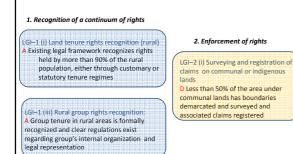
## Improving Land Sector Governance in Latin America: The case of Peru

Victor Endo February 2009

# Challenges in the process

- Panel conformation
  - Experts selection Political concerns
- · Preparation of material before the panels - Great effort to compile information, but
  - Real experts are too busy to prepare before the session
- Managing the sessions to assure technical discussion
- Data gathering after the panels

# Recognition vs enforcement of rights: **Communal lands**



### Main difficulties to enforce communal rights

-Unsolved boundary conflicts among communities

-Surveying in jungle areas is costly and difficult

-Requirements to prove community representation are too difficult to comply with

-Defining native communities territories cannot be ascertained by traditional approaches of occupation

The result: -Vulnerability -Lost

-Some communities oppose State recognition claiming self-determination

opportunities

# Recognition and enforcement of rights vs management of public land: urban settlemens

LGI-1 (ii) Land tenure rights recognition (urban) A Existing legal framework recognizes rights held by more than 90% of the rural population

LGI-15 (i) Transfer of expropriated land to private interests A Less than 10% of land expropriated in the last 3 years is used for private purposes

LGI-2 (ii) Registration of individually held properties C Between 50% to 70% of individual properties are formally registered

#### The debate about expropriation of private land occupied by settlements Expropriation for "public interest" eliminated in Constitution 1993 New expropriation law to formalize settlements: justification Criticism • The expropriation law contradicts the policy of •The purpose is to offer a solution when current legal instruments do not work recognizing and formalizing Conciliation not met property Safeguards rely too much on administrative decision - Adverse possession blocked therefore subject to political •Safeguards of the proposed law pressure Only settlements before 2004 Deadlines for settlement recognitions are changed every 5 years Only irreversible situations Only when no other resource is

possible

- Who defines irreversibility?