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THE CONTINUUM OF LAND RIGHTS

CONTINUUM

AN OVERVIEW OF THE CONTINUUM OF LAND RIGHTS

Tenure security is an important precondition for human development and the realization of human rights. Yet tenure insecurity is a global phenomenon affecting billions of people. It is estimated that 70 per cent of the world's people-to-land relationships are not documented and fall outside the formal land administration domain. Meanwhile, as populations and cities continue to grow, the pressure on land, natural resources and access to a secure place to live continues to increase immensely. In the rush for land, it is often the poor who suffer most through evictions, dispossession, disputes and distrust.

The Global Land Tool Network (GLTN) is an alliance of 66 international partners contributing to poverty alleviation through land reform, improved land management and security of tenure. In particular, this is through the development and dissemination of pro-

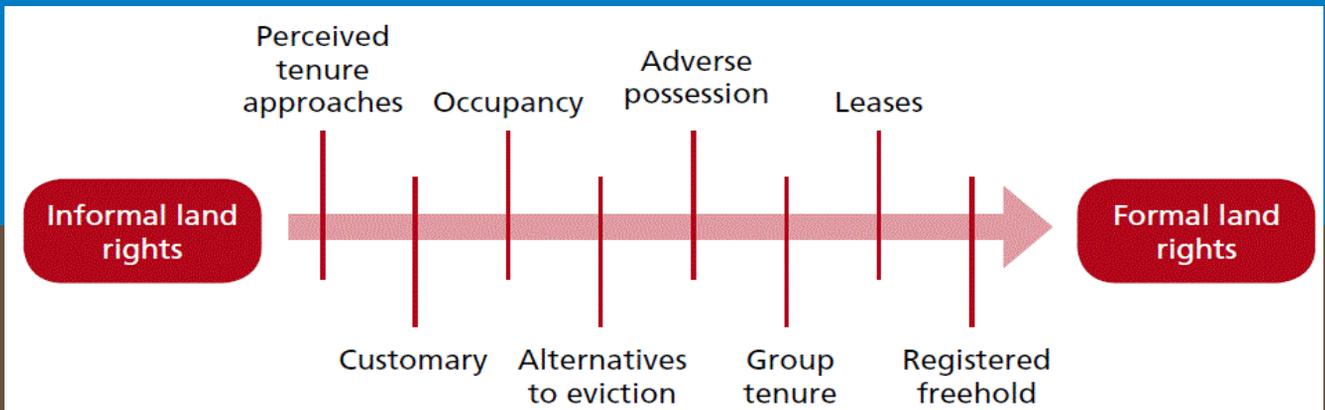
poor and gender-sensitive land tools and the operationalization of the continuum of land rights. GLTN partners are involved in initiatives worldwide to promote secure land and property rights for all.

As an essential part of its work, GLTN supports the development, recognition and application of the Continuum of Land Rights. This inclusive, pro-poor and gender-responsive approach incorporates tenure rights that are documented as well as undocumented, formal as well as informal, for individuals as well as groups, including pastoralists and residents of slums and other settlements, which may be legal or not legal. The continuum approach works with what is already in place and incorporates it into a land information management system caters for the whole spectrum of formal, informal and customary land rights in the country.

THE CONTINUUM

According to GLTN

“ We can view rights to land as lying on a continuum. At one end are formal land rights, where the owner is an individual, who holds a set of registered rights to a parcel of land that are enshrined in law; the parcel is delineated on a map held in a records office; the owner has the right to occupy the land, build on it (subject to approvals), sell it, rent it out, transfer it to his or her heirs, and prevent other people from coming on to it. At the informal end of the continuum are informal rights; a group of individuals (such as a clan) who may have traditional rights to use a piece of land. The boundaries of the land may not be clearly marked on the ground or on a map, and there may be no official paperwork certifying who owns or has what rights to the land. In between these two extremes are a wide range of rights. ”



The rights on the continuum are deemed to be multi-layered and complex:

“In reality, the rights do not lie on a single line, and they may overlap with one another. Tenure can take a variety of forms, and “registered freehold” (at the formal end of the continuum) should not be seen as the preferred or ultimate form of land rights, but as one of a number of appropriate and legitimate forms. [...] The most appropriate form depends on the particular situation; customary rights, for example, may be superior to registered freehold in certain situations.”

Source: UN-Habitat and GLTN (2012). Handling Land, p.12

The Continuum of Land Rights is a cornerstone of GLTN’s philosophy and approach, and is recognised by a growing number of key land actors world-wide. In-country application of the Continuum involves recognizing, recording and administering a variety of appropriate and legitimate land tenure forms in a locally appropriate manner. Depending on the country in question, this may require policy and/or legislative formulation or reform, adapting the land administration system and selecting and/or developing tools and mechanisms for implementation.

To support its work on the continuum of land rights, a number of GLTN initiatives are underway, including

- Investigating the continuum in practice at country level in Southern Africa;
- Research and a report on the theoretical foundations of the continuum
- Developing a strategic framework for operationalising the continuum at country level
- Developing an evaluation framework for the continuum
- Drafting guidelines for incorporating the continuum approach in the use of GLTN land tools including Participatory Enumerations, the Social Tenure Domain Model (STDM), Participatory and Inclusive Land Readjustment (PILaR) and others
- Technical support to the Government of Namibia for the drafting of Regulations for their Flexible Land Tenure Act, and formulation of a road map for its implementation.

PARTNERS

GLTN Partners directly involved in research into the Continuum of Land Rights concept include Urban LandMark, the University of Twente (ITC), Kadaster International, the International Federation of Surveyors (FIG) and UN-Habitat. Many other partners and experts are involved in its development and application.

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