Land Tenure in Asia and the Pacific: Session 3 - Opportunities and Way Forward

“Strengthening Land Tenure Security for Urban Poverty Reduction in Asia Pacific” Learning Exchange


Assoc. Prof. David Mitchell
RMIT University, Melbourne
@DMitchell_Land
Outline

• **Opportunities.**
  – The SDGs and New Urban Agenda.
  – The global frameworks and conventions.
  – Building on existing networks and programmes.

• **Way forward**
  – Responding to the cross-cutting themes.
  – Towards improved land administration and management.
  – Addressing the barriers.
Goals 1, 5 and 11
The SDGs and tenure security

- **People** – strong links between tenure security, livelihoods and poverty (Goals 1, 5 and 11).

- **Planet** – tenure security encourages protection of land and CCA (Goals 2, 13 and 15).

- **Prosperity** – secure land tenure and property rights underpin economic growth (Goal 8).

- **Peace** – “no sustainable development without peace” – land is a key source of conflict (Goal 16).
Goal 1 – No Poverty

**Target 1.4** By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.

**Indicator 1.4.2** Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure.
Target 5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

5.a.1 (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure

5.a.2 Proportion of countries where the legal framework (including customary law) guarantees women’s equal rights to land ownership and/or control
SDG Goal 11 – Sustainable Cities and Communities

Target 11.1 By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums

11.1.1 Proportion of urban population living in slums, informal settlements or inadequate housing

11.3.1 Ratio of land consumption rate to population growth rate

11.7.1 Average share of the built-up area of cities that is open space for public use for all, by sex, age and persons with disabilities
New Urban Agenda

35. We commit ourselves to promoting, at the appropriate level of government, including subnational and local government, increased security of tenure for all, recognizing the plurality of tenure types, and to developing fit-for-purpose and age-, gender- and environment-responsive solutions within the continuum of land and property rights, with particular attention to security of land tenure for women as key to their empowerment, including through effective administrative systems.
Asia Pacific Urban Forum (APUF-6) Call to Action

• “A people-centred urban future is integral to the transformation of cities and human settlements in the Asian and Pacific region. This requires a radical shift in the way cities are conceived, planned and developed, with people, particularly women and youth, as well as older people, indigenous people and ethnic and other minorities seen as change agents rather than just beneficiaries” (ESCAP, 2015).

• “Government at all levels should implement fit-for-purpose programmes that improve land governance, including recording and recognizing people-to-land relationships in all its forms”.

Articulating a human rights approach

- **Positive Obligations on State:**
  - legal framework securing property rights.
  - Enforcement of regulations.
  - Provide access to justice
  - Restitution for those displaced
  - recognise, record and respect legitimate
  - Property

- **Negative Obligations:**
  - prevention of arbitrary evictions

ESCR - Covenant on Economic, Social and Cultural Rights
Guidance and assessment frameworks

- VGGT, LGAF, Land Watch Asia, ANGOC, World Bank.
- Recognise, record and respect legitimate rights to land.
- This will require pro-poor approaches to land recordation.
- Ability to report against changes to land governance.
- Ability to monitor land governance.
Towards Responsible Land Governance in Urbanising areas

• Implementing principles of VGGTs means:
  – Recognizing the human rights of informal settlements residents, urban and peri-urban population.
  – Ensuring the equal right of women and men.
  – Ensuring active, free, effective, meaningful and informed participation of all those that may be affected by investments in the food supply chain affecting access to land.
  – Adopting a rules-based approach ensuring the recognition and respect of the continuum of land rights in urban and peri-urban areas and their equal enforcement and adjudication;
  – Clearly defining and publicizing relevant policies & laws about land management and administration;
  – Holding all actors responsible for their actions and decisions according to the principle of the rule of law;
  – Monitor urban tenure governance (Wehrmann and Antonio, 2015).
Other Opportunities

• **Existing coordination networks** - (Multi-lateral, ASEAN, SAARC, SPC, FIG, UN-GGIM-AP, Civil Society).

• **Large projects** (e.g. Incorporating tenure security for Indigenous Peoples into REDD+ Programme design).

• **Land is political and difficult, but good examples show it can be done.**
Climate change, human settlements & tenure security

**SDG 11 Make cities and human settlements inclusive, safe, resilient and sustainable**

11.1 By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.

11.3 By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries.

11.5 By 2030, significantly reduce the number of deaths and the number of people affected and substantially decrease the direct economic losses relative to global gross domestic product caused by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations.

11.b By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters.
WHAT ROLE FOR URBAN CIVIL SOCIETY ORGANISATIONS IN IMPROVING TENURE SECURITY IN ASIA AND THE PACIFIC?
Land Policies

- Improving land administration and management is the responsibility of many stakeholders.
- Implementation of international agreements (e.g. VGGTs, UNDRIP, CEDAW).
- Rethinking urban planning for rapid urbanisation.
- Affordable housing in safe locations.
- Recognition of the continuum of land rights.
- Pro-poor and gender-responsive land administration.
- Recognition of disaster risk.
Land Use Planning

• Effective land use planning and control is necessary to respond to urbanisation challenges.

• Land use planning to consider migration and growth patterns, and mainstream CCA and DRR.

• Include the recognition of legitimate land rights (e.g. tenure responsive LUP).

• Linking urban and territorial planning across scales.

• Informed by the “International Guidelines on Urban and Territorial Planning”.

APUF-6 Call for Action – “Urban and territorial planning, based on universal principles, led by sub-national government visions and needs, enshrined in national urban policy and financing frameworks, working towards locally-adapted solutions and implemented through genuine collaboration.”
Effective land administration and management at scale

- Informed by the continuum of land rights.
- Gender responsive.
- Adopting principles of pro-poor land recordation.
- PiLAR - Slum upgrading and land readjustment.
- Innovative and affordable Land Administration Systems. Based on a Fit-For-Purpose approach.
- APUF-6 Call to Action – “Government at all levels should implement fit-for-purpose programmes that improve land governance, including recording and recognizing people-to-land relationships in all its forms”.
Fit-for-purpose land administration

- **Fit-for-purpose through spatial innovation.**
  - Low-cost recording of land rights for informal tenures.
  - Complete spatial frameworks.
  - Digitisation of land records.
  - Mobile access to land records

- Alternative dispute resolution.

- Valuation of non-formal lands

- Capacity building will allow for more sustainable changes – staff training, equipment, data acquisition.
Pro-poor land recordation

- Gender Evaluation.
- Pro-poor land recordation.
- Focus on recording rights for settlements and smallholders in hazard-prone areas.
- STDM and LADM.
Land tools

• **Social Tenure Domain Model (STDM).**

• **Participatory enumeration.**

• **Participatory and Inclusive Land Readjustment (PILaR).**
Land valuation

- Local government declining budgetary support.
- Poor land valuation means land tax (real property tax) revenue is less than it can be.
- Informal land markets.

**APUF-6 Call to Action** – “Financing is a universal issue across the Asian and Pacific region. In considering urban finance needs, a broad agenda…is necessary. Financing options for cities require a coherent intergovernmental financing base and must provide for a range of mechanisms such as land-based financing…”.
Land valuation

• Appropriate land valuation standards needed.
• Sustainability of land sector services (CoFLAS).

SDG 17.1 “Strengthen domestic resource mobilization, including through international support to developing countries, to improve domestic capacity for tax and other revenue collection.”
Addressing the barriers.

- Capacity Building.
- Multi-stakeholder partnerships.
- Knowledge sharing and awareness raising.
- Improved regional coordination and communication.
- Strengthening land dispute resolution mechanisms.

SDG 17.9 “Enhance international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the Sustainable Development Goals…”.
SDG 17.16 “Enhance the Global Partnership for Sustainable Development, complemented by multi-stakeholder partnerships …”.
SDG 17.17 “Encourage and promote effective public, public-private and civil society partnerships…”.
We can do more to take advantage of rapid urbanization: cities are the world’s engines for business and innovation. With good management they can provide jobs, hope and growth, while building sustainability.


Thankyou