

# **Habitat International special issue on land tenure and property rights**

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## **Introduction by Geoffrey Payne, guest editor**

### **Abstract**

This paper introduces a special issue of Habitat International on land tenure and property rights. It sets the scene for case studies carried out in countries around the world commissioned by the author as part of a research project<sup>1</sup> updating previous research on innovative approaches to tenure for the urban poor in sixteen countries. The research reviewed changes in the selected tenure systems and place them in a wider context of local land and housing markets.

A key feature of the paper is a typological framework which enables policy makers or others to identify the range and distribution of statutory, customary and informal tenure categories in a city, the de facto levels of security provided by each and the various property rights associated with them. The paper demonstrates that tenure systems form a continuum of categories and that policies need to recognise crucial distinctions between these if policy objectives are to be achieved. The role of tenure policy in facilitating or inhibiting security and rights for vulnerable groups, such as tenants and women is discussed and proposals made for implementing a pro-poor tenure policy. The paper concludes by introducing the case study papers.

Key words: Tenure, property rights, tenure typology, tenants, tenure policy

### **Key issues:**

This special issue of Habitat International focuses on land tenure and property rights. It contains a series of papers which review progress in the provision of secure tenure for the urban poor in nine developing

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<sup>1</sup> 'Progress in the provision of secure tenure for the urban poor' a research project undertaken by Geoffrey Payne and Associates and an international team of researchers between 2002-03 with funding from the UK Department for International Development (DFID). The views expressed in this issue are not necessarily those of the DFID.

countries covering each major geographical region. Seven of these cases were selected from sixteen countries covered by a previous research project<sup>2</sup> in which innovative approaches to land tenure and property rights were found to operate. The other two countries, Cambodia and the Philippines, were introduced as part of a UN-Habitat supported project to identify options for improving tenure security for the urban poor as part of the Global Campaign for secure tenure.

Access to secure land and shelter is widely accepted as a precondition for access to other services and livelihood opportunities (Rakodi and Lloyd-Jones 2002). It is therefore a foundation for efforts to reduce urban poverty [eg DFID 2002]. However, the previous research demonstrated that the conventional approach of providing individual land titles is not necessarily the most appropriate or practical option and many others exist which meet the needs of the poor and enjoy social legitimacy. The previous project was also an assessment at one point in time and was unable to assess the extent to which these 'intermediate' tenure systems are expanding and evolving, together with the factors which facilitate or constrain their wider application.

The primary objective of the present research has been to provide further evidence of the strengths and limitations of these intermediate tenure systems in providing secure tenure, and their potential contribution to the formulation and implementation of pro-poor urban land tenure policies. The project also provided an opportunity to test a typological framework developed during the previous research project (see Payne 2002:8). This sought to identify and record the range of statutory, non-statutory, customary and, where appropriate, religious categories of land tenure existing in a selected city; the proportion of the total housing stock represented by each tenure category and the degrees of perceived or de facto security associated with each category. It also sought to present the various property rights applicable within these categories to both men and women] It is hoped that this framework will provide a coherent means of recording and reviewing salient information on land tenure and property rights for use by urban managers and civil society groups.

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<sup>2</sup> The research project 'Innovative approaches to the provision of secure tenure for the urban poor' was funded by the UK Department for International Development (DFID). The project was carried out between 1999-2001 and resulted in a book (Payne 2002), a documentary film (Land Rites) transmitted on BBC World in June 2001 and an information pack (Land Rites).

These issues of classification are of more than academic importance in assessing differences between tenure and rights categories. Tenure has been identified as one of two indicators for measuring progress in the implementation of the urban target included within the United Nations Millennium Development Goals. These seek “by 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers”<sup>3</sup>. Given that current estimates<sup>4</sup> suggest that 837 million people are living in slums in 2002, and that this is expected to increase to about 1500 million by 2020 (Durand-Lasserve, Fernandes, Payne and Smolka 2002), it is questionable whether this objective represents a visionary target or an organised retreat, since it accepts that there still will be 1400 million in slums by then, an *increase* of over 500 million. Nonetheless, even to achieve this requires a means of measuring progress and therefore defining what is meant by tenure security. The typology will hopefully make it easier to identify any increases or decreases in property rights and tenure security and the dynamics between the two.

Early attempts to classify tenure systems were heavily biased in favour of statutory categories. Of nine categories listed in early UN-Habitat tenure indicators, six consisted of statutory forms, such as ‘freeholder’ or ‘leaseholder’, whilst non-statutory categories were limited to ‘squatter owner’, ‘squatter tenant’ and ‘others’. Customary or religious forms of tenure were excluded, as were a range of intermediate tenure categories which, collectively, represent the majority of all urban housing in developing countries. The current UN-Habitat tenure classification<sup>5</sup> identifies tenure categories as follows:

- Formal rights
  - Registered (including ownership, leasehold and use/occupancy rights)
  - Unregistered but documented (e.g. rental, rent to buy, unregistered leases, etc)
  - Group/family/household rights (e.g. customary/tribal/clan family rights, Islamic tenure types, community land trusts, etc)
  - Unregistered and undocumented (e.g. adverse possession, use or occupancy rights without certificate, customary rights)

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<sup>3</sup> Paragraph 19, The United Nations Millennium Declaration Resolution A/RES/55/2. The other indicator for Target 11 is ‘Proportion of people with access to basic sanitation’.

<sup>4</sup> This estimate was presented at the United Nations Global Urban Forum, Nairobi, 2002.

<sup>5</sup> Communication from Clarissa Augustinus, UN-Habitat, Nairobi, 20 May 2003.

- Irregular tenure
  - Documented (e.g. written agreements between irregular owners and tenants, de facto recognition, illegal subdivisions, customary rights, tenancy at will, etc)
  - Undocumented (e.g. as above but without documents)
- Homeless.

This more comprehensive typology reflects the bewildering complexity of tenure systems which exist in most cities of the developing world. Each of the categories identified represents a distinct sub-market with its own characteristics serving different sections of the urban population, so whilst the distinctions may be almost insignificant to outsiders, they are crucial for those groups supplying or accessing housing. It is therefore important to recognise the distinctions listed. However, whilst the new typology is a considerable improvement, it does not make an adequate distinction between tenure status (the mode by which land or property is owned or held) and property rights (what one is permitted *to do* with such land or property). Yet, as Malpezzi (2001) has noted, it is theoretically possible to have a high degree of tenure security but constrained rights, or a lower level of security and a higher level of rights to develop, use, transfer, or achieve a pecuniary benefit, etc. from property. A further distinction is therefore essential between tenure status and property rights if a full understanding of existing situations is to be achieved and appropriate policies formulated. This will enable policy makers to assess whether priority should be given to increasing tenure security, property rights or both for selected tenure categories.

The Millennium Development Goals are intended to provide a global framework for assessing progress in improving the lives of the poor. However, the practical problems of identifying and measuring differences between tenure categories do not make it a suitable subject for international comparison. The review carried out for the present research has therefore followed a different approach, by proposing a typological framework or matrix in which the tenure and property rights categories found in a given city can be identified and recorded. In this approach, a standard method is used, though the outputs will reflect locally unique conditions, rather than part of a standardised global checklist.

In addition to offering a classification of tenure systems, the new project recognised that there are sub-groups within the urban poor which may have different priorities and needs in terms of tenure and property-based rights. For example, it is anticipated that the priority for the very poor is for a prime location near employment opportunities, much more than for long-term security of tenure. For the 'middle' poor, some security is important, but mobility is still severely restricted, so that they still need reasonable access to prime locations, albeit with limited long-term security or rights. For the 'upper' low-income groups, especially those in regular employment, residential mobility enables them to consider more long term, formal tenure options, such as titles or leases.

The present project also distinguished between issues of tenure security and property rights and provided an opportunity to explore the ways in which they can help reduce poverty and improve the quality of life for the urban poor. Testing the earlier typological framework revealed the need to refine the categories and distinctions and this is reflected in the variations between the contributions to the present volume. The current format is offered as a basis for further application (see Figure 1) and can be accessed in an operational format from [www.gpa.org.uk](http://www.gpa.org.uk). We welcome feedback from any readers who apply the framework in different contexts.

A key area of refinement adopted in the new project was the recognition that gender is a key issue in tenure policy and in many countries women do not enjoy equal rights to own or inherit land or property. Yet women have been shown to be generally more creditworthy and committed to home building than men. The previous research sought to ascertain ways in which the tenure systems reviewed had benefited or constrained women's rights, though the results were less detailed than anticipated. The present project revealed the need to distinguish between rights available to women according to their social status (eg single, married, divorced, co-habiting or widows), since it was noted in some cases that rights for women varied according to status. Thus for many of these women, particularly female heads of households or single women, both formal and informal tenure systems, often work to constrain their ability to build viable livelihoods. This reinforced the need to address de facto, rather than de jure, property rights and levels of security, which often reveal gender inequalities, particular to informal property markets and transactions,

which contribute to women being the most vulnerable members of the low-income groups who rely on these non-statutory tenure categories.

It was envisaged that the framework to be tested would identify disjunctures in the tenure and rights continuum in selected cities and that this would indicate the need for policy measures to bridge the gap. It was also intended to provide an easily comprehensible view of existing situations in a city which can empower civil society groups to pressure local authorities to adopt more pro-poor policies where necessary. Changes in tenure systems and rights available to the urban poor can then be recorded over time<sup>6</sup>. Whilst the framework is intended for international application, the range of variables will reflect local conditions, so comparisons between countries are not considered appropriate. For example, countries with customary or religious tenure systems will need to add these to the range of options available.

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<sup>6</sup> In her paper presented in this volume, Nora Aristazabal proposed a modification of the typology to incorporate sequential surveys to record changes in tenure and rights over time. Space prevents the inclusion of this option, though it can be downloaded from [www.gpa.org.uk](http://www.gpa.org.uk)



## **Identifying existing tenure systems and property rights**

To complete the framework requires undertaking a few steps and including whatever information, data or estimates are available. The steps are as follows:

1. Identify the full range of formal, non-formal/unauthorised/semi-legal, customary and/or religious (e.g. Islamic) tenure categories within the selected city. These should include pavement dwellers, unauthorised subdivisions, recognised squatters who are not given formal titles, as well as formal categories.
2. Estimate the proportion of the total urban housing stock represented by each of these categories and indicate this by an appropriate width of the column on the table (e.g. a category accounting for 10 percent of the total housing stock would take up 10 percent of the distance along the horizontal axis). Technically, this can be done by clicking on the vertical column lines and moving them left or right to represent the correct proportion.
3. Estimate the degree of de facto (not de jure or formal) security available to households living in each category and represent this on the vertical axis as a proportion in between nil and absolute security. Remember that there is probably no category which enjoys absolute security in that in almost every country the State retains the right of eminent domain, or the right to acquire land or property for public purposes. At the same time, even pavement dwellers often possess rights which entitle them to compensation or alternative housing if forced to move. This means that all categories in practice are somewhere above zero and below full security. When this section of the typology is completed, it will reflect the key characteristics of tenure security.
4. Next, it is necessary to identify *all* the rights available to households within each tenure category. For example, households may theoretically enjoy a high level of security, but heavy restrictions on their rights to use or dispose of property, whilst those with lower levels of security may possess more rights in practice to use or dispose, etc of their property. The list of property rights shown includes the right to occupy, use and enjoy; to restrict access by others; to buy, dispose or inherit; to develop or improve; to use for cultivation or production; to sublet; to sublet and fix the rent; to benefit from any pecuniary increase in property value; to access services; and to access formal

credit. This list is not exhaustive, so all locally applicable rights should be included. It would be good to also identify the responsibilities or obligations which may be, and often are, tied to particular rights<sup>7</sup>. These terms and conditions will affect the relative security and value of different forms of tenure and property rights. For instance, if a right exposes residents to property taxes or service charges, this could more than offset the benefit of such increased rights. This added dimension could be commented on in the notes reviewing the typology, rather than included in the typology itself.

5. The final stage involves noting the extent to which each category of property rights is available to households within each tenure category *and* noting if these rights are available to men only, women only or both sexes. For men only, insert a \ for women only insert a / and for both sexes, insert a 'X'. The list should indicate the rights which apply in practice rather than in theory or legislation. When the typology is being explained or amplified in the discussion it is also important to allow for social and cultural variations such as ethnic differences and the social status of women as single, married, divorced, cohabiting or widows. For instance, women may be denied property rights if they become divorced or widowed. This variability or conditional right can be identified on the typology with an asterix (\*) and then elaborated in the text.

The tenure categories listed in the example shown will not be found in every city, whilst some others not listed will need to be included. The proportion of each category will also need to be adjusted according to local conditions.

### **Research methods**

Of the case studies presented in this special issue, original fieldwork has been undertaken most extensively in Cambodia and the Philippines. In these two countries, a range of research methods were employed in order to obtain quantitative and qualitative information from a range of stakeholders, especially residents, land-owners, developers and other professionals involved in land development,

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<sup>7</sup> In her contribution to this volume, Taylor has proposed that property rights be assessed in relation to responsibilities or obligations, not just benefits.

officials in land and urban development agencies, academics, local NGOs and representatives of international agencies. In both countries, household surveys were conducted of residents in low-income settlements with 'intermediate', and a settlement developed with statutory, tenure systems, so that comparisons could be made between the two types. These were supplemented by semi-structured case studies to put the flesh on the bones of the surveys and explain the reasons behind the data. In both the surveys and case studies, emphasis was placed on assessing the extent to which the different tenure systems provide adequate security and access to livelihood opportunities, services and credit.

In the Cambodian case studies, the surveys covered 700 households in seven settlements exhibiting different degrees of tenure security and another 70 individual case studies. In the Philippines, a smaller number of households were surveyed, but a wider range of research methods was employed, including focus groups and participatory appraisals. Workshops involving a wide range of stakeholders were also held in Phnom Penh and Manila to present the research findings and discuss policy options. Details of these approaches are provided in the individual papers.

In the case of the seven countries surveyed during the previous research, emphasis was also given to the extent to which selected 'intermediate' tenure systems have been implemented at a wider scale and the factors that facilitate or constrain this. In most cases, the fieldwork and analysis were undertaken by the same partners involved in the earlier research. However, the original partners were not available in Brazil, Kenya, or Peru so fortunately Flavio de Souza agreed to replace Edesio Fernandes, Wendy Taylor agreed to replace Saad Yahya, and Julio Calderón agreed to replace Ayako Kagawa and Jan Turkstra.

### **Key findings and policy implications**

The project has confirmed that security of tenure depends not so much on legal status as on residents' perceptions of past and present government policy. For example, in India, the authorities have been using the courts to clear areas developed before the land registry was established for "public purposes", so even households who inherited properties in old urban areas may feel insecure. However, in Bogotá, Colombia,

forced evictions are rare and residents are constitutionally entitled to receive public utilities on the sole condition that they can pay for them, and formal tenure is not a subject of concern or even interest for most people in informal settlements. In many countries, it is clear that various intermediate tenure systems offer adequate security of tenure for the urban poor and do not overstretch local administrative capabilities. Where people consider that governments are willing to take measures to increase security rather than impose formal or legalistic approaches, they are invariably willing to invest in improving their homes and local neighbourhoods.

The research has also sought to place the selected intermediate tenure systems within their local context. The typological framework was designed to provide detailed information and understanding of urban land tenure and property rights systems in a range of very different contexts. It is hoped that it will enable policy makers to identify the tenure options most appropriate to meet local needs and conditions. For example:

- If the typology reveals a large proportion of the total housing stock to be in non-formal tenure categories, it will be necessary to consider what impact a specific policy option may have on land and property prices, or potentially vulnerable groups such as tenants.
- If there are significant differences in degrees of security between different tenure categories, this might indicate problems for people moving from an insecure to a more secure category
- If security is associated with a specific range of tenure categories, it will suggest that attention needs to be focused on those categories which do not provide adequate security.
- If some tenure categories are shown to provide reasonable security but not rights, or such rights are not equally available to women, this will also need priority attention.

The research has also confirmed that selected examples of 'intermediate' tenure systems continue to provide a significant proportion of urban populations, particularly the urban poor, with access to reasonably secure and affordable shelter. Given the scale of these categories and the relative weaknesses of urban land management agencies to impose formal alternatives, it is recommended that priority be given to improving the rights associated with these existing tenure systems. It also suggests that tenure regularisation must be part of a package of measures, not a stand-alone programme. In

particular, it should be combined with increased access to existing livelihood opportunities, the provision of services and the increased supply of affordable and appropriate legal shelter options which meet the needs of all sections of the population, especially the poor. This requires city-wide measures to link tenure policies with regulatory regimes that stimulate employment opportunities and physical planning measures which permit mixed land use and basic services.

The earlier research had anticipated that the lower legal status of the innovative 'intermediate', non-statutory tenure systems might provide women with a greater degree of tenure protection and property rights. This issue was not adequately addressed however, so the recent research sought to compensate for the omission. In the event, it became clear that non-statutory tenure systems, especially customary tenure regimes, do not appear necessarily offer women equal rights and security, and in the case of Bolivia women suffered more under the non-statutory tenure systems. This is mainly due to the traditional male dominated cultural structures which pervade many countries. The papers reveal those countries where this issue needs to be addressed, either by extending statutory tenure systems, or by increasing the rights women are entitled to within non-statutory tenure regimes.

Another key finding was that classification of tenure systems is extremely complex. For example, it has been found by many contributors to this volume that several tenure categories may exist within a single settlement and that an individual household may move from one category to another without moving home. Furthermore, the legal and social significance of a single tenure or rights regime, may change dramatically with a change of government or policy. Whilst the typology presented is considered to offer a comprehensive and locally appropriate way of assessing existing tenure options and levels of property rights, it is therefore not suitable for international comparisons or policy formulation without qualification. One may offer the view that the lower the level and range of rights associated with a specific tenure option, the more efforts should be made to introduce or strengthen such rights. Similarly, where there is a significant gap in the level of tenure security between one category and another, the more policy should seek to reduce such disparities.

Parallel research on regulatory frameworks for affordable shelter being undertaken in six countries<sup>8</sup> is also demonstrating that regulatory audits can identify constraints to the development of affordable and locally acceptable housing which can help reduce the growth of future unauthorised settlements. By combining such pro-active measures with remedial regularisation of existing settlements, it may be possible to make a significant reduction in the global population living in urban slums – hopefully much more than 100 million!

### **Implementing a pro-poor tenure regularisation policy**

How can such a multi-faceted approach be implemented? It is proposed that it should include the following elements:

1. Announce a stop to forced evictions and relocations where these are presently part of government policy. Such approaches waste scarce public resources and increase poverty due to increased costs and times of travel to places of employment. A simple statement by the relevant Minister is often sufficient to reduce uncertainty and stabilise situations. It may also be appropriate to announce a moratorium on relocations and evictions (MORE), which could be publicised under the slogan “Give MORE to the poor”. Such a moratorium has been proposed in Cambodia (Geoffrey Payne and Associates 2003) and is similar to the regular proclamations in the Philippines described in the following pages by Porio.
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 review by independent experts. 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 should be provided for a limited period, depending on how long it takes to agree with the local community on moving to alternative sites.

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<sup>8</sup> ‘Regulatory guidelines for affordable shelter’ is a research project funded by the UK Department for International Development. The project is being carried out in six countries by a team of local professionals working with Geoffrey Payne and Associates. The project started in 2000 and is due for completion in 2004.

3. Designate all other extra-legal settlements as entitled to other forms of secure/intermediate 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. 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 (e.g. the Kampung Improvement Programme in Indonesia or the Orangi Pilot Project in Pakistan). It will also increase security without stimulating rapid increases in land prices which could attract downward raiding by higher income groups and the displacement or very poor tenants. Finally, it provides urban development agencies, communities and the private sector with time to develop a range of viable and acceptable alternatives.
4. Simultaneously undertake a regulatory audit of planning and building regulations, standards and administrative procedures to identify options for reducing costs and time required for developing legal shelter options. 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. Such audits should be undertaken and changes implemented on a regular rather than a once and for all basis.
5. Increase the supply of legal urban land developments with full titles and other tenure options (e.g. public or private rental, leasehold, co-operatives, etc.) in a range of locations and a range of prices to suit the needs of different socio-economic groups.
6. Promote Multi-Stakeholder Partnerships (not just Public-Private Partnerships) and joint ventures 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.
7. Start with pilot projects at as large a scale as possible.
8. Maintain and accelerate institutional reform so that changes penetrate the institutional bloodstream and culture of public agencies, not merely train individuals whose increased expertise and awareness has little chance of being applied. This could be achieved through

accelerated promotion, or career fast tracking options, for young talented professionals who otherwise may not seek employment in the public sector.

**Organisation of the issue:**

In the first paper, Beng Socheat Khemro presents the findings from a major review of land tenure and property rights issues in Phnom Penh, Cambodia. This reveals the unusual distinction between state public and state private land in which the former consists of land used for roads, parks, ports, airports, etc, whilst the latter consists of land occupied by government institutions, such as urban and rural vacant land not classified as state public. Whilst state public land is inalienable, the latter can be redefined as private if no longer required by the state. After the Khmer Rouge regime was replaced in 1979, all land records were lost or destroyed and previous land ownerships nullified. People returning to Phnom Penh occupied vacant properties and on a first-come-first-served basis, but once all vacant buildings had been claimed, people resorted to any small plot or building where they could find shelter and access to livelihoods and services. Until recently, government policies attempted to impose order by evicting residents of unauthorised settlements and providing them with individual titles on land outside the city. This caused massive social disruption and many families left or sold their plots and returned to squat in the city to be near work opportunities. More recently, a more pragmatic approach has been adopted in which some settlements will be relocated as close as possible to their existing locations and others will be upgraded. The forms of tenure being proposed include a Moratorium on Relocations and Evictions (MORE) for all settlements and individual or communal leases for settlements to be upgraded.

In the Manila Metropolitan area of the Philippines, Emma Porio and Christine Crisol observe that a restrictive property rights and tenure system has left many poor urban households without security of tenure. Policy has emphasised the relocation of unauthorised settlements from inner city locations and the provision of individual titles to plots outside the metropolitan area, though many informal settlements have also been regularised and the Community Mortgage Program has enabled many households to obtain credit for home improvements. The government of President Arroyo has also made widespread use of proclamations to provide de facto security for 645,000 families nationally during the last two years alone. Whilst widespread tenure insecurity

and government preferences makes individual freehold titles the most popular option, there are signs that interest is increasing in other options. The authors show that when residents feel secure they invest in home improvements whether they have full titles or not, though in the latter case, improvements extend to the local environment.

In Bolivia, Farfan explains that the 'anticretico' ('against a credit') tenure system remains an extensive option among many tenure categories available in Cochabamba. This involves the owner of a house receiving money (dollars) in advance in return for allowing a low income household to occupy the property for an agreed period, normally of two years. What makes the 'anticretico' system different from conventional rental agreements is that at the end of the contract period, (or any agreed extension), the occupants return the property to its owner and the owner returns the full amount received initially from the occupants. For the owner, this is an effective way of raising capital without incurring high interest rates, whilst for the occupants it represents an effective way of living at low cost for those able to raise the deposit. The occupant is required to return the property in the same condition as it was received and may even be able to purchase the property if the owner agrees. The system is widely used in Bolivia, but depends for its success on a degree of trust between the parties. Farfan reviews the different tenure options available to the urban poor and notes that in 2002 the government introduced a law regularising urban property rights, which is intended to enable households to improve access to property titles by simplifying bureaucratic procedures. Despite this progress, the municipal government in Cochabamba continues forcible evictions in new unauthorised settlements which has created a major social, as well as a housing problem.

Possibly the major innovation in urban land tenure in Brazilian cities is the Concession of the Real Right to Use (CRRU). Flavio de Souza reviews recent changes in this tenure category in Recife and Porto Alegre and shows how it forms a key part of the urban land market. Although the CRRU does not provide access to formal credit, this is not a problem for poor households as the common practice is to take loans from local finance shops which do not require land or property as collateral. De Souza claims that although the number

of CRRUs issued in Recife is lower than in Porto Alegre, the former has been more effective in delivering registered titles.

Non-statutory tenure categories accommodate a large proportion of households in Bogotá, Colombia. Nora Aristazabal and Andres Ortiz Gomez update on previous research (2002) and identify fourteen separate tenure categories, eight of which are non-statutory. The Colombian constitution entitles all households to receive services irrespective of their tenure status as long as they can afford to pay for them and regularisation programmes have enabled most households to obtain a reasonable degree of security and access to basic services. However, the cost of servicing informal settlements is considered to be more than three times that of formally planned developments and is inhibiting further upgrading. The authors review recent changes in legislation and government policy and examines the extent to which households in intermediate tenure systems have adequate access to livelihoods.

In many countries, tenure security is achieved over time through the accretion of various documents relating to property taxes, utility charges, voter registration forms, or ration cards, etc. India is an example of this incremental means of achieving a degree of tenure security and Amitabh Kundu analyses the problems facing the urban poor in recent years due to the changes in the policy perspectives of the central and state governments concerning land in a few landmark decisions by the judiciary. He argues that the efforts to make Delhi a global city have put tremendous pressure on urban land which is making it increasingly difficult for the poor to retain their informal access to land or housing. Many of the administrative orders of the central and state governments reflect a spirit of competitive populism that has enabled the affluent land-owners and developers to make large profits. The poor, on the other hand, are being evicted on a large scale or continue to live in uncertainty which has been found useful in electoral politics. He concludes that unless the Delhi Master Plan is modified to make specific allocations of land for the poor, the city is likely to grow through exclusion and fail to fulfil its role vis-à-vis its regional economy.

Following the recent elections in Kenya, Wendy Taylor notes that the new coalition government is currently undertaking a consultation process on several sectoral policies. Her analysis of land tenure and

property rights focuses on three innovative approaches previously reviewed by Saad Yahya and records the rights associated with these and other tenure categories. She notes that Temporary Occupation Licenses continue to constitute a significant tenure form, though applications have tailed off recently, possibly because many have been illegally allocated by provincial administrations, notably the chiefs. The Community Land Trusts appear to be gaining ground due to support from several local organisations and a growing awareness by those in authority that they offer a feasible and appropriate way of addressing the security needs of the urban poor. Finally, Taylor shows that shares in land buying companies represents one of the most popular and effective modes of obtaining access to land in Nairobi, though the relatively low value of plots makes it difficult for residents to obtain formal credit.

For those who advocate individual titles as the tenure option best able to increase security and access to services and credit, Peru has been the country to watch. Since 1996, the government has allocated more than 1 million titles to poor urban households, mainly on government owned desert land next to the main urban areas. Julio Calderón describes this impressive achievement, but notes that only about 1 percent of households have been able to access formal loans even after receiving their titles. This is not consistent with the much vaunted claims by Hernando de Soto that the provision of individual titles can enable the urban poor to lever themselves out of poverty.

Finally, Radhika Savant-Mohit provides an update of recent developments in Bangkok, Thailand, in which she focuses on the Samakee Pattana land rental project. She examines the dynamics within the community and community based organisations that are active in improving tenure security for low-income communities and draws lessons that NGOs and government need to take into account if conditions for the poor are to improve. After the community signed a lease with the land owners, the budget was prepared, funds allocated and consensus reached on upgrading the settlement. Work finally began in May 2002 with most of the funding coming from the local community and municipality. A local savings group became the key mechanism around which the community organised itself and negotiate the lease with the land-owners. Savant-Mohit compares the progress of the Samakee Pattana case study with recent moves by the Bangkok Metropolitan Administration to evict many other slums in Bangkok. Following protests, this was revised to involved only

unauthorised settlements along the sides of canals. The government then proposed to develop 1 million new dwelling units within five years, though whether this will achieve the policy objective of ending all slums remains to be seen.

Of the many policy implications of the papers contained in this issue, one is that politicians and many professionals find it more attractive to declare a single dramatic initiative to the more mundane, complex and time-consuming approach of working with what exists. Yet, experience shows that this is often the most effective means of improving security of tenure and livelihoods and access to services for the urban poor within administrative and financial constraints.

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