

**Discussion of the Global Campaign for Secure Tenure
organized by the Habitat Professionals Forum
at the United Nations Special Session for an overall review and appraisal of the
implementation of the Habitat Agenda
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**Keynote Introduction of Prof. Holger Magel, Vice President of the International
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**Access to Land and Security of Tenure as a Condition for Sustainable
Human Development**

“Providing legal security of tenure and equal access to land to all people” is one of the major claims of the Habitat Agenda. Five years have been past since the Agenda has been signed. Our objective as professional is today to review the achievements that have been made since then but also to point out open questions and key issues that have to be further developed and taken into account by the currently running global campaign for secure tenure.

Security of tenure is closely linked to two central objectives of international policies: the right to adequate housing or shelter and sustainable natural resource management. Security of tenure is therefore a condition for both: sustainable urban and rural development. Consequently, all activities, programs, planning, projects etc. focusing on secure tenure have to be part of an integrated, comprehensive approach. This has to include decentralization and the strengthening of local authorities, community participation in tenure regularization and land development, integration of informal settlements and land development, improving women's access to land, formal private sector participation including public-private partnerships, adequate norms, standards and procedures for facilitating implementation and financing and so on as stated in the New Delhi Declaration (1996). In addition, norms such as subsidiarity, equity, efficiency and transparency have to be respected. Brief, access to land and security of tenure are closely related to the second global campaign, the one on urban governance.

Agenda 21 and the Habitat Agenda provide concrete programs for related actions to be taken by governments, the private sector and non-governmental organizations including professionals like planners, architects, surveyors and lawyers. In Agenda 21, the importance of access to land and security of tenure are underlined in chapter 7 “promoting sustainable human settlements” and in chapter 14 “promoting sustainable agriculture and rural development”. In the Habitat Agenda, security of tenure is addressed to in the Global Plan of Action as well as in the Commitments in connection with the objective to achieve adequate shelter for all.

The implementation of these legally binding international policy papers requires the readjustment of most institutional and organizational aspects dealing with land:

- **Land tenure** as the way in which the rights, restrictions and responsibilities that people have with respect to land are held;
- **Land administration** as the process of determining, recording and disseminating information about the tenure, value and use of land;

- **Land management** meaning the activities associated with the management of land as an environmental, an economic and – in my opinion also – a socio-cultural resource such as land use planning and finally
- **Land policy** which has to provide the legal base for all these activities according to the individual situation of a country by simultaneously respecting and guaranteeing human rights.

These definitions have been widely agreed upon. They are part of the Bathurst Declaration which has been adopted by several UN agencies, the World Bank and FIG in 1999.

Recognizing that security of tenure includes measures related to land tenure, land administration, land management and land policy, key factors for a successful secure tenure campaign therefore are:

- A widely accepted national land policy;
- The recognition of informal (including customary) land rights;
- A cadastral system and register – as the main part of local administration systems – adopted to local conditions and accessible by the local people;
- A functional, however simple (cost effective), land valuation system;
- Adequate procedures for land readjustment and land consolidation;
- Legal recognition of formal and informal institutions for conflict resolution;
- Spatial Data Infrastructure and other surveying and mapping infrastructure;
- Inter-sectoral land use planning as an important objective of land management;
- Effective and efficient project management;
- People's participation: participation of NGOs and CBOs and strengthening of Civil Society.

The success and sustainability of any project of this kind as good as it might be designed always also depends on having the appropriate personnel to implement it. Therefore, capacity building for public institutions as well as for citizens and NGOs has to be an integral part of all projects concerning land issues.

It goes without words that successful and sustainable urban planning, construction and investment has to be based on clear and secure regulations of land access, land use and land administration. Recent experiences in Eastern Germany and in countries in transition have once again underlined this fact. They also highlighted the importance of land readjustment.

Encouraging achievements

Since Istanbul many improvements have been achieved regarding security of tenure. Above all, the aspect has been discussed at many international conferences and has been included in their final statements and in numerous additional declarations. To name only some of them:

- World Summit on Social Development (Copenhagen 1995);
- World Women's Conference (Beijing 1995);
- World Food Summit (Rome 1996);

and having special focus on land administration issues

- The UN-FIG Bogor Declaration on Cadastral Reform (United Nations Interregional Meeting of Experts on the Cadastre, Bogor (Indonesia) 1996);

- The UN-FIG Bathurst Declaration on Land Administration for Sustainable Development (UN-FIG Conference, Melbourne, 1999);
- The Potsdam Statement on Rural Development" (Rural 21, Potsdam 2000);
- The Bonn Statement on Access to Land (Bonn 2001).

In addition, many bi- and multilateral institutions for development cooperation have launched campaigns on secure tenure and introduced new programs on land policy, land management, cadastre etc. Beside individual projects in developing and transitional countries, the exchange between donors played an important role in the past five years. Video and internet conferences such as the one on "cities without slums" and the internet conference on land policy recently conducted by the World Bank and UNCHS (Cities Alliance) have been successfully carried out.

Furthermore, numerous publications – guidelines, reports, documentations on this issue – have been prepared; often in cooperation by different bi- or multilateral organizations. The international cooperation among different institutions in the field of tenure security has to be applauded for. Rarely, inter-institutional cooperation has been so much extended as in this case where donors, NGOs, professionals' organizations and universities work together.

Also, research on tenure security and related issues has increased. Research networks such as IRGLUS (International Group on Law and Urban Space) and N-AERUS (Network-Association of European Researchers on Urbanization in the South) focus on tenure. University programs, formerly mainly concentrating on technical aspects such as land administration or spatial planning, now increasingly integrate legal and social aspects of land management. Capacity building still remains a very crucial aspect for sustainable land management.

The commitments of the professionals – FIG as an example

Being aware, that the implementation of Habitat Agenda needs for an integrated holistic approach within many others aspects the co-operation of planners, architects, surveyors, lawyers and experts on different fields, these international NGOs have decided to organize a Professionals Forum as a platform of co-operation and interchange of ideas and knowledge.

The International Federation of Surveyors (FIG) as partner of this Habitat Professionals Forum is an international NGO, whose purpose is to support international collaboration for the progress of surveying in a wide sense: from cadastre, mapping, survey engineering, photogrammetry, remote sensing, Spatial Data Management to land management, valuation and urban and rural planning. Nearly 100 countries are represented in FIG.

With respect to the above mentioned need and demand for capacity building, FIG's intention is to contribute to fill this gap. To name just some of the activities pursued to support capacity building:

- organization of conferences and seminars by the nine commissions such as for example those in Mexico City, Nairobi and Delft in cooperation with the World Bank, the United Nations and UN FAO and UNCHS (Habitat);
- implementation of an education database;
- introduction of academic membership;

- publication and dissemination of brochures such as the FIG Guidelines on Women's Access to Land or FIG Agenda 21;
- support of member associations.

Together with ITC, Netherlands Kadaster, Service New Brunswick and the University of New Brunswick a workshop on capacity building in land administration for developing countries has been realized last autumn in Enschede to draft a new vision for the way forward in building international capacity in land administration. Our FIG-UN-Liaison Director Ian Williamson has been among the participants as well as representatives of Commission 2 (on education) and 7 (on cadastre and land management).

In cooperation with FAO, GTZ and TU Munich FIG is actually participating in further activities on capacity building such as an international conference on land tenure in Eastern Europe and the introduction of a Master's Program "Land Tenure and Land Management" to train future experts working in developing and transitional countries. Mainly supported by TU-Munich, GTZ and DAAD, this postgraduate program is a further example of German and international cooperation on land management as representatives of bi- and multilateral donor organizations, FIG and different German as well as foreign universities are among the lecturers.

Pleased by the many activities at the international level, we should, however, not forget to have a look at the impacts of these measures at national and local level. In most developing countries especially in Africa, national land policies have been introduced in the last few years. National cadastral systems are actually being implemented in most transitional as well as in Asian and Latin American countries. Generally, evictions of squatter settlements belong to the past, informal, especially customary, rights and institutions are increasingly recognized, cost efficient, however, effective municipal land registers and cadastral systems are introduced in pilot regions, first attempts have been made with private-public-partnership.

Experience has contributed to important lessons learnt: It has become common knowledge that access to land is more important than ownership, that access to land has to be broadened to resource tenure including water and forest rights, that a focus is needed on the regulatory framework, that legalization of informal settlements has to be accompanied by the integration into the urban fabric, that locally adopted systems are more effective than the import of sophisticated, time and cost intensive Western models, brief: the euphoria that the solely distribution of titles will solve all problems related to land had to be reconsidered. The idea that by giving titles to informal settlers, land markets will work and squatters will have access to credit which together will lead to the up-grading of the informal settlement and to the reduction of poverty had to be questioned. Why should a bank give credit to someone who owns a shabby shack in an inundation area at the periphery of the city far from every infrastructure? Also, still today some people believe in 'the mystery of capital' (de Soto 2000), it has long been clear, that the market by itself won't make it. Instead of delegating the whole responsibility to the market, governments and parliaments have to improve access to land by groups whose needs are not met by the market. The state should regulate the supply of land for housing, ensuring that land can be acquired by different means and that the norms it establishes are respected. Therefore, national land policies determining the roles of all actors involved are a crucial precondition for the realization of tenure security. This has to include – and normally does – a commitment to the decentralization of land administration and land management.

Future challenges

It should have become clear that although we know a lot about how to achieve security of tenure, there still remain open questions we have to provide the answers for. The major challenges, I see for the future are:

- First of all the implementation of recently established national land policies;
- Second, a clear definition of the role of the market; its assets and limits;
- Third, a clear distinction of responsibilities between the public, private-profit and the private-non-profit sector and consequently
- Fourth, reorganization and implementation of land administration systems and
- Fifth, addressing the issue of power: it is not uncommon for the land administration agency to be considered one of the most corrupt government agencies in a developing country, respectively retarding or preventing the implementation of land policy reforms;
- Sixth, widening land tenure to resource tenure and integrating the demand for security of tenure in international agreements on natural resource management such as the convention to combat desertification (CCD);
- And last but not least, further promotion and development of capacity building in land management and land tenure.

With this in mind, I propose the following issues for discussion:

- To what extent do people actually need property titles? What tenure alternatives are available?
- What are the basic components of a land administration strategy (cadastral tool box)?
- What could be performance indicators to monitor the impact of land administration?
- How can Civil Society be further integrated?
- What is the appropriate role of the public sector?
- What can be done by the market?
- What are the chances and limits of private-public-partnership?
- How to deal with corruption related to land?
- How can capacity building further be improved?
- How can the role as well as the mutual understanding and co-operation of architects, planners, surveyors and other professionals be improved?
- In which fields the professional associations should become more active?

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