



## Commonwealth Consultative Group on Human Settlements

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# **TO HAVE AND TO HOLD**

## **IMPROVING ACCESS TO URBAN LAND WITH TENURE SECURITY IN COMMONWEALTH COUNTRIES**

Paper for the Commonwealth Secretariat\*

Commonwealth Secretariat  
Marlborough House  
Pall Mall  
London SW1Y 5HX

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\* Paper prepared by Mr Geoffrey Payne, Geoffrey Payne and Associates, UK. The views expressed do not necessarily represent the position of the Commonwealth Secretariat or member Governments of the Commonwealth.

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## Executive Summary

1. Rapid urbanisation and urban growth throughout the Commonwealth reflects the massive social and economic developments that are taking place in all countries, as well as the aspirations of Commonwealth peoples for a better future. Access to land and tenure security make a vital contribution to poverty alleviation, sustainable and people-centred development and to an improvement in living conditions across the globe. Tenure security is central to improving the lives of slum dwellers as it offers incentives for investment in land and property markets. If successful, tenure policy can also support inclusive development by providing economic opportunities for the poor and other vulnerable and marginalised groups such as women, ensuring that all citizens share in the benefits of development.

2. The purpose of this paper is to provide a conceptual and analytical framework for considering issues related to tenure security, as well as a summary of policy issues and options for consideration by Commonwealth Ministers.

3. The paper recognises the close correlation that exists between levels of economic development and levels of urbanisation. As economic development proceeds, the opportunities that urban areas provide result in an inward migration that stimulates competition for secure land with essential services. The pace of change has, however, placed significant pressure on existing forms of land tenure and resulted in a growth of slums and other informal settlements. Since efforts to control or reduce urbanisation have largely failed (and may be undesirable), governments are faced with the challenge of managing this process at a time of limited public sector resources. Rapidly urbanising countries within the Commonwealth face a particularly complex challenge in respect to land tenure reform. They have both indigenous and inherited, or imported, land tenure regimes and are challenged to further evolve these while maintaining sufficient flexibility to ensure effective policy responses during a time of rapid and significant social, economic and political change.

4. The paper proposes a twin-track approach to the problem: regularising existing informal settlements, while reducing the rate of new informal settlement formation. It sets out a 5-step approach to stabilising the existing situation, with actions to:

- Provide basic short-term security for all households in slums and unauthorised settlements;
- Identify alternative sites for the relocations of existing settlements;
- Provide some form of medium-term communal tenure to extra-legal settlements considered acceptable for *in-situ* upgrading;
- Provide Communal Land Titles for communities that meet set governance criteria; and
- Require households seeking individual titles to obtain community agreement and agree plot boundaries.

5. The paper also suggests some steps that can be taken to help reduce the growth of future slums and other informal settlements. They include:

- accepting the reality of urban growth and planning for it over a given time frame of say ten or twenty years; and
- reviewing and reforming regulatory frameworks related to planning and building standards, regulations and administrative practices to ensure that costs are kept affordable, that land markets work effectively and efficiently, and to facilitate access to land by all those in need.

6. Throughout the paper, approaches and measures to support sustainable, practical and socially progressive improvements to tenure security for the urban poor are considered. In particular, the paper shows how adopting an incremental approach can provide time to adapt existing practices and test imported options, as well as minimising market distortions.

7. The paper is organised in twelve sections. Following the introduction provided in Section 1, Section 2 emphasises the need to recognise and draw upon the diversity of land tenure practices throughout the Commonwealth, the need for a more ambitious target than that contained in the Millennium Development Goals and the central role of land in all development policies. Section 3 discusses the critical issue of definition and distinguishes between tenure and rights, as well as the need to employ objective, rather than subjective, terms. Section 4 summarises key viewpoints by public, private and civil society sectors, and Section 5 draws attention to the scale of tenure insecurity. A simple, yet comprehensive, conceptual and operational framework is offered in Section 6 to help government land administration agencies assess the nature and extent of the challenge they face in improving tenure security within existing informal settlements. Policy issues are discussed in Section 7 and trends in the development of tenure policy in Section 8. Section 9 describes a number of innovative and practical examples which have been introduced in different countries to improve tenure security and highlights the common thread that these all demonstrate, namely a willingness to accept existing realities and build on what works and enjoys local acceptance. Section 10 draws these threads together and offers a number of policy recommendations as part of a ‘twin-track’ approach, the second component of which is discussed in Section 11, to improve access to land in urban areas in ways which reduce the need for the further growth of unauthorised settlements. Some final thoughts are then offered in Section 12.

8. The paper poses a number of questions for debate by Ministers:

- What land management and housing policies have made the greatest difference in meeting the challenge of rapid urbanisation and urban growth in your country?
- What constraints do you face in improving security of land tenure in your country and how do you address them?
- What policies are you pursuing to reduce the need for the future growth of unauthorised urban settlements?

- To what extent is your government collaborating with private and civil society sector groups to address these issues? Is there scope for progress in this?
- Is the regulatory framework of planning standards, regulations and administrative procedures in need of review?
- What role do you see for the Commonwealth and ComHabitat in taking forward work in this area?

## Section 1. Introduction

9. Rapid urbanisation and urban growth throughout the Commonwealth reflects the massive social and economic developments taking place in all countries and the aspirations of their people for a better future. This presents a major challenge to governments as competition for land in urban areas increases. Proving affordable and secure access to land for all those in need has proved daunting and it is unsurprising that both governments and the formal private sector have struggled to keep pace with the scale and nature of demand. This has created severe problems for vulnerable groups, such as the poor, women and ethnic or religious minorities. As a result, informal or unauthorised settlements have expanded to bridge the gap and in many countries these are growing faster than officially sanctioned forms of land development, despite their lack of secure tenure or public services.

10. High food and fuel prices, the impact of climate change and trade regimes are some of the other factors increasing competition for land and placing pressure on tenure systems. In many countries, lack of access to land and insecurity of tenure inhibit access to vital social and financial services, and make residents vulnerable to forced evictions. ComHabitat<sup>1</sup>'s (2010) report on the state of Commonwealth cities found that, since 1999 levels of tenure security in the Commonwealth have deteriorated; and that the recent global economic recession was likely to make matters worse, with the youngest and poorest communities bearing the brunt of the impact. With urban populations in Commonwealth countries increasing by 65,000 a day, or nearly 24 million a year<sup>2</sup>, this is a challenge which urgently needs to be addressed if social and economic development goals are to be realised and urban areas are able to play a positive role.

11. At its inaugural meeting in Nairobi in 1999, the Commonwealth Consultative Group on Human Settlements (CCGHS) adopted a Commonwealth goal on human settlements: *to demonstrate progress towards adequate shelter for all with secure tenure and access to essential services in every community by 2015*<sup>3</sup>. ComHabitat's draft strategic plan for 2011-15 has identified "strengthening leadership and governance ... in approaches to sustainable and equitable human settlements development ... securing tenure arrangements (including rental) with appropriate land rights, enabling improved access to new and upgraded housing opportunities for all" as one of its three strategic objectives<sup>4</sup>.

12. Access to land and tenure security make a vital contribution to efforts towards poverty alleviation, sustainable and people-centred development and to the improvement in living conditions across the globe. They are also central to achieving a

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<sup>1</sup> ComHabitat is a partnership that unites agencies representing governments, local governments, civil society and professional organisations. It provides a platform for developing country concerns and fosters relationships for effective action.

<sup>2</sup> ComHabitat Strategic Plan 2011-2015 (Draft) 'Embracing Urbanisation for Sustainable Development' page 8.

<sup>3</sup> The Commonwealth Secretariat works towards this goal through the ComHabitat initiative. At their meeting in Port of Spain (2009), Commonwealth Heads of Government welcomed continued Commonwealth efforts to achieve the Commonwealth goal on human settlements.

<sup>4</sup> ComHabitat will support members in their efforts to promote land rights and security of tenure; and remove systematic discrimination against women especially in respect of title to property and inheritance rights.

number of the Millennium Development Goals. Access to land is also a key factor in achieving food security. Tenure security is central to improving the lives of slum dwellers; it offers incentives for investment in land and property markets and provides opportunities for the poor and other vulnerable and marginalised groups such as women. Research has shown that around the world, women encounter larger barriers due to social customs or patriarchal tenure systems which prevent them from obtaining and holding rights to land (UN-HABITAT 2008).

13. Improving security of tenure has been a longstanding issue due to the complex legal, social, cultural and institutional factors involved. Legally, there may be more than one tenure system operating in a country, such as customary and statutory; where people are denied access to secure land through formal channels, informal options may acquire a degree of social legitimacy; culturally, concepts towards land tenure may reflect definitions of identity and one's relationship to the wider world, whilst institutionally, government agencies may not possess adequate human or financial resources to meet their declared goals. Inevitably, land also becomes an extremely political issue when competition for it provides greater opportunities for those with power, contacts or preferential information than less fortunate groups.

14. The purpose of this paper is to provide a conceptual and analytical framework to inform the debate by Commonwealth government ministers at the forthcoming meeting in Nairobi on the 12<sup>th</sup> of April 2011. It also provides a summary of policy issues and options which have been adopted in both Commonwealth and other countries experiencing similar challenges in the hope that this will stimulate progress in formulating and implementing practical measures to improve the lives and living conditions of the millions of people who are already contributing as best they can to the development of dynamic and inclusive cities.

## **Section 2. Background**

15. Nowhere is the diversity of the Commonwealth better illustrated than in the modes by which land is held and managed. The indigenous traditions of the Maoris, Aboriginals and First Nationals of New Zealand, Australia and Canada, the customary practices of sub-Saharan Africa, Australasia and the Pacific, and other traditions throughout Asia, all testify to a rich mix of cultural, legal and institutional arrangements by which land is accessed, held, transferred, inherited and used.

16. Overriding this diversity is a process of homogenisation which, over the last two centuries or so, has taken three major forms. First of all, the importation, or imposition, of English common law practices as regions were gradually incorporated into the British Empire. During this process, vast tracts of land were re-designated as Crown Lands under the control of colonial administrations and the legal status of traditional governance systems were reduced or replaced. As part of this process, urban settlements planned to accommodate colonial administrations expanded rapidly into areas previously controlled by indigenous tenure regimes. Areas allocated for local

populations were segregated and access invariably restricted to those employed in the service of the colonial power. Exceptions were in cases where local leaders considered amenable to the colonial administrations, were permitted to exercise control over the areas under their jurisdiction. In this way, foreign concepts of land were superimposed onto local tenure regimes, creating a system of legal duality which persists today in many countries.

17. A second process of homogenisation has been the tendency for many national governments in the years following independence to increase state control over land, in many cases through nationalisation programmes. This applied in much of sub-Saharan Africa, where Ghana, Lesotho, Nigeria, Tanzania, Uganda, and others, designated all land as state land administered by the President or Monarch on behalf of the population. Such processes either sought to reinstate customary forms of communal ownership in a new context of independent statehood, or sought to compensate for the perceived inequities of the tenure systems inherited from the colonial period. The disincentives which this placed on investment, combined with the inability of state authorities to manage the dynamic processes of population growth and urbanisation, together with increasing bureaucracy and corruption, resulted in these systems being replaced by the third process of homogenisation, that of western based forms of land tenure, such as individual freehold, brought about through globalisation. This approach has been widely promoted by international donors and is now pervasive throughout the Commonwealth.

18. Disparate interests over land have resulted in tensions which have even fuelled armed conflicts in many countries. They have also resulted in many millions of people being denied secure access to land and livelihoods. A key issue facing policy makers is the extent to which surviving indigenous tenure regimes and those imported or inherited have enabled all social groups to obtain access to land on terms and conditions which meet their needs and aspirations. Whilst the literature is dominated by examples in countries currently undergoing rapid urbanisation, they also manifest themselves in already urbanised countries, such as Australia, Canada, New Zealand and the UK where indigenous groups or ethnic minorities, such as gypsies, are asserting claims over land which they consider was illegally taken from them or from which they are excluded. In all countries of the Commonwealth, policy makers face a daunting challenge in seeking to balance the need to generate economic growth and also meet the legitimate needs of all social groups in the country for access to land, shelter and services.

19. This challenge is particularly acute in urban and peri-urban areas, where access to secure land and shelter in locations which facilitate access to employment opportunities, services and public amenities is a pre-condition for survival, not just success. As urban populations increase, so too do the pressures on land, and those responsible for managing it.

20. The Commonwealth goal on human settlements cited above anticipated, and is closely aligned with, the United Nations Millennium Development Goals (MDGs).

However, there the broad goal established by CCGHS differs from the MDGs in that the latter specified a target of achieving a significant improvement in the lives of at least 100 million slum dwellers by 2020<sup>5</sup>. Considerable progress has been made in meeting the MDG target and the United Nations progress report on implementing the MDGs notes<sup>6</sup> that “over the past 10 years, the share of the urban population living in slums in the developing world has declined significantly: from 39 per cent in 2000 to 33 per cent in 2010. On a global scale, this is cause for optimism. The fact that more than 200 million slum dwellers have gained access to either improved water, sanitation or durable and less crowded housing shows that countries and municipal governments have made serious attempts to improve slum conditions, thereby enhancing the prospects of millions of people to escape poverty, disease and illiteracy”. However, the report continues that despite this progress, “in absolute terms, the number of slum dwellers in the developing world is actually growing, and will continue to rise in the near future. The progress made on the slum target has not been sufficient to offset the growth of informal settlements in the developing world, where the number of urban residents living in slum conditions is now estimated at some 828 million, compared to 657 million in 1990 and 767 million in 2000. Redoubled efforts will be needed to improve the lives of the growing numbers of urban poor in cities and metropolises across the developing world”.

21. Unfortunately, the UN report also demonstrates the inadequacy of the MDG target, since even if it were to be achieved, 100 million people represents only 7% of the projected total slum population of 1,392 million by 2020<sup>7</sup>. This demonstrates the scale and urgency of the urban challenge facing all governments in countries undergoing rapid urbanization and urban growth. Put bluntly, the situation is serious and getting worse faster than it is getting better. Unless radical and sustained efforts are made, there is a real prospect that urban slums and informal developments will expand even more and conditions in them way well worsen, posing a serious threat to developmental goals.

22. Experience has demonstrated that efforts to control or reduce urbanization and urban growth have failed and may be undesirable. The only option is to manage a process which is unprecedented in both scale and complexity in human history and this at a time when public sector resources are invariably modest relative to the demands placed upon them. This is the measure of the challenge facing Commonwealth and other governments in managing access to land. More and more governments are recognizing that this challenge is also an opportunity and that by improving security of tenure for existing slums and informal settlements, and also improving access to land on affordable terms, they can achieve rapid improvements in the urban environment and facilitate economic and social development. Policies on land and property rights are therefore central to *all* government policies, not just a sectoral concern.

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<sup>5</sup> Goal 7, Target 11 of the MDGs.

<sup>6</sup> United Nations (2010) 'The Millennium Development Goals Report 2010' New York, page 62.

<sup>7</sup> United Nations (2007) 'Global Report on Human Settlements 2007: Enhancing Urban Safety and Security' UN-HABITAT and Earthscan, page 121.

### Section 3. What do we mean by tenure and property rights?

23. Before proceeding to discuss policy options to address these issues, it is necessary to agree on definitions of land tenure and property rights. This is because previous disagreements have frequently been based on conceptual, rather than merely technical or legal distinctions. It is also necessary to differentiate between legality and legitimacy in the application of tenure policy, since the law may place some groups in a position from which the only means available to them for accessing land is through social mechanisms which exploit loopholes or contradictions in the law. Box 1 summarises definitions proposed by UN-HABITAT<sup>8</sup>:

#### Box 1: Definitions concerning land:

**Access to land:** Opportunities for temporary or permanent use and occupation of land for purposes of shelter, productive activity or the enjoyment of recreation and rest. Land access is obtained by direct occupation, exchange (purchase or rental), through membership of family and kin groups, or by allocation by government, other land owners or management authorities.

**Land tenure** is defined by UN-HABITAT as “the way land is held or owned by individuals and groups, or the set of relationships legally or customarily defined amongst people with respect to land. In other words, tenure reflects relationships between people and land directly, and between individuals and groups of people in their dealings in land”.

**Property rights**, on the other hand, are defined as “recognised interests in land or property vested in an individual or group and can apply separately to and or developments on it.... A recognised interest may include customary, statutory, or informal practices which enjoy social legitimacy at a given time and place”.

**Tenure security:** Various definitions of secure tenure exist, but the most basic is: “*the right of all individuals and groups to effective protection by the state against forced evictions*”.

**Slum:** This is defined by UN-HABITAT as “a heavily populated urban area characterised by substandard housing and squalor”. In practice, the term has pejorative connotations and meanings and should therefore be avoided in any serious discussions on land tenure and property rights.

24. These distinctions are vital when discussing the range of issues in a given context. For example, it may be possible for a given individual or group to hold land formally with a high degree of tenure security, but heavily restricted property rights to develop, use or transfer, whilst another individual or group may occupy land with minimal legal tenure status, but rights in practice to do whatever they wish on the land. When discussing policy issues and options, all these aspects of tenure status, property rights and security become inextricably intertwined.

25. Tenure has complex cultural and historical aspects which influence attitudes to land and property. Research has identified a number of legal, customary, religious and extra-legal systems within, as well as between, most countries. In addition to ambiguity and the possible existence of dual legal systems, such as statutory and customary, a range of extra-legal and semi-legal categories have been introduced or adapted by governments, NGOs or communities themselves, in order to increase security of tenure

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<sup>8</sup> UN-HABITAT (2008) ‘Secure Land Rights for All’ Nairobi. The UN definition of a slum was published in ‘The Challenge of Slums: Global Report on Human Settlements’ (2003), United Nations, Nairobi.

and property rights, plus access to public utilities. Brief details of these systems are summarised in Box 2.

### **Box 2: Main systems of land tenure**

#### **Customary tenure**

This was once common throughout the world and remains widespread in most parts of sub-Saharan Africa and Melanesia. It evolved from largely agricultural societies in which there was little competition for land, and where land therefore had no economic value in itself, but where survival was often precarious and depended upon careful use of the land to ensure an ecological balance. In customary systems, land is regarded as sacred, and people's role considered to be one of stewardship, to protect the interests of future generations. Allocation, use, transfer, etc, are determined by the leaders of the community according to its needs, rather than through payment, though some form of token payment (eg beer money, or cattle) is often extracted as a sign of agreement. With urban expansion, the system has become subject to commercial pressures and may only benefit members of the group, or those managing it. A particularly controversial aspect of customary tenure is the limited rights it often provides for women. Whilst legislation is changing this and guaranteeing women's rights in many countries, cultural practices take longer to change and the rate of change is highly variable.

#### **Private tenure**

This is largely an imported concept in developing countries and is generally concentrated in urban areas, where it was designed to serve the interests of colonial settlers. As such, it may co-exist with other indigenous tenure systems. It permits the almost unrestricted use and exchange of land and is intended to ensure its most efficient use. Its primary limitation is the difficulty of access by lower income groups.

#### **Public tenure**

Virtually all societies acknowledge the concept of public land ownership to some degree. In socialist countries, all rights are vested in the state, while in others it may be restricted to a narrow range of public requirements, such as strategic or communal uses. Public land ownership is often adopted as a reaction to the perceived limitations of private ownership in that it seeks to enable all sections of society to obtain access to land. Although it has frequently achieved higher levels of equity than private systems, it has rarely achieved high levels of efficiency due to bureaucratic inefficiency, patronage and clientelism.

#### **Religious land tenure systems**

The traditional forms of tenure in Islamic countries represent another variation in this range. They exist in a number of Commonwealth countries, such as Pakistan where, for example, waqf ("land held for God") foundations manage areas of land in Lahore and other cities.

#### **Non-formal tenure categories**

These include a wide range of categories with varying degrees of legality or illegality. They include regularised and un-regularised squatting, unauthorised subdivisions on legally owned land and various forms of unofficial rental arrangements. In some cases, several forms of tenure may co-exist on the same plot, as in Kolkata, where *thika* tenants rent plots and then sub-let rooms to others who sub-let beds on a shift system, with each party entitled to certain rights. Some of these non-formal categories, such as squatting, started as a response to the inability of public allocation systems or commercial markets to provide for the needs of the poor and operated on a socially determined basis. However, as demand has intensified, even these informal tenure categories have become commercialised, so that access by lower income groups is increasingly constrained. Despite this, they represent the most common urban tenure category in many countries and accommodate the majority of lower income households. They are also often expanding more rapidly than any other category.

26. It can be seen that each tenure system has benefits and limitations. It is also evident that the co-existence of these different tenure systems and sub-markets within most cities creates a complex series of relationships in which policy related to any one has major, and often unintended, repercussions on the others. Before any attempt to intervene in land markets is made, it is vital to assess the full range of legal, or *de jure* and practical, or *de facto* tenure systems and sub-markets which exist in any city. This should avoid the use of terms such as legal or illegal, formal or informal, since there is generally a continuum of tenure categories within most land and housing markets. The majority of all housing and land development in most countries falls somewhere between these two extremes. Even local terms, such as bustee and katchi abadi, should be avoided, since they usually subsume a range of tenure categories serving different sections of the total land and housing markets.

#### **Section 4. Benefits and challenges of providing secure tenure in urban contexts**

27. Since access to land is a pre-condition to meeting all human needs, it follows that government policies which facilitate this are likely to maximise social and economic development objectives. Whilst this may be a universally accepted maxim, there is widespread debate on the means by which this can be realised. The main viewpoints can be summarised as follows.

28. *Governments know best:* It is common for governments with democratic mandates to assume that all policies formulated through discussion and consultation should be implemented to the letter and that any groups which fail to conform to the law, or associated regulatory frameworks of standards, norms and administrative procedures, do not enjoy legal rights and should therefore be removed. A major limitation of government attempts to impose order on access to land is that they invariably deal with the symptoms, not the complex causes of unequal access to land. Similarly, over-ambitious or inappropriate standards and restrictive regulations may force large sections of the urban population into the very unauthorised settlements that policies are intended to prevent. Where 10 per cent of a country's population break the law, it may be considered a poor reflection on such people. However, if 50 per cent or more break the law, this reflects poorly on the law.

29. *Markets know best:* Markets are widely accepted as the most efficient and responsive means for allocating and using land. Where they are able to operate in direct response to varied and changing needs, they have invariably succeeded in responding quickly and efficiently. However, given the enormous increase in demand for land, developers are under no pressure to address the needs of lower-income groups when they can generate high and secure returns addressing the needs of high and middle income groups. Furthermore, by restricting formal supply, they are able to maximise unit profits. Whilst formal market based supply systems have failed to benefit the poor, community groups and land developers have filled the gap by developing a range of informal options that now dominate the overall land markets in many urban areas. Whilst many of these informal practices began with a strong social purpose, increasing demand has resulted in commercial considerations playing a more dominant role. As a

result, access to land, even in informal settlements, is now dominated by market forces which operate against the needs of the poor and vulnerable.

30. *People know best:* Communities, and the civil society organisations and NGOs that exist to assist them, have expanded greatly in recent decades to fill the gaps left by government approaches and formal markets. As they have expanded, so they have diversified to the point where some now operate internationally and with substantial budgets from international donors. This has enabled them to maximise pressure on governments to meet the needs of vulnerable groups, including the poor and women, many of which are supported by the courts. A number of partnerships have developed between NGOs and government agencies which have yielded significant benefits. However, such developments run the risk of compromising the independence of NGOs and exposing them to allegations of corruption, even if these are not well founded. It has also led in some countries to differences between those civil society groups focusing on human rights and those active in specific sectors, such as land and housing.

31. The above summary reinforces the view endorsed by Commonwealth Heads of Government at their 2009 meeting in Port of Spain, that an inclusive, participatory approach, which balances the strengths and limitations of each of these groups, is the only effective way forward.

## **Section 5. Review of levels of secure tenure provision in the Commonwealth**

32. Given the enormous diversity within the Commonwealth, it is not surprising that this is reflected in different levels of tenure security within individual countries. However, it is important to note that the situation varies considerably within countries, especially in larger Commonwealth countries, such as India, Nigeria and South Africa, where regional variations are considerable. Similarly, it is important to acknowledge that policies and practices change over time. A further complication is that tenure security is a relative term and is heavily influenced by perceptions as much as facts. Finally, evidence on such sensitive subjects is fraught with issues of reliability, especially if survey questions are asked by, or in the presence of, government officials.

33. For all these reasons, it is difficult to record differences in levels of tenure security with any confidence. However, research has demonstrated that in cases where governments undertake, or permit, evictions or slum clearance programmes in any but the most justifiable of cases (e.g., after major floods, or other disasters, or for occasional public requirements, such as airport expansions), people feel less secure and less likely to invest what they can in improving their homes or environment. Conversely, they will feel much more secure and likely to invest, if governments accept the reality of unauthorised settlements and work to regularise and upgrade them where possible. Research has also demonstrated convincingly that when women receive equal rights to men, this results in better access to credit for investment in home improvements. For example, in Andhra Pradesh, India, the state Land Revenue Code and Social Welfare Department Guidelines for the Implementation of the Land Purchase

Scheme for House Sites in 2004 states that land titles “shall be issued in the name of women beneficiaries” (Banerjee 2004). Similarly, in South Africa, research revealed that titling had a very positive impact on increasing tenure security for women by specifying them on ownership records. These examples, especially where reinforced by appropriate regulatory frameworks, reveal significant and welcome progress in strengthening women’s rights in property, which is of wider benefit to society. However, the literature also makes it abundantly clear that the picture is not always one of progress and that there is no room for complacency. Moreover, changes to the law and policy do not necessarily result in a rapid change of practice.

34. Data on tenure security or insecurity in Commonwealth countries is not easily available or up to date. However, a survey by the Centre for Housing Rights and Evictions (COHRE) quoted in a recent ComHabitat report<sup>9</sup> reported forced evictions in the following Commonwealth countries during 2003-2006: Bangladesh, Botswana, Cameroon, The Gambia, Ghana, India, Kenya, Malaysia, Namibia, Nigeria, Pakistan, Papua New Guinea, South Africa, Sri Lanka, Uganda and the UK. In addition, the 2006 report listed threatened or planned evictions in: Bangladesh, Botswana, Ghana, Kenya, India, Malawi, Malaysia, Nigeria, Pakistan, South Africa, Swaziland and the UK. Evictions result from a variety of factors, including wildlife conservation, mitigation of hazards, infrastructure development, commercial redevelopment and city marketing initiatives. The ComHabitat report places considerable emphasis on the need for gender equality as a means of improving tenure security and social development objectives in general.

## **Section 6. A framework for analysis**

35. Assessing the full range of tenure categories and their associated property rights is the first stage in formulating an appropriate policy. This can be undertaken by:

- i. Identifying and recording the full range of de jure (legal) and de facto (in practice) tenure categories within the overall tenure regime/s (for example customary, public, private or religious) in the selected urban area;
- ii. Estimating, where possible, the percentage of each tenure category as part of the total number of land parcels to be assessed;
- iii. Estimating the degree of tenure security applicable, in practice, to each tenure category; and
- iv. Recording the property rights associated with each tenure category and sub-category, including information on the availability of each right to men and women and all ethnic and religious groups, by using appropriate symbols.

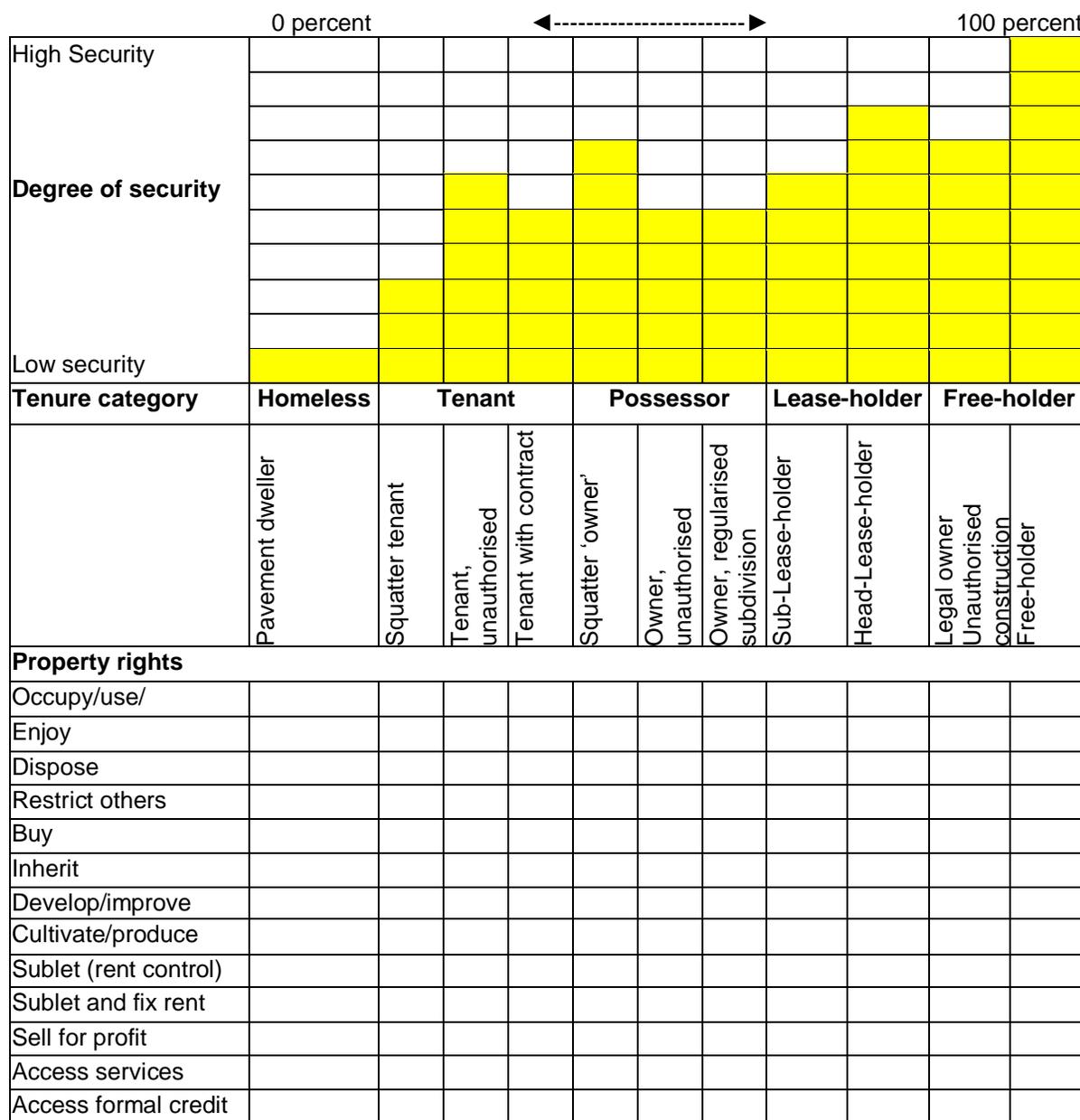
36. The notional typology presented in Figure 1 provides a simple, yet comprehensive, means of presenting the full range of tenure categories and associated property rights in a given context at a given time. It also provides a useful foundation for policy discussions in that where there are many small steps from the least to the most secure, it is likely that

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<sup>9</sup> ComHabitat (2010) ‘Urban Challenges: Scoping the State of the Commonwealth’s Cities’ 79pp, page 33.

people will be able to move from the least to the more secure options as their circumstances improve. Conversely, where there are few options, or the gap between the least and the most secure categories is significant, movement to more secure tenure categories is likely to be severely impeded. This has important implications for tenure policy and development, options for which are discussed in section 9 of this report.

**Figure 1: Notional typology of tenure categories and property rights in urban areas<sup>10</sup>:**  
Proportion of each category to the total stock (indicative)



**Key:**  
 \ Right available to men only / Right available to women only  
 X Right available equally to men and women O Right available to all ethnic and religious groups.

<sup>10</sup> The tenure categories listed in this example would need to be modified in contexts where customary or religious tenure systems apply. The areas highlighted in grey indicate a notional example only.

## Section 7. Policy issues

37. There is a close correlation between levels of economic development and levels of urbanisation. As national economies improve, the attractions offered by urban areas stimulate inward migration which in turn increases competition for secure, serviced land. This places greater pressure on existing tenure systems and requires governments to formulate policies which encourage efficient land use and improve accessibility to it, especially for the urban poor and women in particular. The central issue is therefore *what forms of land tenure are most likely to achieve these objectives of efficiency and equity in different contexts?* In addressing this issue, it is necessary to recognise that although land tenure raises important technical and procedural questions, it is ultimately a political issue, since rights over land cannot be isolated from packages of rights in general.

38. Whilst globalisation encourages more and more countries to adopt market-led approaches to economic development, so the tendency towards private tenure systems favouring individual ownership has increased, resulting in land being seen increasingly as an economic asset like any other. These policies were originally developed in the UK and other developed economies over a period of two centuries, during which time they achieved social legitimacy and the institutional framework to manage them was established. Currently urbanising countries have to cope with both indigenous and inherited, or imported, tenure regimes and have not had sufficient time to evolve the necessary institutional framework or social legitimacy for such tenure systems. *An important consideration in further developing tenure policy is therefore to keep options as open as possible* during a period of massive social, economic and political change.

39. In the meantime, land plots in the formal economy now frequently command high prices and even plots or rooms in squatter settlements, which would previously have been allocated to friends or relatives free of cost, are now sold on an increasingly open market to the highest bidder. Those unable to afford the cost of land in the formal market are forced to seek options within the diverse and expanding informal land market.

40. According to a recent ComHabitat report, “there were 321 million people [in Commonwealth countries] living in slums in 2001, but now, nearly 10 years on, that figure has probably increased to over 400 million. The situation is getting worse, not better. The number of slum dwellers is growing by around 10 million a year. Unless changes can be made quickly and at a scale to keep pace with slum formation, the situation in 2015 will be much worse than in 1999. In Commonwealth urban areas already one person in two is a slum dweller, a higher ratio than in the rest of the world. Population growth means that even where a country has made progress in reducing the proportion of its citizens without improved sanitation or water, the actual number of persons not able to access these vital aspects of shelter has increased”<sup>11</sup>.

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<sup>11</sup> ComHabitat (2010) ‘Urban Challenges: Scoping the state of the Commonwealth’s cities’ 79pp, page 4. [www.comhabitat.org](http://www.comhabitat.org)

41. Data on the number of people living in slums and informal settlements within Commonwealth countries, is not easily available. However, it can be assumed that as the 54 member countries represent a quarter of the world's nation states, they also reflect the global trend which projects a significant increase in the number of people living in slums and informal settlements. *This suggests that a 'twin-track' approach is needed to: i) regularise, where possible, existing informal or unauthorised settlements and; ii) reduce the rate at which new settlements form by reducing regulatory and other constraints to enabling urban poor households to gain access to affordable, legal shelter.*

42. Tenure concepts and practices that apply in urban areas may be different from those of rural areas into which urban centres are expanding. This can cause uncertainty, and therefore increase insecurity for residents, landowners and potential investors unless the legal framework is clear, acceptable and enforceable.

## **Section 8. Trends in land tenure policy**

43. Given their enormous diversity, no consistent trend can be identified across all Commonwealth countries in terms of tenure policy. However, it is possible to identify a number of different approaches have been adopted during recent decades.

44. In the 1960s, and to a much lesser extent today, a common approach was to regard all settlements lacking official approval as illegal. Widespread programmes of forced evictions, slum clearance and relocation were implemented, forcing many millions from their homes and livelihoods. Opposition to such programmes has led to riots and even changes of government. It became clear that such policies were not solving the problems posed by unauthorised settlements, but simply moving them from one place to another. Attempts to stem the flow of in-migration to urban areas by focusing on rural development strategies or slum clearance also failed.

45. In the 1970s, State land nationalisation programmes sought to manage access and use of land in both urban and rural areas. However, such approaches were abandoned in the 1980s when it became obvious that they were discouraging both local and inward investment and development.

46. Since the 1980s, tenure policy increasingly reflected the ascendancy of individualised, private tenure systems at the expense of collective or customary options which emphasised trusteeship. Most donor agencies promoted such programmes on the basis that they provided:

- High levels of tenure security, which would encourage both local and inward investment;
- Access to formal credit, since titles can be used as collateral for obtaining loans
- Improvements to municipal property tax bases;
- Increased public sector influence over land and housing markets; and
- More efficient and transparent land markets.

47. To what extent does the evidence show that such objectives have been realised? The evidence is mixed. Whilst individual ownership can provide certainty and high levels of security, this is conditional upon land registries being comprehensive, accurate and up-to-date. If transfers are not all recorded, titles lose this certainty and therefore their legal and financial value. Similarly, research has demonstrated that whilst ownership has enormous benefits in improving investment in rural areas, since farmers can be sure of obtaining a good return on their investment of cash and effort, the situation in urban and peri-urban areas, where demand is intense, is more complex. For example, programmes to allocate titles in such areas may result in the poorest groups, such as tenants, being forced out by increased rents and owners displaced by 'downward raiding' by higher income groups who garner most of the increased value. In urban areas, research shows that perceptions are important in determining tenure security and many other forms of tenure than ownership can provide such security and the incentive to invest.

48. Land ownership is widely assumed to provide access to formal credit and this goes a long way to explaining its popularity. However, such assumptions have been shown to be grossly exaggerated. Whilst it is reported that 95 per cent of commercial bank loans to businesses in Zambia and 75 per cent in Uganda are secured by land, it is less clear that such loans are available to individuals and, if so, what proportion of these were from lower income groups. In India, Banerjee (2004:14) found that in spite of possessing pattas [titles], it has not been possible for families to mobilise institutional finance because plot and settlement conditions are not up to the prescribed standards for building permission, which is an eligibility condition for loans. Similarly, in Tanzania, Byabato (2005:72) found that in Dar es Salaam "80% of households interviewed would not seek formal credit from a bank if they had to use their title deeds as collateral. The main reason was that they feared losing their prime asset – their property". This suggests that in many cases, the poor are as reluctant to borrow from banks as the banks are to lend to the poor, irrespective of whether or not applicants possess titles. In cases where women are granted equal rights in practice, not just in law, they have a far greater stake in improving their homes and the quality of family life.

49. Increased revenues from property taxes are often claimed to justify tenure systems favouring land ownership. Where property values rise substantially following titling, taxes based on such values will theoretically generate correspondingly large revenues. However, this places heavy demands on newly titled households whose incomes may remain low and irregular. In such cases, the only means of paying such taxes and admin charges may be to sell the property, as is reported in South Africa and elsewhere. Conversely, if taxes are set according to what households can afford, the consequent net increase in revenues may be small. Lunnay (2005:9) suggests that land titling projects implemented in Asian countries have, to a lesser or greater degree, all experienced problems with property valuation.

50. The promotion of land ownership tenure is held to increase public sector influence over land and housing markets. However, in Cameroon, title recipients "waited an average of 6.3 years between their initial application and the actual receipt of title".

They also report that since ‘titling is a long, uncertain process, nationally, only 6 per cent of all applicants successfully navigate the titling process’. For Land Equity (2006:103), one reason for delays in Greater Accra, Ghana, was that “the process of land titling is also overly complex and not well understood by the various actors involved ... [and] public perception is that acquiring land in Ghana through formal channels is a daunting task”. In Tanzania, Magigi (2006:1079) states that “land use planning procedures including preparation of the plan, presentation and endorsement took a total of 5 years”. In Rwanda, the Land Tenure Regularisation programme currently being undertaken with donor support, intends to identify, demarcate, register and title all 10.9 million land parcels in the country within three years, resulting in an average completion rate of one plot every two *seconds*, excluding titled plots which are transferred during the registration period. This ambitious programme will place a heavy demand upon institutional resources, though the authorities are confident that they can succeed.

51. However, even the most effective administrations can be undermined by a failure to replace inappropriate administrative requirements or enforce acceptable ones. According to Banerjee (2004:10) “once tenure is regularised, plot holders pay little attention to conditionalities or to forms of tenure (license, lease, etc.). Neither is there any attempt from civic authorities to check violations or modify rules to suit local conditions. Regularisation of any kind seems to create a sort of blanket amnesty. Building more than one storey, running home based shops and workshops and transferring plots and houses are not permitted, but practiced”. She concludes that (2004:14) “except in Tamil Nadu state, patta holders are not supposed to undertake other than residential activities, when in reality, home based economic activities are very common in squatter settlements. Not looking into linkages between rules and regulations enforced by different institutions has meant that squatters have graduated from one type of illegitimacy to another to encounter a different set of barriers. Since the barriers cannot be crossed, the parallel city of slums continues”.

52. However, a note of caution is needed. In most Commonwealth countries, it cannot yet be claimed that individualised, forms of tenure have so far succeeded in creating more efficient and transparent urban land markets. This is partly due to the limited extent to which such tenure systems have acquired social legitimacy, the existing plurality of legal frameworks, and the inflationary impact they have exerted on land prices.

## **Section 9. Innovative policy approaches to providing secure tenure**

53. Despite the problems, many Commonwealth governments and communities have demonstrated considerable ingenuity and success in developing practical, progressive approaches to improving secure access to land in urban and per-urban areas. They include the following examples.

54. **Botswana** introduced a *Certificate of Rights* (COR) in the 1970s to grant land to low-income households using simplified and inexpensive procedures. Occupants have

the right to use and develop their plots, but ultimate ownership belongs to the State. In theory, the COR is mortgageable, but most financial institutions will not accept it as collateral. However, under certain conditions, the COR can be converted to a long lease, known as a Fixed Period State Grant. Most urban households enjoy de facto tenure security.

55. The government of **Kenya** launched a *Community Land Trust* project in the 1990s as a means of accessing land for housing and related uses. The basic principle of a CLT is to make the best use of the collective strengths of a community and manage land under a single body of trustees. Members are encouraged to invest in land development and market transactions are possible. A major benefit is that costs are reduced, since individual plots do not need to be surveyed. However, administrative complications have restricted the expansion of the approach. Another innovative approach in **Kenya** is the Temporary Occupation License (TOL), as allocated by Nairobi City Council to facilitate small-scale businesses on idle public land in strategic locations. In some cases, these have also been used to provide housing. Licensees pay a modest rent for an annual license which can be renewed if approved. TOLs do not require expensive surveyor registration procedures and planning requirements.

56. In **Trinidad and Tobago**, the 1998 Regularisation of Tenure Act established a '*Certificate of Comfort*' that can be used to confer security of tenure to squatters as the first step in a process designed to give them full legal title. In **South Africa, India** and many other Commonwealth countries, *co-operatives* provide affordable and secure access to land for a wide range of groups.

57. Innovative approaches in non-Commonwealth countries include: communal land rental in **Thailand**, which has enabled many low-income groups to occupy privately owned land for extended periods. For the land-owners, this generates an income until such time as they develop their land whilst protecting it from encroachment. For the community, it provides secure access to land in areas where they otherwise could not afford to live and for the urban authorities, it reduces the extent of illegal developments.

58. In **Brazil**, the Concession to the Real Right to Use (CRRU) has enabled many low-income groups to occupy inner city locations on a secure basis and at modest administrative costs to the authorities. By designating an informal settlement ('*favela*') as a special residential zone ('*ZEIS*') settlements can be regularised and upgraded with the active participation of local communities. The CRRU is a form of renewable lease of between 30-50 years which can also be inherited and used as collateral for obtaining a loan. It can also be registered in the name of an individual or a group, giving maximum flexibility at minimum cost.

59. Finally, in **Turkey**, local authorities traditionally prepared land use subdivision plans. Developers then negotiated directly with the 'owners' of unauthorised subdivisions, who would receive two or more apartments in a new development. This reduced initial costs to the developers, increased the assets of the residents and tax revenues for the municipality.

60. A key element in all these innovative approaches is that they are based upon an acceptance of existing realities and a willingness to build upon practices that provide adequate short or medium term security. These can help reduce the differences in levels of tenure security between sub-categories identified in the notional typology outlined in Fig.1, especially if combined with increased property rights available within each existing tenure category.

61. Another key element of a successful tenure policy is the extent to which it enables all social groups, especially ethnic or religious minorities, women and the poor, to share in the benefits. Whilst city-wide changes in tenure to formalise all land parcels represents an attractive option, it places enormous pressure on administrative resources and needs the active support of all groups to justify the effort and costs. A more incremental approach gives time to adapt existing practices and test imported options, as well as minimising market distortions.

## **Section 10. Policy recommendations and priorities for improving tenure security**

62. The first step in adopting a 'twin-track' approach as outlined in Section 7 to regularise existing informal settlements while reducing the rate of new informal settlement formation, is to improve tenure security in existing informal, or unauthorised, urban settlements. It is recommended that countries facing similar problems and circumstances (both within and outside the Commonwealth) develop or strengthen networks so that they can adapt innovative approaches from one context to another. One example already exists in the IBSA group (India, Brazil, South Africa), whereby channels of communication at political and administrative levels are opening up opportunities for exchanging ideas and experiences from one country to another on ways of improving access to land and managing the processes of urban growth and development.

63. A primary consideration in formulating or revising tenure policy should be to reduce uncertainty and insecurity. A secondary consideration is to build on what works and is understood and accepted by local people, particularly vulnerable groups such as women, ethnic and religious minorities and the poor.

64. These considerations can be met by adopting an incremental, five step approach to stabilise the existing situation and provide a sound administrative basis for implementing longer-term policy options. This can help to improve tenure security and the functioning of a dynamic and responsive land and housing market accessible to all sections of the population. The five steps require governments to:

- i. *Provide basic short-term security for all households in slums and unauthorised settlements.* Forced evictions simply move the problem to other locations and do not solve it. The duration of such short term security should be based on the time required to assess all unauthorised settlements to assess which may be suitable for

regularisation and those which may need to be relocated due to environmental risks or strategic public needs.

- ii. *Identify alternative sites* for existing settlements which need to be relocated. These should be as close as possible to existing livelihood opportunities and services and communities should be able to participate actively in the planning and development of their new sites.
- iii. *Provide some form of medium-term, communal tenure* to all extra-legal settlements considered acceptable for *in-situ* upgrading. These could include communal leases, or land rights. 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 is another way of reconciling conflicting interests. The duration of such forms of tenure should be based on local conditions, but may reasonably be expected to be between 3-10 years. During this period, communities should be encouraged to form representative community organisations that would be qualified to meet specified standards of good governance, for example, providing full rights to women and ethnic or religious minorities. Those communities able to demonstrate good governance should be eligible to proceed to Stage 4. Those that fail to meet the criteria could be entitled to renew their communal tenure for a further period.
- iv. All communities that meet good governance criteria could be considered eligible to *receive Communal Land Titles (CLTs)*. These would need to be based on accurate surveys of the settlement and record all properties and residents in the area, but would not need to distinguish between owners or tenants. The titles should be made available at a nominal cost and would therefore provide permanent security to all residents. Finance institutions should be encouraged to offer loans to residents in such settlements.
- v. Households seeking individual titles would need to obtain the agreement of the community and be responsible for agreeing plot boundaries with their neighbours and resolving any conflicts between owners and tenants, and others. They would also be responsible for financing and completing the necessary administrative procedures, including the appointment and payment of surveyors and lawyers.

65. These measures can provide a sustainable, practical and socially progressive way of improving tenure security and rights for the urban poor and thereby improve the functioning of urban land markets. They can also gradually reduce the land value disparity between formal and informal areas, stimulating economic development and improving the effectiveness of government in urban management. Finally, they can operate in conjunction with other forms of tenure, such as private and public rental, leasehold or co-operative housing.

## **Section 11. Policy recommendations for improving access to affordable, legal land**

66. Important though it is to improve tenure security for the millions of people presently lacking it in urban areas, the other component of a 'twin-track' approach requires policies and practical steps to reduce the growth of future slums and informal settlements. This is, of course, more easily said than achieved. However, a number of simple steps can help to realise this objective.

67. A prerequisite for policies intended to improve legal access to land for all those in need is to accept the reality of urban growth and plan for the area of land to be urbanised over a given period, possibly ten or twenty years. This will be influenced by levels of density considered acceptable by different cultural traditions the requirements of different land uses. Since housing invariably represents two thirds or more of an urban area, projections of population increase, together with environmental and energy resource considerations, and the associated challenge of climate change, will provide an indication of the land area required to accommodate the projected increase.

68. Major improvements to tenure security and housing conditions can be achieved by listing married women as joint owners and women household heads as sole owners in land registries and title deeds. This has improved women's position compared to many customary and informal tenure regimes, but requires a continued effort to ensure that statutory provisions are enforced.

69. Policies for making land available for urban development vary considerably from market based developments by private developers, public sector developments<sup>12</sup> and a wide range of public-private partnerships, such as land pooling and readjustment, (Malaysia and Australia), joint venture companies, (UK), land banking and Transfer Development Rights (India), Incremental Development and Guided Squatting (Pakistan) and guided land development (Cameroon and Rwanda) all demonstrate a positive approach to increasing access to land on terms and conditions which are acceptable to all social groups.

70. As with tenure policy options, none of these planning strategies are universally applicable and some (e.g. land banking) have been unsuccessful in increasing the supply of urbanised land in line with needs. However, most can form a vital element of a comprehensive approach.

71. Another prerequisite to an effective urban policy designed to increase access to land is that of the regulatory framework relating to planning and building standards, regulations and the administrative practices by which applications are processed.

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<sup>12</sup> For details of these see Payne, G. (Editor) (1999) 'Making Common Ground: Public-private partnerships in land for housing' Intermediate Technology Publishing, Rugby, UK.

Where standards impose costs that a significant proportion of the urban population cannot afford, people will be forced into various unauthorised forms of development.

72. Planning standards need ensure that all available land is put to the most efficient use and this can best be achieved by allocating as much land as possible for private, revenue-generating uses and social needs and reducing the proportion of land for unproductive areas, such as roads, to the minimum necessary for safe circulation. Another consideration is the area of land under public ownership for administrative functions. Where this is substantial and is in areas of the highest land value it is a major impediment to the development of efficient land markets, since it forces up land prices elsewhere. Undertaking a review of the real estate portfolio under public ownership can provide a useful means of assessing if some activities could be relocated and land put to more productive use. A third aspect of planning standards relates to official norms on land use and density levels. Experience shows that permitting or encouraging mixed land uses reduces travel and energy costs and also reduces anti-social behaviour, such as crime. These factors are important in reducing CO<sub>2</sub> emissions and therefore the 'ecological footprint' of urban areas. In other words, planning standards need to focus on key aspects such as public health and safety and be realistic in order that people are not forced into areas which expose them to harm.

73. Similarly, where regulations are so restrictive that they prevent people from using their land for productive purposes (such as Home Based Economic Enterprises (HBEs) or locally based neighbourhood projects), regulations should be revised so that they facilitate, rather than constrain, economic activity wherever possible. Ironically, these characteristics are often found more widely in so-called 'unplanned settlements' than in those developed with full planning permission. Professionals and government agencies have much to learn from the way communities develop land when they have the opportunity.

74. It is therefore vital that the existing regulatory framework be reviewed to ascertain which aspects may need to be revised or relaxed in order to facilitate access to land by all those in need. International research has demonstrated<sup>13</sup> that the greatest scope for improving the regulatory framework can be achieved by simplifying and improving the efficiency of administrative procedures for processing applications for registering, developing and transferring urban land. For example, in Tanzania, until recent changes applicants for obtaining building permits had to endure 28 different steps, taking time off work to visit different agencies over more than a year. In many countries, bureaucratic inertia, combined with frequent changes in senior administrative personnel have frustrated improvements to administrative procedures, though some remarkable achievements have been introduced, such as the local E-Centres, in Hyderabad, in which even illiterate applicants can submit and monitor their requests through the internet with the help of trained staff. These provide a golden opportunity to radically improve the services offered to potential developers and households and also improve urban governance.

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<sup>13</sup> See Payne, G. and Majale, M. (2004) 'The Urban Housing Manual: Making regulatory frameworks work for the poor' Earthscan, London.

75. Finally, social and economic development goals require that urban land markets provide equitable rights for accessing land to all social groups. This is particularly the case for those less able to cope within the prevailing market based forms of allocation and requires that the emphasis of land policy and land tenure practice, should address the needs of women, religious and ethnic minorities and the poor.

## **Section 12. Final thoughts**

76. The analysis and proposals offered in this paper are intended to provide a framework for analysis and action to improve security of tenure for residents in existing urban slums and unauthorised settlements, as well as reducing the need for future slum formation. They are based on considerable research and practical experience by many local and international professionals and reinforce the analysis and recommendations made in the ComHabitat (2010) report.

77. Other initiatives being undertaken and proposed by Cities Alliance, the UK Department for International Development, the Global Land Tool Network and the Land, Tenure and Property Administration Section in UN-HABITAT, and the World Bank, all offer excellent opportunities for collaboration. It is hoped that, taken together, they provide a sound basis for implementation. Of course, strong vested interests in public, private and civil society sectors will need to be addressed in effecting the necessary changes and a combination of economic incentives and strong leadership will be needed to ensure they are carried out effectively. However, it is argued that the prize – of achieving dynamic and inclusive cities – is well worth the effort.

## References:

Banerjee, B. (2004) 'Maximising the impact of tenure and infrastructure programmes on housing conditions: the case of slums in Indian Cities' paper presented at International Conference on Adequate and Affordable Housing for All - Research, Policy, Practice, June 24-27, Toronto

Byabato, K. A. (2005) 'Legal title to land and access to formal finance by the low income households: the case of Sinza C and Miburani neighbourhoods in Dar es Salaam' PhD dissertation, University of Dar es Salaam, mimeo.

ComHabitat (2010) 'Urban Challenges: Scoping the state of the Commonwealth's cities' 79pp, page 4. [www.comhabitat.org](http://www.comhabitat.org) Land Equity (2006) Land Equity (2006) 'Land Administration: Indicators of success, future challenges' Land Equity International Pty Ltd, November..

Lunnay, C. (2005) 'Land Administration in the Asian Region-Challenges and Opportunities' Paper presented at Expert Group Meeting on secure land tenure: 'new legal frameworks and tools' UNESCAP in Bangkok, Thailand, 8-9 December.

Magigi, W. and Majaani, B.B.K. (2006) 'Community involvement in land regularization for informal settlements in Tanzania: A strategy for enhancing security of tenure in residential neighborhoods' Habitat International Vol 30 pp1066-1081.

Payne, G. and Majale, M. (2004) 'The Urban Housing Manual: Making regulatory frameworks work for the poor' Earthscan, London.

UN-HABITAT (2008) 'Gendering Land Tools: Achieving Secure Tenure for Women and Men' Nairobi.

UN-HABITAT (2007) 'Policy Makers Guide to Women's Land, Property and Housing Rights Across the World' Nairobi.

## Further reading:

Augustinus, C. (2003) 'Handbook on Best Practices: Security of Tenure and Access to Land – Implementation of the Habitat Agenda' UN-Habitat, Nairobi.

Burns, T. (2006) 'International Experience with Land Administration Projects: a Framework for Monitoring of Pilots' Paper presented at the National Workshop on Land Policies and Administration for Accelerated Growth and Poverty Reduction in the 21st Century (Jan 5-6) New Delhi.

Davidson, F and Payne, G. (Editors) (2000) 'Urban Projects Manual' Liverpool University Press.

Daley, Elizabeth and Hopley, Mary (2005) 'Land: Changing Contexts, Changing Relationships, Changing Rights' Report to DFID.

Deininger K. (2003) 'Land Policies for Growth and Poverty Reduction', A World Bank Policy Research Report, Washington DC.

Diacon, D. (1997) 'Slum Networking. An Innovative Approach to Urban Development', Building and Social Housing, Foundation, London.

Durand-Lasserve, A. and Royston L.2002.(Eds). Holding their Ground: Secure Land Tenure for the Urban in Developing Countries, Earthscan Publications, London.

Payne, G. (2005) 'Getting ahead of the game: A twin-track approach to improving existing slums and reducing the need for future slums' Environment and Urbanization Vol 17 No 1, April pp135-145.

Payne, G. (Editor) ((2002) 'Land, Rights and Innovation' Intermediate Technology Publications, London.

Payne, G. (Editor) (1999) 'Making Common Ground: Public-private partnerships in land for housing' Intermediate Technology Publishing, Rugby, UK.

UN-HABITAT (2008) 'Secure Land Rights for All' Nairobi. ([www.unhabitat.org](http://www.unhabitat.org))

UN-Habitat (2003) 'Comparative study of land administration systems - Case study Ghana'

Wallace, Jude and Williamson, Ian (2006) 'Building land markets' Land Use Policy Vol 23, pp123-135

World Bank, (2003) 'Land Policy for Pro-Poor Development' World Bank, Washington DC.

World Bank, (2001) 'Land, Security, Property Rights and the Urban Poor: Twenty Five Years of World Bank Experience'. World Bank Briefing Note 8, Washington DC.

[www.gltm.net](http://www.gltm.net)

[www.gpa.org.uk](http://www.gpa.org.uk)