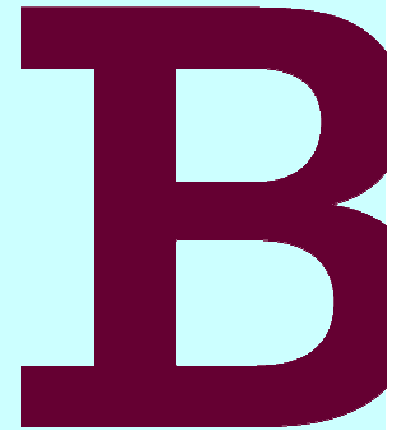


U Options for secure tenure
for the poor in the urban
centres of developing
countries



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Rationale for urban focus

- Urban economies essential to national & rural development, depend on varied enterprise structure & labour force, means of production (including serviced land)
- Urban land dynamics: densification, competition, commercialisation, expansion
- Land a key component of urban management: land for urban functions, service delivery, revenue generation
- Increasing proportion of population (& of the poor) urban, 1bn in slums (2bn by 2030 without action)
- Despite higher average incomes/smaller proportion, conditions of the poor often as bad as in rural areas
- Wellbeing: work that generates adequate income, access to services, economic & physical security, dignity
- Neglected in national legislative & admin reform

Main features of urban land markets

- ❑ Competition, commercialisation, rising prices
- ❑ Multiple tenure systems
- ❑ Incoherent policy: planning, tenure, revenue generation
- ❑ Incoherent laws, often imported, outdated, unenforceable, may disadvantage women
- ❑ Proportion in public ownership varies, often diminishing
- ❑ Expropriation often possible, but difficult & costly
- ❑ Formal system favours upper income groups & has failed to cope with expansion
- variety of evolving informal ways of accessing & developing land (squatting, subdivision, rental, sale of customary land) (up to $\frac{3}{4}$ housing land in African cities)
- Market displacement, eviction, insecurity for large numbers

Secure tenure for the urban poor

- Tenure designates the rights individuals and communities have with respect to land, namely rights to occupy, use, develop, inherit and transfer i.e. embodies social rules and relationships governing access, use and transactions
- Secure tenure = the right of all individuals and groups to effective protection by the state against forced evictions (Expert Group Meeting on Urban Indicators, 2002)

Legal empowerment and secure tenure

a) *Benefits of being within the law*

- Defines bundles of rights in property that can be transferred, bequeathed
- Can protect disadvantaged groups e.g. women
- Urban property an asset for the poor that (a) provides a secure base (b) generally appreciates in value and (c) is usable for livelihood development (collateral for access to formal credit)
- Associated with entitlements e.g. protection from eviction, services, enforcement of environmental standards
- Access to means of protecting asset, resolving conflicts, ensuring government accountability

b) Disbenefits of being within the law

- Adds value to the asset > unaffordable, market displacement
- Subject to enforcement of inappropriate regul'ns
- Liable to pay property tax + user charges
- Admin & judicial systems costly, slow, bureaucratic, inaccessible to the poor

➤ Appropriate land management

- Means of delivering large volumes of affordable land + appropriate tenure
- Broad guiding spatial planning framework, through major infrastructure investment
- Concentrate regulatory resources on industrial areas etc, 'light touch' regul'n of residential areas
- Differentiate regulatory requirements where appropriate
- Partnerships between government, formal/informal private actors, NGOs, CBOs

'Ideal' tenure = title?

□ Advantages

- Individual clarity & security
- Can in theory be used as collateral > investment in enterprise & property

□ Disadvantages

- Difficult & costly
- May limit public planning & regulatory powers
- + few exceptions, limited progress with titling programmes (including regularisation, land for new development) > limited increase in revenue
- Title fails to provide the poor with access to credit (and they don't want to risk asset)
- Investment is related to security & resources, not title per se
- Price rises > displacement of owners & tenants

Regularisation vs new land development

a) *Regularisation*

□ Advantages

- Enables residents to remain in well located areas with more security + services
- Alternative tenures feasible, can be progressive
- Incremental upgrading of services + property follows

□ Disadvantages

- Some areas unsuitable/poorly located
- Possible gentrification, displacing some residents (e.g. tenants)
- May encourage further informal settlement
- Poor relocation policies impoverish
- May be more costly than new development

b) New land development

□ Advantages

- Planned locations, near main infrastructure
- Generally cheaper cost per unit than regularisation (depending on land cost, standards)

□ Disadvantages

- Mostly peripheral locations because of land costs
- Service provision lags (e.g. public transport, education, health)
- Distant from main economic opportunities for the poor
- Brings land into the (informal) market > hoarding, speculation, downward raiding by higher income groups

A twin-track approach to pro-poor urban land management

- Moratorium on evictions > short-term security e.g. Philippines
- Record all types of property rights & tenure relations (e.g. use GLTN Social Tenure Domain Model), with particular attention to women and tenants
- Develop improved, affordable systems for registering rights, recording transactions, obtaining permits etc
- Identification of informal settlements
 - Unsuitable for regularisation > relocation
 - Suitable for regularisation > medium-term security (3-10 years) (public/private/customary authority/NGO/community partnerships)
 - Group tenure
 - Short-medium term leasehold e.g. *pattas* in India, Brazil

- Temporary tenure arrangements e.g. certificate of occupancy, permit e.g. Temporary Occupation Licences, Kenya; Certificates of Comfort, T & T
- Customary tenure e.g. Buganda Land Board, Kampala
- Incremental investment in services e.g. Orangi Pilot Project, Karachi, KIP Programme, Indonesia
- + tenure upgrading > long-term security
 - Group title e.g. community land trust
 - Individual title (long lease or freehold)
- New land development
 - Range of tenure types
 - Integrated approach: planning, infrastructure, taxation
 - Work with customary/informal actors/NGOs to develop acceptable layouts, incrementally extend services