

Land Tenure in Asia and the Pacific: Challenges, Barriers & Way Forward

*UN Habitat-GLTN & FIG Joint Technical Session: Land
Tenure Initiative for Asia Pacific*

*FIG Working Week, Christchurch, New Zealand,
Thursday, 5 May, 2016.*

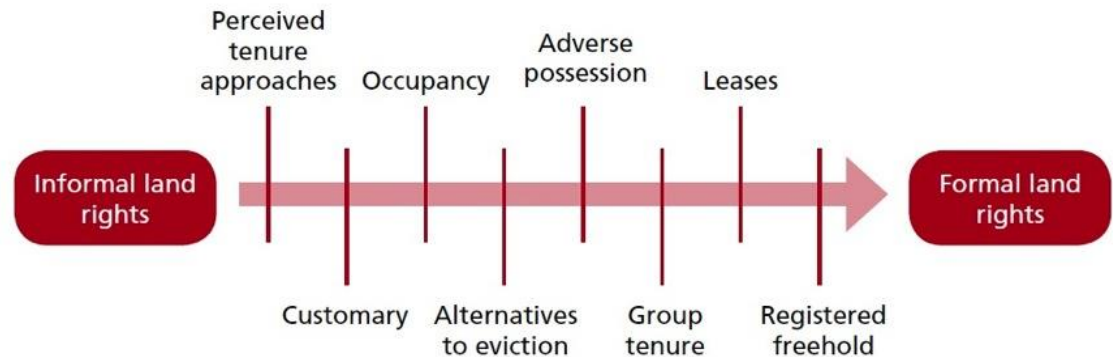
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Outline

- *The SDGs and tenure security.*
- *New urban agenda, and “handling land”.*
- Land Tenure - challenges and barriers.
 - Urbanization.
 - Changing rural populations.
 - Climate change and natural disasters.
 - Women’s land rights.
 - Indigenous peoples.
- Opportunities.
- Way forward.

The SDGs and tenure security

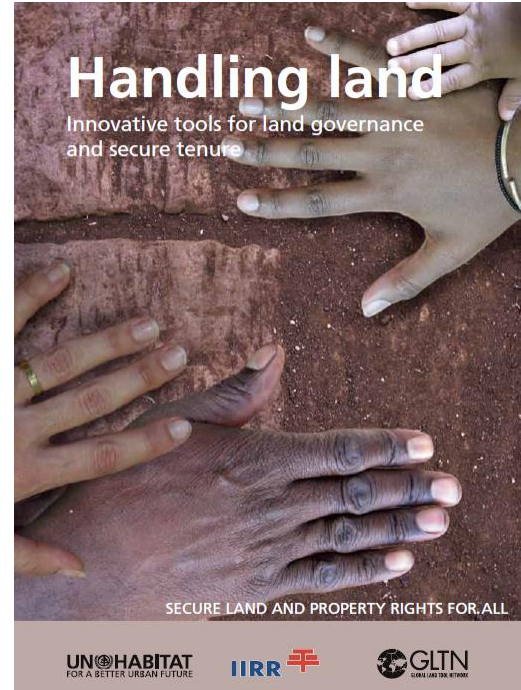
- *People – strong links: tenure security, livelihoods and poverty.*
- *Planet – tenure security encourage protection of land and CCA.*
- *Prosperity – secure land tenure and property rights underpin economic growth.*
- *Peace – “no sustainable development without peace” – land is a key source of conflict.*



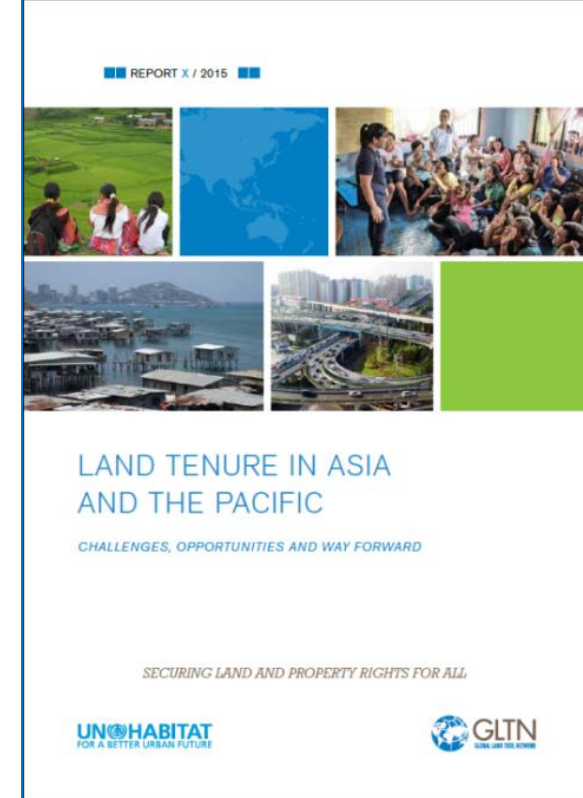
SDG 1.4 “By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property”.

New Urban Agenda & “Handling Land”.

- ***New Urban Agenda:***
 - *A region of mega-cities, rise of secondary cities.*
 - *Transforming urban economies.*
 - *Challenges of inequality.*
 - *Climate impacts and natural disasters.*
- ***“Handling Land” in response:***
 - *Rethinking urban planning for rapid urbanization and urban growth.*
 - *Tenure security and property rights for economic growth, poverty reduction, secure livelihoods, and resilience.*
 - *Equitable and current property valuation – supports economic growth and protects the vulnerable.*



- *Partners: UN-HABITAT, GLTN, ESCAP, FIG, RMIT University.*
- *Literature review, selected interviews, questionnaire responses, & peer review.*
- *Country reports - **Pakistan, Lao PDR, Timor-Leste, & P.N.G.***
- ***Regional Multi-stakeholder consultation in Pattaya & FIG Congress Workshop in Kuala Lumpur in 2014.***
- *Many contributions including World Bank, FAO, ANGOC, ILC, Habitat for Humanity, Huairou Commission, UNEP, UN-GGIM-AP, International Union of Notaries.*



Issue 1. Urban growth and tenure insecurity

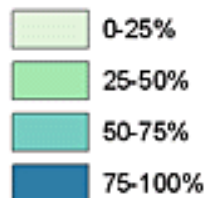
- *Increasing level of urbanization*

2011: 13 of world's 23 megacities

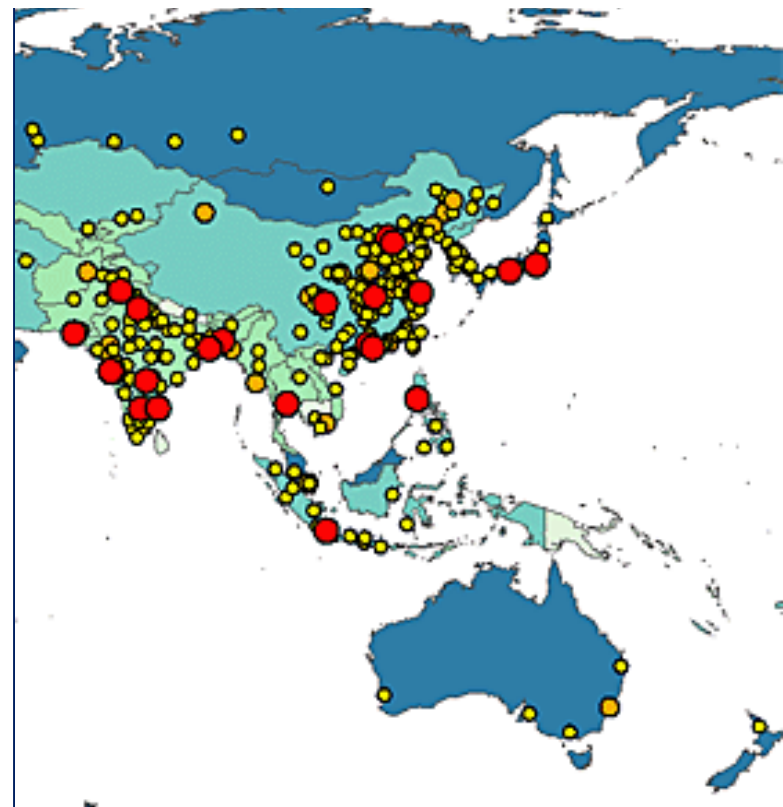
2025: 7 of world's 10 largest cities

Yet, largest urban population & fastest growth in small-medium size towns & cities.

Percentage Urban



City Population



Percentage of Urban Population and Agglomerations by Size, 2025

World Urbanization Prospects, the 2011 Revision

Urban growth and tenure insecurity

- *Economic success and reduced poverty, but:-*
- *Informal Land occupation and informal land markets.*
- *Constant threat of eviction, and land grabbing.*
- *Inability to control the location & spread of informal settlements (land use planning).*
- *Settlement in areas of high hazard-risk.*
- *Western land use planning approaches ineffective.*

URBAN STATISTICS 2013

WORLD	Total Population: 7 billion Urban: 3.6 billion (52%) Slums: 862.5 million (24%)	AFRICA	Total Population: 1 billion Urban: 413 million (40%) Slums: 225.9 million (51%)
LATIN AMERICA	Total Population: 596 million Urban: 472 million (79%) Slums: 113.4 million (23.5%)	ASIA	Total Population: 4.2 billion Urban: 1.9 billion (45%) Slums: 522.7 million (30%)

1 out of 2 people in the world lives in urban areas

1 out of 4 people living in urban areas lives in slums

1 out of 2 people living in urban areas in Africa lives in slums

1 out of 4 people living in urban areas in Latin American lives in slums

1 out of 3 people living in urban areas in Asia lives in slums

Source: UN-Habitat, *State of the World Cities Report 2012/2013*

SDG 10.7 “Facilitate orderly, safe, regular and responsible migration and mobility of people”.

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

Issue 2. Changing rural populations and access to land



- *Changing rural populations and livelihoods - 80% of farmers are smallholders, and are increasingly women and ageing.*
- *80% are smallholders - ageing and increasingly women.*
- *Land reforms -unequal land distribution, fragmentation and duality of tenure systems. Secure tenure reduces the inequity between large and smallholders.*
- *Rural poverty highest in rural landless, marginal farmers, tenants, IPs, IDPs, and ethnic minorities.*
- *Foregin investment and large scale land acquisitions – forest dwellers, IPs.*
- *PES programmes such as REDD+ - threat of encroachment & displacement where tenure insecure.*

SDG 2.3 “By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment”.

Issue 3. Climate change & natural disasters

- *Cities have greater concentration of people and assets.*
- *Coastal cities home to half the urban population.*
- *Informal development on hazard-prone land.*
- *Sea level rise, drought, glacial melt, places greater pressure on smallholders, rural landless and IDPs.*
- *REDD+ potential due to large forest areas. Tenure security concerns.*
- *Disaster risk not adequately integrated into planning.*
- *Strong links between resilience and security of tenure.*



SDG 1.5 “By 2030, **build the resilience** of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters”.

SDG 13.1 “**Strengthen resilience and adaptive capacity** to climate-related hazards and natural disasters in all countries”.

Issue 4. Women's tenure security and access to land and resources

- *Most formal records in men's name, or joint.*
- *Women's ability to inherit property is restricted in many countries across the region.*
- *Largest marginalised group.*
- *Often not involved in dialogue.*
- *Priority issue.*



SDG 5a “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”*.

Issue 5. Tenure insecurity of Indigenous Peoples

- *Region has a large population of IPs.*
- *Tenure security and access to land is critical.*
- *Dispossession - risk of eviction, destruction of livelihoods, and pressure to assimilate.*
- *Large scale development projects – history of land acquisitions or concessions that undermine IPs tenure rights.*
- *Climate change – changes in livelihoods, food security, resettlement.*
- *Free Prior Informed Consent.*



SDG 13.1 “By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status”.

Key challenges and barriers

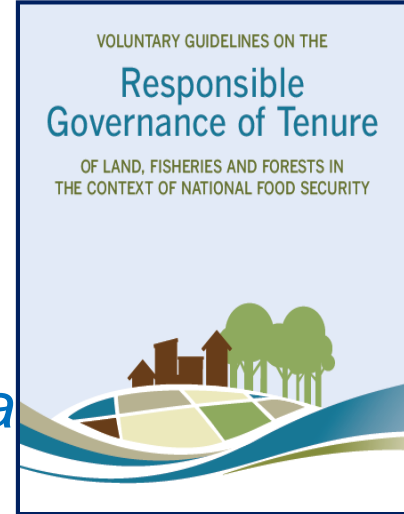
- *Challenge for governments to manage land – capacity, legislation, technical limitations.*
- Land disputes - *Many of the issues above lead to disputes – improved resolution mechanisms needed.*
- Capacity limitations across all organisations.
 - Inadequate capacity in local land institutions.
 - Impacts sustainability of land projects.
- Disconnection between development, climate change, land use planning and the land sector.
- Lack of understanding of the role of private sector
 - Huge economic growth in the region - Many drivers.
 - How can this lead to improved tenure security?

Land administration & management limitations

- Main land administration issues raised:
 - *Quality of land records* .
 - *Limited coverage* – Average 70% without formal recognition of tenure. How do we bring them into the formal land administration system?
- Problems with policy and legal frameworks:
 - *Plural systems exist – state, Islamic, customary.*
 - *Formal tenures only* – only serves the elite.
 - *don't adequately protect* the tenure rights of the vulnerable.
 - *limited recognition of cultural and religious norms and principles*
- Land valuation records very limited.
 - Inefficient land market and loss of revenue from taxation.
 - inequitable compensation for land acquisition and resettlement.
 - limited guidelines for valuation of non-formal tenures.

Overview of Opportunities

- *SDGs targets and indicators*
- *Global frameworks and conventions. Articulating a human-rights based approach.*
- *Guidance and assessment frameworks—VGGT, LGAF, Land Watch Asia, ANGOC, World Bank.*
- *Existing coordination networks - (Multi-lateral, ASEAN, SAARC, SPC, FIG, UN-GGIM-AP, SOPAC, 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.*

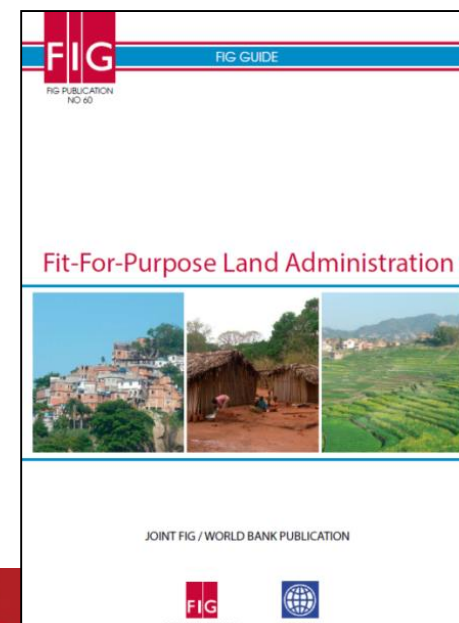
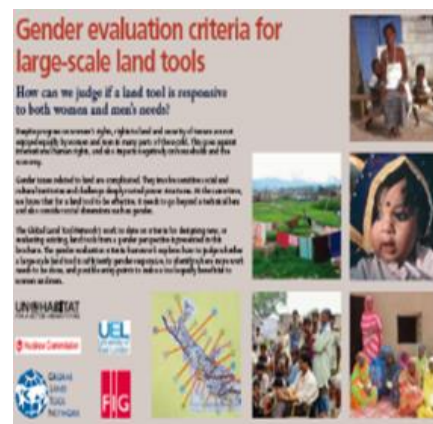
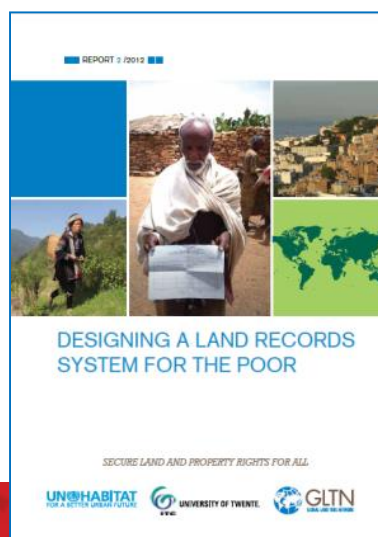
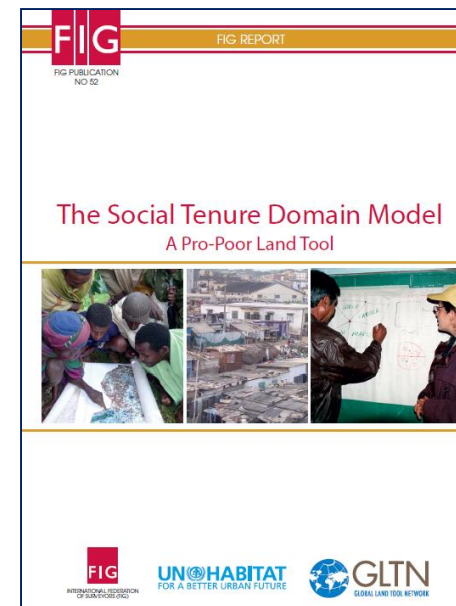
11.b By 2020, *substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters.*

Way forward

- *VGGT important guidance. Recognise, record and respect all legitimate rights.*
- *Continuum -flexibility and range of tenure types.*
- *How do we record people-land relationships for the 70% informal?*
- *How do we do it at scale? Business as usual??*
- *Fit-For-Purpose is the major trend in LAS.*
- *SD Indicators - GLII common framework for monitoring and reporting. Increased transparency.*
- *LGAF and LWA at national and local level. Understand situation and inform progress.*

Effective land administration and management at scale

- *Responsible land governance VGGT.*
- *Land policies and legal framework.*
- *Gender Evaluation.*
- *Pro-poor land recordation.*
- *Innovative and affordable Land Administration Systems.*
- *Based on a Fit-For-Purpose approach.*



Land Use Planning and land valuation

- *International Guidelines on Urban and Territorial Planning.*
- *Effective land use planning and control.*
- *Land valuation and land markets.*
- *Sustainability of land sector services.*

INTERNATIONAL GUIDELINES ON
URBAN AND TERRITORIAL PLANNING

UN HABITAT
FOR A BETTER URBAN FUTURE

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.

(Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda)

Thankyou