

Expert Group Meeting on Secure Tenure: New legal frameworks and tools, Bangkok, 8-9 December 2005

Short Report

'Land policies are of fundamental importance to sustainable growth, good governance, and the well-being of and the economic opportunities open to rural and urban dwellers-particularly poor people', according to the recent World Bank Research Report on Land Policies for Growth and Poverty Reduction.

In the Handbook on Best Practices, Security of Tenure and Access to Land and the guide Pro Poor Land Management the UN/Habitat - in line with the World Bank report- encourages innovative approaches to land management and land administration to implement land policies. This is necessary in the process of recognising 'that people living in slums have a right to be in the city, and that this recognition will begin to make slum dwellers legitimate citizens which will start to legalize their tenure'.

Aim of the meeting

In many countries in Asia new land laws have recently become into power, others are under development. What kind of tools do we need to adequately support the spirit and letter of these new legal frameworks, what are innovative ideas about information-systems and work-processes. How can we improve existing land administration systems?

The aim of the meeting was:

- to discuss new legal frameworks for the improvement of land tenure security and access to land related benefits
- to discuss new ideas about tools that might support the implementation of these new legal frameworks
- to identify pro poor land administration approaches for both urban and rural areas
- to discuss evolutionary approaches for recording and mapping of land tenure forms
- to discuss possibilities to improve existing land administration systems
- to learn from other countries that face the same challenges
- to summarize the experiences and ideas in the form of a booklet that will be widely distributed
- to develop a research agenda for a network of research institutes in the region
- to encourage decision makers to pay adequate attention to the implementation aspects of land policy

The meeting

More the 50 experts from more than 20 countries were invited to join the meeting held in the UN Conference Centre in Bangkok. 22 papers on the subject were presented and discussed. The meeting was organised by the FIG Commission 7 on Cadastre and Land Management, The Worldbank, UN Habitat and the UN Economic and Social Commission for Asia and the Pacific. The meeting was supported by the Austrian Development Agency, The Vienna Institute for Development and Cooperation, The Netherlands Cadastre Land Registry and Mapping Agency, The International Institute for Geo-Information Science and earth Observation ITC and The United Nations University.

Conclusions

The chair of Commission 7, Prof Paul van der Molen observed that benefits of land reforms can only be achieved in the context of a broader development policy. Conventional approaches proved not to work well, only innovative institutional arrangements can cope with increasing populations, greater investments in land, economic growth and more social welfare. Lack of such arrangements lead to land grabbing, conflict, resources misuse, undermines productive and economic potential. What to do? The exclusive focus on formal titling has proven to be inappropriate. There has to be much greater attention to existing institutional arrangements; to stronger rights for women, herders, indigenous people. Uncritical emphasis on land sales markets should be avoided; rental markets provide more equity, productivity, long term investments, if restrictions are eliminated. Land reform can only be fully utilized if requirements and scope of intervention is carefully compared with others and: the 'land issue' is part of a broader development policy. Impact of all this is that innovative definitions of property rights; simple procedures; quick, and low cost transaction mechanisms; simple, low cost, efficient, effective, transparent and participatory systems have to be developed. Such systems have to be free from political pressure. Important is a low cost demarcation; availability of mechanisms for conflict resolution and inclusion of Land Administrations as a basis for Spatial Data Infrastructures at low cost, transparent and accessible for linking registers of different categories and at different levels. During the meeting many new approaches have been discussed. Some examples, among others are; community driven adjudication (Aceh), protection of rights for vulnerable groups (Aceh), reconstruction of land records (Aceh), non-judicial land disputes (Cambodia), high performing teams (Cambodia), one stop shop to test inter-organisational co-operation (Philippines), gender mainstreaming (Philippines), high level governmental support (Philippines), systematic titling with community involvement (Philippines), free patent instead of homestead patent (Philippines), simple procedures (Vietnam), land sharing possession rights (Cambodia), stewardship and guardianship are relevant, sometimes property is not recognised (Fiji), sustainable community lifestyle planning (Fiji), the Bhoomi approach with kiosks and self help (India), the protection of traditional lifestyle in relation to land (Mongolia), the 'sticker on orthophoto' approach (East Timor), etc. etc.

Customary tenure is an issue in Asia-Pacific, different groups have different concepts of land management; it should be noticed that many people/groups don't have 'spatial concepts' related to maps.

There is a need for a wider bundle of rights, especially access rights. 'Revenues' should be integrated in the 'man-land' relationship definition, apart from the 'Rights', 'Restrictions' and 'Responsibilities'

Introduction of technology hampered in many cases because of resource constraints, the question raises if paper based approaches should have preference. In any case information contained in systems should be reversible to paper.

A network (of networks) for pro poor land management tools has been initiated by UN Habitat. Van der Molen concluded that the experiences built up during this meeting have to be published and that further analyses is required. Results of such analyses have to be presented at the World Urban Forum to be held in Vancouver, Canada, June 2006.