Land Tools for Tenure Security for All

1ST JUNE 2017
HELSINKI, FINLAND

FIG WORKING WEEK 2017
Surveying the world of tomorrow – From digitalisation to augmented reality
May 29 - June 2 Helsinki Finland

FACILITATED BY:
UNHABITAT FOR A BETTER URBAN FUTURE
GLOBAL LAND CHALLENGES

- Only 30% cadastral coverage (versus 70% tenures off register) – Need to secure tenure ASAP to all citizens.
- Only 2-3% ownership by women – how to increase?
- Dealing with the affordability issue - how to modernize systems in a pro-poor way?
- Complexity of land rights, claims, and records - how to capture the information in a participatory, affordable and acceptable way?
• Climate change & natural disasters
• Rapid urbanization
• Resource conflicts
  • Increased demand for land
• Food, water and energy insecurity
THE KEY CHALLENGE

How to support various tenure types & systems at scale to enable land reform and secure land and property rights for all?

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GLTN
GLOBAL LAND TOOL NETWORK
The Global Land Tool Network (GLTN) is an Alliance of over 75 Global, Regional and National Partners contributing to poverty alleviation through land reform, improved land management and security of tenure.

- **GLTN Conceived in early 2004 to:**
  - Develop and disseminate **pro-poor and gender sensitive Land Tools** at global scale to implement pro-poor land policies and land reform.
  - **GLTN works with partners** to assist Member States in implementing land policies that are pro-poor, gender sensitive and at scale.
  - GLTN Partners include: Bilateral Organizations, International Professional Bodies, International Training/Research Institutions, Multilateral organizations, Rural & Urban Int. CSO.
CONTINUUM OF LAND RIGHTS

Paradigm Shift

In informal land rights:
- Perceived tenure approaches
- Occupancy
- Adverse possession
- Leases

In formal land rights:
- Customary
- Anti evictions
- Group tenure
- Registered freehold

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LAND TOOLS

1. ACCESS TO LAND & TENURE SECURITY
1a. Enumerations for tenure security
1b. Continuum of land rights
1c. Deeds or titles
1d. Socially appropriate adjudication (STDM)
1e. Statutory and customary
1f. Co-management approaches
1g. Land record management for transactability
1h. Family and group rights

2. LAND MANAGEMENT & PLANNING
2a. Citywide slum upgrading
2b. Citywide spatial planning
2c. Regional land use planning
2d. Land readjustment (slum upgrading and/or post crisis; PILaR)

3. LAND ADMINISTRATION & INFORMATIONS
3a. Spatial units
3b. Modernizing of land agencies budget approach

4. LAND-BASED FINANCING
4a. Land tax for financial and land management

5. LAND POLICY AND LEGISLATION
5a. Regulatory framework for private sector
5b. Legal allocation of the assets of a deceased person (Estates administration, HIV/AIDS areas)
5c. Expropriation, eviction and compensation

CROSS CUTTING ISSUES (8), incl:
Gender
Land Governance
Youth,....

A Land Tool is a practical method to achieve a defined objective in a particular context. It can be a guide, criteria, software, training package, manual, guidelines, frameworks, etc.
THEMES AND CROSS-CUTTING ISSUES

GLTN OBJECTIVES

5 THEMES
- Land Management & Planning
- Capacity Development
- Land Administration & Information
- Environment
- Gender

8 CROSS CUTTING ISSUES
- Access to Land & Tenure Security
- Land-Based Financing
- Conflict-Displacement
- Breaking the Poverty Cycle by Contributing to Poverty Alleviation through Land Reform
- Improved Land Management and Security of Tenure

18 GLTN TOOLS

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TYPICAL LAND TOOL DEVELOPMENT PROCESS

Training (6)
- Devt. of training packages
- Conduct of training, i.e. TOTs

Scoping Studies (1)

Revision/Adoption/Dissemination (5)
- Consultations with partners
- Revisions, enhancement
- Publication and dissemination

Piloting/Testing (4)
- At country level, with partners

Consultations (2)
- Global knowledge
- Current initiatives

Product Development (3)
- EGMs, E-Forum, Meetings Workshops
- With (and through) partners
- Specific products, i.e. criteria, guidelines, software (STDM)

Tool Development

- Devt. of training packages
- Conduct of training, i.e. TOTs

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GLTN
GLOBAL LAND TOOL NETWORK
Select Land Tools for Tenure Security
FIT-FOR-PURPOSE: WHAT IS IT?

• **Fit-For-Purpose** - The systems should be designed for serving the basic purposes such as including all land; provide secure tenure for all; and control of the use of land.

• **Flexibility** - Scale and accuracy relate to geography, density of development, and budgetary capacity; the legal and institutional framework should be designed to accommodate both legal and social tenure rights.

• **Incremental Improvement** - Advanced Western-style concepts may well be seen as the end target—but not as the point of entry.
FIT-FOR-PURPOSE: WHY?

- **Cadastral gap**
  - Only about 40 countries in the world have well functioning land administration systems.
  - In most developing countries less than 10 per cent of the land is included in formal systems.

- **Limitations** – Western-style systems are too costly and too time consuming and capacity demanding – and they do not serve the millions of people whose tenure are predominantly social rather than legal.

- **Benefits** - A Fit-For-Purpose approach will ensure that basic and appropriate land administration systems are built within a relatively short time frame and at affordable costs.
FIT-FOR-PURPOSE: CONCEPT

**Spatial Framework:**
- Aerial imageries country wide
- Participatory field adjudication
- Incremental improvement
- Continuum of accuracy

**Legal Framework:**
- Enshrine FFP approach in law
- Secure all land rights for all
- Human rights, gender equity
- Continuum of tenure - STDM

**Institutional Framework:**
- Holistic, transparent & cost effective
- Sustainable IT approach
- Ongoing capacity development
- Continuum of services

**FIT-FOR-PURPOSE LAND ADMINISTRATION**

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## FIT-FOR-PURPOSE: KEY PRINCIPLES

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<thead>
<tr>
<th>Spatial Framework</th>
<th>Legal Framework</th>
<th>Institutional Framework</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Visible (physical) boundaries rather than fixed boundaries.</td>
<td>• A flexible framework designed along administrative rather than judicial lines.</td>
<td>• Good land governance rather than bureaucratic barriers.</td>
</tr>
<tr>
<td>• Aerial/satellite imagery rather than field surveys.</td>
<td>• A continuum of tenure rather than just individual ownership.</td>
<td>• Integrated institutional framework rather than sectorial silos.</td>
</tr>
<tr>
<td>• Accuracy relates to the purpose rather than technical standards.</td>
<td>• Flexible recordation rather than only one register.</td>
<td>• Flexible ICT approach rather than high-end technology solutions.</td>
</tr>
<tr>
<td>• Demands for updating and opportunities for upgrading and ongoing improvement.</td>
<td>• Ensuring gender equity for land and property rights.</td>
<td>• Transparent land information with easy and affordable access for all.</td>
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- **UN-HABITAT**
  - For a better urban future
- **GLTN**
  - Global Land Tool Network
GENDERING
LAND TOOL
DEVELOPMENT
Gender issues in land

- To remind ourselves, gender refers to socially constructed or culturally ascribed characteristics, roles and capabilities of women and men.

- Women’s ownership of land varies from region to region, but is estimated to be less than 2% worldwide.

- Providing equal property rights for women as compared to men is first, and foremost, a right in itself.

- It is important to be aware of gender stereotypes which often occur around land, and their implications for land access and tenure security.
GENDER EVALUATION CRITERIA (GEC)

• A set of questions against which the extent of gender responsiveness of a given land policy or intervention can be assessed

• Three key-steps: data collection, consolidation and validation

• Score-card methodology for validation of the results and making the results more accessible
## A Sample of the Gender Evaluation Criteria Tool

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Examples of evaluation questions</th>
<th>Indicator</th>
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<tr>
<td>Equal participation by women and men and gender-responsive governance</td>
<td>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?</td>
<td>An agreed critical mass (x%) of the decision makers are women</td>
</tr>
<tr>
<td>Capacity development, organization and empowerment of women and men to use, access and benefit from the tool</td>
<td>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?</td>
<td>Information is available in at least x different forms (such as written, radio, etc.) and in local languages for different stakeholders</td>
</tr>
<tr>
<td>Legal and institutional considerations in regard to women and men’s access to land</td>
<td>Does the tool provide gender-responsive dispute resolution?</td>
<td>Land administration and management systems have dispute resolution mechanisms built in that are available to both women and men</td>
</tr>
<tr>
<td>Social and cultural considerations in regard to women and men’s access to land</td>
<td>Does the tool take into consideration statutory and customary laws and practices affecting women’s land rights?</td>
<td>Consultations to provide (x%) attendance from agreed (representative) groups</td>
</tr>
<tr>
<td>Economic considerations in regard women and men’s access to land</td>
<td>Does the tool promote economic opportunities for both women and men?</td>
<td>Registry/cadaster accommodates rights based and use rights tenure</td>
</tr>
<tr>
<td>Scale, coordination and sustainability to reach more women and men</td>
<td>Can the tool be implemented consistently (rather than ad-hoc)?</td>
<td>Existence of manuals for implementation</td>
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• **2009/10**: Grassroots Pilot Testing GEC in Brazil, Ghana and Nepal

• **2013**: Roll-out by key GLTN Partners and UN-Habitat Regional Programmes in The Caribbean and Asia-Pacific (*40 Countries in Total*)

• **2014**: Synthesis Lessons Learned, Monitoring + Reporting
Training Package – Tools to Support Transparency in Land Administration

Trainers’ Guide – Tools to Support Transparency in Land Administration
SOCIAL TENURE DOMAIN MODEL (STDM)

Social Tenure Relationship
- Use rights
- Occupancy
- Ownership
- Informal
- Customary tenure
- Common land
- Tenancy
- Hunting

Spatial Unit
Land, property, structure, natural resources, objects, etc.

Supporting Document
Sketch, audio, video, photos etc.

Party
Person/s or group/s

has

with

supported by
Participatory enumeration is a data-gathering process, which is to a significant extent jointly designated and conducted by the people being surveyed.

It involves broad stakeholder participation including marginalized groups, decision makers and thus provides building trust, transparency and inclusive decision making process.

It can be inclusive from inception, through design, management and implementation, to analysis and use of the data.
Often Land Use Planning exists but is not sufficiently linked with Tenure Security.
The Global Land Indicators Initiative is a collaborative and inclusive process for the development of the Global Land Indicators started by the Millennium Challenge Corporation (MCC), UN-Habitat and the World Bank (WB), facilitated by GLTN.

This initiative has now grown to include over 45 institutions around the world ranging from UN Agencies, Inter-governmental Organizations, International Non-governmental Organizations, Farmer Organizations and the Academia.

There is need for a common framework, understanding and tracking progress on critical land issues globally.

Promoting nexus between global, regional, country and project levels is critical to ending poverty.

Ensure convergence of global, regional and country initiatives through the Post-2015 development agenda (SDGs).

Develop and implement joint roadmaps; action plans and capacity development.
• Demand-driven support:  
  – Country level implementation  
  – Learning exchanges with other countries  
  – Donor and technical partners coordination mechanism  
• Support to regional land policy initiatives
THANK YOU

Questions?

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SECURING LAND AND PROPERTY RIGHTS FOR ALL