



**GLTN**  
GLOBAL LAND TOOL NETWORK

*SECURING LAND AND PROPERTY RIGHTS FOR ALL*

## Land and the New Urban Agenda

Dr. Babette Wehrmann, Nairobi, 9 June 2016

FACILITATED BY:  
**UNOHABITAT**  
FOR A BETTER URBAN FUTURE

Land and the New Urban Agenda

### ROLE OF LAND IN URBAN DEVELOPMENT

**Land underpins the New Urban Agenda!**

FACILITATED BY:  
**UNOHABITAT**  
FOR A BETTER URBAN FUTURE



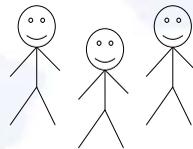
## ROLE OF LAND IN URBAN DEVELOPMENT

Land underpins the New Urban Agenda!

Why?

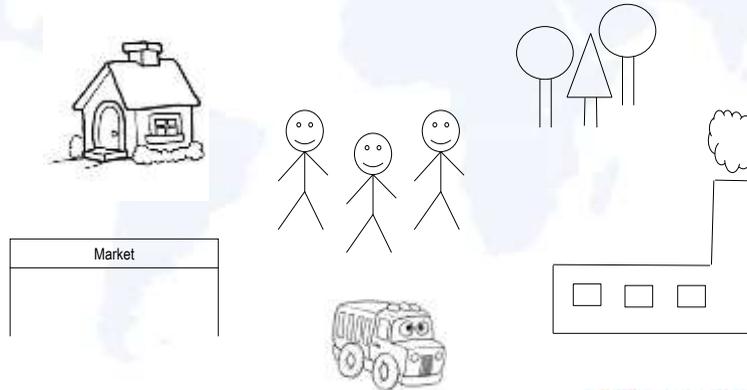
## ROLE OF LAND IN URBAN DEVELOPMENT

The New Urban Agenda is about people.



## ROLE OF LAND IN URBAN DEVELOPMENT

People need a place to live. Place means land.



FACILITATED BY:  
**UN HABITAT**  
FOR A BETTER URBAN FUTURE



## ROLE OF LAND IN URBAN DEVELOPMENT

**Land underpins the New Urban Agenda  
as land is a key driver for urban development!**

Land is an economic asset.

Land is a social asset.

Land is an environmental asset.

Land is a cultural asset.

Population ↗

Scarcity ↗

FACILITATED BY:  
**UN HABITAT**  
FOR A BETTER URBAN FUTURE



## ROLE OF LAND IN URBAN DEVELOPMENT

**Land underpins the New Urban Agenda  
as land is a key driver for urban development!**

### **We are at a turning point!**

*“In the future cities will become more unequal, larger in population with greater demand for essential services, more spread out in terms of urban forms, increasingly difficult and expensive to provision, less productive because of the need for increasing amounts of infrastructure at high risk of climate change impact” (Michael Cohen 2016).*

FACILITATED BY:

**UN HABITAT**  
FOR A BETTER URBAN FUTURE



## ROLE OF LAND IN URBAN DEVELOPMENT

**Land underpins the New Urban Agenda  
as land is a key driver for urban development!**

**If governments don't regulate access to land and land use, if they leave everything to the market and don't benefit from land value increase, they cannot influence urban development, risk conflicts, social instability and unrest, negative impact on the climate and high disaster risk.**

FACILITATED BY:

**UN HABITAT**  
FOR A BETTER URBAN FUTURE



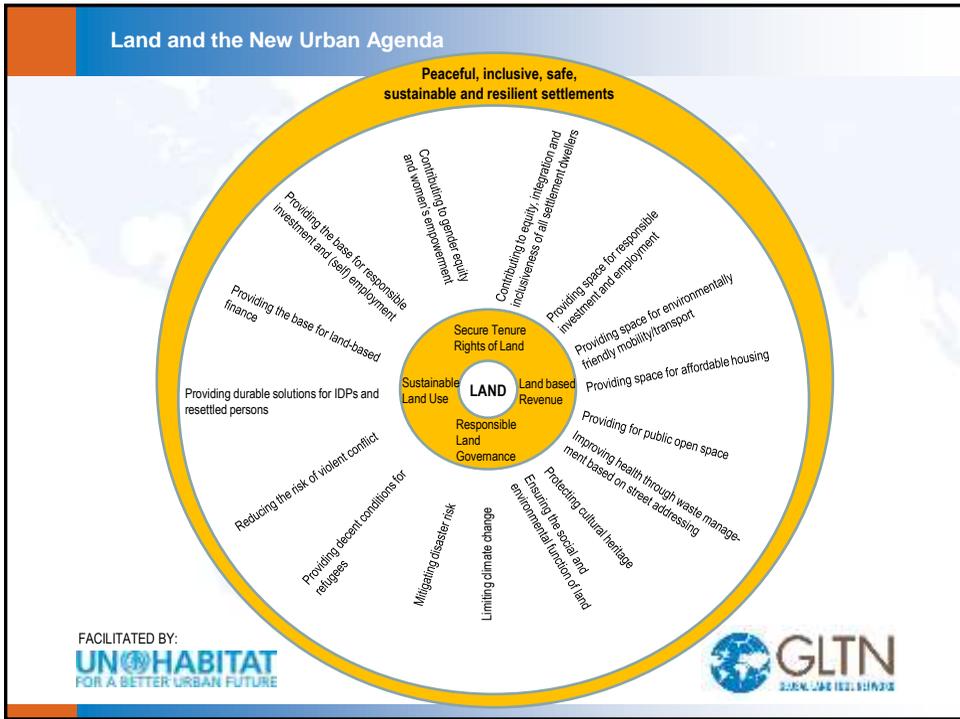
## ROLE OF LAND IN URBAN DEVELOPMENT

**Land underpins the New Urban Agenda  
as land is a key driver for urban development!**

**If governments ensure affordable access to land for all and tenure security for all and establish frameworks to ensure the sustainable use of land as well as mechanisms to generate revenue from land, they can guide and finance sustainable urban development and create inclusive and resilient cities.**

## ROLE OF LAND IN URBAN DEVELOPMENT





## COMMITMENT 1: TENURE SECURITY FOR ALL

NUA needs to stress that no one should be left behind concerning land rights.

NUA needs to confirm the duty of States to recognize, respect and safeguard all legitimate tenure rights along the continuum of rights, including customary and informal rights, and promote and facilitate the enjoyment of them.

NUA needs to confirm that business enterprises have a responsibility to respect human rights and legitimate tenure rights.

FACILITATED BY:  
**UN HABITAT**  
FOR A BETTER URBAN FUTURE



## COMMITMENT 1: TENURE SECURITY FOR ALL

Proposed language from the VGGT:

We recognize that governments (national, sub-national and local) have the duty to recognize, respect and safeguard all legitimate tenure rights. All other stakeholders, including private, have the responsibility to respect all legitimate tenure rights. Governments should also provide access to justice to deal with infringements of legitimate tenure rights. States should prevent tenure disputes, violent conflicts and corruption and provide prompt, just compensation where tenure rights are taken for public purposes.

FACILITATED BY:  
**UN HABITAT**  
FOR A BETTER URBAN FUTURE



## COMMITMENT 2: SUSTAINABLE LAND USE

NUA needs to stress the importance of responsible public regulation of land use, determined by the long-term interests of the public, in particular the affected communities, including the poor.

This is language from Vancouver Action Plan!

NUA needs to stress the high priority of minimizing land consumption to reduce the ecological footprint of settlements, to protect nature and to conserve cultural landscapes.

See SDG!

FACILITATED BY:  
**UN HABITAT**  
FOR A BETTER URBAN FUTURE



<http://www.zuijwanluo.org/overview/>

## COMMITMENT 3: GENERATING LAND-BASED REVENUES FOR THE BENEFIT OF ALL

NUA needs to stress the potential of land to generate local government income to be used to finance public infrastructure and services for all segments of society, including the poor.

NUA needs to stress the need to establish transparent, fair and effective land value sharing mechanisms, e.g. land acquisition, land holding and land sales taxes, land value capture, betterment levies, land value increment tax, sale of development rights, land leases and land sales, including land banking.

NUA should also warn that land value capture should not result in unjustified conversions of green land into construction land. First priority has to be the minimization of land consumption.

FACILITATED BY:  
**UN HABITAT**  
FOR A BETTER URBAN FUTURE



### COMMITMENT 3: GENERATING LAND-BASED REVENUES FOR THE BENEFIT OF ALL

Proposed language from Vancouver Action Plan:

The unearned increment resulting from the rise in land values resulting from change in use of land, from public investment or decision or due to the general growth of the community must be subject to appropriate recapture by public bodies (the community).



FACILITATED BY:  
**UNOHABITAT**  
FOR A BETTER URBAN FUTURE



### COMMITMENT 4: ENABLING RESPONSIBLE LAND GOVERNANCE



NUA needs to promote accountability, transparency and participation in handling land to fight Corruption, Fraud and Clientelism.



FACILITATED BY:  
**UNOHABITAT**  
FOR A BETTER URBAN FUTURE

## EXISTING INTERNATIONAL INSTRUMENTS DEALING WITH LAND – LIST OF INSTRUMENTS I

- Sustainable Development Goals (SDG 1, 5, 11)
- Voluntary Guidelines on the Responsible Governance of Tenure [...]
- Habitat Agenda (Habitat II)
- Vancouver Action Plan (Habitat I)
- Resolution GC23-17 by the Governing Council of UN-Habitat,
- Resolution 42/146 by the UN General Assembly on realization of the right to adequate housing,
- Resolution 2004/28 on prohibition of forced evictions by the Commission on Human Rights
- Land Policies Initiative's Framework & Guidelines
- International human rights law

FACILITATED BY:

**UN HABITAT**  
FOR A BETTER URBAN FUTURE



## EXISTING INTERNATIONAL INSTRUMENTS DEALING WITH LAND – LIST OF INSTRUMENTS I

- Large-scale land acquisition and leases: A set of minimum principles and measures to address the human rights challenge by UN Human Rights Council, 2009
- UN Guiding Principles on Business and Human Rights
- OECD Guidelines for Multinational Enterprises



FACILITATED BY:

**UN HABITAT**  
FOR A BETTER URBAN FUTURE



## ACTIONS CONCERNING LAND THAT SHOULD BE INCLUDED IN THE NEW URBAN AGENDA



FACILITATED BY:  
**UN HABITAT**  
FOR A BETTER URBAN FUTURE



## ACTIONS UNDER COMMITMENT 1 TENURE SECURITY FOR ALL TO BE INCLUDED IN THE NEW URBAN AGENDA

**Action 1:** Create **awareness** on the centrality of land for sustainable human settlement development.

**Action 2:** Provide sufficient **affordable space** for all while recognizing the limited availability of land.

**Action 3:** Achieve **security of tenure for all** and ending gender inequality in tenure rights. To this end, recognize the diversity and multidimensional nature of existing land tenure systems, practices and rights, and establish an effective, equitable and non-discriminatory, time and cost efficient, reliable land administration responsible to local needs and demands as well as capacities.

FACILITATED BY:  
**UN HABITAT**  
FOR A BETTER URBAN FUTURE



## ACTIONS UNDER COMMITMENT 2 SUSTAINABLE LAND USE TO BE INCLUDED IN THE NEW URBAN AGENDA

**Action 4:** Ensure that (spatial) urban planning results in **efficient, socially, culturally and environmentally sustainable use of land** in spite of high and rapid population growth. To this end, establish effective land management, including transparent, inclusive, equitable and non-discriminatory, participatory land use planning, land readjustment and land sharing and its effective implementation resulting in low rates of land consumption.



FACILITATED BY:  
**UN HABITAT**  
FOR A BETTER URBAN FUTURE

## ACTIONS UNDER COMMITMENT 2 SUSTAINABLE LAND USE TO BE INCLUDED IN THE NEW URBAN AGENDA

**Action 5:** Promote **balanced territorial development** and support secondary cities through **national and regional spatial planning**.

**Action 6:** Promote **spatial planning for city regions** and encourage inter-municipal cooperation.

**Action 7:** Fulfil the **social function of land**, respecting diversity in its widest sense, ensuring equitable access for all to safe public space, infrastructure and services, responding to the needs of all, incl. women, children, youth and LGTB, and protecting the cultural landscape.



**ACTIONS UNDER COMMITMENT 2**  
**SUSTAINABLE LAND USE**  
**TO BE INCLUDED IN THE NEW URBAN AGENDA**

**Action 8:** Avoid further **climate change** and mitigate **disaster risk** and adapt to both through sustainable land management.

**Action 9:** Provide **durable solutions for displaced people, including** Internally Displaced People (IDPs), resettled persons and refugees to avoid the development of cities of camps.

**ACTIONS UNDER COMMITMENT 3**  
**GENERATING LAND-BASED REVENUE**  
**FOR THE BENEFIT OF ALL**  
**TO BE INCLUDED IN THE NEW URBAN AGENDA**

**Action 10:** Generate land-based finance for local governments to be spent for the benefit of all settlement dwellers. To this end, establish fair and effective **land value sharing mechanisms**. Avoid that land value capture results in unjustified land consumption.

## ACTIONS UNDER COMMITMENT 4 ENABLING RESPONSIBLE LAND GOVERNANCE TO BE INCLUDED IN THE NEW URBAN AGENDA

**Action 11:** Eliminate administrative and political **corruption, fraud and clientelism** in land administration and management through promotion of accountability, transparency and participation of all when handling land.

**Action 12:** Create short, simple, affordable **procedures and standards** adjusted to local requirements and ensure **customer-friendly delivery-systems** that are effective and efficient, accessible and affordable, accountable and transparent exploiting the contribution of digital and communication technologies as well as the wide range of data and information including geospatial information.

## ACTIONS UNDER COMMITMENT 4 ENABLING RESPONSIBLE LAND GOVERNANCE TO BE INCLUDED IN THE NEW URBAN AGENDA

**Action 13:** Ensure **transparent and responsible public land management** to the benefit of all minimizing the risk of misuse.

**Action 14:** Recognize the **crucial role of land in violence, social unrest and conflicts** and ensure that measures affecting land use and/or tenure arrangements do not directly result or indirectly trigger conflict, social unrest or violence, including intra-household violence.



**ACTIONS UNDER COMMITMENT 4**  
**ENABLING RESPONSIBLE LAND GOVERNANCE**  
**TO BE INCLUDED IN THE NEW URBAN AGENDA**

**Action 15:** Promote the inclusion of **long-term perspectives, including long-term needs and interests of the community** when dealing with land issues.

**Action 16:** Establish and implement **national land policies, laws and standards** in accordance with international law.

**Action 17:** Establish **national standards** for land use planning, land valuation, land value capture etc. that respect international human rights law, ensure a pro-poor approach and are adjusted to local conditions ensuring their applicability.

**Action 18:** Promote **participatory approaches and methods** such as participatory land use planning, participatory land readjustment, participatory enumeration, crowd sourcing etc.

FACILITATED BY:



**ACTIONS UNDER COMMITMENT 4**  
**ENABLING RESPONSIBLE LAND GOVERNANCE**  
**TO BE INCLUDED IN THE NEW URBAN AGENDA**

**Commitment 19:** Constantly collect, up-date and analyse **geo-spatial information in a transparent and accessible manner** while taking the necessary safeguards.

**Commitment 20:** **Be fully committed to and accountable** for the implementation of the New Urban Agenda and monitor and evaluate it regularly in a meaningful way.

FACILITATED BY:



## PROPOSED INDICATORS FOR THE FOUR COMMITMENTS

### Indicator for Commitment 1:

Refer to indicator SDG 1.4. on the proportion of women, men, indigenous peoples and local communities with secure tenure rights to individually or communally held land, property and natural resources.

### Indicator for Commitment 2:

Refer to indicator SDG 11.3.1.

on the ratio of land consumption rate to population growth rate.

### Indicator for Commitment 3:

An indicator could read as follows: share of land based revenue of overall municipal revenue.

### Indicator for Commitment 4:

Introduce new indicator such as the number of documented illicit land transactions.

FACILITATED BY:



## ASSESSMENT OF NUA ZERO DRAFT: LAND ISSUES INCLUDED, PARTIALLY INCLUDED AND MISSING IN THE DRAFT

**Awareness raising:** Missing

**Providing affordable space:** Partially – only in regard to housing

**Ensuring tenure security:** Partially: Issue is dealt with, no reference to VGGT, no reference to the prohibition of forced eviction

**Ensuring sustainable use of land:** Partially; Sections “sustainable consumption”, “stakeholder engagement framework” and “urban planning and management” need more specification and stronger wording

**Responsible land governance:** Corruption, fraud and clientelism are not addressed.

**Generating land based finance:** Roughly. The issue is mentioned in half a sentence – but limited to a minor aspect. 1-2 additional sentences needed to ensure that people not familiar with the term “capture” understand the issue and get an idea of what can be done.

FACILITATED BY:



## ASSESSMENT OF NUA ZERO DRAFT: LAND ISSUES INCLUDED, PARTIALLY INCLUDED AND MISSING IN THE DRAFT

**Social function of land:** Partly addressed. It should be stressed that social function needs to respect diversity. The issue of protecting the cultural landscape is missing. Risk that efficient land use, densification and compactness may result in the destruction of urban heritage and cultural identities.

**Durable solutions for displaced people:** Issue is several times addressed as cross-cutting issue; not explicitly in regard to land rights and land use.

**Recognizing the role of land in conflict:** Missing

**Link between land management and climate change:** Included

**Role of geo-data for urban development:** Missing

**Establishing land policies and laws:** Included

**Commitment and accountability for Implementation of NUA:** Weak  
(Para 16: We urge all ...)

## ADDITIONAL PROVISIONS / ISSUES TO BE INCLUDED IN THE NEW URBAN AGENDA

1. **Government as leader/coordinator** of different actors.
2. **Encourage all potential actors** to get involved, including civil society, responsible private actors, national, regional and local governments and administrations.
3. Create **opportunities for non-state actors**. Empower civil society. Create strategic partnerships between civil society and private-public-partnerships ensuring that public monies are used to create public resources and income and that private actors adhere to the UN Guiding Principles on Business and Human Rights.
4. When referring to private sector reference to UN Guiding Principles on Business and Human Rights should be ensured by using the term **“responsible private investor/enterprise/business”**
5. Promote **local action frameworks** prepared by multi-stakeholder groups.

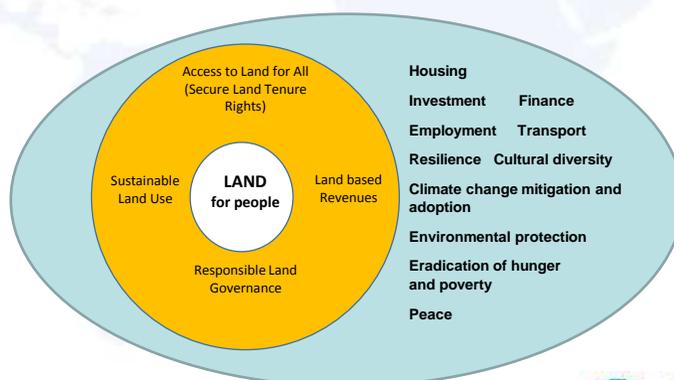
## ADDITIONAL PROVISIONS / ISSUES TO BE INCLUDED IN THE NEW URBAN AGENDA

6. Provide resources for **capacity development** and **research**.
7. Stress the importance of **knowledge sharing** networks and platforms, sharing of technical expertise, access to information and assistance.
8. Leverage on the **digital age** for the implementation of the New Urban Agenda.
9. Ensure effective **change management** when starting reforms to implement elements of the New Urban Agenda.

It would be good to restate clearly the principles of **non-discrimination** and **equality**, including **gender equality**, **meaningful consultation and participation** and the **right to information**, **freedom of expression**, **peaceful assembly** as central.

## CONCLUSION

THE ADEQUATE INCLUSION OF LAND IN THE NEW URBAN AGENDA IS CRUCIAL FOR ACHIEVING SUSTAINABLE URBAN DEVELOPMENT!



## FINAL RECOMMENDATIONS

- NUA should as often as possible use already agreed language from existing international documents, including Habitat I and II, VGGT and several resolutions (see slide 17)
- It needs to be ensured that all sections that deal with land in the zero draft remain in the final draft
- The missing issues should be included in the next draft
- The section on land (para 105-107) should receive a more striking title such as “Security of tenure, land management and land administration” or “Responsible land governance” and should include several additional provisions on handling land
- A clear link should be established to the VGGT – as the most comprehensive existing international instrument on land – by using VGGT language.

FACILITATED BY:

**UN HABITAT**  
FOR A BETTER URBAN FUTURE



## Land and the New Urban Agenda

**Your views will be  
appreciated!**

*SECURING LAND AND PROPERTY RIGHTS FOR ALL*

FACILITATED BY:

**UN HABITAT**  
FOR A BETTER URBAN FUTURE



## Land and the New Urban Agenda

### NEED TO KNOW MORE?

Babette Wehrmann  
Babette.wehrmann@land-net.de

[www.unhabitat.org](http://www.unhabitat.org) / [www.gltn.net](http://www.gltn.net)

*SECURING LAND AND PROPERTY RIGHTS FOR ALL*

FACILITATED BY:  
**UN HABITAT**  
FOR A BETTER URBAN FUTURE



## Land and the New Urban Agenda

### SOURCES

#### Landscape:

<http://images.google.de/imgres?imgurl=http%3A%2F%2Fpng.clipart.me%2Fpreviews%2F966%2Fthe-beautiful-countryside-scenery-vector-6670.jpg&imgrefurl=http%3A%2F%2Fde.clipart.me%2Fnature-landscapes%2Fthe-beautiful-countryside-scenery-vector-6670&h=346&w=456&bnid=BbnSCgZlIF1EpM%3A&docid=w6yflgHZr9jzOM&ei=FkINV9LIEqXl6ASU4voCw&tbm=isch&client=firefox-b&iact=rc&uact=3&dur=1340&page=1&start=0&ndsp=20&ved=0ahUKEwjSyOLD8IPNAhUIMZoKHZTXAr0QMwgxKAaAA&bih=755&biw=1536>

#### Houses (small and big):

<http://images.google.de/imgres?imgurl=http%3A%2F%2Fwww.kostenlosemalvorlagen.com%2Fwp-content%2Fuploads%2F2015%2F02%2Fmalvorlagen-Haus-kostenlos-2.jpg&imgrefurl=http%3A%2F%2Fwww.kostenlosemalvorlagen.com%2Fkostenlose-malvorlagen-von-haus-ausmatbilder-gratis%2Fmalvorlagen-haus-kostenlos-2%2F&h=707&w=546&bnid=e9l3cQhMknjXIM%3A&docid=gjfrnp0TeAm6fM&ei=qkZNV57MAonagAal8bFAAw&tbm=isch&client=firefox-b&iact=rc&uact=3&dur=2264&page=2&start=25&ndsp=42&ved=0ahUKEwiewYc7oPNAhUJLcAKHYj4DTgQMwiFASgoMCg&bih=755&biw=1536>

FACILITATED BY:  
**UN HABITAT**  
FOR A BETTER URBAN FUTURE

