

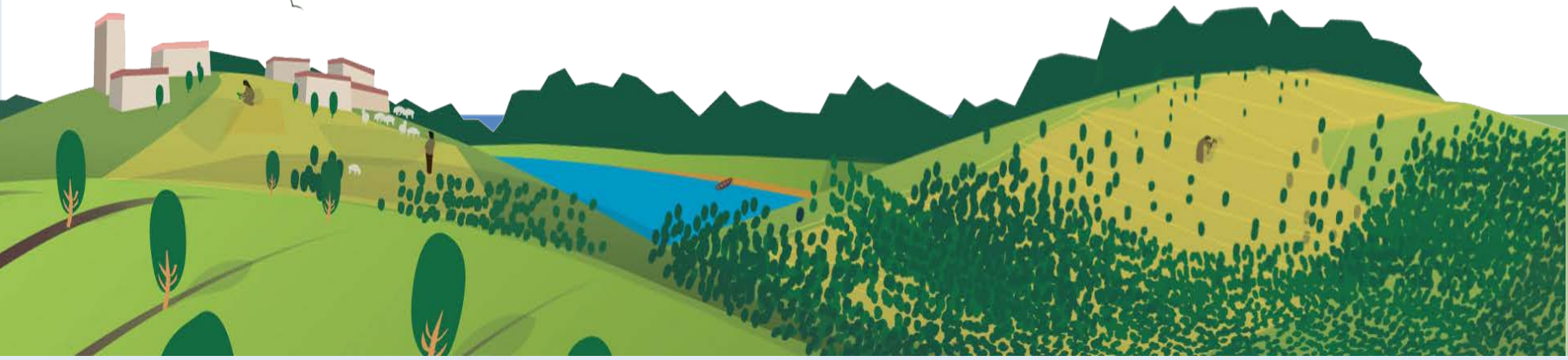


Feb. 25,
2015

Geneva

VOLUNTARY GUIDELINES AND INFORMAL TENURE

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Gavin Adlington, Lead Land Administration Specialist, World Bank



THE KEY ISSUES WITH INFORMAL SETTLEMENTS ARE KNOWN

Corruption

Evictions with no compensation

No security

Don't pay taxes

Lower property value

Can't access social services, schools or health services.

Invasions

Poor access to roads

Pollution

No credit

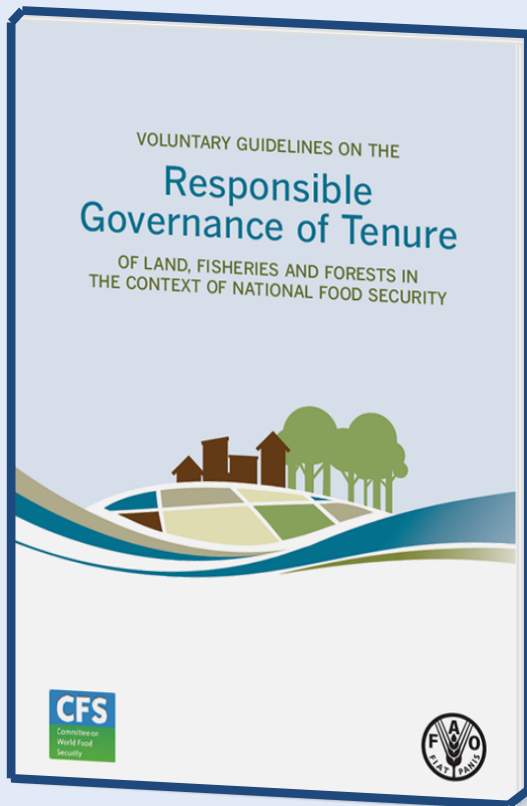
Lack of access to utilities

Refugees

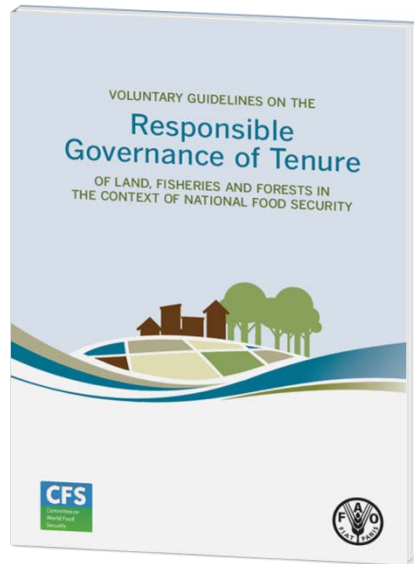
Can't vote

**WHAT TOOLS DO WE HAVE TO HELP
(PUSH?) THE GOVERNMENTS?**

WE HAVE THE FIRST GLOBAL SOFT LAW INSTRUMENT ON TENURE



**NEGOTIATED BY UN MEMBER
STATES GOVERNMENTS;
WITH
PARTICIPATION OF
CIVIL SOCIETY
AND
PRIVATE SECTOR**



- Endorsed by **CFS** May 2012
- Implementation encouraged by **G8, G20, Rio+20, Francophone Parliamentary Assembly, UN General Assemblies and Berlin Agriculture Ministers' Summits**
- Major civil society activities on governance of tenure: **Oxfam 'Behind the Brands'**
- High profile private sector endorsements: **CocaCola Corp; PepsiCo**
- Endorsed by **World Bank**
- **FAO** priority and mainstreaming



GENERAL ASSEMBLY
OF THE UNITED NATIONS



G2012
LOS CABOS
MEXICO



RIO+20
United Nations Conference
on Sustainable Development

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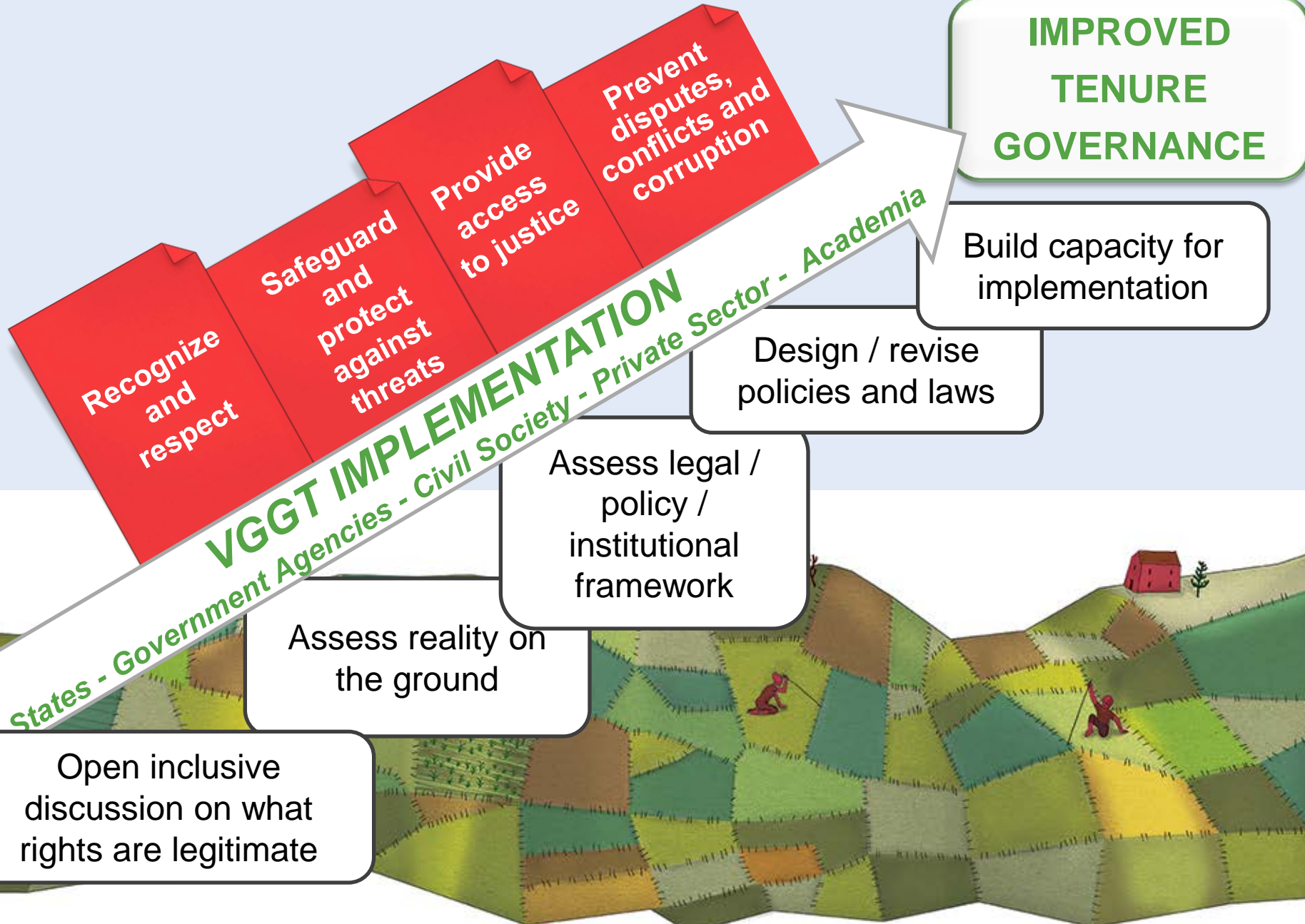
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Part 3: Legal recognition and allocation of tenure rights and duties

- Safeguards
- Public land, fisheries and forests
- Indigenous peoples and other communities with customary tenure systems
- **Informal tenure**

Part 7: Promotion, implementation, monitoring and evaluation

USE of the VGGT: National perspective



VG Part 3: LEGAL RECOGNITION AND ALLOCATION OF TENURE RIGHTS AND DUTIES. INFORMAL TENURE

10.1 Where informal tenure to land, fisheries and forests exists, States should acknowledge it in a manner that respects existing formal rights under national law and in ways that recognize the reality of the situation and promote social, economic and environmental well-being.

States should promote policies and laws to provide recognition to such informal tenure. The process of establishing these policies and laws should be participatory, gender sensitive and strive to make provision for technical and legal support to affected communities and individuals.

In particular, States should acknowledge the emergence of informal tenure arising from large-scale migrations.

VG Part 3: LEGAL RECOGNITION AND ALLOCATION OF TENURE RIGHTS AND DUTIES. INFORMAL TENURE

10.2 States should ensure that **all actions** regarding informal tenure **are consistent with their existing obligations under national and international law**, and with due regard to voluntary commitments under applicable regional and international instruments, including as appropriate to the right to adequate housing

10.3 **Whenever States provide legal recognition to informal tenure, this should be done through participatory, gender-sensitive processes, having particular regard to tenants.** In doing so, States should pay special attention to farmers and small-scale food producers. **These processes should facilitate access to legalization services and minimize costs.** State should strive to provide technical and legal support to communities and participants.

VG Part 3: LEGAL RECOGNITION AND ALLOCATION OF TENURE RIGHTS AND DUTIES. INFORMAL TENURE

10.4 States should take all appropriate measures to limit the informal tenure that results from overly complex legal and administrative requirements for land use change and development on land. Development requirements and processes should be clear, simple and affordable to reduce the burden of compliance

10.5 States should endeavour to prevent corruption, particularly through increasing transparency, holding decision-makers accountable, and ensuring that impartial decisions are delivered promptly.

10.6 Where it is not possible to provide legal recognition to informal tenure, States should prevent forced evictions that violate existing obligations under national and international law, and consistent with relevant provisions under Section 16. **Expropriation and compensation**

The Guidelines Implementation

Section 26

calls on States for the implementation and encourages them to:

set up multi-stakeholder platforms and frameworks at local, national and regional levels

or

use such existing platforms and frameworks.

This process should be inclusive, participatory, gender sensitive, implementable, cost effective and sustainable

VG Part 7: PROMOTION, IMPLEMENTATION, 12 MONITORING AND EVALUATION **THE ROLE OF THE STATES**

26.1 In accordance with the voluntary nature of these Guidelines, **States have the responsibility for their implementation, monitoring and evaluation.**

26.2 **States are encouraged to set up multi-stakeholder platforms and frameworks at local, national and regional levels or use such existing platforms** and frameworks to collaborate on the implementation of these Guidelines; to monitor and evaluate the implementation in their jurisdictions; and to evaluate the impact on improved governance of tenure of land, fisheries and forests, and on improving food security

.....In carrying out these tasks, States may seek technical support from regional and international bodies.

VG Part 7: PROMOTION, IMPLEMENTATION, 13 MONITORING AND EVALUATION

THE ROLE OF DEVELOPMENT PARTNERS AND UN AGENCIES

26.3 Development partners, specialized agencies of the United Nations, and regional organizations are encouraged to support voluntary efforts by States to implement these Guidelines, including through South-South cooperation.

Such support could include:

- ✓ technical cooperation
- ✓ financial assistance
- ✓ institutional capacity development
- ✓ knowledge sharing and exchange of experiences
- ✓ assistance in developing national tenure policies and
- ✓ transfer of technology

WE HAVE LAND GOVERNANCE MONITORING TOOLS

LAND GOVERNANCE ASSESSMENT FRAMEWORK (LGAF)

***TESTED IN 2013 -2014 AS A TOOL FOR DIAGNOSTIC AND MONITORING
THE IMPLEMENTATION OF THE VOLUNTARY IN MOLDOVA, GEORGIA, UKRAINE
AND THE PHILIPPINES***

CRITICAL AREAS COVERED BY LGAF

- **Legal & institutional framework**
Recognize existing rights and allow users to exercise them at low cost. Policies are clearly stated & regularly monitored.
- **Land use planning & taxation**
This section also deals with informality and housing.
- **Management of state land**
Clearly identified and managed efficiently. Fair expropriation, compensation and appeals. Divestiture of state lands and property.
- **Public provision of land information**
Land information accessible at reasonable cost - comprehensive, current and reliable.
- **Dispute resolution & conflict management**

LGAF will highlight why the informal sector grows and what needs to be done to resolve the problems.

There will almost certainly be a need to amend some laws or regulations (or both) to regularize the situation.

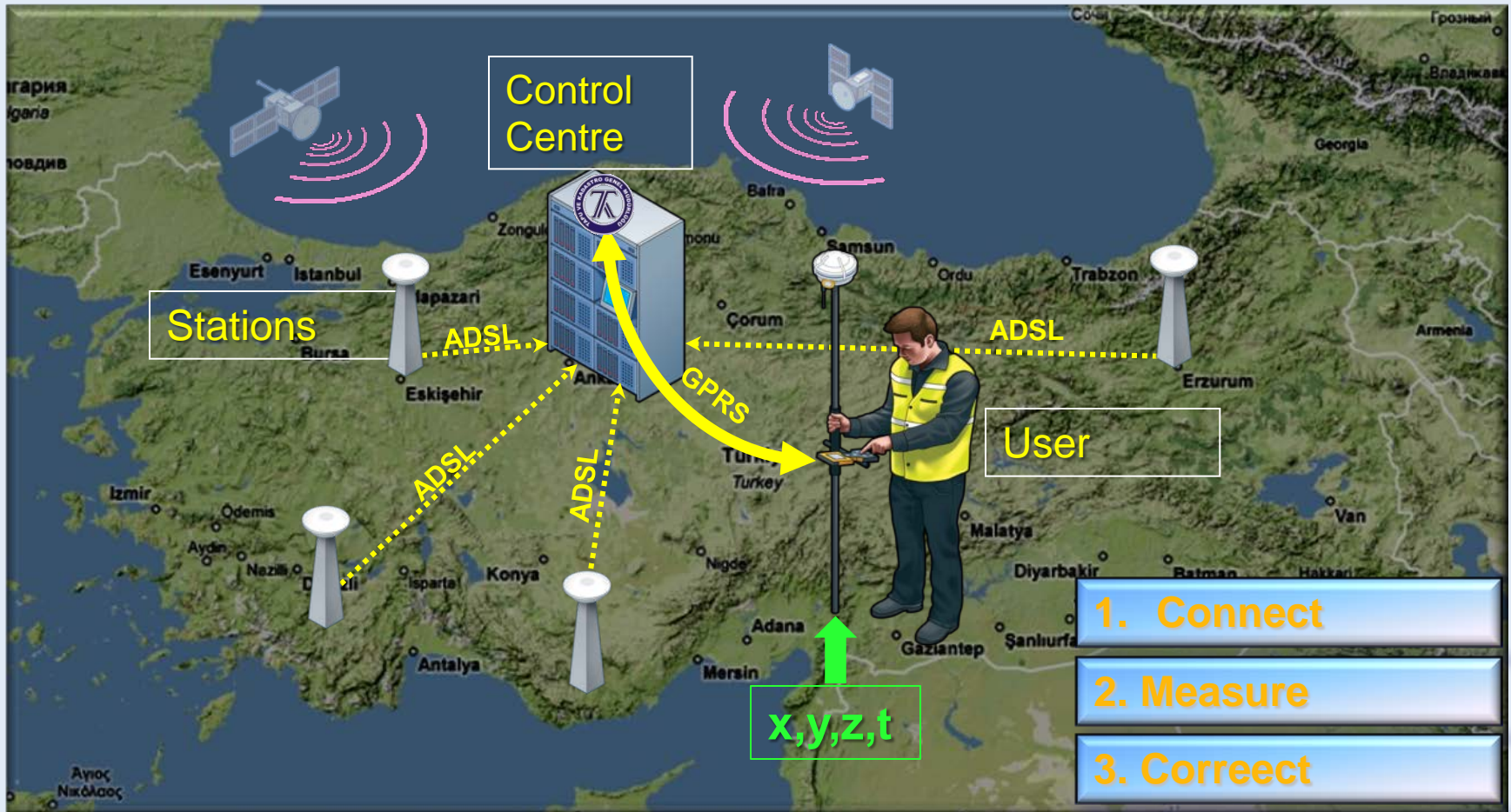
Then implement a mass program to deal with it - or if done sporadically make sure that it is easy, cheap and quick for the public.

WE HAVE TECHNOLOGY

DO NOT FORGET THE LEGAL SIDE!

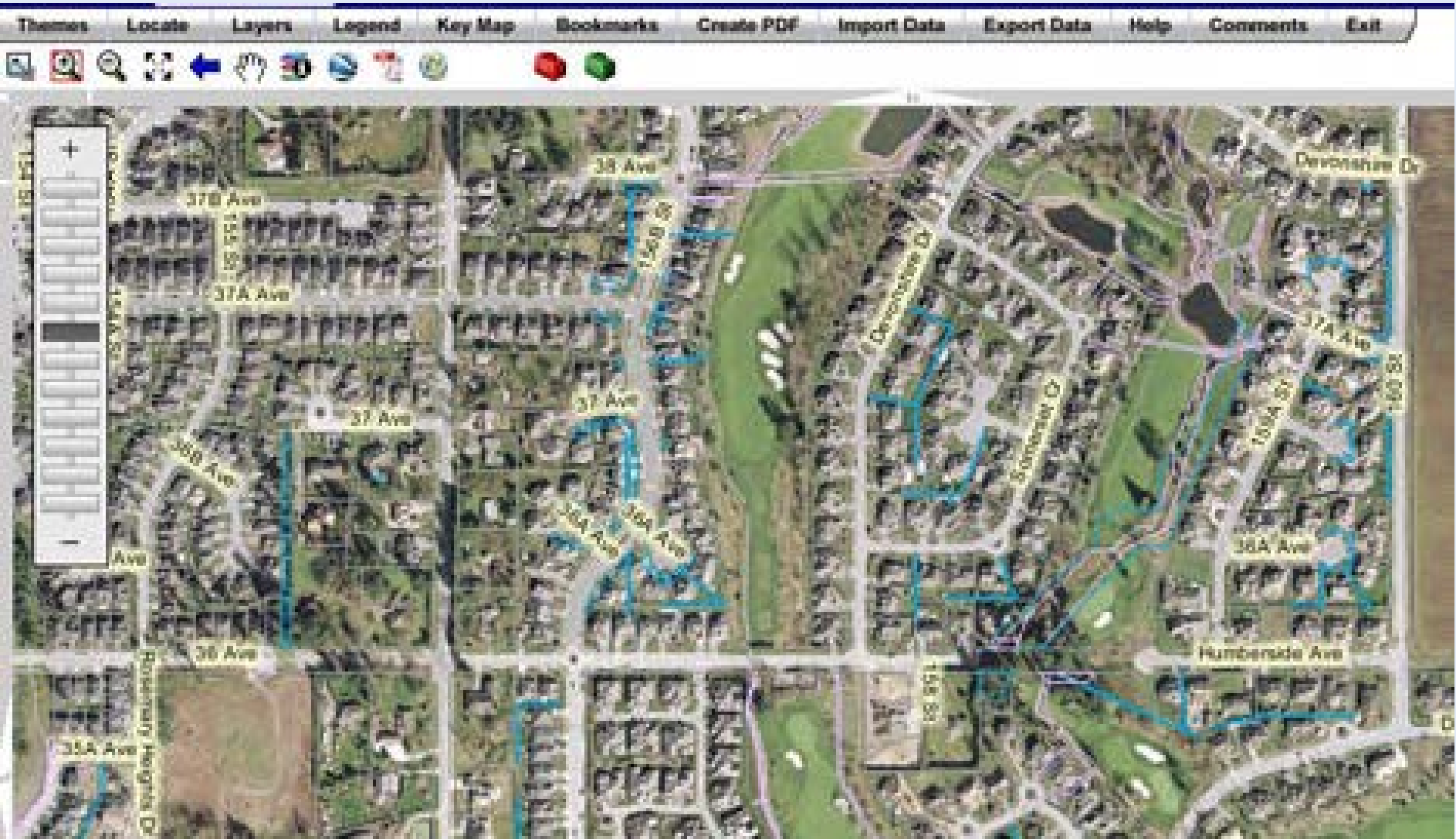
OWNERS SHOULD PROVIDE EVIDENCE: TAX RECEIPTS, UTILITY BILLS,
SIGNED AGREEMENTS OR JUST VERBAL EVIDENCE FROM NEIGHBOURS.

CORS help to make survey work fast and cheap



Cm-level coordinates in a few seconds ..

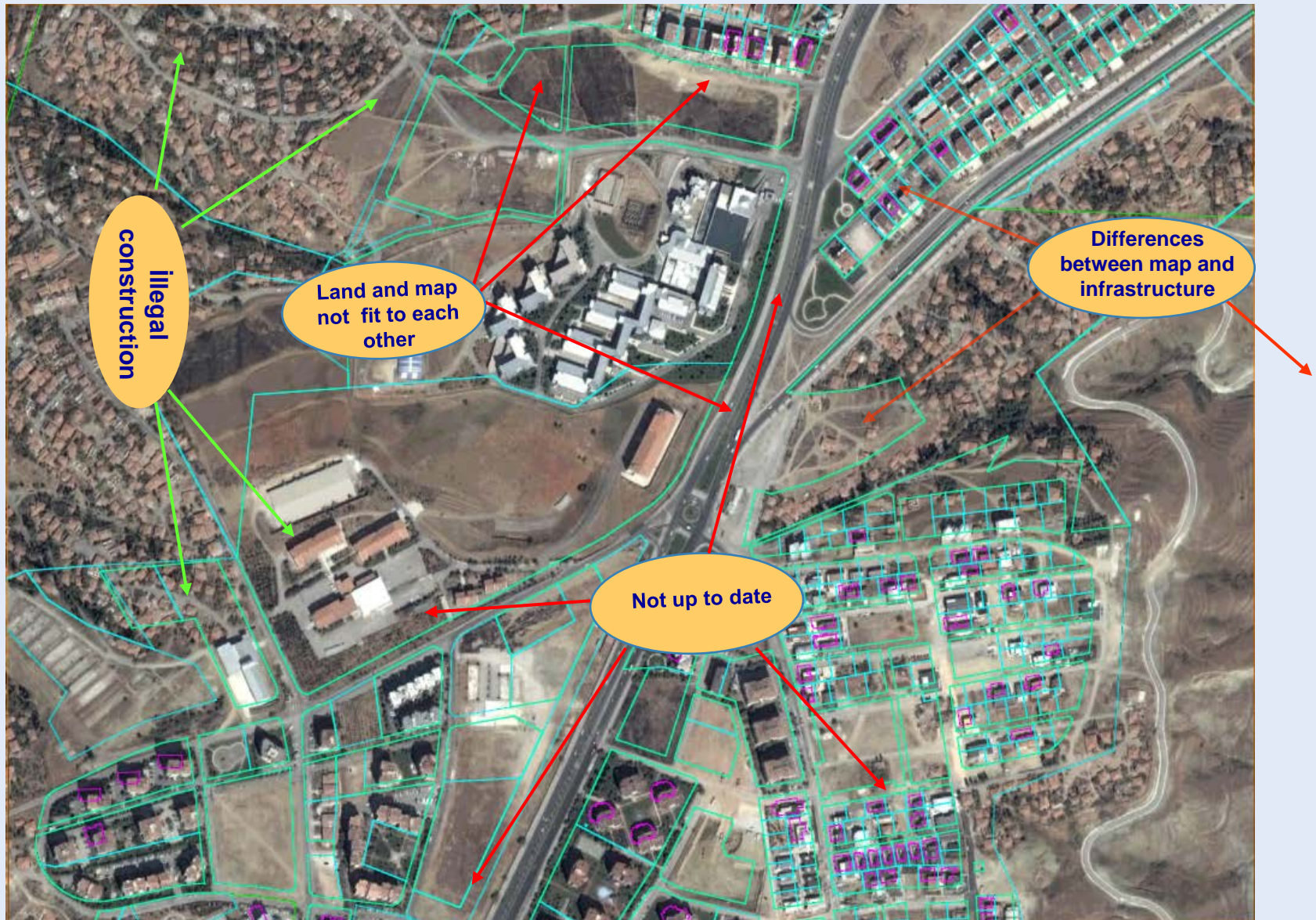
ORTHOIMAGERY WEB SERVICE



UNMANNED AERIAL SYSTEMS



CADASTRAL MAPS OVERLAID ON ORTHOPHOTOMAPS



ONLINE searching, inquiring and receiving real estate property information

Kreu Pasurite Harta Aplikimet

Harta

Zona Kadastrale: 3796

+ Zgjidh DXF... Ngarko

70-8/303-P

Të dhënat e pasurisë sipas regjistrimit fillestar:

Identifikim

Zona Kadastrale: 3796 Nr. Vlerë: 140

Vendi Hartë: TR, S6 Nr. Pasurisë: 140

Status Hartë: Inpoutar

Harta treguese: Sezioni B Sezioni C Sezioni D Sezioni E

Para Hartën Sp Modifiko Përto Hartën në

Dokumentat e Arkives

Pasuria: 4/303+1-8/1

Referencat	Imazhi
00003440	
00000255	

Kartela

4/303+1-8/1

Informacioni i Karteles e Pasurisë së Paluajtshme

A - Sezioni i Identifikimit të Pasurisë

Zona Kadastrale:	8260	Nr. i Pasurisë:	4/303+1-8/1	PËRFUNDIMTARE (data):
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Modifiko Promen

Modifiko Gjeografiko

Znadhjo Pange Plote Pange Pas Pastro Selektimin Selekt vije Snap Lich Nr Pas DropDown Print Exporto ne GML

Zvogloje Znadhme Faktor Fiks Pange Para Identifiko Modifiko Poligon Bashko BarLettItem 1 Shtresat Ngarko Nga GML

Plan Zvogloje me Faktor Fiks Kërko Pasurit Matës Segment Tabela Toleranca: 20 Tabela BarLinkContainerItem 1 Printo Harta Treguese Gjej Gabimet Testing

Shtresat

Shtresa Aktive

Satelit

Zona

Parcela

Ndërtesa

Nr Pas

1: 124 K:374 Y:356 (Bota) X:388948.2124 Y:4576738.6048 Sig: 157.91

Për pjesën e përbashkët

Kuota e pjesëmarrjes

__%

Nr. i Pasurisë (pallat)

F/B	Adresa e Pronarit	Shuma e paguar	Data e Lëshimit të Certifikatës	Shënime
I		0	1/1/0001 12:00:00 AM	K.SH 1302/98

P - përfaqësues i familjes; B - bashkëpronar (%)

ave dhe Interesave të Tjera

Data e Lëshimit të Certifikatës	Shënime

Data e Lëshimit të Certifikatës Shënime

ght 2013

CROWDSOURCING FOR IMPROVED DATA QUALITY

FAST DATA QUALITY IMPROVEMENT - Examples from Ukraine

- **Crowd sourcing** - online service for reporting errors

During the first month:
11 000 errors reported
8 000 corrected.

- **16.8 mil ownership documents (35 mil pages)** scanned, indexed, data entered, verified, uploaded to a secure DB in 5 months.

- **Created Unified Cadastre Map** – 1 460 local coordinate systems transformed in unified system in 2013. Many errors identified and in process of correction

- **Automatic tools for error identification, classification and correction created and piloted**

Форма зворотного зв'язку

Всі поля обов'язкові для заповнення

Кадастровий номер земельної ділянки по якій виникла проблема

Ділянка не знайдена.

Кадастровий номер не знайдено.

Місцезнаходження ділянки помилкове.

Конфігурація ділянки має помилки.

Площа на публічній кадастровій карті не співпадає з площею в державному акті.

Цільове призначення ділянки не співпадає з державним актом.

Межі земельної ділянки перетинаються з межами іншої ділянки (ділянок).

Межі земельної ділянки відповідають державному акту (проблеми відсутні).

Прізвище

In Kiev:
Out of 88 reported errors,
56 were found to be similar.

The correction of 56 errors led
to automatic correction of
more than 2000 errors

CONCLUSION

- **The problems and solutions to deal with informal development are well known. Technology is available.**
- **The political will is often missing, partly because of vested interest, but also because of lack of knowledge.**
- **The Voluntary Guidelines and LGAF can be used to get the message to the right people.**



Thank you for your attention

**Newsletter on the Responsible
Governance of Tenure**

Subscribe at: VG-tenure@fao.org

Website

www.fao.org/nr/tenure

