



How to Develop a Pro-poor Land Policy

Process, Guide and Lessons



UN-HABITAT



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1. Introduction

Developing new land policies can be a long and difficult process. It is even more so if the policies are to be pro-poor – if they are to help correct the disadvantages that poor people typically suffer in many areas of land policy.

This guide suggests a way forward. Based on experience in various countries in Asia and Africa, it is not a recipe-book, but outlines a process that can be adapted as appropriate to the situation in each country and the specific aspect of land policy that needs to be addressed. This process is participatory: it involves a wide range of stakeholders from all aspects of land policy, including civil society and the poor themselves. Including all these groups is vital if the resulting policies are to be politically acceptable, technically feasible, pro-poor and capable of being enforced.

This guide is intended for Ministers and senior policymakers responsible for land issues, donors, professionals, consultants, and NGOs involved in developing land policies.

1.1 Choosing a pro-poor policy

What does **pro-poor** mean? A pro poor approach is one that takes into account people living in poverty. In the case of cities, this means treating all its citizens equally, including those living in slums, in regard to access to land and services.

In most countries, most land policies, laws and procedures are **biased against the poor**. The poor remain trapped in poverty in part because they cannot access and use land they need to grow crops, build houses and establish businesses. Without secure tenure, they have no incentive to invest in the land. Many land procedures – such as registering a piece of land or transferring it to a new owner – are too expensive for the poor to afford. As a result, the urban poor are forced to live in slums that lack such basic services as sewerage, running water and electricity. The rural poor are deprived of access to grazing land, forests and water. And they have no reason to prevent erosion or to invest in irrigation for their land.

Women are especially disadvantaged. In many countries they cannot own or inherit land or register it in their own names – either because of the formal legal system or because of informal rules. They are more likely than men to be





evicted from their homes, and they have less access to officialdom, lawyers and private-sector services.

Yet the **process of policy development** itself is also biased against the poor. It is dominated by elites: politicians, commercial interests, land owners and developers, and technical specialists such as lawyers and surveyors. The poor have little political clout, and they lack the technical background and resources to contribute to the policy discussion.

Pro-poor policies are needed to overcome these barriers. Such policies should provide a range of land rights, suited to different situations. They should ensure that the poor have access to land and land services, at a price they can afford. They should give security of tenure – at a minimum, preventing people from being arbitrarily evicted from their homes in urban or rural areas. And they should aim to redress injustices that force so many urban dwellers to live in slums squeezed onto a tiny proportion of a city's land.

2. Political vs. technical issues

Land is one of the most sensitive political issues in any country. It is also very complex, both in technical and legal terms.

- Land is linked to **political** patronage and the vested interests of elites. Land is often a politically explosive issue, and the source of many potential and actual conflicts.
- Land is also highly **technical**: it involves skilled professions, dealing with complex legal procedures in a complicated historical, cultural and economic context.

It is vital to deal with both political and technical aspects. Several countries have tried to keep the process entirely political; they have had to go back to the drawing board and re-design the process to take technical constraints into account. Some countries have tried to keep the process entirely technical; they have struggled to get new laws and approaches enforced and operational on the ground.

This guide outlines a way to reconcile these difficulties.

3. Time line for the policy process

Reforming land policies and land administration systems involves many issues. It concerns numerous government agencies and other stakeholders. Expect that it could take a long time: at least 10–15 years. That requires a long-term, high-level commitment from all parties such as government, civil society and land owner groups, land professionals and the banks.

With such a long time horizon, it is a good idea to outline strategies for the short, medium and long term. Make sure the budget is adequate: it should cover not just the costs of the series of workshops outlined in this guide, but also all the related activities: studies, consultancies, training, as well as the management of the planning process itself.

4. Linking products and processes

It is necessary to think in terms of both “products” (revised policies, draft laws, land information systems etc.) and “processes” (how to get agreements to get to these products). The perfect policy, or the perfect technical solution, is useless if the various stakeholders do not buy into it – and they are likely to reject it if they have not been involved in the drafting process.

Keep in mind also that the 10–15 years needed for an overhaul of the land system is a long time in politics. Politicians, and other stakeholders, need to be able to show that they are making progress to their various constituents and supporters. That means that the process has to produce outputs – policy proposals, draft laws, etc. – more frequently. In turn that means slicing the topic area into manageable chunks that can be dealt with within a reasonably time.

An agreed “road map” for each of the phases of the land policy process will be needed, as well as for various scales – national, regional and local. There may be major differences within the country – from one province to another, or between urban, farming and dryland areas. It may be that one solution does not fit everywhere. The reforms may have to start in one area before they are implemented in others.



5. Managing potential conflict

It is natural that different organizations and groups have differing views on land issues. The purpose of the land policy process is to get agreement among these groups. But given the political nature of land issues, it would be surprising if conflicts did not occur. Someone, at some point, is probably going to walk out, declaring that the proposals are unacceptable.

Plans to deal with this should be made. Ways will need to be found to keep all the disparate organizations and interests engaged in the process. And if some do walk out, ways will need to be found to bring them back into the process again in a way that caters to their concerns but does not compromise the integrity of the process itself.

5.1 A tentative approach

- **Set up a coordination unit** to manage and plan the land policy process. This unit is best located in the lead national ministry and should be staffed with credible government representatives. It should maintain linkages to multi-stakeholder networks and expert groups throughout the entire process.
- **Gather background information** on the existing land systems and the problems they entail. Information can be gathered in various ways: participatory appraisals, discussions with NGOs and community organizations, formal surveys, review of secondary data, and public hearings. Analyse what is found, preferably together with the people who implement or are affected by the systems. Then develop short concept papers describing the problems, summarizing the various positions and changes needed, and suggesting a rough outline of how to develop new policies. These will probably have to be continually reviewed as people think them through over time.

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