

N I C A R A G U A

Law, Land Tenure and Gender Review: Latin America

LAND TENURE, HOUSING RIGHTS AND GENDER

IN
N I C A R A G U A



UN-HABITAT

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Law, Land Tenure and Gender Review Series: Latin America

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Foreword to Latin America Law And Land Tenure Review



Security of tenure is one of the cornerstones of Millennium Development Goal 7, Target 11 on the improvement of the living conditions of slum dwellers. It also plays a crucial role in the implementation of Target 10 on access to improved water and sanitation and is thus the main focus of UN-HABITAT's Global Campaign for Secure Tenure.

While urbanisation trends and living conditions of the urban poor vary considerably from country to country in Latin America, the region is generally characterised by rising poverty and social inequality. The majority of urban dwellers hold precarious tenure rights to the land they occupy, hindering their access to basic infrastructure and services, including water and sanitation, health and education, and rendering them vulnerable to forced evictions.

Through the generous support of the Government of the Netherlands, UN-Habitat is pleased to publish its review of the legal and policy frameworks governing urban land tenure in Latin America. This report provides an overview of the situation in all twenty countries of the region as well as four case studies on Brazil, Colombia, Mexico and Nicaragua. These case studies provide a comprehensive analysis of the laws and policies governing urban land tenure, with a special focus on women's rights to land and housing. National experts in each country have conducted extensive research on the often-complex legal issues which hinder or enable the efforts of Governments, local authorities and their civil society partners in attaining the Millennium Development Goals.

It is noteworthy that Latin America has registered some progress in achieving these goals. The region is home to a number of positive and innovative laws and practices providing security of tenure, and a well-established civil society has contributed significantly to advancing a rights-based approach to housing. There remains, however, a lot to be done. Reducing inequality is a key cross cutting issue that needs to be incorporated in all sectoral reforms in the region. Land reform is pivotal to furthering this objective while providing security of tenure constitutes an important first step in reducing the vulnerability of and the constraints facing the urban poor. Secure tenure alone will not, however, be sufficient and a clear message that emerges from this review is that good urban governance is essential to achieving the full effectiveness and desired impact of tenure security programmes.

This review contains findings and recommendations for both immediate and longer-term law reform to strengthen the tenure rights of all people, especially the poor and women. While they will further guide and inform UN-HABITAT's normative work through its two Global Campaigns for Secure Tenure and Urban Governance, it is my sincere hope they will contribute to furthering broad-based dialogue and engagement in land reform and security of tenure in all countries in Latin America in support of attaining the Millennium Development Goals.

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List of Abbreviations

| | |
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| CCER | Civil Emergency and Reconstruction Coordinating Office |
| CENAGRO | Agrarian National Census |
| CIP | Inter-institutional Committee Land Administration Programme |
| CNRC | National Confiscation Review Commission |
| EMNV | National Household Living Standards Survey |
| EPS | Sandinista Popular Army |
| FAO | United Nations Food and Agriculture Organisation |
| FIDEG | International Foundation for the Global Economic Challenge |
| FOSOFI | Housing Social Fund |
| FSLN | Sandinista National Liberation Front |
| HIPC | Heavily Indebted Poor Countries Debt Relief Initiative |
| IADB | Inter-American Development Bank |
| INETER | Nicaraguan Institute of Territorial Studies |
| INIFOM | Nicaraguan Institute of Municipal Development |
| INIM | Nicaraguan Institute of Women's Affairs |
| INPRUR | Institute for Urban and Rural Reformed Property |
| INVUR | Urban and Rural Housing Institute |
| MAGFOR | Ministry of Agriculture, Livestock and Forestry |
| MARENA | Ministry of Natural Resources |
| NGO | Non-governmental organisation |

| | |
|--------|--|
| NORAD | Norwegian Cooperation Agency |
| NPC | National Political Constitution |
| OCI | Compensation Quantification Office |
| OOT | Office for Territorial Ordering |
| OTR | Office of Property and Rural Titling |
| OUT | Urban Titling Office |
| PLC | Constitutionalist Liberal Party |
| PRODEP | Land Administration Project |
| RAAS | South Atlantic Autonomous Region |
| RAAN | North Atlantic Autonomous Region |
| RPIM | Real Property and Mercantile Registry |
| SGPRSP | Strengthened Growth and Poverty Reduction Strategy Paper |
| SINAP | National Protected Areas System |
| SWOT | Strengths Weaknesses Opportunities Threats |
| UNAG | National Farmers and Ranchers Union |
| UNO | United Nicaragua Opposition |

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