

GLTN AND CUSTOMARY TENURE SECURITY TOOLS

FIG

Fiji

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GLOBAL LAND TOOL NETWORK

Consensus around the Land Tool Gap and the need to develop appropriate responses

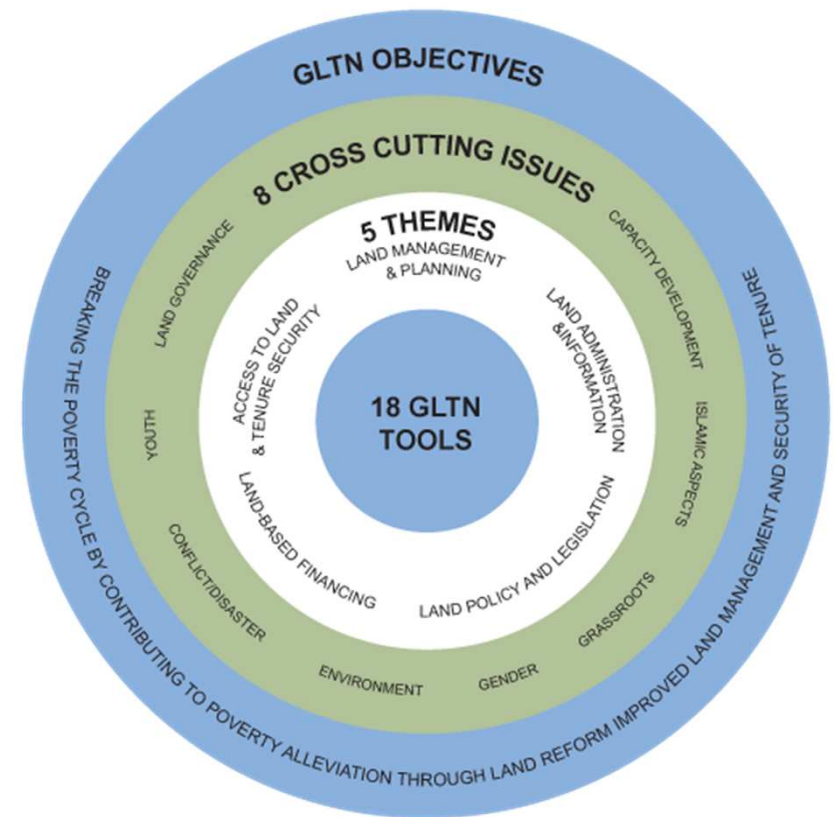
Land Management and Planning

Land Administration and Information

Land Policy and Legislation

Land Based Financing

Access to Land and Tenure Security



GLOBAL CHALLENGES

70 % unregistered land

Conventional systems are not affordable or appropriate

Overlapping rights and tenure systems

Urbanization and slums

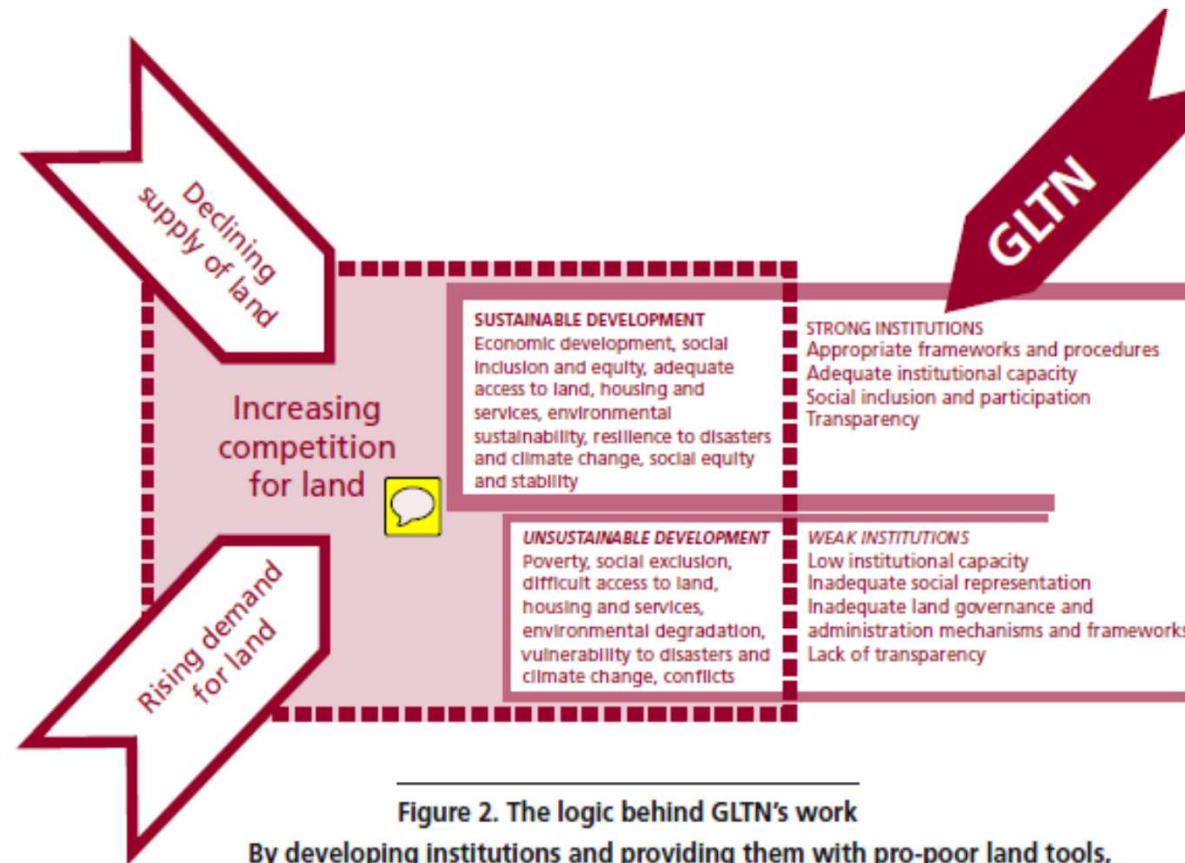


Figure 2. The logic behind GLTN's work
By developing institutions and providing them with pro-poor land tools, GLTN promotes sustainable development

GLTN AND CUSTOMARY LAND

The vision for GLTN is to improve tenure security for the poor and marginalized populations in contexts of customary tenure systems through documenting, learning about and developing pro-poor and gender sensitive tenure security tools in a participatory manner, based on customary tenure security tools designed as responses to external and internal pressures on customary land in both rural and urban areas.



GLOBAL CONTEXT



- Predominant delivery mechanism for tenure security many places in the world
- Failure of states to provide security of tenure for low income groups
- Social System as well as a formal legal code
- Varies in terms of protection under statutory law
- Recognition in regards to national law, policy and governance is central

CHALLENGES

- Legal pluralism
- Land market diversity
- Reluctance to recognize customary land delivery systems
- Commodification of customary land delivery
- External and internal pressures on the land

RESPONSES

- For GLTN the solutions to these challenges needs to build on tools/methods and approaches that are found in the communities (developed by or with local communities)
- The responses needs to focus on tools rather than a theoretical analysis
- Existing GLTN tools may be used for some cases, but more needs to be developed

RECOGNIZING DIVERSITY OF TENURE SYSTEMS

- Central premise for GLTNs work is the recognition of a diversity of tenure systems
- Different tenure systems provide security, depending on context
- Formal Land Administration systems are not sufficient and rarely accommodate the specifics tied to customary systems
- Continuum of land rights includes customary land

CONTINUUM OF LAND RIGHTS

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

(Handling Land, GLTN)

GLTN TOOLS SO FAR

- Social Tenure Domain Model
- Participatory enumerations through community led data collection
- Attempts to build on local records of land transactions
- Other non-conventional approaches that governments have accepted as valid

WHAT IS NEXT?

- Scoping studies as the first part of the tool development process
 - seeks to identify, describe and analyse tenure security tools that operate in the customary delivery systems, including as part or in partnership with statutory systems
 - approaches, methods, tools and guidelines on how customary systems operate, adopt and adapt in relation to external and internal pressures
- Global and Regional focuses
- Developing partnership platforms to engage across clusters

