

Guidelines for the formalization of informal constructions



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FOREWORD

Worldwide, there are an estimated one billion urban dwellers living in informal settlements – compared with three-quarters of a billion in 1996. These settlements have been built outside the formal system of laws and regulations that ensure tenure, legal ownership and safe, resilient structures. Informal development is not a new issue for the UNECE region. However, over the last 30 years, informal development has become an increasingly urgent matter. In 2007, it was estimated that more than 50 million people lived in informal settlements in 20 member-states of the UNECE region. Europe has experienced a rise of urban dwellers who cannot afford to pay rent, with housing costs rising particularly rapidly in the more prosperous large cities. This is especially the case for the Southern and Eastern parts of the region, while Western European countries are said to have more than six per cent of their urban dwellers living in insecure housing conditions.

The importance of tackling this issue is undeniable and addressed in several United Nations Sustainable Development Goals (SDGs). SDG target 1.4 stresses that governments should ensure that all men and women, particularly the poor and vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property and inheritance. SDG 11 stresses that cities and human settlements should be inclusive, safe, resilient and sustainable.

In 2009, the UNECE Committee on Urban Development, Housing and Land Management published their first study on informal settlements entitled 'Self-Made Cities: In Search of Sustainable Solutions for Informal Settlements', and in 2015, 'Formalizing the Informal: Challenges and Opportunities of Informal Settlements in South-East Europe'. The 'Guidelines for the Formalization of Informal Constructions' continues the discussion begun by these studies.

Based on the lessons learned from the previous studies, this publication provides general guidance for formalization projects in countries facing the challenge of informal development and is an excellent example of cooperation between UNECE and the International Federation of Surveyors (FIG). Such cooperation and exchange of knowledge is an effective way of contributing to the formulation, implementation and monitoring of land policy and the promotion of sustainable land management to more readily achieve the 2030 Agenda and the SDGs.



Olga ALGAYEROVA

Under-Secretary-General of the United Nations
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This report was prepared by the Bureau of the Working Party on Land Administration (WPLA) and the International Federation of Surveyors (FIG) Task Force on Property and Housing. The following people are acknowledged for their contributions:

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PREFACE

This publication is a brief, practical and easy-to-read guide, explaining how to structure a programme for the formalization of informal constructions. It shows how to do this in an affordable, reliable, inclusive and timely manner so that governments can meet the SDGs by 2030 and implement the New Urban Agenda. The focus is on the formalization process itself, but there are also descriptions of the preparatory work needed to analyze problem magnitude, as well as how to find political acceptance, identify post-formalization factors, and identify the root problems that cause future informality.

This guide focuses on economic and broader land-market benefits accruing from formalization, and integration of informal parcels within the formal market. It shows that a properly-integrated formalization process can have economic, environmental and social benefits for everyone. A key benefit from formalization and an improved registration process is increased security of tenure and right to adequate housing. It helps achieve SDG 11: “make cities and human settlements inclusive, safe, resilient and sustainable”, as well as achieving right to land ownership – a key condition to “eliminate extreme poverty” as mentioned in SDG 1.

In many cases informal constructions could be a commodity that will benefit their inhabitants, it is only fair that cadastral formalization of ownership rights, and registration of informal constructions, proceeds quickly, independently, and at low cost. This is on condition that no-one should be taking advantage of formalization to further disadvantage of vulnerable groups or broadening corruption in land markets. Such formalization is a key step in encouraging a healthy land market, reducing lending risks and formalizing the real property market. It will facilitate easier access to credit and may therefore provide funds for necessary construction improvements and upgrades, as well as the general improvement of the life of the inhabitants including education, health, and business.

Apart from formalization of ownership rights, informal settlements, when formalized also need to be upgraded to a standard where people can live in dignity, peace and security. Therefore, economic, planning and construction-stability issues must be seriously considered. Improvements to neighbourhoods and basic service-provision must be made available for social and environmental reasons, but also to make these properties more economically viable and become a part of the broader legal land market. Better service provision and incentives to upgrade improve real estate values for owners, as well as for the broader national economy through a more efficient land sector. It is difficult to access credit where there is limited interest in purchasing housing due to a weak land market infrastructure. Improving this will make the sector more fluid, enhancing all other economic sectors. However, there is no “one size fits all” general rule. A guide to how planning and construction improvements may be achieved must recognize that conditions and needs vary according to place, society, and property.

Environmental, planning, construction, and utility-provision improvements can be initiated and funded by inhabitants, or by the national government in cooperation with local authorities. Inhabitants can carry out improvements using the private sector for development of small or medium-sized projects. Once relevant tools and regulations are in place these may also include consolidation of parcels when fractionalization is a significant problem. It is recommended that local authorities initiate improvements through urban planning, though occasionally urban land readjustment projects can be used.

These improvements, however, should be considered as post-formalization factors, requiring major reforms as well as general public acceptance. The best results will be achieved when people have understanding, trust, and willingness to act to secure ownership rights to their houses. Voluntary participation in providing information and enhanced procedures will lead to a successful outcome. Existing tenure and weak property rights, both formal and informal, should be quickly recognized and registered to ensure unity, fairness, and conflict-minimalization between the general population and local communities. This guide will assist in all aspects of the informal construction formalization process, to the benefit of inhabitants, governments and stakeholders.

CONTENTS

FOREWORD	3
ACKNOWLEDGEMENTS	4
PREFACE	5
EXECUTIVE SUMMARY	8
1 INTRODUCTION	13
1.1 Background	13
1.2 Terminology.....	21
1.3 How to deal with informal development.....	22
2 WHY FORMALIZE?	25
2.1 Impact of no formalization	25
2.2 Key concept underlying the need for formalization.....	26
2.3 Improvement of housing stock and infrastructure	26
2.4 Why do we need guidelines and a strategy?	27
2.5 Who can benefit from the guidelines?.....	27
2.6 How can these guidelines be utilized?	27
3 OVERALL PROCESS OF FORMALIZATION	29
3.1 Introduction.....	29
3.2 Prepare the formalization strategy.....	30
3.3 Prepare the framework for formalization.....	31
3.4 Formalize the constructions	32
4 PREPARE THE STRATEGY FOR FORMALIZATION	33
4.1 Introduction.....	33
4.2 Organize the necessary support and political will.....	34
4.3 Analysis of the existing informality within the targeted real estate market	34
4.4 Carry out cost benefit analysis and determine the consequences of no action.....	35
4.5 Agree on a fit-for-purpose formalization strategy.....	36
4.6 Develop a communication plan	37
4.7 Draft a strategy report	37
5 PREPARE THE FRAMEWORK FOR FORMALIZATION	37
5.1 Introduction.....	37
5.2 Define areas and categories of constructions for formalization.....	38
5.3 Determine the legal and regulatory issues	40
5.4 Define the appropriate actions for formalization	40
5.5 Define the registration process.....	41
5.6 Design the draft formalization process	42
5.7 Determine the involved institutions.....	43
5.8 Determine and implement the administration system.....	43
6 FORMALIZATION OF CONSTRUCTIONS	47
6.1 Beginning the formalization procedures.....	47
6.2 Accepting and processing applications and documents	47
6.3 Registration of informal constructions.....	47
6.4 Impose legal action as required.....	47
6.5 Impose and collect penalties and fees.....	47
6.6 Monitor formalization process.....	47

7	ACTIONS TO BE TAKEN IN PARALLEL WITH TO THE FORMALIZATION.....	48
7.1	Introduction.....	48
7.2	Registration and titling process for informal constructions.....	48
7.3	Revise the urban planning process.....	48
7.4	Revise permitting of construction procedure.....	48
7.5	Introduce a monitoring and inspection process.....	48
8	ACTION TO BE TAKEN AFTER FORMALIZATION.....	49
8.1	Introduction.....	49
8.2	Improve housing policies.....	49
8.3	Improve utilities and infrastructure.....	49
8.4	Introduce or extend property taxation.....	49
8.5	Prevention of new informalities.....	50
9	CONCLUSIONS AND RECOMMENDATIONS.....	50
	SOURCES.....	53

LIST OF FIGURES

Figure I	Formalization process.....	10
Figure II	Who can use the guidelines?.....	28
Figure III	How to use the guidelines?.....	28
Figure IV	Overall process for formalization.....	29
Figure V	Most important deliverables.....	31

LIST OF TABLES

Table 1	Sample overview of actions taken – legal informality.....	42
Table 2	Sample overview of actions taken – technical informality.....	43

LIST OF ABBREVIATIONS

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