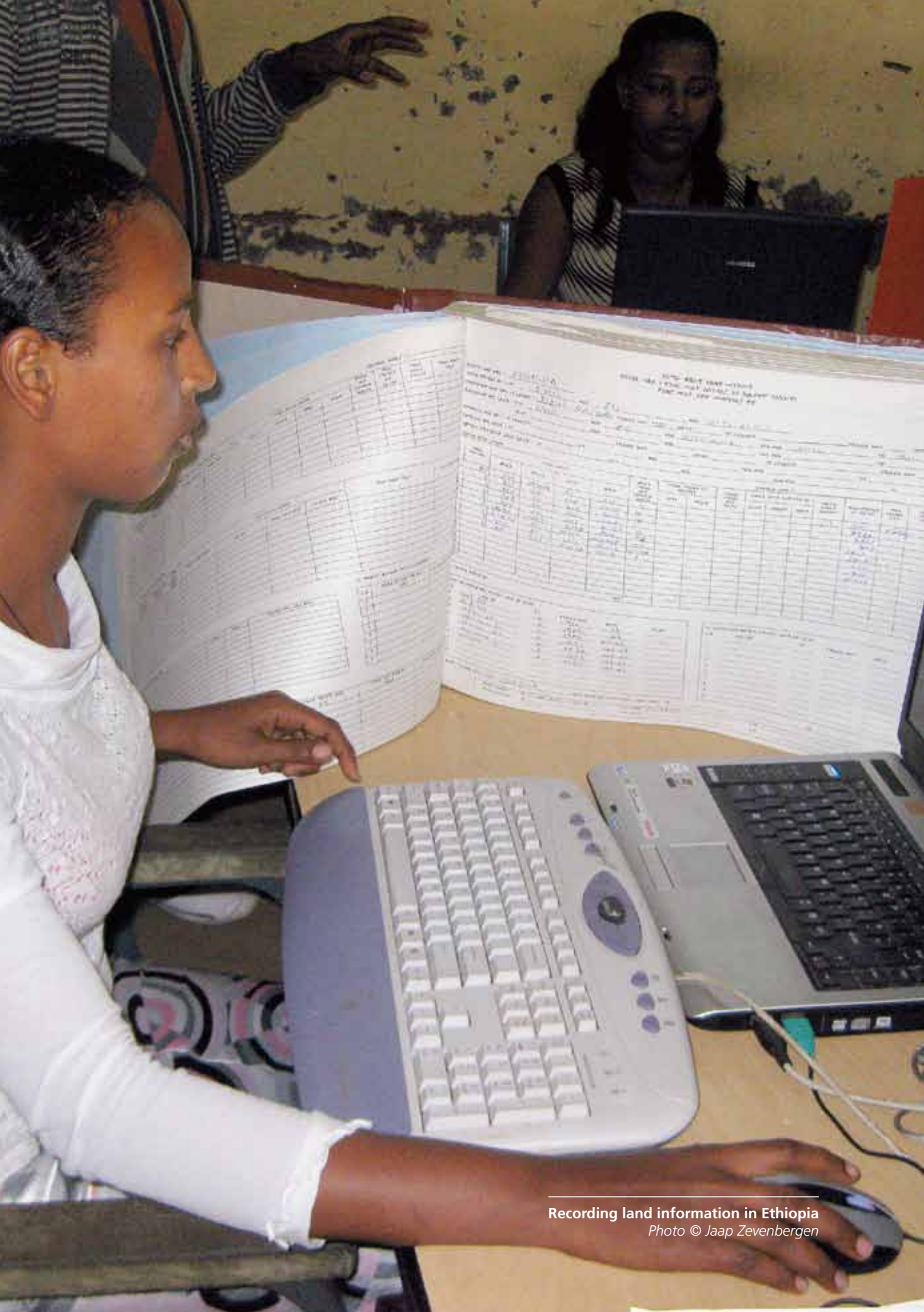
- (c) To review and improve urban land governance mechanisms, including land/spatial planning administration and management, land information systems and land-based tax systems, so as to strengthen tenure rights and expand secure and sustainable access to land, housing, basic services and infrastructure, particularly for the poor and women;
- (d) To create mechanisms for broadening land-based revenue streams, including by improving the competencies and capacities of local and regional authorities in the field of land and property valuation and taxation, so as to generate additional local revenue for pro-poor policies and to finance infrastructure development.”

Source: UN-Habitat Governing Council, 23rd Session, April 2011 (United Nations 2011).

Urban cityscape in Tirana, Albania

Photo © UN-Habitat





Recording land information in Ethiopia
Photo © Jaap Zevenbergen

3

TOWARDS TENURE SECURITY THROUGH NON-CONVENTIONAL LAND RECORDING TOOLS

Land administration systems document and map people's tenure rights to "parcels" (pieces of land) in different ways. Examples are cadastral maps, land registries and other forms of land records.

Having your rights registered or recorded in such a system brings various benefits. In general, it gives you greater security of tenure, and reduces the chance of your losing your land or being evicted from it. You will be more willing to invest in or on the land and can sell the land more easily (often at a higher price). You can get credit by using the land as collateral. Local (and national) governments can more easily plan and manage land use, and collect revenue from it in the form of fees and taxes. Not all these advantages need emerge at the same time, and there are also drawbacks – but these will not be discussed here.

LIMITATIONS OF FORMAL LAND ADMINISTRATION SYSTEMS

Everyone has some kind of relationship to land – after all, we all have to live somewhere. And every country has some form of recording of land rights. But many people in the world, especially the poor, women or otherwise marginalized, do not have their relationship to land included in

a formal land administration system. No precise number is known, but an often used ballpark figure is that at least 70 per cent of the land in developing countries is not covered by a land administration system. For sub-Saharan Africa it is thought to be even higher. The lack of recorded land rights affects women the most. Formal, conventional land administration systems, and especially their land-recording or registration components, cover only a limited part of the territory and reach only certain segments of society, usually the rich and well-connected.

There is substantial research on and evaluation of individual titling of ownership. This examines the relationship between individual ownership and agricultural production, investment, conflict management and gender relations. It is often used to justify large-scale land titling and registration programmes. Despite numerous titling projects and programmes around the world, the coverage has increased substantially in only a few countries. The results of such projects are limited mostly to pilots or a few priority areas, often linked to commercial activities or large, often foreign, investments. Allocating individual ownership titles to the huge numbers of people who do not have them would take decades (or even centuries in some developing countries) at current rates. And

BOX 9. ACTIVE AND PASSIVE TENURE SECURITY

Active tenure security means being able to perform transactions on a parcel of land – e.g., to buy, sell or lease it.

Passive tenure security means being free of the risk of being evicted from the land.

even where they have been introduced, land administration systems capture only the more formal types of tenure, not the whole continuum of land rights (Chapter 2, Figure 3).

Land registration is not as neutral as is often claimed. Attempts to expand these systems usually benefit the elite, with many of the poor ending up with less security and access to land. Most titling and registration interventions aim to support *active* tenure security: they try to make it easier to transact in land that has been formalized and documented (or “titled”) (Box 9). But for most of the poor, the first order of business is to get *passive* tenure security, where the intended result means no more fear of being evicted or losing one’s existing rights.

As a concept, land administration systems sound simple enough: they describe who has what relationship (often a right) to which resource, and where. The system needs to collect, store and update this information. Techniques to do so have been developed throughout history, and modern technologies have made them more efficient.

But most conventional systems introduce many hoops to jump through before the

final information can be entered or updated. The form in which the information has to be reported is prescribed in a very detailed and complex way. It is either practically or legally impossible to prepare this information in the right way without using gatekeepers: notaries or conveyancers to handle the legal aspects; land surveyors to do the maps; planners to deal with changes in land use, and valuers to decide how much the land is worth.

For the poor and even the lower middle class, playing by these rules is impossible: the services cost far too much. Both public and private service providers have limited capacity. Private practitioners often protect their professions by keeping their numbers low. Clients often have to pay “facilitation fees” or other forms of informal payment to access government agencies. In addition, land administration systems are often subject to vested interests that make fair outcomes impossible.

Expanding the coverage of formal systems can be slow and costly. In those countries where the formal land-recording system is being expanded, it will take decades or even centuries to cover the whole country. Even then, changes such as the inheritance or sale of land are not fully processed.

FORMS OF TENURE

In many countries, the land administration system deals only with formal, statutory land rights, usually subject to legislation passed during the colonial period. But the poor typically hold their land through customary or informal tenure systems.

STATUTORY OR FORMAL TENURE

Statutory or formal tenure is where someone's right is specified in the law. That enables the owner or rights-holder to use the law to defend his or her rights. In most cases, for land rights to be truly seen as formal tenure, they need to be reflected in legal records, which are often kept either as paper documents or computer files.

Such tenure is common (though by no means universal) in developed countries and in well-off urban areas of developing countries. But it is difficult to maintain, as the paperwork must be kept up-to-date (for example if the rights-holder dies or transfers the rights to someone else). Failure to do so may mean that the land switches to a more informal form of tenure.

BOX 10. LIMITS OF CONVENTIONAL APPROACHES: AN EXAMPLE FROM THE CARIBBEAN

Despite the relatively high income levels in the region, levels of informal and traditional tenure in the Caribbean are similar to those in other developing countries. Documentation varies widely but is generally bad: while only around 10 per cent of the land in Barbados is undocumented, as much as 90 per cent in Haiti lacks documentation, so falls into the "informal" sector.

In the region as a whole, informal land includes:

- **Generational (family) land**, where the issue is largely of poor documentation of intergenerational transfers.
- **Public and private land** occupied illegally.
- **Customary and communal land.**

In **Trinidad and Tobago**, one of the richest countries in the region, most of the informal tenure falls into the first two categories. Documentation remains a problem: a 1991 study found that 40 per cent of households had good documentation of title, but this percentage had slipped to 35 per cent in 2005.

The proportion of people with no documentation at all was reduced dramatically during the same period, from 28 per cent to 16 per cent. This was primarily due to the issuing of a Certificate of Comfort, an undertaking to regularize

the title of a resident on state land, subject to certain limitations. Even though no progress has since been made in issuing formal title deeds, these certificates have improved the tenure security for their holders, many of whom have made physical improvements to their property. While the certificate holders would like to have their tenure regularized, many feel secure enough, and are more interested in improvements to services and infrastructure.

"Family land" is an intermediate form of tenure security – one that is subject to problems in management, proper use and inter-family conflict. Some countries have tried to resolve these problems by simplifying the title through comprehensive adjudication and titling. **St Lucia** undertook such an exercise in the 1980s, but the adjudication and titling tools did not resolve the problems, and the amount of family land actually increased. Comprehensive adjudication and individual titling are still being proposed as a solution to family land by many Caribbean countries, even though they lack any clear means to resolve the management issues.

Even when countries are relatively small, the conventional land administration approach cannot be scaled up in a sustainable way.

More information: Griffiths-Charles and Opadeyi (2009), Williams (2003).

CUSTOMARY TENURE

Customary tenure is mostly, but not always, found in rural and peri-urban areas. It is adequate when the customary institutions are strong and outside pressures are few. But outside pressures may change this: for example, if an area is subject to urban development, government investment in infrastructure or large-scale land acquisition, the holders of customary tenure may find themselves in a weak position. Even if the law recognizes customary tenure, such people may find they cannot prove their rights according to the conventional rules.

A study of Georgia, Ghana, Nigeria and South Africa by the World Bank-funded *Land Governance Assessment Framework* (Box 11) found that the legal framework recognizes tenure rights of more than 90 per cent of the rural population in these four countries, but less than 10 per cent of the area under communal or indigenous land has boundaries demarcated and surveyed and the associated claims registered. A defence against such outside pressure is to demarcate and map the outside boundaries of the customary area. Mozambique is one country where this is being done.

INFORMAL TENURE

Informal tenure is often found in slums, but also in areas where not all legal and planning requirements have been met during the development and building period. The tenure rights of people who possess them are not entered into the land administration system. People whose rights are not registered find themselves in a weak position, without support from

government agencies or the courts, if their rights to the land are threatened. Threats may come from many sources: government projects, large developers or local elites may claim a right to the same land. They may be able to get their interests registered if the registration procedure does not include a thorough check in the field (which is quite normal since the procedure relies on paper trails). Sometimes, projects that aim to help people with low incomes by formalizing or regularizing their rights to land may even lead to them losing their land.

OTHER FORMS OF TENURE

All these forms of tenure focus on the right of use by an individual or family. In many countries, public or state land also exists – indeed, sometimes all land is seen as such, and other, limited, forms of tenure exist on top of it.

Many other tenure types exist, often co-existing with the other rights. Examples are rental, leasing, easements, sharecropping, and various forms of community or group ownership. The various types may overlap. For example, someone may have the rights to harvest fruit or gather firewood from a parcel of land, while someone else can graze their animals there. A third person may have the right to chop down the trees or build on the land. We can think of these different types as falling on a continuum of land rights, from formal to informal (Figure 3).

Different forms of tenure are common in different countries. The Land Governance Assessment Framework (Box 11) attempts to classify these different forms.

BOX 11. TENURE TYPES IDENTIFIED BY THE LAND GOVERNANCE ASSESSMENT FRAMEWORK

The **Land Governance Assessment Framework** is a diagnostic tool to evaluate legal structures, policies and practices regarding land governance. It has found that most of the tenure types it has identified are recognized by the legal frameworks in the countries where they occur, either explicitly in the constitution, or through legislative provisions. Such provisions may be interim in nature: they do not necessarily recognize full rights, but allow for compensation in case of eviction. Despite this legal protection, it is hard for vulnerable land holder groups or individuals to enforce the recognition of their rights because of weak formal institutions.

The project has also identified several tenure situations where the rights of minorities were simply ignored. It has raised awareness about the possibility of protecting these rights. For example:

- In **Georgia**, rural communities' traditional use of pastures is not recognized by law. But it is deemed a legitimate practice.
- In **Nigeria**, the Fulani pastoral group's rights are recognized by settled customary tenure systems. But recognizing these rights legally faces difficulties because the legal framework was designed with crop farming in mind, not livestock herding.
- In **Peru**, the constitution recognizes land rights for both individuals and

rural communities (Andean traditional peasant groups and Amazonian indigenous groups). Legislation on land formalization identifies several types of tenure for which special administrative procedures and requirements for regularization apply. But it misses out new types of tenure, such as that practised by settlers in the Amazon area who are not members of traditional native communities.

Other uses

The framework has a wide range of additional uses. Some examples:

- Identifying pilot activities to improve tenure security.
- Providing a basis for stakeholders (nongovernmental organizations, the private sector, and academics) to monitor policy reforms.
- Identifying areas that change relatively quickly and where more frequent monitoring will be useful.

The Land Governance Assessment Framework is run by a partnership of the World Bank, the International Food Policy Research Institute, UN-Habitat, the International Fund for Agricultural Development, and the Food and Agricultural Organization of the United Nations.

More information: Deininger et al. (2011).

MEASURING TENURE SECURITY

One cannot manage the unknown. Informed policies and decision making require a clear picture of the status and state of land: the key facts and figures on

land, people's relationship to it, and the policy environment governing it: *who* has what rights, *where*, *how much*, since *when*, *whose* rights are (un)protected, whose rights are threatened or not, and *what* laws and policies exist for securing various relationship to land. Adequate, reliable

Handling land: Innovative tools for land governance and secure tenure

indicators are needed to measure progress (or lack thereof) in tenure security.

Unfortunately, data and indicators on land, people and policies are often missing, inaccurate, unreliable and incomplete. In most of the developing world, less than 30 per cent of all lands are recorded in public registries. If a land information system is to be effective and useful to the general public – and especially to people with low incomes – it must be accessible, complete (e.g., including all types of land rights and arrangements), transparent and affordable.

The Land Governance Assessment Framework also monitors improvements over time. As part of the analysis, local experts create an exhaustive classification of their countries' tenure types. This classification reflects the continuum of rights that are held in practice, from formal to informal, the different uses of the land, and the rights associated with each one. It aims to cover both urban and rural areas.

Each country's tenure typology is unique, as it reflects specific historical and socio-economic conditions. To allow for this in a worldwide scheme, the tenure types commonly cover three broad forms of tenure: public ownership and use, private ownership and use, and indigenous and non-indigenous community tenure.

The framework estimates the total land area under each category and the number of land holders involved. It also covers the governance of each type and the policy issues that are likely to arise.

The framework comprises of five thematic areas:

- Legal and institutional framework.
- Public land management.
- Land use planning, management and taxation.
- Dispute resolution.
- Public provision of information.

Additional modules are available, including on large-scale land acquisition and on forestry.

For specific measures of tenure in urban areas, GLTN is developing a framework to track land rights and tenure security based on the continuum of land rights. A working paper on this framework (UN-Habitat and GLTN 2011b) recognizes that a one-size-fits-all approach is not appropriate since a tenure arrangement that is reasonably secure in one situation may be insecure in another. Secure tenure can include both formal and informal tenure arrangements, and residents themselves may under- or over-estimate how secure their situation is. The measurement methodology draws from experiences in selected cities in South Africa, Iraq and Brazil, as well as on two previous UN-Habitat methods: the Legal and Institutional Framework Index and Urban Inequality Surveys. It makes use of different types of surveys, national statistics and population censuses, and incorporates lessons from previous and on-going initiatives to improve tenure security.

TABLE 3. OPTIONS TO ASSESS TENURE SECURITY

Option	Explanation
Individual level	
Urban Inequities Survey	Sample survey consisting of three instruments - household, women and community questionnaires.
Household survey/added question	Security of tenure module added on to household surveys
Census /added question	Question about the type of tenure document each household has added to the national population census form
Small sample survey	Small-scale sample surveys or qualitative methods
Community level	
Informal settlement assessment	Assessments based on satellite imagery, rapid surveys and sampling
Rapid tenure security assessment	Assessments based on digital imagery, focus-group interviews and consultants' studies
Household survey clusters	Questions about the community added to household survey
Qualitative assessment	Review of secondary data plus interviews with experts and local key informants
National policy level	
Legal and Institutional Framework Index	Assessment of national and local government policies for urban areas

Adapted from UN-Habitat and GLTN (2011b).

The framework suggests that tenure security be measured at three levels: individual or household, community or settlement, and national policy, and outlines various options for each level (Table 3). It shows that there is more than one route to security, as illustrated in the continuum of land rights.

THREATS TO CUSTOMARY RIGHTS

There has recently been a massive increase in commercial interest in rural land and natural resources in developing countries. This is stimulated by several factors: increasing food prices, rising demand for food, animal

feed and biofuels, as well as carbon-trading mechanisms that place a commercial value on standing forests and rangelands. These all have pushed up demand for land and have led to large-scale foreign and domestic commercial investment in land.

Governments often welcome such deals as much-needed investments in agriculture and the economy. But they place new tensions on land-tenure systems, and can create further inequality in economic and political power.

This is because of different views of the land in question:

- According to *statutory law* it is state land that the government can lease out for productive use.
- Local people – poor smallholders, pastoralists and indigenous peoples – use it to grow crops, graze livestock and collect firewood according to *customary rights*. Women constitute the majority of these groups.

Because the government does not recognize (or overrides) the customary rights, the local people lose access to the land. The investment may create new employment, infrastructure and services, but even so, the jobs may be taken by outsiders, so local people do not benefit. Large-scale land investments may even threaten national food security as most production is for export. Food prices go up, harming poor people living in cities too.

Box 12 lists some ways that the International Land Coalition, a GLTN partner, is responding to the increased commercial pressure on land.

DEALING WITH DIFFERENT FORMS OF TENURE

Formal land administration systems are not sufficient to cater for the continuum of rights: they are too cumbersome and expensive. We need innovative alternatives that are cheaper and simpler in every way. New technologies using computers, satellite

BOX 12. INTERNATIONAL LAND COALITION RESPONSES TO THE INCREASED COMMERCIAL PRESSURE ON LAND

Commercial pressures on land portal. Provides an open space for sharing knowledge, information and perspectives.

Global study on commercial pressures on land. Analyses the causes and mechanisms of land acquisitions and explores the risks and opportunities for local poor land users. It includes individual case studies, regional overviews and thematic studies with a global scope.

Monitoring of land transactions. Aims to better understand the extent, trends and impacts of land-related investments. It is a systematic stocktaking of current investment projects worldwide.

Widening the dialogue. A debate by key stakeholders with diverging perspectives on large-scale land acquisitions.

More information: www.landcoalition.org, www.commercialpressuresonland.org

images and geographical positioning systems can help: pro-poor does not necessarily mean low-tech.

Several local or national initiatives have introduced new approaches. These have had varying degrees of success. An attempt to introduce pro-poor alternatives in the laws in Uganda, for example, has run into implementation problems, and it has had little impact so far. Initiatives in Ethiopia and Benin (Boxes 13 and 14), on the other hand, have been quite successful.

GLTN has studied, documented and developed various land tools to improve

tenure security. Four such tools are described below:

- The Social Tenure Domain Model – a pro-poor system to manage land information.
- Participatory enumerations through community-led data collection.
- Attempts to build on local records of land transactions.
- Other non-conventional approaches that governments have accepted as valid.

BOX 13. RURAL LAND CERTIFICATION IN ETHIOPIA

Participatory enumerations have been used in **Ethiopia** for adjudications for rural land certification. To enhance rural tenure security, four regional states (Amhara, Oromiya, Tigray, and Southern Nations, Nationalities and Peoples) registered the land-use rights on approximately 25 million parcels in village land books. This programme provided landholders with certificates that record and identify the boundaries of parcels by listing the people who have rights to the adjoining parcels.

This programme was carried out in a decentralized, participatory, equitable, and transparent manner through an elected land administration committee of local people. It handled the massive numbers of registered holdings quickly and at low cost.

As a result, farmers felt their tenure was more secure, and they had more incentive to invest in the land. Their participation in the land market went up. The number of conflicts over land fell, and women were empowered (for example, a photo of each spouse appears on the certificate in several of the regions).

Although updating procedures have not been well developed, the first phase of the programme reached millions of people at a cost of about \$3.50 per household or \$1 per parcel.

The second phase (to add maps) has proven slower and much more difficult. The World Bank documented this process as part of its work with GLTN.

More information: Deininger et al. (2008)

BOX 14. URBAN LAND REGISTRY IN BENIN

In **Benin**, as in most sub-Saharan countries, customary land tenure coexists with statutory land rights. During the late 1980s, some of the customary rights holders of farmland on the edges of cities sold their land. The land was subdivided and converted to urban use. The new owners were given occupancy permits. To broaden the tax base, the government combined information on all the tenure types from different sources, as well as from participatory field surveys involving the local municipality, community organizations and specialized companies.

This resulted in the **Urban Land Registry** (Registre Foncier Urbain). This is a municipal land information system used for taxation purposes. It makes it possible to have an address-based parcel map of a city, to create an urban database, and to develop tax, urban and land applications. The local government can use the data to assess and collect taxes, as well as in urban and land-management projects such as service provision, land-use planning and infrastructure upgrading.

These registries have been implemented in 16 municipalities in Benin, and are being created in two more. They now include more than 201,000 addresses.

To establish such a registry system, it is necessary to speed up the registration procedures and to regularize irregular occupations on a large scale. The inventory has to identify the land holders along with the nature and a detailed description of their tenure rights. A continuum of graduated land rights is being considered.

The land taxation system has improved as a result of the registry. However, the other applications are not sufficiently implemented: only three components are generally in place: piecemeal mapping, a database resulting from field surveys, and tax implementation. The land-information and urban data-use components are still in their initial stages. Because it does not yet operate to its full potential, its benefits for land management are limited and it does not yet contribute to tenure security or to financing urbanization. The community has been slow to recognize its value. It is important to adapt the law to enable the registry to provide tenure security for the majority of the population.

See Box 32 for the revenue-generating aspects of the registry.

More information: Perier and Houssou (2012).

SOCIAL TENURE DOMAIN MODEL

The Social Tenure Domain Model, commonly known as STDM, is a pro-poor land information system developed by GLTN partners UN-Habitat, the International Federation of Surveyors and the Faculty of Geo-Information Science and Earth Observation at the University of Twente. The concept includes four related components:

- A *new way of thinking* about land records.
- A *software package* based on free, widely used and open-source systems to record information about land.
- A method of *collecting data* about land.
- A way of using and *disseminating information* about land and property.

A NEW WAY OF THINKING ABOUT LAND RECORDS

The model makes the basic notions of land administration flexible enough to serve non-conventional situations.

- Instead of using *parcels*, it thinks in terms of *spatial units* that can be approximately identified by one point in the middle of the land in question, or by an address of the dwelling on it. It is not necessary to divide up an area completely into mutually exclusive parcels: the spatial units may overlap or have gaps between them.
- Instead of *owners*, it thinks in terms of *parties* that can take many forms: a group without an immediately clear set of members, a group with listed members, a company, a family or household, or even an individual person. A party may be part of a broader group, making up a group of groups, with different, overlapping, land areas associated with them.
- Instead of *ownership*, the model thinks in terms of *social tenure*. This may be any form of relationship between a person (or people) and the land: formal, informal and customary. It need not be exclusive to one piece of land, but may include “secondary” rights (such as the right of way over another’s field, the right to collect fruit, use a common toilet or water point).

This approach has been widely documented and discussed, and forms a basis for dealing with the continuum of land rights.

A SOFTWARE PACKAGE

The second component of the model is a software package that can cater to these ideas. A prototype to demonstrate the proof of concept was launched in 2010, and a revised version was prepared based on a widely used, open-source, geographical information system. It is currently being used in a pilot in Uganda with Slum/Shack Dwellers International (Box 15). A further pilot is planned in an informal settlement in Kenya in 2012.

A DATA-COLLECTION METHOD

The model is a rather broad approach to collecting data in the field.

Information at the household level may be collected by representatives of the community using a pre-determined and tested questionnaire. This follows the steps in participatory enumerations – one of GLTN’s tools (see below). Information about the name of the enumerator, witnesses, individual persons, family members, gender, age, social tenure relationship and development priorities for the communities is collected and linked to specific spatial units. The length of the questionnaire depends on the purpose of the enumeration, but it is advisable not to have a lengthy and comprehensive questionnaire in most cases.

Information on spatial units may be hand-drawn on a piece of paper, marked on an existing map, or indicated on an aerial photo or satellite image. The position may be surveyed with hand-held global positioning system equipment, with traditional or modern surveying equipment, or digitized from a pre-existing map. At each location,

BOX 15. SOCIAL TENURE DOMAIN MODEL: A PILOT PROJECT IN MBALE, UGANDA

A pilot project is on-going in two slum settlements in **Mbale, Uganda**, with involvement from local women and men, community organizations, the municipal government, the relevant ministry, as well as Slum/Shack Dwellers International and UN-Habitat as GLTN partners. The city and the two settlements were carefully selected to ensure full participation and co-ownership of the project. The pilot is funded by Cities Alliance with technological and financial support from the International Federation of Surveyors Foundation.

The pilot aims to test the **Social Tenure Domain Model** as a way to help people to plan their development priorities and to get the government to recognize their informal settlements. Efforts now focus on how the authorities can issue “certificates of residency” to improve the residents’ tenure security. Such recognition would also mean that the government would provide basic services and infrastructure such as water, sanitation, electricity and roads.

The Uganda project team trained leaders and residents of the two settlements how to use the approach. They are now using it to do a participatory enumeration, which is recording details of the settlements, who lives there, how long they have lived

on the land, the reasons for moving there, where they work or attend school, what kind of houses they have built, and so on. The software enables this information to be shared with the community, local authorities and the ministry. The software package has two major components: a satellite imagery map, which shows the existing structures, roads and the settlements, and a database where the details of each household, pictures, photocopies of documents, and even fingerprints can be stored.

Once the residents have collected and validated information about themselves, they will discuss and develop plans for how services, better housing, and the right to continue living on the land can be delivered. The data and plans will be presented to the local or national authorities via their slum dwellers’ movement and the city’s citizens’ forum.

UN-Habitat and Slum/Shack Dwellers International are monitoring and documenting the process so they can refine the process further for use elsewhere on a larger scale. Slum/Shack Dwellers International facilitates peer exchanges with slum dwellers from other cities in Uganda and elsewhere in Africa and Asia.

More information: GLTN and UN-Habitat (2011).

it is possible to link the party (group, household, person) to the appropriate spatial unit. This information is collected from the land holders or occupants in the presence of their neighbours – who act as checks, witnesses and validators of the information. The information gathered is publicly displayed in the local area so it can be corrected and validated.

The software allows the data to be updated. It is simple enough to be run locally. It is also possible to use paper rather than electronic devices to record the information. A mobile team helps the local women and men collect the data and shows them how to manage and periodically update the records.

AN INFORMATION DISSEMINATION METHOD

Because the data are computerized, it is easy to analyse them and make them widely available. Better information means better decisions on land management and better-designed land policies.

The Social Tenure Domain Model is a promising approach for use even in areas where records already exist, where tenure security is not threatened, and where authorities and communities have limited resources.

PARTICIPATORY ENUMERATION

The third component of the Social Tenure Domain Model involves gathering data on various aspects of the community. GLTN has been developing ways to do this together with local people – through what is called *participatory enumeration*. This is a data-gathering process which is to a significant extent jointly designed and conducted by the people who are being surveyed. There are various ways such surveys can be designed, and the data can be used for many purposes, by local communities as well as by government agencies. Enumerations may be done on paper or using computers. They may use existing maps or create their own, or aerial or satellite photos – or not use maps at all. They may use sophisticated global positioning equipment and geographical information systems software – or may be entirely paper-based. The range of approaches and techniques is described in the GLTN book *Count me in* (GLTN 2010b).

A central idea in participatory enumerations is to go into the field and ask people (in the presence of their neighbours) about their relationships to land and buildings. That is conceptually very similar to the original, and most successful, first data collections for conventional systems (called *adjudication*).

Despite this, many modern adjudication procedures do not prefer such oral evidence. Indeed, they may ignore it, even when it is supported by other people in the community. The Land Governance Assessment Framework found that in Nigeria, non-documentary forms of evidence are almost never used to obtain recognition for property claims. In Ghana and South Africa, non-documentary evidence has to be supported by other documents, such as tax receipts or informal purchase notes (unpublished LGAF reports, 2011).

The more enumerations are done by people with sufficient basic training, and the more they are documented, the more likely the formal sector is to take the approach and the data it produces into account. Making this too restrictive, however, brings us back to the trap of the conventional systems – too formal, too expensive, too inflexible. A balance is needed.

An example of the potential contribution of such enumerations – and the problems that may arise in melding it with formal systems – was in the aftermath of the 2004 earthquake and tsunami in Aceh, Indonesia. Here, bottom-up village mapping and community-driven adjudication were used to identify land parcels and their owners and to enable houses to be rebuilt. Extensive instructions and guidelines were prepared for this work. But the resulting information

BOX 16. LAND REGULARIZATION IN RWANDA

Land plays a central role in the social and economic development of **Rwanda**, a densely populated country that is recovering from the legacy of the 1994 genocide. In 2007, the government launched a national programme to issue registered land titles to every landholder. This **land-certification programme** is one of the most ambitious in the region. It aims to register all of the country's land at a rate of no less than 3–4,000 parcels a month, and in a highly cost-effective manner.

The programme involves teams of para-surveyors who collect the data in the field, including drawing boundary lines

on paper copies of aerial photos, which are later entered into a computer. The para-surveyors receive a short training and move from community to community. Although challenges in data maintenance and updating are to be expected, progress has been impressive. Information on more than 3 million parcels has been collected. The acceptance of realistic accuracy levels and the use of aerial photos and para-surveyors have been key to this. There appears to be only one licensed surveyor in the country, who heads the land agency.

More information: Ayalew Ali et al. (2010).

was not included into the conventional land administration system until the gatekeepers (in this case staff from the national land agency) revisited the field and had checked pre-existing documents. GLTN documented this experience in preparing guidance for how to deal with land issues after disasters.

LOCAL RECORDS OF LAND TRANSACTIONS

In areas not covered by conventional land administration, some form of local land records may be kept such as through:

- *An informal land office in an informal settlement* (as in Kibera, a large slum in Nairobi).
- *Non-standardized writings to document land transactions.* A copy of such documents is usually given to a customary, local or informal leader who acts as a witness to the transaction.

These “little papers” (*petits papiers* in French) are increasingly found in West Africa, Uganda and elsewhere.

GLTN has started developing a land tool to capitalize on these records. It aims to build on the local bodies that act as gatekeepers in documenting the rights. Their local knowledge and the community institutions are the basis for verifying the transfer. They check who is selling, who is buying and what is transferred – for example, how much land, how strong a right (e.g., merely a use right for a limited time, or customary ownership). Apart from acting as the gatekeeper, the community leadership should also set up a basic repository to store the information. This repository should be maintained by a grassroots recorder, who ideally gets some training.

Such a bottom-up set-up will gain formal recognition only if the government has an influence on it. One possibility is some form of co-management, which might include

BOX 17. LAND INVENTORY IN BOTSWANA

In 2010, GLTN studied the process, the steps and key features of land inventory-ing in **Botswana's** tribal (customary) land. The study focused on the **Tribal Land Integrated Management System**, a computer-based land administration scheme.

It documented various challenges facing this system, including a reliance on complex computing systems that were difficult to maintain in rural areas with

limited infrastructure and with a lack of qualified staff. Paper-based solutions, the study suggests, are often better in such situations. They should be designed to make it easy to migrate to a computer-based system if conditions allow at a later stage to avoid double work and unnecessary costs.

More information: GLTN and UN-Habitat (2010b).

a joint annual inspection of the records by representatives of the government land sector and the local community.

The workability of this approach needs to be explored further: for example, to determine in what types of communities it might work (or not), and how to set up the co-management while still leaving ownership of the system within the community. A first round of discussions with a diverse group of legal registry experts has taken place. Further consultations, studies and piloting will follow (see Zevenbergen 2011).

the World Bank, Box 16). The perils of over-reliance on computers in rural areas are illustrated by a GLTN study of a land administration system in Botswana (Box 17).

How these non-conventional land-recording tools are developed is as important as their outcomes. It is necessary to overcome vested interests linked to conventional systems, at the same time as overcoming local people's suspicion of information going outside their communities. The answer is to develop the land tools step-by-step in a consultative and participatory process.

OTHER APPROACHES ACCEPTED BY GOVERNMENTS

Innovative ideas on how to improve tenure security more cheaply and quickly have been around for decades. Some have been piloted successfully, and a few have even been scaled up. GLTN has documented some of these initiatives. They include an urban land registry in in Benin (documented by UN-Habitat, Box 14), and an ambitious land regularization programme in Rwanda (documented by

NEXT STEPS IN ADDRESSING TENURE SECURITY

Continuum of land rights. Tenure security is a central part of GLTN's work, and the Network will continue to develop and promote solutions that respond to different needs, including those of both women and men. Key to this is getting widespread recognition of the continuum of land rights. GLTN will continue to advocate for its recognition in political, professional and grassroots circles.

Indicators of tenure. Understanding and measuring different aspects of tenure are vital for rational interventions, policies and comparisons across locations and countries. GLTN will continue to implement security of tenure frameworks, such as the Local Governance Assessment Framework and rapid tenure security assessment, along with tools and guidelines for measuring key land indicators. It will further test, pilot and implement other components in the framework, such as rapid tenure security assessment and the legal and institutional framework index. GLTN will promote the development of common indicators to allow rational policymaking and comparisons across locations and countries. It will further the development and implementation of a global monitoring mechanism on land access, rights and governance within the framework of the continuum of land rights.

Social Tenure Domain Model. The tool needs to be piloted in different circumstances (urban, peri-urban and rural), as well as for informal, customary and statutory tenure types. The software will be further developed and the approach tested and adapted at the community level. GLTN will seek to embed it in an institutional framework and press for government acceptance so it can be implemented at scale.

Participatory enumerations. The Network will also continue to document participatory enumerations and other community-driven data-collection methods. It will develop guidelines on how to collect data using such methods, and how to manage and update the information that has been collected.

Land-recording systems. Developing pro-poor land-recording systems is a further area for attention. GLTN will document and analyse the institutional issues associated with local land-record management, before undertaking a pilot project. Work is also needed on organizing data collection for local land records, such as customary land rights.

Two other areas would benefit from GLTN's attention:

Alternative dispute-resolution mechanisms at the local level. Mediation mechanisms can help to increase tenure security for women and men even without a system of recording (though it is a good idea to document the outcomes of the resolution). Land recording nonetheless needs to be embedded in broader land governance and dispute mechanisms.

Increasing the acceptance of non-conventional land-recording tools. It is important to find ways for the public sector – especially the courts and land agencies – to accept information from these non-conventional approaches, for example, to accept them as evidence in a court case, or to use them for land management. A next step would be to set up land information systems that cover larger areas and that rely on information from both conventional and non-conventional sources. Such systems would provide a basis for land readjustment, land taxation and other purposes, similar to the urban land registry in Benin described in Box 14.



Validation exercise as part of testing STDM, Mbale, Uganda
Photo © UN-Habitat/Danilo Antonio



Community mapping exercise by grassroots women in Peru
Photo © Huairou Commission

4

GENDER AND INEQUALITY

Most discussion about land policies has focused on how they work to the advantage of the rich, and how to make them work for the poor. There has not been enough attention on how even land policies that are pro-poor may affect women and men differently. Most societies are dominated by men, and women have limited access and control over land and property.

Gender is not the only barrier to people gaining access to, control over, and ownership of land and natural resources. Other groups have also been historically denied rights to land: young people, indigenous peoples, ethnic minorities, religious groups, persons with disabilities, and non-citizens of a country.

This chapter discusses GLTN's work in relation to inequality, with a focus on gender.

NOT EVERYONE'S RIGHTS TO LAND ARE SECURE

Poor and marginalized people need land to survive. In rural areas, land and related resources (such as water and trees) are a fundamental source of livelihood, subsistence and food security. Land is a safety net in times of hardship and crisis, and an asset base that enables access to

credit. In urban areas, people need land to build their houses and set up their shops and workshops. Without secure rights to land, people have no incentive to invest in their homes or workplaces, and little reason to take care of their environment.

Many women are doubly disadvantaged: by poverty and by gender. Women make up at least half the world's population but two-thirds of the world's poor. In many places, national laws, social customs and patriarchal tenure systems prevent many from holding rights to land. In sub-Saharan Africa, for example, just 2–3 per cent of the land is owned by women. Women often rely on their male relatives for access to land. If their relationship with the man breaks down, if they get divorced, if their husband dies, or if the male land owner decides to use the land in another way, they find themselves with no land, and no way to support themselves. Women in rural areas, informal settlements and slums, indigenous and black women, elderly, disabled, widows and refugees are among the most marginalized.

The United Nations' Millennium Development Goals see meeting the basic needs of women as central to the development process. Access and control over land and related resources is often essential for the well-being of women and, where applicable, their families.

Most poor women carry a *triple burden*: they have to earn money, care for their families, and make up for the lack of infrastructure and services in their communities. A lack of secure tenure makes it hard not only for the women themselves, but also threatens their families, including the children the elderly and the sick.

Women's access to land needs first and foremost to be seen as a universal *human right*, independently of any other arguments in favour of it.

Improving the rights to land of women and other marginalized groups has many other benefits, just as it has for men. Land rights enable women to invest in improvements (such as better housing or irrigation) without fear of losing them. Land rights may also enable women to use the land to get credit, giving them more money to invest in land, property and businesses. Women become less dependent on men, and their social and economic status improves. As landholders, they are empowered to take part in making decisions in the household and the community. They become recognized as active agents in the development of their communities rather than as passive recipients of such programmes.

THE GLTN GENDER AGENDA

Gender is one of GLTN's cross-cutting themes in developing land tools. GLTN's gender agenda was adopted at a Roundtable at the World Urban Forum in 2006. This serves as a framework of methodologies and strategies for developing land tools that promote equal tenure security for women and men.

The agenda underscores the need to ensure gender-responsiveness in all stages of tool development. (See Figure 5)

GLTN has so far evaluated land issues and tools from a gender perspective, developed capacity on gender and land issues, and studied the tenure rights of women and legal reforms that affect them. In the longer term, it also aims to ensure that gender is considered in all the land tools, and to pilot and scale up these tools. GLTN is aware that women are often more marginalized than men, but it takes a gender approach to ensure that the particular vulnerabilities of men are also appreciated and addressed if necessary.

GENDER EVALUATION CRITERIA

Land tools should not just benefit the poor: they must also improve the situation of women. They cannot do this if they ignore women – for example, if they assume that men and women are treated the same, or if they do not enable gender-disaggregated information to provide comparisons. To make sure that land tools do not suffer from gender-blindness, GLTN has developed a set of *gender evaluation criteria*. These criteria can be used to check whether land tools incorporate gender issues, and to show how they can be adapted. They are a flexible framework that can be adapted to a wide range of different situations. The criteria were developed through consultations among various GLTN partners: the Huairou Commission, the International Federation of Surveyors, the University of East London, and UN-Habitat.

TABLE 4. EXAMPLES FROM THE GENDER EVALUATION CRITERIA

Criteria	Example of evaluation questions for the criteria
Equal participation by women and men and gender-responsive governance	Is the decision-making process in developing the land tool, and in using the land tool itself, transparent and inclusive for both women and men?
Capacity development, organization and empowerment of women and men to use, access, and benefit from the tool	Is the information clear to, and does it empower both women and men to utilize the tool, and to know their rights related to this tool?
Legal and institutional considerations in regard to women and men's access to land	Does the tool provide gender-responsive dispute resolution?
Social and cultural considerations in regard to women and men's access to land	Does the tool take into consideration statutory and customary laws and practices affecting women's land rights?
Economic considerations in regard to women and men's access to land	Does the tool promote economic opportunities for both women and men?
Scale, coordination and sustainability to reach more women and men	Can the tool be implemented consistently (rather than ad-hoc)?

There are six criteria and 22 questions with possible indicators to use. (See sample questions in Table 4).

Several grassroots women's organizations, all members of the Huairou Commission, have tested the gender evaluation criteria: in Brazil (by Espaço Feminista), Ghana (Grassroots Sisterhood Foundation) and Nepal (Lumanti). These tests focused on large-scale land tools: municipal master plans, land reform commissions, and land administration systems. The results were presented during the GLTN Roundtable at the World Urban Forum in Brazil in 2010. The tests were useful for the women who conducted the analysis: they were better able to understand how land tools might be biased towards men, and how this might harm women.

The case of Brazil (Box 18) highlights some important lessons:

- The existence of pro-poor legislation does not necessarily ensure successful implementation at the local level, or lead to equitable access to land for women.
- The testing of the criteria was a process of learning and empowerment for grassroots women and strengthens their negotiation power.

DEVELOPING CAPACITY ON GENDER AND LAND

GLTN has produced two training packages addressing gender equality:

- *Improving gender equality and grassroots participation through good land governance* (GLTN and UN-Habitat 2011a) frames gender inequalities as a land governance concern and builds skills required including communication, negotiation, mediation and social inclusion.

BOX 18. APPLYING THE GENDER EVALUATION CRITERIA TO THE MASTER PLAN PROCESS IN PONTE DO MADURO, RECIFE, BRAZIL

Brazil suffers from an acute shortage of affordable housing: the current shortfall is thought to be around 8.2 million units. As a result, many urban residents live in slums or informal settlements, known as favelas, built on marginal lands and in vulnerable areas. Much of this land is government-owned.

Under an amendment to the constitution passed in 2000, the government has a responsibility to provide housing to all citizens. One way to meet the housing shortage is to consolidate existing informal settlements on public land through a regularization process. The City Statute (Law No 10.257 of 2001) recommends the use of public lands for “social purposes”. It allows for special master plans to be prepared to regularize each informal settlement. Municipalities have to prepare these plans with the participation of local residents and community associations.

Espaço Feminista, a non-governmental organization under the umbrella of the GLTN partner Huairou Commission, works to strengthen the capacity and leadership of grassroots women. It volunteered to coordinate a pilot project in Ponte do Maduro, a 50-hectare settlement in the city of Recife that is home to 10,000 low-income families. The project tested the gender evaluation criteria and evaluated whether the city’s master plan was gender-responsive. Local residents have struggled for their settlement to be regularized for nearly 50 years. Espaço Feminista knew from its earlier work in the settlement that tenure insecurity was a major concern for local women: “it hung over them like a sword”, they said.

To evaluate the master plan using GLTN’s gender criteria, the women of Ponte do Maduro first had to understand how the

plan worked and how it would apply to them. They also had to learn how to dialogue with and lobby government officials and policy makers. Espaço Feminista did two things to help them.

First, it organized workshops for the women to build their capacity and leadership. These covered public policies in relation to land and food security, safety, rights to the city, gender and race/ethnic relations, democratic participation, the history of the area, and details of the master planning process. These workshops enabled women to articulate their needs and priorities clearly to government officials and experts.

Second, it organized seminars and roundtables, where women leaders could get information from officials and experts, and where they could express their needs, concerns and priorities in relation to secure tenure.

Several male leaders of the community without formal education, but with a long history in the struggle for land rights, were also involved in this process.

The pilot process demonstrated that to benefit women, **the regularization process had to have an explicit gender dimension**. Local women are often unaware of the provisions of master plans, how they might benefit, and how to demand that certain spaces be demarcated for particular functions. Dialogue with officials led the State of Pernambuco, in which Recife is located, to recognize the leading role of the women, and the need to give women a central role in the regularization process in Ponte do Maduro that started in October 2011.

More information: Huairou Commission (2012), Espaço Feminista (2012).

Ponte do Maduro, Brazil undergoing gender-responsive regularization

Photo © UN-Habitat/Malcolm Boorer



BOX 19. EVALUATION OF IMPACT OF LEGISLATION ON HINDU WOMEN IN INDIA

The **World Bank**, a partner of GLTN, studied the impact of inheritance laws on Hindu women in **India**. A 2005 amendment to the Hindu Succession Act 1956 promotes equal rights for males and females in inheritance. The study found that the this change significantly increased awareness of rights and women's probability of inheriting land, but it did not achieve full gender equality in inheritance. The study also found improved property rights had led to a big increase in girls' educational achievements, as well as in aspects such as empowerment – even in households without any land assets.

This study furthers GLTN's work in two ways:

- It will help refine a number of **land tools**: on land rights, records and registration; and on land management, administration and information.
- It has developed a way of **reviewing how women are affected by changes in the law**. This approach will be useful in other countries that have revised their laws on inheritance and other subjects.

More information: World Bank (forthcoming).

- A training package (UN-Habitat and GLTN 2011a) to build the capacity of land professionals in applying the gender evaluation criteria in a systematic way (see Chapter 6).

A similar flip-chart-based training package is being prepared for grassroots groups who can also lead this evaluation.

RESEARCH ON GENDER AND LAND

Women (and men) are not homogenous. Different groups of women have different interests and face different situations. GLTN partners have studied the tenure rights of women from various religious groups and regions, and looked at how legal reforms affect their access to land. Examples of this are given in Boxes 19 to 21.

OTHER TYPES OF INEQUALITY

Inequality between men and women is a major form of discrimination, but it is not the only one. GLTN has also been studying other aspects of inequality in land rights. Two of these concern discrimination against indigenous peoples and against younger and older people.

INDIGENOUS PEOPLES

Land rights for indigenous peoples is a relatively new area for GLTN. In 2011, the Network produced a *Policy guide to secure land rights for indigenous peoples in cities*. (UN-Habitat and GLTN 2011c). Produced in partnership with UN-Habitat's Housing Policy Section and the United Nations Permanent Forum on Indigenous Issues, this guide describes the challenges and rights of indigenous peoples in relation to land

BOX 20. STRENGTHENING LAND RIGHTS OF MUSLIM WOMEN

GLTN is looking at two particular aspects of land in relation to Muslim women. One is to analyse the **land and property rights that women have under Islamic law and practice**. The other is to address the **patriarchal attitudes and other forms of discrimination that Muslim women face**.

The **University of East London**, a GLTN partner in the United Kingdom, has found that in theory, Muslim women enjoy extensive rights to acquire, possess, manage, enjoy and alienate property in their own name. They possess independent legal rights to land and property, without restrictions. But under Islamic inheritance rules, women usually get half of what a similarly positioned male receives. Because the inheritance rules are derived from the Qur'an, they are seen as sacred. For this reason, legal reform has bypassed them.

GLTN has been building knowledge on compensatory schemes that ensure Muslim women's access to all their property rights. Such a scheme could provide them equal property rights to men. GLTN's Islamic training package has sessions and case studies on Muslim women's property rights, inheritance and gender dimensions in other property dimensions. Several GLTN events, including a side-event at the Commission on Sustainable Development in 2008 and UN-Habitat's Governing Council in 2011, have addressed the property rights of Muslim women. GLTN's gender evaluation criteria (see main text) and other outputs are potentially capable of mainstreaming gender into land issues in Muslim communities.

More information: Sait and Lim (2006).

and property in cities. It aims to serve as a tool for policymakers at the national, local and indigenous government levels who are responsible for promoting a human rights framework to protect the land, security of tenure and property rights of indigenous peoples. This guide highlights the unique challenges facing indigenous women, children and youth, people with disabilities, elders and sexual minorities, in the context of urbanization, migration and urban expansion. It looks at key areas of concern: dispossession of land, forced eviction and displacement caused by development, lack of recognition of indigenous land-tenure systems, environmental concerns (including climate change and natural disasters), economic factors, and armed conflict.

This policy guide can also be used to raise awareness about the land and property rights of indigenous peoples in urban areas. It provides the underlying principles on how to ensure such rights, as well as recommendations for national, local and indigenous governments.

AGE DIMENSIONS OF INEQUALITY

Land laws, policies and tools focus almost exclusively on adults. They tend to ignore the rights and development needs of the majority of the world's population – children and young people, as well as the elderly. There are currently 1.2 billion youth in the world, the largest number ever to have existed. It is estimated that as many as 60 per cent of all urban dwellers will be under 18 by the year 2030 (UN-Habitat 2012d).

BOX 21. ASSESSING THE IMPACT OF LAND CERTIFICATIONS ON WOMEN IN ETHIOPIA

GLTN commissioned research in two of the regional states of **Ethiopia** (Oromiya, and the Southern Nations, Nationalities and Peoples) to study the **impacts of land registration and certification**, which have been implemented there since 2004 (see also Box 13). In the Southern region, rights to land were based on inheritance through the male line and the father's place of residence. The reforms included the joint certification of land in the names of husbands and wives.

The GLTN study looked at how these changes had affected women, and recommended ways to strengthen women's land rights further by improving the quality of the land reform. Key findings of the study are the following:

When the land laws were first introduced in the two states in 2002 and 2003, they stated that the husband could have his name on only one certificate. But resistance to this provision resulted in a change: certificates could be issued jointly to the husband and his wives, or the husband's name could be included below the name of his second and subsequent wives, while his name could come

first on the certificate with his first wife.

In southern Ethiopia, the reform has contributed to increased perceptions of tenure security for both women and men.

The research showed that the land registration and certification has been wealth-neutral in its implementation. Poorer households have had the same probability of receiving land certificates as less-poor households. This in itself is a big step in the right direction as compared to many reforms in other countries that have been de facto anti-poor. The de jure changes in land proclamations have been pro-poor in the sense that they have strengthened the land rights of women who are among the poorest (due to inequitable distribution of rights within households). The law is also pro-poor in the sense that the family's consent is required before the head of the household can rent out land, and in relation to inheritance, as priority should be given to family members who depend on the land for their livelihoods.

More information: World Bank (2011), Holden and Tefera (2008)

Dramatic shifts are also occurring with increasing life expectancy, smaller family sizes and changing household structures. These changes call for an increased policy focus on older people as well as the young.

There are big differences in how the young and the old are treated in terms of land rights and housing conditions. That is no surprise: after all, our expectations on what the young and old can do are coloured by culture, economics and politics (just as is the case for gender). That makes for variations from place to place, among different

classes, ethnic groups and income levels, and between boys and girls (and elderly men and women).

The Global Land Tool Network has carried out a scoping study (UN-Habitat 2011f) and engaged with youth representatives and other stakeholders to guide the work on youth and land. Many organizations (including UN-Habitat) regard people between the ages of 14 and 35 as "youth". Relationships between this group and land are not well understood, and rights to land are generally considered an adult privilege.

The conventional idea has been that an approach based on “land rights for all” would eventually lead to better rights for youth. But young people face considerable obstacles in accessing land in both formal and customary systems. A clearer focus on youth land issues is necessary: it empowers youth during their transition to responsible adult roles, and can break the cycle of poverty.

The University of East London and UN-Habitat have been leading GLTN’s work on youth and land so far. Dialogue with young men and women involved in youth issues in different parts of the world has highlighted distinctive needs and ideas on partnership towards improved land security. The principle is now widely accepted that we must not merely work *for* youth, but also *with* youth as partners. Youth are not only potential beneficiaries, but also designers, evaluators and drivers of tool development. It is clear that multi-stakeholder approaches also need to include youth.

Despite a few successes at local or city level, youth have not been fully or consistently engaged in land governance or decision making in any region or country. GLTN is currently exploring how to most effectively engage in this area. An expert-group meeting on this theme was held in Norway in January 2012 in collaboration with the Norwegian University of Life Sciences and the University of East London (GLTN forthcoming).

NEXT STEPS IN ADDRESSING INEQUALITY

Gender mainstreaming. GLTN has made notable progress in addressing inequalities, particularly related to gender. But as is frequently the case with mainstreaming gender, it takes time to change deeply-rooted beliefs and practices. More work is needed to ensure that land activities are consistently integrating a gender perspective. This remains a challenge within many GLTN partners and for the Network itself. Future activities on gender include integrating the gender lens in all stages of tool development: design, implementation, monitoring and evaluation.

Capacity development. More focus will be given to developing capacity for GLTN partners to more effectively integrate gender aspects in their work and for grassroots groups working on gender issues to discuss and negotiate on technical land issues (see Chapter 6). The Network has already produced and piloted a number of effective training products on gender and land, and further dissemination of these will also be prioritized. Training-of-trainers will be a method to do so, as well as to utilize individual partner’s channels. Research will also continue on current trends in gender to recognize the heterogeneity of women and men (for example based on age, race, ethnicity, religion and marital status), and to identify specific bottlenecks and opportunities.

Youth. In line with the United Nations Secretary-General’s call for more focus on youth, GLTN will continue to explore the relationship between youth and land. This

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includes research (ideally by young people themselves) on youth dimensions of land, such as inheritance, rental housing, public space, or the links between land and income generation.

As key beneficiaries and users, of land tools such as the Social Tenure Domain Model, more explicit recognition of young people as change agents will also be made. GLTN's products will be adapted to more youth-oriented language, and space will be created for young people to actively participate in land tool development and GLTN events. Several GLTN partners already have specific youth networks, which will be utilized.

Other age dimensions. Work on other areas of inequality may include exploring other age dimensions, such as the specific

land requirements of older people, and the relationships between age, gender and land, such as the land rights of girls, widows and older women.

Indigenous peoples. There is also a need to ensure that indigenous people's perspectives are built into land tools. Further research may look at how to mitigate insecurity of tenure for indigenous peoples, including in urbanizing areas and after conflicts.

Tenure vulnerabilities. To effectively address inequality, research and tool development may also explore factors creating particular tenure vulnerabilities such as the impact of disease, disaster, conflict, migration, disability or family disruption.



Youth finding a space to play in Ulaanbaatar, Mongolia
Photo © UN-Habitat/Åsa Jonsson



Training on mapping in Orissa, India
Photo © Slum/Shack Dwellers International

5

STRENGTHENING THE ROLE OF GRASSROOTS COMMUNITIES

Land interventions are often based on an exclusive, top-down approach. They fail to involve the grassroots communities that they are meant to serve. Implementation is also often top-down. Grassroots communities play a purely passive role: they are seen as objects of data gathering, and later as beneficiaries.

But this is one of the major reasons that land policies remain so poorly implemented, and why implementation tools are often so ineffective. Excluding the grassroots leads to legislation, policies and tools that are not well designed, difficult to implement, and not representative of the real needs and interests of those they are supposed to benefit. Failure to allow for grassroots involvement in processes of implementation and management often means that these processes fail.

Active grassroots involvement in land administration and management is necessary for the following reasons:

- **Pro-poor means demand-driven.** If land policies and tools are to address the real needs and priorities of the poor, it is essential that people with low income, grassroots women and men be actively involved in defining these needs and priorities, and in designing the land policies and tools to be implemented.
- **Grassroots communities can provide essential information.** Using tools such as self-enumeration or participatory mapping, grassroots communities can generate and provide information on issues such as demographics, social and economic conditions, natural resources, and informal tenure systems that are a necessary basis for successful tool design and implementation, and that can otherwise be very difficult and expensive for government agencies to acquire.
- **Grassroots communities can mobilize time and resources.** Where policies and tools are seen as legitimate and potentially effective in addressing their needs, grassroots communities will be willing and able to contribute time and resources, including financial resources, to implementation processes such as land regularization and slum upgrading, helping overcome cost bottlenecks.
- **Implementation often depends on uptake by the grassroots.** Policies and tools often create opportunities for grassroots communities, such as to register land tenure or participate in planning processes. Where communities remain unaware of these opportunities, or lack the capacity to make use of them, implementation will falter.

These are the reasons why GLTN has, from the outset, emphasized the importance of grassroots involvement in land administration and management.

NOT ABOUT US WITHOUT US

GLTN has focused its work on five themes (Table 1), but it also recognizes that some issues cut across all of these areas. Grassroots participation is one of these. There is a space and need for grassroots participation in the design and implementation of all tools that GLTN works on, from across the five thematic areas.

For this reason, grassroots communities have been involved with GLTN partners in the development of various tools, such as the Social Tenure Domain Model and participatory enumeration (Chapter 3), and the gender evaluation criteria (Chapter 4). Grassroots organizations have played a role both in advising design and in piloting these tools. However, GLTN has also pursued activities specifically directed at strengthening the involvement of grassroots communities in land administration and management.

GLTN's work on grassroots participation has been based on collaboration between a number of partners that have grassroots organizations as members. The Centre on Housing Rights and Evictions, Hakijamii Trust, Huairou Commission and Slum/Shack Dwellers International were involved from the beginning, and were joined later by the International Land Coalition. Other GLTN partners, such as the International Federation of Surveyors, have also been

involved in supporting the Network's grassroots work.

The role of the grassroots in GLTN was first discussed in a workshop in Oslo in March 2006. The partners then came together in 2007 to develop GLTN's strategy for working with the grassroots. The main outcome of this meeting was the report *Not about us without us: Working with grassroots organizations in the land field* (UN-Habitat 2007c). This report proposes four functions for GLTN's strategy for working with the grassroots:

- Ensuring grassroots participation in large-scale land tool development.
- Scaling up community-led initiatives.
- Strengthening the capacity of the grassroots to engage in land administration and land management.
- Promoting grassroots participation approaches amongst GLTN partners.

Not about us without us defines grassroots participation as "a planned process whereby local groups are clarifying and expressing their own needs and objectives and taking collective action to meet them."

As a step towards ensuring grassroots participation in the design and implementation of large-scale land tools, the report sets out criteria for assessing the extent and quality of grassroots participation in tool implementation (Box 22). These criteria were developed based on case study analysis of a number of large-scale landpolicy implementation processes that

BOX 22. CRITERIA FOR ASSESSING AND PROMOTING GRASSROOTS PARTICIPATION IN LARGE-SCALE LAND TOOLS

Land tool development should be evaluated according to whether it:

- Gives sufficient control to grassroots participants.
- Builds on existing networks, community processes, customs and norms.
- Initiates new networks to include the most marginalized groups.
- Focuses on community strengths and land systems.
- Uses representative mechanisms as processes are scaled up.
- Is clear on objectives.
- Contains effective information strategies.
- Meets immediate needs and resources to avoid participation fatigue.
- Invests in capacity of grassroots participation at an early stage.
- Addresses need for political support and social transformation.
- Adopts minimum standards for participation process.
- Contains accountability for participation and includes dispute resolution.

More information: UN-Habitat (2007c).

have sought to give grassroots communities an active role.

GLTN has so far focused on understanding the most effective ways to scaling up community-led initiatives. The grassroots cluster of partners met again in 2009 to decide how GLTN could support efforts by grassroots groups to expand their engagement in land administration and management. This led to the selection of four pilot projects for support in 2010. Financial and in-kind support for these projects came from GLTN core funds and from the International Land Coalition, the Huairou Commission and Slum/Shack Dwellers International as partners, and drew on large voluntary inputs of time by grassroots community members. While these *grassroots pilot projects*, described below, were conceived as interventions to assist grassroots groups to scale up their

approaches, it became clear that the different functions proposed for GLTN's grassroots work are interconnected. In seeking to scale up, all the projects worked to develop the capacity of grassroots communities to engage in large-scale land administration and management processes, and sought to promote grassroots participation within these processes, and engaging with government actors at different levels.

MEANINGFUL ENGAGEMENT

The grassroots pilot projects have revealed some of the common challenges faced by grassroots communities as they try to strengthen their participation and influence within land administration and management processes. It is possible to group many of these challenges into three key areas.

MANY DEGREES OF PARTICIPATION

There are many degrees of participation, ranging from tokenistic processes, simply informing, consulting to some form of shared decision-making or even the delegation of significant decisions. Thus participation may be manipulative in seeking to placate or diffuse opposition, extractive in seeking information whilst reserving decision-making powers, or may be empowering. State actors under pressure to achieve implementation targets may be under pressure to instrumentalize and “water down” participation to extract information or “achieve buy-in”. Grassroots actors too may instrumentalize participation, tactically withholding or distorting information (such as, hiding taxable assets or exaggerating need) in an attempt to influence outcomes. In both cases, the value of participation is reduced. Participatory processes should therefore not be seen as a quick fix. They rather long-term relationships that need to be well managed to strengthen communities’ land rights.

MANAGING COMPETING INTERESTS

Meaningful engagement between communities and government inevitably means that community interests must encounter other vested interests, such as big land owners. Such conflicts cannot always be surmounted, and there is a need to look for political windows of opportunity, and to take best advantage of these by building political support, particularly through networking and alliance-building, as well as through the mobilization of popular support. Communities may seek links with political representatives and parties, they may seek to strengthen horizontal

links between communities to build social movement organizations, and they may seek to build alliances with other political and social actors such as NGOs, religious institutions, academia, media, international organizations and donors.

RECONCILING LOCAL AND TECHNICAL KNOWLEDGE

Grassroots groups can provide information that government authorities need, yet often the value of this information is not recognized because it does not match the technical standards of land professionals, for example in geo-referencing accuracy. At the same time, government authorities hold information that communities may need, such as maps, planning documents or the texts of legislation and implementation guidelines. Yet this information may not be widely accessible nor meet grassroots standards of comprehensibility (for example, by using technical or non-local language). This can be a barrier to effective participation, and particularly to informed consent. Bridging the gap between local and technical knowledge may involve efforts to make information more accessible, to build the confidence or technical specialists in the value of local knowledge, and to build the capacity of communities to produce information at an improved technical level, for example through participatory enumerations or mapping.

FOUR GRASSROOTS PILOT PROJECTS

The four grassroots pilot projects were implemented in 2010-2011, and are now the basis of further learning on the role that grassroots groups can play within land administration and management

processes. These findings were shared at a debriefing meeting by all involved partners in November 2011. The four projects are described below:

- Community-led disaster mitigation in Lima, Peru.
- Empowering grassroots women in Tanzania.
- Community-based forest management as an alternative to titling in the Philippines.
- Scaling up participatory mapping to citywide level in India.

COMMUNITY-LED DISASTER MITIGATION IN LIMA, PERU

Informal settlements in Lima, Peru, are exposed to various natural hazards, including earthquakes, landslides and flooding. The vulnerability of these settlements is compounded by factors such as poor quality and unplanned housing, lack of risk awareness and readiness among communities, and a lack of structural remedial measures such as retaining walls. Another factor compounding the problems of many of these communities is their lack of secure tenure.

Solving or mitigating these problems is not an easy matter. Some communities may be in high-risk locations where the only recommendable solution is relocation. In others, however, a number of measures can be taken to mitigate risks. Some measures can be taken by community members

themselves if they are aware and organized, such as ensuring that garbage does not block river courses, that escape and evacuation routes are clear, and that plans are made for households where children are left alone during the day. Other measures are largely beyond the capacities of communities and require government support, such as slope reforestation, or building retaining walls and river-bank defences.

Government programmes do exist for risk reduction. Funds for risk mitigation should in theory be provided by municipal authorities, with the National Institute of Civil Defence (Instituto Nacional de Defensa Civil) playing a technical role in assessing risks and recommending remedial measures. The involvement of this institute and the implementation of risk-mitigation measures are the first stage in the process of formalizing tenure under the Commission for the Formalization of Informal Property (Organismo de Formalización de la Propiedad Informal, COFOPRI), which is responsible for the national titling program.

However, these agencies have insufficient capacity in a city of 8 million people. Funding is also a critical bottleneck. Communities are in theory able to influence municipal spending through participatory budgeting under the “framework law on participatory budgeting”, but this has not been envisaged to cover risk mitigation measures. The agencies involved in the process also have a top-down and technocratic approach that does not respond well to the needs of communities. The communities themselves lack awareness of the risks they face, of the measures that can be taken, and of their

rights and the opportunities that are created by the legislative and institutional context.

It was in this context that the Huairou Commission and UN-Habitat as GLTN partners supported GROOTS Peru, a Huairou Commission member made up of several grassroots women's organizations.¹ The aim of the project was to support, help scale-up, and begin to learn from the work of GROOTS Peru in promoting community planning and accountable governance in Lima.

The project works like this: the members of GROOTS Peru couple awareness-raising strategies with practical training to empower communities in Lima. Volunteers from the community conduct a participatory assessment by mapping community resources, capacities, vulnerabilities and risks. This forms the basis for negotiations with local authorities and the development of a community risk-prevention plan that fits with existing local area planning. This plan in turn guides collective action by the community, both in addressing problems internally (e.g., maintaining evacuation plans or keeping escape routes clear), and in conducting advocacy and discussions with municipal and national authorities through a series of local-to-local dialogues.

This process is driven by community leaders. It aims to engage with local authorities and channel resources to implement the action plans to prevent and manage risks.

¹ *Mujeres Unidas para un Pueblo Mejor, National Federation of Women Organized for Life and Integral Development (CONAMOVIDI), Network of Women Organizing East Lima (REDMUORLE), Bancos Comunes and Servicio Educativos El Augsutino (SEA). These grassroots organizations worked in collaboration with Estrategia and the Lima and Callao Neighbourhoods Federation (FOVELIC).*

Training also focuses on the obstacles to the formalization of settlements, and on how to improve tenure security for women and the community as a whole.

One community where this process was implemented is Vista Alegre, in the San Martín de Porres district of Lima. The settlement has a population of 250 families, located on a rocky slope at risk of landslides. The situation is worsened by poverty – the housing is very poorly constructed, and residents do not have water supply, sanitation, or close access to schools and health-care facilities. To make matters worse, the community lives under threat of eviction following the sale of the land by the state to a private developer. Having lived there for over 20 years, the community is seeking to acquire the land through a court process.

Another community involved in the process, called Paraiso, lies in the floodplain of the Rimac River in the Chaclacayo district of Lima. Established in 1987 by 8 families, the settlement has grown to 19 families and a population of 100 people. Although the municipality recognized the settlement as a neighbourhood in 1995, residents have struggled to obtain basic services, getting water only in 2007.

In both communities, training was provided on natural hazards and their linkage to eviction issues. Grassroots groups conducted community mapping and developed risk-prevention plans. The communities created risk-management committees to carry forward these proposals, represent residents in negotiations with the local authorities, and press for allocations for community plans in the municipal budget.

In Paraiso, for instance, the risk-management committee suggested building a retaining wall to protect the settlement from flooding. A representative presented this proposal to the Municipal Assembly, a forum of civil society and 42 mayors that allocates a budget for community development in metropolitan Lima. As Paraiso already has basic services, its main priority is to implement and monitor the risk-prevention plan. That should enhance the community's capacity to avoid flooding, improve public safety, and remove obstacles to formalizing tenure rights.

More information: GLTN (2012b), Servicios Educativos El Agustino (2011, 2012).

EMPOWERING GRASSROOTS WOMEN IN TANZANIA

The Tanzanian Village Land Act of 1999 seeks to give customary rights of land occupancy equal legal standing to statutory rights of occupancy. It sets out procedures for the management and administration of "village land" under customary tenure. As well as seeking to protect the occupancy rights of land users within customary regimes, it also contains provisions to promote and protect the rights of women within these regimes. It provides for both men and women to be registered as land owners, either together or separately, and promotes gender-balanced representation on local land-related decision-making bodies.

The Global Land Tool Network supported the work of the Maasai Women Development Organization, a member of the Huairou Commission, to capitalize upon the opportunities provided by this law. The

Act creates opportunities both for Maasai communities as a whole to enhance their communal security of tenure in the face of competing demands for land in the Arusha and Manyara areas of Tanzania. It also enables women to enhance their security of tenure over land, and thus their economic and political status within these communities.

Despite the law, however, Maasai women are marginalized in terms of decision-making and denied their rights to land and property. Effective implementation of the Act is limited, particularly among the Maasai who, as pastoralists, do not have a long tradition of land rights at the village or household level. Provisions supporting the rights of women, in particular, lack effective implementation, and women are effectively excluded from village, ward and district development plans. This situation is attributed to many factors: cultural attitudes, a lack of the required knowledge and skills, disempowerment, low literacy levels, as well as poor knowledge of their legal rights and prescribed procedures.

As part of its work to improve the women's livelihoods, the Maasai Women Development Organization facilitates the certification of village lands in a way that expressly defines the rights of women, and not solely those of men. It fosters women leaders and promotes women's participation in village governance. The idea behind its approach is that if women know their rights, they will be empowered to change their living situation. That will benefit them as well as their households and community as a whole.

The approach has eight steps:

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- Supporting the organization of women's groups within the umbrella of the Pastoralist Women's Forum.
- Training on the Village Land Act and land administration processes for women's groups.
- Training on leadership skills for women's groups.
- Awareness-raising activities within the community on women's rights to land, e.g., on women's rights to representation within village decision-making bodies.
- Local-to-local dialogues between women's groups and local officials and government authorities on a range of development issues (UN-Habitat and Huairou Commission 2004).
- Support in preparing applications for land under the Village Land Act.
- Facilitating plot demarcation with group members and the district land officer.
- Ensuring that land documents are safely stored.

The organization of women's groups forms the starting point to give the women confidence by acting together. Men are more ready to accept their actions when women act in a group, rather than as individuals. The approach is also much more than helping women to apply for land: the groups' awareness-raising and dialogue activities aim to inform and change the attitudes of communities as a whole, of community leaders, and of land officials up to the district level.

In this pilot, the Maasai Women Development Organization worked with 500 women and 250 men in ten villages, and helped some 850 women to gain individual and collective land allocations. This demonstrates the village land committees' effective negotiation and monitoring process. It has also been a learning opportunity: a way for the organization to investigate obstacles to implementing the Village Land Act, and to ensure it is gender-responsive. That will guide its strategies in the future.

One difficulty is resistance by husbands and male community leaders to women's applications for land. Progress on this front has been made by explicitly including men in the process at an early stage to build their support, and by raising awareness on gender issues. But instances of discrimination continue. That underlines the need to ensure that both men and women see the benefits for households and communities.

Another difficulty is that community leaders do not understand the Village Land Act, even though they are supposed to implement it. Educating them about the Act also needs to be part of the approach.

A lack of the right paperwork is another problem. In many places, village officials do not have the correct forms and certificates. In other cases, letters and meeting minutes have been used as (legally acceptable) documentation of occupancy rights – but many officials do not know that this is possible. Plus, some villages and districts do not keep land registries. The Maasai Women Development Organization has supplied some village officials with forms from the district office, and works with the

Pastoralist Women's Forums to advocate for land registries to be established.

Many villages in the area do not have a certificate of village land issued by the Land Commissioner. Without this, land allocations within the village have no legal standing. Some village councils are also reluctant to allocate land before the village land-use plan is completed, as envisioned by the Land Use Planning Act of 2007. That implies a strategic need to ensure that village lands as a whole are secured, and that village land-use planning takes place and adequately reflects the needs of women.

While Tanzania has a legal framework and land administration which could facilitate access to land for Maasai women, a number of obstacles need to be overcome. Communities need to be empowered with knowledge on the law and how the land administration system works. They need to be in a position to put pressure on the government systems which create plans and undertake land certification.

More information: GLTN (2012b), Maasai Women Development Organisation (2011 and 2012).

COMMUNITY FORESTS AS AN ALTERNATIVE TO TITLING IN THE PHILIPPINES

Attempts by indigenous communities in the Philippines to secure title to customary lands has so far focused on applications for Certificates of Ancestral Domain Titles. But the process of allocating these certificates has stalled, in part due to the high costs of surveying the land. At the same time,

commercial pressure on customary territories is increasing.

Task Force Mapalad is a national federation of farmers, farm workers and individuals working for agrarian reform and rural development. It sees "community-based forest management" agreements as an alternative, interim way to secure indigenous land tenure rights. These agreements are for a term of 25 years, renewable for another 25, and do not prejudice the consideration of on-going applications for an ancestral domain title. Applications for a forest-management agreement also face severe face bottlenecks, but the NGO thinks they are likely to be approved more quickly.

The obstacles are numerous, however. To apply for a forest-management agreement, a community must form a legally constituted organization, get endorsements at the *barangay* (ward) and municipal levels, do a perimeter survey, and get endorsements from no less than five national agencies. Applications are further hindered by the lack of organizational and legal capacity among communities that could benefit, and vested interests that often thwart endorsements. The net result is that applications may never be made, or that they may become mired in local politics.

Surveying is a key bottleneck, as are problems with overlapping departmental responsibilities and tenure instruments that can delay applications at the national level. Applications get referred back and forth between agencies, stalling the approval process.

Task Force Mapalad's project, which was supported by the International Land

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Coalition (a GLTN partner) aimed to find ways to unblock the forestry-management applications. Key elements are:

- Capacity building focusing on paralegal training and local-level organization. The primary target groups are key members of community-based organizations. The government is involved at an early stage: for example, Department of Environment and Natural Resources officials assist in the paralegal training.
- Support for forming an organization to make the application. Often multiple organizations exist, requiring dialogue on how to merge and formalize these.
- Networking and dialogue with key local stakeholders, including local and central government officials, and influential local figures. This requires knowledge of networks and informal patterns of influence, which are unique to each locality.
- Local and national-level advocacy by applicant communities to help mobilize political will for endorsements and to overcome vested interests (applicants are also voters).

These methods help overcome barriers at the local level. The project also engages with national government agencies. Task Force Mapalad was involved in forming the National Task Force on Public Lands to promote coordination between agencies in dealing with forest-management and related applications. The NGO was sceptical at first, fearing a delaying tactic, and called for a public dialogue on the terms of reference of this task force. This dialogue led

to the formation of the National Task Force with the NGO as a member, along with several national government agencies. The Department of Environment and Natural Resources has also committed to fund one survey per month for applications backed by the NGO.

Although applying for the forest management agreements is still a lengthy and difficult process, significant progress has been made in the two years since implementation began. Ten applications have been supported, covering 19,577 hectares and 4,583 individual applicants. Of these, ten have been endorsed at the local level, four have been surveyed, and three have received national endorsements.

From Task Force Mapalad's perspective, the point of the pilot is not mainly to test community-based forest management as an interim alternative to the certificates of ancestral domain titles. Rather, it is to develop and test an approach for facilitating the approval of various types of collective tenure instruments – not just for forest management.

The project has shown that organizations like Task Force Mapalad can play an important role in building capacity and in facilitating local consensus to unblock decentralized land administration and to enable communities to use the tenure regularization options available. It also reveals how such organizations can explore obstacles to policy implementation by engaging in implementation processes – so enabling them to engage constructively and effectively in policy dialogue.

This work has shown the importance of empowering communities with legal and technical knowledge. Engaging directly with and influencing government systems are key to the delivery of security of tenure.

More information: www.tfmnational.org/tfm, GLTN (2012a).

SCALING UP PARTICIPATORY MAPPING TO CITYWIDE LEVEL IN INDIA

In 2009 the Indian government unveiled a scheme for urban development and slum rehabilitation, known as Rajiv Awas Yojana. This was designed as a participatory way to create city-development plans, including plans for upgrading and tenure security of all slums.

In early 2010, technical guidelines were issued to cities for generating “slum-free city plans” as a prerequisite for receiving funds from the scheme. The idea was that working at a city scale would force municipalities to find solutions for those slums that have the most serious problems, rather than prioritizing better-off slums for which tenure security is not a issue.

However, the scheme’s technical requirements are unwieldy. The technical guidelines say that the city-wide slum maps should be based on remote sensing, and an in-depth household-level survey should generate socio-economic data to use in planning. But this methodology is expensive and inaccurate: it requires massive investment in surveying, produces data that are out of date by the time upgrading is implemented, and excludes slum communities from the data-gathering and decision-making

process. Plus, the guidelines assume that slums are “static” – so data gathered at a specific moment is frozen and forms the basis of all state intervention. In reality, slums grow, households move and multiply, and databases change. Basing state intervention on outdated data could distort all planning, leading to “non-starter” projects. All this threatens to exclude communities and civil society organizations from participating in planning and decision-making. The technical requirements could become a pretext for excluding these stakeholders.

These are some of the criticisms levelled by an Alliance composed of the Society for the Promotion of Area Resource Centres (an NGO based in Mumbai), the National Slum Dwellers Federation, and Mahila Milan (a social movement of slum and pavement dwellers and women’s savings groups). This Alliance has more than 20 years of experience promoting alternative approaches to implementing urban policies in India. It works with the government as a critical partner, using a combination of community-based action, experimentation and precedent-setting. That forces discussion and negotiation with the government along the blurry edges of the policy in question.

The Alliance has developed a proactive approach to reinterpret the Rajiv Awas Yojana guidelines in a pro-poor way. It involves the urban poor as both participants and decision-makers. The Alliance has piloted a phased approach that is more accessible for NGOs and communities. This approach begins with members of the National Slum Dwellers Federation and Mahila Milan mapping the boundaries of all slum settlements in the city using a

cheap, hand-held global positioning system device and freely available internet-based maps. At the same time, they collect overall community data for each slum. A city slum map and database are then created using open-source geographical information system software. The Alliance reasons that such maps are enough for developing a slum-free city plan and the accessing of funding under the Rajiv Awas Yojana scheme. It says that more detailed surveys are necessary only in specific slums selected for upgrading.

Through the process the Alliance has sought to challenge the practice of consultant-driven data collection and management. This completely negates the participation of poor communities in collecting information to use in planning, project design and implementation.

Slum/Shack Dwellers International and UN-Habitat (as GLTN partners) have provided financial and technical support to the Alliance in the mapping of 340 informal settlements in Cuttack, a large city in the eastern state of Orissa.

The project has been an important influence on the scheme's official implementation approach in Cuttack and elsewhere in India. There are also useful lessons internationally. At the end of the survey, the local federations had discovered almost 70 more slums than the official number, and use this as a tool for dialogue with the municipality to carry out joint verification. In April 2011, the Alliance was selected through a tendering process to carry out the slum surveys in Cuttack. A GIS tender was also released at the same

time for which NGOs were not eligible. The Alliance continues to oppose these restrictions as exclusionary.

At the national level, the Alliance has been effective in building support for the role of NGOs and community organizations in surveying, database creation and planning under RAY. However, the challenge still remains in balancing the need for municipalities and states to produce data quickly and still engage local communities.

Efforts are now being made by the Alliance to expand the Cuttack experience to other cities by connecting with networks of other NGOs and setting up exchanges between Federation members and other communities, local governments and civil society. The aim of the Alliance is to continue to demonstrate successes such as in Cuttack.

More information: GLTN (2012a), www.sparcindia.org

NEXT STEPS IN PROMOTING GRASSROOTS PARTICIPATION

The pilot projects have been valuable both in supporting grassroots engagement in land policy implementation, and in learning about the role and the need for grassroots participation in this area (Box 32). Looking forward, the challenge for GLTN is to integrate these lessons in its work without losing its specific emphasis on grassroots participation.

Building relationships. In the medium term, GLTN will aim to identify spaces for

BOX 23. LESSONS FROM GRASSROOTS PARTICIPATION

These pilot projects allow us to identify some key lessons for promoting and strengthening the role of grassroots organizations in land administration and management.

Demand for effective, pro-poor policy implementation needs to come from the grassroots, otherwise it may not happen.

Grassroots mobilization and advocacy can be critical in unblocking stalled but potentially pro-poor policies and laws by generating political will, overcoming local vested interests, and making sure that implementing authorities respond to the priorities of grassroots communities.

Grassroots communities can contribute information that is essential for effective implementation, including insider information about informal settlements, local natural resources and customary tenure systems, information that is difficult, if not impossible, for outsiders to obtain without genuine collaboration with communities.

Grassroots communities can contribute time and resources to implementation, including significant investments of time in mapping and surveying processes.

Grassroots organizations are the foundation of effective engagement in land administration and management processes. All of the projects built upon and invested heavily in strengthening community-based organizations. This is essential to give community members the capacity and common voice necessary for effective and critical engagement and negotiation at local, municipal and higher levels. Because many of the organizations were led by women, the idea of women's empowerment is also supported.

By engaging with implementation processes, grassroots organizations gain an ability to critically inform policy-making

at the highest levels. Engagement in implementation is always a learning experience. It allows grassroots-based organizations to go beyond advocacy based on simple demands, to interact critically and constructively on policy formulation and the formulation of implementation guidelines, including on technical issues. Another good example of this is the use of the gender evaluation criteria in Ponto do Maduro, Brazil (Box 18).

It is complex for grassroots organizations to go to scale within the land administration environment because of the inflexible nature of government institutions.

Empowering grassroots with knowledge about how law and land administration systems work is critical for successful engagement by grassroots with government land administration.

Formal land administration systems are a serious block to grassroots upscaling because of their inflexibility, weak capacity, and exclusionary legal and technical standards.

NGOs and community organizations have to commit extensive political capital and human resources to engage in this arena of securing land tenure.

NGOs and community organizations need to increase their knowledge in land administration and law to improve their negotiating power.

There are numerous risks. Local cases may be blocked by national policies or weaknesses in policy implementation. The dominance of high-tech and legal top-down approaches has to be combated with practical technical and legal alternatives. Because vested interests in this area are very strong, there is often too little space for NGO or grassroots engagement without very high levels of grassroots mobilization.

cross-fertilization of ideas and building of relationships between grassroots and technical partners such as land surveyors. This will be critical as the Network continues to strengthen dialogue across stakeholder groups in land tool development.

Developing capacity for meaningful engagement. GLTN will continue to reconcile local and technical knowledge through different capacity development efforts. This will include building the competencies of technical land specialists to more effectively listen and communicate with grassroots groups. In parallel, efforts will go on to build more technical land knowledge for grassroots to articulate their needs.

Documenting experience. The Network will also continue to document experiences in grassroots participation, including its tests of the Social Tenure Domain Model

(Chapter 3) and the gender evaluation criteria (Chapter 4) with grassroots organizations. The lessons coming out of such documentation will be shared in various ways, such as grassroots group exchanges and by promoting effective grassroots participation with governments and development partners in different forums.

Scaling up. There is clear untapped potential for constructive engagement between formal structures and grassroots communities for delivering land-related interventions that are cost-effective and large scale, and that reach those who need them. But realizing this potential to the full requires scaling up beyond the pilot initiatives. GLTN's role is to continue to act as a catalyst, share lessons, develop capacity, provide seed-funding and build confidence among stakeholders from different sectors towards this goal.



Land rights ritual in the Philippines
Photo © Task Force Mapalad

Matrix Task Analysis. Transparency in Land Administration

First steps in the development of a training course
 Photo © UN-Habitat/Åsa Jonsson

	Improve access to information Disclosure	Enhance public participation	Promote professional and...
Land Policy Land legislation	<ul style="list-style-type: none"> - Translate to local lang - C.B. of local authority - awareness of C.S. - Website Creation - GAO Kiosks - Help Desk - Freedom of info bill - ^{ICT} public media 	<ul style="list-style-type: none"> Consultations on drafts Incorporation of views Voices of the marginalised 	<ul style="list-style-type: none"> - Provide J.A. Party... - Land Policy... - Establish... - Strengthen... - Strengthen... - Strengthen...
Land Legislation & ADMIN PROCEDURE	<ul style="list-style-type: none"> - Computerizat - Decentralization of L.A. - Feed-back and evaluation - Anticorrupt local person (tel) - Publication of app. letters on internet & media 	<ul style="list-style-type: none"> Identify & publicize devolution / decentral² elections representation quotas role definition rationalisation / integrate 	<ul style="list-style-type: none"> - ... - ... - ...
Land Information Systems	<ul style="list-style-type: none"> - Digital and SDI embedd - Meta data; web-based decal - Mechanism for backup - Constant update - Transaction (tr) mechan. - parcel-based - decentralized and distribu. 	<ul style="list-style-type: none"> Accessible to lowest Approp/relevant technol for dissemination Inclusive information capture 	<ul style="list-style-type: none"> - ... - ... - ...
Implementation and Financing	<ul style="list-style-type: none"> - Low access charge - % of cost of land 	<ul style="list-style-type: none"> Simplify report receive feedback Client committees participatory planning budgetting joint priority setting revenue generating at local level 	<ul style="list-style-type: none"> - Ensure allocation line M - Establish... - ... - ...
Dispute resolution and Conflict Management	<ul style="list-style-type: none"> - decentralized disp Au. - Publicize disputes - publicize resolved case - best practices for dispute resolution. 	<ul style="list-style-type: none"> Identify & publicize procedures forums for negotiations integrate traditional procedures localise rules, rights, obligat² community involvement in enforcement mechanisms 	<ul style="list-style-type: none"> - Simplify... - ... - ...

6

FROM TRAINING TO CAPACITY DEVELOPMENT

GLTN was formed in response to significant capacity gaps in the land sector. There is a shortfall in both the quality and quantity of capacity needed to make land tools work. For example, technical training that land institutions typically offer invariably fails to relate to the complex socio-political realities on the ground. On the other hand, the impact of important land rights work by civil society and grassroots groups, often using a more social and political approach, tends to be constrained by limited technical capacity.

An important shift in emphasis is underway in capacity development, which calls for more inclusive, better integrated and multi-dimensional capacity interventions. To achieve sustained, transformational change, rethinking on innovative capacity-development strategies to support land rights will be pivotal. Capacity development is required to scale up good practices, to develop and pilot new tools, to strengthen land-related institutions and organizations, and to enhance the skills of key actors in the land sector.

What is being demanded of GLTN is facilitation of more “hard” technical skills into “softer” non-technical approaches – and vice-versa, strengthening “soft” governance components in technical training. In addition, pro-poor and gendered

land tools aimed at improving security of tenure at scale cannot be implemented without good governance, sustained political will and institutional support. A weak land governance framework simply enables the powerful to dominate the competition for scarce land resources. Capacity is needed not only to formulate sound policies, laws and programmes, but also to implement them effectively. Without effective land administration and management, land access and security of the poor, women and marginalized groups are at risk. Without a citizenry aware of its rights and obligations, good governance and accountability are jeopardized. Capacity development to improve land governance requires an exchange of knowledge, skills and attitudes. It is about increased individual competence as well as the capacity of organizations and groups to analyse and negotiate political and structural dynamics.

There are multiple challenges. Marginalized groups – often poor women, youth or indigenous peoples – need recognition and empowerment. The direct involvement of local communities, with a particular emphasis on these groups, is vital for the sustainability and success of land reform and management processes. At the same time, capacity development must focus on obstacles inhibiting the ability of individuals, groups and institutions to achieve their

development objectives. These obstacles include the ever-present problem of corruption. Land services rank among the most corrupt sectors in most developing countries. From bribery to land-grabbing, corruption undermines efficiency and rule of law as well as public confidence and participation in formal land systems. Governments grappling with this challenge can benefit from sustained capacity development support.

In the chapter that follows, we show how GLTN has designed and implemented training and capacity building programmes to address some of these challenges, and has in the process commenced a shift towards a more integrated, comprehensive capacity development approach.

GLTN'S CAPACITY DEVELOPMENT STRATEGY

The Global Land Tool Network's work is at the forefront of an emerging global paradigm shift: away from seeing land as a purely technical matter, towards pro-poor, gender-responsive, accountable and sustainable land management, which makes provision for a range of legitimate, inclusive tenure forms. The global land sector includes many actors, playing many different roles. It will take considerable time and effort before all actors understand, accept and apply this new paradigm as the guiding principle. Promoting and implementing this approach create an array of capacity needs and challenges for all different stakeholders.

GLTN's training work has been closely linked to achieving the Network's agenda. Good progress has been made in this regard. GLTN

has designed and implemented training courses on how to use land tools by multiple stakeholders, how to build competencies such as communication, negotiation and mediation to improve gender equality and grassroots participation in land governance; designing and evaluating land tools with a gender perspective; land, property and housing rights in the Muslim world; and transparency in land administration. GLTN has also provided capacity-building support to governments formulating and implementing land-reform policies. In addition, GLTN's tool-development process includes powerful capacity-development elements (see the case studies below).

The Global Land Tool Network has recognized the need to move from *ad hoc* or added-on training and training-related products, to a more comprehensive strategy rooted in all its key activities, and particularly the process of developing land tools. This prompted a review of past practices and initiatives and the drafting of a capacity development strategy for implementation during the next phase of work in 2012–15.

The strategy is based on five guiding principles:

- Continuous *joint action-learning*: everyone involved works together to generate learning for improvement and scaling up.
- A *comprehensive approach* to capacity development for the target group.
- Appreciation of *culture, context and existing local capacity*.

BOX 24. GLTN'S CAPACITY DEVELOPMENT GOALS AND OBJECTIVES

Ultimate goal

Sufficient capacity among all the key actors (including governments, non-state actors, GLTN partners, capacity developers, multi/bi-lateral agencies) to promote and implement secure land and property rights for women and men, for poverty reduction and economic growth.

Intermediate goal

Strategic partners have the capacity to develop, promote and implement priority pro-poor, gender-responsive land tools for specific countries as drivers of

national and global change towards secure land rights for all.

Strategic objectives

Key capacity developers (national and international universities, training institutes and others) have moved from conventional technical training curricula to include also pro-poor, gender-responsive, multi-disciplinary approaches.

Within each country, the relevant group of partners has the capacity to adapt, pilot, evaluate, use, and disseminate each tool.

More information: UN-Habitat (2011a).

- Appropriate attention to *cross-cutting issues and related competencies*, required such as better communication skills.
- Recognition of *technical skills* as one of a number of important components of capacity in complex settings.

The strategy identifies long-term and intermediate capacity-development goals, as well as the strategic objectives that will contribute towards their achievement (Box 24).

A key to the success of the strategy will be a focused and resource-efficient approach, aimed at producing concrete and measurable results. Priority attention will be given to:

- Action learning practices embedded into GLTN tool development activities.
- A focus on a selection of target countries.

This work will be supported by:

- Advocacy to bring about change at the policy level of the land sector.
- Good practice for training activities (including careful selection, intensive preparation, and sustained follow-up and support).
- Integration of capacity-development principles, techniques and insights into all relevant GLTN activities and outputs.

The following case studies illustrate how GLTN's capacity development work is an integral part of its land-tool development activities: dealing with corruption in land administration, testing the gender-responsiveness of land tools in Uganda, and capacity development on land in the Muslim world.

DEALING WITH CORRUPTION IN LAND ADMINISTRATION

GLTN training on transparency has shown a need for tools and capacities to ensure transparency and accountability. Sensitization, awareness creation, documentation of case studies and assessment of corruption are some of the knowledge-exchange aspects. Greater public participation, a right to information, and tools to reform organizations and create accountability are needed. Attitudes are important too: professional ethics and integrity are values that should underpin professional approaches.

Corruption is a difficult issue to address because the most powerful in society, who are the source of the problem, hold the key to the solution as well. It raises legal, political, social and ethical dimensions in a way that requires hard technical skills as well as soft capacities of both individuals and institutions. In some respects, acknowledging and tackling corruption in the land sector was a no-go area until GLTN commenced training on transparency in land administration.

Before the training began, a group of experts helped assess the capacity gaps that needed to be filled (UN-Habitat 2007a). The course was designed in a collaborative way. Partners and stakeholders were involved in generating case studies, setting the agenda and identifying content. This generated a sense of shared ownership. Hands-on, practical training workshops generated new knowledge, thinking and methodologies. Toolkits, trainers' guides and case studies

were customized for specific audiences. A consolidated trainers' guide is due for publication soon (GLTN 2012c).

Among the distinctive features of this training have been its participative methodology, its use of locally produced and appropriate case studies, and its efforts at post-training engagement. About 160 senior change agents from 30 countries have so far taken part in this training in sub-Saharan Africa, South Asia and Southeast Asia. They include government officials, land professionals, civil society, UN-Habitat regional officers, training institutes and universities. Trainers from, UN-Habitat and the International Institute for Geo-information Science and Earth Observation teamed with national training institutes and universities. Ministers and local government leaders were also involved in several courses.

Feedback after the courses has been positive, and there is evidence of post-training impact and follow-up.

Training participants from Malawi, with the approval of the Ministry of Lands and Natural Resources, launched a one-day event in 2008 which attracted 40 members of the Surveyors Institute of Malawi – land administrators, land surveyors, quantity surveyors, estate agents and valuers. The Natural Resource College of Malawi is incorporating the materials into an upcoming on-the-job training programme that aims to upgrade the qualifications of all district land officers from certificate to diploma level.

Nigerian participants also held a follow-up training event which was attended by 120 land professionals. This training has since

become a part of the mandatory continuous professional development activities of the Lagos chapter of the Nigerian Institution of Estate Surveyors and Valuers. Workshop participants initiated the drafting of an anti-corruption code of conduct for estate surveyors and valuers and land administrators. The event received extensive television and newspaper coverage.

TESTING THE GENDER-RESPONSIVENESS OF LAND TOOLS IN UGANDA

Capacity development and the practical use of GLTN land tools go hand in hand. A good illustration of this is the roll-out of the GLTN gender evaluation criteria, jointly developed by a number of partners notably the Huairou Commission, the University of East London and the International Federation of Surveyors (Chapter 4). The Uganda Land Alliance, a consortium of 48 NGOs formed in 1995 to advocate for fair land laws and policies, approached GLTN for tools that could mainstream gender in the country's land system. In particular, the Alliance was interested in the gender evaluation criteria and related training for land professionals (UN-Habitat 2011a). The Alliance was first exposed to this tool at the pilot of the GLTN gender evaluation criteria training course, held in Mombasa, Kenya, in November 2010.

In September 2011, the Alliance trained a 25-member multi-stakeholder team using GLTN's gender training package. The team included representatives from the Ministry of Lands, local governments, civil society organizations and community organizers. Staff from GLTN advised the course.

The next step will be to select and test the gender criteria in 10 districts in Uganda. This will be followed by a validation meeting early in 2012 to confirm the degree to which the land tools respond to both women and men's needs. At all stages, the process will involve close collaboration between structures from grassroots to the national level to get information and to validate findings. The Alliance will convert GLTN's generic gender package into a land tool adapted to the Ugandan situation.

Of particular note is that the Alliance undertook this initiative by raising the money for the training, without any financial support from the GLTN. This example represents an optimal win-win solution for demand-driven roll-out of and capacity development for land tools.

CAPACITY DEVELOPMENT ON LAND IN THE MUSLIM WORLD

Muslims make up one-fifth of the world's population, yet there is little information about land issues in the Islamic world. GLTN work on Islamic land tools is in response to demand for ways to approach these issues. Its capacity development initiatives in the Muslim world are an example of multi-dimensional involvement in a sensitive but significant arena. They cover four streams: knowledge exchange, lobbying and political will, methodology, and technical skills.

Research by the University of East London, a GLTN partner, resulted in the book, *Land, law and Islam: Property and human rights in the Muslim world* (Sait and Lim 2006). This offers a global overview of how Islamic land

UN-Habitat office in Tripoli, Libya - satellite hardcopy image (Quickbird) used for spatial planning.
Photo © UN-Habitat



concepts work, covering the Islamic land framework, land tenure, land and human rights, Muslim women's rights, inheritance, *waqf* (endowments) and finance. It also discusses how to negotiate pluralist systems in Muslim countries where customary, religious and statutory systems exist. A booklet, *Opportunities for engagement: Islam and land?* (GLTN, UN-Habitat and UEL 2011b) summarizes these issues for policymakers.

GLTN partners undertook a series of consultations within the Muslim world in order to gain acceptance and ownership of the research and proposals. At a side-event at a UN and Arab League meeting, a group of Muslim experts agreed on the *Cairo initiative on Islamic land tools* (UN-Habitat 2005). This was followed by the *East London guiding principles* (UN-Habitat and UEL 2007) and the *Kuala Lumpur action plan* (GLTN, IIUM and UEL 2009). Al-Azhar University (regarded as the world's major centre of Islamic learning) has also endorsed GLTN's work. This support has led to GLTN's material being widely accepted as a basis for tool development and interventions in the Muslim world. It has contributed to enhancing capacities for lobbying, awareness creation and policy inputs on Islamic land dimensions.

A key feature of GLTN's approach has been to address Islamic land concepts not as a matter of faith but pragmatically and professionally – similar to GLTN's engagement with customary systems. This has contributed to the harmonization of Islamic and universal approaches. For example, an expert group meeting on cross-fertilization of universal and Islamic principles was the theme of a GLTN expert group meeting which adopted

the *East London guiding principles*. Through this approach, GLTN has made Islamic law accessible to new audiences and provided fresh perspectives for traditional players. Instead of Islamic arguments being monopolized by fundamentalists, GLTN has brought together a range of Muslim and non-Muslim actors to confront their misuse. For example, efforts are explored to guarantee "equal" property rights for Muslim women despite the particular inheritance regime (Box 20).

GLTN has converted its knowledge base into a comprehensive training programme on *Islamic land, property and housing rights in the Muslim world* in cooperation with the University of East London (GLTN, UN-Habitat and UEL 2010). The package was enhanced through partner consultations, peer review by leading experts, and a regional pilot testing in Asia with the International Islamic University of Malaysia, in which participants from government and other stakeholder organizations from over a dozen countries took part. This training package was further endorsed at a GLTN side-event at the 23rd UN-Habitat governing council in April 2011. GLTN has offered technical assistance to some Muslim countries, provided training in countries such as Somalia, and the training package has been adopted for roll out in Iran.

More information: GLTN and UN-Habitat (2012a)

NEXT STEPS IN CAPACITY DEVELOPMENT

GLTN has capacity expectations at three levels:

- It promotes the capacity needed for stakeholders to engage effectively in the tool-development process.

- It works towards generating capacity for implementation or delivery of tools.
- It envisages broader capacity – beyond tools – to deal with wider socio-political challenges necessary to lobby, build and sustain effective pro-poor land management systems.

Whose capacity? GLTN capacity development approaches have rightly shifted from *ad hoc* or add-on training packages to a more sophisticated and multi-dimensional approach. This will entail clarifying whose capacity is to be prioritized by thorough pre-training assessments and well-targeted participants that can serve as change agents. The materials used will be directly relevant to context and continue to be based on realistic and locally generated case-studies.

Capacity development strategy. To meet the scale of the capacity development demands, GLTN will adopt a comprehensive capacity development strategy, already underway, with clear objectives methods and goals. This strategy will recognize, build on, integrate, improve, expand and measure existing capacity development aspects of GLTN work. It will reinforce the explicit values of GLTN of promoting pro-poor solutions and considering women and men's specific needs.

Integrating capacity development. At the same time, GLTN will more consciously incorporate and promote capacity development into its work. This will include ensuring that capacity needs and activities accompany every stage of the development and implementation of tools, such as in initial research on a land issue, product development, in-country piloting, and final

tool development and required institutional change. Such an integrated, multi-dimensional methodology can connect these elements into learning loops.

Collaboration. The evolving strategy will also entail extending capacity development aspects of GLTN's advocacy interventions. Dissemination will be increased by working with partner organizations' own training and capacity-development departments to familiarize them with the range of GLTN training packages, publications and tools. Training of trainers is also an important element here to expand the pool of available facilitators to roll out training packages.

Networking. Utilizing the facilitating power of the Network, capacity-development activities will continue to convene and facilitate learning exchanges and learning-by-doing opportunities across partners and actors in the land sector. It will cross-fertilize ideas and learn from, strengthen and support the capacity development activities of its partners. For example, gender and land governance training for technical people and land administration training for grassroots and civil society. The expertise of people in the different land areas will be built on, including the grassroots. Communication with different audiences, including non-experts, will continue to be part of GLTN's strategy to target (among others) politicians, land professionals, civil society and grassroots.

Documentation. GLTN will also more consciously document, record and promote capacity development inputs as a continuous feedback cycle. This includes incorporating lessons from pilot projects into capacity development programmes.



WHAT DO I HOPE TO LEARN FROM THIS WORKSHOP?

- To understand STDM
- See how it has been used in Uganda
- Identify needs of federation mapping

- 1. I hope to learn about the program
- 2. I hope also to see the experts.

• Continue to learn more about the STDM use.

- 1. Learn about the role of experts
- 2. Practice applying the STDM
- 3. Learn about the role of experts

I Hope STDM is Improved to address the needs of the community

Participants post their expectations at a Social Tenure Domain Model Workshop in Uganda
Photo © UN-Habitat/Solomon Njogu

Favela Rocinha in Rio de Janeiro, Brazil
Photo © UN-Habitat/Åsa Jonsson



7

MAKING ROOM FOR SUSTAINABLE URBAN EXPANSION

Cities play an increasingly dominant role in the global economy as centres of both production and consumption. But rapid urban expansion throughout the developing world is outstripping the capacity of most city governments to provide planning and adequate services for their citizens, especially for the urban poor and for women.

We need win-win solutions to address these challenges. Existing policy, strategies and tools do not seem capable of fully resolving these problems. This chapter discusses good practices and strategies explored by GLTN for managing rapid urban expansion.

CHALLENGES OF RAPID URBANIZATION

UNMANAGED URBAN GROWTH

Generally, governments have responded slowly to rapid urbanization. Traditional urban and land-use planning exercises take too long, and they ignore rapid change and the needs of people with low incomes. Master plans, if they exist, are inappropriate, outdated, or not rigorously enforced. They tend to be rigid: they lack the flexibility needed to address issues of neighbourhood development and mobility. New development and settlement outrun

city planning, and urban sprawl eats into prime agricultural land around the cities. It is not possible to build key infrastructure to set the spatial framework and guide urban development. In many cases disaster, conflict, inner city redevelopment and settlement upgrading, poor tenure records, haphazard settlement structures and low-quality infrastructure make reconstruction complex and expensive.

LACK OF INVESTMENT IN PUBLIC INFRASTRUCTURE

In many developing countries, national and city governments do not have the capacity and fiscal means to designate appropriate land for development, service it, or provide urban residents with decent living, employment and amenities. The outskirts of cities lack basic services and key infrastructure to guide the location and nature of new settlements. Public and private mechanisms for anticipating and providing living spaces and services to urban dwellers lag behind demand. House prices and rents in the formal sector rise rapidly – and low-income households cannot afford housing.

New businesses are important for creating jobs and reducing urban unemployment. But the cost of starting and running a business has gone up due to a poor

regulatory environment, lax enforcement of property rights, and poor urban services and infrastructure. Businesses cannot make money without the support of public investment in transportation, water, sewers, and other public utilities. As state resources are limited, the private market and the rich out-compete the poor for infrastructure and services, further exacerbating inequality in living standards within cities.

PROLIFERATION OF SLUMS

Inadequate infrastructure and a lack of affordable land and housing lead to the growth of slums. About one-third of the urban populations in developing countries live in slums or informal settlements, where residents occupy vacant public or private land illegally, without secure tenure, and under unsanitary and hazardous conditions. Informal settlements are often located on land unsuitable for development in the formal market – on steep slopes, near swamps, along riverbeds, or on agricultural land in peri-urban areas. Poor land-use practices lead to air or water pollution from nearby agricultural or industrial sites. The physical location of settlements makes them highly vulnerable to disasters, such as landslides, storm surges and flooding.

Without secure tenure, slum residents face a constant threat of eviction. They are not recognized officially as residents of the city, so cannot get access to clean water, power, sanitation, and public education. Some have informal access to such services, but they have to pay a lot more than the rich. Public health and safety issues in these informal settlements thwart future development of other parts of the city.

To make room for urban expansion, some governments try to relocate informal settlements to the periphery using compulsory purchase (or “eminent domain”), or by forcefully evicting them. The impact of the resulting loss of property and social capital is phenomenal (UN-Habitat 2012a: pp. 3–5). And as democracy spreads around the world, people are pressing for their rights to adequate living space, secure tenure and protection from forced eviction. Attempts to take land by force for urban expansion and redevelopment have come up against strong legal opposition and public protests. Governments are finding that coercion is becoming more and more problematic as a way to clear land.

Depending on the market to facilitate voluntary land transfers is also problematic (see below). In some countries where market mechanisms have not yet fully developed, unequal access to information has led to market speculation and land grabs by local elites. As a result, the urban poor are either forced out, or bought out, from their neighbourhoods and relocated to remote areas, far from employment and public services.

URBAN LAND MARKETS

Land markets are a major mechanism regulating the exchange of land and property in cities throughout the world. Markets tend to be more open than traditional land regimes, but are influenced by the political, economic, cultural and institutional context. For example, in several regions women cannot take part in market transactions, even if they have the constitutional right to do so: they may be hindered by customary or statutory laws, social norms, or a lack of

resources. The co-existence of traditional land regimes and informal markets alongside the formal land market further complicates the situation.

Urban land markets tend to be “imperfect”. This is because land is a unique commodity: each lot has a specific location, and the supply cannot increase with demand. Even if an efficient exchange mechanism exists, markets do not necessarily address distributional issues or meet the needs of the poor. People with low incomes, and particularly women, tend to have less information and less power to influence regulations, so the operation of urban land markets end up aggravating existing inequalities. Even if land titles are distributed to residents, the poor can still lose access to their land: local authorities often encourage upscaling property development and investments that benefit tourism. Gentrification has become a global urban policy.

Institutional arrangements are needed to make urban land markets more efficient and to ensure that development patterns take urban and peri-urban linkages into account. Innovative approaches are also required to secure tenure and land-based financing for affordable housing and infrastructure.

EVICTIONS

An estimated 15 million people are displaced annually as a result of development programmes. Most of these are implemented without the people affected having recourse to legal or other remedies, and would qualify as forced evictions as defined in international law (UN-Habitat 2012a, p.1). “The practice of forced eviction constitutes a gross violation of human rights” (UNCHR

1993). All evictions, including “legal” economic evictions, affect people’s lives and destroy communities and social networks that they rely on for survival.

The justifications for evictions are many (Box 25). They include urban development and expansion into adjacent rural areas, big projects (such as dams and highways) undertaken for the “public good”, municipal master plans and mega-events, regeneration and slum-clearance interventions (often to make space for corporate developers and increase municipal property tax revenues), and the local impacts of the global financial crisis. Big land acquisitions for tourism, mining or agricultural projects displace large numbers of people (Chapter 3). Relocation or resettlement policies after a crisis such as a conflict or disaster can also lead to the poor being evicted (Chapter 9).

RETHINKING URBAN PLANNING AND LAND MANAGEMENT

To address these problems, GLTN has developed (and is developing) a number of land tools. These include enumeration for tenure security (Chapter 3), the continuum of land rights (Chapter 2, Figure 3), slum upgrading, city-wide and strategic land-use and settlement planning, and land readjustment. Previous chapters have discussed the first two approaches. This chapter focuses on the other tools.

According to the UN-Habitat *Global report on human settlement* (2009), the most obvious problem with traditional urban planning is that it fails to recognize the

BOX 25. EXAMPLES OF RECENT EVICTIONS

Urban development

Zimbabwe: Evictions because of city beautification/clean-up destroys informal settlements.

Natural disasters and climate change

Sri Lanka: The 2004 tsunami led to regulations of a buffer zone where no construction is allowed, leaving displaced people with no alternative locations.

Mega-events

Rio de Janeiro, Brazil: Evictions related to the 2014 World Cup and 2016 Olympics.

Economic evictions and the global financial crisis

United States: Millions of houses have been foreclosed in the last four years, resulting in a sharp increase in the homeless population.

Discrimination

Italy: Roma communities evicted with no alternatives provided.

Large-scale development

Karachi, Pakistan: Evictions related to the constriction of the Lyari Expressway.

Source: Adapted from UN-Habitat (2011c) pp. 34–35.

way of life of the majority of inhabitants living in rapidly growing and largely poor informal cities. That indirectly contributes to social and spatial marginalization. Outdated planning approaches may fail to take into account important challenges such as climate change, city residents' dependence on fossil fuels, food insecurity, informality, and inadequate community and stakeholder participation. Excessive planning regulations may also encourage segregation of communities. New approaches to planning are therefore needed to enable cities to respond better to challenges of the 21st century.

PROVIDING A PLANNING FRAMEWORK

Urban planning takes place at different levels: regional, city and community. GLTN has developed a range of land tools to address the limited capacity of traditional planning at these levels.

At the local level, for example, increasing *stakeholder participation in urban profiles and assessments* have improved the authorities' understanding of residents' problems, and has made residents more aware and able to contribute to proposals to solve them. That should make plans more responsive both to rapid urbanization and to residents' needs. GLTN's work on participatory enumerations is an example of this.

At a more strategic level, GLTN has worked on citywide planning. In Port au Prince in Haiti, GLTN analysed urban trends and planning approaches, and recommended that an agency be established to implement planning citywide (Box 26). The damage by the 2010 earthquake showed that largely unplanned urban areas are more vulnerable to natural disasters. Especially widespread informal construction in risk zones and the low level of basic services made the suffering caused by the natural disaster worse.

BOX 26. ANALYSIS OF METROPOLITAN PORT AU PRINCE, HAITI

Port au Prince is home to 40 per cent of **Haiti's** population. The city faces many challenges: poverty, weak governance, poor infrastructure and lack of coherent urban planning. It is also susceptible to natural disasters such as hurricanes and earthquakes, as was so clearly demonstrated in January 2010.

GLTN analysed the **urban planning** in the city before the earthquake. It aimed to provide a more holistic, inclusive and integrated approach of urban planning with pro-poor and gender-responsive focuses. It attempted to assess the status of urban planning in Haiti and to formulate a strategic plan and implementation methodology.

The analysis was conducted by local actors with partnership and coordination from foreign technical experts. The project was to identify projects that could be quickly implemented in order to build commitment. It attempted to map key stakeholders. Fundamental principles were the "right to the city", local resource mobilization and continuous capacity building.

The process produced an analysis of urban trends, human settlement patterns, basic services and infrastructure needs, and human and natural risk. It also categorized the challenges and opportunities. The report suggested the establishment of a metropolitan agency to implement citywide planning.

More information: GLTN and UN-Habitat (2010).

This is part of a broader tool development process by GLTN and published as two guides on citywide strategic planning (Mohlund and Forsman 2010a and b). These materials have provided a useful framework for other GLTN tools to facilitate informal settlement enumeration and redevelopment.

COMMUNITY-LEVEL PLANNING AND UPGRADING OF INFORMAL SETTLEMENTS

Cities grow quickly as people move into slums. GLTN is involved in a number of initiatives to deal with planning in such areas:

- *Citywide strategic planning: A step by step guide* (Mohlund and Forsman 2010b) presents the rationale and approach to citywide strategic planning.
- *Improving slum conditions through innovative financing* (FIG and GLTN

2008) shows how land-based finances and resources can be mobilized to upgrade slum conditions.

- Effective slum upgrading requires active involvement of the community from the beginning: this is promoted by GLTN's participatory enumeration land tool. The case study on Haiti (Box 26) illustrates this approach.

EXPERIMENTING WITH LAND READJUSTMENT

Slums seem packed and chaotic: every square metre appears to be used for something. There is no room for infrastructure such as roads, drainage ditches or open space, or to put in services such as sewers and electricity lines. But in fact, many slums have lower population densities than other urban areas because most of the buildings have only one or two storeys.

Therein lies an opportunity. If the land parcels can be pooled, the area can be redeveloped: roads can be widened, infrastructure upgraded, and higher-quality (but still affordable) multi-storey housing built. It is not necessary to resettle residents, as the same people can be allocated rights to the re-parcelled land, so they can continue to live in the same area afterwards. This approach is known as *land readjustment*, land pooling, land consolidation, or land sharing. It is an alternative to compulsory purchase (eminent domain) and voluntary exchange through the property market, which have consistently failed to solve problems to the benefit of the poor, women and disadvantaged.

It is particularly well-suited for public–private development. For example, in Germany, Japan, the Netherlands, and Taiwan, land readjustment has been used to reparcel fragmented agricultural land for more efficient use. It has even been applied in a vertical manner in Hong Kong to redevelop housing towers to their maximum allowable floor-area ratio. In the inner cities of Bangkok and Manila, informal settlements were regularized by pooling land, improving the infrastructure, and then re-parcelling it to land users. The original slum dwellers received a formal title to the returned, serviced land, or a modern apartment unit. That improved their tenure security and living standards.

In land readjustment, landowners or land holders act collectively, in cooperation with a municipality and/or a private developer, to pool their land, to implement a clearly defined redevelopment project. Land readjustment may offer a flexible procedure to make space for urban expansion by:

- Increasing the supply of serviced land at urban fringes through orderly and negotiated process for land acquisition.
- Increasing density and rationalizing land use in inner city neighbourhoods and urban fringes according to citywide strategic planning.
- Providing finances for all or part of infrastructure and basic service investments.

Land readjustment can be effective when existing property boundaries conflict with a land-use plan, so impeding project implementation. Land readjustment can re-parcel, or readjust, the land more efficiently and equitably to suit updated urban planning schemes.

The owners (or occupants) contribute their land to the project. In return, each one gets a new parcel proportionate in size or value to what they put in. The size of the land returned is typically smaller than the one they contributed, but it is worth more because of the improvements and infrastructure that have been put in. In this manner, land readjustment generates more desirable and efficient development, increases land values, and limits displacement.

It is sometimes possible to self-finance urban expansion or redevelopment through land readjustment. In some cases, the administration and infrastructure costs can be recovered by selling portion of the serviced land. Most importantly, this aim will be achieved with minimal need to evict people from their neighbourhoods. Where there is less potential for land values to rise, public subsidies may be needed to cover the

BOX 27. WHY LAND READJUSTMENT?

Three main **motivations** exist for adopting land readjustment in the South:

- Cities must change to meet current and future demands for basic services generated by urban expansion.
- They need options that engage, not marginalize, property owners and users.
- They need solutions that create less public opposition than the traditional methods.

Land readjustment is not a quick fix.

Success depends on several **conditions**:

- A strong land market.
- A belief by land owners and users in the ultimate financial benefit of

participating in the project.

- Reliable ownership and tenure records.
- Trained and credible assessors.
- Access to effective dispute resolution legal provisions and procedures.
- Community organizers with good negotiation skills.

These conditions are not always present. So how to strengthen land markets and good governance to facilitate land readjustment? And how can this land tool be employed if people do not have formal land rights?

Source: Expert group meeting and learning event for land readjustment, UN-Habitat.

costs of providing basic infrastructure and services.

In June 2011, UN-Habitat organized discussions about land readjustment as part of an expert-group meeting, with the support of GLTN. The specialists shared knowledge about the land-readjustment approach, as well as to plan pilot projects in selected developing countries (Box 27). Participants agreed that land readjustment could facilitate city extension and densification, and could create public space and streets in overcrowded slums and city centres.

Land readjustment is now a key entry point for UN-Habitat in its engagement with cities. It has unique potential to address urban planning, land management, infrastructure finance, legislation, and

governance for managing rapid urban growth. Implementing it requires developing a legal framework, clarifying and recording land rights, and establishing a system of land and property valuation. Conventional land records and surveying, valuation and planning are usually required for land readjustment. But where they are absent, GLTN's pro-poor tools will make it possible to undertake land readjustment in informal, un-parcelled and customary areas as well. That means it can be used with various other GLTN land tools designed for these purposes.

UN-Habitat has completed research on land readjustment in 11 countries based on secondary information, and is currently documenting case studies and good practices in India, Colombia, Turkey, and Angola. It is developing an urban legal database and



Availability of land for community use is also critical in informal settlements, Lima, Peru
Photo © UN-Habitat/Claudio Acioy

BOX 28. CHALLENGES TO LAND READJUSTMENT

Land readjustment is not simply a technical matter, but also a political issue. While there is potential for successful land readjustment in many developing countries, diverse institutional contexts create many challenges:

Urban planning in most developing countries lacks public participation.

Many developing countries do not have the capacity to maintain ownership records.

Land readjustment reduces plot sizes. This would cause problems in many informal settlements where people rent out spare space, or use it for farming or to run a business.

Professional skills and institutional capacity are lacking in developing countries.

Urban legislation is often too rigid to allow land readjustment.

People may value assets differently: they may value possible improvements in their living conditions, neighbourhood amenities, social networks, and the cohesiveness of the community and society more than the monetary value of their land. Women and men, young and old may value these things differently.

How to make land readjustment work

Despite these challenges, there are several ways to make land readjustment work in developing countries:

Understand the context in which land readjustment will be implemented and adapt it to fit that context.

Involve affected people (women and men of different ages) in making decisions, and emphasize the need for participation and consensus.

If there is no cadastre or land records system, first create a credible and acceptable record of land rights using a

simple methodology. The legal validity of this approach should be guaranteed in an appropriate way, through law or regulation.

Before any land readjustment exercise, put appropriate measures in place to avoid land speculation.

Pay special attention to any potential manipulation of land-record systems by powerful interest groups.

Recognize that land and property relations are in constant flux. Land readjustment can be used as a platform for negotiating property interests and to clarify land rights at a large scale.

Proposed actions

Further examine the concept of land readjustment from multiple perspectives, ranging from political economy or anthropological approaches to cultural interrogation.

Study land readjustment experiences in the developing world to illustrate the importance of local context and the flexibility needed to adjust the approach. Search for a best fit among different approaches, rather than promoting a single best practice.

Distil land readjustment into its basic components and supporting factors to improve understanding of the approach.

After this, identify countries where land readjustment could be used, then develop, test and refine the approach.

Disseminate information about land readjustment within UN-Habitat and the GLTN.

Test the land readjustment approach in an incremental way, and adjust it as needed where politics or the local context demands.

Source: UN-Habitat (2011e).

constructing an urban legal network. GLTN is planning a strategic forum for taking its work on land readjustment forward and address the challenges identified (Box 27). With support from GLTN, UN-Habitat is mainstreaming land readjustment into its work at country level.

NEXT STEPS IN PROMOTING SUSTAINABLE URBAN EXPANSION

As cities continue to grow at the margins in largely unplanned and mostly informal ways, there is need for a two-pronged strategy. The first is to refine the tools already discussed to manage and regularize this growth in an equitable way. The second is to limit and contain such growth in a planned manner. The tools are similar but need to be developed with different emphases.

For both of these strategies, pro-poor, gender-responsive urban planning legislation is needed.

Managing existing growth. Three groups of tools need to be developed, tested and institutionalized. First, citywide planning that is timely and responsive to the need for urban space and services for different needs both in the private and informal sectors. Second, participatory community-level tools for regularizing existing informal settlements, such as participatory evaluation and the use of GLTN's gender evaluation criteria (see also the case from Ponte do Maduro, Box 18). Third, mechanisms to

facilitate implementation of plans and proposals that combine planning tools with enabling finance and dispute resolution, such as land readjustment.

Preventing future unplanned growth. It is easier and cheaper to address problems of rapid growth if the growth takes place in a planned framework. Unplanned settlements should be identified and addressed early in the settlement process. Mechanisms to address these include rapid planning of settlements on the edges of cities, and participatory tools to facilitate new settlements in a planned manner and to settle tenure issues and infrastructural services early on. Because of new concerns about the relationship between city expansion and sustainability, this may involve street layouts and public-private partnerships to facilitate higher densities than are normal in informal settlement at the periphery.

Experimenting with land readjustment. GLTN should further develop concepts of land administration systems in support of poverty reduction, secure land rights for all, gender equity, and economic growth. Land readjustment can be a tool to achieve multiple goals.

New tools. To make land readjustment work, GLTN will consider developing the following tools and principles: an instrument to assess the legal framework and develop legislation needed for city extension and densification, a sourcebook on land readjustment, and a capacity-development programme on land readjustment.



Pressure on vacant green woods land in Sofia, Bulgaria
Photo © UN-Habitat/Claudio Acoly

Jubilee Hills, Hyderabad, India
Photo © Larry Walters



8

LAND-BASED FINANCING FOR LOCAL GOVERNMENTS AND LAND SERVICES

One of the core challenges in cities across the world is raising the revenue necessary to provide key public services and improvements in urban infrastructure and services. The challenge is particularly acute in cities in developing countries. This chapter focuses on land-based financing tools for land administration, public infrastructure and other public services in such countries.

As cities grow, the pressure to improve services and provide essential infrastructure can be immense. Because land cannot be moved, it can be a unique foundation for local revenue. But it also presents important challenges for local officials. In many developing countries, revenue systems are largely centralized, with most of the revenue

flowing to the national government. Local authorities do not control sufficient revenue sources, so cannot respond to unique local needs. Local officials are not accountable to local residents.

One on-going dilemma is the extent to which poor households and informal settlements should be included in the revenue system (Box 29). There is a tendency on the part of some governments to simply exclude the households which are seen as administratively difficult to identify and from which the revenue yield is expected to be low. Such policies may undermine grassroots community engagement and allow local authorities to focus attention and resources outside areas of critical need.

BOX 29. LAND-BASED REVENUES

Few developing countries take full advantage of land-based revenues. Even when land-based taxes are assessed, citizens often simply do not pay the tax. The policy and administrative aspects of land-based revenue systems can be improved. Developing a culture of compliance by taxpayers requires two developments.

Potential taxpayers must see the tax or fee as **fair**. Fair, in this sense means that land holders in similar circumstances are

treated similarly. Transparency contributes greatly to the perceived fairness of land-based revenue.

Potential taxpayers must also see the connection between the monies they pay and the **services** they receive. If land holders see clear improvements in the quality of services and infrastructure in their immediate communities, they are much more likely to pay their obligations willingly.

Another challenge is the need to create, maintain and operate institutions to provide a range of services related to land, property and property rights, including taxation. Crucial to protecting property rights in general and tenure security in particular is the ability to publicly register and defend those rights. Generally, land-administration organizations are essential for good land governance. These organizations support both security of tenure and the development of transparent property markets, including access to collateral. They also provide information to support land-use policies. Quality land administration is vital if the objective in a society is to implement land-use policies which are transparent, equitable, gender-responsive and sustainable, and which promote economic development.

The challenge is to organize and financially support land-related services efficiently and sustainably.

CONSIDERATIONS IN LAND-BASED FINANCE

Implementing land-based revenue tools has two central objectives:

- Cities need to mobilize the financial resources necessary to provide service and infrastructure improvements in a fair and balanced way.
- Providers of land-administration services need to finance the necessary land-related services.

However, these objectives must be achieved within a complex environment: different land rights and tenure arrangements, various organizations with responsibility for different aspects of land, evolving land markets, and differing ability to pay land-related taxes (Box 30).

To illustrate some of these interactions, we will look at three categories of land-based financing: the administration of the land-based revenue system, the assessment of taxes and fees, and the allocation of the resulting revenues.

ADMINISTRATION

Inter-organization coordination issues. Who does what? That is one of the central questions in administering land-based revenue systems. Countries allocate the coordination of land-related tasks differently, from the neighbourhood to

BOX 30. TYPES OF LAND-BASED REVENUES

Land-based revenues can take many forms. They are often called **taxes** (we use this term throughout this chapter to represent the entire set of options). But the range includes one-time transaction fees and charges such as betterment levies, transfer fees, development fees, as well as recurrent charges related to the cost of service provisions. Some transaction fees are intended to recoup the administrative costs, but some, like betterment fees and capital gains taxes, are intended to capture a portion of wealth creation for the state. The range of fees can also include various in-kind payments, such as labour contributions.

The language also varies somewhat from country to country. For example, what is called a **property tax** in one setting is known as **rates** in another.

the national government. Plus, in much of the developing world there is no clear demarcation between national and municipal functions in the implementation and financing of municipal services.

- Africa, Asia and Latin America often have strong municipal governments with local land administration and taxation systems. But some countries separate the responsibility to implement municipal and land services and the financial means to do so. In such cases, central governments collect property taxes, then disburse the money to municipalities.
- In some smaller developing states such as in the Caribbean and the Indian and Pacific oceans, municipal governments are weak, and the central government taxes property and delivers municipal services.

Sometimes these differences are the result of differences in capacity. In other instances they are simply a matter of policy choices. The GLTN value of subsidiarity argues for assigning tasks to the lowest level of organization with the capacity to efficiently and effectively carry out the task. But effective land administration and policy also require coordination of these tasks. For example, while participatory enumeration can quickly record claims to property rights, the information collected still needs to be integrated with other sources of such claims.

Land administration services. Administrative tasks for land may also be distributed among different levels in government. Efficient land administration lowers the cost of acquiring, holding or transferring land in a market environment. Many land

administration organizations are inefficient in that they do not deliver cost-effective services to the majority of the population. The services are often inaccessible, unreliable and not transparent. Procedures are not well defined and are frequently lengthy. They may include the requirement to use expensive land professionals (such as surveyors and lawyers). Further, information is often not secure. As a result, land administration organizations often fall short in their objective to provide security of tenure.

Containing the cost of services is a related issue. Some tasks can be performed more cost effectively at a larger scale, but that implies centralization. That often leads to less access for women and vulnerable members of society, and runs counter to GLTN's pro-poor, gender-responsive and subsidiarity values. Efficient service delivery must ensure that services are available for all.

An important issue in this regard is the need to compensate the organization for its services. Many land administration organizations are financed largely through government grants. Such arrangements often limit their management's ability to improve organizational capacity through training, staff retention and recruitment programmes, or to invest in modern technology without complicated negotiations with the Ministry of Finance and other ministries in charge of public staffing, information technology and coordination. Box 31 gives an example of how Georgia has been able to overcome this problem.

ASSESSMENT

Fiscal cadastre. An efficient collection of taxes and fees requires accurate

information about who is obliged to pay, how much, where, and by when. If the collecting organization has access to the needed contact information, the payer can be invoiced. Unfortunately, many agencies lack a complete list of spatial units and the associated contact information.

Property taxation is based on information on real properties in the form of fiscal cadastres or valuation rolls. These rolls include information about the land and property, the owner (or beneficiary) of the property, and a value on which the tax is based. These information systems are all too often badly out of date. They also often stand alone and are not linked to other information systems in the country, such as the legal cadastre and cadastral maps. One result is that the possibilities for more effective updating of land information in all record systems are not realized. Failure to maintain reasonably complete fiscal cadastres often results in greatly reduced collections and substantial inequity.

Valuation. The central function of the valuation system is to assess land and property values fairly and accurately. These values are then used to allocate the total tax revenue that is desired to land owners or occupants. “Fair” in this instance can be related either to benefits received, the ability to pay, or a combination of both. Success in collecting revenues and in the public accepting this tax requires that the valuation system be seen as reasonably accurate and fair. A timely, accurate and transparent process for determining taxable value is essential for this.

Incentives. Assessments may also build on an incentive such as to address gender

BOX 31. SELF-FINANCING OF ADMINISTRATIVE LAND SERVICES IN GEORGIA

Self-financing of administrative land services with a results-based management system has been introduced in several countries in Europe, among them Sweden. One success story is **Georgia**, which within a period of 5 years improved its position in the World Bank’s Doing Business ranking from near the bottom to near the top. It did this through more self-financing, improved management and financial systems, and through improved staff planning, training and remuneration programmes.

More information: Lantmäteriet (2012).

inequalities in land ownership. For example, the Nepalese government has a policy of land and property tax exemption to encourage women’s land and property ownership. This has translated into 30–50 per cent increases in the proportion of women who have their names in land and property registers. Such initiatives could be further documented and explored (Shrestha unpublished report).

ALLOCATION OF REVENUE

Allocation of land-related revenues.

Taxes are often used to redistribute resources from one group to another. Such policies are often justified on the basis of ability to pay. This can be true for land-related revenues as well. In such a framework property taxes collected from richer neighbourhoods and regions can subsidize poorer areas. Even when subsidies and transfers are justifiable, transparent collection and distribution systems are desirable to ensure the proper targeting of beneficiaries.

In poor neighbourhoods, the level of property taxes possible is likely to be insufficient to finance the minimum service levels, and keeping the cost to residents at an acceptable level may be more important than full cost recovery. Taxation and cost-recovery become more complicated when dealing with informal and quasi-market settlements where the state or municipality is undertaking an upgrading or regularization programme. It is well known, for example, that in many informal settings, residents are both willing and able to pay a small tax if doing so also establishes a recognized interest in the land. Many households in such circumstances can pay part of the upgrade costs, and many perceive the payment of taxes as a means of documenting their claim to the land. But their contributions may fall far short of the full upgrading costs in the short run. Thus, the revenue possibilities in the medium and long-run may be much larger than what can be immediately realizable.

Timing of land-related revenues in relation to need. Urban development may not always occur on the same time schedule as infrastructure development or the improvement of urban services. In developed countries, urban development occurs within a regulatory system which establishes what infrastructure and physical services are needed, and which then requires coordination between the creation of these services and urban development. On the other hand, much of the development in the cities of developing countries takes place outside of the regulatory system, whether it is in the private or informal sector. Urban growth and housing development often take place well before the infrastructure networks and basic services are in place.

This means that municipalities always have an infrastructure deficit to finance. Even when reduced standards for appropriate infrastructure and incremental approaches to infrastructure improvement are used, it would be difficult to use standard rates of land and property taxes as a means of finance.

A range of finance mechanisms are needed to deal with this infrastructure deficit. Land and property tax options are required that are suited to different land and property rights regimes in both formal and informal contexts. A shack dweller who has only an occupancy right and someone who resides in an upmarket neighbourhood which benefits from all kinds of public investments and services cannot be expected to operate and function under similar tax regimes.

GLTN SOLUTIONS

GLTN's efforts to improve local land-based revenues and to finance land-related services include conferences, the publication of various guides, and support for various activities that impact land-related revenues.

CAPTURING LAND VALUE

Participants at one such conference, in Warsaw in 2009, agreed that urban development should be financed, at least in part, by capturing the increases in land value resulting from public investment or broad urban trends (Mennetrier and Romanowicz 2010). There was also substantial agreement on essential aspects of how to implement such a system. These included:

- Strong political support.

Handling land: Innovative tools for land governance and secure tenure

- The adaptation of tools and policies to local conditions.
- Fitting land-valuation methods to local administrative capacity.
- The inclusion of informal settlements in any system to capture land value.
- The maturity of local land and property markets.
- The administrative capacity of those public agencies charged with implementing the system.

IMPROVED LAND ADMINISTRATION

The available land tools need to be tested and demonstrated in a variety of small-scale political and economic environments. Countries should be encouraged to improve their data collection, analysis and documentation on land and property taxation. The data and evidence derived from current land and property tax systems remain insufficient. As a result, decision-makers often lack the information they need to make good decisions.

Two recent UN-Habitat/GLTN publications on land value capture are a scoping study and a land and property tax guide. The scoping study (GLTN and Development Action Group 2010) highlights the need for a political champion, a good property tax law and decentralized authority to implement the system. The land and property tax guide (GLTN 2011) elaborates on several of the themes that emerged in the Warsaw conference. In particular, it notes that in designing a land-based revenue system, decision-makers should carefully consider four aspects of the local environment:

- How land and property rights are defined by different groups in the community (such as women, men and different age groups).
- How such rights are publicly recorded, or at least recognized, and defended.

Land administration organizations tend to transition over time from a system mainly financed through governmental grants to more direct funding through fees paid by service users. There are several reasons for this: those who actually use the services (the land users) pay for the services, and not the broader public; the organization becomes less dependent on political decisions; and staff are more willing to accept changes and deliver more efficient services if they realize that their income and employment depends on the quality of the services they deliver to customers.

The GLTN partner Lantmäteriet (the Swedish mapping, cadastre and land registration authority) is currently working on the costing and financing of land administration services in developing countries. This will allow land administration organizations to be more independent of political decisions and more demand-driven from the market. It will create possibilities for more transparent costing of various services. It should also improve access to services for the poor and contribute to the regularization of informal settlements.

Boxes 32 and 33 give examples of the impact of improved land administrative processes.

BOX 32. WARD DEVELOPMENT PLANNING AND OCCUPANCY RIGHTS IN ZAMBIA

In **Lusaka, Zambia**, a comprehensive approach has been introduced to provide security of tenure and to plan and implement upgrading activities in peri-urban areas (wards). This is based on participatory planning from the community. It is currently being replicated in all wards in the city.

The occupancy rights are subleases on municipal land. They are defined by the extent of the building, are renewable on a 30-year lease, and can be transferred and mortgaged. The lessee has to pay a ground rent, which is partly available for infrastructure improvements in the ward. The occupancy licenses as well as the ground rents are collected at local site offices.

The ward development planning results in prioritized demands on infrastructure improvements, which are included in the city council's strategic planning and budget. A new revaluation of properties with statutory titles has been made, resulting in a doubling of the income for the city council. Part of this income is allocated for infrastructure improvements in accordance with the ward development planning.

The project, titled "**Building capacity for urban development and effective land tenure management in Lusaka**", was implemented by Lusaka City Council with support from Sida and UN-Habitat.

More information: Lantmäteriet (2011).

AVAILABLE LAND TOOLS

Three GLTN land tools which have already been developed and tested are relevant to land-based finance: the Social Tenure Domain Model, participatory enumeration (Chapter 3), and the gender evaluation criteria (Chapter 4).

SOCIAL TENURE DOMAIN MODEL

The focus of this model is on building a pro-poor land information management system that models the relations between people and land, independent of the level of formalization or legality of those relationships. The aim is to develop a land administration system that can support all forms of land rights, social tenure relations and overlapping claims to land (e.g., in post-conflict areas). Such land information

management systems can also support land-based revenue systems.

PARTICIPATORY ENUMERATION

This land tool (Chapter 3) also focuses on collecting information that can inform a fiscal cadastre or valuation roll. Potential for tension exists between using the results of a participatory enumeration process for building a fiscal cadastre and other uses of the same information. If residents think that if they take part in the survey their taxes will go up, they may be hesitant to do so. This concern does not preclude the use of the tool in a fiscal capacity, but does suggest that attention be paid to the incentives that participants face.

BOX 33. RAISING REVENUES THROUGH THE URBAN LAND REGISTRY IN BENIN

The **Urban Land Registry** in **Benin** offers a useful example of how practical solutions to some of the land-based revenue issues can be addressed (see also Box 14). The registry is a land information system which aims to improve substantially the management capacity of local authorities to respond effectively to urbanization. The period 1991–2002 was marked by a low yield of local taxes. At the same time, administrative districts faced significant needs for infrastructure, public facilities and urban services in addition to facing the issue of tenure insecurity. A reliable information system became necessary to improve local resources. Launched in 1992 in Parakou, the land registry has now been implemented in the three largest cities - Cotonou, Porto-Novo and Parakou – in addition to many smaller towns.

The implementation of the registry in an area begins with aerial photos and maps. Field surveys collect information on occupants, land use and construction

materials. Residents can get municipal occupancy permits either by showing some type of acceptable documentation or simply by neighbourhood recognition. Registration establishes a recognized tenure right, which can be converted to a full title. The registry was not carried out solely by local authorities, but also involved community-based organizations.

The impacts on local finances are substantial because it enlarges the tax base, increases knowledge of the tax base, and improves collections. Even if the tax potential is still far from fully mobilized, tax revenues of the communes which are testing registry procedures have increased considerably. In Parakou and Cotonou, tax revenues have more than quintupled since the registry was put into effect. Results have been slower in Porto-Novo. The registry is seen as a useful way to mobilize fiscal resources in communes involved in securing land and financing urbanization.

More information: Perier and Houssou (2012).

GENDER EVALUATION CRITERIA

This land tool provides a gender evaluation framework that could be applied to assess the different impacts a land-based revenue system may have on women and men. It could also be useful to build global knowledge on revenue systems that include incentives for women or other marginalized groups, such as the example of Nepal (see above), and to ascertain their effectiveness.

TOOLS UNDER DEVELOPMENT

VALUING UNRECORDED LAND

The GLTN partner, the Royal Institute of Chartered Surveyors, is developing a tool for valuing unregistered land interests in informal settlements.

FINANCING OF LAND ADMINISTRATION

This land tool will provide suggestions for more self-financing mechanisms to strengthen management. One objective

of this tool is to help local authorities become more independent of higher levels of government within a goal and result-based management system. The proposed financial systems will be activity-based and allow the management to keep track of the costs related to different services and thus also develop a more efficient service delivery. The tool is intended to be piloted in cooperation with an interested land administration organization.

NEXT STEPS IN LAND-BASED FINANCING

Looking to the future, GLTN should consider investing in further land-tool development in several areas related to land-based revenue.

ASSESSING RESIDENTS' FINANCIAL OBLIGATIONS

How much to charge? The idea behind land value capture is that public investments result in private gains. For example, a new road or sewer line increases the value of nearby land, benefiting the holder of that land. The public (i.e., the government) should reasonably be able to share in those gains so it can finance further public investments.

Land-based taxes and fees are sometimes called "benefit taxes". Land and property holders get benefits such as roads, police and fire protection from local governments, but they generally do not pay direct fees for such services. Instead, the local government charges them an amount roughly proportional to the value of the benefits they receive. This is considered the

tax price for these public services: hence the name "benefit tax". Thus, both concepts, value capture and benefits received, can be used to justify billing a household.

But how much should households pay? A land tool to assess residents' financial obligations would have several benefits. It would:

- Make it easy to determine how much residents should be charged.
- Make it easy for taxpayers to understand how the amount is calculated and why the payment represents good value.
- Give policymakers a way to evaluate alternative financing plans.

The public is more likely to accept a tax if they see that the charges depend on the cost of services that they receive, as well as the benefits they get from improvements to their land.

Some of the components of this approach already exist. The valuation tools to evaluate the impact of public projects on private land values are well known. But the tools to assess the cost of providing general services to land and property need to be developed.

Developing and integrating these two elements will be worth the effort. Policymakers will better understand how the services and investments they make affect land and therefore citizens. And citizens will see more clearly the connection between what they pay and the value they receive from public services.

Self-assessment. This has proven effective in assessing land and property values in established land markets. It may be useful when combined with participatory evaluations for the poor and informal land holders in the developing world. In Latin America and the Caribbean, it has been found that some of these people are able and willing to pay taxes as this helps establish their claim to the land or housing they occupy informally or illegally.

A how-to guide would be a valuable addition to the GLTN resource library and would facilitate knowledge transfer from those areas which have successfully employed self-assessment to those considering using the approach.

Alternative tenure arrangements. A range of possible tools can be applied to assessing land values and collecting contributions to land and municipal services. These do not have to be the normal fees and property taxes, and can be related to the continuum of land rights. Examples of such alternative tenure arrangements include community land trusts, community savings and development funds, and non-monetary contributions.

Payment in kind. Where there is no strong community coherence or collective action, individuals can contribute to the cost of services to their spatial unit or community by providing labour. The self-help or sweat equity model has been utilized in squatter upgrade programmes in Jamaica and Trinidad and Tobago. This method of contribution in labour can be combined with collective mechanisms, but can be problematic if people have little spare time.

Without doubt, not all the people who occupy land in a city can easily pay their tax bill. The city may choose to adjust the bill due based on ability to pay. But such adjustments require additional administrative infrastructure (and costs) for tasks such as processing claims for exemptions. Rather than simply granting such adjustments, it would be possible, particularly in informal settlements and other more established communities, to allow land occupants to pay all or part of their tax bill in kind, through some type of community service. How might such a programme work? How might community-based groups or communal owners be involved? These questions should be explored and guidelines developed. The potential for mobilizing human resources through this type of community engagement holds sufficient promise to merit further consideration, especially if the added resources can be engaged within their own neighbourhoods.

BUILDING CAPACITY FOR LAND-BASED REVENUE

GLTN will work towards the acceptance and use of such systems by developing capacity in five areas:

Tool development. One way for valuation systems to work is to base them on capital market value (as advocated by the Land Governance Assessment Framework). But many land markets are simply not mature enough for such an approach. We need land tools to enhance land-based revenues in whatever market conditions a country may be experiencing – for example, for the valuation of unregistered land. Such

a non-market-based system should also provide for an orderly transition to a more market-based approach as markets evolve, data becomes available, and local capacity is developed. The approach described in the GLTN publication *Land and property tax: A policy guide* (GLTN 2011) will be further developed.

New financial tools for land administration to enable ministries of land to improve their financial management are also needed. The proposed financial systems will be activity-based and allow the management to keep track of the costs related to different land services and thus deliver services more efficiently.

Institutional reviews. In many countries, current institutional arrangements do not favour improving land-based revenues. The information needed for effective administration either does not exist, or it is spread among multiple ministries and departments which have little or no incentive to cooperate. The nature of relationships between local and central authorities also often undermines the potential for improvement. GLTN will identify and promote best practices in information- and responsibility-sharing.

Upstream change agents. The understanding and support of key actors and opinion leaders must be built in countries that seek to implement or enhance land-based revenues. Without high-level champions and strong political support, there is little chance of successful implementation or public acceptance of change. Capacity development activities that secure the backing of upstream change

agents are necessary such as awareness-creation seminars, study visits and peer-to-peer exchanges.

Expertise. Local officials often lack the capacity to improve land-based revenue systems. Education and training are needed on valuation, land-record management, and other skills to operate an effective revenue system. GLTN aims to build the number and expertise of practitioners in countries that seek to implement or reform their land-based revenue systems.

Grassroots support. Public acceptance of land-based revenues is essential. GLTN efforts to educate and engage the public on these issues should focus on two considerations: helping the public understand standards of fairness and transparency in land-based revenues, and getting the public to help choose the projects to support.

Enumeration team in Haiti
Photo © UN-Habitat



9

SECURITY OF TENURE IN DISASTERS AND CONFLICT

In the past decade, humanitarian organizations have recognized the need to understand and address land issues in crisis contexts. If it is not clear who “owns” the land, delays can occur in the delivery of emergency shelter, the establishment of camps and broader reconstruction. Displaced persons and refugees often cannot return home as someone else has occupied their land or property. Mine-clearance programmes have found that cleared land does not always end up in the hands of the original occupants. Land disputes have even threatened the safety of humanitarian workers.

Whereas once the humanitarian community regarded land issues as too complex, technical and political, the past five years have seen renewed interest in tackling land issues. The linkage between poor land use and increased vulnerability to hazards, particularly for poor women and men, is widely understood. Land grievances are recognized as a root cause of conflict, as fuel that perpetuates conflict, and as a potential spoiler to peace-building efforts. This does not mean that land-based risks are now systematically addressed, nor that land conflict prevention is now a priority. Much more work remains to be done. The prospects, however, are promising.

This chapter builds on the recognition that disasters and armed conflict are tragic events that destroy the lives of many innocent people. But such crises are also historic opportunities for change. The chapter discusses the failure of conventional approaches to land issues and describes GLTN’s contribution to date. It concludes by highlighting the need for a more comprehensive strategy to address land issues from crisis prevention to post-crisis reconstruction.

CRISES AND LAND

When considering the land-related challenges arising in crisis contexts, it is important to bear in mind several differences between natural disaster and armed conflict (Table 5). While natural disasters tend to be more localized geographically, armed conflicts tend to have a more widespread impact, including on people’s willingness to collaborate and the national capacity to recover. Where they exist, traditional authorities and organized communities are more resilient to the impacts of both disasters and conflicts. As a result of these and other factors, there is less potential for systemic reforms after a disaster than after a conflict. But sustaining reforms after a conflict presents its own challenges. Sadly, the threat of natural disaster or of violent

TABLE 5. POTENTIAL FOR LAND-SECTOR REFORMS IN NATURAL DISASTER AND CONFLICT CONTEXTS

Issue	Natural disaster	Violent conflict
Crisis impacts	Relatively localized	More widespread
State legitimacy	Initial surge of support is common, but if response is poor, legitimacy will be lost quickly	Legitimacy is violently contested by one group
Land records	Localized loss and destruction Backups likely	Widespread loss, destruction and fraud Possible theft/destruction of register
Land management capacity	Government is damaged, but functional Traditional authorities (where they exist) weak, but resilient	Government weak to non-existent Traditional authorities (where they exist) weaker, but often no short-term alternative
Reform potential	Less political will and fewer resources for systemic reforms Political economy of “building back better”	More political will, significant resources, but competing donor visions
Conclusion	Short window for limited reforms	Greater potential for reform, but vested interests and post-war political economy will quickly reduce opportunity for change

conflict is not enough to mobilize the political will for preventative land-sector reforms.

Many challenges exist to addressing land issues in a crisis. Some of the most common ones are discussed below.

Most fundamentally, the international community has seen land as a *development issue*, not as a humanitarian one. Land issues have not been regarded as life-saving, so have not been prioritized in early deployments, response planning and humanitarian funding. It is only months or years later that the failure to address land issues is recognized, but by then it is too late. Political, economic and institutional vested

interests converge to close the window of opportunity for reform.

The assumption that *humanitarian action is neutral* does not always apply with respect to land. Many de-mining agencies, for example, believe that every mine or explosive remnant of war that is removed represents a positive contribution to recovery. This has not always proved true. Where cleared land is the subject of a dispute, the land can be re-mined, resulting in additional deaths and injury and the need for another round of expensive de-mining. Leaving disputed land contaminated is not an option, as this can also lead to loss of life. An additional challenge is that cleared land dramatically increases in value, sometimes leading to

the dispossession of the original occupants, often poor women and men.

Humanitarian programming has often been based on the assumption that most land or property is *individually owned and legally registered*. Oriented towards the delivery of urgent assistance, humanitarian actors prefer – or are required by their donor – to have legal proof of land ownership before they deliver expensive goods such as transitional shelter. In many cases, however, the occupant is in fact a renter or has no legal record of their land right. Legal evidence may have been lost or damaged, or simply never existed. As a result, many people have not been entitled to receive humanitarian assistance or the delivery of their assistance has been delayed while their status is clarified. In many cases, renters and informal rights holders never receive any assistance, despite being among the most vulnerable part of the population.

Post-disaster or post-conflict relocation or resettlement policies may lead to the poor being *evicted*. Without secure tenure rights, they do not qualify for compensation. Residents and humanitarian organizations challenge evictions through legal actions, political organizing, and using media to gain visibility and to mobilize global and local efforts to address the housing and land needs of refugees and displaced people. But long-term solutions are needed, both to reduce tensions before, during and after evictions, and to address the root causes of the problems. Developing alternative plans, another strategy for challenging evictions, involves institutional arrangements for secure tenure.

Land disputes are common in both disasters and conflicts. In the early aftermath there is an urgent need for additional mediation and dispute-resolution capacity. These efforts, however, are largely ad-hoc, unconnected to government or traditional institutions, and result in negotiated “agreements” that cannot be enforced. Over time, if these efforts are not institutionalized, they gradually lose their effectiveness and may even contribute to open conflict.

On the part of land professionals and donors, there has been a tendency to focus on *formal land records and land administration*. New titling or cadastral programmes are promoted without recognizing that they may be inappropriate. After a crisis, the situation is often fluid. There is a real risk that registration processes will extinguish the rights of informal rights-holders, be used to override historical grievances, and disinherit women (particularly widows) and children whose rights are claimed by male relations. With the focus on the formal system, often very little is done to secure the rights of the some 70 per cent of the population who have informal land rights.

Coordination has been another area where international assistance has failed. The lack of coordination has led to the recommendation of inappropriate approaches – such as land registration programmes in countries with limited existing land record coverage – or the preparation by external consultants of multiple national land policies. More fundamentally, this competition undermines government leadership and national ownership of land issues within the reconstruction agenda.

NEW APPROACHES TO LAND ISSUES IN CRISIS CONTEXTS

GLTN's establishment in 2006 happened to coincide with a recognition by the humanitarian community that they had limited capacity to engage with land issues.

In 2007, the global humanitarian coordination body, the Inter-Agency Standing Committee, called for the development of simple guidelines to enable humanitarian actors to understand land issues, and to incorporate them into improved programming. GLTN responded by developing a broad strategy and specific guidelines for addressing land issues in crisis contexts.

ELEMENTS OF A STRATEGY TO ADDRESS LAND ISSUES AFTER A CRISIS

The broad strategy, derived from GLTN values, includes the following elements:

Recognizing the continuum of land rights and developing responses that address the range of land and natural resource rights. Current interventions, for example in Haiti, the Democratic Republic of Congo, South Sudan and Liberia, are developing programme responses that address the full range of residential and natural resource rights. Some new and innovative approaches are emerging which merit documentation and evaluation.

Adopting a flexible, incremental approach to securing land rights. Rather than immediately implementing a

new cadastre in Haiti, the government, humanitarian agencies and UN-Habitat are adopting a more incremental approach. The enumeration process under way in Haiti has been explicitly designed to secure tenure and also contribute towards first legal evidence of land rights. A more flexible approach to evidence is also being adopted – recognizing, for example, community validation, private contracts and utility bills.

Ensuring coordination. Given the fragmented nature of the land sector, and the lack of coherence among development partners and donors, coordination is a prerequisite for effective external engagement in the land sector. Coordination support at the country level is now a standard UN-Habitat operating practice in crisis contexts, as demonstrated in the Democratic Republic of Congo, Liberia, South Sudan, Haiti, Afghanistan and Sri Lanka.

Promoting grassroots leadership. Reconstruction begins the day after a disaster, often with organized communities and grassroots groups led by women leading the way. For example, linking enumeration to security of tenure and the future land administration system is increasingly recognized as critical to reconstruction. Grassroots women are also promoting resilient communities through, for example, the Huairou Commission's Community Resilience Campaign (see the case study below).

Analyzing legal and institutional aspects. It is important to undertake a comprehensive analysis of the policy, legal and institutional framework for land. After the 2001 earthquake in Gujarat, India, and the 2005 earthquake in Pakistan, national

specialists found innovative solutions within the existing legal frameworks for land. By contrast, some issues arose in Banda Aceh, Indonesia, after the 2004 tsunami due to a lack of appreciation of the legal framework for land administration.

Strengthening local institutions in a dispute-resolution system. Regardless of whether the crisis is a natural disaster or an armed conflict, there is no substitute for investing in existing local institutions. Targeted capacity development strategies should be implemented for each relevant institution, as well as to strengthen the connections between institutions. Traditional authorities, local government, the courts, NGOs, civil society as well as external actors such as the United Nations must all work together in order to address complicated land conflicts.

Investing in communication and outreach. Misinformation and even disinformation are common after a crisis. Significant investments must be made to ensure a two-way flow of information to avoid conflict.

GUIDELINES FOR DEALING WITH LAND AFTER A CRISIS

Beyond the articulation of this broad strategy, GLTN's focus has been on developing and applying guidelines on how to deal with land issues in crisis situations. These target different audiences on different topics (Table 6). Some of these guidelines are completed but some are still required.

There is a significant difference in approaches between land professionals and humanitarian actors:

- *Humanitarian organizations* operate under severe constraints: 6–9-month project time frames, the need to deliver physical goods, no capacity development orientation, limited awareness of laws and policies, and the need for very specific guidance related to their primary areas of work.
- *Land programmes* are 5–25 years in duration, focus on institution-building, are bound by law, and implemented to high technical standards.

The two communities have rarely interacted, and even less so in a crisis context. The few land professionals who work in such contexts, mostly as consultants, are usually from the developed world, where there is less tenure complexity and informality. They are unable to meet the demand. As a result, guidelines on land have experienced delays and delivery problems, highlighting the need for more specific advice for humanitarian organizations.

GLTN's guidelines have played an important role in helping to shape the approach of humanitarian actors at the global and country levels. In the Democratic Republic of Congo, Haiti, Iraq, Liberia and South Sudan, UN-Habitat is piloting the broad approach to land issues developed in the GLTN guidelines. Coordination mechanisms, land policy processes and an emphasis on systems to resolve land disputes are being piloted, in different ways according to the local context, in each country.

The GLTN guidelines have also been used to mainstream land issues into humanitarian assessments, policy documents and training materials. Land issues are now incorporated

TABLE 6. GUIDELINES FOR CRISIS SITUATIONS

Title	Target audience	Purpose
Addressing land issues after natural disasters: Guidance for practitioners	Humanitarian actors with some background in land issues Land professionals	Understand the disaster context and common land issues Identify potential interventions
Quick guide to land and conflict	Humanitarian actors in the field	Understand relationship between land, conflict and humanitarian action Identify practical options to address common humanitarian challenges
Land and natural resource conflict: Guidance note	United Nations and humanitarian organization country teams	Focus on linkages between land rights and natural resources conflict From conflict prevention to recovery
Post-conflict land guidelines	Land professionals	More detailed technical guidance on land interventions in post-conflict setting

into or used to develop the Sphere Project standards (a multi-stakeholder project to develop standards for disaster response) (www.sphereproject.org); a rapid protection assessment tool (UNHCR, in preparation); shelter in recovery guidelines (IRP 2008); a web-based training package on land and natural resource conflict; and training material for South Sudan.

One of the challenges has been to monitor the application of these guidelines by other partners, their impacts and lessons that could inform future revisions.

Crises create new opportunities for women and men that can positively change gender relations with respect to land. These in turn can lead to structural change in gender equality and the realization of women’s rights to land. GLTN partners are implementing initiatives that are using disaster preparedness as well as the post-disaster recovery and reconstruction

momentum to strengthen women’s land tenure.

CASE STUDIES

The case studies below illustrate how GLTN’s approach and tools have been operationalized in post-crisis contexts.

- The work of the Huairou Commission illustrates how grassroots women are building resilient communities.
- The example of Haiti demonstrates how a range of GLTN land tools are being used to help that country recover from the 2010 earthquake.
- The Liberia example describes how GLTN has been working with the government to build a sustainable set of land institutions after decades of civil war.

HUAIROU COMMISSION'S COMMUNITY RESILIENCE CAMPAIGN

The Huairou Commission, a partner of the GLTN, is comprised of global and regional networks of NGOs and grassroots groups and their partners. Its Community Resilience Campaign helps communities affected by climate change and disasters (Huairou Commission and GROOTS International 2011, www.huairou.org/resilience). It has refined a set of strategies for grassroots women's groups, including collective action and negotiation with local and national governments.

These strategies aim to enhance the communities' ability to organize themselves to cope with, resist and recover from natural disasters. Before a disaster, that means reducing their exposure, vulnerability and risk. After a disaster, it means organizing effective relief and recovery.

The member groups have identified priorities by mapping their risks, vulnerability and capacity. They have also trained other groups to use mapping as a way to mobilize communities, build consensus on priorities for action, and to negotiate with local and national officials. The groups combine their efforts to build resilience with their development activities. For instance, improving sanitation is a development action; it also reduces health problems if the area floods.

In Haiti since the 2010 earthquake, women belonging to the Huairou Commission network have taken part in UN-Habitat's participatory enumeration exercises (see

below). That has given them skills they can replicate in other communities.

GLTN TOOLS SUPPORT HAITI RECONSTRUCTION

Post-disaster needs assessment. After a massive earthquake struck the Haitian capital Port-au-Prince on 12 January 2010, a post-disaster needs assessment was carried out at the request of and under the direction of the Government of Haiti, with the technical support of the United Nations and other agencies. Two GLTN publications provided vital information: *Land and natural disasters: Guidance for practitioners (UN-Habitat 2010c)*, and *Strategic citywide spatial planning: A situational analysis of metropolitan Port-au-Prince, Haiti* (GLTN 2010).

Participatory enumeration to inform the reconstruction process. The lack of reliable land records made it impossible to determine which household was eligible for reconstruction assistance. Participatory enumeration offered the possibility to rapidly generate basic tenure information. Guided by the GLTN tool *Count me in – Surveying for tenure security and urban land management* (UN-Habitat 2010b), UN-Habitat with the government and partners developed a participatory enumeration methodology for Port-au-Prince, consisting of the following steps: community information and mobilization, definition of neighbourhood boundaries, mapping of houses and other built environment, household survey, community validation of results.

By the time of writing, 30,000 households (135,000 persons) had been enumerated. The government is now scaling up enumeration to cover the entire earthquake-affected zone. With UN-Habitat assistance, it is assessing the possibility of using the enumeration data on land ownership, validated by the community, as first evidence of land rights.

Community planning for reconstruction and disaster-resilience. Based on enumeration data, UN-Habitat facilitated community planning for reconstruction and upgrading in 10 neighbourhoods of Port-au-Prince. GLTN's *Land and natural disasters: Guidance for practitioners* (UN-Habitat 2010c) provided useful direction on how the community could best identify land for infrastructure and relocation projects. No-build zones were identified in neighbourhood reconstruction plans as part of a risk-mapping exercise. UN-Habitat intends to promote land readjustment for settlement upgrading in the reconstruction context.

Strategic planning of the metropolitan area of Port-au-Prince. UN-Habitat is supporting the government in conducting a strategic planning process for the metropolitan area of Port-au-Prince. Following consultations involving all major stakeholder groups, this aims to provide coherence to the various on-going urban planning and reconstruction efforts at various levels. The idea is that reconstruction of the capital city needs to contribute to the country's long-term development. The GLTN tool *Citywide strategic planning: A step by step guide* (Mohlund and Forsman 2010b) provided useful guidance to this process.

AN INNOVATIVE APPROACH TO POST-CONFLICT LAND SECTOR REFORM IN LIBERIA

Unequal access to land was at the core of almost 20 years of civil war in Liberia. The conflict severely undermined many of Liberia's key land institutions, and land disputes are widespread. International support was initially uncoordinated, externally-driven and piece-meal in approach.

In 2009, the Government of Liberia established a Land Commission to spearhead land-sector reforms. The Land Commission has been adamant that Liberians, not international staff, lead the reforms. UN-Habitat and GLTN have supported the commission through a combination of technical assistance and tools. Simple tools such as *How to develop a pro-poor land policy* (UN-Habitat 2007b) and *How to establish an effective land sector* (UN-Habitat 2008a) as well as other guidelines have been useful sources of international experience to support national action.

Initial results have been positive. The Land Commission coordinates external support to the land sector based on its five-year strategic framework. Individual agency programmes are aligned to this framework independently of their source of funds. In addition, all international partners interested in the land sector participate in their own Land Partners Group, where they can discuss the interventions, align them to the Land Commission framework, and coordinate their efforts. The group is informal and very flexible; its members include bilateral donors, United Nations

agencies, international non-government organizations, and private consultancy firms that are implementing land projects. A coordinated approach from donors and partners has helped ensure Liberian ownership and leadership in reforms and has helped diminish the burden related to different reporting requirements.

With funding from Sida, UN-Habitat provides technical, financial and administrative support directly to the Land Commission, building its capacity and paving the way for a flexible land-sector pooled fund (where funding is managed through one pot). The Land Commission now hires its own staff and manages its own budget. That contrasts with post-crisis governments in other countries, which are poorly resourced compared to their international counterparts. This new approach called “assisted direct implementation” enables the government to do its job while providing permanent technical support to ensure enough capacity is in place to comply with funding requirements. The Land Commission broke new ground in 2010 with the publication of its audited financial report, the first of its kind for a government commission in Liberia.

The Land Commission, with UN-Habitat support and funding from the United Nations Peacebuilding Fund, has designed a nationwide system to resolve land disputes. A wide range of parallel systems deal with land disputes: customary, local government, Ministry of Justice, and civil society. Land coordination centres are being established in five of Liberia’s 15 counties to link the individual systems and form a coordinated network. This will cover a range of functions: databases of disputes, common procedures

for intake and referral of cases, public-awareness campaigns, the coordination of local actors, an early warning mechanism, and record keeping and documentation of proceedings.

This has several rationales:

- To make existing organizations and mechanisms to resolve land disputes more accessible and effective.
- To coordinate among alternative dispute resolution organizations and procedures.
- To harmonize formal and informal land dispute-resolution systems.

What already exists will be built into a coherent system for resolving land disputes. Other donors have recognized the value of the approach and are implementing their own programmes to further expand the system to achieve greater coverage.

NEXT STEPS FOR SECURITY OF TENURE IN DISASTERS AND CONFLICT

While significant progress has been made in mainstreaming land issues within the humanitarian aid sector, the result is an increased demand for land expertise. The challenge for GLTN will be to develop an effective strategy for leveraging existing capacity in the short term, while building additional capacity over time.

Comprehensive approach. The most significant gap that remains is the need to articulate a comprehensive approach to land

issues from the pre-crisis stage (land-conflict prevention and disaster-risk reduction), through the immediate aftermath of a disaster, and linking to the longer term reconstruction agenda. This is elaborated in Chapter 11.

Documentation and evaluation. In the short term, GLTN can support the strengthening of humanitarian action with respect to land issues in several ways. Many useful experiences and lessons are never documented or disseminated, leading to a situation in which many organizations are forced to reinvent the wheel. Improved documentation and evaluation would include case studies and guidelines to help humanitarian agencies understand the local situation around land. This would link their efforts to long-term land-related solutions early on, and to documenting innovative approaches that address land-conflict resolution or improve security of tenure for urban tenants.

There is also an urgent need to develop a more robust methodology for evaluating

the impact of land interventions, especially on marginalized groups and poor women in crisis contexts. Indicators are needed to measure results at all stages of anticipating and dealing with a crisis using a pro-poor and gender-responsive perspective.

Capacity development. This is a critical priority. Targeted strategies should be developed to support the work of humanitarian organizations, land professionals, women's organizations and grassroots communities. A roster of land experts from developing countries is needed who can support humanitarian actors in post-crisis activities, particularly in crisis-prone or hotspot areas. Simplifying, translating and improving the dissemination of existing guidelines will ensure that they meet the needs of humanitarian organizations operating in difficult conditions.

Piloting tools. Specific land tools should be piloted in crisis contexts: suitable tools include participatory enumerations and a land information system based on the Social Tenure Domain Model.

Aftermath of the tsunami, Banda Aceh, Indonesia
Photo © UN-Habitat/Clarissa Augustinus





Negotiations around the Voluntary Guidelines
Photo © FAO/Giulio Napolitano

10

ENABLING LAND POLICY PROCESSES

Land-related problems are common in many countries around the world, and pose particularly difficult policy problems for governments. In many countries, the ministry responsible for land focuses on delivering titles to the middle classes and to commercial concerns. They try to pursue business as usual, despite being bombarded by a range of land-related problems and crises. In other countries, the government is weak, and there is often limited capacity to handle land issues at the national level. In still more countries, conflict within the country or region prevents any systematic initiatives to solve the land problem.

These situations have many consequences. A lack of adequate frameworks for fiscal management of land and land based resources contributes to poor planning and land use, speculation, rapidly growing informal settlements, a lack of services and infrastructure, and a loss of land-based revenue for the government. These in turn lead to food shortages, health problems, urban planning challenges, and land disputes between individuals and groups, between citizens and the state, and between countries.

There is a gulf between the legal framework for land on one hand and actual land-tenure practices for most people on the other. They, and especially the poor, women

and marginalized (the majority of people in developing countries) – are left on their own to solve their land-related problems from day to day, without any help from either the national or local governments. They cannot get land-dependent services such as water supplies or roads; and they have little say in decision-making.

WHY POLICY MATTERS

Unfortunately, many countries have not changed their land policy and land management approaches to fit the 21st century. They tend to share several problems:

- **Over-centralization.** Responsibilities for land are concentrated in the central government, rather than decentralizing it to local authorities or sharing responsibilities with the private sector or NGOs. Decisions about services are made far from the poor populations that are supposedly served.
- **Lack of coordination.** Organizations responsible for managing land are poorly coordinated and lack the capacity to deal with the complex problems they face.
- **Low levels of participation.** These countries often have a weak civil

society in the land sector. Well-meaning changes have been hampered by a lack of stakeholder consultation and fail to incorporate the needs of poor women and men.

- **Lack of concern for equity.** Existing policies and laws largely neglect to integrate equity, efficiency and gender concerns. In particular, gender inequality is not on the agenda.
- **Corruption and poor governance.** These countries often suffer from a lack of transparency, high levels of corruption and poor governance. In part this is because so few land titles are available, encouraging title holders to push up prices, and increasing the incentive for backhanders. Accountable and transparent institutions oriented towards citizens' requirements are rare, and administration procedures for land transactions are lengthy and bureaucratic.
- **Limited capacity in land institutions.** A low level of capacity in land institutions poses huge challenges. Improved capacity is crucial for effective policy implementation, but is often viewed as of secondary importance.
- **Conflict among competing actors.** Disagreements among different stakeholders are inevitable in land issues. But vested interests and power differences mean that the principles of equity and justice are neglected. Land institutions lack the capacity and incentive to find harmonious solutions to disputes.

PROMOTING AID EFFECTIVENESS

Donor agencies are tending to move away from conditional lending and project-based support, and towards general budget support for governments. That aims to allow governments to use their own systems and strengthen their ownership of and responsibility for aid in line with the principles outlined in the Paris Agenda on Aid Effectiveness and the Accra Agenda for Action (OECD 2008). Donors are also exploring ways to reduce transaction costs and become more efficient in aid delivery. This trend is also affecting the land sector: donors are becoming more interested in building land institutions in developing countries to enable them to establish land administration systems on a sustainable basis. But that introduces its own problems, for both developing country governments and donors:

- Coordinating and aligning the contributions from multiple donors, each with their own accounting systems and reporting mechanisms, can be a challenge.
- Weak coordination hampers the implementation of land programmes and slows the transition to new institutional arrangements.
- Aid flows can be unpredictable.
- It is harder for donors to monitor how their assistance is used and to discern its impact.

Overcoming these problems requires rethinking of how partners are organized and managed.

GLTN'S APPROACH TO POLICY PROCESSES

Existing policies and laws on land often pursue economic productivity at the expense of other equally important values, such as equity, sustainability, transparency and efficiency. GLTN tries to ensure that these neglected issues are incorporated in improved policymaking processes. In particular, that means reducing the overall role of the state and investing more power in lower levels of government and in citizens at large (UN-Habitat (2007b).

That is an enormous challenge. Reforms require a high level of sensitivity to political, social, cultural and economic factors. Progress depends on appropriate constitutional and legal frameworks, public consultation and political will. Coordinated mechanisms and structures need to be set up to institutionalize public consultation and access to information. Coherent linkages, harmonization and feedback are needed between the national and local levels. Innovative ways are required to ensure that laws guarantee rights to marginalized groups such as women and children.

Below we describe four ways that GLTN is addressing this challenge:

- The Land Policy Initiative in Africa.
- Support to donor coordination in Kenya.

- Governance of tenure of land, forests and fisheries.
- Integrated land policy development in the Caribbean.

LAND POLICY INITIATIVE IN AFRICA

The Land Policy Initiative is a tripartite consortium of the African Union Commission, the United Nations Economic Commission for Africa, and the African Development Bank (AUC, ECA and AfDB 2010, UNECA 2012). It aims to ensure all land users have equitable and secure access to land. It does this by facilitating partnerships, dialogue and capacity building for participatory and consultative land policy formulation and implementation, and to foster efficient and transparent land administration in both customary and statutory jurisdictions. GLTN supports this initiative and uses it as a platform to influence national and regional land policy processes.

The Land Policy Initiative has developed a framework and guidelines that set the agenda for land policy processes in Africa. These provide a clear overview of the historical, political and social background of the land question in Africa, and highlights the role of land as critical for economic development and reducing poverty. The guidelines urge governments to pay attention to land administration issues, including land rights, delivery systems and land governance structures and institutions, and to ensure adequate budgetary provision to land policy development and implementation.

The Land Policy Initiative process provides a broad framework for African governments in land policy formulation and implementation, and acts as a foundation for popular participation in improved land governance. Dialogue and consultations have examined a range of factors: geopolitical, economic, social and demographic. Governments are moving towards a shared vision on the main land issues in the continent. A platform has been created to lobby for political will and high-level leadership to develop or overhaul land policies and land laws in line with the Initiative's guidelines. This platform is also used to engage development partners in mobilizing resources and building capacity to support land policy development and implementation. GLTN has helped this process by supporting the thinking around land issues, land governance, indicators and capacity, and continues to support it in the area of capacity development.

As they make changes in their land processes, many African governments are making a conscious effort to link to the Land Policy Initiative process. GLTN has also helped link countries such as the Democratic Republic of Congo, Liberia, South Sudan, Kenya and Burundi with a range of support and donor coordination.

Additional links have been made with other intergovernmental bodies: the African Ministerial Conference on Housing and Urban Development is mobilizing additional support from governments to implement the guidelines. Collaboration with regional economic bodies (the West African Economic and Monetary Union, the Economic Community of West African States, and others) helps to promote the

land agenda by looking at specific issues in each region.

HARMONIZING DONOR ACTIVITIES IN KENYA

Harmonization and alignment of donor activities is good for everyone – the donors (since donors are less likely to duplicate activities or work at cross-purposes), the government (it can use aid more effectively), and beneficiaries (they are more likely to see actual benefits). For the last eight years, UN-Habitat/GLTN has coordinated the Development Partners Group on Land in Kenya, a group of development agencies interested in land-related issues that includes UN-Habitat, the World Bank, and bilateral aid organizations from the European Union, Italy, Japan, Sweden, the United Kingdom and the United States (UN-Habitat 2008a). This coordination aims to promote ownership, efficiency, effectiveness and sustainability. It is increasingly facilitating collaboration across traditional boundaries in the land sector by bringing on board government, development partners, civil-society organizations and the private sector. GLTN's role has been to provide technical advice, coordinate policy dialogue on sector-specific issues, coordinate donor assistance and monitor their performance in the land sector. This is generating useful lessons on how to deliver land reforms to the poor and to vulnerable groups in Kenya (GLTN et al. 2008).

Coordination mechanisms include a joint secretariat, memorandums of understanding, agreed partnership principles, joint declarations, meetings, and

BOX 34. CAPACITY ASSESSMENT FOR LAND SECTOR IN KENYA

With the Ministry of Lands and Sida-Kenya, UN-Habitat initiated a **capacity assessment** for the land sector in Kenya. This assessment involves the government, training institutions and non-state actors. It has three aims:

- Assess human capacity development needs.
- Design a human resource development /training programme to implement

the national land policy/land reforms in Kenya.

- Prepare a way to assess human capacity development needs that can be used to guide other developing countries in planning and implementing their land-reform policies.

More information: Ministry of Lands, UN-Habitat and Sida (2011).

coordinated funding of non-state actors and pilots.

The harmonization and alignment of development assistance is closely linked to the formulation of Kenya's national land policy and preparations for implementing it. This is being done through a consultative process led by the Ministry of Lands. The development partners and the government have forged strong relationships and engage in dialogue on land reforms. A first informal meeting in 2003 between the government and development partners interested in the land sector led to an exercise to map the development partners' interests and on-going land initiatives. That resulted in an agreement on a common land agenda between the development partners and the government, and a commitment by development partners to fund the sector.

GLTN's coordination activities ensure that land remains high in the agenda of development partners, and that they stay on course throughout the process. GLTN also serves as an information clearing

house by collecting, analysing and sharing information at the sector level. That increases awareness about key thematic areas: secure land rights, equitable and efficient institutions as key to good governance, and a focus on both urban and rural land. GLTN's technical assistance has enabled partners to benefit directly from the acquired knowledge. Its coordination and advocacy work provides partners with a way to move the land agenda forward and inform the policy work.

To complement participatory mechanisms in the land sector, GLTN has explored mechanisms for multi-stakeholder participation and for building capacity (Box 33). Close collaboration with non-state actors provides a significant operational presence on the ground. That allows coalitions to be built and strengthens the voice of people with low incomes, and enables it to be fed back into the national policy process. Examples of this include:

- Non-state actors have lobbied for the national land policy to cover pastoral

land issues, gender and equity principles, and the land rights of vulnerable and minority groups.

- In rural land use planning, the land policy includes a commitment to help communities to achieve optimum productivity.
- Non-state actors have lobbied for the adoption of the land chapter in the Constitution of Kenya, a watchdog role on land decisions affecting land-dependent communities, and capacity development of land control boards and tribunals.

This work in Kenya offers lessons for other countries that are trying to develop or revise their national land policies:

- Multi-stakeholder consultations help to build consensus, build synergies and overcome difficulties.
- Closer collaboration with non-state actors provides avenues for reaching the poor and women.
- Innovative mechanisms and tools to guarantee rights for the poor and women are critical. Land policies do not always equate to rights for these groups.
- Political will is essential and will require continuous assessment of interplay between power and politics.
- Strong local leadership and ownership is critical for land reforms implementation.
- Capacity development is a key integral component.

VOLUNTARY GUIDELINES ON RESPONSIBLE GOVERNANCE

Global Land Tool Network partners have joined the Food and Agriculture Organization of the United Nations in developing a set of “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests” (FAO 2012). These set out principles and internationally accepted standards for governing tenure. They are intended to assist governments, civil society and the private sector to improve the governance of tenure to help to alleviate hunger and poverty, empower the poor and vulnerable, enhance the environment, support national and local economic development, and reform public administration. They provide a framework that governments can use when developing their own strategies, policies, legislation and programmes. They allow government authorities, the private sector, civil society and citizens to judge whether their proposed actions and the actions of others are acceptable.

The voluntary guidelines have been developed through wide-ranging, inclusive consultation. About 1,200 land experts from governments, local administrations, the private sector, research institutes and non-government and community organizations from 133 countries discussed governance shortcomings and solutions. The process included ten regional consultations, four consultations with community organizations, a private-sector meeting and an electronic consultation. That allowed the draft to build on initiatives such as the African Land Policy Initiative (see above). The draft is the basis for intergovernmental negotiations led by the Committee on

World Food Security, a United Nations forum for reviewing and following up on policies concerning world food security. Discussions on the draft started in 2011, including stakeholders from 70 member countries, 45 community organizations and as well as representatives from the private sector. Negotiations are continuing.

The voluntary guidelines are expected to serve as an umbrella for pro-poor land related initiatives at country and regional level. Although the voluntary guidelines are not yet adopted, they have already had an effect. For example, the Philippines Land Sector Development Framework was based on documents prepared for the voluntary guidelines. This framework was subsequently taken up in parts of the Philippine government's development plan for 2011–16.

INTEGRATED LAND POLICY DEVELOPMENT IN THE CARIBBEAN

The islands of the English-speaking Caribbean generally have small land areas and high population densities. Land use is often inefficient, and the land is easily degraded. Many areas are susceptible to natural disasters such as hurricanes, earthquakes and volcanoes, as well as to climate change. At the same time, small populations mean limited human and institutional resources to develop and implement comprehensive land policies. That makes these countries dependent on external technical resources and donor financing.

One of the few good examples of comprehensive land policy development in the Caribbean is an exercise by the Jamaican government in the late 1990s and early 2000s, which in 2002 culminated in a national land policy. This policy was exemplary both because of its comprehensive and integrated nature, and because of the participatory way it was developed. In a small population of 2.5 million, over 2,000 public officials, professional and civil society representatives took part. Institutional reforms in the government have facilitated the implementation of elements of the policy. Political changes and economic problems have limited its overall success, but both its content and the way it was developed remain a model in the region.

Recent attempts by the Organization of Eastern Caribbean States (which covers the smaller islands of the English-speaking Caribbean) to create a sustainable land management framework for its members have created new opportunities to apply GLTN's land tools. Land policy in these countries faces some classic problems, including a lack of comprehensiveness and a short-term framework of thinking. As a result, land policies do not address their development needs.

The Organisation of Eastern Caribbean States has developed a comprehensive understanding of the problems faced by the land sector. But this emphasizes the environmental and carrying-capacity issues around land management, and tends to neglect the social issues. For example, many of the countries are still to recognize the extent of the relationship between poverty and informal settlements. With funds from GLTN, UN-Habitat is engaging with the

Organisation of Eastern Caribbean States to develop land policies for all nine countries in this regional body, starting with three. The land policies will be linked to climate-change issues, as concerns about disaster risk management and climate change have dominated the land policy agendas in these countries. These countries have a tradition of “family” landholdings that have not been addressed successfully at scale through systematic titling approaches. The continuum of land rights (Chapter 2, Figure 3) and the Social Tenure Domain Model (Chapter 3) can help regularize this type of tenure.

The existing policy frameworks are being used as a basis for identifying land-sector problems and developing a preliminary programme of action by the University of the West Indies as a GLTN partner. Because the countries are small and human and institutional resources limited, the approaches used to develop land policies in larger countries may not be applicable. Regional collaboration through the Organisation of Eastern Caribbean States and the University of the West Indies seems to be the solution.

Institutional transformation coupled with capacity development. This is essential in assisting land institutions to respond more effectively to increasing demands of land administration and management. This means enhancing the ability of individuals, institutions and systems to perform their functions and deliver efficient, cost-effective and equitable land services. That can take a long time, so a long-term commitment is needed.

Engaging stakeholders. Engagement with stakeholders at all levels of developing land policies helps ensure that they are informed about the issues and can express their opinions in developing policies. That in turn will ensure that the policies are more appropriate, can help overcome resistance and difficulties, and will promote consensus, political will and a feeling of ownership for the policies. An inclusive process makes it easier to deliberate controversial issues and agree on the way forward.

NEXT STEPS FOR LAND POLICY PROCESSES

GLTN’s work on policy processes offers a platform for promoting a fundamental change in how land problems are addressed. Land issues are complex as illustrated in this book. That means strategic thinking is needed on what has to be included in policy discussions. Two areas in particular need further attention.

Rural land in the Philippines
Photo © UN-Habitat/Danilo Antonio





Joining hands in addressing land related issues, Nairobi, Kenya

Photo © UN-Habitat/Julius Mwelu

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WAY FORWARD

GLTN was launched in 2006 to fill the gaps in the conventional approaches to land administration and management – in particular, their failure to ensure land rights for the poor and for women. It focused mainly on ways to enable land systems to serve more people, thereby also allowing sustainable land management. GLTN has been a joint effort by many partners at international, national and local levels. Much has been accomplished – as this book shows. But much remains to be done. Below, we discuss nine key areas in GLTN’s upcoming work. While some of the tasks can be completed in the Network’s second phase (2012–15) others might only be started in the short- to medium-term and will be completed in later phases, depending on availability of resources.

SOUND LAND GOVERNANCE

Improving land governance, one of GLTN’s cross-cutting issues (Table 2), is critical to achieving worldwide sustainable land management and, in turn, to achieving the Millennium Development Goals (Box 34). When GLTN was formed, the term “land governance” was rarely used – though the idea of governance associated with land was already in circulation. In January 2007, GLTN convened the first expert group meeting on

transparency and land governance, where the idea of land governance was debated and agreed upon. The concept of sound land governance has now taken hold globally with many governments, regional bodies, partners and individuals championing it:

- The *Land Policy Initiative* (Chapter 10), supported by the African Union, the United Nations Economic Commission for Africa and the African Development Bank, uses the land governance approach in its framework and guidelines.
- The World Bank has developed a *Land Governance Assessment Framework* (Box 11) as a foundation for work in various countries.
- The Food and Agriculture Organization of the United Nations is developing a set of *Voluntary Guidelines* on the responsible governance of tenure of land, fisheries and forests in the context of national food security (Chapter 10).

Civil society and grassroots involvement are integral to sound land governance. People with low incomes, and particularly women, suffer disproportionately from weak land governance systems because of three key factors: land is often distributed inequitably, they do not generally have formal land documents, and conventional

BOX 35. RESPONSIBLE LAND GOVERNANCE AND THE MILLENNIUM DEVELOPMENT GOALS

Land governance is the set of formal or informal rules, processes and structures through which decisions are made on access to, transfer of and the use of land. It includes the manner in which decisions are implemented, and the way that conflicting interests in land are managed.

Responsible land governance contributes directly to the achievement of several Millennium Development Goals:

- **Goal 1:** Eradicating extreme poverty and hunger. Land rights are critical for food security and livelihoods.
- **Goal 3:** Promoting gender equality and empowering women. Access and control over land and resources are essential.
- **Goal 7:** Ensuring environmental

sustainability. Sustainable land management is essential. It can contribute indirectly to achieving the other goals:

- **Goals 2 and 5:** Education and health. Legally recognized land rights are often critical to establishing legal identity, which in turn is linked to access to services such as education and health.
- **Goal 6:** HIV/AIDS: Secure land rights help ensure that women, men and children do not lose their land when a partner dies from AIDS-related diseases.
- **Goal 8:** A global partnership for development.

More information: Enemark et al. (2010).

land administration systems are often not transparent or user-friendly for most citizens.

APPROACHES TO IMPROVE LAND GOVERNANCE

Scaling up grassroots land projects.

Scaling up successful grassroots approaches is vital to address these issues. GLTN's four pilot projects on expanding their engagements in land administration and management (Chapter 5) have produced valuable lessons. They have also revealed the tension between including grassroots groups in land processes on one hand, and the structure and complexity of land processes (which are difficult for grassroots groups to understand and participate in) on the other. GLTN needs to explore this further to find ways to facilitate this engagement.

Transparency. GLTN and partners (mainly the International Federation of Surveyors and the Faculty of Geo-Information Science and Earth Observation at the University of Twente) have developed and pilot-tested training materials and tools on "transparency in land administration" (Chapter 6). GLTN will continue to work on designing transparent land information and record systems that work at the local level, and through advocacy, training and capacity development. Empowering civil society with knowledge on how land administration systems work, and empowering land professionals with knowledge on how to improve governance, are vital to sustainability.

Evaluation framework to support the continuum of land rights. A key tool to develop is a comprehensive evaluation

framework to analyse the continuum of land rights (Figure 3). This would demonstrate how a range of tenures have improved gender relations, agricultural productivity, conflict management, investment, and so on. The Land Governance Assessment Framework, led by the World Bank as a GLTN partner, is developing such an evaluation framework, along with the required indicators (Box 11). Pilots have been done in over 18 countries and a large body of knowledge has already been created. This makes it possible to assess the effectiveness of formal institutions in getting legal recognition for all groups of land users, in enforcing the recognized rights by compensation in case of expropriation, and in providing land administration services.

The concept of the continuum of land rights has also been embedded in the methodological framework to monitor tenure security in cities, spearheaded by UN-Habitat. This methodology assesses tenure security across the continuum and also at three levels: individual or household, settlements or community, and policy or institutional. Various types of tenure arrangements are also embedded in the methodology.

A robust evaluation framework and methodology are needed to allow objective tenure typologies to be built, to describe their characteristics, to assess their effectiveness and flaws, and to gauge their impact on investment. A systematic framework would facilitate the design of pro-poor land-tenure strategies, policies and specific interventions. The tenure typologies should consider the existing statutory or customary regime in the country under analysis. They should take into account:

- Officially recognized *tenure types*, as well as other informal, extra-legal or illegal categories.
- The levels of *government* (central, region, local) and informal or customary authorities, and how they relate to each tenure type.
- The levels of *tenure security* (both passive and active) provided by each category; and the range of activities (occupying, being compensated in case of eviction, selling and giving as collateral) that the owner/user can exercise.
- The *documentation* available for each category, and its accessibility, especially for the poor.

A key challenge for land projects is the availability of land data – because so much land is outside the formal system. Digital data covering the whole country and all tenure types would be the ideal solution.

Measuring land governance. The Social Tenure Domain Model (Chapter 3) could ultimately be used to measure land governance more rigorously at local, regional and national levels. This tool is currently being piloted for the upgrading of a slum, but in the next phases it could also be used to strengthen “passive” land rights (for example, for protection against eviction and losing rights). It may also be possible to use it to scale up pro-poor land administration mechanisms, for example by strengthening the functions performed by traditional authorities, or by the formal courts and land-sector agencies accepting information it generates.

If the Social Tenure Domain Model goes to scale along these lines it will generate more rigorous data for the Land Governance Assessment Framework's country assessments. That would in turn help governments to monitor and manage their land governance systems better over time. GLTN partners are committed to go to scale through these kinds of activities and in that way build better land governance.

Other approaches. GLTN will continue to use multiple entry points to tackle land governance. It will:

- *Present the land tools* in a way that shows how they can improve land governance and contribute to the achievement of the Millennium Development Goals.
- Assess which *additional land tools* may be needed to improve land governance, and then develop them. That includes incorporating lessons learned from testing the gender evaluation criteria into existing and future land tools, indicators and training programmes.
- Link the core content of *training and capacity development* to the broader objective of responsible land governance.
- Increase the space for *grassroots and civil society organizations*, including international NGOs, to engage with governments and GLTN partners on the topic of land tools, both at the global and country levels.
- Promote the *Voluntary Guidelines on Responsible Governance of Tenure* (Chapter 10) as a pro-poor, gender-

responsive tool to achieve secure land rights for all.

- Promote the *Land Governance Assessment Framework* (Box 10) to assist governments to identify shortcomings in land governance. Help governments improve governance by developing human resources and institutional capacity.

SCALING UP LAND TOOLS TO THE COUNTRY LEVEL

GLTN was created to fill a gap: to develop a series of land tools that did not yet exist. That meant it was not possible to start implementing immediately. First, it was necessary to create the tools – and progress has been made as shown in GLTN's list (Table 1). Much of this development work had to be done at the global level – reviewing the current situation around the world, identifying promising approaches, and so on. Some of the tools have now been piloted in particular countries and the foundation has been laid to implement the tools at country and regional levels. While GLTN will continue to run pilots where necessary, scaled-up implementation will be the major focus of the next phase of GLTN's work. The goal of such a new approach is to help governments improve land policy development, programme design and implementation. Engaging at regional level through bodies such as the African Union's Land Policy Initiative and the Organisation of Eastern Caribbean States will facilitate the scaling-up of activities. Currently there are failures in this area because the poor and women are not taken sufficiently into account.

The GLTN Secretariat's role at country level is to support the implementation of pro-poor and gender-responsive reforms in the land sector. It will not replace the government's role, or assume the role of principal donor. Instead in any engagement at the country level, a GLTN partner will take the lead building on the existing country programmes.

This approach was used in GLTN's first phase (2006–11) with civil society (Huairou Commission, International Land Coalition, Slum/Shack Dwellers International), the World Bank and UN-Habitat regional offices. There have also been experiences working with a number of partners at the same time at country level. While these approaches produce results, the institutional and funding mechanisms are complex.

How can multilateral partners in the Network (World Bank, International Fund for Agricultural Development, Food and Agriculture Organization of the United Nations, Cities Alliance and UN-Habitat) collaborate better at the country level? Early in Phase 2, GLTN will review its experience working with, and through, partners at this level. Country-level collaboration should also include professional associations, civil society and training institutions.

WHICH COUNTRIES?

While opportunities for some GLTN activities may exist in many countries, there are few opportunities for systematic implementation of large-scale reforms. GLTN will develop selection criteria for identifying priority countries in which GLTN and its partners could focus their efforts. The selection criteria will include a range of aspects such

as political will, the potential for impact, evidence of funding or donor support, GLTN partner leadership, and regional and partner diversity. The capacity of the GLTN Secretariat to provide support will also be taken into account.

Priority countries will be those where there is a significant opportunity for implementing pro-poor and gender-responsive land reform. However, the selection will also be influenced by historical opportunity in terms of the opening up of countries to change, opportunity created through post-conflict interventions, as well as decisions by partners, including donors on programming.

CAPACITY DEVELOPMENT

Capacity development, one of GLTN's cross-cutting themes and the focus of Chapter 6, is vital for all aspects of land tool development and implementation. In GLTN's next phase, capacity development will be an overarching approach informing all GLTN activities to achieve its overall aims and objectives.

GLTN's original design had a limited vision for capacity development. The emphasis was on training – where GLTN indeed undertook a lot of work. But very quickly, GLTN as a whole focused on changing understanding among partners and national governments. It incorporated key capacity development approaches into its programme, albeit informally and not by design.

The success of this was recognized by the African Union Land Policy Initiative, which has asked UN-Habitat/GLTN to lead Africa's capacity development on land

policy development and implementation. GLTN's second phase will include a new capacity development design for its whole programme.

Currently, many important stakeholders are not aware of the need to make changes towards sustainable, pro-poor and gender-responsive land management – or they do not have the capacity to do so. Capacity development is thus vital if GLTN is to achieve its goals. But GLTN cannot possibly address the entire range of capacity needs in the sector and it has to decide where to focus its efforts to get lasting results and build momentum both globally and in individual countries.

Creating a capacity-development strategy, and mainstreaming it in all GLTN activities and the global land sector, will break new ground. Capacity cannot be imposed on any individual or agency. It emerges only when the stakeholders involved recognize their own needs and become advocates of the actions necessary to address them.

Developing good land tools is not enough. Rather, partners need to take ownership of the tools and champion them for their own purposes. Capacity development takes place exponentially as more partners get involved in creating the tool. Further capacity is built if the partner then embeds the tool into its work programme. Embedding is also generally more successful when the partner is an international university, such as the Faculty of Geo-Information Science and Earth Observation of the University of Twente, the University of East London, or the International Islamic University of Malaysia.

FURTHER INTEGRATION OF CROSS-CUTTING ISSUES

GLTN will continue to integrate critical crosscutting issues in all stages of tool development. It will also continue to identify and fill key gaps. While a lot of work has been done on gender issues, more needs to be done. This includes integrating a gender lens into tools and partner initiatives that have traditionally not built competencies in, or prioritized, gender analysis.

The topic of land and youth has not been adequately addressed; further research is needed on land issues that matter most to young people and an understanding is needed of particular barriers for youth, such as inheritance, rental markets and the lack of housing options to enable mobility. The integration into other tools and mainstreaming of issues that are crucial to women, grassroots and young people – who make up the majority of all populations – will be a key feature of GLTN's second phase.

In terms of the environment, it will be critical to develop baselines on the expansion rates of urban and human settlements (for example, near protected areas); identify critical environmental areas at risk of rapid urban expansion; develop a framework for a rapid assessment and mapping of human-induced land use and its change; and document (for lessons and upscaling) land-use patterns, policies and practices (UN-Habitat 2010d, United Nations 2011).

GLTN may also explore tools to support sustainable land management, particularly to address the negative effects of urbanization

on biodiversity losses, greenhouse gas emissions and land degradation. Several land tools can be adapted to address emerging environmental and climate change challenges at scale. These tools include the Social Tenure Domain Model, pro-poor land records, land-use planning and evictions, compensation and expropriation. Specific environment-related land tools may include payment for environmental service schemes (as a way to create markets for resources that are threatened by degradation and consequently also for their maintenance and improvement) and social protection mechanisms related to climate change. Some of the land tools to consider include compensation mechanisms, identification of alternative locations for resettlement and relocation of environmental refugees.

A NEW PERSPECTIVE ON LAND ADMINISTRATION

When GLTN was formed, conventional land administration, registration, valuation and planning systems were the only credible mainstream options for managing land. The discipline of land surveying was not developing new, appropriate methods to meet the demands of the majority. Existing approaches could not keep up with rapidly growing cities, they could not be extended to cover an entire country with millions of rural poor, and they were too expensive. They did not offer a way forward.

Many of the land tools on GLTN's original to-do list related to land administration. Now, GLTN partners and others are developing, and in some instances already piloting, alternative systems for land information, registration and recording, planning and

valuation. Pro-poor, gender-responsive tool development is now mainstreamed across the entire land sector, including the social science and policy aspects. Some GLTN partners are working on tools that were not on the original list of tools. And they are talking to each other: policy people are now talking to land administration people, and both are linking their work to the social context. The separate knowledge silos are falling away. The tools that are being developed should help the 70 per cent of the world's people outside of formal registration systems and the one billion people living in slums. These alternative systems will not be isolated, but will connect to the conventional systems, so that ultimately the majority of people in a country, both in rural and urban areas, will benefit.

The goals of land policies vary, but in most countries they include poverty reduction, sustainable agriculture, sustainable human settlements, economic development, and equity. Suitable land administration systems are needed to implement land policies. They regulate how people interact with land and they deliver a range of benefits to society (Box 2). Without these benefits, many aspects of society cannot function, and social and economic development is seriously impeded. That means that land administration systems need high-level political recognition and support.

THE SOCIAL TENURE DOMAIN MODEL AS A BASIS FOR IMPROVED LAND ADMINISTRATION

GLTN's Social Tenure Domain Model (Chapter 3) aims to support functions and deliver benefits that are similar to those of a conventional land administration system.

Work on this land tool has progressed enormously. The model has built flexibility into land-administration concepts and has included them in a software package. It could radically improve land administration by:

- Broadening the reach of current land administration systems, and up-scaling them to the level needed to respond to rapid changes.
- Increasing the amount of serviced land, so improving land markets that are currently skewed to the rich, middle and commercial classes.
- Decreasing opportunities for corruption and improving land governance.
- Improving the rule of law in cities and countries.
- Improving security of tenure of the majority of women and men, enabling them to invest in productive enterprises, improve their houses, and strengthen their livelihoods.

IMPROVING LAND USE AND URBAN PLANNING

In advancing land administration it is also important to consider wider land use and urban planning dimensions. Key areas of focus are:

Planning at the community level. Engaging with residents and collecting data have important linkages to community planning. Informal settlement planning at the neighbourhood level may make it possible to rationalize land parcels and identify rights-of-way for infrastructure.

Participatory land readjustment can lead to negotiations over who occupies what land, and make it possible to finance redevelopment.

Anticipating and planning for population growth. For many reasons, planning has not been able to direct urban growth and anticipate needs, especially for the poor. The technical limitations can be addressed but it is critical to balance idealistic visions of growth with the reality of demand. City planning must be made more performance-based; for example, it must provide space for anticipated growth for different income groups. The approach should be planning in advance and at scale: for population growth through extension and densification, for layout and streets, and for phased development.

Linking levels of planning. Planning for poor communities and informal settlements cannot be done only at the site or community level. It has to be integrated into larger municipal networks of infrastructure and citywide opportunities for livelihoods and social services. There is a need to develop city-wide processes that also accommodate the poor and women. This requires improved coordination between the relevant sectors as well as the different levels of planning.

Planning in post-conflict and disaster contexts. Planning for rapid urban growth shares many requirements with planning for the impact of disaster. The demand for urban space and services is greater than the supply. After a disaster, the immediate humanitarian concerns put even greater pressure on the need to increase the supply. Often the supply is increased without proper planning, and sustainability issues

Cities need to plan for urban expansion and densification, Recife

Photo © Malcolm Boorer



are neglected. Also, disasters harm the poor more because of poor planning beforehand.

Planning for urban expansion and densification. Transforming land from rural to urban use creates wealth and value, and produces assets and income. But uncontrolled urban growth consumes land that could be put to other productive use. In some regions, urban areas have expanded much faster than the urban population, resulting in less dense and generally less efficient land-use patterns. Pressure on land also pushes up land prices and results in “leapfrogging” development, generating further urban sprawl. Tools for ensuring an orderly expansion and the densification of both existing and future neighbourhoods are needed in order to provide cities with a spatial structure that is socio-economically and environmentally sustainable. Such tools should enable rational urban structures that would minimize transport and service delivery costs, optimize the use of land, and support the protection and organization of urban open spaces.

Planning for public space. Land provision for public spaces (such as street, parks and gardens) is pivotal for urban areas. These spaces create opportunities for social interaction, economic exchange and cultural expression. Public spaces can be seen as the soul of a city. To effectively allocate urban land for public spaces, design solutions and tools are required that draw on different population needs (for example by age and gender) and that foster both the creation and maintenance of such spaces. Land tools can support landscaping plans at various scales such as public space assessments and users’ audits, review of legislative and by-laws and regulations on public spaces.

Planning at city-region level. Without coordination and planning, a city’s growing population spills into the surrounding countryside, where there are no necessary services and activities. That can have a negative effect on the urban economy and sustainability as congestion grows and resources are depleted. Such patterns of development around cities will have far-reaching effects on the world’s economies, energy use and climate change. Tools for development and territorial planning at the scale of the city-region are therefore crucial to balance economic and environmental aspirations. One way to preserve nature and landscapes is to guide development into mosaic patterns, with chunks of urban and rural land, and rural corridors connecting them.

ADAPTING TOOLS FOR RURAL AREAS

Many of GLTN’s tools can be used in both urban and rural areas, for example the Social Tenure Domain Model and capacity development on transparency. Other tools have been developed in an urban context but could be easily adapted to rural areas. Still others have been developed for a rural context.

GLTN has undertaken a range of specific work in rural areas:

- Using the gender evaluation criteria (Chapter 4) in rural Ghana with traditional authorities, in collaboration with the Huairou Commission.
- Documenting good adjudication procedures that protect women and

land rights and include joint ownership of land certificates in Ethiopia (Box 21).

- Securing of forestry rights for the poor in the Philippines (Chapter 5), with the International Land Coalition.
- Certification of Maasai women's land rights in Tanzania (Chapter 5), with the Huairou Commission.
- A review of the Ethiopian land certification programme, with the World Bank (Box 13).
- A review of Benin's land use planning system, with the World Bank.

GLTN is working through the International Fund for Agricultural Development to review its projects and learn lessons on affordable land records and appropriate forms of regional planning.

NEW AND ADAPTED TOOLS FOR RURAL AREAS

Here are some priority areas for developing and adapting land tools for rural areas.

- Identify land tools, particularly those that address land rights, records and registration, that can help prevent small-scale producers in rural areas from *losing* access to the land they currently use.
- *Simplify land tools* to make them fit the rural context, e.g. allow for paper-based alternatives to computerized systems that are inappropriate for remote areas without electricity.

To avoid negative impacts from large-scale investments in land, land tools are needed for:

- Recognizing and respecting legitimate *non-formal tenure rights*: individual as well as common or collective rights.
- *Defining land use* in an inclusive, participatory manner.
- Monitoring *land transactions*.
- Increasing *transparency in state land management*.

For land-use planning, the following new tools would be useful:

- Linking *spatial planning to financial planning* to ensure that land-use planning fits into the financial year of sector agencies or ministries, and that the planning outcomes are budgeted in time to enter into the next financial year's budget.
- Getting stakeholders with different socio-economic status and power equally involved in *pro-poor, gender-responsive land-use planning*.

Additional new tools may be needed that provide for simple ways of:

- Securing local people's rights on *common-pool resources* such as forests, pastures and swamp lands.
- Increasing *transparency* in state land management.

Planned urban expansion in Morocco

Photo © Matthew French



USING LAND-BASED REVENUE SYSTEMS TO SCALE UP DELIVERY

When GLTN was launched in 2006, land value capture was identified as one of the land tools it would develop. Its work on this has led the Network to broaden its scope to embrace other areas in land and property taxation. The renewed interest in land as a source of revenue is also due partly to the global financial crisis and the trend towards decentralization, which push local and national governments to seek sustainable sources of revenue. Also, UN-Habitat's new initiative on land readjustment, which is associated with land value capture, will give more impetus to work on land-based finance. All these factors mean that GLTN's emphasis on land-based financing will increase.

At the same time, we must remember that land-based revenues can be very unpopular politically. The most politically powerful people in a society are often also its largest landholders and so are more affected by changes in the land-based revenue system. Land taxes are also often unpopular among the broader public. If the potential of raising revenues from land is to be realized, this unpopularity must be addressed through a pro-poor, gender-responsive framework.

GLTN supports land-based revenues to fund key local services and infrastructure investments, while noting that land cannot be the only revenue source and will not generate enough money to fund all local services. GLTN endorses key elements of a

politically acceptable and fiscally effective land-based revenue system, including:

- Land valuation, tax determination and landholder appeals processes must be *transparent and acceptable* by all, including the poor and women.
- *All land*, including that where there are informal settlements and all forms of intermediate tenures, should be included in the revenue system.
- Tax burdens should be *fairly and systematically assigned*, based either on the market value of land and property, or in the absence of adequate market information, on the basis of land and building characteristics.
- *Exemptions* from the system should be kept to a minimum as they tend to increase the burden on the remaining land holders and reduce overall equity.
- The *administrative structure* should be as simple as possible, and should assign tasks to the level of government and agency best suited to effectively carry them out.
- *Grassroots and women's groups* should be involved in determining how revenues raised are expended and in promoting overall compliance.

To determine the level of revenue collection and create a system that is acceptable to the poor, countries and communities need to evaluate income levels and the ability to pay. Where appropriate, they should consider alternative forms of payment, such as in-kind contributions of expertise and labour.

GLTN will use urban *land readjustment* as a key entry point for land-based revenue development (see below).

GOING TO SCALE WITH LAND READJUSTMENT

Although land readjustment has been used in various forms in many different countries and circumstances it (Chapter 7) has not gone to scale in the developing world, particularly in Africa. But it shows considerable promise – which is why it is one of GLTN's 18 land tools. A new focus in UN-Habitat on land readjustment in its strategic plan for 2014–19 has added momentum to GLTN's work in this area.

A number of aspects need to become part of the land readjustment approach to make it more applicable for developing countries.

Tenure security. In slum upgrading, land readjustment can improve tenure security and avoid involuntary resettlements. It can be used to legitimize residents' claims to land, so enabling them to participate in land redevelopment. After land is pooled, readjusted and serviced, the slum dwellers can be invited back to the neighbourhood: they can rebuild their homes as holders of land documents, or receive an apartment unit with a legal title. This is a win-win approach: on one hand, it allows informal settlers to improve their living conditions and tenure security, while on the other hand it enables cities to obtain much-needed inner-city space for urban renewal. It cleans up existing ambiguous land rights and makes them more certain. One of the earlier uses of this approach was found in Spain and the Netherlands.

City and regional level. The land readjustment operation can be scaled up from a neighbourhood level to a city or regional level. To do so, individual land-readjustment projects must be conducted according to a comprehensive land-use plan. That makes it possible to guide city and regional development by applying land-readjustment programmes step-by-step in accordance with a long-term, coordinated vision of urban growth. In South Africa, a specific housing programme was set up by the national government to deliver one million houses through private–public partnerships. Projects were coordinated by applying land readjustment approaches for city-wide slum upgrading as well as the delivery of new land and housing.

Good governance. Land readjustment can help ensure good governance by incorporating pro-poor and gender-responsive decision-making into land development. The core principle of land readjustment is to build consensus and cooperation among all parties involved in land projects. In a developing world city, these parties would include, among others, formal landowners, the state, informal land occupants, customary rights holders, renters, NGOs, national authorities, city officials, urban designers, planners, and private developers. The process of land readjustments entails grassroots mobilization and giving the urban poor real bargaining power. This encourages the government to pay special attention to the needs of the poor and women from the outset. A carefully designed voting system could ensure protection for everyone – women and men, young and old – while limiting forced evictions. This approach of linking land readjustment and slum

upgrading has been used very successfully at scale in Thailand and at a small scale in Angola.

Land-based financing. Land readjustment is an important land-based financing tool. It creates space by increasing the density of buildings. The space left over can then be sold and the proceeds used to finance public infrastructure and basic services – and, indeed, the readjustment process itself. This technique creates a clear connection between the benefits that the landholders receive and the costs incurred to make the project financially viable. This meets the most important criterion of land-based financing – fairness. Generating funds through land readjustment has been used widely in South Korea, Germany and Spain. To what extent all costs will be covered in poor nations is unknown, and needs further exploration.

Land registration/recording. It is usually said that an efficient property registration system has to be in place before land readjustment is done. But instead, such a system could be put in place as a first step to land readjustment and in parallel with it. In Spain and the Netherlands, land readjustment has been used to clarify land rights and improve the documentation held in the registry.

LESSONS FOR LAND READJUSTMENT

There are several lessons to be learned from existing work about adapting land readjustment for the developing world:

- Rules must apply for the use of *compulsory purchase* to include resistant landowners, if necessary.
- The project must rest upon the *dialogue*, consultation, and participation of all affected parties.
- To make the tool attractive to local government, the project must not add *fiscal burdens* to them.
- Performance of *pilot projects* must be evaluated and documented for continuous learning and adaptation of the tool to different contexts.

NATURAL DISASTERS AND CONFLICTS

Another of GLTN's cross-cutting themes is on dealing with land issues after natural disasters and conflicts, the focus of Chapter 9, (Table 2). GLTN has played a catalytic role in bringing together humanitarians and land professionals to develop land tools in this area.

While significant progress has been made, a critical problem is the lack of a comprehensive approach to land issues before a crisis (risk reduction and conflict prevention) through reconstruction. Such a comprehensive approach would have to address the following eight key issues:

Land law and policy is perhaps the most fundamental issue. Discriminatory laws and policies can fuel conflict and promote informality. Policy and legal reform, therefore, is always a post-crisis priority, but sequencing and coordination is a challenge.

Land administration. Securing records reduces the risk of damage, theft and fraud in the event of disasters or conflicts, and facilitates reconstruction. The ability to reconstruct records that have been damaged or destroyed is critical. But because they cover only a small part of the land, conventional land records can be only part of the solution. Evidence of customary and informal types of land rights must also be incorporated.

Land use and settlement planning. The negative impacts of disasters and conflicts are exacerbated by inappropriate land use and settlement planning. The contribution of poor land use to many disasters is obvious – yet these issues are rarely addressed in advance. Climate change makes this even more critical. *Building back smarter* has to be mainstreamed in reconstruction programmes.

Land disputes are common in all societies. Whether grievances escalate to conflict or are channelled into peaceful processes depends on the quality of land governance and the capacity of key institutions, including traditional authorities, local governments and the courts. Post-crisis support to these institutions must become more systematic – strengthening each and improving the linkages between them.

Coordination. Dedicated capacity is required to ensure that coordination takes place within and between donors, government and the international community.

Information and outreach campaigns are vital for managing expectations, as well as dispelling rumours.

Technical support to humanitarian actors is the most challenging aspect. Critical decisions are made in the immediate aftermath of disasters and conflict. The guidance available must be pragmatic, targeted to urgent needs, yet implemented in a way that can contribute to longer term systemic reform.

Capacity development. A holistic capacity and institution-development strategy is needed to underpin the approach: it should be one that addresses traditional authorities, local authorities, land administration professionals and the judiciary, and is gender-responsive. This capacity-development approach should be appropriate for the context, yet should also be a basis for systemic change.

CONCLUSION

From the outset, GLTN has focused on gaps in the land sector that prevent countries from scaling up their land governance, administration and management systems and making them accessible for the majority of their citizens

Communicating across silos. The land sector has many “knowledge silos”, where technical, political or legal specialists focus on their own particular content area but fail to talk to people in related disciplines outside their own silo. GLTN has worked to avoid these silos through its partnership approach. Different partners in the Network – civil society, land professionals, training institutions, rural, urban, and others – produce tools, present their findings and attend events together. This does not mean consensus. Instead, the focus is on

harmonizing approaches. GLTN started with less than 10 partners who shared the same vision; today there are over 45 that include the majority of global stakeholders in the land sector.

Creating pro-poor, gender-responsive land-administration tools. A need for land-administration tools led to the creation of GLTN. Whereas few pro-poor, gender-responsive land-administration approaches existed at scale 10 years ago, today, through the influence of GLTN partners, they are mainstream approaches. Such approaches are intended to produce robust, practical tools, which, because of the way they have been developed, can be used and adapted in many local situations.

Filling gaps in policy and law. GLTN has addressed a number of policy and law gaps. For example, in the past there were no criteria to evaluate a land tool's gender-responsiveness. Such criteria now exist. There was little thinking about how to scale up grassroots land projects or about the implications of doing so. This has started. Islamic land law had been on the margins of global land discussions, despite 20 per cent of the world's population being Muslim and practising forms of inheritance that have a major impact on land management. GLTN has developed, promoted and built capacity around a body of knowledge on the issue. With the Arab Spring, further momentum is likely to gather on this issue.

Bridging land and humanitarian relief. Crises such as conflicts and natural disasters often have a land dimension. But the relationship between humanitarian relief and attempts to deal with land issues has often been rapid and shallow. GLTN has brought together land and humanitarian specialists and bridged the gap between them to produce robust knowledge and practices for post-disaster situations.

Addressing cross-cutting issues. The integration into other tools and mainstreaming of gender, grassroots and youth issues will be a key feature of the next phase of GLTN. It may also be important to broaden discussions on land and climate change to include social protection.

SUSTAINABLE LAND MANAGEMENT IS POSSIBLE

Land issues are among the most difficult challenges of our time. But they can be solved. Sustainable land management is possible. We are creating the tools we need. We now need the political will to make it happen at scale.

A key part of GLTN's second phase will be to work with governments and local authorities to fulfill their commitments in reforming policy, securing tenure and improving land governance.

Survey

HOUSING SURVEY OF MISHRA NOLIA SAHEE
PURI, ORISSA



Illustration of land use by a local community in Orissa, India
Photo © Slum/Shack Dwellers International

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An informal settlement in Lima, Peru
Photo © Alvaro Uribe





ABOUT THIS PUBLICATION

Everyone has a relationship to land. It is an asset that, with its associated resources, allows its owner access to loans, to build their houses and to set up small businesses in cities. In rural areas, land is essential for livelihoods, subsistence and food security. However, land is a scarce resource governed by a wide range of rights and responsibilities. And not everyone's right to land is secure. Mounting pressure and competition mean that improving land governance – the rules, processes and organizations through which decisions are made about land – is more urgent than ever.

This book shows how the Global Land Tool Network is addressing these problems by setting an international agenda on land. It features the “land tools” that the Network has developed – practical ways to solve problems in land administration and management.

The Global Land Tool Network is a partnership of a wide range of organizations involved in land issues. Established in 2006, it has just completed its first phase of operations. The book celebrates the work of the Network so far and illustrates how all land stakeholders play a role in handling the critical social change needed towards achieving equitable access to land for all.

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