

Scoping Study of Land Tenure and Land Governance Issues in Latin America and the Caribbean

Concept Paper

While there have been extensive discussions, research papers, and development of land policies, and tools to target the needs of the poor and the most vulnerable in the Latin America region, there is still insufficient visibility, and attention to land tools that are affordable, accessible, and responsive to the complexity of land issues and the diversity of social, cultural and institutional contexts in the region.

Consequently this Scoping Study has the **following objectives:**

1. To further the understanding of land governance and land tenure security issues, institutional dynamics, policies, land tools, and actors in the region in conjunction with identified regional and local consultants and partners.
2. To highlight the major land issues, challenges and opportunities in the region as a basis for future decisions to enhancing partnerships and engagement of key players in the LAC land sector at regional and country levels.
3. To contribute to knowledge sharing, increase awareness, support capacity development of key stakeholders in understanding land governance and the potential impact of implementing land-related policies, tools and approaches that are pro-poor, gender appropriate, effective and sustainable for securing land and property rights for all;

Outputs:

- A desk-based literature review and analysis on land for the LAC region to inform the research and scoping methodology.
- Engagement of multi stakeholders in the land policy sector to define the scoping study's methodology, analyze findings, and subsequently endorse the recommendations identified from the scoping study. Key events for multi-stakeholder engagement are:
 - A LAC land experts meeting,
 - Key international events (WB Conference on Land and Poverty, Washington DC March 2016; and PrepCom3 Habitat III Surabaya Indonesia, July 2016).
 - Bi-lateral discussions according to an existing plan of regional events.
- A set of recommendations on priority areas, and key entry points for catalytic change in:
 - Latin America and the Caribbean region.
 - Each one of the three sub-regions: South America, Central America and Mexico, Caribbean including the Organization of East Caribbean (OEC) countries.
 - Countries with collaboration opportunities and potential to strengthening land administration and management for tenure security.

Relevant Policy Implications

- The GLTN, hosted under the Urban Legislation, Land and Governance (ULLG) Branch of UN-HABITAT, has the mandate to undertake research, and to develop, test and disseminate pro-poor and gender responsive approaches and tools in regards to urban land, innovative tenure systems, affordable land management/administration systems, land related regulatory/legal frameworks, as well as to

provide technical advice to Member States and backstop the regional offices and other sections of UN-Habitat.

- The GLTN and Habitat for Humanity Partnership in LAC is strategic in enhancing synergies with existing country-based initiatives that have the potential to deliver maximum capacity development and implementation impact. The partnership also seeks to engage GLTN members, leverage knowledge and resources. This LAC regional study follows previous studies in Asia - Pacific and African regions promoted also by the GLTN (as the “Land Tenure in Asia and the Pacific: Challenges, Opportunities and Ways Forward”).

This study is not a standalone initiative but will be supported and influenced by ongoing “Solid Ground”, a Global Land Advocacy Campaign led by HFHI; the Global Housing Research Initiative¹; the Global Housing Policy indicators - GHI; and the Habitat III related initiatives where HFHI is actively engaged at both global and country levels. And, build on previous GLTN efforts supporting the Organization of Eastern Caribbean States (OECS) to improve land policies and land management in OECS Member States, in collaboration with international agencies, government, CSOs, and the academia.

TARGET PUBLIC

This study is aimed at public officials, government officers, and politicians involved in policy and decision-making in the land sector at national and local levels, as well as the broader land communities (CSOs, academics, social leaders, land experts).

GENERAL CONTENTS/LAYOUT OF THE REPORT

1) Introduction

- A general overview to the Latin America and the Caribbean region in the global context and within the new panorama of the Sustainable Development and the New Urban agendas, and other regional frameworks;
- Highlighting common trends as well as in depth overview of sub-regions (South America, Central America and Mexico, Caribbean including the OEC countries contextualizing the existing problems
- Review, analysis of existing literature
- Study approach built on the review and analysis of elements that arise from a human rights focus, land market analysis, and a gender perspective to define a critical route (methodology)

2) Patterns and tendencies in the region

- Key issues
- Key actors
- Key past and existing land policies, projects/programmers, and tools region-wide and in selected countries
- Key impact on State and market land interventions

3) Central Areas for Recommendations

- Key challenges that impact tenure security
Urban-rural dynamics, women’s tenure security and access to land, rapid urbanization and urban growth, land and the most vulnerable groups, climate change and natural disasters,

¹ Sponsored by Cities Alliance

different systems of land tenure (customary and legal in the same territories), social and cultural patriarchal systems).

- Institutional Barriers and limitation to improved tenure security
Low capacities in the public and private sectors, lack of political support, interests in conflict and land disputes. Limitations in land governance: land administration and management, land legislation and policy, information systems, land-use planning, land-based financing and valuation
- Opportunities for improved tenure security
Existing land governance, coordination networks, partnerships, actors, successful policies, programs, projects, and tools in the region, failures to learn from. Existing global and regional frameworks and conventions; the New Urban Agenda/Habitat III
- Priority land tenure issues and entry points for appropriate interventions
- Building up transparent, accountable, and responsive land tenure governance in countries
- A road map for a pro-poor and gender-responsive land tenure initiatives in the Latin America and Caribbean region.

Internal and External Multi-Stakeholders Engagement Process

Research team

One main researcher, and 3 research assistants for each sub-region (south, central and Mexico, and the Caribbean including the OECS countries)

Coordination Team

Maria Luisa Alvarado, Susana Rojas Williams, Jane Katz

Internal advisors

➤ **GLTN Secretariat and Clusters**

- GLTN experts at the Secretariat
- The Academic & Capacity Development Cluster led by Assoc Prof David Mitchell from RMIT University, Melbourne Australia & Prof Siraj Sait University of East London, UK;
- The CSO Rural Cluster led by the Huairou Commission

➤ **Habitat for Humanity**

Advice, support and SME contributions are expected from the different HFHI departments for the design and implementation of the Scoping Study: Global Programs, Government Relations and Advocacy Office (GRAO), HFHI Latin America and the Caribbean regional office

External Advisors to the design and implementation of the scoping Study

- LAC relevant actors
 - Lincoln Institute of Land Policy LILP that has a strong network of researchers and research resources
 - Inter-American Development Bank - Urban and Housing Team, Robin Robin Rajack Specialist
 - Social Research Centre for Latin America from TECHO,
 - Shelter Cluster of the Americas/REDLAC Housing Group,
 - Right to the City Platform,
 - Habitat International Coalition.
 - Cities Alliance
 - University of West Indies

Contributors

NGOs including HFHI LAC NOs, academics, experts, professionals and persons involved on land issues to contribute with their experiences knowledges and information to feedback the deliverables of the study.

Consultations

- General Assembly of Ministers and High Authorities of Housing and Urban Development in the Latin America and the Caribbean Region - MINURVI
- Key government representatives. (Brazil, Chile, Dominican Republic, Mexico, Honduras, among others)
- Latin American Federation of Cities, Municipalities and Municipal Associations - FLACMA
- Private sector leaders interested in contribute to the scoping study

Experts & Multi-stakeholders meetings for Study's final presentation of findings:

Habitat III, Quito, Ecuador October 2016