Innovations in Rural Land Policy and Tenure in Southeast Asia

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Land Policy Development

1975 World Bank Land Policy
1987 Brundtland Report: Sustainable Development
1989 ILO (No.169): Cultural awareness of Indigenous/Minority Groups
1995 Beijing Women’s Rights
1993 Earth Summit Agenda 21
2000 MDGs
2003 WB Land Policy

Poverty Reduction Strategies

Millennium Development Goals:
... internationally agreed upon targets for reducing poverty, hunger, disease, illiteracy, environmental degradation and discrimination against women by 2015.
www.unmillenniumproject.org

UN Habitat Secure Tenure Campaign
...to promote secure forms of tenure for the poorest populations, especially those living in informal settlements and slums in cities.
www.unhabitat.org/campaigns/tenure

Informal Settlements

Urbanisation – people attracted to life in the city
- Rapid increase in settlements with inadequate infrastructure and services
- Settlements not recognised by legal instruments
  - Environment and health conditions decrease
  - ...poverty.
Complexity of Tenures - URBAN

- Continuum of tenure scenarios (Payne)
- Integration of secure tenure through:
  - anti-eviction laws;
  - water, sewerage and other utilities based access;
  - contractual agreements written and/or oral;
  - recognition of local records, registers, bills;
  - local authority cadastral information;
  - eventually, title or deeds registration

(Augustinus, 2003)

Intractable Rural Tenure Difficulties

- Remoteness
- Vulnerability
- Entwined with survival
- Communal access to resources
- Land distribution is social and unique
- Land in conflict
- Integrating product, labour and food markets
- Authorisation by extra-legal power

Complexity of Tenures - RURAL

- complex and overlapping
- diverge from typical private tenure
- require integrated rural strategies

Alternative to private tenure:
- **Africa**: Customary ownership (legal), occupancy certificates, communal property associations, village titles (van der Molen, 2003)
- **Asia**: Stage entitlement of rights, use certificate → ownership title, Community titling (Thailand Land Titling Project)

Formalisation Process

**SOCIAL CONTEXT**
- People to land relationship

**FORMAL PROCESS**
- Land and Resource Tenure Arrangement
- Land Policy Framework
- Land Administration Infrastructure

Conclusion

Solutions for the rural poor require:
- flexibility
- utilisation of local systems
- local participation
- integrated approach
- identification of rural constraints
- alternatives to formal markets

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