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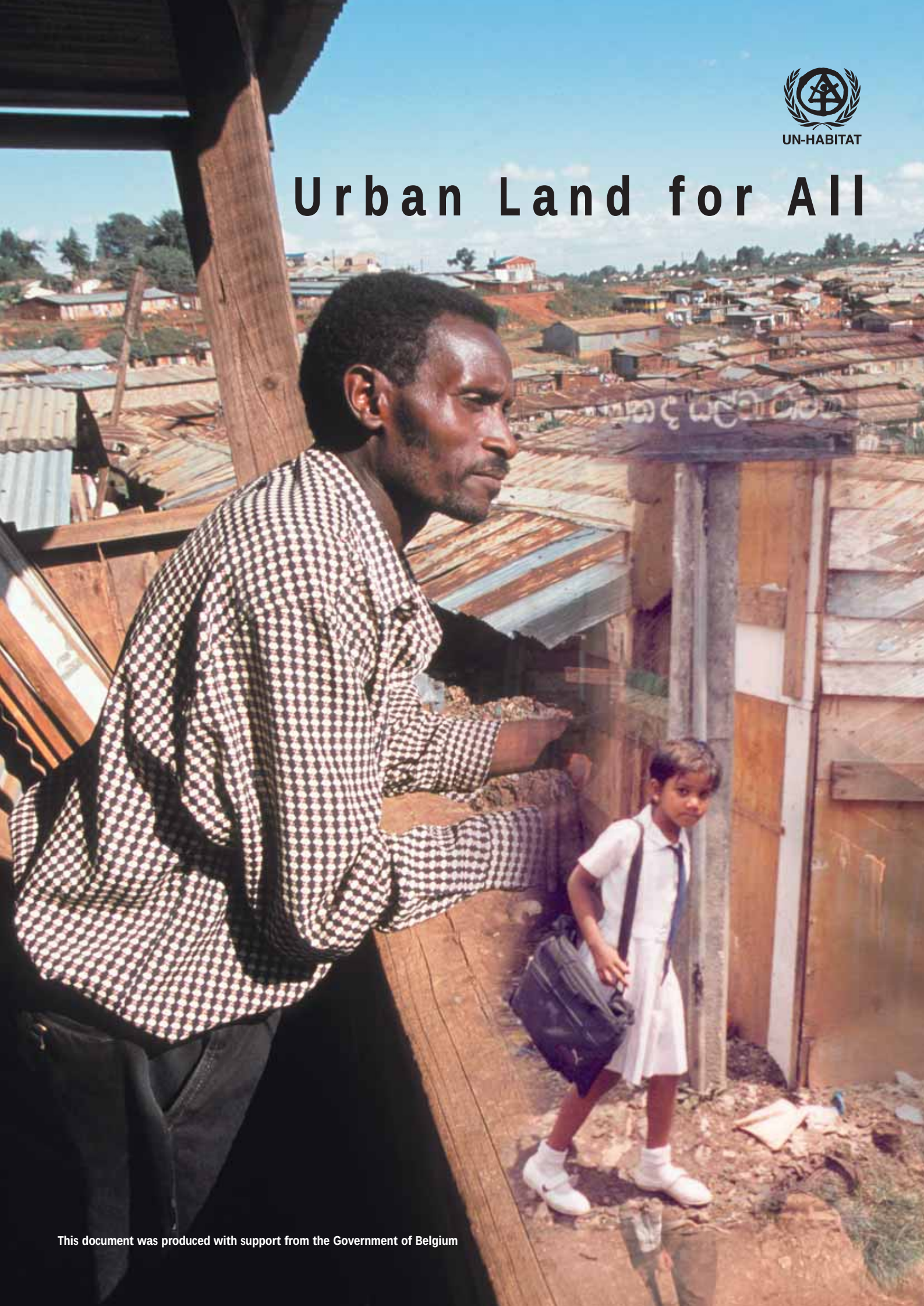
Urban Land for All



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Foreword

The world is committed through the Millennium Development Goals to alleviate the plight of slum dwellers. The question is how.

There isn't one answer. No one country has a complete lock on the formulae. Certainly no single NGO or agency would claim to know it all. The solutions are not easy.

But they exist - the answers are out there. They have been tried. They work.

UN-HABITAT has been working with slums since its inception. We too, don't claim to have a magic formula. We are learning every day. We are learning with every project. We have made errors and we have had great successes. We have built up a body of knowledge.

We have not discovered one key, but several keys. And the keys work. We have a strategy and it works. Here in Nairobi, and in projects all around the globe, we have concentrated on sharing techniques with people who have walked this path before, managing knowledge and reporting, advocating universal norms, seeking innovative financing with creative thinkers and developing strategic partners.

It has taught us a lot.

One of the most important things it has taught us, if we hadn't already known it in our own, personal lives, is that people need to feel that they have secure tenure. Once they have that they themselves will pitch in to alleviate their own plight.

Tenure, more than ownership appears to be emerging as one of the most important keys to reaching the goals to which our leaders have committed themselves in regards to slum dwellers. In many cases we have learned more from the people than we have taught them. And we have learned that they want to feel that they will not be arbitrarily moved. Tenure doesn't necessarily mean ownership, or even collective, community ownership. Sometimes it could be as simple as a promise that the people will not be moved.

But, achieving security of tenure has its difficulties. How is it achieved without disrupting the greater society, or without throwing into imbalance the rights of property owners in and around the slums?

This work looks into these questions, and more. It is aimed at the professional charged with dealing with slums in his or her country. But it can be read, too, by the urban activist, the policy maker who is not a technical expert, and the urban dweller.

It has practical examples of how concrete plans have or have not worked. It has theoretical answers, tied to practical examples. It will give a large picture of what we believe are important elements in this challenging task, and hopefully it will lead to further reading, including that of the much larger and more detailed work such as *the Global Report on Human Settlements 2003 – the Challenge of Slums.*

The United Nations Millennium Declaration calls upon member states to improve the lives of 100 million slum dwellers by 2020. That's a difficult task by any standard. This publication will not give the master plan. But we believe it will help the policy maker and the roofless in choosing the right path.

Anna Kajumulo Tibaijuka
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‘people need to feel that they have secure tenure. Once they have that they themselves will pitch in to alleviate their own plight’

UN-HABITAT

"It is now recognised that security of tenure is more important for many of the urban poor than home ownership, as slum policies based on ownership and large scale granting of individual land titles have not always worked."

The Challenge of Slums: Global Report on Human Settlements 2003

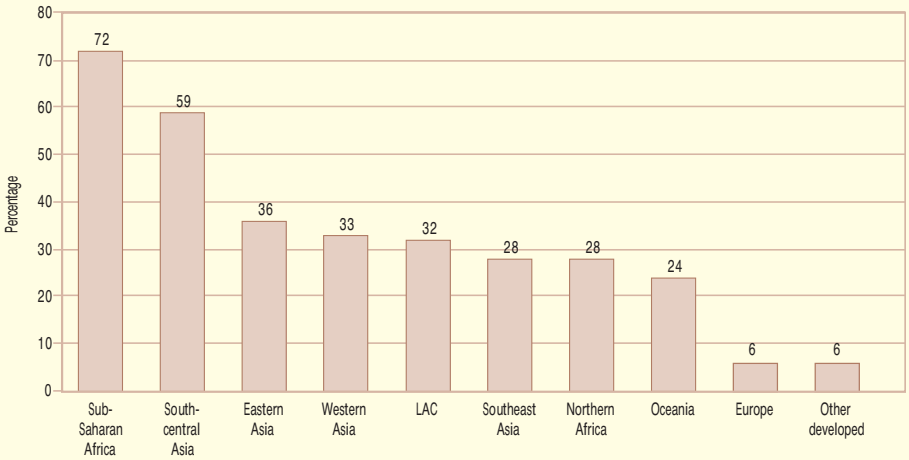


Figure 1

Slum dwellers as a percentage of urban population by region, 2001

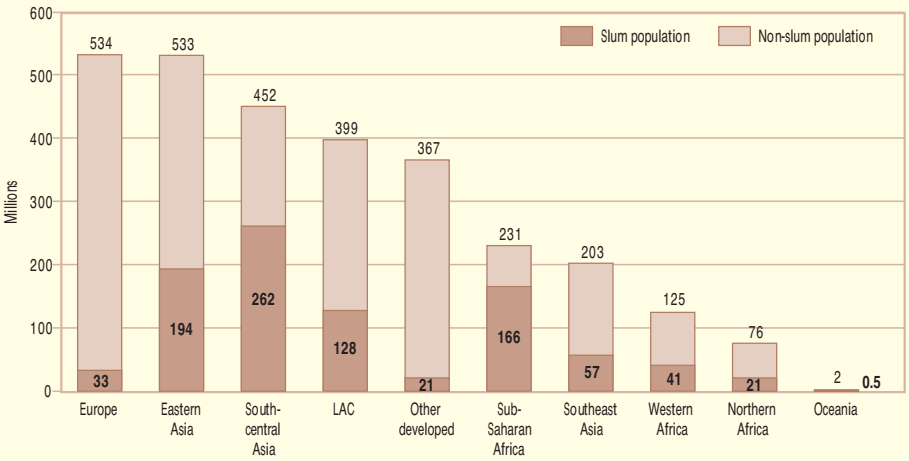


Figure 2

Proportion of slum dwellers in urban population by region, 2001

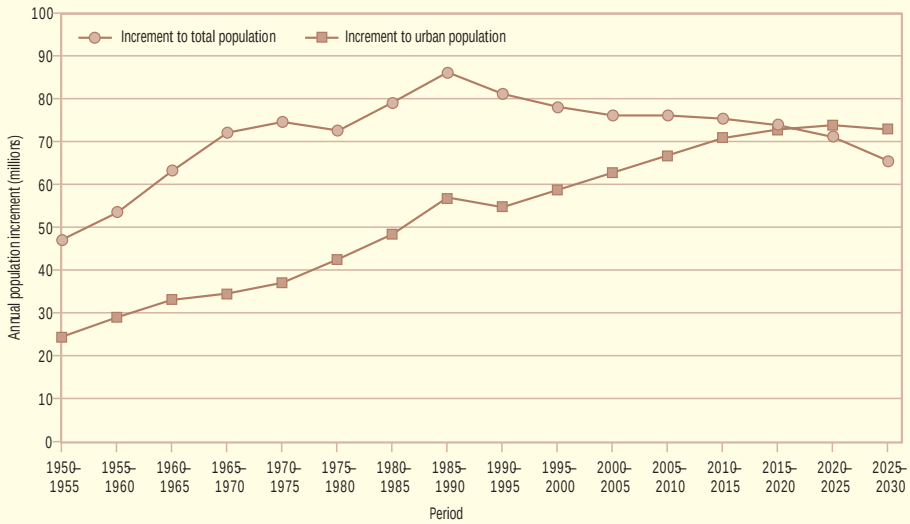


Figure 3

Annual increment in total and urban population

Source: United Nations Population Division, 2002, Figure 1

Introduction

This brochure is meant to be both thought provoking for policy and decision-makers in Member States, and to assist them to move forward and make improvements in urban land markets and tenure policies in their cities and countries. The brochure consists of a synthesis of different types of policy instruments that could be used by government officials to introduce more appropriate and flexible tenure systems, uphold the rights of the urban poor, and secure urban land for slum dwellers. Boxes illustrating examples of innovative approaches show how security of tenure for the urban poor can be delivered by referring to what is actually happening on the ground in various countries world-wide. The emphasis is on tenure security in general (not necessarily ownership) because UN-HABITAT, with experience throughout the world, has found that it works; works for all the stakeholders, including the slum dwellers themselves and society at large.

The United Nations Millennium Declaration recognizes the dire circumstances of the world's urban poor, articulating Member States' commitment to improve the lives of at least 100 million slum dwellers by the year 2020.

When preparing or revising urban management and tenure policies, it is important to consider the following:

- Urbanisation is a wealth creating process. Stopping it is not an option, but managing it is vital to achieving social and economic development.
- Managed properly, housing is a means of economic development and need not be a welfare burden on the economy.
- Private land ownership puts land to the most economically efficient use, but commonly at the cost of excluding the poor and limits state land management options.
- Security of tenure is a precondition for local investment. Nobody invests if they feel insecure, though international experience shows that even the poor will invest what they can if they have reasonable security.

Some facts about slums

- *Urbanisation is growing and will continue to grow.*
- *Stopping it is not an option. The world's rural population has essentially reached its peak. Two billion people are coming to cities in developing countries, soon.*
- *Most government intervention in the last 30 years has increased, rather than decreased, poverty and slums.*

But:

- *Urbanization is a wealth creating process*
- *Some relatively low cost, effective, policies have emerged from trial and error.*

Favellas in Rio, Brazil
Topham Picturepoint

Improving Tenure Policy

E. Moreno/UN-HABITAT

Improving tenure for the existing urban populations will not be enough unless measures are also taken to reduce the need for new slums and informal settlements.

This requires a parallel approach to increase the supply of planned, legal and affordable land on a scale equal to present and future demand.

Improving security of tenure and the property rights for millions of the urban poor is a massive challenge. Tenure issues are extremely complex. No single tenure option can solve all these problems. Policy on land tenure and property rights can best reconcile social and economic needs by encouraging a diverse range of options rather than putting emphasis on one option, such as titling. This will involve adapting and expanding existing tenure and rights systems where possible and introducing new ones selectively.

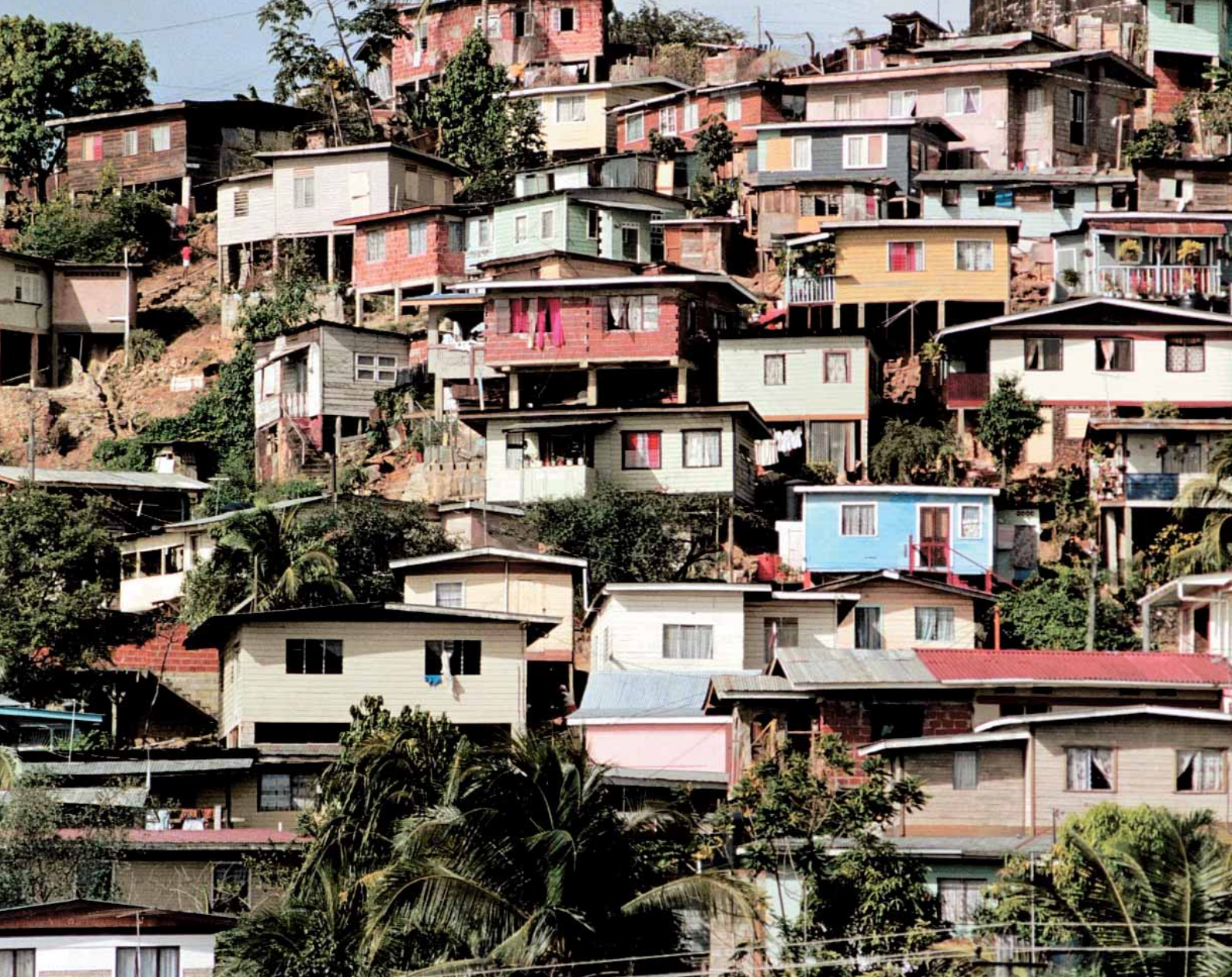
The following steps can help to stabilise the existing situation and provide a foundation for longer-term options.

1. Provide basic short-term security for *all* households in slums and unauthorised settlements. This can best be achieved through land proclamations or moratoriums. A simple statement by the relevant Minister is often sufficient to reduce uncertainty and stabilise situations.
2. Survey all extra-legal settlements and identify any that are in areas subject to environmental hazards, (e.g. floods, landslides, etc) or required for strategic public purposes. These should be subject to independent review.
3. Offer residents of all such settlements priority for relocation to sites that offer close access to existing livelihood opportunities (e.g. street trading) and services (i.e. not out of the city). Temporary Occupation Licences or Permits can be provided for a limited period, depending on how long it takes to agree with the local community on moving to alternative sites.
4. Designate all other extra-legal settlements as entitled to medium term forms of tenure with increased rights, but not necessarily full titles. Where possible, the precise form of such tenure and rights should be based on tenure systems already known to local communities. Customary or communal tenure options, such as communal leases, may be acceptable to residents and can reduce the administrative burden on land management agencies. This will allow such areas to receive services and environmental improvements through a participatory process of physical and socio-economic development. It will also increase security without stimulating rapid increases in land prices which could attract downward raiding by higher income groups and the displacement of very poor tenants. For unauthorised settlements on private land, options can include land sharing, under which settlers may be provided long-term tenure on part of their site and the landowner develops the remainder. Local authorities can assist this approach if they permit relaxation on planning or building restrictions so the landowner can recoup any lost profit or income. Temporary land rental, (Bangkok box), is another way of reconciling conflicting interests.

These measures can provide a sustainable, practical and socially progressive way of improving the tenure security and rights for millions of the urban poor. They can also improve the functioning of urban land and housing markets, stimulate economic development and improve the effectiveness of government in urban management.

Improving tenure for the existing urban populations will not be enough unless measures are also taken to reduce the need for *new* slums and informal settlements. This requires a parallel approach to increase the supply of planned, legal and affordable land on a scale equal to present and future demand. This can be achieved by:

- Revising planning regulations, standards and administrative procedures to reduce entry costs and accelerate the supply of new legal development. Options may include reducing the proportion of land allocated to roads and public open space, relaxing restrictions on plot use and development and simplifying administrative procedures.
- Introducing and collecting property taxes on all urban land, whether developed or not.
- Permitting incremental development of land construction and services provision.



Port of Spain, Trinidad
Topham Picturepoint

- Permitting households to obtain basic services, such as water, sanitation and electricity, irrespective of their tenure status.

"After many years of collective struggle, we gained legal title to our land. You should see my house today, instead of a water tank outside my shack, I now have a two-story home, with running water, a lovely kitchen and a real bathroom with shower and toilet."

Gloria de Chipo, 48, Canteras slum, Bogota, Colombia

Additional Policies Required

Both existing and new urban settlements will need to be developed in ways which increase access to livelihood opportunities, services and community facilities at costs affordable to all sections of the population, including the poor. Since subsidies will not usually be able to bridge the gap, it will be necessary to adopt several related policy measures to reinforce progress in providing increased tenure security and property rights. These include:

- Improving governance, especially at the urban and local levels;
- Decentralising resources and responsibilities to the lowest possible administrative level;
- Strengthening community participation in the formulation as well as implementation of urban development policies;
- Promoting partnerships and joint ventures between government, developers and communities to extract a public benefit from private sector investments and developments. Such projects can also help generate internal cross-subsidies to facilitate low-income access;
- Encouraging mixed land use developments, except for pollution generating activities;
- Encouraging finance institutions to provide credit without requiring titles as collateral;
- Strengthening the administrative capacity of land administration and land record agencies;
- Improving transportation links between residential, commercial and industrial areas.

Why tenure policy is important for economic development

An estimated 924 million people (GUO 2001) are presently living without secure tenure in informal settlements in the urban areas of developing countries. This number is projected to increase to 1.5 billion by 2020 and 2 billion by 2030 unless urgent action is taken. In some countries, the proportion of people living in unauthorised settlements is already much higher than those in formal land and housing markets. This is a problem for governments seeking to harness the creative energies of their populations to achieve economic development and reduce poverty.

Excluding a significant proportion of urban populations from legal shelter reduces the prospects for economic development. People who fear eviction are not likely to operate to their maximum potential, or invest in improving their homes and neighbourhoods. Also when people are excluded, local and central governments are denied the revenue from property taxes and service charges, which could help improve urban living environments and stimulate local and external investment. In addition to this, uncertainty associated with insecure tenure may hinder external investment and the improvement of other services such as improved water and sanitation, durability of housing etc.

Table 1 Total, urban and estimated slum population by major region, 2001

Major area, region	Total population (millions)[a]	Urban population (millions)[a]	Urban population %age of total popn.[a]	Estimated slum population (thousands)[b]	Estimated slum population %age of total popn.[b]
WORLD	**6,134**	**2,923**	**47.7**	**923,986**	**31.6**
Developed regions	**1,194**	**902**	**75.5**	**54,068**	**6.0**
Europe	726	534	73.6	33,062	6.2
Other	467	367	78.6	21,006	5.7
Developing regions	**4,940**	**2,022**	**40.9**	**869,918**	**43.0**
Northern Africa	146	76	52.0	21,355	28.2
Sub-Saharan Africa	667	231	34.6	166,208	71.9
Latin America and the Caribbean (LAC)	527	399	75.8	127,567	31.9
Eastern Asia	1,364	533	39.1	193,824	36.4
South-central Asia	1,507	452	30.0	262,354	58.8
Southeast Asia	530	203	38.3	56,781	28.0
Western Asia	192	125	64.9	41,331	33.1
Oceania	8	2	26.7	499	24.1
Least Developed Countries (LDCs)	**685**	**179**	**26.2**	**140,114**	**78.2**
Landlocked Developing Countries (LLDCs)	**275**	**84**	**30.4**	**47,303**	**56.5**
Small Island Developing States (SIDS)	**52**	**30**	**57.9**	**7,321**	**24.4**

Sources: a Total and urban population:World Urbanization Prospects: The 2001 Revision,Table A.1.
b Slum population and percentages calculated by UN-Habitat using data from DHS (1987–2001); MICS (1995–2000); WHO/UNICEF JMP (1998–1999).

What is tenure security?

As agreed during the Expert Group Meeting on Urban Indicators in 2002, tenure security is: "the right of all individuals and groups to effective protection by the state against forced evictions." Under international law, 'forced eviction' is defined as "the permanent or

without the provision of, and access to, appropriate forms of legal or other protection."

Under international human rights law, secure tenure is one of the seven components of the

materials, facilities and infrastructure, (2) affordability; (3) habitability; (4) accessibility; (5) location; and (6) cultural adequacy. All human rights apply equally to women and men, and women's equal right to adequate housing, land and property is firmly

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