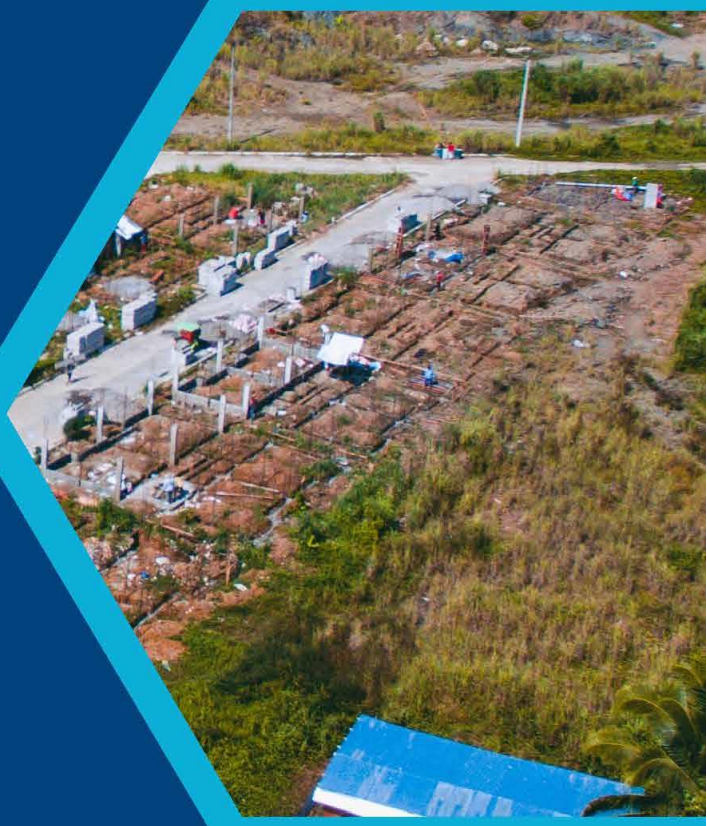
Asia-Pacific Housing Forum

Powering collaboration for housing impact

Training Course

Strengthening Land Tenure Security for Disaster Resilience



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CADASTA Your Rights, Your Future

GLTN GLOBAL LAND TOOL NETWORK

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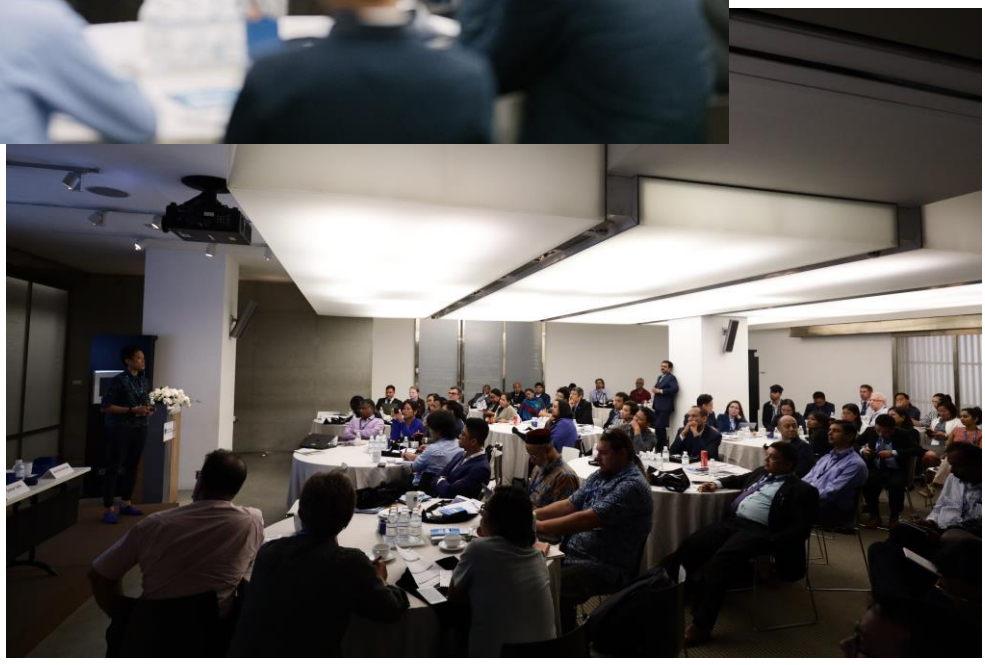

Asia-Pacific Housing Forum

Summary

Most governments around the world have established land management institutions as well as legal frameworks for recording land information for protecting land ownership rights. However, in many developing countries, land administration systems are often incomplete or not up-to-date, leaving many citizens without formal land tenure despite decades of land use. A 2018 UN-Habitat report states that, in Nepal, the current Land Administration System does not deal with non-statutory or informal land tenure, which is estimated to be around 25 percent of the total arable land in the country. Such land is estimated to be around 10 million physical parcels on the ground, resulting in a significant amount of the Nepalese population living in informality without security of tenure.

According to Internal Displacement Monitoring Centre, in 2018, more than 13 million people were internally displaced in the Asia-Pacific region — the world's most disaster-prone region. The vast majority of those affected are often the most vulnerable, who are more likely to live on disaster-prone land, or are unable to prove prior occupation due to the lack of clear title to land or property that they own or occupy. This presents a problem in post-disaster scenarios, when decisions concerning restitution are to be made quickly.

Permanent reconstruction programs (both government and humanitarian) require beneficiaries to show legal proof of ownership, thus tending to overlook those who are most vulnerable. To address the needs, a 1.5-day training course was organized from September 16 to 17, on the sidelines of the Asia-Pacific Housing Forum in Bangkok, Thailand. The program aimed to strengthen participants' understanding of pre-disaster options for land tenure administration that could facilitate post-disaster housing recovery. The course also provided insights into land management policies, regulations and tools that are risk-sensitive and focused on disaster risk reduction and mitigation in order to improve the resilience of the more vulnerable members of society. In addition, the facilitators presented case studies examining land tenure issues after natural disasters in the Asia-Pacific region.

Objectives

The course aimed to:

- Improve the understanding of pro-poor land tools, approaches and techniques used in pre- and post-disaster scenarios to improve the resilience of vulnerable communities and facilitate policy makers' decision-making on housing reconstruction.
- Promote an avenue for networking and learning among organizations involved in addressing land tenure issues and/or housing reconstruction.

Participants

A total of 100 participants attended the training course. Nearly 75 percent of these participants were from nongovernmental organizations with both local and international organizations represented almost equally. The remaining participants came from governmental institutions (6 percent), the private sector (6 percent) and academia (5 percent).

Overview of the Sessions

This section presents the highlights and main takeaways for each of the 14 sessions of the course.

Land Tenure Complexities and Disaster Resilience

Speaker:
Rebecca Ochong
Senior Manager
Urban, Land, and Policy, Asia-Pacific
Habitat for Humanity International

The most vulnerable are often hardest hit by disasters. Yet experiences on the ground have shown that low-income households often do not have documentation of tenure for their land, and are often excluded from government support during the disaster response and recovery phases. Strengthening land tenure is key to lessening the impact of disasters on the most vulnerable. To that end, a land information system can be established to identify and assess risks, develop mitigation plans, and support the vulnerable in disaster recovery.

Basic Concepts and Terms in Land Tenure

Speaker:
Jaap Zevenbergen
Head, Department of Urban and Regional Planning and Geo-Information Management
ITC – University of Twente

Core questions that were raised included what does land mean in a particular context, and how do people relate to land, and who defines those relations?

Land tenure includes the set of rules that define how property rights to land are allocated within societies. It also covers how access is granted for the rights to use, control, and transfer land, not just owning only ownership. Another dimension of tenure is the associated responsibilities, and restraints that come with it. These dimensions are largely shaped and driven by societal rules. In a simplistic sense, land tenure determines who can use the land, how they can use it, and for how long. The land tenure system is part of a legal regime that is a function of statutory laws (written down and codified), common law (judgment as precedent), and customary law (assuming that coded is well known by members of the society). In a country, there is typically a mix of these laws.

In many cases, a land tenure system is only designed once there is already a scarcity for land. This creates “rights” for some people – typically those who have power and capital – but results in the exclusion of others. Consequently, the low-income and vulnerable groups squat on areas that are not yet claimed that also tend to be hazardous. Common, and communal land should serve broad interests for all. In reality, however, this is very difficult to implement. It is hard to get into the formal system, so many others remain shut out.

Under the continuum of land rights approach, improvement may be indicated by moving from informal to formal tenure but the movement can be both ways. Such an approach helps to

establish other forms of tenure that a broader spectrum of the population is more likely to possess over a period of time.

In practice, there are many forms of tenure and tenure regimes. Tenure security must be provided for each of these regimes in an appropriate way, according to the Global Land Tool Network, a multisector alliance facilitated by UN-Habitat. Property rights mainly fall under these categories:

- The right to use the property (usus);
- The right to enjoy, receive and receive income by contracting with non-owners (fructus); and
- The right to permanently transfer land ownership to another person through a gift or grant, or a purchase or sale, or mortgage.

The bundle of rights in property include the separable rights of ownership (to possess and use, sell, devise, lease, mortgage, subdivide, grant easement), and the rights reserved by the state (to tax, to take for public use, to control the use of, to confiscate).

On the other hand, the security of tenure refers to whether the right is clear and safe. Active tenure security is seen as a greater incentive to undertake investments because the return on long-term land improvement is higher; including ability to transfer ownership, and increased potential to access credit. It is often more than having a piece of paper with one's name on it. Security of tenure means more than having a piece of paper with one's name. It often begins with the recognition of relations to land.

Land Tenure and Climate Change Vulnerability

Speaker:
Oumar Sylla
Director, Global Land Tool Network
UN-Habitat

Climate change is one of the most far-reaching environmental challenges of our time. Extreme events such as violent storms and floods, wildfires, rising sea levels, coastal erosions, rising temperatures, ocean acidification, and heatwaves are happening in many parts of the world. Researches have shown that there is a strong linkage between tenure security and climate vulnerability. Improved land tenure is an important enabler of climate change adaptation. Investments in responsible land governance enhance climate resilience and improve policy performance when measured against a range of global frameworks. Developing policy and institutional frameworks for such investments will help to establish more integrated approaches for climate-resilient land governance for potential entry points and collaboration.

Vulnerability is amplified in fast-growing cities with low-income households. Those without security of tenure have greater exposure to natural hazards; and are often worst affected by disasters. Impacts are compounded by sensitivity factors such as poor-quality housing, a lack of hazard-reducing infrastructure and less capacity to cope through limitations in state provisions and other response agencies, and legal protection. Those who depend on natural resources (both land and sea) for their livelihoods are also adversely affected by a changing climate. Populations are more likely to be displaced when exposed to extreme weather events and lack the resources for planned migration.

The issue of land tenure and climate vulnerability covers a number of dimensions such as human mobility, gender inequality, food and water insecurity, indigenous and tribal peoples. Potential tools developed by GLTN and partners to address land tenure vulnerabilities due to climate change include Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), Tenure-Responsive Land-Use Planning, Fit-For-Purpose Land Administration in Climate-Affected Areas, a continuum of land rights approach rather than just individual ownership or Participatory and Inclusive Land Readjustment (PILaR).

Gender and Land Tenure in the Context of Disaster

Speaker:
Mino Ramarosun
Regional Coordinator – Africa
Huairou Commission

Land is a central element identified by grassroots women as a prerequisite in building resilience. Through its Community Resilience Fund, the Huairou Commission aims to empower grassroots women by positioning them as community leaders. A financial mechanism provides micro funding to grassroots women in disaster-prone communities. With these micro grants, grassroots women can develop their leadership and entrepreneurial skills, enhance their livelihoods to support their families and reduce their vulnerabilities.

In building resilience, risk mapping is necessary as it:

- promotes the understanding of existing and potential risks in the communities with the context to unpack underlying conditions of power, inequality, and corruption in the macro environment, and scope institutions and its functions;

- demonstrates the progression of vulnerability – looking at what causes vulnerability rather than calling people vulnerable and highlights the complexity in building resilience – land tenure, land degradation, migration, and poverty.

By organizing and educating communities, women can be encouraged to take action and resilience can be prioritized in local plans and budgets. The women have forged partnerships with local authorities to advocate for their resiliency agenda, demonstrating that such dialogue is key to securing land rights of women.

Overview of Fit-for-Purpose Land Administration

Speaker:
Jaap Zevenbergen
Head, Department of Urban and Regional Planning and Geo-Information Management,
ITC – University of Twente

About 70 percent of land relations system today is not documented, recorded, or registered in a coherent manner. Only about 40 countries have well-functioning land administration. Much of the established land administration systems make little impact, as they cover very little areas, serve only the elite, and have very minimal expansion of coverage over the years. The lack of an adequate land administration system has negative impact on both citizens and their governments. People are denied tenure security, and they miss out on the opportunities to invest in land and land improvements. In many cases, they are unable to access financial

services such as credit. Without an adequate and appropriate land administration system, the government could not levy taxes appropriately that would increase funds for developmental purchases, implement informed land adjustment and consolidation projects, and practice spatial management of land.

Effective land administration is anchored on the fit-for-purpose principle that aims to develop context-specific solutions. It should also be responsive to what the citizens require, and is cost-efficient with simple, fast, and sustainable implementation. Among the elements of a fit-for purpose approach are:

- Flexibility in capturing spatial data;
- Inclusivity in covering all tenure and all land;
- Participatory in its approach to data collection and use with a high degree of community participation;
- Affordability for stakeholders to use and implement;
- Reliability in terms of information that is provided;
- Capacity for upgrading with regard to incremental improvements over time in response to social and legal needs and emerging economic opportunities.

A number of technologies are already available to make land administration fit for purpose. Purpose should dictate technology and not the other way around. Hence, a pro-poor approach is not synonymous with a low level of technology. To serve the citizens' needs, a quality fit-for-purpose land administration framework has three main dimensions:

- Spatial framework includes countrywide spatial imageries, participatory field adjudication, incremental improvement, and continuum of accuracy;
- Legal framework encompasses the fit-for-purpose approach in law to secure land rights for all; and
- Institutional framework establishes the holistic, transparent, and cost-effective implementation of the system

Disasters, Land, Housing: Trust-Building in Post Disaster	Speaker: **Serene Ho** Vice-Chancellor's Research Fellow Royal Melbourne Institute of Technology University

There were 24.2 million new displacements associated with disasters in 118 countries and territories in 2016 - Disaster related displacement was more than three times as high as that related to conflict. During and immediately after a disaster, people are much more likely to take risks which makes them even more vulnerable.

Social capital is a key resource that is the most dominant driving force underlying a community's response to a disaster. It is about the network of relationships between community members, how the community relates to external stakeholders, and its relationship with formal, institutionalized power, and authority gradient. Social capital has been integral to how communities respond to a disaster until outside help arrives. It is the fundamental driver of collaboration, and cooperation among different stakeholders. Trust is central to connecting different stakeholders and in the creation of social capital. It is important to understand the intersectionality of the different aspects of social and political identities; and how these result in discrimination.

In a post-disaster situation, facilitating trust is key to implementing meaningful interventions. Important questions include in what ways do service providers and governments gain the people's trust? How can disaster management agencies do a better job at creating trust?

Overview of Cadasta Foundation and Project Cases and Practical Training on Data Collection Tools and Processes

Speaker:
Katie Pickett
Partner Support Manager
Cadasta Foundation

As an organization, Cadasta is committed to empowering individuals, organizations, communities, and governments with the information they need to make data-driven decisions to secure their land rights, and improve the governance of resources. Cadasta's focus is on the development and promotion of simple digital tools, technology, and approaches, to help partners efficiently document, analyze, store, and share critical land rights information and resources.

Overview of Pro-poor Land Tools

Speaker:
Jaap Zevenbergen
Head, Department of Urban and Regional Planning and Geo-Information Management,
ITC – University of Twente

A land tool is a practical method to achieve a defined objective operated within a particular context. It facilitates land decision processes based on knowledge, principles, policy, and legislation. It can be in the form of a guide, criteria, software, training package, manuals, and more.

With the Global Land Tool Network, the emphasis is on practicality and capacity. This means that users should be able to take a land tool and apply it (or adapt it) in their own situation. It should be developed in collaboration with people. As of now, the network has a total of 18 different tools focusing on: access to land and tenure security; land administration and information; land-based financing; land management and planning; and land policy and legislation. These tools were developed through a process that began with scoping and was followed by consultation to ensure the participatory principles were followed. Then the product was developed with and through partners; and underwent a pilot test at the country level. Revisions and enhancements were applied based on the results of the pilot test; after which the tools were disseminated and trainings on how to use the tools were conducted.

Experiences of Impact of the 2004 Tsunami on Land Tenure in Kerala, India

Speaker:
Nivedita Haran (Retired)
Indian Administrative Services

The 2004 Indian Ocean Tsunami destroyed about 50,000 houses in Kerala, southern India. About 155 people died, mostly from the fishing community as Kerala is a long coastal state. Much of the infrastructure was also damaged. A year after the tsunami, 40 percent of the households were still living in temporary shelter. Through the Government of India's Tsunami Rehabilitation Program with funding from the Indian and Japanese governments, and Asian Development Bank, Infrastructures were finally built even though the plan had existed for some time before the devastating disaster struck. As part of the reconstruction, planned facilities such as a complete water supply system and transformers to supply power to the coastal areas were also installed.

Following the tsunami, the Indian government started an initiative to provide local communities with an option to have their land surveyed for a fee. Then Kerala's land records were outdated and an improved land administration system was not in sight. Around the same time, the government also implemented the Forest Rights Acts that helped prevent the encroachment of slums.

While the level of coordination varied among stakeholders in the communities as well as in local and national governments, such cooperation is deemed important in disaster response.

Applications of STDM on Housing and Slum Upgrading

Speaker:
Oumar Sylla
Director, Global Land Tool Network
UN-Habitat

The most apparent global land challenges include the low level of cadastral coverage, an extremely low percentage of women who own land, affordability issues and the lack of a modern system in land management that is pro-poor, and the complexity of land rights, claims, and records.

The Social Tenure Domain Model is a free tool with geographic information system functions that bridges the gaps to represent people-to-land relationships independent of the level of formality, legality, and technical accuracy. The tool is a specialization of the ISO-approved

Land Administration Domain Model that provides the front end interface for obtaining the necessary information to represent people-to-land relationships.

Land Tenure, Climate Change, and Disaster Resilience: Cases from Asia (Philippines and Nepal), Africa (Uganda), and Latin America

Speakers:
Nathaniel Marquez, Asian NGO Coalition
Louie Posadas, Technical Assistance Movement for People and Environment Inc.
Sarah Nandudu, Slum Dwellers International
Frances Birungi, Uganda Community Based Association for Women and Children's Welfare
Raja Ram Chhatkuli, UN-Habitat Nepal

Case 1: Studies on Haiyan and Washi by Nathaniel Marquez

Since 2000, the Philippines has had 278 significant disasters, with about 23,000 deaths and 128 million people affected. Typhoon Washi, known locally as Sendong, killed 1,286 people who were mostly informal settlers living along the river while Haiyan, considered to be the deadliest typhoon to hit the Philippines, had resulted in the deaths of thousands of people.

Lacking secure tenure, informal settlers tend to live on hazardous land and have less incentive to invest in disaster-resilient home improvements. In reality, disaster funds are rarely used to reconstitute land records that have been lost. This has hugely affected reconstruction and rehabilitation initiatives. To address this, there is a need to pursue reforms in tenure rights legislation, particularly to link rights to climate change and natural disasters. In the Philippines, legislations to claim tenure rights are National Land Use Bill; Indigenous Community Conserved Areas (ICCAs) Bill; and the Disaster Risk Reduction Management Act. Specific stakeholders have to be engaged. These include line agencies that have a role in reviewing policies, guidelines, and programs in order to protect tenure rights of vulnerable people. Local governments can identify and designate safe sites for temporary relocation and permanent settlement as well as design a comprehensive land use plan and integrate tenural rights in local climate change response.

The Philippine experience in responding to Typhoons Haiyan and Washi showed that there is a need to break out of silos, enhance -rural-urban intersect with comprehensive land use planning through the landscape approach as a potential entry.

Case 2: Citywide Community Mapping Towards Evidence-based Land Governance: The Case of Muntinlupa City by Louie Posadas

About 24 percent of the population of Metro Manila are informal residents. Among the challenges that urbanization brings are the proliferation of informal settlements, scarcity and commodification of land, limited government resources, lack of political will, and housing bureaucracy; as well as the traditional fragmented, piecemeal solutions to housing problems.

The citywide community-led mapping by Muntinlupa City took a participatory approach to an exercise utilizing local knowledge and available technology. The process included focus group discussions, GPS survey, household survey, settlement mapping, and community validation. The data were also presented to the key stakeholders through project meetings and dialogues. Through the mapping, community activity proposals were included in the city's annual investment plan. Councils in barangays or smallest local government units, also committed to establishing community learning hubs. The experience in Muntinlupa was also contextualized in Davao, Iloilo, Malabon, and in other cities in the country.

The active involvement of the grassroots leaders is key to a sustainable process. There is a need to build their capacity for participation through community technical working groups. Local governments must also recognize and institutionalize community-driven initiatives for government processes on shelter planning.

The mapping process provided community leaders greater awareness of their own situation and a platform to participate in the planning and development of their cities. The generation of maps and comprehensive data on informal settlements served as an entry point to the formulation of responsive government plans. The citywide mapping process presented opportunities for scaling to influence land and housing policies at the national level.

Case 3: Land Tenure and Post-Disaster Context: Case From Nepal by Raja Ram Chhatkuli

In Nepal, unregistered land tenure is estimated to cover 25percent of arable land or approximately 10 million physical parcels on the ground. In the aftermath of the devastating 2015 earthquake, one of the key findings was that households without official land documents were hardly able to access reconstruction grants or had limited access to supplied aid. Further,

research has shown that households with no land documents are less likely to improve their building standards as tenure is not secured.

In rebuilding Nepal, land tenure has become a foundational mechanism for the delivery of assistance during a disaster. In recognition, the Government of Nepal responded by fast-tracking the system of land registration of non-formal tenure holders. The government also pursued land alienation for the relocation of households in vulnerable sites, as well as informal settlement families. Informal tenure holders were also offered land grants.

Case 4: Slum Dwellers International by Sarah Nandudu

Uganda is rapidly growing yet only 20 percent of the land is registered. With the support of the Global Land Tool Network, the Slum Dwellers International worked on revitalizing the implementation of land policy to ensure that it covers gender strategies to allow women to own land. The project also taught the people how to preserve the swamp and produce food.

The key takeaway from the experience is that training in land management helps in creating a balance between environmental and economic needs; and enhances the sustainability of both.

Citywide Mapping Experience in Battambang, Cambodia

Speakers:
Sophea Sroeung (Community Leader)
Chou Lennilen (Community Development Foundation)
Huot Sochet (Chief of Housing Department)
Sous Vannoeun (Area Manager, Habitat for Humanity Cambodia)

The session focused on the citywide mapping experience in the fast-growing secondary city of Battambang in northwestern Cambodia. About 15 percent of the city's one-million population live in urban informal settlements. The government provided land to three informal settlements with a total of 375 families or 1,800 individuals. Citywide mapping was carried out to update the data on all informal settlements in the city and strengthen community networks internally and between communities in Battambang. The initiative also aimed to provide clear data and a digital map that would be used as evidence for policy development.

The key stakeholders included community leaders, village and commune chiefs, the local civil society organization Community Development Foundation, the Housing Office of the Battambang province, Commune Police, and the monks. After the data were collected and processed, the information were presented to the stakeholders holders involved. Through the mapping, 61 informal settlement communities that were home to 3,865 households around the city were identified. A majority of the land – 85 percent – that those families were living on was public state land. Most of the households in those settlements own the houses they live in but reside in high-risk areas such as along river banks, railway tracks, and by the roadside.

Besides physical mapping, household needs were also identified and prioritized. Land tenure security was top priority for the households followed by housing security, drainage system, clean water, and concreate walkway. Such valuable information allowed the community to actively lobby for the actualization of their needs while non-governmental organizations can

help promote community ownership of data. Meanwhile, the government could tap into the data to make informed decisions in responding to the needs of the community.

There were also challenges in citywide mapping including a lack of interest from other households living in the community; the difficulty in handling the technology and the global positioning system to collect information due to poor internet connection, limited human resources, and the availability of community members. Despite the difficulties, the citywide mapping resulted in a stronger relationship between the communities and the local authorities. Not only did the communities get to know their environment more, local authorities also took action to support initiatives like the citywide mapping.


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Training Course Evaluation

This section presents the summary of the training evaluation by the participants.

On the average, the 71 percent of the participants found the training to be relevant and more than half found it engaging. In addition, about 69% of the participants found that the course has provided significant information that helped raise awareness on issues involving land tenure.

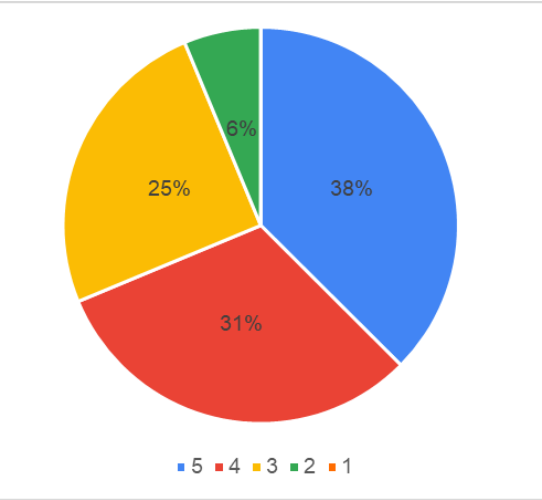

Figure 2. Rating of the Program's Ability to Raise Awareness of Land Tenure Issues

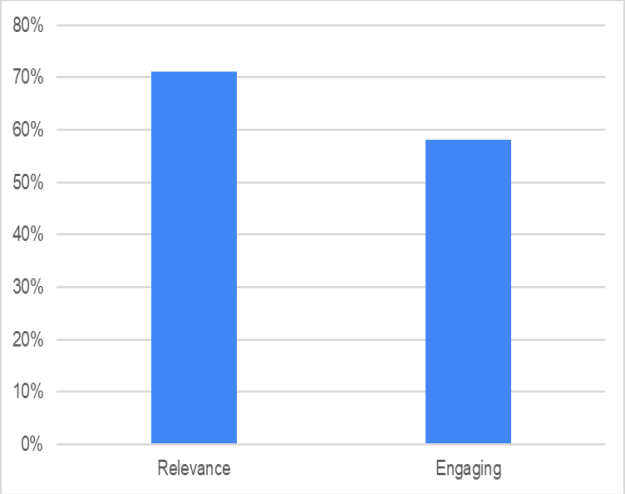

Figure 1. Snapshot of the training evaluation

Essential learnings from the course:

- Clear definition of land tenure, continuum of land rights, and land responsibilities
- Value of land tenure, particularly in disaster situation
- Fit-for-purpose land administration
- The concept of trust in disaster situations; and the importance of building relationships among different organizations to help respond to communities in in post disaster situations
- Data collection tools and processes
- Citywide mapping practices for disaster preparedness and the importance of contextualization.
-

Topics participants would want to learn more of:

- The role of the state in facilitating efficient and effective land tenure systems
- Data collection for land administration
- Housing support services as part of the housing finance services for low income households

Annex 1. List of Participants

1	Fauline Carl	Brecio
2	Pamela	Diaz
3	Pawan Kumar	Shrestha
4	Roderick	Beato
5	Barbara	Custodio
6	Ferdinand Uddin	Jikiri
7	Md. Kamrul Hasan	Tarafder
8	Julie	Iligan
9	Nathaniel Don	Marquez
10	Mary Grace	Pena
11	Maricen	Jalandoni
12	Luis Felipe	Lopez
13	Tony	Piaskowy
14	Katie	Pickett
15	Bill	Flinn
16	Rajesh	Sunuwar
17	Sophea	Sroeung
18	Lennilen	Chou
19	Eugene	Balway
20	Emylyn	Chummac
21	Mary Chris	Comicho
22	Ritchie Rita	Erosa
23	Reynaldo Sr.	Passol
24	Dionisio	Pahigon
25	Raymond	Lopinski
26	Dhaval	Monani
27	Vani	Kunnappilly
28	Oumar	Sylla
29	Sochet	Hout
30	Carly	Kraybill
31	Christopher	Govers
32	Md. Baharul	Islam
33	Mothi	Mondol
34	Vannoeun	Sous
35	Johnnie	Byrd
36	Shazeel	Alim
37	Michael	Hill
38	Masi	Latianara
39	Tuan	Arifeen
40	Justin	Jebakumar
41	James	Samuel
42	Mary Pauline	Venmani Alaghianathan
43	John	Akudago
44	Jitendra	Balani
45	Mario	Flores
46	Gabby	Gozon
47	Jim	Kendall
48	Gregg	McDonald
49	Nurlan	Moldosherip
50	Jessica	Moo Young
51	Valerie	Norton
52	Rebecca	Ochong
53	Libby	Pollock
54	Belaynesh	Tadesse
55	Steven	Weir
56	Sunil	Khanal
57	Yuban	Malla
58	Mary Arlynne	Aliggayu
59	Lili	Fuentes
60	Yu Hwa	Li
61	Matsalin	Prakobsub
62	Wipada	Sanorshieng
63	Thi Mai Anh	Ho
64	Ramchandra	Vaidya
65	Dave	Hodgkin
66	Alain Christian	Essimi Biloa
67	Maylanie	Apawan
68	Marvin	Barrieta
69	Paolo Martin	Cam
70	Lanie	Montano
71	Barry	Beagan
72	Gamini	Swarnapala
73	Rishin	Mitra
74	Ng Hui	Mei
75	Janak Raj	Joshi
76	Dararat	Kaewsalabsee
77	Serene	Ho
78	Philip	Biswas
79	Pinku Rita	Biswas
80	Arun	Sardar
81	MD. Shamim	Uddin
82	Carmela Cecille	Artates
83	Will	Peran
84	Myrna	Sipcon
85	Louie Robert	Posadas
86	Paradorn	Tanyapan

87	Charoen	Wancharoenmai	94	Keith	Clifford Bell
88	Rochana	Cooray	95	Jaap	Zevenbergen
89	Raja Ram	Chhatkuli	96	Nivedita	Haran
90	Tam	Hoang	97	Frances	Birungi
91	Christopher	Tse	98	Bernadette	Bolo-Duthy
92	Rashmi	Sharma	99	Anna	Konotchick
93	Jerralson	Paguio	100	Gabby	Gozon