THE CONTINUUM OF LAND RIGHTS APPROACH

“Recognising, Recording, Administering a variety of appropriate and legitimate land tenure forms”
NEED FOR A PARADIGM SHIFT ON LAND

- GLTN was launched in 2006, continuum a central concept
- Concept emerged from a background of challenges on land
- A decade ago individual freehold title was being portrayed as the best or only option for land tenure security
- A framework was urgently needed to include the majority of world’s citizens, particularly the poor, rural and urban
- Social tenures of the majority of people was not recognised or legally and institutionally supported
- This needed to change: a need for recognition that a number of tenure forms are appropriate, robust, effective, legitimate
- The concept of a “range of rights” necessary but not sufficient
- The continuum allows for migration between tenure types
- Need for legal regulatory environment, administration and land records systems to support

A CONTEXT OF TENURE INSECURITY

With globalisation, the world has seen
- Increasing insecurity of tenure globally, reaching critical proportions
- 70% of developing country populations outside formal register
- 1.5 billion out of 6 billion rights registered
- Sub-Saharan Africa: more than 60% of urban dwellers live in informality, and poverty
- Conventional land administration too expensive
- Problems of sustainability
- Cannot go to scale
- No recognitions of secondary rights, affordable group rights, etc.
- Need to develop affordable scalable approach – ‘continuum’
A CRITICAL SITUATION IN MANY COUNTRIES

- Where they exist, formal, statutory records systems are in many cases cumbersome, inaccessible and out of date, even redundant.
- Formal systems are also in most cases unable to record multiple, overlaying land rights inherent in many customary or traditional systems.

THE BENEFITS OF ADDRESSING THIS

**Increased tenure security can:**

- Help overcome land, housing and livelihood inequalities
- Promote food security, entrepreneurship and development
- Facilitate provision of essential facilities, services and quality of life
- Reduce physical insecurity and conflict
- Reduce forced eviction, corruption, ‘land grabbing’
- Overcome wide-spread discrimination against women
- Create options for youth
THE CONTINUUM OF LAND RIGHTS

- An alternative to just focusing on individual land titling
- Land rights seen as lying on a continuum between informal and formal rights
- In between these extremes lie a wide and complex range of rights

REALITY ON THE GROUND

The continuum concept recognises that:
- Tenure can take a variety of forms
- The various rights do not in fact lie on a single line, and they may overlap with one another
- Rights at the most formal end of the continuum should not be seen as the preferred or ultimate form of land rights
- They are one of a number of appropriate and legitimate forms; the most appropriate form depends on the particular time and context

See: *Handling land*, GLTN 2012
Articulations of the continuum concept and approach increasingly evident in various forms (resolutions, statements, tools, programmes)

Examples:

- UN-Habitat Governing Council Resolution, April 2011 (GC 23/17)
- Land Governance Assessment Framework (LGAF)
- Namibian Flexible Land Tenure Act, 2012
- Voluntary Guidelines
- Social Tenure Domain Model concept
- Fit-for-Purpose Land Administration approach
- Etc.

MOVING FORWARD: GLTN TOOL DEVELOPMENT

GLTN land tools relate to the HOW of implementing pro-poor and gender-responsive land policies for tenure security. They are developed to accommodate and support the continuum concept and its in-country application.

Land tool examples directly relevant to the continuum:

- The Social Tenure Domain Model – to accommodate and record a range of different land tenure rights
- Participatory Enumeration Methodologies – generating land tenure information through a participatory process
- The Gender Evaluation Criteria – addressing gender issues in land management
- Etc.
WANT TO KNOW MORE?

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SECURING LAND AND PROPERTY RIGHTS FOR ALL