

Land and the New Urban Agenda

Strategic Paper on Land: Advocacy material for GLTN partners and Secretariat in the events leading to Habitat III in October 2016

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FULL VERSION

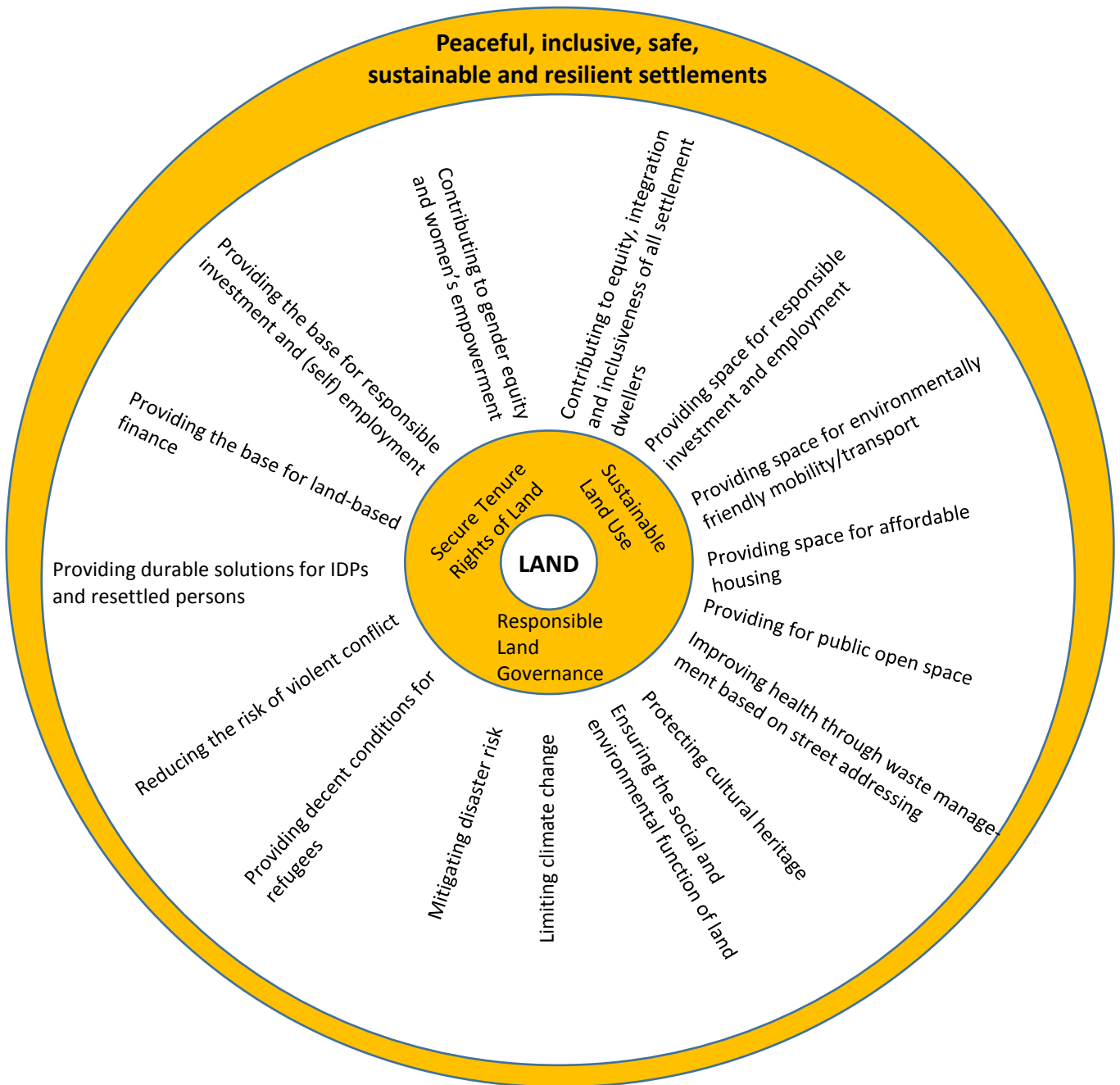
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What do we expect from Habitat III and the New Urban Agenda?

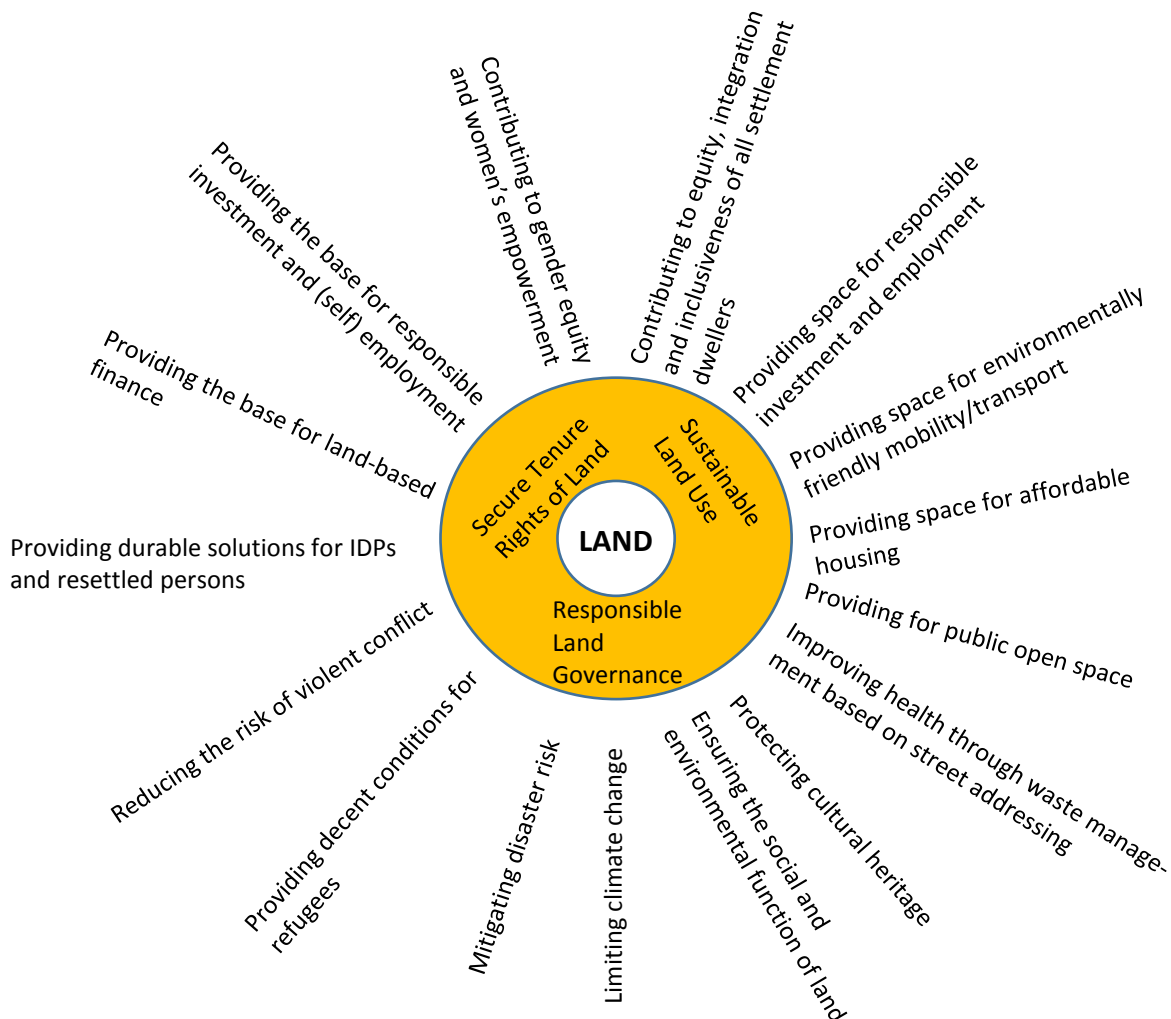
The objective of Habitat III should be to secure renewed political commitment for sustainable human settlement development, assess accomplishments to date, address poverty, and identify and address new and emerging challenges for the establishment of the “New Urban Agenda”. Accordingly, the Habitat III outcome document should build on the most advanced international instruments. Above all this is the 2030 Agenda for Sustainable Development. What does it say concerning land tenure and land use?

Legal security of tenure and efficient/sustainable land use

- SDG Indicator 1.4.2: Proportion of the adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure.
- SDG Indicator 11.3.1: Ratio of land consumption rate to population growth rate.

The responsible handling of land rights and uses as a transformative power

Security of land tenure and sustainable land use together with responsible land governance are at the core of handling land responsibly which ultimately contributes to the vast majority of overall (urban) policies, including poverty reduction, gender equality, inclusiveness, integration, housing, local economic development and jobs, municipal finance, transport and mobility, protecting cultural heritage, environmental sustainability, reducing disaster risks, limiting climate change, responsible governance and peace. The responsible handling of land rights and uses, therefore, is a transformative power to achieve peaceful, inclusive, safe, sustainable and resilient settlements.



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LIST OF ACRONYMS

ASUD	Achieving Sustainable Urban Development – a UN-HABITAT flagship programme
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEPAL	Economic Commission for Latin America and the Caribbean
CESCR	Committee on Economic, Social and Cultural Rights
CFS	Committee on World Food Security
CSO	Civil Society Organisations
FAO	Food and Agriculture Organization of the United Nations
FPIC	Free Prior Informed Consent
GLTN	Global Land Tool Network
LGBT	Lesbian, gay, bisexual, and transgender
IDP	Internally Displaced Persons
NUA	New Urban Agenda
PSUP	The Participatory Slum Upgrading Programme – a UN-HABITAT flagship programme
SDG	Sustainable Development Goals
UN CEB	United Nations System Chief Executives Board for Coordination
UN ESCAP	United Nations Economic and Social Commission for Asia and the Pacific
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forest in the Context of National Food Security

EXECUTIVE SUMMARY

Land is the key driver of urban development for the best (sustainable) and for the worst (unsustainable). If access to and use of land is well managed in a city, a key condition for sustainable development has been established. All land uses are well balanced and all stakeholders included in urban development. If, however, access to and use of land are left to the market and those with power and money, nothing can stop the city from being socially and environmentally unsustainable. On the contrary, social instability and unrest are very likely to happen, environmental damage and negative impact on the climate are inevitable and disaster risks are high.

Security of land tenure and sustainable land use together with responsible land governance are at the core of handling land responsibly which ultimately contributes to the majority of overall (urban) policies, including poverty reduction, gender equality, inclusiveness, integration, housing, local economic development and jobs, municipal finance, transport and mobility, protecting cultural heritage, environmental sustainability, reducing disaster risks, limiting climate change, responsible governance and peace. The responsible handling of land rights and uses, therefore, is a transformative power to achieve peaceful, inclusive, safe, sustainable and resilient settlements.

This research work on developing a strategic paper on linking land and the New Urban Agenda had been conducted to strengthen the strategic articulation of land issues, challenges and opportunities in the New Urban Agenda. This paper is supposed to be used for advocacy by GLTN partners and Secretariat in the events leading to Habitat III in October 2016.

This paper addresses land and ways to handle it in all human settlements – urban as well as rural for several reasons: a) challenges around land and the way to handle them are not so different, b) the development of rural settlements is key to solve the problems of ever-growing urban settlements, c) rural settlements automatically increases the pressure on the cities as it leads to further rural-urban migration and d) growing and sprawling cities easily result in negative effects for the surrounding hinterland, which further stipulate rural-urban migration and the growth and sprawl of (mega)cities.

Current challenges around land in human settlements

The paper starts by identifying the following **challenges** around land in human settlements:

- Providing sufficient affordable space for all, while recognizing the limited availability of land
- Achieving tenure security for all and ending gender inequality in tenure rights
- Planning the efficient, socially and environmentally sustainable use of land and realize it in the context of high and rapid population growth
- Achieving responsible land governance through fighting corruption, fraud and clientelism
- Generating land-based finance for local governments to be spent for the benefit of all settlement dwellers
- Balancing the social function of land and land as an asset
- Providing durable solutions for Internally Displaced People (IDPs) and resettled people
- Recognizing the crucial role of land in (violent) conflicts and ensuring that measures affecting land use and/or tenure arrangements do not directly result or indirectly trigger (violent) conflict
- Avoiding further climate change and mitigating disaster risk as well as adapting to both

The relevance of land for sustainable urban development as highlighted in existing international and regional instruments

The instruments that should be referred to are the SDG (in particular targets 1.4, 5.7, 11.1 and 11.3 and indicators 1.4.2 and 11.3.1), the VGGT, the Resolution GC23-17 by the Governing Council of UN-Habitat, Resolution 42/146 by the UN General Assembly on realization of the right to adequate housing, Resolution 2004/28 on prohibition of forced evictions by the Commission on Human Rights and the LPI's Framework & Guidelines. The main focus should be on the SDG due to their prominence and relevance for many actors and the VGGT due to their complexity with which they treat land issues.

Compared to the Habitat Agenda, the New Urban Agenda needs to tackle more issues while still highlighting tenure security and sustainable land use (that have been stressed by the Habitat Agenda already) as the two main goals supported or enabled by responsible land governance, which would be the most important new aspect. The forth aspect should be the promotion of land value sharing mechanisms, followed by the role of land management in mitigating disaster risk and climate change and all other aspects listed above as well as under challenges in chapter 2.

Based on an **analysis of key international instruments** the following land issues have been identified that should become part of the Habitat III outcome document:

- Realization of the right to adequate housing;
- Ensure affordable and legally secure land and housing (or shelter) rights, and access basic services irrespective of tenure and structure status;
- Establishing responsible land tenure governance frameworks and mechanisms, including responsible and inclusive land policies and laws, sustainable land management and effective and transparent land administration free from corruption;
- Security of tenure for all segments of society;
- Ensuring equal rights of women and youth as compared to men to secure access to and control over land;
- Recognition and respect of a plurality of tenure systems, including customary and informal tenure systems: Recognizing, respecting and safeguarding the entire scope of land tenure rights ranging from informal rights with extremely low security to formal rights with high tenure security with the objective of providing tenure security for all without eliminating the existing advantages of informality, such as low land prices and low building standards,
- Identification and adoption of intermediate forms of legitimate tenure arrangements,
- Adoption of alternative forms of land administration and land records alongside conventional land administration systems,
- Implementation of responsive, time and cost efficient, reliable and participatory systematic approaches recording and recognizing people-to-land relationships in all its forms,
- Prohibition of forced evictions and development of anti-evictions regulatory frameworks: Refraining from evicting squatters forcibly and resettling them only where rights to land are required for a public purpose. In such a case, States should ensure that the planning and process for expropriation are transparent and participatory and that the compensation is fair and prompt;
- Free, prior and informed consent in case of resettlement,
- Transparent, inclusive, participatory, systematic and sustainable urban and territorial spatial planning that respond to their social, economic and environmental realities and aims to build liveable cities, to reduce disaster risk and increase their disaster resilience,

- Recycling land (by means of urban regeneration, the redevelopment or reuse of abandoned, derelict or unused areas, etc. applying land tools such as land readjustment) as a key strategy for contributing towards the reduction of land consumption and therefore fighting urban sprawl
- Broadening land-based revenue streams for pro-poor policies and to finance infrastructure development,
- Fair, reliable gender-responsive, accessible way of resolving disputes over tenure rights etc.

The relevance of land within the work and vision of UN-Habitat

Land issues are highly relevant for UN-Habitat's work and vision. Many UN-Habitat resolutions and policy papers address the importance of land for sustainable urbanization. Both key flagship programs (ASUD and PSUP) require the inclusion of a whole set of land related activities to meet their objectives and to successfully contribute to sustainable urbanization. Based on a brief analysis done for this paper, it can be stated that challenges 2, 3 and 5 receive adequate attention by UN-Habitat. Challenge 7 and 8 have only recently been addressed, and are not yet included in policies and tools. Challenges 1, 4, 6 and 9 deserve additional attention.

Analysis of preparatory works already done for Habitat III

The New Urban Agenda aims to address all three pillars of sustainable development. Land issues are relevant for all three pillars: Transparent, inclusive, participatory and sustainable urban and territorial spatial planning is a major prerequisite for all three dimensions of sustainable development. So is responsible governance of land tenure. The creation of tenure security for all can massively contribute to socially as well as economically sustainable development. Broadening land-based revenue streams for pro-poor policies and to finance infrastructure development has a positive impact on economically sustainable development as well as indirectly on the other two pillars. Ensuring equal rights of women and youth as compared to men to secure access to and control over land contributes to socially and economically sustainable development.

All issues that have been defined by UN-Habitat for the New Urban Agenda involve one or several land issues. Transparent, inclusive, participatory spatial planning and creating tenure security for all segments of society are pre-requisites for almost all if not all issues of the New Urban Agenda. They are key crosscutting, integrative issues or tools for the New Urban Agenda. Responsible land governance may be added as a third issue as it is closely linked to the two others. Many issue papers are, however, not adequately reflecting the key role of tenure security, sustainable systematic land use planning and responsible land governance.

All land issues that have been identified as relevant for sustainable urban development can be referred to under at least one of the areas of the New Urban Agenda. Most of the challenges cities are facing do also involve specific land related challenges. Some of the opportunities offered by urbanization offer opportunities around land. Other opportunities offered by urbanization can be supported by selected land tools. Still other opportunities offered by urbanization, however, represent risks for urban land and its users.

All guiding principles of the New Urban Agenda are related to land issues. All key levers of the New Urban Agenda are also related to land issues. Lever 5 is primarily addressing land.

Although land appears as cross cutting issue throughout the New Urban Agenda, it would be helpful to also address it as an issue in itself, briefly highlighting the nine key challenges around land in human settlements to stress that land is the key driver of urban development for the best (sustainable) and for the worse (unsustainable). This would also ensure that all challenges are adequately addressed. In the current framework, there may not be sufficient space to address challenges 1, 6, 7, 8 and 9.

Ways to streamline land within the New Urban Agenda

Option 1:

All policy papers that are currently in preparation should be carefully analysed to verify if they adequately deal with land issues. If not, missing issues should be added and unclear or incorrect issues be improved. The advantage would be to have land issues as cross cutting issues and to use the opportunity to raise the awareness on the topic among those who are involved in the preparation and negotiation of HABITAT III. There would however also be a risk in presenting land “only” as a cross-cutting issue. The key role and strategic importance of land as well as the many land related activities and tools that are needed to ensure sustainable urban/settlement development will not be visible at first glance and eventually not at all. There is also the risk that some of the land related issues may not be dealt with adequately, as it would be difficult to ensure that they are adequately outlined in all policy papers.

Option 2:

An own separate policy paper could be prepared following the standards structure of these papers and using the existing policy paper template. Such a policy paper on land issues in human settlements would be expected to have about 25 pages and to include a given set of chapters (see chap. 6 for details). Such policy paper could be prepared on the base of this strategic paper. The advantage of option 2 would probably be that it would stress more the significance of land issues for sustainable urban development.

Option 3:

Provide clearly formulated input for the outcome document. The proposed outline offers ample space to include land issues and already addresses some of them. Under indicators, land related indicators could be proposed; at least those already included in the SDG (indicators 1.4.2, 5.a.1 and 11.3.1.) plus one on land governance (see below for a proposed indicator). See chapter 6 for a brief overview on the proposed outline. Option 3 has the advantage that it focusses directly on the outcome document. It may also be the quickest and easiest to do. However, it requires that it will be pushed by people actively involved in the drafting of the outcome document.

Evidently, all approaches can be used in parallel. However, it may be better to bundle forces and better focus on only one or two options, probably the second and/or third one.

Core advocacy messages

Strategic issues:

- Land should be presented as an issue in itself to stress the key role and strategic importance of land as well as the many land related activities and tools that are needed to ensure sustainable urban/settlement development. In addition, land could be dealt with as a crosscutting issue as it is relevant for many issues of urban development and this needs to be highlighted to ensure that specialists of other fields do not overlook land.
- The New Urban Agenda needs to reflect the SDGs, build on them and fill the gaps, e.g. promote indicator 1.4.2 and 11.3.1 and show that indicator 5.a.1 does also apply to settlement areas (not only agricultural land).
- The New Urban Agenda needs to refer to the VGGT confirming their applicability in all types of human settlements – urban as well as rural.
- The way land is treated in the New Urban Agenda (Habitat III) should not fall behind the commitments related to land made by the Habitat Agenda (Habitat II), which equally deals with

equal, equitable and legally secured access to land as well as sustainable land use. The new urban agenda should rather reaffirm most of them; above all the commitment to legal security of tenure, the one to prevent and remedy forced evictions and the one on the sustainable use of land. Other commitments need to be updated or elaborated further such as the one on the adoption of innovative instruments that capture gains in land value and recover public investments. Still other commitments need to be added such as on fighting corruption and clientelism and on the role of land management in mitigating disaster risk and climate change and in providing durable solutions for IDPs.

- Habitat III should also take note of and reaffirm states' commitments already made in the Vancouver Action Plan (1976) to operationalize suitable instruments for assessing the value of land and transferring to the community, inter alia through taxation, the unearned increment resulting from changes in use or public investment or decisions, or due to the general growth of the community.
- The New Urban Agenda should refer to Resolution 42/146 by the UN General Assembly on realization of the right to adequate housing, Commission on Human Rights Resolutions 1993/77 and 2004/28 on prohibition against forced evictions as a gross violation, as well as CESCR General Comment 7 on forced evictions.
- The New Urban Agenda should include GLTN tools, in particular those included in GC23-17 and GC25/4, but should avoid GLTN jargon as some of the terms are too special to be taken up by those who will negotiate the New Urban Agenda as well as those who will have to implement it.
- The New Urban Agenda should refer to or reflect the key messages of regional instruments dealing with land, in particular the LPI's Framework & Guidelines and the Toledo Declaration.
- The New Urban Agenda needs to be human rights based and reflect the UN Charter of Human Rights. It needs to stress that the realization of many human rights depend on tenure security, pro-poor spatial planning and responsible land governance.
- The New Urban Agenda may also refer to Rio+20, The Future We Want, paragraph 134 (2012) recognizing the importance of integrated planning and management for sustainable development.
- Provide for UN-Habitat to go beyond promoting tools, providing extensive policy advice.

Short messages:

- Land is at the centre of sustainable urban development
- Land is central to sustainable urban development as most measures will only be possible to be realized if sufficient land at the right location is available to do so.
- Create/ensure secure tenure for all
- No one should be left behind in regard to land rights
- Poor people / slum dwellers have equal rights
- A wide range of tenure options need to be encouraged to meet the diverse and changing needs of different social groups (e.g. the young, the poor and the elderly)
- As land is a finite resource it needs to be used efficiently balancing social and economic goals while protecting the environment.
- Do not compromise with land if environmental sustainability is at risk
- No socio-economic development without spatial inclusion
- Fighting corruption in land transfer and development is key to sustainable urban development
- Land markets need to be enabled and regulated in the public interest.
- Land market profits need to be shared for the benefit of all city dwellers

- (Local) governments need to become aware of their power to influence land and housing markets and exercise this influence by capturing a reasonable proportion of the added value that they generate through granting planning permission or change of use
- Land is a key to internally generated income, e.g. through land acquisition, holding and sales taxes, land value capture, betterment levies, land value increment tax, sale of development rights, land leases and land sales, including land banking
- Land is key to balanced territorial development which again is a prerequisite to ensure the sustainable development of liveable human settlements. NUA, therefore, needs to look at all types of human settlements in an integrated manner.
- Governments as well as donors need to become more risk aware instead of risk averse in regard to land issues in human settlements.

Commitments to action

The commitments proposed below are addressing the challenges presented in section 2 by building on existing language and current proposals referred to in section 3 and 4. Some commitments overlap as they are derived from different existing instruments and initiatives. For each commitment a list of detailed actions is provided in chapter 7.2.

National and local governments should:

- Create awareness on the centrality of land for sustainable human settlement development
- Provide sufficient affordable space for all while recognizing the limited availability of land
- Achieve security of tenure for all and ending gender inequality in tenure rights
Refer to indicator SDG 1.4. on the proportion of women, men, indigenous peoples and local communities with secure tenure rights to individually or communally held land, property and natural resources
- Ensure that (spatial) urban planning results in efficient, socially and environmentally sustainable use of land in spite of high and rapid population growth
Reference to indicator SDG 11.3.1. on the ratio of land consumption rate to population growth rate..
- Achieve responsible land governance through fighting corruption, fraud and clientelism
Introduce new indicator such as the number of documented illicit land transactions and development. Sources could be joint databanks by CSO and grassroots organisations.
- Generate land-based finance for local governments to be spent for the benefit of all settlement dwellers
An indicator could read as follows: share of land based revenue of overall municipal revenue.
- Balance the social function of land and land as an asset
- Provide durable solutions for Internally Displaced People (IDPs) and resettled persons
- Recognize the crucial role of land in (violent) conflicts and ensure that measures affecting land use and/or tenure arrangements do not directly result or indirectly trigger (violent) conflict
- Avoid further climate change and mitigate disaster risk and adapt to both through sustainable land management
- Be accountable for the implementation of the New Urban Agenda and monitor and evaluate regularly in a meaningful way.

1. INTRODUCTION

1.1 Background, purpose and structure of the paper

Land is the key driver of urban development for the best (sustainable) and for the worst (unsustainable). If access to and use of land is well managed in a city, a key condition for sustainable development has been established. All land uses are well balanced and all stakeholders included in urban development. If, however, access to and use of land are left to the market and those with power and money, nothing can stop the city from being socially and environmentally unsustainable. On the contrary, social instability and unrest are very likely to happen, environmental damage and negative impact on the climate are inevitable and disaster risks are high.

Land is central to sustainable urban development as most measures are only possible to be realized if sufficient land at the right location is available and affordable to do so. Most investments or developments involve a change in land use as well as in land possession, i.e. a transfer of property rights on land.

Therefore:

- Recognition of the diversity and multidimensional nature of existing land tenure systems, practices and rights (continuum of rights);
- Effective, time and cost efficient, reliable land administration responsive to local needs and demands as well as capacities securing all legitimate tenure rights and approving the transfer of such rights;
- Effective land management ensuring transparent, inclusive, participatory land use planning and its effective implementation;
- Fair and effective land value sharing mechanisms to finance provision and maintenance of public infrastructure;
- Land policies and laws defining key objectives and principles such as respecting all legitimate tenure rights and minimizing land consumption; and
- A responsible land governance framework to avoid corruption and undue enrichment and to ensure rule of law, (gender) equity and equality, non-discrimination, meaningful participation, sustainability, transparency, accountability, justice and the respect, protection and fulfilment of human rights need to be in place to facilitate sustainable urban development.

The issues of land in human settlements are increasingly similar in countries at all levels of economic development from small rural settlements in developed countries to megacities in developing countries. This is due to land being a finite resource with a wide range of competing functions everywhere as well as due to the increasing penetration of market forces into modes of accessing and developing land and the omnipresent temptation to make a quick profit – be it legal or not. However, the scope of land related problems is higher in countries with high population growth, strong migration, low capacity and weak governance.

UN-Habitat will localize the 2030 Agenda through the **New Urban Agenda**. The objective of Habitat III is to secure renewed political commitment for sustainable urban development, assess accomplishments to date, address poverty, and identify and address new and emerging urban challenges for the establishment of the 'New Urban Agenda'.

The new **UN Agenda 2030** including 17 Sustainable Development Goals (SDG) has consecrated the relevance of urbanization and sustainable urban development through SDG 11 (Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable). Target 11.1 asserts that all countries should commit to ensure access for all to adequate, safe and affordable housing and basic services and in the upgrading of slums by 2030. Target 11.3 goes further to state that countries should commit to enhancing inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management by 2030. Indicator 11.3.1 reflects this, which is the ratio of land consumption rate to population growth. In addition, Agenda 2030 directly addresses land rights in three of its goals: SDG 1, 2 and 5.

Target 1.4 requires to ensure by 2030 that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance. Indicator 1.4.2 underpins this as it is on the proportion of women, men, indigenous peoples and local communities with secure tenure rights to individually or communally held land, property and natural resources.

Target 2.3 calls for doubling by 2030 the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment. Target 5.7 demands to undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws (see 3.1 for more details).

Hence, if the New Urban Agenda is supposed to reflect the SDGs, these land tenure and spatial planning issues have to be included and further developed within the context of human settlements.

Apart from the Agenda 2030, many initiatives are promoting at global, regional and continental levels to harness the land dimension through the urban lens. Also under the mandate of UN-Habitat, many resolutions addressing the importance of land for a sustainable urbanization have been passed by the Governing Council. The key provisions of these instruments also need to be included or reflected by the New Urban Agenda.

This research work on developing a strategic paper on linking land and the New Urban Agenda has been conducted to strengthen the strategic articulation of land issues, challenges and opportunities in the New Urban Agenda. The paper is supposed to be used as advocacy material by GLTN partners and Secretariat in the events leading to Habitat III in October 2016.

The paper starts by presenting the current key challenges around land in human settlements (chapter 2). This is followed by an analysis of existing instruments and initiatives on land in human settlement to identify the key issues to be included in the New Urban Agenda to provide solutions to above-mentioned challenges (chapter 3). Chapter 4 looks at how land issues are already included in the work and vision of UN-Habitat. Chapter 5 analyses papers that have been prepared by UN-Habitat in preparation for Habitat III.

The objective here is twofold: first to verify which land issues are already addressed, second to identify issues dealt with in these papers that are link to land issues. The final two chapters aim to provide answers: Chapter 7 proposes ways to streamline land within the New Urban Agenda. Chapter 7 presents core advocacy messages. They consist of two types: strategic issues and proposals for commitments to be included in the New Urban Agenda.

1.2 Methodology

The following methodology has been applied to ensure the inclusion of all relevant policies, concepts and discussions as well as the knowledge and ideas of key stakeholders and their presentation in a well-structured format easy to be used for advocacy by GLTN partners and Secretariat in the events leading to Habitat III in October 2016:

- a) Desk review
 - Literature review
 - Review of global, regional and continental level initiatives and instruments around land issues
 - Review of key UN-Habitat flagship programs (ASUD, PSUP), branches work and tools, particularly land tools produced by GLTN

- b) Interviews based on guiding questions (see annexes A1 and A2)
 - Interviews with representatives from local authorities (governments and administration)
 - Interviews with GLTN Partners
 - Interviews with UN-Habitat key branches representatives
 - Interviews with UN-Habitat Secretariat, UN-Habitat strategic teams such as the Office of the Executive Director
 - Interviews with members of the Committee of Permanent Representatives

- c) Write-up, including feedback-loops and consultations on draft papers
 - Preparation of zero draft
 - Feedback from UN-Habitat Land and GLTN Unit on zero draft and preparation of first draft
 - Feedback from resource persons on first draft
 - Preparation of final draft

2. Current challenges around land in human settlements

People live in human settlements equally in urban and rural areas. Challenges around land and the way to handle them are not so different:

- In both places, land is used as construction land for residential, commercial and industrial purposes, as agricultural land, as environmentally precious green land etc. It is used for private and public, individual and collective purposes.
- Small settlements have to deal with the same land issues as big cities. They need to provide affordable access to land of acceptable quality, secure tenure, plan the sustainable use of land, generate income from land to finance municipal infrastructure, accommodate refugees and/or IDPs etc. and they suffer as much from corruption, fraud and clientelism in land management as do megacities.

Neglecting small and medium-size (rural) settlements automatically increases the pressure on the cities as it leads to further rural-urban migration. Growing and in particular sprawling cities easily result in negative effects for the surrounding hinterland that further stipulate rural-urban migration and the growth and sprawl of (mega)cities.

- The growth of big cities is positively (generally economically) and negatively (generally environmentally, socially and culturally) affecting surrounding smaller towns and villages and the hinterland. Some of its inhabitants benefit, many however lose. This often-called “collateral damage” cannot be accepted, in particular not as those negatively affected are generally not included neither in the process nor in its benefits.
- Many people want to live in cities, but many cities are becoming hostile and are no longer liveable simply due to their ever-increasing size with all its negative impacts for its inhabitants, above all pollution, criminality, costs, lack of cultural identity etc. Many people would prefer smaller entities. Other people live in such smaller settlements and would like to stay there. Hence, states need to provide alternatives to living in big cities. They have to invest in small, including rural, settlements and to provide for equal (not the same) living standards there. There has to be decent education, employment, infrastructure, services, commerce as well as cultural, sports and other leisure activities.

The New Urban Agenda should therefore address urban as well as rural settlements. There is a risk that otherwise no major policy will deal with rural settlements and their development is key to solve the problems of ever-growing megacities. The most dramatic challenges of huge and still growing urban agglomeration can only be solved through a more balanced regional/national spatial development. Land and the way to handle it play a key role in this urban-rural nexus.

It is through national land use policies and regional/territorial spatial planning that states can achieve balanced territorial development¹; and all the tools to handle land discussed in this paper can help to make smaller settlements more attractive for citizens to stay or move there – providing relief to the sprawling megacities.

¹ Through national and regional spatial planning states can guide public and private investments in all sectors, including housing, to where it is needed to avoid further urban sprawl.

“Achieving sustainable development is [...] maximized if (a) there is a definite departure from the political, social and geographical dichotomy between urban and rural [settlements]; and (b) an understanding of the continuum of space between the rural and urban [areas]. Such departures and recognition will help secure more equitable, sustainable and balanced development because the challenges of cities and towns will be viewed from a more informed angle and thus the solutions and options for sustainable change are more appropriate” (UN-Habitat 2015c).

This paper therefore addresses land and ways to handle it in all human settlements – not only urban ones.

The following challenges have been identified based on literature review, expert interviews and own field experience.

Challenge 1: Providing sufficient affordable space for all, while recognizing the limited availability of land

In face of the high urban population growth rates, two major problems need to be avoided/minimized: an unsustainable conversion of agricultural and green land into construction land and a shift from *cities with slums* to *cities of camps*.

Currently cities and other human settlements are growing much more in space than the number of their inhabitants does.² Demographic forecasts project the continuation of urban population growth over the coming decades with unprecedented growth rates for some regions, in particular Sub-Saharan-Africa. However, land is a finite resource and has to serve many other functions apart from becoming settlement land. This fact has to be recognized and adequately dealt with, e.g. by promoting compact cities with higher densities and mixed uses and rights to living and working space rather than to land. This has several implications.

In term of tenure rights, it implies that not everybody can have rights on land and not everybody needs these rights. What people need are rights to living and working space. These tenure rights need to be secured for all. People do not necessary need access to land to secure housing. Access to an apartment – to be owned, rented, sub-rented or occupied by other consensual arrangement – may do as well. However, it needs to be ensured that apartment users are granted all property rights necessary to secure their living.

This may include the right to generate income, i.e. to use the apartment for commercial activities – as people use their shelter in informal settlement to produce products, which they later sell on the informal market. These and other use options need to exist. Otherwise, people will continue to insist on access to land and refuse to accept access to space instead.

In terms of spatial planning, it implies to plan for compact cities with higher densities and mixed uses that are inclusive providing affordable space for the poor and don't allow the rich to underutilize land. The necessary spatial planning instruments are well known by experts but need to be known and understood by local planners and effectively implemented. Examples are increasing densities, infill development, land recycling, brownfield redevelopment, land readjustment and land sharing. All these spatial planning related issues, however, require solving the rights issue first. Any spatial

² For many cities and other human settlements, the annual growth rate of land cover is estimated to be (much) higher than that of the annual population growth. Literature and statistics vary on the extent but confirm the trend.

planning should then only be done after having gained a thorough understanding of the existing tenure systems to ensure that the plans reflect them and can be implemented.³

In terms of land and housing delivery mechanisms, these have to be simple, affordable and quick. Such mechanisms are known, e.g. incremental housing, phased infrastructure development based on demand and sites and services, but need to be adjusted to require less land. People have to accept to live in flats above each other instead of houses next to each other. This again requires solving the above-mentioned rights issue first. It may also require state assistance, e.g. in form of subsidies.

Finally, providing sufficient affordable space for all also requires auditing existing standards, regulations and administrative procedures for land management and administration to make them more appropriate for the poor as they currently often make access to land, respectively living and working space, difficult or impossible for them.

Challenge 2: Achieving tenure security for all and ending gender inequality in tenure rights

Security of tenure through the recognition, respect and protection of all legitimate tenure right holders and their rights (private, public and common/collective rights under formal as well as informal and customary tenure) is a prerequisite for the development of sustainable human settlements in both urban and rural areas as it provides access to housing (adequate shelter), job and occasionally to food, and ensures the provision of services, public space, retail, transport and anything else that human settlers need.

There is ample knowledge and experience on how tenure security can be achieved. Options, to which existing instruments and initiatives already refer, are:

- Providing a wide range of tenure options to meet the diverse and changing needs of different social groups (e.g. the young, the poor and the elderly).
- Recognizing, respecting and protecting all legitimate tenure right holders and their rights, including customary and informal tenure.
- Providing access to justice to deal with infringements of legitimate tenure rights.
- Ensuring that not only land policies, laws and programmes promote gender equality in tenure rights, but that civil code is in line with it as well. Only this will ensure that women at least *de jure* can equally buy, inherit, register, bequeath, rent, lease and sell land and will be equally included in public land allocation programmes.

Challenge 3: Planning the efficient, socially and environmentally sustainable use of land and realize it in the context of high and rapid population growth

The challenge is to guide the spatial development, which requires to foresee future needs and to react to them in advance to adequately balance the use of land to ensure its sustainable use.

Spatial planning for sustainable development requires identifying the need for all types of uses, e.g. residence, commerce, industry, transport, leisure etc. What cities currently experience is a rather unbalanced land development as most of the land is provided for big investment projects such as spacious office buildings and transport. At the same time, there is insufficient land for low cost housing, a lack of or diminution of land for public uses others than transport such as open spaces,

³ GLTN is currently developing a guiding framework for tenure-responsive land use planning that will provide more insights on this topic.

public gardens, community centres, sports activities etc. and the construction of roads does not cater for pedestrians and cyclists rendering cities increasingly hostile for all citizens not using a car. Car-free public open space has an immense potential to render settlements more liveable and to improve the social cohesion of its inhabitants.

Currently many human settlements, in particular cities, are marked by uncontrolled extension (urban sprawl), that results in inefficient land use, high costs for infrastructure supply (including energy, water, transport), lack of public space and constructions that do not fit into the local landscape or miss the chance of providing local identity. Most municipalities rather react than pro-act, which often results in developing greenfields instead of redeveloping brownfields, as well as in the further marginalization of the poor.

Instead of designating special zones for low cost housing with lower building standards, they react and get involved in regularization and legalization activities, which are by far more costly than needs-based advanced spatial planning. Some still even resort to forced evictions. The spatial planning tools are all available. It is a matter of capacity and political will. The latter is often linked to corruption issues. Those officials that decide on spatial plans such as members of the municipal council act as gatekeeper. If they are open to bribery, any person who can afford the bribe can influence the spatial plan and thereby the land use and spatial development of a settlement (see also challenge 4 or further details of corruption and governance).

Land use planning is a key tool for achieving a physically more balanced development and has already been recognized and promoted as such in The Habitat Agenda (HABITAT II). A plan by itself, however, does not make a difference. It needs to be enforced and implemented. This requires an effective enforcement mechanism free from corruption (see above) and adequate tools for implementation, such as land readjustment, reliable institutions that issue building permits, regular land use inspections and effective mechanisms of sanction in case of non-compliance.

Challenge 4: Achieving responsible land governance through fighting corruption, fraud and clientelism

Many countries have reasonable policies, laws, standards, regulations on paper and even departments for land administration (land registry, cadastral office) and management (spatial planning department, department for issuing building permits etc.) in place, but enforcement is often weak in practice due to low capacities and corruption. The high level of corruption in land administration and management as well as in municipal government is one of the main barriers to sustainable land use and secured land rights of the poor and vulnerable and therefore is a main factor of social instability.⁴ In many places, land grabbing creates social crisis and conflict.

Although land grabbing is currently primarily discussed in the context of agricultural land, it is equally affecting settlement areas. Investors who only pay symbolic prices for the land if they pay at all, often target land at central locations within settlements, often where poor people have settled. Any progress in terms of securing tenure, ensuring the sustainable use of land and generating land-based

⁴ Land services are one out of eight public services, Transparency International considers as those with the highest level of corruption globally and which are included in its regular surveys published as TI global corruption barometer (for details see <http://www.transparency.org/research/gcb/>).

finance for pro-poor human settlement development will depend on the realization of responsible land governance free from corruption, fraud and clientelism.

When the discussion on responsible land governance started, it had a strong focus on fighting political and administrative corruption, fraud and clientelism in the entire land sector. There are influential politicians around the world – from village leaders and municipal mayors to ministers and presidents – that enrich themselves through illicit practices resulting in themselves or their families receiving land, that might have been public as well as private and often was not foreseen for sale or land use conversion free of charge or significantly below market price.

The land (urban, peri-urban or rural) may be kept for own use or business or be sold. Alternatively, these politicians just act as enabler for a rich individual – against informal payment or any other advantage. This generally happens without any value creation for the municipality – on the contrary, the municipality may simply lose public land if this is involved, previous users may lose their access to land or a natural asset gets lost as often such land is part of an environmental or landscape protection area.

The tricky part is that the players may even manage to do so on a democratic base, e.g. if their party holds the majority of votes in the council. In addition, officers dealing with land use zoning, issuing building permits, surveying borders, registering tenure rights in many places are open for bribes. In many cases, this administrative corruption turns any decent land use planning and policies on tenure security obsolete.

Weak governance often results in a vicious cycle. If politician and officers are not reliable, even honest citizen lose their respect towards official institutions and avoid them, acquiring land without registering their rights and developing it without building permit.

Challenge 5: Generating land-based finance for local governments to be spend for the benefit of all settlement dwellers

Land offers major opportunities to contribute to municipal finance. This potential is very often unexhausted. But it also carries the risk of being overexploited resulting in negative effects on the urban economy and attempts to reduce poverty. The challenge is to bring this issue on the municipal agenda and to agree on a balanced approach through which municipal revenues can be increased without causing social, environmental or economic harm. Social and environmental harm may be caused by governments that get tempted to create additional high land value areas to generate additional revenues, which can only be achieved by converting lower value land uses (e.g. greens, squatter settlements, slums) into higher ones (e.g. commercial areas, business space). Economic harm can be caused if municipalities capture the entire value increase leaving no benefit to the private sector.

Land based finance could include land taxation (land acquisition tax, annual land value tax and land sales tax as an instrument to fight speculation), land value increment tax, betterment fees, sale of development rights, land leases and land sales, including land banking, as well as land value capture, i.e. the capturing of a reasonable proportion of the added value that municipalities generate through granting planning permission or change of use.

Land based finance could contribute tremendously to sustainable human settlement development if it is used for the benefit of all social groups of the entire urban population.

Challenge 6: Balancing the social function of land and land as an asset

How to regulate land markets in the public interest as well as to ensure that all social groups in any human settlement can access space (not necessary land) to ensure their livelihoods?

Given macro-economic volatility during the last decade, land and property in general, have become the asset class of choice among those with savings to invest and countries where tax regimes are attractive (“open to business”) attract a high volume of investment, inflating prices in ways that can become self-reinforcing (“urban land rush”). This disadvantages the local population seeking access to affordable and secure land. In countries with weak local governments or poor governance, alliances between political, commercial and administrative elites combine to extend these processes for mutual advantage (also referred to as “urban land grabbing”), further excluding the poor and other vulnerable groups.

These issues appear to be intensifying despite all the innovative, practical and progressive policy options well known within the professional community. Those range from innovative forms of governance⁵ to proven instruments and approaches such as land sharing, the designation of areas for low income housing, regulations to include low cost housing in any development project by a private developer, land value sharing to dampen speculative investment and to regulate markets in the public interest and the strict rule to only allow expropriation for a justified public purpose paying fair and timely compensation.

The “urban land rush” also affects culturally important areas, particularly in the old city centres that are increasingly affected by redevelopments, although laws generally exist to protect cultural heritage. This is transforming historically and culturally important areas into those of real estate speculation and investment denying cities their unique characters and identity and creating an urban citizenry that is not attached to the evolution of the city.

Whereas for some land is simply an economic asset, others believe in its social, cultural, aesthetic and/or religious value and function that cannot be compensated with money or land elsewhere as it affects people’s identities, their sense of origin and their feeling of belonging (“*Heimatgefühl*”). This approach to land has to be given equal importance and attention when it comes to planning the use of land or transferring tenure rights.

Challenge 7: Providing durable solutions for Internally Displaced People (IDPs) and resettled people

New and ongoing conflicts, natural disasters and climate changes, as well as development projects continue to trigger important internal displacement flows, pushing people from rural to urban areas and displacing those who already live in urban areas. “Often with few if any resources available to them, displaced persons are obliged to accept substandard housing and conditions which provide little or no security of tenure. This is often in informal settlements such as urban slums, where they are more vulnerable to evictions and may become “invisible” and difficult to assist as they join the

⁵ See Pistor/de Schutter (eds.; 2015) arguing that essential resources ought to be governed by a combination of voice and reflexivity whereas voice is the ability of social groups to choose the rules by which they are governed and reflexivity the opportunity to question one’s own preferences in light of competing claims and to accommodate them in a collective learning process. One could also simply refer to Kant’s categorical imperative.

masses of the urban poor. Out of sight and out of mind, IDPs may face neglect and often resort to living hazard or violence prone location, making them vulnerable to potential secondary displacement” (IDMC 2015: 4). Durable solutions include land/living and working space allocation, tenure security, the application of tools, such as land readjustment and land sharing, and rental subsidies and require that the problem of IDPs is recognized and reflected by integrated, citywide spatial planning approaches. Such solutions need to be quickly available as otherwise displacement and the resulting need to find a new place to live can easily act as a root cause and driver of conflict in the settlement where IDPs arrive. However, solutions often are late or never come as such displacements are generally considered temporary, but very often they are not.

What has been stated above for IDPs applies in most parts also for resettled people. The difference is that in case of resettlement, the state who expropriated and resettled the people, generally considers this to be a permanent resettlement. Hence, some more thought should already be given to durable solutions. IFC Performance Standard 5 on land acquisition and involuntary replacement, for instance, promotes to “improve, or restore, the livelihoods and standards of living of displaced persons and to improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites”.

Challenge 8: Recognizing the crucial role of land in (violent) conflicts and ensuring that measures affecting land use and/or tenure arrangements do not directly result or indirectly trigger (violent) conflicts

Many conflicts in any given society are about the use of and access to specific land areas and eventually the attached natural resources. No matter if these lands are located in rural, peri-urban or urban areas, their consequences affect people in any types of human settlements. Handling land responsibly means to ensure that future changes in land use and tenure arrangements do not directly result or indirectly trigger (violent) conflicts.

Where land disputes have already resulted in violent conflict, it needs to be recognized that urbanization is the fastest in fragile states as there is limited to now regulation, extremely weak governance and plenty of room for individual enrichment. Hence, all the other challenges (1-7 and 9) are even more challenging in a fragile or post-conflict state than in a more peaceful setting.

Challenge 9: Avoiding further climate change and mitigating disaster risk as well as adapting to both

Human settlements continue to place substantial pressure on natural resources due to their high population density and constant growth and the high and always increasing demands on land, water, energy and other resources. In addition, inefficient land use increases transport and energy consumption that both currently still produce greenhouse gas emissions and have a negative impact on the climate in most settlements. Further, uncontrolled urban sprawl often results in areas being built upon, which are prone to disaster such as riverbanks and steep slopes. Where building regulations are not in place or not implemented this can also result in extremely overheated urban areas or dangerous wind circulations. A central role of spatial planning is to avoid such outcomes. Hence, efficient and effective citywide spatial planning combining peoples’ participation with expert

input is a key requisite to avoid further climate change and to mitigate potential impacts from natural disasters. It also helps to adapt to already happening climate change.

3. The relevance of land for sustainable urban development as highlighted in existing international and regional instruments

3.1 UN Agenda 2030

The new **UN Agenda 2030** including 17 Sustainable Development Goals (SDG) has consecrated the relevance of urbanization and sustainable urban development through SDG 11 (Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable). Target 11.1 asserts that all countries should commit to ensure access for all to adequate, safe and affordable housing and basic services and in the upgrading of slums by 2030. Target 11.3 goes further to state that countries should commit to enhancing inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management by 2030.

The linkages between land and SDG Goal 11 are obvious because resilient and sustainable cities should be underpinned by a sound land management system. Indicator 11.3.1 reflects this, which is the ratio of land consumption rate to population growth. In addition, Agenda 2030 directly addresses land rights in three of its goals: SDG 1, 2 and 5. Target 1.4 requires to ensure by 2030 that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance. Indicator 1.4.2 underpins this as it is on the proportion of women, men, indigenous peoples and local communities with secure tenure rights to individually or communally held land, property and natural resources.

Target 2.3 calls for doubling by 2030 the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment. Finally target 5.7 demands to undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

The corresponding indicator (5.a.1) on gender-disaggregated data on ownership and secure rights focusses on agricultural land only. Habitat III should fill the gap by confirming the indicator and stressing its relevance also for other types of land, in particular for housing and economic activities. This would be in line with commitments already made at Habitat II. Paragraph 78 on women's equal and equitable access to land and property ownership deals with a wide range of actions needed to achieve this objective, which are still valid today. The issue, actually, is mainly covered by indicator 1.4.2.

3.2 The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)

Endorsed by the Committee on World Food Security (CFS) on 11 May 2012, the 'Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security' are an unprecedented international soft law instrument in the area of tenure. They

are a human rights based instrument linked to the UN Principles on business and human rights. All countries have been explicitly encouraged to implement the Guidelines by resolutions of the United Nations General Assembly A/RES/67/228, the G20, the G8, and the RIO+20 Declaration. These instruments and frameworks, amongst others, therefore provide a critically important framework document for future work and activities of the global community in relation to the governance of tenure.

The VGGT do apply to urban and peri-urban areas (UN-Habitat/GLTN 2015). The VGGT general and implementation principles provide guidance for urban tenure governance issues. Even topics/issues of key relevance for urban areas, such as the plurality of tenure systems, forced evictions, human rights frameworks and the right to adequate housing, which are exclusively or primarily discussed by the urban tenure governance community, can be addressed under the given principles. The VGGT provide the overarching framework, principles and guidelines under which GLTN and other partners' tools and methodologies can be applied.

The way gender is addressed by the VGGT reflects the current international discourse (Wehrmann 2015). The VGGT promote gender equality in regard to tenure rights and access to land, referring to human rights, using the equity argument, addressing women's practical and strategic needs in regard to tenure rights and promoting empowerment. Since gender equality is one of the 10 implementation principles, the VGGT address gender issues in a cross-cutting way. Overall though, the VGGT address women's land rights in a very comprehensive manner. The guidelines provide a very good base for the advocacy of women's land rights. There is no other comparable international instrument that provides this much details on it. A particular strength of the VGGT is that they constantly refer to human rights. This facilitates their application using binding human rights law such as CEDAW.

The main shortcoming of the VGGT with regard to gender is the recurrent limitation of a supplement referring to the "national context". This restriction was added during the VGGT negotiations, not only in regard to gender issues, but regarding all topics that the negotiators could not agree to endorse as being applicable in all countries. The "[...] within the national context" supplement was a compromise that ensured that the claim as such remained in the document. However, the corresponding paragraphs have been weakened by it. One particularly serious example is the definition of the implementation principle "equity and justice" (VGGT 3.B.3).

A similar effect has been reached with two other supplements that were also inserted during the negotiations and refer to "the extent that resources permit" and "taking into account the capacity to implement" (see VGGT 5.5 and 6.1). Another shortcoming is that the VGGT promote gender-sensitive and not gender-responsive approaches. The latter would indicate in a stronger way that measures to empower women need to be planned and budgeted. There is also no language on the need for affirmative action to ensure women's equal access to land.

Finally, no recommendations are provided in the VGGT on how to deal with potential resistance from certain parts of the society or even societal conflicts that arise from strengthening women's land rights. One should be aware that gender-sensitive policy and law-making need to be conflict sensitive. This does not mean not to vote for strengthening women's land rights, but to accompany such measures by additional actions ensuring that such a societal transformation runs smoothly. Habitat III should be used to build on the VGGT in terms of strengthening women's tenure rights overcoming the limitations included in the VGGT.

There also is another area addressed by the VGGT that could be discussed and negotiated in more detail in future negotiations such as Habitat III to respond to new emerging and additional challenges. The VGGT use the concept of “active, free, effective, meaningful and informed participation” and limit “free, prior, informed consent (FPIC)” to Indigenous People, whereas some other policies use FPIC more broadly.

These areas related to women’s tenure rights, gender-responsiveness and FPIC as well as the inclusion of the VGGT principles applied to the urban context would be important to negotiate in the context of Habitat III⁶.

VGGT’s general principles application to urban and peri-urban areas:

- Specifically recognizing, respecting and safeguarding the entire scope of land tenure rights ranging from informal rights with extremely low security to formal rights with high tenure security with the objective of providing tenure security for all without eliminating the existing advantages of informality, such as low land prices and low building standards;
- Building on informal and customary ways of recording and administering informal and customary tenure rights that exist in many informal settlements;
- Refraining from evicting squatters forcibly and resettling them only where rights to land are required for a public purpose. In such a case, States should ensure that the planning and process for expropriation are transparent and participatory and that the compensation is fair and prompt (see VGGT section 16).

VGGT’s principles of implementation potentially applicable in the urban and peri-urban context:

- Recognizing the inherent dignity and the equal and inalienable human rights of squatters, urban and peri-urban population practising urban agriculture, men and women of all ages processing and selling food in the (peri-)urban informal economy, workers in food processing and input producing factories and warehouses – many of them being (illegal) migrant workers, drivers (transporting inputs, food, and workers) and consumers;
- Ensuring the equal right of women and men to the enjoyment of all human rights, in particular the right to adequate housing;
- Adopting an integrated and sustainable city development strategy/plan recognizing that natural resources and their uses are interconnected and that their protection is crucial to ensure food security and sustainable livelihoods in urban and peri-urban areas;
- Ensuring active, free, effective, meaningful and informed participation of all those that may be affected by investments in the food supply chain affecting access to land such as informal settlers, (peri-)urban farmers, street traders/vendors and informal entrepreneurs;
- Adopting a rules-based approach through laws applicable to all ensuring the recognition and respect of the entire continuum of land rights existing in urban and peri-urban areas and ensuring their equal enforcement and independent adjudication;
- Clearly defining and widely publicizing policies, laws and procedures dealing with all relevant aspects of urban land management and administration;
- Holding all individuals, public agencies and non-state actors listed in chapter 6 and 8 of the present paper responsible for their actions and decisions according to the principle of the rule of law;

⁶ Here, the FAO (2014) *Governance of Tenure Technical Guide on “Respecting free prior informed consent – Practical guidance for governments, companies, NGOs, Indigenous Peoples and local communities in relation to land acquisition”* could serve as example.

- Monitor urban tenure governance in order to improve it continuously.

3.3 The Habitat Agenda (HABITAT II, 1996)

The Habitat Agenda already deals with the two core issues around land: equal and equitable access to land as well as sustainable land use. Access to land is dealt with in paragraph 75-79 under adequate shelter for all. Consequently, access to land and legal security of tenure are understood as strategic prerequisites for the provision of adequate shelter and for the development of sustainable human settlements affecting both urban and rural areas (Habitat Agenda, para 75). Sustainable land use is dealt with in para 109-114 under sustainable human settlements development in an urbanizing world. The Habitat Agenda recognized and promoted land use planning as a key tool for achieving a physically more balanced development. Both issues, achieving secure, equal and equitable access to land as well as sustainable land use, are still up-to-date. It also needs to be highlighted that the Habitat Agenda addresses all types of human settlements treating “villages and cities as ends of a human settlements continuum in a common ecosystem” (Habitat Agenda, para 104). In the same sense, the New Urban Agenda should be applicable to all types of human settlements.

Whereas challenges 2 and 3 (see chapter 2 above) are dealt with in detail by the Habitat Agenda, other challenges are not addressed to this extent. Challenges 1, 4 and 9 are partly, but by far not entirely addressed. Challenges 5, 6, 7 and 8 did not receive any relevant attention.

Although some progress has been achieved concerning tenure security, there still is the need to promote this issue. In many places, legitimate informal or customary land rights are not recognized, forced evictions still occur, land use planning does not respect existing tenure rights etc. It also needs to be clearly spelled out that access to land is not just a fundamental issue of housing. Whereas securing tenure rights has been on the agenda of many governments and donor organizations, sustainable land management, including sustainable spatial planning, has mostly been ignored. The general interest was only in enabling (land) markets to achieve economic growth, not in regulating them to ensure sustainable development. Hence, both topics, equal and equitable access to land as well as sustainable land use, still belong on the agenda, i.e. the New Urban Agenda.

Consequently, the way land is treated in the New Urban Agenda (Habitat III) should not fall behind the commitments related to land made by the Habitat Agenda (Habitat II), but build on it. The New Urban Agenda should reaffirm most of its commitment concerning land, update others and add new aspects, such as land governance, land value sharing mechanisms and the role of land management in mitigating disaster risk and climate change.

3.4 UN-Habitat resolutions GC23-17 and GC25/4

Under the mandate of UN-Habitat, many resolutions addressing the importance of land for a sustainable urbanization have been passed by the Governing Council.

Resolution GC23-17 passed in 2011 focusses on sustainable urban development through expanding equitable access to land, housing, basic services and infrastructure. The resolution encourages governments and Habitat Agenda partners to:

- Implement *land policy development* and procedural programmes, ensuring that land interventions are anchored within effective *land governance frameworks* in order to achieve sustainable urban development;

- Promote *security of tenure for all segments of society by recognizing and respecting a plurality of tenure systems, identifying and adopting, as appropriate to particular situations, intermediate forms of tenure arrangements, adopting alternative forms of land administration and land records* alongside conventional land administration systems, and intensifying efforts to achieve secure tenure in post-conflict and post-disaster situations;
- Review and improve *urban land governance mechanisms*, including land/spatial planning administration, land information systems and land-based tax systems, so as to strengthen tenure rights and expand secure and sustainable access to land, housing, basic services and infrastructure, particularly for the poor and women; and
- Create mechanisms for *broadening land-based revenue streams*, including by improving the competencies and capacities of local and regional authorities in the field of land and property valuation and taxation, so as to generate additional local revenue for pro-poor policies and to finance infrastructure development.

Resolution GC 25/4 passed in 2015 “requests the Executive Director to continue to support and reinforce the coordination of the efforts of the United Nations system, through the Global Land Tool Network, to *bring coherence and conflict-sensitive approaches to land issues*, including through a *plurality of land tenure systems for all segments of society and alternative forms of land administration*”. The same resolution promotes “an integrated approach to sustainable urbanization and human settlement” which inevitably would require participatory comprehensive urban and territorial planning. The resolution, therefore, “encourages member states to engage in *inclusive, participatory and sustainable spatial planning processes* that respond to their social, economic and environmental realities”.

In conclusion, it can be said that concerning land related issues UN-Habitat is promoting the following objectives and approaches, which should also become part of Habitat III:

- Effective (urban) land governance frameworks and mechanisms;
- Security of tenure for all segments of society by recognizing and respecting a plurality of tenure systems, identifying and adopting, as appropriate to particular situations, intermediate forms of tenure arrangements, adopting alternative forms of land administration and land records alongside conventional land administration systems,
- Inclusive, participatory and sustainable spatial planning processes;
- Broadening land-based revenue streams for pro-poor policies and to finance infrastructure development.

3.5 Other relevant international instruments

Existing relevant international instruments, including those already referred to above, deal with the following land issues, which all should be included in Habitat III:

- Security of tenure for all;
- Women’s equal and secure access to and control over land;
- The right to adequate housing;
- Prohibition of forced evictions;
- Responsible land tenure governance;
- Inclusive, participatory and sustainable urban and territorial spatial planning.

Table 1: Urban land issues addressed by selected international instruments

Urban land issue	International instrument dealing with the issue
Security of tenure	<ul style="list-style-type: none"> • United Nations (2015): Agenda 2030, SDG 1, 2 and 5. • Governing Council of the United Nations Human Settlements Programme (2015): UN-Habitat GC26/4 on implementation of the strategic plan for 2014-2019 • Governing Council of the United Nations Human Settlements Programme (2011): Resolution GC23-17 on Sustainable Urban Development through Expanding Equitable Access to Land, Housing, Basic Services and Infrastructure • United Nations (2000): MDG 7/11 on achieving significant improvement in lives of at least 100 million slum dwellers, by 2020 including secure tenure as one key dimension/indicator • UN-HABITAT: Global campaign on secure tenure • 1996 Istanbul declaration and the Habitat Agenda
Women’s equal and secure access to and control over land	<ul style="list-style-type: none"> • Agenda 2030, SDG 5 • Sub-Commission on the Promotion and Protection of Human Rights: Resolutions 1997/19 on women and the right to adequate housing and to land and property and 1998/15 on women and the right to land, property and adequate housing • Commission on Human Rights: Resolutions 2000/13, 2001/34, 2002/49, 2003/22, 2005/25: Women’s equal ownership, access to and control over land and the equal rights to own property and to adequate housing
The right to adequate housing	<ul style="list-style-type: none"> • UN General Assembly (1987): Resolution 42/146 on realization of the right to adequate housing
Prohibition of forced evictions	<ul style="list-style-type: none"> • Commission on Human Rights: Resolution 2004/28 on prohibition of forced evictions
Responsible land Tenure governance	<ul style="list-style-type: none"> • CFS/FAO (2012): Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security • Governing Council of the United Nations Human Settlements Programme (2011): Resolution GC23-17 on Sustainable Urban Development through Expanding Equitable Access to Land, Housing, Basic Services and Infrastructure
Inclusive, participatory and sustainable urban and territorial spatial planning	<ul style="list-style-type: none"> • Governing Council of the United Nations Human Settlements Programme (2015): UN-Habitat GC26/4 on implementation of the strategic plan for 2014-2019

3.6 Selected regional instruments

Many **initiatives** are being promoted **at both regional and continental levels** to harness the land dimension through the urban lens, e.g. in Africa, the Special Technical Committee (STC) under the auspice of the African Union, has stressed out the relevance of land for attaining well planned and prosperous cities (see 3.5). Recently the Asia Pacific urban Forum (APUF 6) held in Jakarta in October 2015, urged Government at all levels to implement so called fit-for-purpose programmes that improve land governance, including recording and recognizing people-to-land relationships in all its forms. During the last years, EU Member States committed themselves to conduct integrated urban development in their countries and to establish the necessary framework at national level. A core principle is resource efficiency. Economic progress needs to be steadily decoupled from the consumption of resources (green growth).

Africa

Through the Africa Land Policy Initiative (LPI), the tripartite consortium of the African Union Commission (AUC), African Development Bank (AfDB) and United Nations Economic Commission for Africa (ECA) which has become the framework for policy dialogue and change in Africa, African governments have demonstrated their commitment to improving land governance. This is through endorsement of the LPI's Framework & Guidelines (F&G) by African Heads of States and Government and the adoption of the Declaration on Land Issues and Challenges in Africa in 2009. The F&G recognizes that the African region is in the process of rapid urbanization which presents special challenges thus calling for systematic planning, provision of housing (or shelter), and service delivery in order to provide properly planned communities, affordable and legally secure land and housing (or shelter) rights, and access basic services irrespective of tenure and structure status. The African Union (AU) Agenda 2063, which is the roadmap for Africa for the next fifty years calls for speeding up of actions related urban land management.

European Union

Based on the awareness that increasingly holistic strategies and coordinated actions by all persons and institutions involved in urban development processes are needed, the responsible ministers of the EU Member States committed themselves to conduct integrated urban development in their countries and to establish the necessary framework at national level by signing the Leipzig Charter on Sustainable European Cities (2007). This commitment has been confirmed in the Toledo Declaration on Urban Development (2010) which further builds on the concept, promoting integrated, smart, sustainable, cohesive, inclusive urban development.

At the heart of the concept are inclusiveness of all relevant stakeholders and integration of all spatial, sectorial and temporal aspects of key areas of urban policy that need to be coordinated. Another core principle is resource efficiency. Economic progress needs to be steadily decoupled from the consumption of resources (green growth). Fighting urban sprawl by reducing land consumption has been explicitly spelled out as an objective.

More specific, the Toledo Declaration states as key issues of integrated, sustainable, socially inclusive urban development from an environmental perspective: "Recycling land (by means of urban regeneration, the redevelopment or reuse of abandoned, derelict or unused areas, etc.) as a key strategy for contributing towards the reduction of land consumption and therefore fighting urban sprawl"; and "Protecting natural landscape, forestry, water resources, agricultural areas, etc. around

cities. The protection of the environment and a more integrated planning approach are also key elements of the EU cohesion policy 2014-2020, which aims to foster integrated urban policies and links it with financial incentives and funding options. Some of the funds require the prior approval of an integrated urban development strategy.

Asia

In Asia-Pacific, a land tenure initiative was launched in 2015 to bring together land stakeholders and agree on the issues, challenges and opportunities for improving land governance in the region. Hosted by UN-ESCAP and UN-Habitat Regional Office for Asia-Pacific, and supported by key professional and civil society organizations, the initiative has produced a regional scoping study with in-depth cases in four countries, strategic inputs to APUF-6 and Habitat III preparatory processes.

Latin America

The author is not aware of any explicit continent-wide policy or cooperation on land issues similar to the initiatives in the other regions. It seems that the Organization of American States has devoted some efforts to land tenure issues and CEPAL to spatial/land use planning and urban development. At national level, however, many Latin American countries deal with land tenure and spatial planning since long time, which may be a reason for not having a recent regional initiative on it.

3.7 Conclusion from existing international and regional instruments

Based on an analysis of key international instruments the following land issues have been identified that should become part of the Habitat III outcome document:

- Realization of the right to adequate housing;
- Ensure affordable and legally secure land and housing (or shelter) rights, and access basic services irrespective of tenure and structure status;
- Establishing responsible land tenure governance frameworks and mechanisms, including responsible and inclusive land policies and laws, sustainable land management and effective and transparent land administration free from corruption;
- Security of tenure for all segments of society;
- Ensuring equal rights of women and youth as compared to men to secure access to and control over land;
- Recognition and respect of a plurality of tenure systems, including customary and informal tenure systems: Recognizing, respecting and safeguarding the entire scope of land tenure rights ranging from informal rights with extremely low security to formal rights with high tenure security with the objective of providing tenure security for all without eliminating the existing advantages of informality, such as low land prices and low building standards,
- Identification and adoption of intermediate forms of legitimate tenure arrangements,
- Adoption of alternative forms of land administration and land records alongside conventional land administration systems,
- Implementation of responsive, time and cost efficient, reliable and participatory systematic approaches recording and recognizing people-to-land relationships in all its forms (fit-for-purpose land administration),

- Prohibition of forced evictions and development of anti-evictions regulatory frameworks: Refraining from evicting squatters forcibly and resettling them only where rights to land are required for a public purpose. In such a case, States should ensure that the planning and process for expropriation are transparent and participatory and that the compensation is fair and prompt;
- Free, prior and informed consent in case of resettlement,
- Transparent, inclusive, participatory, systematic and sustainable urban and territorial spatial planning that respond to their social, economic and environmental realities and aims to build liveable cities, to reduce disaster risk and increase their disaster resilience,
- Recycling land (by means of urban regeneration, the redevelopment or reuse of abandoned, derelict or unused areas, etc. applying land tools such as land readjustment) as a key strategy for contributing towards the reduction of land consumption and therefore fighting urban sprawl
- Broadening land-based revenue streams for pro-poor policies and to finance infrastructure development,
- Fair, reliable gender-responsive, accessible way of resolving disputes over tenure rights etc.

The instruments that should be referred to are the SDG (in particular targets 1.4, 5.7, 11.1 and 11.3 and indicators 1.4.2 and 11.3.1), the VGGT, the Resolution GC23-17 by the Governing Council of UN-Habitat, Resolution 42/146 by the UN General Assembly on realization of the right to adequate housing, Resolution 2004/28 on prohibition of forced evictions by the Commission on Human Rights and the LPI's Framework & Guidelines. The main focus should be on the SDG due to their prominence and relevance for many actors and the VGGT due to their complexity with which they treat land issues.

Compared to the Habitat Agenda, the New Urban Agenda needs to tackle more issues while still highlighting tenure security and sustainable land use (that have been stressed by the Habitat Agenda already) as the two main goals supported or enabled by responsible land governance, which would be the most important new aspect. The forth aspect should be the promotion of land value sharing mechanisms, followed by the role of land management in mitigating disaster risk and climate change and all other aspects listed above as well as under challenges in chapter 2.

4. The relevance of land within the work and vision of UN-Habitat

4.1 The relevance of land within the UN-Habitat key flagship program ASUD and the three-pronged approach

“Achieving Sustainable Urban Development (ASUD) aims to build cities that are liveable and that provide an environment for agglomeration economies. It also aims to support national efforts to spread these benefits across countries by developing systems of cities and making the maximum use of the wealth created by urbanisation to offset its costs and, thereby, allow for greater scale. Finally, ASUD aims to provide city structures that are flexible and ready to adapt to the changing demands of population, technology and environment over time. Underlying these considerations is the aim of encouraging urbanisation that is at a scale appropriate to need, and that will, therefore, mitigate some of the pressures that lead to informality.

ASUD addresses the gaps and deficiencies in current urban planning processes and policies at the national and local levels to be able to effectively respond to the complex demands of rapid population and economic growth. It supports cities in developing strategic sustainable urban development plans and implementing demonstration projects, particularly planned city extensions. Planned city extension, as opposed to fringe development, represents an alternative to unplanned urban expansion characterized by sprawling, segregated, and poorly connected developments.

ASUD also supports countries developing and implementing national urban policies that will promote more compact, socially inclusive, better integrated and connected cities that foster sustainable urban development and are resilient to climate change. Drawing from these objectives, ASUD strategies begin with assessments of situation and need using tools such as the City Prosperity Initiative and spatial development frameworks. This information provides the evidence base for strategic decision making in the form of national urban policies: when and where will urbanisation occur and how can it be directed according to national priorities? Decision making at this level is best framed in terms of a three pronged approach: design, legal and economic” (UN-Habitat w/o date).

The relevance of land within ASUD is evident: “Planned city extension” and “compact, socially inclusive, better integrated and connected cities that foster sustainable urban development and are resilient to climate change” require transparent, inclusive, participatory and sustainable urban and territorial spatial planning that respond to their social, economic and environmental realities and aims to build liveable cities, to reduce disaster risk and increase their disaster resilience. Further, land issues are relevant for all three dimensions of the three-pronged approach, involving design/urban planning, legal and governance framework and urban economy and finance.

Design/urban planning involves transparent, inclusive, participatory and sustainable urban and territorial spatial planning. Legislation and governance includes legislation on tenure systems, tenure rights, land markets, expropriation for public purpose and fair and prompt compensation, land administration, land management, including spatial planning, land readjustment and land sharing etc. as well responsible land governance frameworks and mechanisms. Urban economy and finance involved land-based revenues to implement pro-poor policies and to finance infrastructure development. It also needs to include the costs for effective urban land administration and management and consider their self-financing.

4.2 The relevance of land within the UN-Habitat key flagship program PSUP

“The Participatory Slum Upgrading Programme (PSUP) aims at improving the living conditions of slum dwellers by enhancing the ability of relevant urban actors, from concerned authorities to slum dwellers themselves, to collectively understand and tackle the multi-dimensional nature of the slum challenge and to identify and implement appropriate and sustainable responses, devising the pro poor urban policies and regulations and the city-wide strategies that will integrate slum areas into the larger urban fabric and thus realise the potential of the people living in slums” (UN-Habitat 2015b).

The following elements of PSUP are closely related to land issues:

PSUP element	Relevant land issue
Implementation of inclusive and rights-based urban policies	Human rights based land policies developed through a participatory inclusive approach
Adoption of a city-wide, participatory approach of slum upgrading aligned with city development plans	Transparent, inclusive, participatory and sustainable urban and territorial spatial planning that respond to their social, economic and environmental realities and aims to build liveable cities, to reduce disaster risk and increase their disaster resilience.
Assessment of urban needs	<i>as above</i>
Participatory action planning and programme formulation	<i>as above</i> + land readjustment and land sharing approaches
Provision with secure tenure	Recognition and respect of a plurality of tenure systems, including customary and informal tenure systems as well as intermediate forms of tenure arrangements; adopting alternative forms of land administration and land records alongside conventional land administration systems
No unlawful forced eviction	Prohibition of forced evictions; Recognition and respect of a plurality of tenure systems, including customary and informal tenure systems as well as intermediate forms of tenure arrangements; free, prior and informed consent in case of resettlement or at least active, free, effective, meaningful and informed participation
Good urban governance principles of transparency, accountability, participation and decentralisation	Responsible land governance.
Gender-responsive approach	Ensuring equal rights of women to secure access to and control over land; ensuring women’s access to land recording systems; ensuring women’s participation in spatial planning; ensuring women’s access to building permits and credits

4.3 Contribution of GLTN key tools to sustainable urbanization

It has been shown above that land tenure security, plurality of tenure systems, women's land rights, prohibition of forced evictions, participatory sustainable spatial urban planning, land readjustment and land sharing, land recording and land administration as well as responsible land governance and participatory land policy making are relevant for UN-Habitat key flagship programs and contribute to sustainable urbanization.

The following GLTN tools have been identified as also contributing to sustainable urbanization:

- Realization of the continuum of land rights;
- Social Tenure Domain Model;
- Participatory enumeration as a community led approach for tenure security;
- Participatory and inclusive land readjustment (PiLaR) approaches and land sharing models;
- Effective strategies to prevent and remedy forced evictions, including fair compensation;
- Urban land-use planning and city-wide strategic planning;
- Gender evaluation criteria for large-scale land tools;
- Transparency in the Land Administration Training Package;
- Land based financing training packages;
- Guiding framework for tenure-responsive land use planning (under preparation).

Relevant studies by UN-Habitat/GLTN: Land and Conflict: Towards UN system-wide engagement at scale. Scoping and status study.

Contribution of other land-related UN-Habitat instruments to sustainable urbanization:

International guidelines on urban and territorial planning

4.4 Conclusion from work and vision of UN-Habitat

Land issues are highly relevant for UN-Habitat work and vision. As already demonstrated in the previous chapter, many UN-Habitat resolutions and policy papers address the importance of land for sustainable urbanization. Both key flagship programs (ASUD and PSUP) require the inclusion of a whole set of land related activities to meet their objectives and to successfully contribute to sustainable urbanization.

In conclusion, it can be stated that challenges 2, 3 and 5 receive adequate attention by UN-Habitat. Challenge 7 and 8 have only recently been addressed, and are not yet included in policies and tools. Challenges 1, 4, 6 and 9 deserve additional attention.

5. Strategic issues, challenges and opportunities around land in the New Urban Agenda

During the last two years, in preparation of the New Urban Agenda, the United Nations and UN-Habitat have already identified challenges and opportunities of urbanization as well as areas and issues to be included in the New Urban Agenda.

In 2014, the UN CEB High Level committee on programmes agreed on a policy paper “Urbanization and Sustainable Development: Towards a new United Nations Urban Agenda” (CEB High-Level Committee on Programmes 2014a) that highlights eleven challenges associated with urbanization and fifteen opportunities offered by urbanization. This chapter looks at the role of land and land tools in regard to these challenges and opportunities.

In April 2015, UN-Habitat published a background paper for HABITAT III presenting six areas and twenty-two issues to be included in the New Urban Agenda (UN-Habitat 2015a). For each issue an issue paper had been prepared in advance which is summarized in this document. This chapter stresses the land issues that are relevant for each identified area and issue.

5.1 Issues of the New Urban Agenda that affect land issues

All issues that have been identified to be relevant for the preparation of the New Urban Agenda involve one or several land issues. Transparent, inclusive, participatory spatial planning and creating tenure security for all segments of society are pre-requisites for almost all if not all issues of the New Urban Agenda. They are key cross-cutting, integrative issues or tools for the New Urban Agenda. Responsible land governance may be added as a third issue as it is closely linked to the two others. Issue 3 is completely about land.

All challenges concerning land issues that have been identified as relevant for sustainable urban development (see 2) can be referred to under at least one of the areas of the New Urban Agenda. Many of the issue papers refer to land. Some explicitly call land a cross-cutting issue. Other only refer to land in a rarely visible way. The issue paper on informal settlement, for instance, refers to land management, land use planning and security of tenure among many other issues not at all reflecting their key role in preventing informal settlements and formalizing them. The issue paper on urban land is not very strong. It remains rather superficial. Table 2 lists the relevant land issues for each area. Each area includes several issues.

Table 2: Areas and issues of the New Urban Agenda and relevant land issues⁷

Area	Issues	Relevant land issue
1. Social Cohesion and Equity – Liveable Cities	<ol style="list-style-type: none"> 1. Inclusive cities 2. Migration and refugees in urban areas 3. Safer cities 4. Urban culture and heritage 	<ul style="list-style-type: none"> ▪ Transparent, inclusive, participatory and sustainable urban and territorial spatial planning; ▪ Security of tenure for all segments of society, incl. women and youth⁸;
2. Urban Frameworks	<ol style="list-style-type: none"> 5. Urban rules and legislation 6. Urban governance 7. Municipal finance 	<ul style="list-style-type: none"> ▪ Urban land policy, legislation on land tenure, administration and management, urban spatial planning law; ▪ Responsible governance of tenure; ▪ Pro-poor land taxation; ▪ Land value sharing;
3. Spatial Development	<ol style="list-style-type: none"> 8. Urban and spatial planning and design 9. Urban land 10. Urban-rural linkages 11. Public space 	<ul style="list-style-type: none"> ▪ Urban land policy, legislation on land tenure, administration and management, urban spatial planning law; ▪ Responsible land governance; ▪ Transparent, inclusive, participatory and sustainable urban and territorial spatial planning; ▪ Security of tenure for all segments of society, including women and youth; ▪ Fair, reliable gender-responsive, accessible way of resolving disputes over tenure rights etc.; ▪ Prohibition of forced evictions; ▪ FPIC in case of resettlement; and ▪ Pro-poor land taxation;
4. Urban Economy	<ol style="list-style-type: none"> 12. Local economic development 13. Jobs and livelihoods 14. Informal sector 	<ul style="list-style-type: none"> ▪ Transparent, inclusive, participatory and sustainable urban and territorial spatial planning; ▪ Security of tenure for all segments of society, incl. women and youth;
5. Urban Ecology and Environment	<ol style="list-style-type: none"> 15. Urban resilience 16. Urban ecosystems and resource management 	<ul style="list-style-type: none"> ▪ Transparent, inclusive, participatory and sustainable urban and territorial spatial planning;

⁷ Areas and issues as defined by UN-Habitat 2014a.

⁸ Recognition and respect of a plurality of tenure systems, including customary and informal tenure systems as well as intermediate forms of tenure arrangements; adopting alternative forms of land administration and land records alongside conventional land administration systems (fit-for-purpose land administration).

Area	Issues	Relevant land issue
	17. Cities and climate change and disaster risk management	<ul style="list-style-type: none"> ▪ Security of tenure for all segments of society, incl. women and youth;
6. Urban Housing and Basic Services	18. Urban infrastructure and basic services, incl. energy 19. Transport and mobility 20. Housing 21. Smart cities 22. Informal settlements	<ul style="list-style-type: none"> ▪ Transparent, inclusive, participatory and sustainable urban and territorial spatial planning; ▪ Security of tenure for all segments of society, incl. women and youth; ▪ Prohibition of forced evictions; ▪ FPIC in case of resettlement; and ▪ Pro-poor land taxation.

5.2 Challenges cities are currently facing that affect land issues

Most of the challenges cities are facing do also involve specific land related challenges.

Table 3: Challenges cities are facing and relevant land related challenges⁹

Challenges cities are facing	Relevant land related challenges
Large scale urban poverty in many countries	<ul style="list-style-type: none"> ▪ Lack of tenure security and risk of becoming evicted discouraging slum dwellers to invest in their shelter. ▪ Lack of tenure security, including lacking access to land titles, even for middle income population who could other use the title to access credit. ▪ Absence of pro-poor land based taxation through which local/municipal revenues could be collected.
The steady increase in the number of slum dwellers	<ul style="list-style-type: none"> ▪ Lack of planned low and middle income residential areas. ▪ Lack of future oriented spatial planning responding to real social, economic and environmental needs. ▪ Lack of community participation in spatial planning.
The emergence of new forms of poverty vulnerability and marginalization	---
Rising inequalities in urban areas across the world	<ul style="list-style-type: none"> ▪ Lack of integrated citywide spatial planning aiming to ensure that the wealth generated in a city is redistributed to all segments of society. ▪ Discriminated access to land and control over land for women and child-headed households as well as for certain ethnic or religious or other groups. ▪ Underrepresentation of women and youth as well as of certain ethnic or religious or other groups in spatial planning.
Decreasing levels of human	<ul style="list-style-type: none"> ▪ Inadequate or absent integrated citywide spatial planning

⁹ Challenges associated with urbanization as identified by UN CEB High-Level Committee on Programmes 2014a.

security and inequitable health gaps in cities	considering environmental risks, environmental impacts and emissions as well as health issues.
The speculative nature of housing and related markets	<ul style="list-style-type: none"> ▪ Lack of innovative tenure arrangements that provide tenure security while preventing market evictions.
Women face discrimination in the context of urbanization, poverty and violence	See above (rising inequalities)
High costs to the natural environment	See above (decreasing levels of human security and inequitable health gaps in cities)
The urban risk of climate change and natural hazards	See above (decreasing levels of human security and inequitable health gaps in cities)
Cities are becoming the terrain for violent conflict and crises	--
Cities are generating unprecedented levels of multi-layered crime and violence	<ul style="list-style-type: none"> ▪ Illegal land/shack lords, land mafia and drug criminals “governing” informal settlements making it difficult to formalize such settlements, which would include the provision of tenure security and the inclusion of its inhabitants in urban spatial planning processes.

5.3 Opportunities around land in the New Urban Agenda

Some of the opportunities offered by urbanization offer opportunities around land. Other opportunities offered by urbanization can be supported by selected land tools. Still other opportunities offered by urbanization, however, represent risks for urban land and its users.

Table 4: Opportunities offered by urbanization and relevant land issues¹⁰

Opportunities offered by urbanization	Relevant land issue
Cities are becoming prominent players in the global arena	Globalization sometimes leads to high urban land prices distorting local land markets resulting in poor people not being able to finance access to land and shelter and in the local government not being able to acquire land needed for public purposes.
Local governments have emerged as key institutional drivers of city/regional growth	Most local governments lack the institutional, human, technical and financial capacity to administer and manage land in a socially, economically and ecologically sustainable manner. However, a wide range of tools has been developed to help local governments to do so.
Increased contribution of cities to national economic growth	---
Cities are and have always been centres of change and innovation	Cities offer the change to introduce innovative land tools, such as continuum of rights, Social Tenure Domain model,

¹⁰ Opportunities offered by urbanization as identified by UN CEB High-Level Committee on Programmes 2014a.

Opportunities offered by urbanization	Relevant land issue
	fit-for-purpose land administration, participatory enumeration as a community led approach for tenure security; participatory and inclusive land readjustment, etc.
The important role of culture	...which could be assessed through participatory spatial planning.
Urban areas are increasingly connected	...which requires regional spatial planning.
Cities are merging into new regional spatial configurations	as above
Higher interdependence between rural and urban areas	as above
Adequate housing brings an opportunity for social, economic and spatial integration	This requires tenure security for all segments of society and future oriented, needs based, integrated, participatory spatial urban planning.
Tourism increasingly constitutes a significant component in the economy, social life and the geography of many cities	This may also require participatory spatial planning.
New comprehensive human rights-based approach to urbanization	This effects several aspects around land, such prohibition of forced evictions, tenure security for all, including women, land governance aspects such as equity, non-discrimination, transparency, participation, accountability...
Urbanization offers many advantages for women's social and economic growth and their equal participation and the rights with men	Equal tenure rights for women.
Urbanization offers many opportunities to deal with climate change and disaster risk reduction	This may also require participatory spatial planning.
Cities show strong potentials for establishing the basis of positive state-building dynamics	---
Urban violence can be successfully addressed by tackling its root causes and through integrated preventive strategies	Part of the preventive strategy could be the creation of tenure security for all and the formalization of all informal settlements.

5.4 Land issues and the eight guiding principles

All guiding principles of the New Urban Agenda (UN CEB High-Level Committee on Programmes 2014a.) are related to land issues.

Table 5: Guiding principles of the New Urban Agenda and relevant land issues

Guiding principle	Relevant land issues
Universal urbanization model	...should promote responsible land governance
Human-rights based approach	... should lead to tenure security, women's and youth equal access to land rights, prohibition of forced evictions, human-rights based spatial planning, responsible governance of tenure, etc.
Equitable and inclusive urban development/ growth	...should include tenure security for all segments of society ¹¹
Integration	Responsible land governance requires effective horizontal and vertical communication and cooperation.
Empowerment of civil society	...should include their involvement in spatial urban planning.
Environmental sustainability	... requires integrative spatial planning
Innovations	Cities offer the change to introduce innovative land tools, such as continuum of rights, Social Tenure Domain model, fit-for-purpose land administration, participatory enumeration as a community led approach for tenure security; participatory and inclusive land readjustment, etc.
Global data revolution for monitoring of the NUA	Land information systems offering data on land cover, land use, environmental impact, disaster risk, land ownership and use rights etc.

¹¹ Recognition and respect of a plurality of tenure systems, including customary and informal tenure systems as well as intermediate forms of tenure arrangements; adopting alternative forms of land administration and land records alongside conventional land administration systems (fit-for-purpose land administration).

5.5 Land issues and the nine key levers

All key levers of the New Urban Agenda (UN CEB High-Level Committee on Programmes 2014a.) are related to land issues. Lever 5 is primarily addressing land.

Table 6: Key levers of the New Urban Agenda and relevant land issues

Key levers	Relevant land issue
1. Developing and implementing national urban policies	This should include a national urban land policy. Alternatively, it should be ensured that the national land policy addresses typical urban land issues, such as informal land tenure and ways to deal with it, including land sharing, land readjustment, recognition of a plurality of tenure systems, recognition or introduction of alternative land administration systems, the special dynamic of urban land markets, potential of pro-poor land taxation etc.
2. Strengthening urban legislation and systems of governance	This should include legislation on all above mentioned urban land issues and the establishment or strengthening of responsible governance of urban land tenure.
3. Harnessing the urban economy, creating employment opportunities and improving existing working conditions for all	Cluster development and industrial zone strategies as well as sustainable transport require transparent and participatory future oriented needs based spatial planning.
4. Strengthening municipal finance	Municipal finance would benefit from pro-poor land taxation and land value sharing.
5. Reinvigorating territorial planning and urban design	This lever is exclusively about land!
6. Promoting universal access to quality basic services	This would benefit from transparent, participatory, inclusive future oriented needs based spatial planning.
7. Promoting adequate housing for all income categories of urban residents	This lever explicitly refers to land by stressing that it requires access to land for different social groups as well as effective land-use plans. Hence, again tenure security for all and transparent, participatory, inclusive future oriented needs based spatial planning are needed. <i>Risky formulation: slum dwellers and homeless may not be counted as urban residents and may fall outside any income category.</i>
8. Strengthening gender equality and women's empowerment	This could be partly achieved by recognizing, securing and respecting women equal tenure rights and by involving them equally in the recording of land rights, administration of land rights, management of land use as well as land policy and law making.
9. Placing culture at the heart of sustainable urban development	Spatial planning processes as well as their outcomes should reflect this lever. This lever should also result in the recognition of a broad range of land tenure systems as well as forms of alternative land administration reflecting different cultures.

5.6 Conclusion on land in the New Urban Agenda

The New Urban Agenda aims to address all three pillars of sustainable development. Land issues are relevant for all three pillars:

Transparent, inclusive, participatory and sustainable urban and territorial spatial planning is a major prerequisite for all three dimensions of sustainable development. So is responsible governance of land tenure. The creation of tenure security for all can massively contribute to socially as well as economically sustainable development. Broadening land-based revenue streams for pro-poor policies and to finance infrastructure development has a positive impact on economically sustainable development as well as indirectly on the other two pillars. Ensuring equal rights of women and youth as compared to men to secure access to and control over land contributes to socially and economically sustainable development.

All issues of the New Urban Agenda involve one or several land issues. Transparent, inclusive, participatory spatial planning and creating tenure security for all segments of society are prerequisites for almost all if not all issues of the New Urban Agenda. They are key cross-cutting, integrative issues or tools for the New Urban Agenda. Responsible land governance may be added as a third issue as it is closely linked to the two others. Many issue papers are, however, not adequately reflecting the key role of tenure security, sustainable systematic land use planning and responsible land governance.

All land issues that have been identified as relevant for sustainable urban development can be referred to under at least one of the areas of the New Urban Agenda. Most of the challenges cities are facing do also involve specific land related challenges. Some of the opportunities offered by urbanization offer opportunities around land. Other opportunities offered by urbanization can be supported by selected land tools. Still other opportunities offered by urbanization, however, represent risks for urban land and its users.

All guiding principles of the New Urban Agenda are related to land issues. All key levers of the New Urban Agenda are also related to land issues. Lever 5 is primarily addressing land.

Although land appears as cross cutting issue throughout the New Urban Agenda, it would be helpful to also address it as an issue in itself, briefly highlighting the nine key challenges around land in human settlements to stress that land is the key driver of urban development for the best (sustainable) and for the worse (unsustainable). This would also ensure that all challenges are adequately addressed. In the current framework, there may not be sufficient space to address challenges 1, 6, 7, 8 and 9.

6. Ways to streamline land within the New Urban Agenda

There are several options of streamlining land within the New Urban Agenda.

OPTION 1:

All policy papers that are currently in preparation should be carefully analysed to verify if they adequately deal with land issues. If not, missing issues should be added and unclear or incorrect issues be improved. The advantage would be to have land issues as cross cutting issues and to use the opportunity to raise the awareness on land issues among those who are involved in the preparation and negotiation of HABITAT III.

There would however also be a risk in presenting land “only” as a cross-cutting issue. The key role and strategic importance of land as well as the many land related activities and tools that are needed to ensure sustainable urban/settlement development will not be visible at first glance and eventually not at all. There is also the risk that some of the land related issues may not be dealt with adequately as it would be difficult to ensure that they are adequately lined out in all policy papers.

OPTION 2:

An own separate policy paper could be prepared following the standards structure of these papers and using the existing policy paper template. Such a policy paper on land issues in human settlements would be expected to have about 25 pages and to include the following the chapters:

- Executive summary
- Vision and framework of the policy paper’s contribution to the New Urban Agenda
- Policy Challenges
- Prioritizing policy options – transformative actions for the New Urban Agenda
- Key actors for actions – enabling institutions
- Policy design, implementation and monitoring
- Conclusion
- Annexes: Policy paper framework and eventually other annexes such as case studies

Such policy paper could be prepared on the base of this strategic paper. The advantage of option 2 would probably be that it would stress more the significance of land issues for sustainable urban development.

OPTION 3:

Provide clearly formulated input for the outcome document. The proposed outline offers ample space to include land issues and already addresses some of them. Under indicators, land related indicators could be proposed; at least those already included in the SDG (indicators 1.4.2, 5.a.1 and 11.3.1.) plus one on land governance (see below for a proposed indicator).

Brief overview on the proposed outline:

1. **Preamble. Quito Declaration:** Moving towards a new global urban agenda
This section addresses the urban context in 2016 and refers to major global policies and challenges. Sharing space and resources is part of it. The centrality of land and its scarcity could be explicitly articulated here.
2. **Sustainable Cities Action Plan:** The transformative commitments for a sustainable urban development.

The Vision:

- Leave no one behind, urban equity and poverty eradication (security of tenure and equitable access to land are already included in the draft)
- Manage risk in an ecological and resilient city (systematic land use planning should be referred to)
- Create sustainable urban growth, prosperity and opportunities for all (anti-corruption is referred to in the draft. Anti-corruption in land administration, land use planning and issuing building permits should explicitly be mentioned, redistributing wealth through land value sharing could be listed, the importance of tenure security could be referred to under informal sector which is already included as a topic.)

A. Leverage for effective implementation

- Building the urban structure: Establishing a supportive national framework. (This section already foresees to deal with land and housing policies. Land governance should be stressed in addition)
- Planning the urban spatial development: Strategic and integrated planning. (This section deals already with all key issues of systematic sustainable land use planning from compact city, efficient land management, brownfield/greenfield development, technology capacity building. Additional issues should be meaningful public participation and respecting the social function of land, anti-corruption measures (including transparency) in spatial planning procedures. The relevance of spatial planning to respond to internal displacements, mitigate disaster risk and avoid further climate change should be addressed.
- Financing the new urban agenda. (All three forms of land taxation should be addressed here; the concept of pro-poor land taxation as well as land value sharing should be promoted.

B. Follow-up and review and institutional arrangements

A clear statement should be made on how to monitor tenure security, systematic sustainable land use and responsible land governance

C. Annexes

Urban glossaries as well as indicators of the New Urban Agenda are foreseen. (The glossary should contain key land terms such as tenure security, consumption of land, land governance etc. The indicators should include at least three land-related indicators, one on tenure security, one on sustainable land use and one responsible land governance. For the first two the respective indicators from the SDG could be used. For responsible land governance a new indicator needs to be developed, e.g. number of documented illicit land transactions and development. Sources could be joint databanks by CSO and grassroots organisations.)

Option 3 has the advantage that it focusses directly on the outcome document. It may also be the quickest and easiest to do. However, it requires that it will be pushed by people actively involved in the drafting of the outcome document.

Evidently, all approaches can be used in parallel. However, it may be better to bundle forces and better focus on only one or two options, probably the second and/or third one.

7. CORE ADVOCACY MESSAGES

7.1 Strategic issues

- Land should be presented as an issue in itself to stress the key role and strategic importance of land as well as the many land related activities and tools that are needed to ensure sustainable urban/settlement development. In addition, land could be dealt with as a crosscutting issue as it is relevant for many issues of urban development and this needs to be highlighted to ensure that specialists of other fields do not overlook land.
- The New Urban Agenda needs to reflect the SDGs, build on them and fill the gaps, e.g. promote indicator 1.4.2 and 11.3.1 and show that indicator 5.a.1 does also apply to settlement areas (not only agricultural land).
- The New Urban Agenda needs to refer to the VGGT confirming their applicability in all types of human settlements – urban as well as rural.
- The way land is treated in the New Urban Agenda (Habitat III) should not fall behind the commitments related to land made by the Habitat Agenda (Habitat II), which equally deals with equal, equitable and legally secured access to land as well as sustainable land use. The new urban agenda should rather reaffirm most of them; above all the commitment to legal security of tenure, the one to prevent and remedy forced evictions and the one on the sustainable use of land. Other commitments need to be updated or elaborated further such as the one on the adoption of innovative instruments that capture gains in land value and recover public investments. Still other commitments need to be added such as on fighting corruption and clientelism and on the role of land management in mitigating disaster risk and climate change and in providing durable solutions for IDPs.
- Habitat III should also take note of and reaffirm states' commitments already made in the Vancouver Action Plan (1976) to operationalize suitable instruments for assessing the value of land and transferring to the community, inter alia through taxation, the unearned increment resulting from changes in use or public investment or decisions, or due to the general growth of the community.
- The New Urban Agenda should refer to Resolution 42/146 by the UN General Assembly on realization of the right to adequate housing, Commission on Human Rights Resolutions 1993/77 and 2004/28 on prohibition against forced evictions as a gross violation, as well as CESCR General Comment 7 on forced evictions.
- The New Urban Agenda should include GLTN tools; in particular those included in GC23-17 and GC25/4, but should avoid GLTN jargon as some of the terms are too special to be taken up by those who will negotiate the New Urban Agenda as well as those who will have to implement it.
- The New Urban Agenda should refer to or reflect the key messages of regional instruments dealing with land, in particular the LPI's Framework & Guidelines and the Toledo Declaration.
- The New Urban Agenda needs to be human rights based and reflect the UN Charter of Human Rights. It needs to stress that the realization of many human rights depend on tenure security, pro-poor spatial planning and responsible land governance.
- The New Urban Agenda may also refer to Rio+20, The Future We Want, paragraph 134 (2012) recognizing the importance of integrated planning and management for sustainable development.
- Provide for UN-Habitat to go beyond promoting tools, providing extensive policy advice.

7.2 Proposals for messages and commitments to be included in the New Urban Agenda

7.2.1 Short messages

- Land is at the centre of sustainable urban development
- Land is central to sustainable urban development as most measures will only be possible to be realized if sufficient land at the right location is available to do so.
- Create/ensure secure tenure for all
- No one should be left behind in regard to land rights
- Poor people / slum dwellers have equal rights
- A wide range of tenure options need to be encouraged to meet the diverse and changing needs of different social groups (e.g. the young, the poor and the elderly)
- As land is a finite resource it needs to be used efficiently balancing social and economic goals while protecting the environment
- Do not compromise with land if environmental sustainability is at risk
- No socio-economic development without spatial inclusion
- Fighting corruption in land transfer and development is key to sustainable urban development
- Land markets need to be enabled and regulated in the public interest
- Land market profits need to be shared for the benefit of all city dwellers
- (Local) governments need to become aware of their power to influence land and housing markets and exercise this influence by capturing a reasonable proportion of the added value that they generate through granting planning permission or change of use
- Land is a key to internally generated income, e.g. through land acquisition, holding and sales taxes, land value capture, betterment levies, land value increment tax, sale of development rights, land leases and land sales, including land banking
- Land is key to balanced territorial development which again is a prerequisite to ensure the sustainable development of liveable human settlements. NUA, therefore, needs to look at all types of human settlements in an integrated manner
- Governments as well as donors need to become more risk aware instead of risk averse in regard to land issues in human settlements

7.2.2 Commitments to action

The commitments proposed below are addressing the challenges presented in section 2 by building on existing language and current proposals referred to in section 3 and 4. Some commitments overlap as they are derived from different existing instruments and initiatives.

National and local governments should:

- 1. Create awareness on the centrality of land for sustainable human settlement development**
 - Raise awareness that there is a value in organizing land use and security of tenure.
 - Raise awareness on the scarcity of land and the need to focus on access to living and working space rather than access to land¹²,

¹² Not everybody can have rights on land and not everybody needs these rights. What people need are rights to living and working space. These tenure rights need to be secured for all. People do not necessarily need access to land to secure housing. Access to an apartment – to be sub-rented, rented or owned – may do as well. However, it needs to be ensured that

- Raise awareness that poor and marginalized people, including slum dwellers and IDPs, have equal rights and that the realization of many human rights requires secure access to land and/or property as well as natural resources, services and infrastructure.
- Raise awareness that land is a driver of conflict and a bottleneck for recovery.
- Raise awareness on the importance of security of tenure for all and a wide range of tenure options for sustainable human settlements development, the key role of spatial planning, the necessity to establish responsible governance of tenure, the chance of generating municipal income from land to finance infrastructure, services and low cost housing, and the risk of treating land only as an asset.

2. Provide sufficient affordable space for all while recognizing the limited availability of land

- Realize the right to adequate housing.
- Promote land efficient concepts for housing, working, shopping, leisure and other activities.
- Promote the concept of condominium.
- Promote the concept of the compact city and inner-city densification.
- Promote the reuse, development and recycling of land (brownfield redevelopment and renovation of older buildings, in particular those with cultural heritage value) and minimize or stop greenfield development.
- Recycle land (by means of urban regeneration, the redevelopment or reuse of abandoned, derelict or unused areas, etc.) as a key strategy for contributing towards the reduction of land consumption and therefore fighting urban sprawl
- Audit all standards, regulations and procedures for land management and land administration to make them more appropriate for the poor. Such standards should at least apply in certain zones dedicated for low income housing.

3. Achieve security of tenure for all and ending gender inequality in tenure rights

- Achieve equitable access to land, respectively living and working space.
- Ensure security of tenure for all segments of society, including women, the poor, the youth and the elderly, indigenous people, minorities, IDPs, people with disabilities and LGBT.
- Ensuring equal rights of women and youth as compared to men to secure access to and control over land;
- Ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance (SDG, Target 1.4).
- Recognize, respect and protect all legitimate tenure right holders and their rights, including customary and informal tenure (VGGT 3A).
- Implementation of responsive, time and cost efficient, reliable and participatory systematic approaches recording and recognizing people-to-land relationships in all its forms,
- Provide access to justice to deal with infringements of legitimate tenure rights (VGGT 3A).

apartment users are granted all property rights necessary to secure their living. This may include the right to generate income.

- Provide a wide range of tenure options to meet the diverse and changing needs of different social groups, e.g. the young, the poor and the elderly (UN-Habitat: continuum of rights).
- Recognition and respect of a plurality of tenure systems, including customary and informal tenure systems: Recognizing, respecting and safeguarding the entire scope of land tenure rights ranging from informal rights with extremely low security to formal rights with high tenure security with the objective of providing tenure security for all without eliminating the existing advantages of informality, such as low land prices and low building standards (combination of VGGT and UN-Habitat),
- Ensure that not only land policies and laws promote gender equality in tenure rights, but that civil code is in line with it as well (Huairou Commission).
- Invest in and implement multi-dimensional approaches that empower different social groups, including women's groups, to realize their own tenure, housing and settlement priorities (Huairou Commission - modified).
- Establish coherent legal frameworks to guarantee equal tenure rights to women and youth of child-headed families (Huairou Commission - modified).
- Produce gender-disaggregated data and qualitative information documenting access to and control over living and working space (Huairou Commission - modified).
- Adopt alternative forms of land administration and land records (fit-for-purpose land administration) alongside conventional land administration systems (UN-Habitat),
- Ensure respect for security of tenure in responsible business activities,
- Apply expropriation only for public purposes and provide for timely and fair compensation (VGGT 16).
- Prohibit, criminalize and prosecute forced evictions and establish anti-evictions regulatory frameworks: Refraining from evicting squatters forcibly and resettling them only where rights to land are required for a public purpose. In such a case, States should ensure that the planning and process for expropriation are transparent and participatory and that the compensation is fair and prompt,
- Conduct pre-emptive and participatory social, environmental, human and tenure rights impact assessments in cases of policies, programs, projects and related practices involving changes in tenure arrangements for affected communities, with the purpose of avoiding or minimizing negative impact and in case negative impacts are justifiable ensuring remedy and reparations to ensure equal or better living conditions as a result.

*Refer to **indicator** SDG 1.4. on the proportion of women, men, indigenous peoples and local communities with secure tenure rights to individually or communally held land, property and natural resources.*

4. Ensure that (spatial) urban planning results in efficient, socially and environmentally sustainable use of land in spite of high and rapid population growth

- Establish systematic, transparent, participatory and inclusive citywide spatial planning that balances economic, social and environmental uses in a way to ensure sustainable land use and sustainable human settlement development as well as the creation of liveable compact cities. Such spatial planning needs to provide areas for affordable decent housing for all, car-free public open space, environmentally friendly affordable transport systems satisfactory serving all parts of the city/town, responsible business activities, and public infrastructure and services.

- Ensure that systematic, transparent, participatory and inclusive citywide spatial planning also provides solutions to internal displacements, mitigate disaster risk, increases disaster resilience and avoids further climate change.
- Enshrine early public participation into the urban planning law and ensure the consequent application of locally adopted participatory planning exercises with representatives of all stakeholder groups, including participatory mapping and enumerations.
- Recognize the transformative power of participatory and inclusive land readjustment – a tool to (re)develop areas (from brownfields to informal settlements) allowing the generation of public space at no cost due to the increase of land value that private owners have to bear by accepting smaller parcels after the readjustment of the same value than their previous bigger parcels, provide for participatory and inclusive land readjustment in the law and establish relevant administrative instructions.
- Ensure that urban planners have the necessary capacity to facilitate such planning processes as well as to implement spatial plans, including adequate knowledge and skills to conduct land readjustment and land sharing, promote the construction and management of condominiums etc.
- Monitor closely the adherence of spatial plans, the respect of cultural heritage, the protection of environmental zones, greens, and public spaces, the conversion of greenfields and other relevant aspects.

*Reference to **indicator** SDG 11.3.1 on the ratio of land consumption rate to population growth rate.*

5. Achieve responsible land governance through fighting corruption, fraud and clientelism

- Prevent corruption, fraud and clientelism in all forms, at all levels, and in all settings (VGGT, 3.1)
- Sign up to the principles of responsible governance of tenure.
- Establish responsible land tenure governance frameworks and mechanisms, including responsible and inclusive land policies and laws, sustainable land management and effective and transparent land administration free from corruption.
- Ensure transparency of all procedures that are known to be affected by corruption, fraud and clientelism such as land registration, land use planning, issuing building permits etc.
- Ensure that increasing efficiency of land administration (quick one-stop-based fit for purpose land administration) does not negatively impact on the two core land issues, i.e. tenure security for all and sustainable use of land.
- Set up a transparent, socially and environmentally sustainable public land management.
- Guarantee women's and men's, youth's and elderly's, including from minority groups, active, free, effective, meaningful and informed participation in any activity affecting their tenure rights and/or land use (VGGT; Huairou Commission).
- Establish free, prior and informed consent for resettlement.
- Ensure that land markets are transparent.
- Ensure the existence of a fair, reliable, gender-responsive, accessible mechanism to resolve disputes over land, mechanisms for appeal for citizen who feel unjustly treated and/or being victims of corruption, fraud and clientelism and grievance/monitoring mechanisms to which citizen can report if they are spot corruption, fraud and clientelism.
- Ensure independent assessment of land policies and programmes.

- Promote the establishment of a binding international framework on extraterritorial obligations of governments to respect, protect and, when possible, fulfil security of tenure in trade, investment, development assistance and international cooperation, in general.

*Introduce new **indicator** such as the number of documented illicit land transactions and development. Sources could be joint databanks by CSO and grassroots organisations.*

6. Generate land-based finance for local government to be spend for the benefit of all settlement dwellers

- Broaden land-based revenue streams for pro-poor policies and to finance infrastructure development. Assess the potential of different approaches to generate land-based financing, e.g. pro-poor land acquisition, holding and sales taxes, land value capture, betterment levies, land value increment tax, sale of development rights, land leases and land sales, including land banking, to identify those that are most responsive to the local conditions.
- Establish the legal base at national level for a broad range of approaches to generate land-based financing enabling all municipalities to apply those that fit best into their circumstances.
- Introduce pro-poor land taxation, including land acquisition tax, land holding tax and land sales tax. Pro-poor land taxation ensures that poor people are not overburdened by it.
- Develop and implement a policy that allows the municipality to capture a reasonable portion of land value increases of private properties to be used for sustainable urban development.
- Ensure the redistribution of wealth through capturing a reasonable portion of land value increases of private properties and spending it for public purposes, which are equally beneficial for all social groups.
- Establish land banking to ensure that the municipality buys land for future needs way ahead to save costs as well as to always own sufficient land that can be used for compensation as well as ecological compensation areas.
- Ensure that the selling and leasing of public land is transparent and generates adequate income which is spend for public purposes benefitting all social groups equally.

*If **indicator** is desired on this issue, it could read as follows: share of land based revenue of overall municipal revenue.*

7. Balance the social function of land and land as an asset

- Enable and encourage national and local governments to develop the capacity and commitment to regulate land markets to ensure that land will not only be used as economic asset but equally for social, cultural and environmental functions using a range of instruments.
- Ensure, through policies and laws, that systematic, transparent, participatory and inclusive citywide spatial planning balances economic, social, cultural and environmental uses in a way to ensure sustainable land use and sustainable human settlement development as well as the creation of liveable compact cities.

- Establish policies that promote the protection and establishment of public space, including open space.

See also under “Ensure that (spatial) urban planning results in efficient, socially and environmentally sustainable use of land in spite of high and rapid population growth”.

8. Provide durable solutions for Internally Displaced People (IDPs) and resettled persons

- Adopt and implement a human rights-compliant policy and legal framework for the settlement of IDPs and provide for its implementation.
- Adopt and implement a human rights-compliant resettlement policy and legal framework to be applied where in situ solutions are not possible.

See also under “Achieve security of tenure for all and ending gender inequality in tenure rights” and “Ensure that (spatial) urban planning results in efficient, socially and environmentally sustainable use of land in spite of high and rapid population growth”.

9. Recognize the crucial role of land in (violent) conflicts and ensure that measures affecting land use and/or tenure arrangements do not directly result or indirectly trigger (violent) conflicts

- Conduct pre-emptive and participatory social, environmental, human and tenure rights impact assessments in cases of policies, programs, projects and related practices involving changes in land use and/or tenure arrangements for affected communities, with the purpose of avoiding or minimizing negative impact and in case negative impacts are justifiable ensuring remedy and reparations to ensure equal or better living conditions as a result.
- Establish participatory and transparent monitoring and evaluations mechanisms for the implementation of such programs and projects and provide for accessible and affordable grievance mechanisms.

See also under “Achieve security of tenure for all and ending gender inequality in tenure rights” and “Ensure that (spatial) urban planning results in efficient, socially and environmentally sustainable use of land in spite of high and rapid population growth”.

10. Avoid further climate change and mitigate disaster risk and adapt to both through sustainable land management

See under “Ensure that (spatial) urban planning results in efficient, socially and environmentally sustainable use of land in spite of high and rapid population growth”.

11. Be accountable for the implementation of the New Urban Agenda and monitor and evaluate regularly in a meaningful way.

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ANNEXES

A1: Guiding questions for GLTN partners and bilateral organizations as well as for UN-Habitat key branches representatives

1. What do you consider the most important current issues, challenges and opportunities around urban land and how it is dealt with in low, middle and high-income countries?
2. What is the relevance of land for sustainable urban development?
3. What is the relevance of land governance, land tenure, land policy, land laws, land administration, land taxation and/or land management (including spatial planning, land readjustment etc.) for sustainable urban development?
4. Which aspects of urban land governance, land tenure, land markets, land policy, land laws, land administration, land taxation and/or land management (including spatial planning, land readjustment etc.) should be addressed by Habitat III and become part of its outcome document?
5. How could land issues be streamlined within the New Urban Agenda?
6. What should be core advocacy messages during the preparation of Habitat III and during the negotiation of the New Urban Agenda?
7. Which land topics do you think will receive broad support?
8. Which land topics do you think will be difficult to include into the New Urban Agenda? Why do you think so? What could be done to push these issues?

A2: Guiding questions for UN-Habitat strategic teams and members of the Committee of Permanent Representatives

1. Are you satisfied with how the New Urban Agenda deals with urban land and the way it is currently dealt with around the world?
2. Are there stakeholders that push for additional land issues to be included? If so, what are these land issues?
3. Are there stakeholders that oppose the inclusion of certain land issues? If so, what are these land issues and why do certain stakeholders oppose them?

A3: List of resource persons

Name	Organisation / Institution
GLTN partners and other experts	
Allou, Serge	City Alliance
Araujo, Katia	Huairou Commission
Buhigas, Maria	International senior urban planning expert/consultant
Dumashie, Diane	FIG Vice President
Durand-Lasserve, Alain	International senior land tenure expert/consultant
Dabrundashvili, Tea	FAO, Land Tenure Unit
Espinoza, Jorge	GIZ, Sector Project Land Policy and Land Management
Katz, Jane	Habitat for Humanity International
Nohn, Matthias	International consultant on urban economy and development planning
Payne, Geoffrey	International senior land tenure expert/consultant
Schechla, Joseph	Habitat International Coalition – Housing and Land Rights Network
UN Habitat branches and strategic teams	
Badiana, Alioune	Project Office
Blades, Lilia	Capacity Development Unit
Decorte, Filiep	New York Office
Kacyira, Aisa	Deputy Executive Director
Kamiya, Marco	Urban Economy Branch
Leonardoni, Fernanda	Housing Unit
Lewis-Lettington, Robert	Legislation Unit
Maviti, Joshua Mulandi	Housing and Slum Upgrading Branch
Moreno, Eduardo	Research and Capacity Development
Petrella, Laura	City Planning, Extension and Design Unit
Permezel, Melissa	Housing and Slum Upgrading Branch
Sietchiping, Remy	Urban Planning and Design Branch
Sylla, Oumar	Land and Global Land Tool Network
Tuts, Raf	Urban Planning and Design Branch
Members of the Committee of Permanent Representatives	
De Cazotte, Henry	France