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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Short version

DISCLAIMER

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This strategic paper is a working draft for peer review and consultations.

REMARK:

The long version of the paper contains more detailed information on chapters 2, 3 and 4 as well as the methodology of the study.

CONTENTS

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

1. Introduction

Land is a key driver of sustainable urban development. Establishment of good management practices with urban development stakeholders on access to and use of land is a key condition for sustainable development. When access to and use of land are left to market forces, where those with power and money have dominant influence, the growth of a city is vulnerable to poor management practices. This would have an overall negative impact on the social situation with an increased likely hood of instability and negative environmental changes that additionally reduce resilience to disasters.

Within a sustainable urban development context, many measures put in place to handle land matters can only be effective if there is access to sufficient land at the right location and it is affordable to implement them. Majority of investments or developments on land involve a change in land use and possession such as a transfer of property rights on land.

1. Therefore, the following need to be in place to facilitate sustainable urban development. Recognition of the diversity and multidimensional nature of existing land tenure systems, practices and rights (continuum of rights)'
2. 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;
3. Effective land management that ensures transparent, inclusive, participatory land use planning and its effective implementation;
4. Fair and effective land value sharing mechanisms to finance provision and maintenance of public infrastructure;
5. Land policies and laws defining key objectives and principles such as respecting all legitimate tenure rights and minimizing land consumption; and
6. A responsible land governance framework that discourages corruption and undue enrichment ensures the rule of law, is gender responsive, non-discriminatory, encourages meaningful participation, sustainability, transparency, accountability, justice, and the respect, protection and fulfilment of human rights.

Inland issues in human settlements are increasingly similar in countries regardless of the level 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, an increasing penetration of market forces into modes of accessing and developing land, and the ever present temptation to make a quick profit, illegal or otherwise.-. However, the scope of land related problems is greater in countries with high population growth rates, increasing immigration poor technical capacity and weak governance.

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

The objective of Habitat III is to secure renewed political commitment for sustainable human settlement development, assess accomplishments to date, address poverty, 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 UN Agenda for Sustainable Development by 2030. What does it say concerning land tenure and land use? Currently, two measureable indicators specific to land have been included within Goal 1 and Goal 11:

- 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.
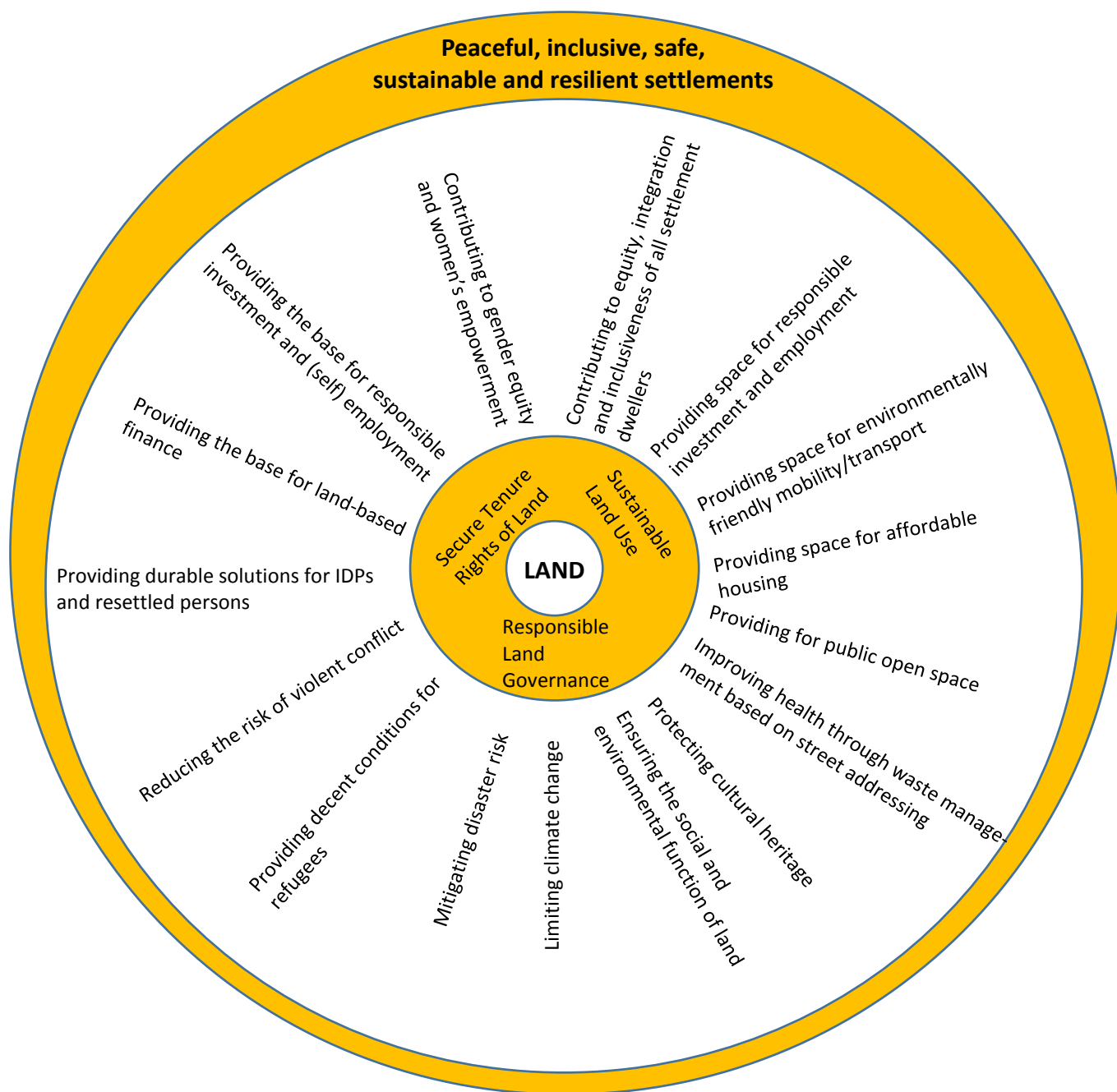
The responsible handling of land rights and use as a transformative power

Security of tenure, sustainable land use and responsible land a vast majority of overall (urban) policies on poverty reduction, gender equality, inclusiveness, integration, housing, local economic development, job creation, 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 is therefore 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 was conducted to strengthen the strategic articulation of land issues, challenges and opportunities within the New Urban Agenda. The paper is intended for use by GLTN partners and the Secretariat as an advocacy tool in the events leading to Habitat III in October 2016.

This paper specifically addresses handling land in rural and urban human settlements for several reasons:

- Challenges around land and the way to handle them are similar;
- The development of rural settlements is key to solving the problems of ever-growing urban settlements; and
- 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.

Peaceful, inclusive, safe, sustainable and resilient settlements

LAND

Secure Tenure Rights of Land

Sustainable Land Use

Responsible Land Governance

Contributing to gender equity and women's empowerment

Contributing to equity, integration and inclusiveness of all settlement dwellers

Providing the base for responsible investment and (self) employment

Providing space for responsible investment and employment

Providing the base for land-based finance

Providing space for environmentally friendly mobility/transport

Providing durable solutions for IDPs and resettled persons

Providing space for affordable housing

Reducing the risk of violent conflict

Providing for public open space

Improving health through waste management based on street addressing

Providing decent conditions for refugees

Protecting cultural heritage

Mitigating disaster risk

Ensuring the social and environmental function of land

Limiting climate change

2. Current challenges around land in human settlements

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

1. Providing sufficient affordable space for all, while recognizing the limited availability of land;
2. Achieving tenure security for all and ending gender inequality in tenure rights;
3. Planning the efficient, socially and environmentally sustainable use of land and realize it in the context of high and rapid population growth;
4. Achieving responsible land governance through fighting corruption, fraud and clientelism;
5. Generating land-based finance options for local governments for the benefit of all settlement dwellers;
6. Balancing the capital asset and social functions of land;
7. Providing durable solutions for Internally Displaced People (IDPs) and resettled people;
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) conflict; and

Avoiding further climate change while promoting resilience to and mitigation of disasters

3. 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 Sustainable Development Goals (SDGS) (in particular targets 1.4, 5.7, 11.1 and 11.3 and indicators 1.4.2 and 11.3.1), the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs), 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 SDGs due to their prominence and relevance for many actors and the VGGTs due to the complexity with which they treat land issues.

Compared to the Habitat Agenda, the most important new aspect of the New Urban Agenda is the need to tackle more land issues while 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. The fourth aspect should be the promotion of land value sharing mechanisms, followed by the role of land management in mitigating disaster risk and climate change in addition to all other aspects listed above and identifies as 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; and
- Fair, reliable gender-responsive, accessible way of resolving disputes over tenure rights.

4. 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.

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

In preparation of the New Urban Agenda over the last two years, 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, an issue paper was prepared in advance and 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 a majority of issues of the New Urban Agenda as 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 Chapter 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 while others loosely refer to land. 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 on security of tenure. Table 2 lists the relevant land issues for each area

Table 2: Areas and issues of the New Urban Agenda and relevant land issues[1]

Area	Issues	Relevant land issue
1. Social Cohesion and Equity – Liveable Cities	1. Inclusive cities 2. Migration and refugees in urban areas 3. Safer cities 4. Urban culture and heritage	▪ Transparent, inclusive, participatory and sustainable urban and territorial spatial planning; ▪ Security of tenure for all segments of society, incl. women and youth[2];
2. Urban Frameworks	5. Urban rules and legislation 6. Urban governance 7. Municipal finance	▪ 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	8. Urban and spatial planning and design 9. Urban land 10. Urban-rural linkages 11. Public space	▪ 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, incl. 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 ▪ Pro-poor land taxation;
4. Urban Economy	12. Local economic development 13. Jobs and livelihoods 14. Informal sector	▪ 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	15. Urban resilience 16. Urban ecosystems and resource management	▪ Transparent, inclusive, participatory and sustainable urban and territorial spatial planning;

[1] *Areas and issues as defined by UN-Habitat 2014a.*
[2] *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	▪ 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	▪ 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 ▪ 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 challenges3

Challenges cities are facing	Relevant land related challenges
Large scale urban poverty in many countries	▪ 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	▪ 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	▪ 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	▪ Inadequate or absent integrated citywide spatial planning

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[3] *Challenges associated with urbanization as identified by UN CEB High-Level Committee on Programmes 2014a.*

Challenges cities are facing	Relevant land related challenges
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	▪ 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	▪ 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

Land opportunities arising from urbanization can be supported by selected land toolswhile others represent risks for urban land and its users. These are illustrated in the table below.

Table 4: Opportunities offered by urbanization and relevant land issues[4]

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	---

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[4] *Opportunities offered by urbanization as identified by UN CEB High-Level Committee on Programmes 2014a.*

Opportunities offered by urbanization	Relevant land issue
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, 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[5]
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.

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	This should include a national urban land policy. Alternatively, it should be ensured that the national land policy addresses typical

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[5] *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).*

Key levers	Relevant land issue
urban policies	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. *Risky formulation: slum dwellers and homeless may not be counted as urban residents and may fall outside any income category.*
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

- Land issues are relevant to the three pillars of sustainable development that the New Urban Agenda aims to address

- Transparent, inclusive, participatory, sustainable, urban, territorial spatial planning and responsible governance of land tenure and major prerequisites. The creation of tenure security for all though ensuring equal rights of women and youth as compared to men to secure access to and control over land can significantly contribute s to sustainable socioeconomic development. Broadening land-based revenue streams for pro-poor policies and financing infrastructure development has a dual direct and indirect positive impact on economically sustainable development and on the other two pillars.

- All issues of the New Urban Agenda involve one or several land issues. Transparent, inclusive, participatory spatial planning and creation of tenure security for all segments of society are key cross-cutting, integrative issues and tools that are also pre-requisites for almost all if not all issues of the New Urban Agenda. Responsible land governance as a third issue is closely linked to the two others. However, many issue papers are 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. Core advocacy messages

6.1 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 and confirm 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 clienteleism 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.

6.2 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.

6.3 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 land[6],

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[6] 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 sub-rented, rented or owned – may do as well.

- 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,

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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

- Provide access to justice to deal with infringements of legitimate tenure rights (VGGT 3A).
- 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 greenfield 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 a 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 spent 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 that enables 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 transparently conducted and generates adequate income which is spent for public purposes that benefit 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. In the event negative impacts are justifiable, remedy and reparations to ensure equal or better living conditions as a result must ge guaranteed.
- 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: List of resource persons

Name	Organisation / Institution
GLTN partners and other experts	
Allou, Serge	City Allliance
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