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ESCWA

Regional Training Workshop on Human Settlement Indicators for Arab States

Indicator 1.4.2 Secure Tenure Rights to Land

Global Urban Observatory Unit
Research and Capacity
Development branch
UN-HABITAT

3-5 July 2018
Cairo, Egypt

Overview

TARGET 1.4

By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance

INDICATOR 1.4.2

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 **type of tenure**.



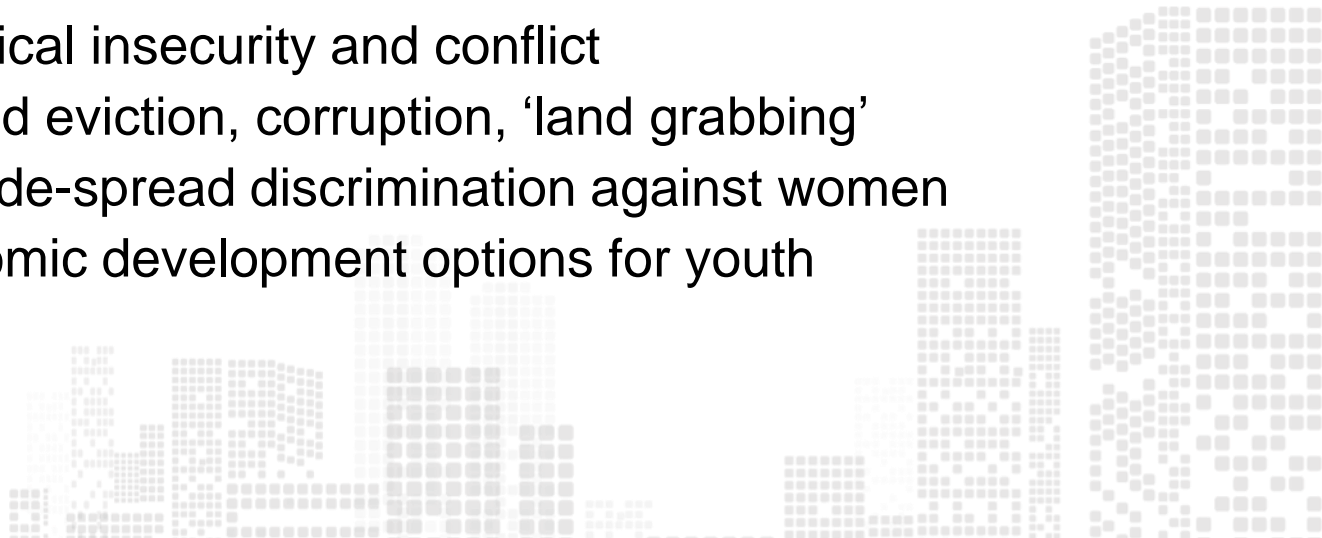
Tenure Security – Indicator 1.4.2

- Indicator under Tier II
- UN Habitat and World Bank are custodian agencies
- Other supporting agencies – **FAO**, **UN Women**, **UNEP**,



Why Tenure Security Is Important

- **Increased tenure security can:**
 - Help overcome land, housing and livelihood inequalities
 - Promote equity, inclusion and the realisation of human rights
 - Promote food security, entrepreneurship and sustainable development
 - Facilitate provision of essential facilities, services and equality of life
 - Reduce physical insecurity and conflict
 - Reduce forced eviction, corruption, 'land grabbing'
 - Overcome wide-spread discrimination against women
 - Create economic development options for youth



Land in the SDGs

- **2030 Agenda** contains land-related targets and indicators under SDGs 1, 2, 5, 11 and 15 (see GLTN and Land Portal Joint Initiative on land and SDGs - <https://landportal.info/book/sdgs>)
- **8 Targets and 12 indicators related to land**
 - Targets – **1.4** (Indicator -1.4.2 on tenure security)
 - Target **2.3** (Indicators - 2.3.1 and 2.3.2 addressing smallholder farmers)
 - Target **2.4** (Indicator – 2.4.1 on agricultural area)
 - Target **5.a** (indicators- 5.a.1 – securing women’s agricultural land, and 5.a.2 on legal framework on securing women’s land)
 - Target **11.1** (Indicators -11.1.1, 11.3.1 and **11.7.1** urban informality, access to housing, open spaces and land consumption rate.
 - Target **15.1** (indicators 15.1.1, 15.1.2 and **15.3.1** onforest areas, biodiversity and land degradation neutrality.

Indicator and international standards

- Concepts based on the **“Voluntary guidelines for the responsible governance of tenure of land, forests and fisheries in the context of national food security”** (VGGT); endorsed by the United Nations World Committee on World Food Security in 2012.
- Other international frameworks in support of this standard are the African Union Agenda on Land as laid out in the **2009 ‘Framework and Guidelines on Land Policy in Africa’** and the **2014 Nairobi action plan on large scale land based investments.**

International EGMs and consultations

EGMs on methodology, data collection tools and disaggregation

- Participation included:
 - NSOs from Cameroon, Colombia, India, Jamaica, Tanzania, Uganda, and USA
 - Land agencies from Belgium, Brazil, Colombia, Democratic Republic of Korea, India, Mexico, Netherlands, Rumania, Spain, and United Arab Emirates
 - Regional Land agencies networks: African Regional Institute for Geospatial Information Science and Technology, European Land Registry Association, Fédération Géomètres Francophones, IPRA-CINDER, Union of Arab surveyors
 - UNECA; UNGGIM
- International Land Experts and CSO working on land tenure security; gender and land
- Supported by the Global Donor Working Group on Land (GDWGL), Global Land Tool Network – Global Land Indicators Initiative (GLTN/GLII), International Land Coalition

Concepts

- ***Tenure:***

- How people, communities and others gain access to land and natural resources is defined and regulated by societies through systems of tenure.
- Tenure systems determine who can use which resources, for how long, and under what conditions.
- Tenure systems may be based on written policies and laws, as well as on unwritten customs and practices. No tenure right, including private ownership, is absolute. All tenure rights are limited by the rights of others and by the measures taken by states for public purposes.

- ***Tenure typology:***

- A tenure typology is country specific and refers to categories of tenure rights, for example customary, leasehold, public and freehold.
- Rights can be held collectively, jointly or individually and may cover one or more elements of the bundle of rights (the right of possession, of control, of exclusion, of enjoyment and of disposition).

Concepts

Land governance:

- Rules, processes and structures through which decisions are made regarding access to and the use (and transfer) of land, how those decisions are implemented and the way that conflicting interests in land are managed.
- States provide legal recognition for tenure rights through policies, law and land administration services, and define the categories of rights that are considered official.

Secure tenure rights:

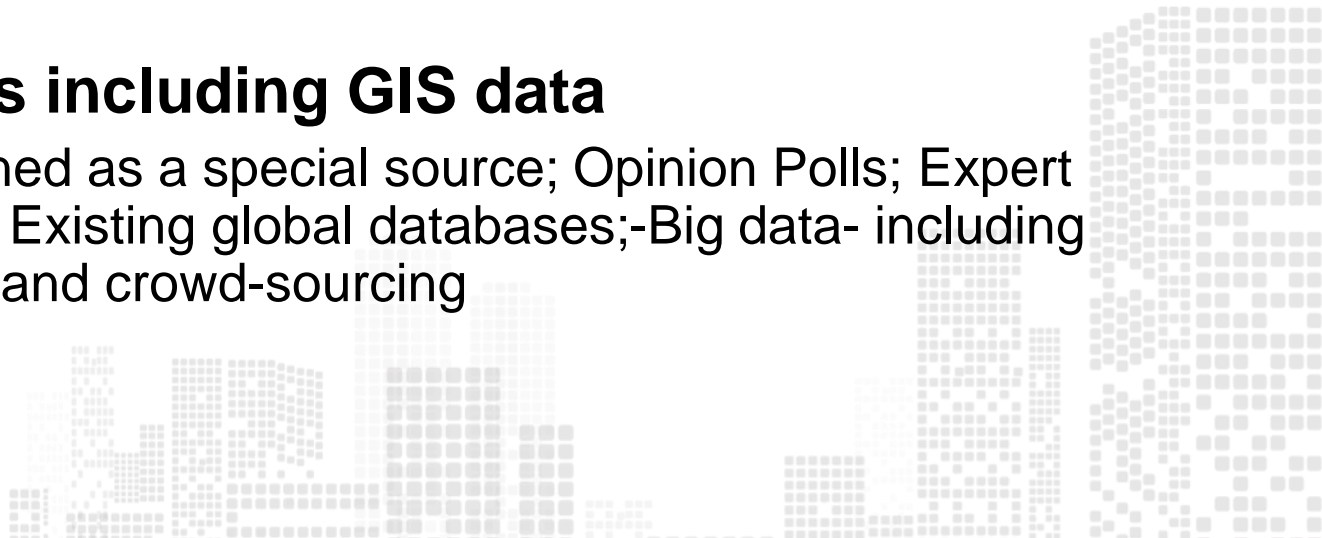
- Comprised of two sub-components: (i) legally recognized documentation and (ii) perception of the security of tenure, which are both necessary to provide a full measurement of tenure security.

Concepts

- ***Legally recognized documentation:***
 - Legal documentation of rights refers to the recording and publication of information on the nature and location of land, rights and right holders in a form that is recognized by government, and is therefore official.
 - Country specific metadata will define what documentation on land rights will be counted as legally recognized.
- ***Perceived security of tenure:***
 - Perception of tenure security refers to an individual's perception of the likelihood of involuntary loss of land, such as disagreement of the ownership rights over land or ability to use it, regardless of the formal status and can be more optimistic or pessimistic.
 - Although those without **land rights' documentation** may frequently be perceived to be **under threat**, and **those with documentation** perceived as **protected**, there may be situations where documented land rights alone are insufficient to guarantee tenure security.
 - Important to have information on people's satisfaction with quality of service, transparency, appropriateness, accessibility and affordability of land administrative services and justice systems

Data sources

- **Household surveys and census**
 - LSMS, MICS, DHS, other national surveys
 - Integrating essential SDG questions in existing survey instruments
- **Administrative records data**
 - Land records on legally recognized documentation held by land registries and cadasters in electronic formats
- **Other sources including GIS data**
 - Being examined as a special source; Opinion Polls; Expert Assessment; Existing global databases;-Big data- including social media and crowd-sourcing



Differential coverage of land administrative data in developing countries

High residential areas:

High coverage

Commercial areas:

High coverage

African cities are born green but
Urbanization with public land grabbing:
Uncertain!!

Middle income residential areas:

Fair coverage

59 % of urban population in Africa live in
Slums areas. Their land and houses are not captured
in the land administrative data

No coverage



Other sources

- **Land and perception modules for household surveys** that are adapted for both urban and rural areas and are appropriate for adaptation to the country level.
- **Perception and land modules for global polls** to meet requirements of multiple SDG indicators and which provide for separate interviews with women and men to elicit gender differences in perceptions of land rights security and holding of documentation.
- **Guidelines for establishment of national expert groupings** to i) contribute to national level survey design, ii) undertake triangulation with administrative data sets iii) assessment of complementary sub-indicators for data interpretation, and iv) assist national statistical offices in annual reporting.

Method of computation

Indicator 1.4.2 is composed of two sub-indicators:

- (A) measures the incidence of adults with legally recognized documentation over land among the total adult population;
- (B) focuses on the incidence of adults who report having perceived secure rights to land among the adult population.

Part (A) and part (B) provide two complementary data sets on security of tenure rights.

Part A
$$\frac{\text{People (Adult) with legally recognized documentation over land}}{\text{Total adult population}} \times 100$$

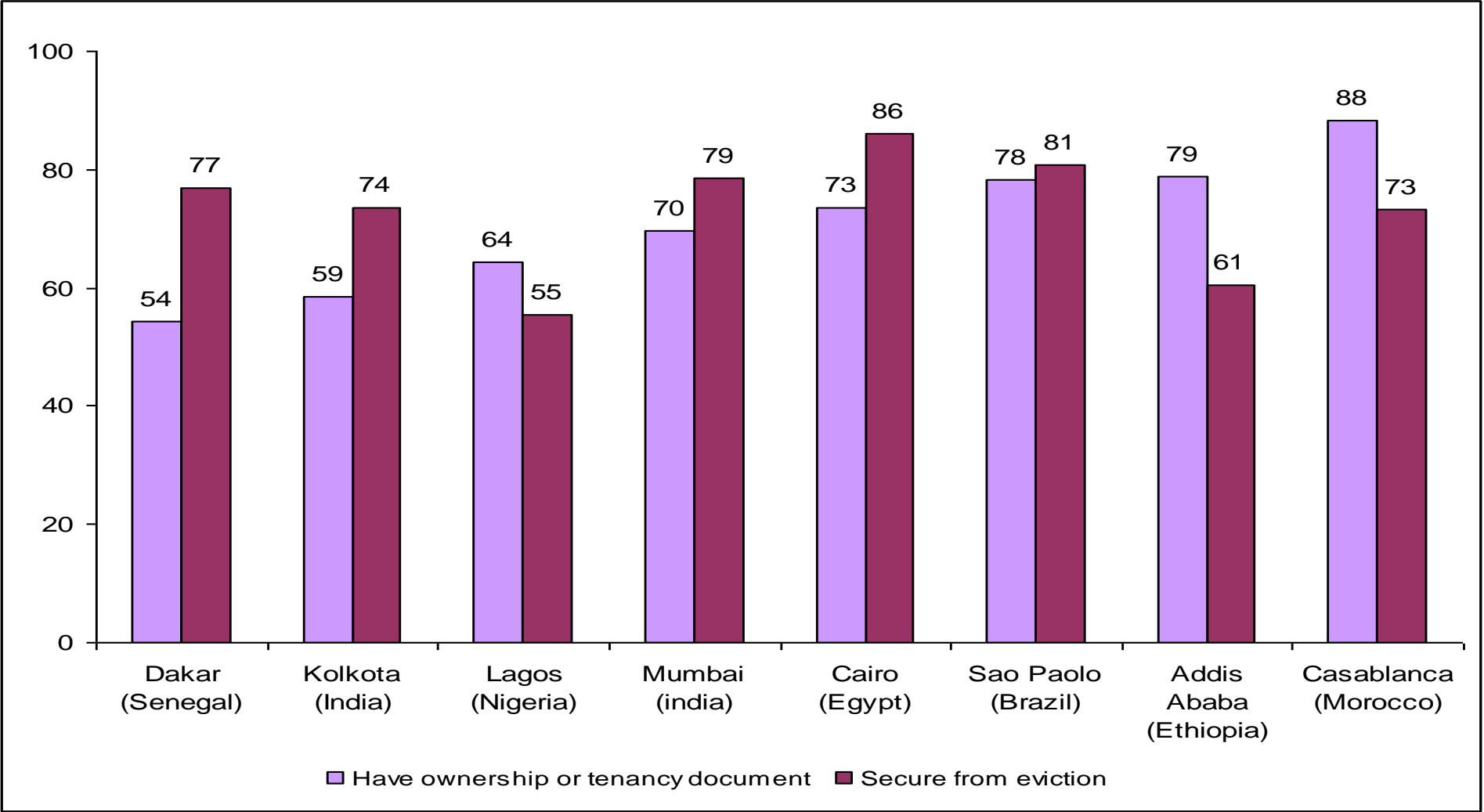
Part B
$$\frac{\text{People (Adult) who percieve their rights as secure}}{\text{Total adult population}} \times 100$$

Selected countries with data for Indicator 1.4.2

Country/Region	Data source(s)	Year	Land access via		Formal	Perceived
			Ownership	Rental	Document	Security
Africa						
Benin	INSAE, MCC & Admin	2015	0.809	0.047	0.113	0.903
Lesotho	MCC	2013	0.914	0.029	0.611	0.929
Mozambique	INE	2011	0.882	0.033	0.498	0.811
Malawi	NBS	2015	0.868	0.023	0.019	0.697
Nigeria	NBS	2013	0.741	0.025	0.021	0.741
Rwanda	LSMS-ISA & admin data	2015	0.886	0.002	0.858	0.969
Tanzania	LSMS-ISA	2013	0.839	0.123	0.250	0.960
Uganda	LSMS-ISA	2014	0.902	0.080	0.080	0.919
Asia						
Korea, Rep.	Census&Admin.	2016	0.723	0.237	1.000	0.960
Mongolia	MCC-SHPS	2012	0.809	0.163	0.654	0.966
Americas						
Costa Rica	Census&Admin.	2011	0.699	0.279	1.000	0.978
Europe						
Belgium	Census&Admin.	2011	0.628	0.362	0.948	0.939
Netherlands	Census&Admin.	2011	0.539	0.429	1.000	0.968
Oceania						
New Zealand	Census&Admin.	2013	0.607	0.327	0.990	0.925

*=to be calculated using social security numbers/ other identifiers

Proportion of households with adequate document for proof of ownership or tenancy, and proportion of households secure from eviction, selected cities, 2004/2007



Harmonization of data collection

Close coordination with FAO and UN Women custodians of 5a.1: (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) Share of women among owners or right-bearers of agricultural land, by type of tenure.

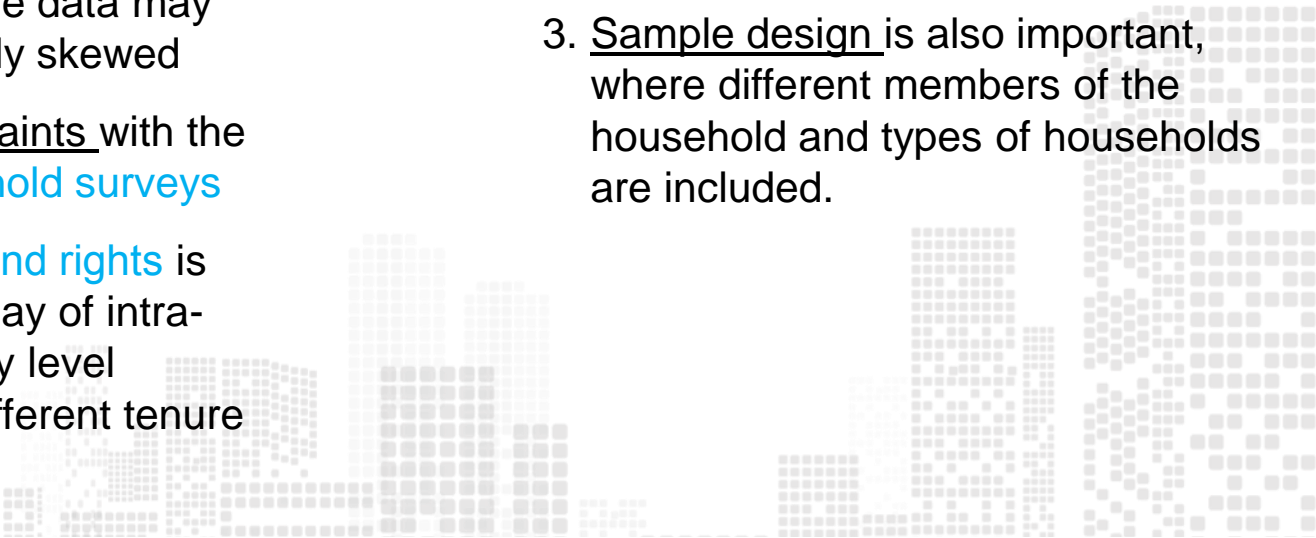


Data Limitations

1. Tenure insecurity is partly caused by limited capacities for **land management, data collection and monitoring**, and inadequate existing **land information systems**, poorly kept land registries, and limited data on large or densely populated geographical areas
2. Coverage of administrative data may however be geographically skewed
3. Logistical and cost constraints with the implementation of **household surveys**
4. Realization of **women's land rights** is complicated by the interplay of intra-household and community level inequalities, along with different tenure regimes.

Possible Solutions

1. Regular reporting on indicator 1.4.2 to improve the availability of data on land tenure
2. The World Bank and UN-Habitat, in coordination with FAO, will leverage the work of the EDGE (Evidence and Data for Gender Equality) project
3. Sample design is also important, where different members of the household and types of households are included.



Way forward- Towards Tier I

- Expand Data collection – target 50% of all countries & population, by region.
 - NSO and land agencies confirmed feasibility for data collection for the denominators of this indicator as part of regular surveys and routine reporting.
- Advocacy, advocacy, advo.....
- SDG module in all upcoming household surveys
 - Reach out to NSOs and identify all upcoming surveys 2018 and 2019
 - Harmonize capacity building materials; e-learning (with 5.a.1)
 - ToT Regional land and statistical bodies
 - Coordination with other partners and work on other land indicators, land agencies and other monitoring initiatives – with facilitation of GLII

Registries and Cadaster Land Data

- Metadata by country
 - What are legally recognized documents in use & how do they look like?
 - Where are the data held and in what form?
 - How to build SDG dashboard ?

- Capacity development of national land agencies, and work with regional bodies, link to NSOs, CSOs and others

A. PERCEPTION OF TENURE

1. How likely are you to lose your land/ property or use right in the next 5 years?

- Very likely/ somewhat likely/ not likely

If “Very likely/ somewhat likely”

- 2. What is the source of the potential loss of land/property?
(i) National government; (ii) local authorities; (iii) commercial interests; (iii) family members or other individuals
- 3. Do you have the right to exclusively or jointly bequeath your land/ property? - Yes, by my own/ individually; yes, jointly with others; no

Essential questions for Surveys or census

B. LEGALLY RECOGNIZED DOCUMENTATION

1) Do you have property/ tenure rights over this land/property or another property? (a) Yes; No

if yes,

- What type of rights? (country specific coding – freehold, leasehold etc.)

2) Do you have documentation of the tenure/ property rights on this property and/ or another property?

- (yes, this property; yes, some properties, yes, all my properties; no documentation).

- If documentation yes:

3.3 What is the type of documentation over the land/ property? (country specific coding – legally recognized as well as other documentation - with pictures of each type of document for the enumerators) If yes

3.4 Whose name is on the document and can you show the document? - name – ID household roster Code: accordingly, whether document is seen or not

Essential questions for Surveys or census

Version 1A (SDG ONLY) -- No separate agriculture instrument, and proxy respondent OK. Assuming separate HH roster with gender.

Implementation / CAPI Notes Use "currently" or set a specific date -- country level decision Local/traditional area unit codes to be customized at country level Codes to be customized at country level Codes to be customized at country level Ask 'owned' if parcel is purchased or inherited, otherwise 'holds use rights' Named agencies and examples to be customized for context

ENUMERATOR: AFTER CREATING THE ROSTER OF PARCELS, GO THROUGH THE ENTIRE MODULE ONE PARCEL AT A TIME.

PARCEL ID	RESPONDENT ID	1. PARCEL NAME Please tell me about each parcel of land currently belonging to, used by, or occupied by members of your household. Please describe or give me the name of each parcel, starting with the parcel you reside on.	2. What is the area of this [PARCEL]? <u>CODES FOR UNIT:</u> ACRE.....1 HECTARE.....2 SQUARE METERS...3 OTHER (SPECIFY)...4	3. How was this [PARCEL] acquired? GRANTED BY CUSTOMARY/ COMMUNITY AUTHORITIES...1 ALLOCATED BY GOVERNMENT.....2 ALLOCATED BY FAMILY MEMBER...3 INHERITED BY THE DEATH OF A FAMILY MEMBER...4 PURCHASED.....5 RENTED IN, SHORT-TERM (< 3 YEARS).....6 >> 5 RENTED IN, LONG-TERM.....7 SHARECROPPED IN ...8 >> 5 BORROWED FOR FREE.....9 BRIDE PRICE.....10 GIFT FROM NON-HOUSEHOLD MEMBER.....11 MOVED IN WITHOUT PERMISSION.....12 >> 5 OTHER (SPECIFY)...13	4. Under which tenure system is this [PARCEL]? CUSTOMARY.....1 FREEHOLD.....2 LEASEHOLD.....3 STATE.....4 COMMUNITY/GROUP RIGHT.....5 COOPERATIVES...6 OTHER (SPECIFY)...7	5. What is the primary current use of this [PARCEL]? RESIDENTIAL...1 AGRICULTURAL...2 PASTORAL.....3 FOREST.....4 BUSINESS/ COMMERCIAL...5 DON'T KNOW...6 OTHER (SPECIFY)...7	6. Who in the household [owns/ holds use rights to] this [PARCEL]? LIST UP TO 4 JOINT OWNERS OR USE RIGHT HOLDERS FROM HOUSEHOLD ROSTER.	7. Does your household have a document for this [PARCEL] issued by the Land Registry/Cadastral Agency, such as a title deed, certificate of ownership, certificate of hereditary acquisition, or rental contract? YES...1 NO...2 >> 9					
			a. FARMER ESTIMATION	b. GPS MEASURE									
			AREA	UNIT	AREA IN ACRES					HHID CODE #1	HHID CODE #2	HHID CODE #3	HHID CODE #4
1													
2													
3													
4													
5													

Color Codes: SDG 1.4.2 SDG 5.a.1 Both 1.4.2 & 5.a.1 Analytical purposes only

Essential questions for Surveys or census

Version 1

Codes to be customized at country level - to include all legally recognized documents. Rental contracts of some form should be included, as long as rights are legally protected

skipped for short term rental & sharecropped in

skipped for short term rental & sharecropped in

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skipped for short term rental & sharecropped in

Asked for each owner/use right holder separately, where [NAME of owner/use right holder] is linked to all persons reported in Q6. If short term rental, rephrase as [in the remaining duration of the rental contract].

Photo aid to be shown to respondents.

PARCEL ID	<p>8. What type of documents does your household have for this [PARCEL], and which household members are listed as owners or use rights holders on each?</p> <p>LIST UP TO 3, SHOW PHOTO AID</p> <p><u>DOCUMENT TYPE:</u></p> <p>TITLE DEED.....1 CERTIFICATE OF CUSTOMARY OWNERSHIP.....2 CERTIFICATE OF OCCUPANCY.....3 CERTIFICATE OF HEREDITARY ACQUISITION LISTED IN REGISTRY.....4 SURVEY PLAN.....5 RENTAL CONTRACT, REGISTERED.....6 OTHER (SPECIFY).....7</p> <p>IF NO HOUSEHOLD MEMBERS ON DOCUMENT, ENTER "99"</p> <p>IF DON'T KNOW, ENTER "99"</p>																<p>9. Does anyone in the household have the right to sell [PARCEL], either alone or with someone else?</p> <p>YES...1 NO...2 >> 11</p>				<p>10. Who can decide whether to sell [PARCEL]?</p> <p>LIST UP TO 4 ID CODES FROM HOUSEHOLD ROSTER AND 1 CODE FROM OUTSIDE HOUSEHOLD, IF APPLICABLE.</p> <p><u>CODE FOR NON-USE MEMBER:</u></p> <p>RELATIVE.....1 LOCAL OFFICIAL.....2 CUSTOMARY LEADER...3 OTHER.....4</p>					<p>11. Does anyone in the household have the right to bequeath this [PARCEL], either alone or with someone else?</p> <p>YES...1 NO...2 >> 13</p>					<p>12. Who can decide whether to bequeath this [PARCEL]?</p> <p>LIST UP TO 4 ID CODES FROM HOUSEHOLD ROSTER AND 1 CODE FROM OUTSIDE HOUSEHOLD, IF APPLICABLE.</p> <p><u>CODE FOR NON-USE MEMBER:</u></p> <p>RELATIVE.....1 LOCAL OFFICIAL.....2 CUSTOMARY LEADER...3 OTHER.....4</p>					<p>13. On a scale from 1 to 7, where 1 is not at all likely and 7 is extremely likely, how likely is [NAME of owner/use right holder] to involuntarily lose ownership or use rights to this [PARCEL] in the next 5 years?</p> <p>REFER TO ID CODES IN Q6</p>															
	DOCUMENT #1				DOCUMENT #2				DOCUMENT #3																																										
	DOC. TYPE	HHID CODE #1	HHID CODE #2	HHID CODE #3	HHID CODE #4	DOC. TYPE	HHID CODE #1	HHID CODE #2	HHID CODE #3	HHID CODE #4	DOC. TYPE	HHID CODE #1	HHID CODE #2	HHID CODE #3	HHID CODE #4	HHID CODE #1	HHID CODE #2	HHID CODE #3	HHID CODE #4	NON-USE MEMBER	HHID CODE #1	HHID CODE #2	HHID CODE #3	HHID CODE #4	NON-USE MEMBER	HHID CODE #1	HHID CODE #2	HHID CODE #3	HHID CODE #4	NON-USE MEMBER	ID	RESPONSE	ID	RESPONSE	ID	RESPONSE	ID	RESPONSE													
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