

Urban-Rural Interrelationship in Land Administration – Urban Perspective

Lars REUTERSWÄRD, UN-HABITAT, Kenya



Key words: land administration, urban, continuum of land rights, security of tenure

SUMMARY

FIG and UN-HABITAT have long worked together to forward the development and promotion of cutting-edge pro-poor land tools. It is widely recognized that these tools must take into account the existing rural-urban linkages in order to promote development and poverty alleviation. For UN-HABITAT, land has been a key mandate since the agency's creation at the 1976 Vancouver conference on Human Settlements, and UN-HABITAT is now focal point for Target 11 of Millennium Development Goal 7; which aims to significantly improve the lives of at least 100 million slum dwellers by 2020. The Global Land Tool Network (GLTN) and its partners, including the International Federation of Surveyors (FIG), recognize that there is a lack of sufficient land tools with which to implement appropriate land policies for the rural and urban poor. In order to reach the target set in the Millennium Development Goals on slums, innovative approaches on providing security of tenure, not limited to or based on land titling alone, as well as pro poor land administration will have to be developed. Other aspects that need to be, and are being, developed are tools which relate to dispute resolution, land administration systems designed to include cost saving features and gender sensitive land laws. One of the priorities of the Global Land Tool Network is that every land tool must be gendered, an aspect which was reinforced by partners at the GLTN events at the Third Session of the World Urban Forum, held 19-23rd June of this year. At these events, partners stressed that amongst the innovative approaches to developing land tools, it is important to view land rights as existing along a continuum. GLTN is also coordinating the development of land tools in several new areas; amongst them Islamic land tools, and tools specific for post-conflict situations.

KEYNOTE ADDRESS

Distinguished participants, ladies and gentlemen;

It is a pleasure for me to be here in Munich today to give this keynote address at the XXIII International Federation of Surveyors (FIG) Congress. FIG and UN-HABITAT has had a long and fruitful relationship, our cooperation having started in the early 1990s. UN-HABITAT particularly values FIG's attitude to the poverty agenda and your efforts in developing cutting-edge pro-poor land tools. We are also very pleased to have FIG on-board as a founding partner of the Global Land Tool Network (GLTN).

I would like to take this opportunity to give you a brief background on UN-HABITAT and our land mandate. Since the 1976 Vancouver conference on Human Settlements, with the creation of a UN agency for human settlements and the adoption of the Vancouver Action Plan (agenda item 10(d) on land), land has been in focus as regards human settlements issues. The Habitat Agenda was adopted in Istanbul in 1996 giving UN-HABITAT its global mandate on urban land issues. The next major milestone for UN-HABITAT and the Habitat Agenda was 2001 at the Istanbul + 5 conference, where the Declaration on Cities and Other Human Settlements in the New Millennium was adopted by the General Assembly.

The adoption of this declaration involved the General Assembly giving recognition to this new strategic vision and its emphasis on UN-HABITAT's two global campaigns on secure tenure and urban governance as strategic points of entry for the effective implementation of the Habitat Agenda. More recently, in 2004, the General Assembly adopted a resolution encouraging governments to support the Global Campaigns for Secure Tenure and Urban Governance, as important tools for promoting the administration of land and property rights (Resolution A/59/484).

Finally, given our mandate, UN-HABITAT is the focal agency for the Millennium Development Goal 7, Target 11, which aims to significantly improve the lives of at least 100 million slum dwellers by the year 2020. Importantly, one of the indicators of this Goal, Indicator 32, is the 'Proportion of households with secure tenure.' Incidentally, this is the only indicator in the MDGs that refers directly to tenure security.

Although UN-HABITAT is often regarded as the agency for cities, our global mandate covers all human settlements, and I would here like to stress to you the importance of rural-urban linkages for working with land issues. That urban and rural areas are economically, socially and environmentally interdependent is now a widely recognized fact, as is that their development is similarly interlinked. This is stressed in the Habitat Agenda (paragraphs 10, 99, 141 and 147) highlighting that through providing adequate infrastructure to both urban and rural areas mobility can be increased, providing improved access to income generating opportunities, thus playing a role in poverty alleviation. In Resolution 19/10 of the 19th Session of the Governing Council of UN-HABITAT the agency is requested to integrate these linkages into our programmes and initiatives, and also to raise awareness and disseminate

information on best practices regarding rural-urban linkages, in order to make these methods accessible to and replicable by Governments and local authorities.

Habitats exist along a continuum, ranging from villages to mega cities, and can no longer simply be identified as rural or urban. Rapid urbanization is inevitable, and stresses the need to address issues of urban unemployment and rising pressure on infrastructure and services. However, this does not mean that rural development can be ignored, nor can this development be based on policies that deter migration to urban areas. Through the provision of adequate infrastructure rural areas can increase their productivity, provide goods to urban and export markets, and positively contribute to national economic growth. Countries need to design and implement urban-rural and spatial infrastructure policies within coherent national human settlements policies, requiring the positive involvement from Governments on these issues.

Land issues, in both rural and urban areas, are also a global concern on the global agenda, and the **Global Land Tool Network**, or the GLTN, was created with this in mind. Land tools at national level are needed which have urban and rural application and which can underpin rural-urban linkages. The GLTN is focused on strengthening existing land networks, improving global coordination on land, supporting the development of gendered tools which are accessible and useful to the grassroots, documenting, developing and disseminating scalable land pro-poor land tools, as well as improving the dissemination of knowledge on how to implement security of tenure. FIG attended the UN-HABITAT workshop on GLTN in Oslo in March of this year, and one of your Vice-President's, Stig Enemark, announced that FIG would be a partner in GLTN and stated that FIG's main contribution to the GLTN will lie in the areas of analysis and design of adequate land administration systems, that include relevant pro-poor land tools, whilst supporting sustainable development and promoting social inclusion.

The GLTN aims to facilitate the reaching of the Millennium Development Goals through improved land management and tenure tools for poverty alleviation, also through the development of a range of land rights and not just individual land titling. The network operates under a set of core values; pro-poor, governance, equity, subsidiarity, affordability, gender sensitivity and systemic large scale approach. The factors underpinning the GLTN initiative are; that there exist insufficient pro-poor land tools to implement the land policies found in the Habitat Agenda; that land policies focus more on description and analysis than implementation and large-scale tool development; and that the tool development that is taking place tends to lack a human rights frame-work.

The development of tools within the GLTN will take place along six themes i) land rights records and registration, ii) land use planning, iii) land management, administration and information, iv) land law and enforcement, v) land tax and valuation, vi) cross cutting issues. On the one hand, GLTN supports the development of generic land tools that are universal, flexible and responsive to different contexts and constituencies, but also recognizes the need for targeted tools, such as; gendered tools, culture or religiously formatted tools, grassroots participation, and land tools in post-conflict situations.

In order to promote secure tenure for women, a range of interlinked gendered tools are required, and should be implemented through gendered land management systems and flexible tenure types. The GLTN proposes a gender mechanism implemented through a systematic multi-stage approach, guiding the process of creating gendered land tools from preparation and analysis to piloting and evaluation of these tools. This method would include the sharing of genderising land approaches, unblocking gender disaggregated data, undertaking participatory gender land analyses, the creation of a genderised framework, the reviewing of land tools within a gender framework, piloting and upscaling of existing gendered tools, the participatory evaluation of tools and finally; through these gendered land tools enable the engendering of land governance.

The GLTN is also developing mechanisms with which to ensure genuine grassroots participation in its land tool development, through creating feedback loops between research and action. Sustainability means that user needs have to be taken into account, and the majority of users are poor people who have often been ignored in the design of land administration systems. Therefore the GLTN approach is that throughout the development of these tools, grassroots should be consulted at different stages in a way which takes into account their preferences, technical capacities, literacy levels, financial and time constraints. Methodologies to ensure this process need to be developed..

Furthermore, GLTN is coordinating the development of land tools in a number of new areas. One of these is Islamic land tools, which are relevant in several contexts from Afghanistan to Iraq, from Somalia to Indonesia. UN-HABITAT's systematic research has pointed to innovative, pro-poor, gendered strategies through Islamic land approaches, which has been endorsed by the eminent Islamic institution; the Al Azhar, several Muslim States, and experts through the Cairo Initiative on Islamic Land Tools. Another situation-specific set of tools being looked into are those related to post-conflict situations, where the usually assumed guarantees and land agencies do not exist.

These processes are resource-demanding and complex, and cannot be undertaken by one partner alone. GLTN has the capacity to provide coordination between partners as well as developing enabling mechanisms for partners to act on. The GLTN website (www.glt.net) will hold databases of existing pro poor land tools, links to key partners, discussion forums on land tool development and more.

Ladies and gentlemen,

In the cities of the developing world, slum upgrading is one of our key tasks, and here security of tenure and land are of critical concern. In 2001, 924 million people, almost one-third of the world's urban population, lived in slums. The majority of these people live in the developing regions, accounting for 43 percent of the urban population. Sub-Saharan Africa had the largest proportion of urban population living in slums; at over 70 percent in 2001. It is projected that without serious mitigating action in the next 30 years, the global number of slum dwellers will double to about 2 billion. This increasing slum development is being fueled massively by migration from the rural areas, and we are increasingly seeing the urbansation of poverty.

There is a growing concern about slums, as clearly stated in the year 2000 United Nations Millennium Declaration. Target 11 of the Millennium Development Goal 7, with its aim to significantly improve the lives of at least 100 million slum dwellers by the year 2020 was a direct result of this concern. However, given the enormous scale of predicted growth in the number of people living in slums, the Millennium Development target on slums should be considered as the bare minimum the international community should aim for.

Since land is literally at the base of slum formation, addressing the slum issue means taking the land issue seriously. Given that experience has shown that it takes 15-25 years to change a country's land administration system, we cannot afford to wait if we wish to improve the lives of slum dwellers now. As stated previously, the GLTN and its partners, including FIG, have identified that we lack sufficient land tools to implement appropriate land policies for the urban and rural poor. Therefore, by improving the tools needed to implement pro poor land policies, we are also accelerating the process of delivering tenure security to the poor.

Ladies and Gentlemen,

Many people believe that the way to solve the problems of insecurity of tenure, homelessness and the development of slums is through large scale land titling. While this approach is of course important and necessary, it is not enough on its own to deliver security of tenure to the majority of citizens in most developing countries. This is especially true in the context of Africa, where the best figures available indicate that less than 15 percent of the land in developing countries is titled. In many countries of Sub Saharan Africa, this drops to below one percent.

There are many reasons for this, such as the fact that customary tenure has a very strong influence, in other words, that family and group rights are very important to individuals. Land titling programmes are generally based on the privatisation of land and the awarding of land titles to individual persons, therefore working against the needs and aspirations of grassroots people in Africa, including in urban Africa where informal forms of land tenure are often adaptations of rural customs.

In order to reach the Millennium Development Goal of improving the lives of 100 million slum dwellers by 2020 in Africa, this will require the development of innovative approaches to security of tenure that are not based on land titling alone. We are delighted that Professor Mag, as President of FIG, accepted this challenge on behalf of FIG. He also went further to indicate that this will mean that additional innovations will also have to be introduced into the land administration systems as a whole.

UN-HABITAT's Global Campaign for Secure Tenure has a dual focus on advocating change and assisting Member States to introduce innovations which strengthens tenure security for the majority, and particularly for the urban poor. The GLTN will support the work of UN-HABITAT's Global Campaign for Secure Tenure in promoting the rights of the urban poor to access land in an affordable manner.

Ladies and Gentlemen,

A number of United Nations member states in Africa have realised that land titling is not a panacea for all tenure security ills. Consequently, over the last decade a number of countries such as Namibia, Mozambique, Uganda, Tanzania have been re-thinking their approaches to land, and Africa is now at the forefront of new approaches to land administration. UN-HABITAT is working with member states to encourage and assist with these innovations. GLTN will further unblock and scale up existing initiatives in this region. Land tenure innovations have often been designed for rural areas or have been designed to be applied in both rural and urban areas but with a strong rural bias, largely because poverty has tended to be defined in terms of rural poverty. GLTN will be working with Member States who are promoting innovations in the land sector on assisting them in implementing new schemes both at a national level and within urban areas, and to scale up from pilot demonstrations to national coverage.

Some of these innovations, that will eventually change the lives of the urban poor, include; firstly, the introduction of a range of more appropriate tenure systems, aside from titling. These include occupancy rights, anti-eviction rights and adverse possession rights. We believe that security of tenure should be understood as a continuum with titling at one end, and that there are a range of tenures that can supply tenure security to the urban poor and which can be improved over time.

The second set of innovations in land that we are seeing in Africa relate to dispute resolution, and connected institutional costs. Dispute resolution became a significant cost factor for Uganda, leading to an inability to implement its 1998 Land Law at scale. An earlier draft of South Africa's communal land law was considered too expensive in terms of the institutional structure required to have the capacity to function as a mediator in conflicts.

The third set of innovations we are seeing in Africa relate to the technical design of the land administration system. Here, a range of cost saving features can be found in the designs, and relate to savings for both citizens and the state. Africa in many ways is at the fore front of poor innovations and other regions can learn from the Africa region on this issue.

We are also seeing the introduction of new gender sensitive laws in a number of African countries. These laws make co-ownership and co-tenancy possible between spouses, make it possible for women to prevent the sale of the land and house by their husbands, and ensure that women are also titled either on their own or with their spouses when the land is first titled. However while some progress has been made with regard to equal rights to land and use rights for women, it is not wide enough in terms of the number of countries adopting these approaches. Also, good policies and laws are often not implemented because of; 1) a lack of regulations; 2) local customs that over-ride the national law or; 3) the fact that poor women lack knowledge about land rights. Much more effort needs to be put into this aspect to ensure social justice and sustainable urban land management for cities. I believe that by working together and by focusing on unblocking and scaling up existing initiatives the Global Land Tool Network will be able to make a difference in the areas of gender friendly land mechanisms.

A very critical aspect of any successful and sustainable land programme in observed countries is that it has included a focus on process and not just product. Multi-stakeholder negotiation at every step has been key to the creation of these new laws and land administration approaches. While this is essential, it has been incredibly time consuming, and the multiple steps needed to enable national roll out can take up to a decade to complete.

Ladies and Gentlemen,

One of the core values and priorities for GLTN is that every land tool must be gendered. In order to achieve this, GLTN is consulting with a wide range of partners. UN-HABITAT is here departing from the usual piecemeal gender approaches to discuss the framework and methodology through which we can genderise existing tools, upscale existing gendered tools and develop new gendered tools where there are gaps.

Gendering land tools was also in focus during the two GLTN events held during the Third Session of the World Urban Forum, which took place in Vancouver, Canada, from the 19th to the 23rd June of this year. Here, over 40 different key stakeholder groups met to discuss and launch the Global Land Tool Network, and we were very pleased that FIG and President Holger Magel attended the GLTN Round Table and Networking Event at WUF, as a GLTN founding partner! We would like to congratulate Professor Magel on FIG's publication; "Women's Access to Land – FIG Guidelines. Principles for Equitable Gender Inclusion in Land Administration: Background Report and Guidelines" which he drew attention to during the GLTN Round Table session. From our side, UN-HABITAT presented a Gender Mechanism for the GLTN, which was adopted at the Networking Event, proposing a framework of methodologies and strategies which can be used to support gendered land tools.

As FIG and other partners stressed during these events, innovative approaches to dealing with issues of security of tenure are necessary, and important here is the viewing of land rights as existing along a continuum, which would have tangible effects on policy development and implementation at country level. Both events highlighted the possibilities for the GLTN to bring on board multiple and relevant stakeholders on tool development, and stressed the need for using bottom-up approaches in order to ensure the sustainability of this process. It was also agreed that partners would report back on progress made at the Fourth Session of the World Urban Forum, to be held in Nanjing, China, in 2008, and we look forward to seeing FIG there!

UN-HABITAT and FIG have had and have a rewarding long-standing relationship, particularly in regard to Commission 7 on land rights and cadastres. FIG was instrumental in widening our best practices database, through developing a set of guidelines presented in their Commission 3 report, assembling best practice in formulating, marketing and implementing City-wide Land Information Management, for supporting sustainable development in cities. FIG has also organized several regional workshops together with us as well as with other partners, such as the World Bank, Austrian Aid etc, and we look forward to future cooperation. For example; we are already jointly planning a workshop on land administration, transparency and capacity building, and look forward to working with FIG on several other issues.

We are also delighted that FIG is a founding member of the GLTN and look forward to working on specific gender and pro-poor large scale tools, including the Social Tenure Domain Model, which has been under development the last few years, and we congratulate FIG and Professor Magel for accepting the challenge of designing a new pro-poor land administration system!

Thank you for your attention.

BIOGRAPHICAL NOTES

A Swedish national, Dr. **Lars Reuterswärd**, is the Director of the Shelter and Sustainable Human Settlements Development Division (also known as the Global Division) of the United Nations Human Settlements Programme (UN-HABITAT) since 2003. Dr. Reuterswärd was the overall Coordinator of The World Urban Forum, held in September 2004 in Barcelona, Spain, and is undertaking the coordination of The World Urban Forum that will be held in Vancouver in 2006.

Dr. Reuterswärd was a Member of the Swedish Delegation to the Twenty-fifth Special Session of the United Nations General Assembly, for an overall review and appraisal of the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II), also known as "Istanbul+5", held in New York in June 2001. From 1993 to 1996 he was also an Expert Member of the Swedish Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II), held in Istanbul, Turkey, in 1996.

Dr. Reuterswärd earned a Ph.D. in Architecture from Lund University in 1984, and actually is Professor and Head of the Department of Architecture and Development Studies at Lund University since 1986, as well as dedicates time to private practice as Chief Executive Officer (CEO) of Sweden Habitat AB, dedicated to architecture and planning. In 1979 Dr. Reuterswärd founded the Lund Committee on Habitat Studies (LTH) at Lund University, and has acted as its director for 17 years. In 1977 he acted as Research Officer of the Swedish Council for Research Co-operation with Developing Countries (SAREC) Stockholm. In 1977 and 1978 he served as Construction Co-ordinator (Vietnam) for the United Nations Children's Fund (UNICEF, Headquarters in New York), and in 1974 acted as Construction Adviser in Vietnam for the International Red Cross (Headquarters in Geneva).

Other works performed, include as Design Advisor to the World Bank and the Ethiopian Electric Power Corporation Housing area (for 4,000 inhabitants) in the Gilgel Gibe Resettlement Project in Ethiopia, several noteworthy architectural competition entries, and he has been elected as Lifetime Member of the Swedish Royal Physiographic Society (Academy for the Natural Sciences, Medicine and Technology, founded in 1772) since 2002. He is also author of dozens of publications and has tutored many dissertations.

Dr. Reuterswärd speaks Swedish, English, French, German, Danish, and Norwegian.

CONTACTS

Lars Reutersward
Director, Global Division
UN-HABITAT
P.O. Box 30030
Nairobi 00100, Kenya
UN Avenue, Gigiri
Nairobi
KENYA
Tel. + 254 20 62 3103
Fax + 254 20 62 4264
Email: lars.reutersward@unhabitat.org
Web site: www.unhabitat.org