

GIM INTERNATIONAL INTERVIEWS *CLARISSA AUGUSTINUS, UN-HABITAT*

New Tools in Land Administration Are Required

In November 2004 an Expert Group Meeting on Secure Land Tenure was held at UN Headquarters in Nairobi, Kenya. The focus of this meeting was to discuss new legal frameworks for the improvement of land tenure security and related implementation tools, to discuss evolutionary approaches for recording and mapping of land tenure forms, and to discuss possibilities to improve existing land administration systems. During this unique meeting of social scientists, anthropologists, lawyers and land surveyors, GIM International took the opportunity to meet Dr Clarissa Augustinus, chief of UN-HABITAT's Land & Tenure Section.

Why has UN-HABITAT co-sponsored this meeting?

UN-HABITAT has a global mandate to assist Member States around the world to deliver security of tenure, especially to the urban poor. The tool used by UN-HABITAT to fulfil this mandate is the Global Campaign for Secure Tenure, which has contributed to the funding of this Expert Group Meeting. The Global Campaign for Secure Tenure has a huge task, as among the greatest challenges facing humankind in the new millennium is rapid urbanisation and increasing poverty, both of which are closely linked to land. Based on UN-HABITAT's estimates, since 1950 mankind has endured its most rapid expansion, from 2.5 billion to 6 billion people. UN-HABITAT estimates that of these 6 billion people, a total of about 924 million people lived in the world's urban slums in 2001. The major challenges in the land sector and for this meeting are, firstly, to deliver new tools in security of tenure to slum dwellers through upgrading and, secondly, the adoption of pro-poor urban land policies designed to prevent the emergence of new slums. For UN-HABITAT this is the umbrella for this Expert Group Meeting and we hope to hear about some of the solutions to meet these challenges. These solutions are necessary so that the majority of urban residents in Africa who are now living without security of tenure will be able to attain tenure security, move away from a life of poverty and have a better future.

What needs to be done? How will tools be developed?

With respect to land and security of tenure I have been arguing that increasing our global understanding, description and analysis of land-related issues is necessary, but not sufficient, to be able to deliver land-related changes in countries, regions and at a global level. Instead we have to link the description and analysis of land issues with implementation, drawing from the type of approaches found in surveying, valuation, registration and planning, which put an emphasis on the delivery of land and other services. That is, the term tool development is firstly describing and analysing, then setting the agenda for research into the creation of tools and developing the tools that allow us to implement large-scale changes in the land arena, and finally implementation at full scale with evaluation. Given the nature of land, this can generally only be done within a country, with the country and with multi-stakeholder involvement. However, global, and especially regional, best practices are also often capable of adaptation.

Are there new tools apart from classical "conventional" land titling?

Absolutely. Up until the 1970s and 1980s most of the land tools were focused around land titling and their implementation was the preserve of lawyers and surveyors. However, in the 1980s and increasing very strongly in the 1990s, many well-respected social science researchers both in the urban and rural sectors argued that individualised land titling was not working and that alternative forms of delivering security of tenure here in sub-Saharan Africa had to be found. It was not working because it only benefited the middle class, was not affordable, did not take into account that the social land tenures in place were based on group and family rights and, most importantly, the countries were battling to scale up to cover the majority of their populations because of a lack of human and financial resources. The 1990s were dominated by the social scientists working on land policy and law, often without any strong linkages to the technical people who would have to implement the policy and law. These technical and legal people were often isolated because of their lack of pro-poor tools and their focus on delivery of land titles to the middle class. The result of this lack of linkage was land policies/laws that could not be implemented and/or were too costly to implement. In a few countries, such as Mozambique, Uganda and Namibia, the latter part of the 1990s and early 2000s was the beginning of the development of innovative land tools that fitted the new policy frameworks and could be used for implementation.

So innovations can be recognised already?

Yes, but these innovative approaches still pose a challenge for us, as we need to find out if they can be scaled up to give national coverage. Many of these innovative approaches have only been implemented in either rural or urban areas. Where these are national

laws, we need to also apply them to both rural and urban areas. We need to rigorously evaluate the existing pilots and applications of these laws to find out whether they are giving poor people security of tenure and we need to evaluate whether they are giving women security of tenure.

Many organisations worldwide have a focus on land administration; what about international co-operation?

During the evolution from individual titling to pro-poor land policies to a few innovative pro-poor land tools being developed, a number of organisations aside from UN-HABITAT have identified the fact that good land policy exists but we do not have sufficient pro-poor tools to implement the good policy. The World Bank published a new land policy, mostly rural-based, in 2003. UN-HABITAT and the World Bank, Research Division, are working together to try and expand the number of pro-poor land tools available. Other partners such as the Food and Agriculture Organization of the United Nations (FAO), the Swedish International Development Cooperation Agency (Sida) and the United Kingdom Department for International Development (DFID) are also concerned about this gap. UN-HABITAT and the World Bank as partners have started working with the Ministry of Water, Land and Environment in Uganda to evaluate their innovative land tool, for up-scaling and application to urban areas.

And multi-disciplinary co-operation; do surveyors have to work with other disciplines?

Definitely. As we all know, land is a crosscutting issue with a range of vested interests and a variety of disciplines servicing those interests, and these are arranged in sectors. We have tried to ensure that a broad range of the stakeholders are here at the Expert Group Meeting such as government, non-governmental organisations, urban and rural private sector professionals and research institutes, women and men. We have also tried to ensure that there is a range of disciplines at the Expert Group Meeting including social scientists, surveyors, lawyers, GIS experts, planners, etc.

One of the key aims of this Expert Group Meeting has been to bring people together from a range of sectors because, for robust land tools, we need to overcome these boundaries. As a social scientist I have worked in the land-titling field for years in Africa and observed the behaviour of key players. There are at least two very different groups of people. On the one hand key players who come from a social science, economics, political science, geography background and, on the other hand, those from a land surveying, computer science, planning, valuation, engineering-type background. Lawyers fall into both groups. Judging from many forums, these different key players are still mostly talking past each other, though this is slowly improving. The development of pro-poor land tools, where land policy programmes are translated into specific steps to be taken in individual countries, will require integrated work by the entire range of key players.

Many of us are becoming increasingly aware that it is not possible to change land administration systems by working optimally within each sector, but that instead we have to work out optimal solutions across the whole land sector within the socio-political context.

A key subject during an FIG regional conference in Marrakech, Morocco, a year ago was the urban-rural interrelationship; what is your opinion on this?

For many people in the land industry there is a huge divide between the urban and rural land sectors. For other people there is no divide, and they are comfortable working with both. Importantly, there is generally a land function situated at the central government level in unitary states, and at the state or provincial level in federations.

Historically there has been much more focus on the rural land sector because of the focus on poverty in the rural sector. This focus has emanated from an understanding that the poor in most countries live in rural areas. Nowadays, there is much talk about the urbanisation of poverty because of rapid urbanisation rates as rural migrants move to the cities.

Based on my experience in working with different countries' land administration systems, I think that the future lies with a conceptual approach that treats land, firstly, as a national function and, secondly, in terms of urban or rural. I think that this kind of approach is becoming increasingly acceptable in international circles among the group where land has conventionally been divided into urban and rural.

One of the key intentions of this Expert Group Meeting was to bring people together who have been working in urban and/or rural areas, at national, city and community level, to try and cross-feed ideas. We also want to show that there is a lot of commonality between the sectors with regard to land tools. In addition, we want to learn from innovations in the different sectors so that they can be tried in other sectors. For example, the innovations in Uganda and Mozambique have been applied in the rural land sector and we would be very keen to see how they can be adapted to the urban land sector.

Finally, this Expert Group Meeting is about taking ideas and seeing how we can use them to deliver pro-poor land tools for tenure security for the poor, especially the 72% of people living in slums in urban sub-Saharan Africa.