Security of Tenure

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

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

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

Key Statements:

Slums and informal settlements are challenges facing many urban contexts. They require innovative and inclusive approaches to solve. Evidence shows that forced evictions are not a short or long-term solution.

Urban dwellers with secure tenure have more long-term and intergenerational stability. This directly promotes sustainable urbanization as local economic development thrives, investments are made to immprove living conditions and key human rights are addressed.

In slum upgrading projects where security of tenure is unclear, the action of bringing people together to discuss a way forward is a key step in the short-term to mitigate tenure insecurity.

Long-term success is gained when guidelines are developed which promote diverse approaches to security of tenure and action is taken on agreed global indicators and conventions including the Sustainable Development Goals.

Facilitating the security of tenure for slum dwellers is thus a key action to foster inclusive and sustainable urbanization that benefits everyone.

PSUP | PARTICIPATORY SLUM UPGRADING PROGRAMME

TRANSFORMING THE LIVES OF ONE BILLION SLUM DWELLERS

UN@HABITAT
FOR A BETTER URBAN FUTURE

POINTS TO CONSIDER:

- Statistics suggest that there are around 6 billion land parcels or ownership units world-wide, but currently only 1.5 billion parcels are formally registered and have security of tenure[1]. Within many of the urban 4.5 billion unregistered parcels, 1.1 billion people live in the difficult conditions of slums[2].
- People living in slums and informal settlements have a right to the city and should be seen as drivers of urban development. Their precarious security of tenure is often the result of unaffordable land and housing options, poor planning, land speculation and poor land governance.
- There is a correlation between security of tenure and economic development[3].. If too many urban dwellers do not have security of tenure, then the city is not getting the economic (tax and business), social and cultural benefits that come from having a secure place to live; these become prime risks for political and social turmoil.
- Security of tenure debates must go beyond 'owning land' and include considerations of long-term rental, community titles and recognition of use rights. This enables people with the weakest tenures to have a more secure framework from which they can improve their homes and livelihood situations. Positive urbanization occurs when people feel secure.

---

1   Zimmerman, 2011.

2   RICS Report 2011, Crowd Sourcing Support of Land Administration.

3   UK Aid (2014). Secure property rights and development: Economic growth and household welfare. Property rights evidence paper April 2014.

- Gender is a key dimension in security of tenure. Women head over a third of households in many urban areas (especially slums), but they are discriminated against when accessing land and housing and are often the most vulnerable in terms of security of tenure. Efforts to reduce the barriers related to women's access to land and property are achieved through reviews and revisions of relevant policies, regulatory framework and cultural norms are undertaken to understand how women are excluded and what actions can be taken that leads to change.
- Step-by step or 'incremental' approaches to security of tenure has many political and practical advantages. Rather than trying to effect radical change in the forms of tenure (giving land titles to all) or leaving the status quo (no recognition, more slums), functional adaptations for specific contexts produce a win-win for all. An incremental approach also allows governments, with the help of communities and within their resource capacity, to build technical and administrative procedures over time that supports multiple approaches to security of tenure. This institutionalizes the approaches and builds confidence.
- Enhance tenure security based on the factual ('de facto') land interest situation validated by affected community rather than trying to insist on the actual tenure situation on purely legal ('de jure') terms.
- Land tools such as "Participatory and Inclusive Land Readjustment (PILaR)" and "Social Tenure Domain Model" (STDM) have been found suitable for planned extension of serviced buildable plots and planned infill that can help provide flexible tenure alongside the prevention informal development and urban sprawl.

Table 1: Recommendations to promote security of tenure in city-wide slum upgrading

CHALLENGE	SHORT-TERM SOLUTIONS (start immediately)	MEDIUM LONG-TERM SOLUTIONS (2-4 years)
Slums on public land	-Commission, with key departments (Department of Lands), an update of land use mapping with a view of understanding the city land tenure problem spatially. -Undertake a high level seminar (including all relevant stakeholders) on security of tenure and make the link between security of tenure and urban prosperity: it facilitates economic development, tax collection, social stability. -As an outcome of any high level seminar, build consensus to adopt UN-Habitat's definition of security of tenure: "the right of all individuals and groups to effective protection by the state against forced eviction." -Use the data and maps to classify different types of tenure and how they could apply in your context (and if not in current legal framework, how could they be at least trialed as pilots): a 'right of use' system, provisional and conditional titles or deed, collective ownership or de facto tenure. Quantify the proportion of total land area under each tenure class. -Declare some slum upgrading project areas 'special interest pilot areas' to test new land management approaches and have the flexibility to try new ideas. -Direct a task force that brings together diverse stakeholders to develop a roadmap for security of tenure improvements. -Promote no forced evictions.	-Devolve land management to include other levels of government. Put dedicated funding for this and to build land management capacity. -Revise planning codes revised to incorporate UN-Habitat recommendations regarding land for livelihoods, mobility, utilities and basic services including affordable housing and education/health services as recognized in land uses and security of tenure arrangements for prosperity. -Develop a land policy and ensure it is pro-poor and utilizes the 'continuum of land rights and security of tenure'(i.e a range of ways people can be secure) and promotes a no forced evictions approach.
Slums on private land	-Hold a national or city-level seminar to engage the private sector (companies and individuals) to understand the link between inclusive land policies and urban prosperity. Present options for tenure security and the gains of land value sharing. -Seek commitment to create a special interest area/ pilot area to test new land management approaches on private land that bring win-win for all -Promote no forced evictions. -Consider swapping government land with private owners in lieu of the occupied land by slum dwellers.	-Develop legal mechanisms to secure pro-poor land rights on private land including long term lease arrangements (no forced evictions) -Implement context appropriate participatory and inclusive land readjustment mechanisms developed so Land Readjustment becomes more widely utilized. -Develop laws to promote use of empty land / control speculation - Review legal framework that provides incentives for private land owners to utilize land within city boundaries economically and create awareness on land use and property rights. -Promote no forced evictions.
Slum dwellers want land title	-Register and enumerate slum households in a particular slum and develop a resident register -Organize the community to have a representative body that engages the local authority and land administration office. -Undertake neighborhood participatory planning to develop a spatial plan that allows the settlement to meet minimum standards of planning for facilities and service delivery Undertake a sensitization process of range of tenure security options with key stakeholders across your town/city including local leaders. -Consider granting long term lease rights for security of tenure	-Develop a security of tenure campaign to improve the sensitization process and the positive outcomes of other tenure security options. - Develop a criteria for slum settlements legible for progressive land security of tenure process.
Numbers of slum dwellers and their tenure status unclear	-Train key stakeholders (including planners and community groups, leaders) to undertake participatory enumeration processes -Review Government mechanisms to record data and suggest tangible recommendations.	-Improve land management systems (via improved definitions, decentralized registration processes and improved land cadaster) so that informal settlements and slums are covered and intra-household relationships in these contexts understood (so vulnerable groups are understood). -Improve mechanisms for land consolidation and re-parceling (such as land readjustment) via seminars and key communication materials. -Ensure participatory enumeration approaches are used in all slum upgrading processes and the results incorporated into a strengthened and updated cadaster system

Table 2: Actions for key stakeholders to promote security of tenure in city-wide inclusive slum upgrading

STAKEHOLDER	KEY ACTION
National Government	-Develop national pro-poor urban and land policies -Review taxation systems and service delivery to improve revenue (must be reciprocal relationship of taxes with service provision) and work with other levels of government to implement. -Review current land management to see how pro-poor it is. -Devolve some land management to all levels of government for improved access, functionality and relevanc -Develop messaging about security of tenure for all so everyone is prosperous and that security of tenure is more than owning land. -Develop innovative land taxes to promote land value sharing. -Review and ensure effective and implementable planning and land regulations. -Ensure participatory enumerations are mandated in census methodology to capture the real picture on the ground and promote an understanding of who owns what, who lives where (intra-household relationships). -Finance land management offices at national and local levels to make effective use of technology. - Facilitate progressive land servicing to make land available at affordable prices for right uses.
Metropolitan/Municipal/ Local Government	-Effectively collect land taxes and at the same time deliver services so stakeholders see the value in paying tax. -Enforce planning regulations and land laws and undertake a community campaign to ensure all stakeholders understand the benefits of the regulations and their role in enforcing them. -Undertake participatory enumeration to understand changes in local land ownership and intra-household relations, especially in poorer neighborhoods. -Undertake effective land management that liaises with national level offices/departments -Make genuine efforts to control land speculation and clear breaches of power to obtain land. -Encourage investments in affordable housing by availing serviced affordable land to investors under public-private partnerships to cater for local income groups access affordable rental housing
Local leaders	-Make genuine efforts to control land speculation and clear breaches of power to obtain land. -Understand and enforce planning regulations in your area. -Understand the benefits of security of tenure for all.
Private sector	-Engage with government about how security of tenure can be a win-win for the private sector via pubic private partnerships. -Learn about land value capture/sharing and how profit is not always compromised to secure adequate housing for the poor.

KEY REFERENCES:

Key Trends on Slums and Informal Settlements - UN-Habitat (2015). Slum Almanac: Tracking Improvements in the lives of slum dwellers.

City wide approaches to slum upgrading – UN-Habitat (2015). Practical Guide to Designing, Planning and Executing City-wide slum upgrading programmes.

http://unhabitat.org/books/a-practical-guide-to-designing-planning-and-executing-citywide-slum-upgrading-programmes/

Pro-poor land management – UN-Habitat (2004). Pro-poor land management: integrating slums into city planning approaches.

http://unhabitat.org/books/pro-poor-land-management-integrating-slums-into-city-planning-approaches/

Land rights - UN-Habitat Global Land Tool Network (2008). Secure Land Rights for all.

https://www.responsibleagroinvestment.org/sites/responsibleagroinvestment.org/files/Secure%20land%20rights%20for%20all-UN%20HABITAT.pdf

Security of tenure – UN-Habitat Global Land Tool Network (2011). Monitoring Security of Tenure in Cities.

http://unhabitat.org/books/pro-poor-land-management-integrating-slums-into-city-planning-approaches/

Security of tenure best practice – UN-Habitat (2003). Handbook on best practices, security of tenure and access to land.

http://www.gltn.net/jdownloads/GLTN%20Documents/handbook_best_practices.pdf

Sustainable Planning – UN-Habitat (2009). Global Report on Human Settlements 2009 – Planning Sustainable Cities.

Participatory enumeration - UN-Habitat Global Land Tool Network (2010). Count me in.

http://www.stdm.gltn.net/docs/Count-Me-In_English_2010.pdf

Ms. Kerstin Sommer, Slum Upgrading Unit Leader,
Housing and Slum Upgrading Branch
Email: Kerstin.Sommer@unhabitat.org
Tel: + 254 20 762 5519
www.unhabitat.org/psup and www.mypsup.org

United Nations Human Settlements Programme
P.O.Box 30030, Nairobi 00100, Kenya;
Tel: +254-20-7623120;
Fax: +254-20-76234266/7 (central office)
Infohabitat@unhabitat.org
www.unhabitat.org

UN@HABITAT

www.unhabitat.org