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MINUTES FROM ROUND TABLE 6 ON:

GLOBAL LAND TOOL NETWORK (GLTN) LAND GOVERNANCE WITHIN A GRASSROOTS AND GENDER FRAMEWORK

**At the Fourth Session of the
World Urban Forum (WUF 4)
Nanjing, 4 November 2008**

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EXECUTIVE SUMMARY

The document serves as a summary of the Round Table 'Global Land Tool Network, Land Governance within grassroots and gender framework', which took place at the fourth session of the World Urban Forum, 4 November 2008, Nanjing, China.

Around 65 professionals representing multilateral and bilateral organizations, NGOs, academia, training institutions and grassroots organizations participated in the Round Table organized by the Global Land Tool Network (GLTN).

The main objective of the round table was to bring GLTN partners (representing multilateral and bilateral organizations, NGOs, academia, training institutions and grassroots organizations) to develop the Networks' understanding of the overarching concept of land governance and for GLTN partners to report on current activities. The objective was also to discuss the way forward for GLTN in regard to land governance.

The round table shared normative work completed by network members to date, and discussed options for operationalizing these. This event built on the GLTN round table held in Vancouver at WUF 3 in 2006, where the network was launched.

The **achievements** of the round table were:

1. The presentation, discussion and endorsement by GLTN partners of the common land governance framework developed in collaboration with FAO;
2. The presentation, discussion and endorsement by network members of a number of land governance related products (such as a land governance policy paper, indicators on good land governance, gender criteria for large scale land tools, criteria for up scaling grassroots initiatives and ways to involve grassroots, voluntary guidelines for good land governance, etc.);
3. The GLTN partners agreement on the principles to be followed for the way forward; and
4. The GLTN partners renovated support towards the agenda and the participatory process used to develop pro-poor land tools.

1. INTRODUCTION AND OPENING STATEMENTS

The meeting was opened by the Chairperson, Ambassador Kalibbala, who introduced the discussion on how land governance relates to the GLTN gender and grassroots mechanisms and on the way forward for GLTN. She then presented the Norwegian delegation composed by Mr. Per Nygard, Minister of Local Government and Regions and Mr. Morten Wasstøl, Political Adviser to the Minister of Environment and to the Minister of International Development.

a) Keynote statement

Mr. Per Nygard, Minister of Local Government and Regions and Mr. Morten Wasstøl, Political Adviser to the Minister of Environment/Minister of International Development, Norway

The delegation started by appreciating the progress made by the Network since the last Session of the World Urban Forum.

During the Vancouver meeting in 2006 Norway made a commitment to support the Network idea through its Programme agreement with UN-HABITAT. In 2008 Norway has become one of the biggest donors and GLTN has developed in one of UN-HABITAT best performing programmes with partners all over the world contributing to its challenging agenda.

Land is a key asset for the welfare of the urban and the rural poor. Prioritizing land reform, improved land management and security of tenure are pre-requisites for pro-poor development in many countries.

The way in which land rights are defined will have far-reaching social and economic effects. The implications not only influence the structure of governance at local level, but also affect the households':

1. Ability to produce for their subsistence and to generate surplus;
2. Socio-economic status and collective identity;
3. Incentive to invest on land and to use it in a sustainable manner; and
4. Capacity to self-insure and/or access financial markets.

Thus providing poor people with access to land and improving their ability to make effective use of the land they occupy is central to reducing poverty and empowering people and communities.

Control of land in terms of access, use and security is particularly important for women, yet traditionally they have been disadvantaged. Ensuring that women are able to have secure rights to land, one of the household's main assets, will be critical in many respects. For example gendered land tools may help to meet the challenges arising from the HIV/AIDS epidemic, where the absence of clear land rights can lead to the loss of land by widows.

The Norwegian Government believes harmonized urbanization can not exist without good governance which is the key to economic, social and environmental development. Gender balance is central to good land governance and all land tools developed by GLTN should aim to achieving it.

Land tools should reflect women's experiences and the reality they live in. Their participation and contributions will allow the tools to become effective and ensure communication between donors and the grassroots.

GLTN tools are only a technical instrument, if used properly they may help to achieve secure land tenure. But as tools they will not be effective without a strong political will to implement them. Political leaders must commit to pro-poor interventions in land policy, identify and support both nationally and locally those agents that have potential for pro-poor gendered change, and be ready to face the opposition of those who derive benefits from the status quo.

Donors must support female led community based organizations, gendered non-governmental organizations, local educational institutions, etc. and enable them to empower and give a voice to poor people. In order to achieve this objective donors must coordinate, harmonize and align their interventions, and be accountable for their actions.

In the end the delegation highlighted the progress made by GLTN in regard to gendered pro poor land tool development and reiterated its support to the initiative.

b) Opening statement from the GLTN Secretariat

Ulrik Westman, GLTN Coordinator at UN-HABITAT, Kenya

The Coordinator of GLTN, Mr. Westman from UN-HABITAT, started by restating for the audience the objective of GLTN which is to contribute to poverty alleviation and to the achievement of the Millennium Development Goals through land reform, improved land management and security of tenure. In particular the six objectives are to:

1. Develop pro poor gendered land tools;
2. Unblock existing initiatives, add value;
3. Research, documentation, dissemination;
4. Strengthen global comprehensiveness (Paris Declaration);
5. Improve security of tenure for the poor (Global Campaign on Secure Tenure); and
6. Millennium Development Goals - indicators/benchmarks.

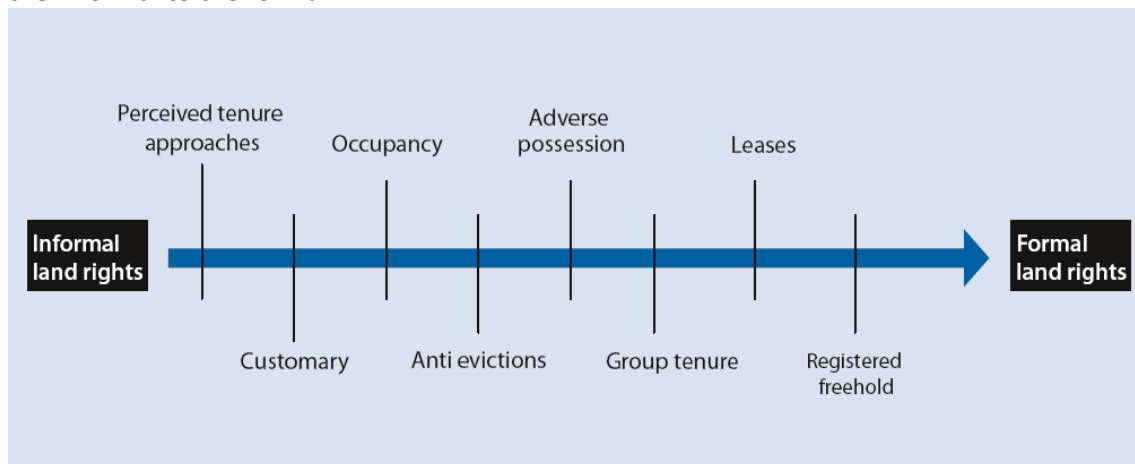
The lack of pro poor land tools hampers poverty alleviation initiatives globally. The Global Land Tool Network (GLTN) aims to address the gap between current land policy approaches and the phase of implementation, by creating spaces of interaction between various stakeholders involved in land development and by lending support to existing pro poor land

tools. GLTN partners argue that the lack of these tools, as well as land governance problems are the main cause of failed implementation at scale of land policies world wide.

GLTN is a demand driven network where many individuals and groups have come together to address this global problem. The vision of GLTN is to provide appropriate land tools at global scale to implement pro-poor land policies and land reform and its mission is to work with partners to assist member states at global level in implementing land policies that are pro-poor, gender sensitive and at scale.

GLTN partners define a tool as a method to achieve a defined objective in a practical context. A tool facilitates decision processes based on knowledge to move from principles, policy and legislation to implementation. Land tool development can be understood as the processes of reviewing, developing, documenting, implementing (piloting and up-scaling), disseminating, evaluating and monitoring the tools.

The partners have identified and agreed on 18 key land tools to be developed to deal with poverty and land issues at the country level across all regions. These tools aim to help addressing many different issues related to women and men capability to exercise their rights in all the land tenure frameworks ('continuum of rights', see the table below), from the informal to the formal.



GLTN identified land tools have been divided in five themes related to formal, informal or to both formal and informal land rights. These themes are:

1. Land rights, records and registration

- 1a. Enumerations for tenure security
- 1b. Continuum of land rights
- 1c. Deeds or titles
- 1d. Socially appropriate adjudication
- 1e. Statutory and customary
- 1f. Co-management approaches
- 1g. Land record management for transactability
- 1h. Family and group rights

2. Land use planning

- 2a. Citywide slum upgrading
- 2b. Citywide spatial planning
- 2c. Regional land use planning
- 2d. Land readjustment (slum upgrading and/or post crisis)

3. Land Management, Administration and Information

- 3a. Spatial units
- 3b. Modernising of land agencies budget approach

4 Land law and enforcement

- 4a. Regulatory framework for private sector
- 4b. Legal allocation of the assets of a deceased person (Estates administration, HIV/AIDS areas)
- 4c. Expropriation, eviction and compensation

5. Land Value Capture

- 5a. Land tax for financial and land management

GLTN is about networking, it already counts 36 global partners, more than 700 members and around 70 high performing national consultants active at local level that have agreed on a common agenda for developing pro-poor land tools.

For the future the task is to keep developing, in collaboration with GLTN partners, the selected land tools, test them, identify the gaps and try to fill them to be able to effectively implement and deliver at scale. The GLTN mandate ends with the development of the tools. Member states and other partners will have to take responsibility and lead the implementation.

2. DISCUSSION ON LAND GOVERNANCE

a) Presentation on the concept of land governance and the framework for the discussion

Clarissa Augustinus, Land Tenure and Property Administration Section, UN-HABITAT, Kenya

To respond to the global challenges regarding land governance a common understanding of the concept of governance and its framework was needed. A working definition has been developed by UN-HABITAT in collaboration with the Food and Agriculture Organization (FAO), as part of upcoming publication on land governance and policy. This has been led by Szilard Fricska from the UN-HABITAT side. "Land governance concerns the rules, processes and organizations through which decisions are made about access to land and its use, the manner in which the decisions are implemented, and the way that competing interests in land are managed... More fundamentally, land governance is about power and the political economy of land."

This approach to land governance has several important characteristics. First, it recognizes that governance is broader than state structures or institutions; land tenure is socially constructed and legitimate forms of land rights and land institutions exist outside the statutory system. Recognizing and working with customary, informal and statutory regimes is critical, as is the recognition of a range of land rights.

Second, the approach emphasizes political economy issues. This means a focus on actors, their relationships, and the incentives and constraints that shape their interaction. Understanding the range of stakeholders in land and the potential impacts of reform processes on their interests is critical. Managing the political risks associated with reforms is now recognized as at least as important as, for example, the quality of the technical design.

In addition, good governance of land means that the organizations and rules result in informed decisions when choosing between competing interests in land. It ensures that decisions are made at the appropriate level, and that land issues are addressed with openness. It requires that all actors are responsible for their actions and that the rule of law is applied to all. Good governance provides a framework for equitable participation in processes to manage competing interests: the processes are open to legitimate stakeholders whether they are rich or poor. It provides the means for all people to participate equitably, recognising that the marginalized and vulnerable need special assistance if they are to participate as equal partners. Even if processes are improved some people may continue to be excluded because they are not regarded to be legitimate stakeholders. When the law does not recognise the rights that people have to their homes and agricultural land and forests, those people are unable to participate in formal processes to prevent their eviction. Ultimately good governance requires that formal recognition is given to all rights to land that are considered legitimate by society.

Finally, this overall land governance approach leads to opportunities and implications through which activities and outcomes are achieved, which have several operational implications such as:- advocacy, technical assistance, capacity building, coordination, the measuring, monitoring and evaluation of outcomes. Moving to specific aspects of land governance, namely grassroots and gender:

The GLTN Grassroots Mechanism. GLTN partners would like to ensure genuine grassroots participation in its land tool development initiatives, to ensure that high quality, pro poor and useful tools are designed and used in practice. A "grassroots mechanism" has been set up to ensure engagement by the grassroots through participating in tool development. Many land policies are developed and implemented with weak grassroots participation, leading to project failure or outcomes that do not assist women or people living in poverty. The GLTN grassroots mechanism – see GLTN website - provides detailed criteria to assess grassroots participation in order to determine whether it is genuine, effective and rights-based. It also describes approaches for achieving such participation via four strategic activity areas such as: 1. Ensuring grassroots participation in large-scale land tool development; 2. Scaling up community-led initiatives; 3. Building the capacity of the grassroots to engage in land administration and land management; and 4. Promoting grassroots participation approaches amongst GLTN partners.

The GLTN Gender Mechanism. Furthermore, it is well recognised that implementation of women's land, property and housing rights is often frustrated by the lack of effective gendered land tools. One of the global Land Tool Network's values and priorities is that we must reach a point where every tool must be gendered as well as the process of tool development. The challenge therefore is: to genderize existing land tools and those under development; to evaluate and upscale existing gendered tools and to create new gendered tools in response to identified gaps. We have been working with partners on producing criteria to evaluate the gender responsiveness of tools and how to create gendered tools. This will be reported here and is also on our website.

Linkage to presentations. This land governance framework is intended to provide an umbrella to frame all the presentations here and also to facilitate thinking about future GLTN land governance type activities with partners. The framework also makes it easier to show how different aspects of GLTN partners work compliment each other and how GLTN is working with a holistic vision.

1. Gender, grassroots and civil society issues, as indicated, are fundamental to the land governance agenda and the Huairou Commission will present work on both these aspects. Huairou together with FIG have been working on the development of criteria for the evaluation of large scale land tools and the development of new tools. This has been a major focus of GLTN since Vancouver.
2. Shack Dwellers International will continue on the grassroots and civil society theme, by informing us of their work on enumeration – one of GLTN's focus areas.
3. Hakijamii – a new GLTN civil society partner, will present findings from international civil society organizations who are GLTN partners on, how to upscale from community projects.

4. FAO is taking the land governance agenda, both in regard to land administration and policy, into new political realms through the development of a Code of Conduct for Member States on this issue. GLTN is also giving financial support for this.
5. The World Bank is embedding land governance into land administration through the development of indicators so that it will be possible to measure success and failure in land administration governance. Here I must note that another GLTN partner who could not make it, UNECA, working with the African Union and the African Development Bank on a land policy framework for Africa, is also developing indicators for governments to measure their successes or failures in the area of land policy and its implementation. All this indicator work is being done in a collaborative fashion between the World Bank, UNECA and UN-HABITAT, often with GLTN funding.
6. The International Institute of Geo-information Science and Earth Observation (ITC) will bring us news on the development of the Social Tenure Domain Model. This is an information management system which is key to reaching good land governance. It will make it possible to put land and property information on the same system, whether land is registered or not, legal or not, or even contested by different people. It can show women's rights in the family, Islamic rights, and secondary agricultural rights. It is critical for land reform, to deal with conflict over land and for land governance. A number of GLTN partners are working together on its development led by ITC, FIG, World Bank and UN-HABITAT.
7. The International Federation of Surveyors will present findings on Innovative Financing for Slums which is part of the GLTN land tool on continuum of land rights.
8. Geoff Payne and Associates, researchers funded by GLTN, Norway and Sweden, will present their findings on the impact of individual titling on the poor. It was important to show that there are problems for the poor with individual titles and that other forms of tenures should be also introduced. Good land governance is closely linked with issues relating to all members of society having access to land and security of tenure and the workshop held by FIG and the work done by Geoff Payne and Associates are important to the development of the continuum of land rights.

All these presentations continue to build knowledge on land governance and help us to develop additional activities to take us forward.

b) Presentation on indicators on good land governance and evaluation criteria for good land governance

Li Guo, Senior Agricultural Economist, World Bank, Washington, USA

Mr. Li Guo presented to the audience the indicators on good governance and land administration developed by the World Bank.

There are many reasons to justify why actions are needed to address good governance issue. For example, land offers huge potential for large scale corruption. Bad governance in land administration, especially in contexts of rising commodity prices, can lead to large scale land grabs or public land concessions cronies. On a smaller scale it can lead to petty corruption in

service delivery, for example high land taxation often encourages undervaluation and under-the-table payments.

It is estimated bribe payment by the poor bigger than US\$700 million a year. Corruption reduces economic activity and hurts the poor by for example excluding from access to land 'serious' investors, preventing the financial sector from developing due to the fact that land transactions are not registered, etc.

There is a huge economic and social cost if good governance in land administration cannot be established and enforced. Both society and governments can benefit immensely from improved governance in land administration: good land information and policies can generate resources, technical progress and awareness raising campaigns can help make the process more transparent.

The World Bank aims at helping client countries establish good land registry systems, disseminate best practices among all participants and develop indicators that can be applied across countries. In view of these objectives the Bank is developing indicators which can be grouped under different categories, namely: the legal and institutional framework; land use planning, management and taxation; management of public land; provision of land information; and dispute resolution and conflict management.

To ensure good governance in the **legal and institutional framework** governments should aim to achieve:

1. A legally recognized continuum of land rights and clear mechanisms are in place to enforce those rights. The definition of rights is consistent with practice; the rights, obligations and enforcement mechanisms are understood by the affected population; and the restrictions on rights are designed and implemented in such a way that they do not drive larger shares to informality;
2. Clear institutional mandates for the land sector, competencies do not over-lap and the information is available to all stakeholders. Policies are developed through a legitimate and inclusive decision-making process, and they respond to the principles of equity and non-discrimination.

Concerning **land use planning, management and taxation**, good governance may be achieved through:

1. Cost-effective public good provision is ensured through land use regulations, information is available on how land regulation is enforced, and changes in zoning are made transparent and participatory;
2. Enforcement of existing land use restrictions through the separation of power between land owners, authorities implementing the policies and authorities enforcing restrictions. Prompt and predictable mechanisms to grant permissions for restricted land use are in place and the tax valuations are public, applied uniformly and up-dated. Finally entitlement to local administration bodies of a significant share of property tax revenues.

In the **management of public land** governments should aim at:

1. Creating a geographical inventory of state-owned land;
2. Establishing a clear process for transfers of ownership or use rights;
3. Formulating fair and transparent procedures for expropriation and allowing it only for public good.

In the sector of **provision of information on land** the objective should be to:

1. Make the Land Registry geographically complete;
2. Make the Registry information sufficient for inferences on ownership;
3. Give to the Registries enough capacities to operate in a cost-effective, financially sustainable and transparent way.

Finally, regarding **dispute resolution and conflict management**, the government objective should be to:

1. Clearly assign the responsibility for conflict resolution and allow for appeal of the decisions;
2. Keep the level of unsolved conflicts low and not systematic.

Mr. Guo stated that at the moment the pilot application of the indicators has been completed in Indonesia, Kyrgyz Republic, Peru, Tanzania and Burkina Faso. Based on the information gathered, the World Bank is working to include more specific quantitative evaluation criteria in the indicators and is planning for the future a systematic application for a wider set of countries.

3. CURRENT GLTN LAND GOVERNANCE, GENDER AND GRASSROOTS ACTIVITIES

a) Presentation on the voluntary guidelines on land and natural resources tenures

Mr. Paul Munro Faure, Food and Agriculture Organization (FAO), Italy

Mr. Munro Faure presented the 'Code/Voluntary Guidelines for Responsible Governance of Tenure of Land and other Natural Resources'.

Pressures on land are increasing rapidly as a result of demographics, economic growth, commercialization, globalization, etc. These affect demands for both urban and rural lands and are having substantial impacts on the poor and vulnerable, whether positive or negative.

FAO and its partners have identified that there may be a need for Voluntary Guidelines addressing this area, along the lines of similar Codes or Guidelines prepared by the Organization since 1963. They include: the highly important global Codex Alimentarius (defining hundreds of food standards globally); the Code of the Distribution and Use of Pesticides (1985); the Code on Responsible Fisheries (1995) the Voluntary Guidelines on the Right to Food (2004); and the Forest Fire Management and Forest Plantation Management Guidelines (2007).

The proposed Voluntary Guidelines on land and natural resources would support the effort of countries to improve the standard of behaviour pertaining to land tenure and its administration. The methodology for preparation of the Guidelines draws on FAO's experience with developing and implementing such instruments. Following the FAO members giving a clear mandate for such Guidelines, the Secretariat will prepare the required background and proposal papers as the basis for refinement. This phase will include widespread consultation with Governments, professional institutions, civil society, the private sector, and other international institutions.

On the basis of previous guidelines preparation, the expected duration of this political and negotiated process is between three and four years. The process started in 2007 in FAO with support from partners including UN-HABITAT / GLTN, World Bank, IFAD, FIG and IPC. On completion and adoption of the Guidelines a programme will be derived to ensure appropriate follow-up and implementation at the country level.

b) Presentation on the gender criteria for large scale land tools

Ms. Ayse Yonder, Pratt Institute and Huairou Commission, USA

Huairou Commission is a global coalition of grassroots women organizations. It does capacitation and helps these organizations represent and voice their ideas at different fora. The Commission main fields of action are disaster aids, peace building, governance, land and security of tenure.

Ms. Yonder presented the Gender Evaluation Criteria for large-scale land tools developed by the Commission in collaboration with GLTN. She stated that since the Commission was funded during the Urban Forum in Turkey in 1993, it has developed several initiatives in partnership with GLTN, but with the Gender Criteria GLTN has engaged in a truly participatory process for the first time.

Security of tenure and good governance are important to grassroots women and the Commission has developed its own document on the issue. Gender adds to the land tools factors and dimensions normally underestimated such as the house-hold level, allowing to bring such level into the discussion.

The Commission has been involved with GLTN in the process of elaborating the Gender Evaluation Criteria since the beginning. An initial meeting held in Kenya brought together a balanced number of grassroots women representatives, academics and professionals working on land and housing. Cases of successful experiences were presented and analyzed together with technical experts, including in the discussion both practical and conceptual issues, confronting them and taking advantage of all the different inputs and experiences.

After the meeting an e-forum was open to maintain the exchange, all the documentation was made available on-line and each segment of the discussion was moderated by a representative of one of the partners. The work has been in progress for an extended period of time and the document kept changing and being revised to insure that all inputs were included.

In the end, six clusters of criteria were developed jointly with different proposals for new tools related to land governance. The criteria are:

1. Equal participation by both women and men and gender-responsive governance;
2. Capacity building, organization and empowerment of both men and women to use, access and benefit from the tool;
3. Legal and institutional consideration of both women and men by the tool;
4. The tool includes social and cultural considerations in regard to women and men's access to land;
5. The tool includes economic considerations in regard to women and men's access to land; and
6. Scale, coordination and sustainability of the tool to reach more women and men.

Under each criterion there is: a set of questions; a specification of why these questions are important from a gender perspective and for poor women's access to land; possible indicators of areas that require change; and possible sources of information from where to extract.

At the current stage the criteria appear to be a very dynamic and easy to use tool. The work is not complete yet and many questions are still to answer. For instance it is still to establish whether this tool takes into account customary laws, or if it will really be beneficial for women, or who will apply it. The best way forward would be to have grassroots women

answer to all these questions, but it appears as a difficult task without a gender unit backstopping the experience.

The main challenge will be to find a balance between the necessity to involve other partners that can contribute with technical backstopping and to ensure that the grassroots women maintain a leading role in the remaining stages of the criteria development.

c) Presentation on the grassroots mechanism and the up scaling of grassroots initiatives

Ms. Violet Shivtse, Huairou Commission, Kenya and Mr. Humphrey Otieno, Nairobi Peoples Settlement Network and Hakijamii, Kenya

Ms. Shivtse and Mr. Otieno presented in their intervention the publication on 'Grassroots mechanisms, Building on local experience and local demands'.

Grassroots mechanisms can be defined as practices that have been innovated by grassroots people to support them in addressing issues related to land ownership and control of land. These are practices that the local communities feel that do support their rights on land ownership.

Land issues have significantly contributed to hunger and poverty, unhealthy society and also increased domestic and tribal conflicts. Insecure land tenure always revolves around: the lack of effectiveness in the legal system; high legal fees; lack of proper information on documents required; and long procedures that deny land issues to be resolved in good timing.

Ms. Shivtse gave some examples of grassroots mechanisms that have emerged from experience and demonstrated to be effective at the grassroots level, such as:

1. **'Watch dog Group'**: It is a group including grassroots women leaders, paralegals, religious leaders and local government authorities. It was founded to safeguard the land rights of the marginalized and vulnerable women and men in society. The role of the watch dog group is to create awareness of issues surrounding land ownership including inheritance rights and make follow up on emerging cases to ensure justice in legal procedures.
2. **'Mapping'**: This is a grassroots led survey on the institutions that address land issues and their effectiveness. It involves all community leaders and the affected people to understand the gaps existing and find solutions to bridge the gaps. Mapping leads the community into collective action planning to strengthen the law and cultural systems that address land issues.
3. **'Wakili Bila Malipo'**, Community paralegals: The community identifies people who can articulate the law and train them as paralegals. Community paralegals support their communities to understand the law and peoples rights, they give advise to communities on how to file cases in courts and understand the legal procedures in courts

Grassroots mechanisms increase participation of the local people in the GLTN, give opportunities for GLTN to test local innovations that can work for people and bring on table effective tools for up scaling.

The Nairobi Peoples Settlements Network is another one of GLTN partners active in the development of Grassroots Mechanisms. Mr. Otieno reported that different Kenyan civil society and grassroots groups are working with other partners to: **facilitate the grassroots participation in large scale land tools; document the scaling up of grassroots land tools; and build capacity to engage in land administration and land management at the grassroots level.**

After a workshop with grassroots groups and professionals in 2007, GLTN and its partners have developed draft criteria for assessment in each of these three areas of work. For example, on **grassroots participation in large-scale land tools**, some key criteria for assessment are:

1. Giving of control to participants, including through building on existing processes.
2. Ensuring women & marginalised groups are included and can play leadership roles.
3. Prioritise initial phases in a project can strengthen participation., e.g. enumerations
4. Use 'participatory' communication methods
5. Meet immediate needs and address participation fatigue
6. Invest in training and capacity building activities
7. When scaling up participation use representative mechanisms and emphasise information.
8. Set minimum standards and accountability system for participation.

There are as well other on-going activities on grassroots mechanisms. GLTN and its partners are engaging with FAO to develop the 'Guidelines on Compulsory Acquisition of Land and Compensation'. They have provided comments on the guidelines and are now involved in follow-up process on higher level guidelines on natural resources and security of tenure.

Moreover, a study was completed on peer evaluation of grassroots-driven enumerations in Kisumu, Kenya. The study showed how grassroots groups could enumerate their own settlements and how critical it is to have since the beginning of the process grassroots ownership and involvement with local authorities to integrate data into the official system for planning.

Mr. Otieno concluded presenting on-going and planned activities related to the development of these tools. The mechanism to evaluate slum upgrading programmes is about to be tested in Thailand. In Aceh, Indonesia, the grassroots enumeration and planning programme will be applied to forests and coastal areas. The lessons learned from all these experiences will help determining possibilities for scaling up. The next phase will have to assess up to three pilot projects at country level and prepare an enumerations handbook.

d) Presentation on the findings from the working week on Improving Slum Conditions through Innovative Financing

Stig Enemark, President of the International Federation of Surveyors (FIG), Denmark

The President of the International Federation of Surveyors (FIG), Mr. Enemark, presented the findings from a practitioners' dialogue on improving slum conditions through innovative financing.

Mr. Enemark opened his intervention reaffirming FIG commitment to the MDGs and the UN-HABITAT agenda on the GLTN. In this framework the objective is to set a global agenda that enables interaction between land professionals and grassroots in addressing the issue of slum areas.

FIG and UN-HABITAT jointly organized a seminar in Stockholm in June 2008 on 'Improving Slum Conditions'. The Seminar was structured as a multi-discipline practitioners' dialogue between land professionals, architects, planners, economists, finance experts and social scientists. About 120 leading actors from the public, private and NGO sectors participated. The outcomes of the Seminar have been collected in a publication available on www.fig.net and www.glt.n.net.

To improve slum conditions it is necessary to link the "chain" of mapping, planning, land rights, cadastral services, valuation and financial services. Seminar participants identified several **key-issues**:

1. Sustainable provision of shelter for poor people;
2. Policy coordination with land infrastructure, legal and financial systems;
3. Appropriate regulations for land use, zoning and building;
4. Secure land rights for all;
5. A sustainable housing finance system;
6. Timely provision of infrastructure; and
7. Access to land and access to credit.

The Seminar included as well: **key-note presentations**, as the one from Ms. Anna Tibaijuka, Under-Secretary General and Executive Director UN-HABITAT, or Mr. Ashraf Ghani, High Commissioner of the legal Empowerment of the Poor; **session presentations** as the one from Ms. Dorothy Agole from the Kenya Ministry of Land; and **dialogue sessions** divided by regions and by theme. Moreover, a range of land management practices and tools were presented, including the Social Tenure Domain Module (STDM), the Global Land Tool Network (GLTN).

Participants agreed on several **priorities for the way forward**:

1. Incremental approaches to land titling, construction and finance;
2. Innovative pro-poor planning and governance;
3. Collective approaches to savings and credit;

4. Consultations between experts, authorities and the urban poor to develop new products of credit; and
5. Promote research, education, mentoring and publications on the pro-poor issues.

Mr. Enemark concluded stating the necessity to keep the focus on the people, their rights, engagement and dignity; on politics related to land policies and good governance; and on places, including issues related to shelter, land rights and natural resources.

e) Presentation on the current developments on the Land Administration Domain Model and the Social Tenure Domain Model

Chris Paresi, International Institute of Geo-information Science and Earth Observation (ITC), Netherlands

As an example of current land tool development, Mr. Paresi from the International Institute of Geo-information Science and Earth Observation (ITC), introduced the Social Tenure Domain Model (STDM) and illustrated how this new approach to pro poor land records is flexible enough to be applied in informal settlements in developing countries.

The Social Tenure Domain Model (STDM) describes the relationship between people and land whereby it strives to record all forms of land rights, social tenure relations and overlapping claim/rights over land, including gender issues and conflict situations.

STDM is designed to support land rights recording in areas such as slums where regular/formal registration of land rights is not the rule, making it possible to record simultaneously:

1. The entire range of land- related rights in the continuum (formal rights, non-formal and informal rights, customary rights, indigenous rights, tenancy, possession, etc.);
2. Different financial options (group loan, micro-credit, etc.);
3. Type of person that is in relation with the land (who: group with no-defined membership, group, group of groups, natural person, company, municipality, cooperative, married couple, etc.); and
4. A range of spatial units.

Regarding the data acquisition system, collection for both spatial and administrative data can vary from one area to another. For example in slum areas it may be sufficient as a start to relate informal people-land relationships to a single point, then attributes such as photographs and fingerprints may be attached to the records. In other environments a traditional cadastral map/register, or a map based on satellite images, or a combination of any of those methods may be suitable.

Satellite images are a very promising approach to collect data about different land use types with the people themselves. GLTN and the World Bank are working with the Government of

Ethiopia aimed at piloting STDM as a proof of concept and similar experiences exist in other countries.

The final product will be an open source software package available for free downloading on the internet and the prototype should be ready by December 2008.

Mr. Paresi concluded affirming that, with international support, this model can be a powerful tool and its accessibility and straightforwardness may be an incentive to encourage all the countries to apply pro-poor flexible data-collection systems and implement pro-poor land policies.

f) Presentations on the experiences from large scale enumerations

Edith Mbanga, Siseho Kamwi, Shack/Slum Dwellers International (SDI), Namibia

The representatives of SDI Namibia, Ms. Mbanga and Mr. Kamwi, presented the 'Community-led Information Programme (CLIP)' for enumeration of urban settlements carried out since 2007 in Namibia.

The Programme, which has the support of the National Minister for Regional and Local Government, Housing and Rural Development, aims at creating tenure arrangements that allow residents to benefit from increased security.

Security of tenure is probably the single most enabling factor towards addressing the shelter needs of the poor and a key aim of SDI's work. A formal address and title agreement provides people with protection against demolition, a symbol of citizenship and dignity, and a foundation upon which to incrementally invest in their household and neighbourhood, especially in situations where there are no public investments. Previous to the Programme there was no information available on the land tenure systems in slum areas and no policies had been effective in making the land available for the poor.

But formalization of land rights is not in itself the answer. In many cases, simply giving out title deeds exacerbates poverty eventually leading to the eviction of slum dwellers. The most vulnerable among the poor –including women, indigenous groups, tenants, etc., often end up losing out in blanket formalization schemes.

CLIP objective is to create through a participatory process a local level information system for slum-up-grading and to combine the information in a national data-base for Namibia. The Programme started with a socio-economic survey carried out in four informal settlements. A team composed by local slum dwellers was trained to participate as surveyors and went door-to-door on daily bases to inform on the system and collect information. The data collected was then fed into a database, organized and taken back to the communities to be verified.

The survey includes information on the number of settlers, the tenure arrangements, the percentage of people employed (by the government, by private actors or self-employed) and un-employed divided by gender and age groups. More than 120,000 shacks in informal settlements housing and an estimated 425,000 people have been surveyed since the programme began.

The data is collected and up-dated by the communities themselves and then handed to the local and national authorities. Based on this information local federations are now negotiating for more affordable land prices and for new land adjudication policies.

SDI representatives stated that CLIP demonstrates that people-driven processes can be scaled-up to a national level and that genuine partnership between the poor and governments is possible and may produce solutions that benefit all. SDI is now looking into new opportunities to apply the same programme in different countries.

g) Presentations on the research findings on Social and economic impacts of land titling programmes

Geoffrey Payne, GPA Associates, UK and Alain Durand-Lasserve Centre National de la Recherche Scientifique (CNRS), France

Mr. Payne's presentation summarised the findings and policy implications of a research project undertaken by GPA during 2006-08. The project team consisted of Mr. Durand-Lasserve, Ms. Rakodi and Mr. Payne, together with local researchers and it was funded by the GLTN/UN-Habitat, SIDA and the Ministry of Foreign Affairs, Norway.

Home ownership has been widely accepted as the most effective means of improving one's position in the world and building successful economies. Some advocates have even claimed that it is the means by which the West became affluent and that developing countries should adopt the same approach to reduce poverty. Land titling programmes have accordingly been promoted in developing countries by many governments and international agencies as a means of increasing: tenure security; access to formal credit; investment in home improvements; municipal revenues; and urban land market efficiency.

These claims have been made, however, in the absence of empirical support. GPA project therefore sought to assess the evidence for such claims. When the project started, the world economy was sailing in calm waters, but now the situation is very different. Excessive promotion of home ownership in the USA has triggered a global financial crisis which has yet to run its course and may even cause a worldwide recession. Without knowing it, GPA project has therefore proved to be timely.

The project involved a review of the international literature, followed by detailed case studies in various titled and untitled settlements in Senegal and South Africa. The research drew a number of conclusions and identified some policy implications in regard to each one

of the five objectives of the land titling programmes stated by governments and international agencies. These findings are:

1. Regarding **security of tenure**: a key finding was that perceptions are important in determining tenure security, not just legal status. Surveys revealed that many residents in informal settlements already enjoy de facto tenure security.

However, titling has had a very positive impact on increasing security for women by specifying them on ownership records. The situation for tenants is less positive in that rents in the Senegal case increased sharply as newly regularised owners passed on the costs of regularisation and upgrading into higher rents. A significant percentage of households entitled to regularisation have not yet completed the process of registering their rights.

This suggests that at least some consider that the option of a title is sufficient and that finalising the process can be delayed indefinitely, especially if completion exposes them to additional costs.

2. Regarding **access to formal credit**: there was no evidence in the published sources or the case studies that titles increase access to credit from private sector banks, or that banks are using property titles to secure loans.

The main reason was that households fear losing their prime asset – their property, whilst the banks usually ask borrowers to provide evidence of incomes before offering loans. Most low-income households finance investments through savings or loans from friends or extended family, or informal credit sources. These are more expensive than bank credit, but are more flexible and easier to access. The proportion of households who have taken out loans to develop businesses is tiny, and none used their houses as collateral.

The clear conclusion is that titles do not increase access to formal credit. It is also clear that low-income households are expressing a deep, and rational, fear of debt and that finance institutions are not responding to the needs and circumstances of low-income families.

3. Regarding **increased investment in housing**: links between titles and investment in house improvements are not always clear, partly because titles are allocated as part of settlement upgrading, or the location of a settlement influences behaviour. Of the households who improved their property, most said that they would have done the improvements even if they had not received their title. When probed, those who had not invested in their homes claimed that the reason was a lack of finance. The evidence shows that titling is one of many means of encouraging investment in housing and land, though by no means the only one.

4. Regarding the **increase of municipal revenues**: where titling raises property values, revenues can theoretically rise substantially. However, this may not be affordable to newly titled poor households.

In such cases, some may be forced to sell their property, as is reported in South Africa. Conversely, if taxes and charges are set according to affordability levels, the

consequent net increase in revenues may be small and possibly even less than the costs of collection.

In both case study countries, the impact of titling on municipal government revenues was found to be extremely modest. Furthermore, property taxes, stamp duty and other charges have discouraged many households from completing the tenure formalisation process.

5. Regarding the **improvement of urban land and housing markets**: surveys showed that one of the most powerful benefits of possessing a title deed was that households can appeal to the authorities when property claims are contested, even though none had actually used their title deed for such a purpose.

The research reinforces the literature in noting that there is very little buying and selling of homes in titled communities, except in areas subject to gentrification. This suggests that households regard their properties primarily as homes, not commodities to be traded in the market.

Whilst titling has formalised some informal settlements, it has also resulted in the “informalisation” of formal land transactions by households seeking to avoid taxes or other official charges.

The research arrived to the conclusion that titling programmes have generally failed to realise their objectives. Investment in land and housing, access to formal credit and municipal revenues have not increased noticeably more than under other tenure regimes; and there is no significant evidence to date of poverty levels being reduced.

Whilst there is considerable evidence of increased tenure security from titling for some households, and particularly for women, tenants have rarely benefited. It is also clear that many alternative forms of tenure, including many informal or unauthorised settlements, also provide high levels of security.

In those countries where the threat of eviction is tangible, clearly the possession of a title is highly valued. Equally, where no threat exists, people feel sufficiently secure to invest what they have in housing improvements and in these cases titles are not regarded as important, and may even have negative connotations due to the increased commitments and visibility to the authorities that they entail. Ironically, titling programmes are often implemented in those countries where they are least needed.

The research has demonstrated that the social and economic impacts of titling programmes vary according to the objectives and circumstances under which they are undertaken. Three broad categories can be identified:

1. Titling of **existing informal settlements within urban areas**. These may dramatically increase land values over a very short period, particularly in well located areas, encouraging competition between potential beneficiaries; adversely affecting tenants and; encouraging market driven displacement of newly titled owners unaware of the enhanced market value of their property. They may also lead to distress sales. Titling programmes under such conditions should therefore be

- discouraged in favour of other options for the gradual integration of selected settlements into the formal land and housing markets.
2. Titling of **new areas**, mostly on the urban periphery, undertaken as part of slum or squatter relocation programmes. These programmes are usually undertaken as part of city 'beautification' or market driven development programmes. Such approaches force the poor out of the cities, often with no, or minimal, compensation, except to a relocation site. Titling programmes under such conditions should be strongly discouraged.
 3. Titling undertaken as **one option amongst others allocated in new development areas**, but generally **in the urban periphery** where new development sites are more readily available. Private developers can be encouraged to provide individual plots for residential development to those who can afford the purchase price and associated costs of ownership. These are unlikely to be affordable to low-income groups unless provided as part of a public-private partnership, but titling should be encouraged as part of such developments.

Mr. Payne concluded stating that based on the research findings and given the costs and other demands of titling programmes on land administration agencies, there is considerable potential for introducing, or expanding, innovative mechanisms for providing tenure security and credit to low and lower income households. GPA is preparing a methodological framework for assessing different tenure and rights regimes and would welcome the opportunity to discuss this with others working on these issues.

4. DISCUSSION ON THE WAY FORWARD

a) GLTN Secretariat to present draft way forward

Clarissa Augustinus, Land Tenure and Property Administration Section, UN-HABITAT, Kenya

Sixteen sets of activities proposed for the next years were presented by Clarissa Augustinus, Chief of the Land, Tenure and Property Administration Section of UN-HABITAT. They included:

1. **'Civil Society International Grassroots Meeting'**, the meeting to be held in Nairobi early in 2010 will aim at the identification of the criteria for: the selection of the pilots to test the GLTN tools and the methodologies to document the learning and in the future replicate the experience;
2. **'Pilot Gender Evaluation Criteria'**, the pilot is waiting for approval from governments and other stakeholders and it will test the criteria for gender evaluation at country level and document for learning;
3. **'Write-shop on Enumeration'**, the write-shop objective will be to produce in collaboration with international civil society organizations a set of guidelines based on the STDM and land records experiences;
4. **'FAO Code of Conduct on land governance meetings'**, Un-Habitat is co-funding these two meetings to be held in 2008 and 2009 to draft in collaboration with FAO a Code of Conduct that will later be submitted to Member states for discussion and approval;
5. **'Land governance and policy guidelines'**, the outcome of FAO and UN-HABITAT joint efforts on land governance and policy will be summarized in a publication.
6. **'Continuum of land rights'** GLTN will continue in its effort to find affordable way for security of tenure in collaboration with its partners and in particular with Geoff Payne from FIG;
7. **'Indicators for land governance and land administration'**, GLTN is looking into the possibility to co-fund with AU/UNECA/Af.Dev.Bank for land policy framework pilot in a few countries to test the criterias developed by the World Bank;
8. **'Information system for land governance, STDM'**, a pilot STDM led by World Bank and supported by FIG and UN-HABITAT is on going in Ethiopia and it has achieved 20 million affordable rural land records. ITC is in charge of further developing the software;
9. **'Transparency in Land Administration'** Training programme led by TCBB/ITC and local partners already took place in 4 African sub-regions. The plan for the future is to focus on the Asian region;
10. **'Training on land policy framework for African Union/UNECA/African Dev Bank'** GLTN led by TCBB is collaborating to the preparation of a training for Governments and other stakeholders;
11. **'Harmonisation, Alignment and Coordination (Paris Declaration)'**, GLTN chairs the land sector donors group in Kenya. The objectives of this group are to achieve a better coordination and harmonization between donors, establish affordable land

records, involve Non State Actors and create a basket funding to support the land sector in Kenya.

12. **'Global Harmonisation, Alignment and Coordination of Aid for land (urban and rural)'**. This item is currently under discussion with donors such as Sweden, Norway, France and Finland. There seems to be great interest in this issue and how the Paris Declaration can also be implemented at global level focusing on one specific theme, such as land.
13. **'Informal round tables'**, building on the productive experience of the Helsinki informal round table with FIG, FAO, SDI, FIAN and others on expropriation, compensation and evictions where participants, GLTN will organize another round-table with the same structure but on a different topic later this year.
14. **'Training package on land governance, grassroots and gender'** led by TCBB and with international civil society the training based on GLTN material will aim to building capacity and overcome silos in the land sector. It will be open to all partners and target in particular those that do not have a specific expertise in land.
15. **'Land Commission in Liberia'**, GLTN is working with Liberian Government and ROAAS, UN-HABITAT Africa office, to assist in the creation of Land Commission in Liberia that will focus on land governance and prepare project proposals for the Peace Building Commission.
16. **'Global humanitarian cluster'** GLTN in collaboration with the Disaster Management Programme is developing post conflict guidelines for UN system with land governance as central issue.

b) Questions and discussion

- Many participants demonstrated their appreciation for and agreement with the message from the Norwegian delegation.
- Several of GLTN partners from Civil Society Organizations welcome the progress made by GLTN in involving all stakeholders in the dialogue. They admit that it has not been easy to learn to work together in a constructive way, but now they feel that the collaboration is fruitful and allows for a cross-sectoral development of the pro-poor land tools that can take advantage of all the existing experience.
- During the course of the years GLTN and its partners have achieved a lot both in collaborating to the development of the tools and in lobbying and advocating for securing land rights.
- GLTN and its partners should not focus exclusively on providing access to land for those that do not have it, but to capacitate as well vulnerable groups whose rights to land are not secured, so that they learn how to protect those rights before they lose them. By making vulnerable groups capable of retaining their ownership GLTN would prevent the problem from happening.

- While developing the tools, partners must keep in mind that gender includes men and women. Women should be provided with a venue to let men know about their rights and highlight where they are not respected. More effort should be put on raising awareness on women's rights.
- Gender is not about women but it is about empowering women and other groups that have been marginalized.

- The role of land management is especially important in conflict and post-conflict. In particular in Africa in many occasions land is between the roots of civil conflict and violence out-bursts. If the issues related to land administration and restitution, land governance, gender un-balances in access to land and customary land rights are not addressed rapidly and efficiently, the conflict may easily scale-up again.
- GLTN is at present engaging in the development of guidelines for post-conflict land management in selected African countries. Post-conflict land tenure is one of the fields in which GLTN is active.

- Security of tenure is the basis of the GLTN philosophy, the Network has the strength needed to promote the idea that titling is not necessarily a goal, but that the goal is to understand how to secure people's (and especially poor people's) tenure and therefore how to improve their livelihoods.
- In many occasions local administrations of cities with numerous populations do not have the capacities to support systematic titling programmes for the poor. These administrations should be informed about existing alternatives to systematic titling and supported in the implementation of pro-poor policies.

5. ATTACHMENT - AGENDA

Agenda

GLOBAL LAND TOOL NETWORK (GLTN)

Land Governance within a grassroots and gender framework

Round Table at the fourth Session of the World Urban Forum (WUF IV)

4 November 2008, 14:00-17:00, Room MR 303B

14:00-15:00 SEGMENT 1, DISCUSSION ON LAND GOVERNANCE

Welcoming Remarks from the Moderator (5 min)

Ambassador Agnes Kalibbala, Uganda High Commission and Chair of GLTN International Advisory Board (IAB), Kenya

Keynote statement (5 min)

Mr. Per Nygard, Minister of Local Government and Regions

Mr. Morten Wasstøl, Political Adviser to the Minister of Environment/Minister of International Development, Norway

Opening statement from the GLTN Secretariat (5 min)

Mr. Ulrik Westman, GLTN Coordinator at UN-HABITAT, Kenya

Presentation on the concept of land governance and the framework for the discussions (10 min)

Ms. Clarissa Augustinus, Land Tenure and Property Administration Section, UN-HABITAT, Kenya

Presentation on indicators on good land governance and evaluation criteria for good land governance (15 min)

Mr. Li Guo, Senior Agricultural Economist, World Bank, Washington, USA

Discussion (20 min)

15:00-16:30 SEGMENT 2, CURRENT GLTN LAND GOVERNANCE, GENDER AND GRASSROOTS ACTIVITIES

Presentation on the voluntary guidelines on land and natural resources tenures (10 min)

Mr. Paul Munro Faure, Land tenure Service, Food and Agriculture Organization (FAO), Italy

Presentation on the gender criteria for large scale land tools (10 min)

Ms. Ayse Yonder, Pratt Institute and Huairou Commission, USA

Presentation on the grassroots mechanism and the upscaling of grassroots initiatives (10 min)

Ms. Violet Shivtse, Huairou Commission, Kenya

Mr. Humphrey Otieno, Nairobi Peoples Settlements Network and Hakijamii, Kenya

Presentation on the finding from the working week on Improving Slum Conditions through Innovative Financing (10 min)

Mr. Stig Enemark, President of the International Federation of Surveyors (FIG), Copenhagen, Denmark

Presentation on the current developments on the Land Administration Domain Model and the Social Tenure Doman Model (10 min)

Mr. Chris Paresi, International Institute of Geo-information Science and Earth Observation (ITC), Enschede, The Netherlands

Presentations on the experiences from large scale enumerations (10 min)

Ms. Edith Mbanga, Siseho Kamwi, Slum/Shack Dwellers International (SDI), Namibia

Presentations on the research findings on Social and economic impacts of land titling programmes (10 min)

Mr. Geoffrey Payne, Geoffrey Payne and Associates (GPA), London, UK

Mr. Alain Durand-Lasserre, Centre National de la Recherche Scientifique (CNRS), France

Questions and clarifications (20 min).

16:30-17:00 SEGMENT 3, DISCUSSION ON THE WAY FORWARD

GLTN Secretariat to present draft way forward (5 min)

Clarissa Augustinus, Land Tenure and Property Administration Section, UN-HABITAT, Kenya

Discussion (25 min)

Closing by Moderator

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