Introduction

It is an honour to address the plenary of this important Symposium. I was listening with great interest yesterday to the insights of an array of speakers and participants discussing the finer details of consolidation and land readjustment in both theory and practice, and was struck not only by the vast experience and commitment brought together in one place, but also by the extraordinary complexity of the situations that some of those projects were trying to illustrate, explain, and learn from. Congratulations to the organisers for achieving this.

1. Context

Our deliberations during these few days are framed by the New Urban Agenda, recently adopted at Habitat III in Quito, which reminds that, in spite of progress made, many huge challenges face us in the decades ahead. I quote:

“Since the United Nations Conferences on Human Settlements in Vancouver in 1976 and in Istanbul in 1996, and the adoption of the Millennium Development Goals in 2000, we have seen improvements in the quality of life of millions of urban inhabitants, including slum and informal settlement dwellers. However, the persistence of multiple forms of poverty, growing inequalities, and environmental degradation, remain among the major obstacles to sustainable development worldwide, with social and economic exclusion and spatial segregation often an irrefutable reality in cities and human settlements”

The New Urban Agenda goes on to say:

“We are still far from adequately addressing these and other existing and emerging challenges; and there is a need to take advantage of the opportunities of urbanization as an engine of sustained and inclusive economic growth, social and cultural development, and environmental protection, and of its potential contributions to the achievement of transformative and sustainable development.”

The ability of governments to responsibly and effectively administer land is critically important for managing this “engine” of sustained and inclusive growth, development and environmental protection. As we heard yesterday, this applies to all countries (even the Netherlands!), but it applies with particular urgency to many developing countries where urbanisation is occurring at an unprecedented pace, in a context of inadequate land governance institutions relying on inappropriate conventional land administration systems.

2. The need to acquire land

In contexts of rapid urbanisation, national and local governments are called upon to provide shelter, housing, services, public infrastructure and safe public spaces. To achieve this requires land. In the absence of available public land, effective mechanisms are needed to acquire it. The two main ways that the authorities can secure the necessary land are to buy on
the open market, or through compulsory acquisition (eminent domain, resumption, compulsory purchase, or expropriation). However both are cumbersome and expensive processes – making it almost impossible for many governments to plan and develop, or redevelop, large areas in a systematic way.

Compulsory acquisition is often incapable of meeting the needs for public space, infrastructure and re-organisation of the urban fabric, in that it is:

- A time consuming and expensive process for all concerned
- Highly controversial and destructive when it involves involuntary dispossession and/or forced eviction

And, as this diagram shows,

- It fails to capture returns from increases in land values for public benefit
- And the outcomes are often inconsistent with the needs of urban planning

Land readjustment, on the other hand, has shown more promising results, in that it can provide access to land for public use by capturing a proportion of the value created by development. It gives the authorities greater capacity for intervention to promote fairer outcomes at lower cost within a more functional urban planning framework.
3. So what is land readjustment?

In basic terms readjustment is a process whereby a group of contiguous plots are voluntarily brought together or shared. The consolidated plots are then treated as a unit for planning and development. The unit is re-divided into plots and re-allocated to the landholders according to contribution size or value. A change of land use may also be authorised. The costs, benefits and risks are shared equitably among the landholders. The landholders get back a proportionally smaller amount of land than contributed, but the value has increased as a result of its development. The excess land is used for public amenities and/or as a reserve to be sold to cover the costs of the process.

There have been some notable successful applications of land readjustment. Success depends on numerous factors including strong and well-resourced local authorities; a supportive regulatory framework; access to quick, effective dispute-resolution mechanisms accessible to all; a well-functioning land records system; and so on. As illustrated in a number of yesterday’s presentations, the ability to adapt the methodology to the particular conditions, stakeholders and circumstances of the locality where it is being applied, is also very important. And of course, as is the case in all development projects, there is always risk involved.

UN-Habitat and the Global Land Tool Network (GLTN), supported by land experts and organisations, have spent more than five years developing a land readjustment approach that would be more suitable to meet some of the particular challenges faced in developing country contexts. This was both part of UN-Habitat’s work for a better urban future, and GLTN’s work in developing pro-poor, gender responsive land tools.
The design process included initial research, detailed case studies, expert consultations, process design and review, a writeshop and an implementation pilot. The result was an adaptation of land readjustment called “Participatory and Inclusive Land Readjustment, or PILaR”.

4. Participatory and Inclusive Land Readjustment (PILaR)

PILaR is defined as
“A land assembly mechanism in which land units, with different claimants, are combined in a participatory and inclusive way into a contiguous area, for more efficient use, subdivision and development. This is done through participatory and inclusive approaches which include mechanisms, processes and institutions, through which local authorities, citizens and groups articulate their interests, exercise their legitimate rights, meet their obligations, and mediate their differences. PILaR projects are undertaken to meet the broader economic, social and environmental objectives of the country, including poverty reduction”.

The main defining features of PILaR are:
- It emphasizes a participatory process, rather than only the technical or financial results
- It engages with all community members, not just the formal landowners, maximizing the likelihood of consensus, reducing the risk of disruption, and protecting weaker groups
- It aims for inclusive outcomes that benefit all, including the poor and vulnerable
- It is based on human rights and aims for a pro-poor, gender-sensitive outcome.
- It aims to distribute the burdens and benefits more equally among the private and public sectors (through public-private partnerships, legal reforms and capacity building)
- It strengthens governance through a preliminary urban legal assessment and by building the capacity of government authorities
- It improves land administration – the systems of land records and valuation – making it possible to share the value of the land more equitably. By identifying the claimants to the land, it can be a first step to regularizing their tenure.
- It integrates land readjustment with other urban development and planning initiatives
- It can be varied to suit a particular context and situation.
- It is used in conjunction with a number of pro-poor, gender responsive land tools
The implementation building blocks of PILaR are described in our new publication, *Remaking the urban mosaic. Participatory land readjustment.*

The building blocks are: Governance, Land management policies, Planning and design, Collecting and analysing data, Engaging with stakeholders, Legal issues, Finance, Communication and Next steps for implementers. These have been pilot tested at La Candelaria, in Medellin, Colombia. Further details on the process will be given at our workshop this afternoon by two experts who were directly involved, Robert Lewis-Lettington of UN-Habitat, and Maria Buhigas of Urban Facts.

5. Complementary land tools

I wish now to turn to a few of the complementary GLTN land tools that are available to assist in implementation of PILaR, to enable participatory processes and inclusive outcomes.

5.1 The continuum of land rights concept and approach

The mission of GLTN is “To contribute to poverty reduction and sustainable development through promoting secure land and property rights for all”. GLTN advocates a paradigm shift on land (1) away from seeing land as a purely technical matter; (2) towards pro-poor, gender-responsive, accountable and sustainable land administration; and (3) which provides for a continuum of legitimate, inclusive land tenure forms.

The challenge being confronted here is that while land tenure is frequently understood in binary terms: formal vs informal, legal vs extra-legal, secure vs insecure, de facto vs de jure, there exists, in practice, a diversity of appropriate, legitimate tenure arrangements between these extremities. There is no automatic correlation between the form of tenure and its security. The extent of the actual security depends on many factors, including historical, social, regulatory, institutional, governance, etc.
The continuum of land rights concept is therefore by its nature inclusive. Tenure can take a variety of forms along the continuum, including documented as well as undocumented, formal as well as informal, for individuals as well as groups, including also pastoralists and residents of slums and other settlements, whether legal or extra-legal. The rights do not lie on a single line, and they may overlap. Registered freehold should not be seen as the preferred or ultimate form – it is one of a number of appropriate and legitimate forms (customary, leasehold, group tenure, others).

The most appropriate form at a given time depends on the context. For example, recent research in Southern Africa (in Malawi, Namibia, Angola, Mozambique and South Africa) found evidence of a diversity of both deep-rooted and evolving legitimate tenure practices and systems, including:

- A witnessed right to land
- Locally documented rights to land ("social legitimacy")
- Familial / Marital rights to land
- Administratively documented rights to land
- Occupation rights / permission to occupy
- Customary land rights
- Group rights to land
- De facto rights of possession
- Different forms of leasehold, and
- Individual private ownership / freehold

The continuum of land rights offers a powerful and practical alternative to the dominant focus on titling of individually held private property as the ultimate form of tenure security, or the end goal of land tenure reforms. Without this, much of the reality on the ground is missed, severely jeopardising prospects of project success and sustainability. This more inclusive approach is now widely accepted, as part of a significant paradigm shift in understanding of land tenure. Indicators of this acceptance include numerous key resolutions, statements, tools, programmes, laws and practice, such as:

- A UN-Habitat Governing Council Resolution, April 2011 (GC 23/17)
- The Land Governance Assessment Framework, or LGAF (World Bank and others)
- The Namibian Flexible Land Tenure Act, 2012
• The Voluntary Guidelines on Responsible Governance of Tenure (Food and Agriculture Organization and others – governance of all forms of legitimate tenure)
• Application of the Social Tenure Domain Model concept and tool (GLTN partners)
• Fit-for-Purpose Land Administration approach (International Federation of Surveyors, World Bank, others)
• And, most recently, the New Urban Agenda (Habitat III) adopted this October states that: “We commit to promote, at the appropriate level of government, including sub-national and local government, increased security of tenure for all, recognizing the plurality of tenure types, and to develop fit-for-purpose, and age-, gender-, and environment-responsive solutions within the continuum of land and property rights, with particular attention to security of land tenure for women as key to their empowerment, including through effective administrative systems.” (Para. 35)

In technical terms, a continuum of land rights can be said to have been fully implemented in a particular country once:

• the full spectrum of formal, informal and customary rights are catered for within the land information management system; and
• the full range of rights in the country constitutes legally enforceable claims which can be asserted and defended in a forum such as a court.

In order to get to full implementation as defined above, it would of course be necessary to develop a regulatory environment, as well as set up the necessary administration and land records and administration systems. As was frequently pointed out during our discussions yesterday, those instruments and systems are sorely lacking or inadequate in many of the situations where we are working.

Rather than waiting for the entire system to be fixed before proceeding, proactive steps can and should be taken. With the active involvement of the residents, political and administrative support from government and the application of a continuum of land rights approach to the tenure situation, a great deal could be achieved, and hopefully serve as inspiration for more initiatives.

Of course, such an outcome would take a great deal of hard work, and learning, on the ground. Application of PILaR following an inclusive approach to tenure, is an important contribution to this process, and can assist countries to meet their targets with respect to SDG indicator 1.4.2, which reads: “Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure”.

5.2 The Social Tenure Domain Model (STDM)
Another very useful complementary land tool is the Social Tenure Domain Model, or STDM. STDM was developed by UN-Habitat and GLTN partners to accommodate and record different tenures. It is a pro-poor, participatory and affordable tool for representing person-to-land relationships along the land rights continuum. This is also part of a new way of thinking about land records. The model can be linked to the cadastral system so that all land information can be held together. An open-source, adaptable software package has been designed and is being effectively used in numerous localities.
STDM can easily be deployed in implementation of PILaR. It is highly affordable (open-source); it is flexible in its use and application (it can be applied in various contexts, complements other tools and is a specialization of the ISO-approved Land Administration Domain Model - LADM); it is easy to use by non-technical people (such as me); it is inclusive and so can be used by various communities (such as slum dwellers, small landholders, and is adaptable to formal situations, etc.); and it follows good governance principles (participation, gender-segregated data, responsiveness and transparency).

5.3 Participatory Enumeration

Participatory enumeration is a data-gathering process, which is to a significant extent jointly designated and conducted by the people being surveyed. It involves broad stakeholder participation including marginalized groups and decision makers and thus contributes to building trust, transparency and inclusive decision making processes. Participatory enumeration can be inclusive from inception, through design, management and implementation, to analysis and use of the data.
The methodology is very useful for:

- Obtaining updated information for planning, development and social cohesion
- Helping to fill information gaps in official records, as existing information is usually out-dated or not available for unregistered communities
- Building a database of comprehensive situational data regardless of social/legal status
- Promoting accuracy, acceptance, transparency, good governance and shared ownership
- Facilitating data verification, as well as identification and in some cases adjudication of disputes
- Supporting the application of STDM.

5.4 The Gender Evaluation Criteria

Lastly, the Gender Evaluation Criteria is a participatory tool or methodology to judge whether a large scale land intervention is responsive to both women and men’s needs. It takes the form of a matrix (with criteria, questions, indicators, etc.) that provides a flexible framework for evaluation.

The tool is used through a multi-stakeholder process of joint assessment. Its applications include: collecting evidence of gender gaps; in advocacy for inclusion of groups left out; as a checklist for policy development; and as the basis for joint planning.

Conclusion

I thank you for your attention, and repeat our open invitation to join the PILaR workshop this afternoon.

Let me conclude with a paragraph from the Foreword of *Remaking the urban mosaic*, which well summarises the PILaR message, and approach, to land readjustment:

“A key feature of PILaR is that it puts stakeholders at the heart of planning city extensions and redevelopment throughout the project cycle. The emphasis is on meaningful participation by all stakeholders, including the poor and marginalized...
residents of the affected area. They agree to operate under a governance, legislative and regulatory framework designed to create a win–win situation for most, and ideally all, the parties involved. The goal is sustainable urban development: a better urban future for all, especially for the urban poor.”

Thank you!

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