



LAND TENURE SECURITY IN SELECTED COUNTRIES

Global Report

SECURING LAND AND PROPERTY RIGHTS FOR ALL

LAND TENURE SECURITY IN SELECTED COUNTRIES

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PREFACE

It is well recognized that secure land and property rights for all are essential to reducing poverty because they underpin economic development and social inclusion. Secure land tenure and property rights enable people in urban and rural areas to invest in improved homes and livelihoods. Although many countries have completely restructured their legal and regulatory framework related to land and they have tried to harmonize modern statutory law with customary ones, millions of people around the world still have insecure land tenure and property rights.

Lack of access to land and the fear of eviction epitomize a pervasive exclusion of poor people from mainstream social, economic and civic opportunities, especially women. To address these problems, tools and strategies to increase poor people's access to secure land and housing tenure need to be devised. The Global Land Tool Network (GLTN), whose Secretariat is hosted by UN-Habitat, recognizes that security of tenure for the poor can best be improved by recognizing a range of types of land tenure beyond individual titles. The current thinking focuses on a "continuum of land rights" that is being promoted and increasingly accepted worldwide.

In this report, the issue of tenure security is addressed and assessed in several countries where government, civil society, the private sector and development cooperation initiatives have been implemented for decades. The selected case studies from fifteen (15) countries ensure not only a geographic balance but they also represent countries with different socio-economic and land-related histories and that have

followed different pathways. The studies' key findings underline the still precarious state of tenure security in many countries.

The findings also show best practices for legal and administrative reforms that have generated incentives for long-term investment in land, or incentives to include the poor more comprehensively. The case studies will hopefully work as a kind of "compendium" on the current state of tenure security, its future challenges and perspectives. They will allow for comparisons between countries and regions and address, besides others, policy makers, the private sector, civil society organizations and donors. Also, they will help applied researchers and implementers of "ground checks" and may support students of different disciplines to cope better with complexity in tenure issues.

This work was undertaken through a joint endeavour with the Chair of Land Management at Technische Universität München (TUM) and the Sector Project Land Policy and Land Management of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). The findings will enhance our knowledge of serious tenure security challenges and hopefully will inspire additional policy debate on implementation, inclusion, or incentives, as well as new research on secure land and property rights for all. The findings will also be useful to GLTN's global partners (currently more than 63 consisting of professionals, development partners, research and training institutions, technical and civil society groups) to address land tenure and land reform, amongst other issues.

BACKGROUND

Secure land and property rights are critical for reducing poverty and for enhancing economic development, gender equality, social stability and sustainable resource use. When land is poorly managed, the associated problems often lead to disputes, land degradation and lost socio-economic development opportunities. Secure land tenure and property rights can exist in a variety of forms. Secure tenure is, in part, a matter of perception and relationships of trust and it can be safeguarded by various mechanisms provided that the rights of land users and owners are clearly assigned. In addition to formal titles, security can be achieved through long-term rental contracts or formal recognition of customary rights and informal settlements. This range of possible forms of tenure has become internationally recognized as being a continuum, along which each form of tenure provides a different set of rights and different degrees of security and responsibility.

While some governments have, to varying degrees, recognized a range of different forms of tenure as being legitimate, “tenure security” still tends to be strictly defined in more statutory forms of legal security, such as individual land titles. This not only fails reflect realities on the ground, but it severely reduces the number of women and men who can afford such “formal” tenure security, particularly those living in

It is likely that less than 30 per cent of developing countries are currently covered by some form of land registration - that is, about 70 per cent of people in developing countries are outside a register. To bridge this gap, UN-Habitat's Global Land Tool Network (GLTN) partners have supported the use of a continuum of land rights

will be unable to afford such secure forms of tenure for generations and who will be increasingly marginalized by market-based statutory tenure systems that emphasize individual rights. It is likely that less than 30 per cent of developing countries are currently covered by some form of land registration - that is, about 70 per cent of people in developing countries are outside a register. To bridge this gap, UN-Habitat's Global Land Tool Network (GLTN) partners have supported the use of a continuum of land rights (see diagram below), or a range of rights, to make it possible for the majority of people, including the poor, to have security of tenure.

Given the limitations of land titling, and the value of incremental approaches to secure tenure, UN-Habitat advocates the use of a variety of alternative tenure options that can be easily adapted in developing countries. While the continuum approach is increasingly

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