Food and Agriculture Organization of the United Nations

THE WORLD BANK
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INSPIRE 2015

Lisbon

VOLUNTARY GUIDELINES ON RESPONSIBLE GOVERNANCE OF TENURE

IN SUPPORT OF

BUILDING SMART CITIES

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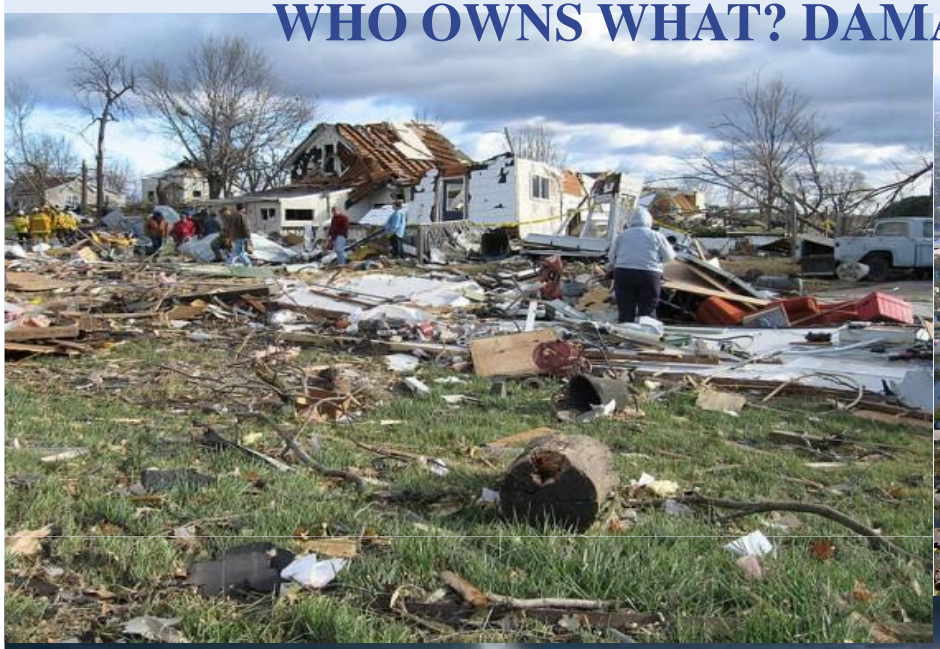
BUILDING SMART CITIES
Inclusive
Resilient
74 Z.UNIVERSITAT FABRA I PUIG
3051
3162 GHY
SUSTAINABLE
SAFE

WHERE MOST PEOPLE ARE?
WHERE TO RESETTLE DISPLACED PEOPLE?
WHO OWNS WHAT? DAMAGES AND COMPENSATIONS?



WHAT'S HAPPEN WHEN THE GOVERNANCE IS WEEK?

Increased crime

Corruption

Evictions with no compensation

No security

Don't pay taxes

Lower property value

Informal settlements

Invasions

Pollution

Poor access to roads

No credit

Lack of access to utilities

Most affected by natural disasters

Can't vote

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

WHAT SHALL WE DO?

INCREASING COMPETITION FOR NATURAL RESOURCES:

- Population growth
- Urbanization
- Changing diets
- Demand for energy
- Climate Chance
- Natural Disasters

WHAT TOOLS DO WE HAVE

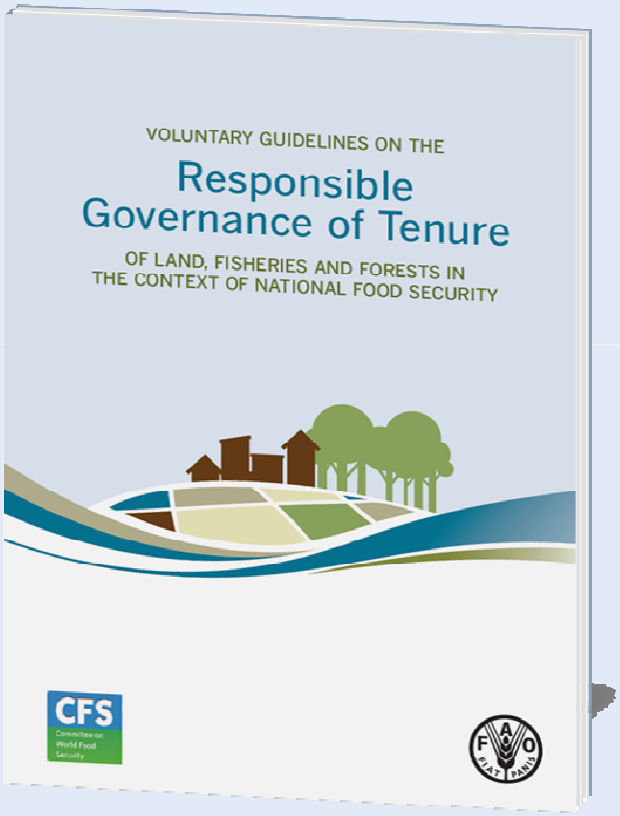
TO HELP (PUSH?)

THE GOVERNMENTS?

Governing institutions have not adapted to growing intensity of competition

WE HAVE THE VOLUNTARY GUIDLINES

The first global soft law instrument on tenure



Negotiated by UN Governments; participation of civil society and private sector

Consensus on "internationally accepted practices" that already exist.

Endorsed by CFS - May 2012

A reference for improving the governance of land, fisheries and forest tenure

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Part 3: Legal recognition and allocation of tenure rights and duties: Safeguards, Public land, Informal tenure

Part 4: Transfers and other changes to tenure rights and duties: Markets, Investments, Land consolidation and other readjustments, Restitution, Redistributive reforms, Expropriation and compensation

Part 5. Administration of tenure: Valuation, Taxation, Regulated spatial planning, Disputes resolutions

Part 6. Responses to Climate change and emergencies: Climate change, Natural disasters, Conflicts

Part 7: Promotion, implementation, monitoring and evaluation

PRINCIPLES OF IMPLEMENTATION

- Human dignity
- Non-discrimination
- Equity and justice
- Gender equality
- Holistic and sustainable approach
- Consultation and participation
- Rule of law
- Transparency
- Accountability
- Continuous improvement

HOW IT WORKS? NATIONAL PERSPECTIVE

IMPROVED TENURE GOVERNANCE

Promote and Facilitate

Prevent disputes, conflicts and corruption

Provide access to justice

Safeguard and protect against threats

Recognize and respect

VGGT IMPLEMENTATION

States - Government Agencies - Civil Society - Private Sector - Academia

Build capacity for implementation

Design / revise policies and laws

Assess legal / policy / institutional framework

Assess reality on the ground

Open inclusive discussion on what rights are legitimate

PART 4. Transfers and other changes to tenure rights and duties

Test the language

Section 12. Investments

12.4 Responsible investments should do no harm, safeguard against dispossession of legitimate tenure right holders and environmental damage, and should respect human rights. Such investments should be made working in partnership with relevant levels of government and local holders of tenure rights…

Section 16. Expropriation and compensation

16.2. States should ensure that the planning and process for expropriation are transparent and participatory. Anyone likely to be affected should be identified, and properly informed and consulted at all stages...

PART 5. Administration of tenure

Test the language

Section 18. Valuation

18.1 …Such systems should promote broader social, economic, environmental and sustainable development objectives.

18. 4 States and other parties should develop and publicize national standards for valuation for governmental, commercial and other purposes. National standards should be consistent with relevant international standards.

Section 19. Taxation

19.1. States have the power to raise revenue through taxation related to tenure rights so as to contribute to the achievement of their broader social, economic and environmental objectives. These objectives may include encouraging investment or preventing undesirable impacts that may arise...

Section 20. Regulated Spatial Planning

20.4 States should ensure that there is wide public participation in the development of planning proposals and the review of draft spatial plans to ensure that priorities and interests of communities are reflected.

20.5. Spatial planning should take duly into account the need to promote diversified sustainable management ... and to meet the challenges of climate change and food security...

PART 6. Responses to Climate Change and Emergencies

Test the language

Section 24. Natural Disasters

24.1. ...Regulatory frameworks for tenure, including spatial planning, should be designed to avoid or minimize the potential impacts of natural disasters.

24.2. All parties should act, taking into consideration relevant international principles, including as appropriate the United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons ("Pinheiro Principles"), and the Humanitarian Charter and Minimum Standards in Disaster Response.

24.3. States should address tenure in disaster prevention and preparedness programs. Information on legitimate tenure rights should be collected for areas that could be affected through a process consistent with the principles of consultation and participation of these Guidelines.

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, MONITORING AND EVALUATION

26.1 ...States have the responsibility for their implementation, monitoring and evaluation.

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**

VG Part 7: PROMOTION, IMPLEMENTATION, MONITORING AND EVALUATION

26.5 **All parties, including civil society organizations and the private sector**, are encouraged to use collaborative efforts to promote and implement these Guidelines in accordance with national priorities and contexts. All parties are encouraged to disseminate information on responsible tenure governance in order to improve practices.

WE HAVE LAND GOVERNANCE ASSESMENT TOOLS

LAND GOVERNANCE ASSESSMENT FRAMEWORK (LGAF)

TOOL FOR DIAGNOSTIC

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**

WE HAVE TECHNOLOGY

Voluntary Guidelines for the use of Technology, Standardization, Information Sharing

6.5 States should establish policies and laws to promote the sharing, as appropriate, of spatial and other information on tenure rights for the effective use by the State and implementing agencies, indigenous peoples and other communities, civil society, the private sector, academia and the general public**.**

National standards should be developed for the shared use of information, taking into account regional and international standards.

17.4 …The **spatial accuracy for parcels and other spatial units** should be sufficient for their identification to meet local needs, with increased spatial accuracy being provided if required over time.

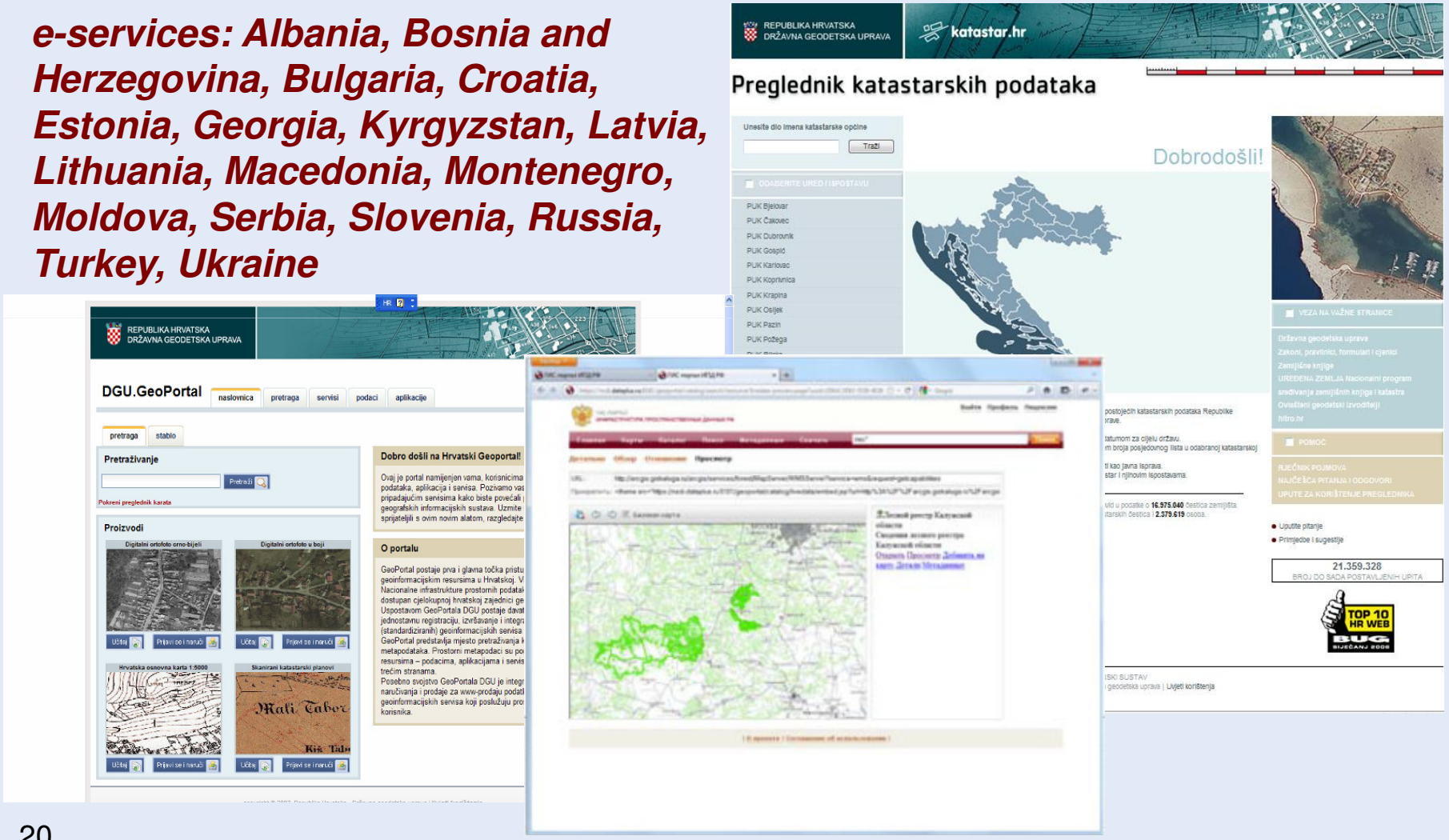
To facilitate the use of records of tenure rights, implementing agencies **should link information on the rights, the holders of those rights, and the spatial units related to those rights**. Records should be indexed by spatial units as well as by holders to allow competing or overlapping rights to be identified.

TRANSPERNCY & ACCESS TO INFORMATION

ALL ECA COUNTRIES HAVE PROPERTY REGISTRATION ICT SYSTEMS (except 2)

MOST OF ECA COUNTRIES PROVIDE E-SERVICES

e-services: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, Georgia, Kyrgyzstan, Latvia, Lithuania, Macedonia, Montenegro, Moldova, Serbia, Slovenia, Russia, Turkey, Ukraine



Services are the key- Technology is just the tool!

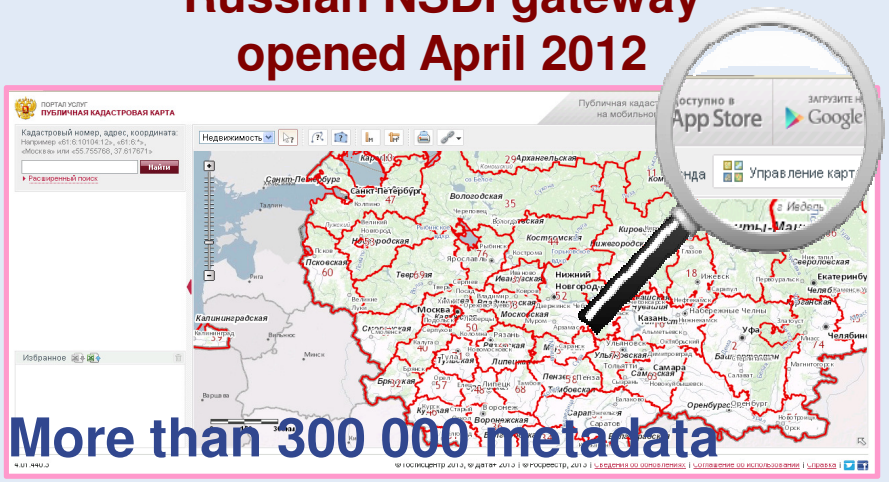
Russian Federation – New Cadaster and Registration System in operation since 2012

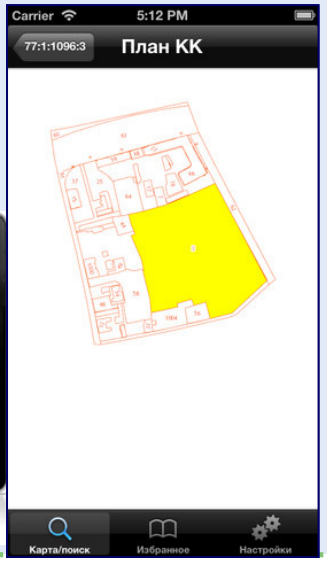
- **Extracts issued on-line** with digital signature or from any office for the entire territory of Russia in several minutes.
- **e-services represent 36%** of overall services and the plan is to reach 70% by 2018.
- **Reduced steps from 4 to 1 or 2**

Standard forms introduced for all transactions. Cost and time reduced, in case of used standardized forms

- **Citizens do not need to bring documents, issued by Government or Municipal authorities**

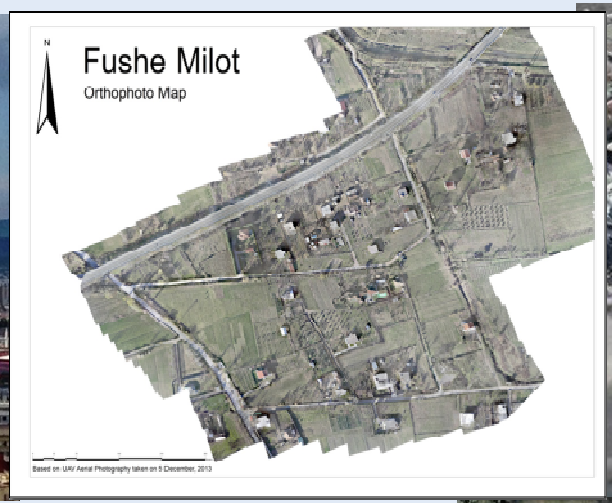
Russian NSDI gateway opened April 2012



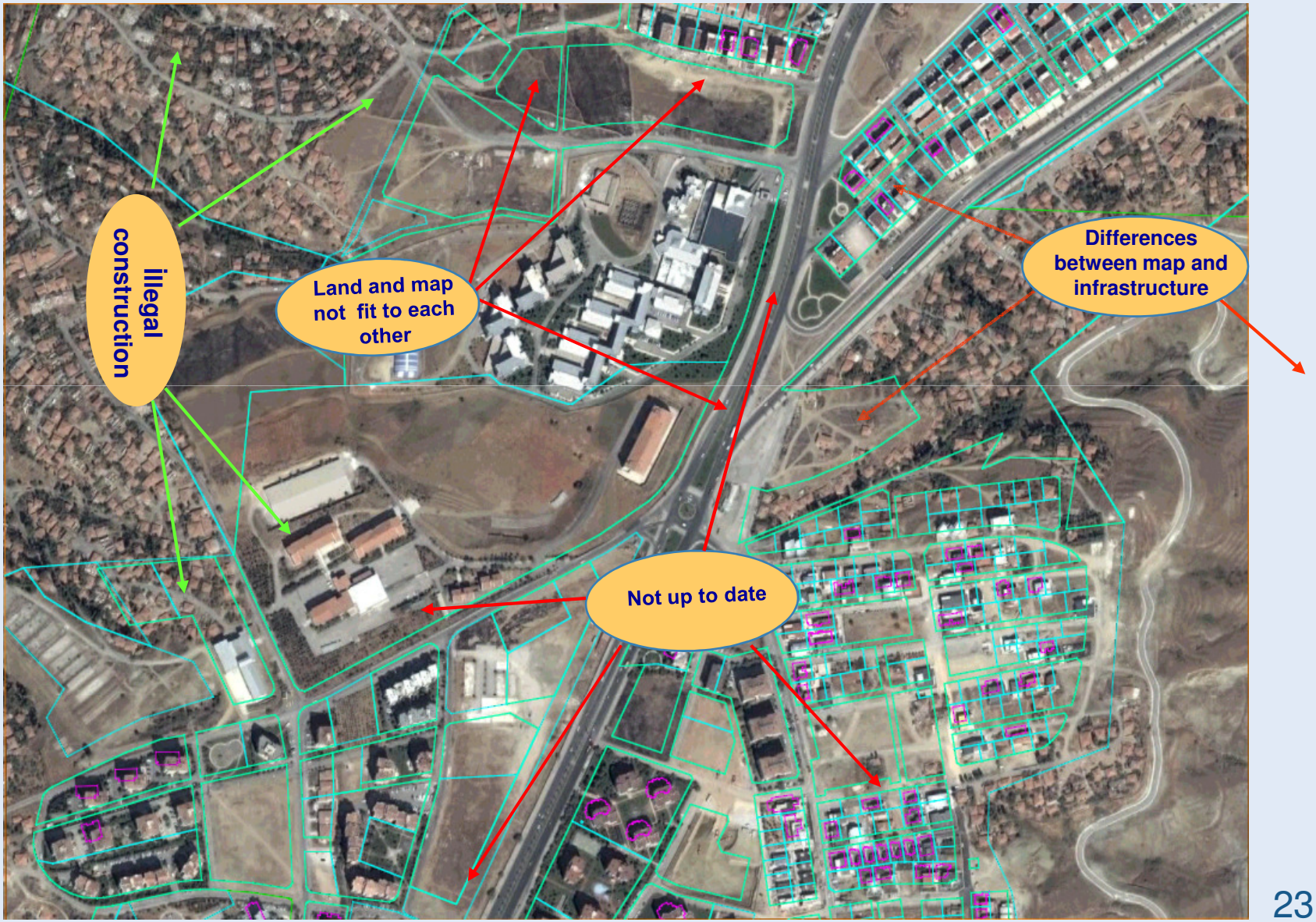


Over 140 thousand applications have been installed with App Store;
Over 60 thousand applications have been installed for Android.

UNMANNED AERIAL SYSTEMS



CADASTRAL MAPS OVERLAID ON ORTHOPHOTOMAPS



CITIZENS ENGAGEMENT: CROWDSOURCING EXAMPLE FROM UKRAINE

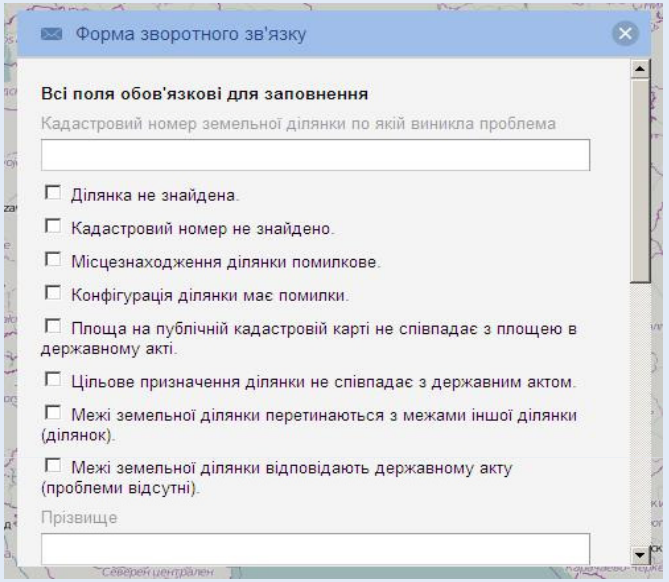
- Crowd sourcing - *online service for reporting errors*

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***



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

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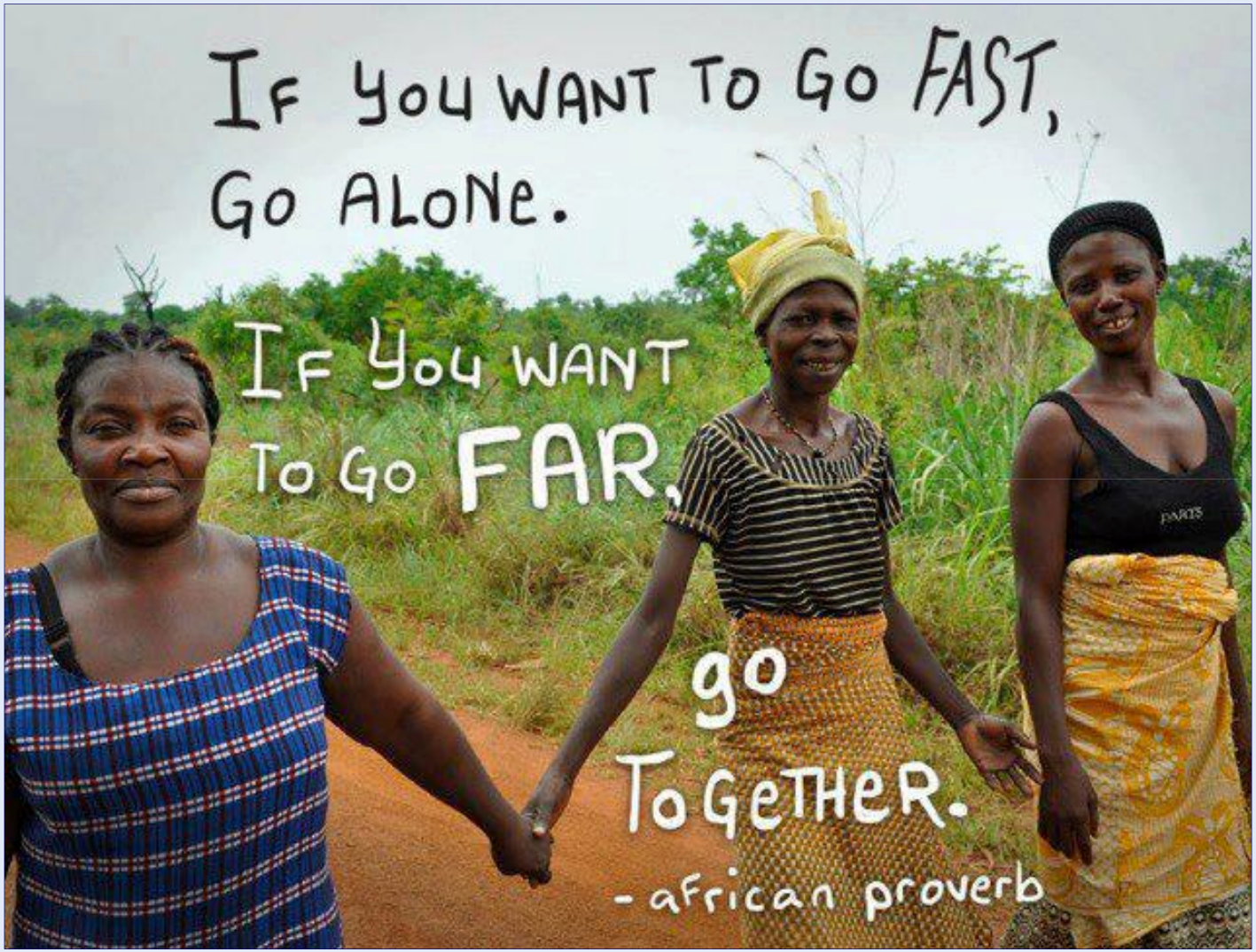
CONCLUSION

- The problems and the solutions to deal with the fast growing urbanization are known.
- Technologies are available.
- The Voluntary Guidelines and LGAF can be used to get the message to the right people.
- The political will is critical for the success.

Governance of Tenure

WORKING TOGETHR



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Thank you for your attention

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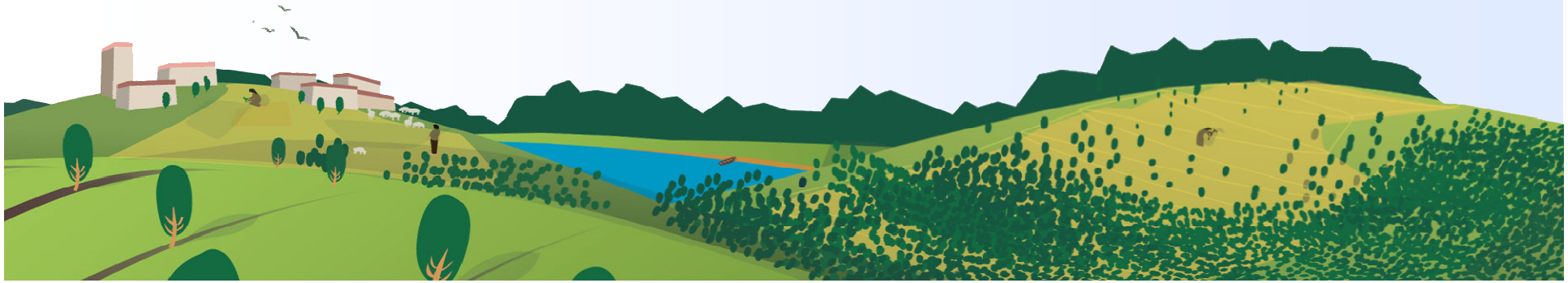
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