

DESIGNING A LAND RECORDS SYSTEM FOR THE POOR

SECURE LAND AND PROPERTY RIGHTS FOR ALL

DESIGNING A LAND RECORDS SYSTEM FOR THE POOR

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FOREWORD



For most of the world's poor people, securing tenure to the land they work on or to the home they live in requires them to navigate a difficult and complex road. The basic building blocks of conventional land registration – having accurate

documents and a formal and rigid system in which they are recorded – present such an enormous obstacle that, along with a lack of money, lack of influence and land offices that are physically far away, it is almost impossible to even start the journey.

Rapid urbanization in recent decades has only added to these difficulties. It has created such an enormous demand for land records in situations with too few resources and capacity that many conventional, formal registration systems simply cannot keep up. Slums are one result of this. Moreover, globalization is now increasingly putting enormous pressure on agricultural lands in developing countries due to food and energy insecurity. In most cases, the rural poor suffer.

Another problem is that, at the current rate, it will take decades if not centuries for most developing countries to get a complete and accurate land registration system in place. Along with the issue of slow delivery, the broader land community also recognizes that individual titling on its own cannot deliver security of tenure to all. A continuum of land rights that features a range of types of tenure is widely accepted as being more practical and appropriate, especially for poor people.

UN-Habitat with the Global Land Tool Network (GLTN) partners are committed to delivering secure land rights at scale through the promotion of the continuum of land rights and development of pro-poor and gender appropriate land tools. However, implementing the con-

tinuum of land rights presents its own challenges when it comes to creating a system in which these rights are recorded, particularly if this continuum applies on a large scale. This publication is about creating the tool to address these challenges

The pro-poor land recordation system suggested here should be seen as the first step on the tenure rights ladder. It draws on the lessons learned from conventional land titling systems and incorporates local community tenure practices. It offers an affordable, practical and achievable way to support a range of tenure rights for poor people, particularly in situations where conventional land registration systems cannot accommodate them. It also focuses on the many details that make up a pro-poor land recordation system.

This initiative is just the start of a process to tackle a complex, land-related issue; critical and wide-ranging discussion on the ideas presented here are crucial to any success. Developing a pro-poor land recordation system is no small challenge and, as you will read, there is some urgency to this task. It is important, however, that it is done.

At UN-Habitat, we value the spirit of partnership in building better cities. My thanks go to the Governments of Sweden and Norway for their continued financial support. Likewise my appreciation goes to GLTN partners particularly to the Faculty of Geo-Information Science and Earth Observation (ITC) at the University of Twente (The Netherlands), for sharing their knowledge, expertise and experience.

Finally, we recognize that sustainable urban development cannot be achieved without addressing some important challenges such as slums, youth job creation, public space, urban planning and other related issues. I have every confidence that this tool provides us with an opportunity to achieve more equitable and inclusive cities in the future.

A handwritten signature in black ink, reading 'Joan Clos'.

Dr. Joan Clos,
Under-Secretary-General of the United Nations,
Executive Director UN-Habitat.

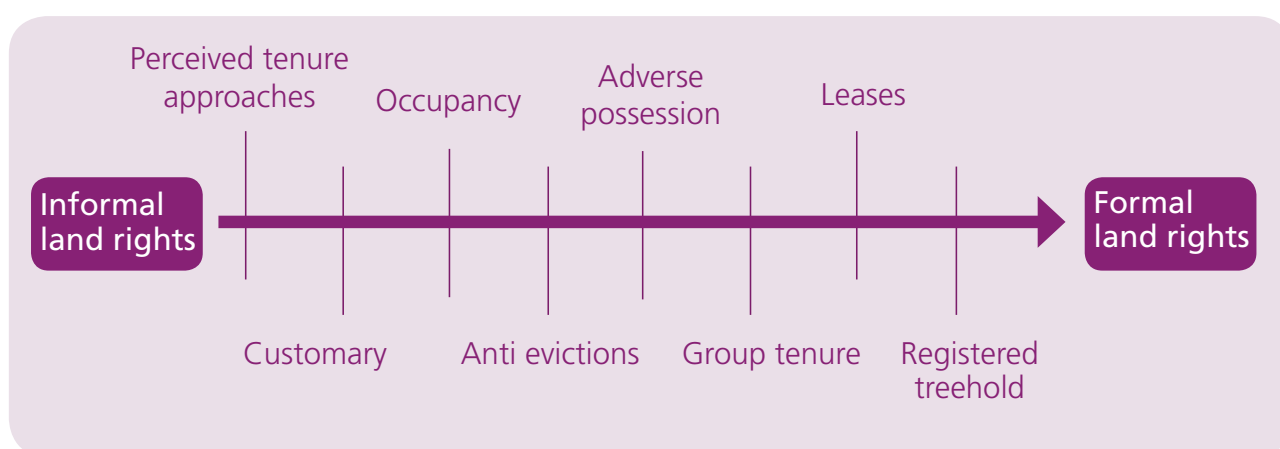
INTRODUCTION

1.1 BACKGROUND

The wider global land community has experienced a paradigm shift and it now accepts that individual land titling on its own cannot deliver security of tenure to the majority of people in the developing world. It is also accepted that the process of land titling is too slow. Currently, in the developing world, only about 30 per cent of land is regulated by some form of land registration/recordation system. Land registration is defined by the Food and Agriculture Organization as “the official recording of legally recognized interests in land and is usually part of a cadastral system. From a legal perspective, a distinction can be made between deeds registration, where the documents filed in the registry are the evidence of title, and registration of title, in which the register itself serves as the primary evidence” (2009). At the present rate, it will take centuries to achieve complete title coverage in a large number of countries. The global land community has come to believe that the way to deliver security of tenure is through a continuum of land rights that allows people to get onto the tenure rights ladder (see diagram below).

However, a continuum of land rights approach, if implemented at scale, will require the introduction of new forms of land recordation. This publication focuses on the lowest end of designing such a recordation system, namely a pro-poor land recordation system for the urban and rural poor, who are generally the majority of the population in developing countries.

The key question this publication seeks to answer is: what does a pro-poor land recordation system look like? The publication aims to outline an innovative and affordable land recordation system that would make it possible to record different types of land rights and tenure, and operate within a co-management framework with the community. The publication incorporates some elements that have been learned from history and existing land systems, as well as the experiences of professionals, government authorities, civil society, researchers and others in trying to address the related land issues.



The continuum of land rights.



Participants to the Expert Group Meeting on Development of a Pro-poor Land Recordation System, 15-16 March 2011, Paris, France. Photo © UN-Habitat / Danilo Antonio.

The Global Land Tool Network (GLTN) identified pro-poor land records as one of the 18 new land tools needed to move the global land agenda forward. The GLTN is composed of 45 international partners working on developing new land tools to address the wide range of complex challenges found in rural and urban areas. These partners include civil society, grassroots, professionals, bi-laterals, multi-laterals, training and research institutions. New GLTN partners, such as the

other GLTN tools and themes, such as the continuum of land rights approach; co-management; the development of a pro-poor land rights recording system called the Social Tenure Domain Model (STDM); participatory enumeration; post-conflict and post-disaster land tools; gender evaluation; scaling up grassroots approaches; and land governance. The pro-poor land recordation tool is closely linked with the first two (STDM and enumeration) and could be implemented

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