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TENURE-RESPONSIVE LAND USE PLANNING

A PRACTICAL GUIDE FOR COUNTRY-LEVEL INTERVENTION

A WORLD IN WHICH EVERYONE ENJOYS SECURE LAND RIGHTS

UN-HABITAT
FOR A BETTER URBAN FUTURE

NAMIBIA UNIVERSITY OF SCIENCE AND TECHNOLOGY

GLTN
GLOBAL LAND TOOL NETWORK

TENURE-RESPONSIVE LAND USE PLANNING
A Practical Guide for Country-Level Intervention

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ACRONYMS AND ABBREVIATIONS

ANGOC	Asian Non-Governmental Organization Coalition for Agrarian Reform and Rural Development
FAO	Food and Agriculture Organization of the United Nations
GIS	Geographic Information System
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (German Agency for International Cooperation)
GLTN	Global Land Tool Network
HPFPI	Homeless People's Federation Philippines Inc.
NGO	Non-governmental organization
PAFID	Philippine Association for Intercultural Development
STDM	Social Tenure Domain Model
TAMPEI	Technical Assistance Movement for People and Environment Inc.
UN-Habitat	United Nations Human Settlements Programme
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

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PREFACE

Land use planning is rarely a neutral process. Stakeholders often use it to control access to, ownership of and use of land. It is therefore essential to have a participatory tool (with constantly counter-checked processes) and flexible monitoring approaches to ensure sustainable land use and secure land tenure. The *Practical Guide* presents a unique approach to simultaneously addressing land use and tenure security challenges at the country level. The information and processes presented here are based on research and experiences drawn from Global Land Tool Network (GLTN) country-level interventions in Africa and Asia presented in the policy guide *Tenure-Responsive Land Use Planning: A Guide for Country-Level Implementation* (Global Land Tool Network, 2016b). [2]

The *Practical Guide* aims to enhance knowledge about how to tackle tenure insecurity through land use planning in a practical and adaptable way. It will also be useful to the global partners of GLTN (currently more than 80 professionals, development partners, research and training institutions, and technical and civil-society groups) as a guide to implementing land use planning as an approach to provide tenure security.

The policy guide *Tenure-Responsive Land Use Planning: A Guide for Country-Level Implementation* complements the *Practical Guide* by providing a broad survey of land use planning and tenure security. It is a starting point for developing primary knowledge of how to improve tenure security through land use planning, with a particular focus on applications in developing countries. All users of the *Practical Guide* should also familiarize themselves with the content of the policy guide.

PART I

UNDERSTANDING TENURE-RESPONSIVE LAND USE PLANNING

PART I UNDERSTANDING TENURE-RESPONSIVE LAND USE PLANNING

PART 1: UNDERSTANDING TENURE-RESPONSIVE LAND USE PLANNING

Land use planning and land tenure security (or tenure security) are necessary interventions providing the crucial framework for strengthening land rights, securing livelihoods and enhancing productivity in urban and rural areas everywhere. No matter how land use planning and tenure security are described, they involve socioeconomic, environmental and administrative decisions about land.

The application of tenure-responsive land use planning is based on the principles of *continuum of land rights and fit-for-purpose land administration* (FFP-LA). The continuum of land rights principle describes a situation in which a range of land rights and interests exist simultaneously, often transforming and changing forms over time. Fit-for-purpose land administration involves land interventions that embrace flexibility and focus on primary needs (e.g., citizens' needs such as providing security of tenure and control of land use) rather than focusing on top-end technical solutions and high accuracy land surveys.

A. WHAT IS TENURE-RESPONSIVE LAND USE PLANNING?

Tenure-responsive land use planning is a Global Land Tenure Network (GLTN) tool for solving land use planning and tenure security challenges simultaneously. Tenure-responsive land use planning is an approach to implementing such planning by embracing, among other objectives, the improvement of tenure security in a specific area by integrating particular tenure goals in the planning process. This makes it more participatory, gender sensitive, and tenure-responsive. Using land use planning to widen the margins of tenure security in developing countries – as in the context of tenure-responsive land use planning – is particular in that it addresses potential conflict that conventional land use planning fails to address. It does so by providing practical solutions to land conflicts, while at the same time having an immediate impact on and benefits for land use. Tenure-responsive land use planning takes account of tenure security, one of its distinct advantages over other approaches.

Box 1: What is land use planning? What is land tenure security? Where can I read about them?

Land use planning is a very contentious term. No matter how it is defined, it involves decisions and activities that represent the future uses of land, and that attempt to organize those uses in ways that will benefit people who live on or use the land and the environment. Relevant to land use planning is the issue of land tenure – the relationship among people as individuals and groups with regard to land and other natural resources.

General information about land use planning and tenure security (including how to combine them as a unified intervention through tenure-responsive land use planning) can be found in the publication *Tenure-Responsive Land Use Planning: A Guide for Country-Level Implementation* (https://gltn.net/download/tenure-responsive-land-use-planning-a-guide-for-country-level-implementation/).

B. WHY TENURE-RESPONSIVE LAND USE PLANNING?

The GLTN has developed certain land tools capable of promoting sustainable land uses and improving tenure security. Tenure-responsive land use planning is a tool that technically links tenure security and land use planning. Tenure security and land use are linked because land use planning identifies the most appropriate uses in any development process.

In contrast, tenure strengthens the human-to-land relationships necessary to ensure that land functions securely as a development factor.

C. PURPOSE AND TARGET AUDIENCE OF THE PRACTICAL GUIDE

The purpose of the *Practical Guide* is to assist implementation of tenure-responsive land use planning in GLTN country-level interventions. The Guide is not a blueprint for tenure-responsive land use planning, but outlines adaptable procedures that may be appropriate, depending on the land use and tenure situations in different developing countries. It is a tool that needs to be adapted to specific country contexts and the institutional and administrative setting of any country where it is used. Its overall purpose is to strengthen the quality of land use planning and land tenure security implementation at the country level. It is designed for implementing partners of the GLTN who carry out GLTN-supported interventions. It can also be used by other partners or practitioners with similar objectives to those of the implementing partners of the GLTN. Other primary users of the Guide include all those with the opportunity to incorporate land use planning in existing or future GLTN-supported interventions. It will enable them to understand how to implement tenure-responsive land use planning with other tools at the country level. It will also help government officials and practitioners to evaluate land use policies and make informed decisions about strategies for improving tenure security. It will also help anyone implementing land use planning or land or natural resource management projects that involve planning and tenure security improvement. It will help anyone who wants quickly to grasp the nuts and bolts of conducting land use planning without negating tenure security improvement.

The *Practical Guide* aims to provide clear and practical answers to the questions of anyone seeking clarity on what tenure-responsive land use planning is, how to put it into practice in country-level operations, who should be involved in it and in what way, and why it is essential.

D. CONTENT OF THE PRACTICAL GUIDE

The *Practical Guide* contains suggested steps to enable all those conducting country-level tenure-responsive land use planning to do their work successfully. It explains tenure-responsive land use planning operations, and its intended outcomes define operational steps and address various other considerations crucial to tenure-responsive land use planning implementation processes. Users of the *Practical Guide* are advised to consult the policy guide *Tenure-Responsive Land Use Planning: A Guide for Country-Level Implementation* for a broader understanding of the concept and practice of tenure-responsive land use planning.

PART II

THEORY OF CHANGE FOR IMPLEMENTING TENURE-RESPONSIVE LAND USE PLANNING INITIATIVES AT THE COUNTRY LEVEL

PART II

PART 2: THEORY OF CHANGE FOR IMPLEMENTING TENURE-RESPONSIVE LAND USE PLANNING INITIATIVES AT THE COUNTRY LEVEL

There are a range of land uses and tenure security challenges in developing countries. There is also diversity in the level of development in those countries. Therefore, the guidance presented here about tenure-responsive land use planning implementation is not prescriptive and should not be viewed as a one-size-fits-all approach or a universal solution to improving land use and tenure security.

Tenure-responsive land use planning is a new way of achieving sustainable land use and tenure security. It enables local people to take charge of their development vision using practical, local processes or fit-for-purpose approaches to strengthen their knowledge, capacity and development through land use planning. It offers improved decision-making and resource allocation skills based on coherent, evidence-based planning using relevant land management skills and land information database applications and analysis.

The country implementation process presented in the *Practical Guide* is intended to improve the quality and effectiveness of land use planning and land tenure projects by integrating the principles and values of tenure-responsive land use planning into national and local systems of development planning and implementation.

Tenure-responsive land use planning operations are not intended to replace or run parallel to existing 'national' systems, but rather to subject these systems and processes to improved tenure security. Although external knowledge (including ideas and facilitative guidance) are essential to the success of tenure-responsive land use planning, it is not intended to be an externally expert-driven process, but designed to be an integral part of the operating systems of a country and its effort to improve its development using land methods continuously. It is participatory and represents an opportunity for several stakeholders (especially land users themselves) to learn more about the importance of land tenure security and sustainable land uses for socioeconomic development. Capacity and knowledge development is, therefore, an integral part of tenure-responsive land use planning.

Tenure-responsive land use planning is a practical framework based on a theory of change[2] that champions improvements in land use and tenure security situations. It enables local communities to address their immediate land use and tenure security needs (including food security and poverty alleviation) while generating land sector development opportunities. It also helps align diverse stakeholder interests around a vision for securing tenure for all at the local level. Tenure-responsive land use planning is broadly about making land use and tenure security changes to improve living conditions. Those implementing tenure-responsive land use planning must understand why these changes are desired and how to achieve them at the country level. This is why a theory of change is needed to understand how to put into operation tenure-responsive land use planning.

Figure 1 presents the theory of change upon which tenure-responsive land use planning can be based in country-level implementation. It is essentially a comprehensive description and illustration of how such planning is expected to lead to improvement in tenure security.

2 The theory of change is essentially a comprehensive illustration of how tenure-responsive land use planning can change the status quo of land use and tenure security.

PART II

THEORY OF CHANGE FOR IMPLEMENTING TENURE-RESPONSIVE LAND USE PLANNING INITIATIVES AT THE COUNTRY LEVEL

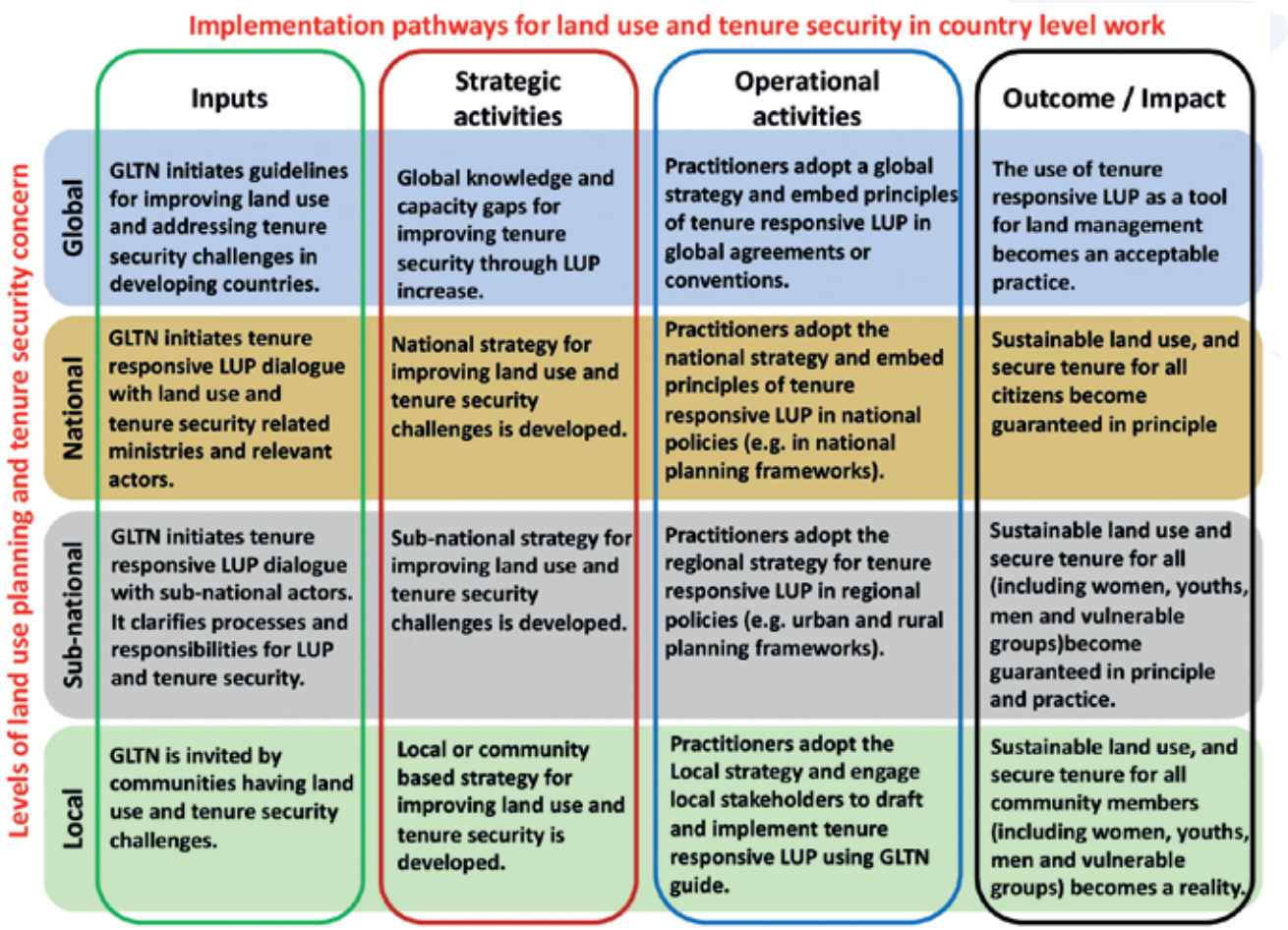

Figure 1: Theory of change for implementation of tenure-responsive land use planning through GLTN

It is essential to note the various levels of inputs, outputs, activities and impacts. The Guide presents and explains the steps needed to implement tenure-responsive land use planning and shows how those steps should be carried out. GLTN country-level interventions are normally community- or area-based.

Following a theory of change in project implementation makes it easier to visualize how to "sustain, bring to scale, and evaluate" what is defined in the vision of the project (Allen, 2016). The theory of change enables those implementing tenure-responsive land use planning to articulate their mission, strategies and activities (Dhillon and Vaca, 2018). A theory of change upon which to base implementation of tenure-responsive land use planning is therefore vital to provide a theoretical picture of how projects are positioned to execute land use planning activities towards attaining the desired outcomes.

PART III

QUESTIONS TO ASK AND ACTIONS TO TAKE TO ENSURE THAT LAND USE PLANNING IS TENURE-RESPONSIVE

PART III

QUESTIONS TO ASK AND ACTIONS TO TAKE TO ENSURE THAT LAND USE PLANNING IS TENURE-RESPONSIVE

PART 3: QUESTIONS TO ASK AND ACTIONS TO TAKE TO ENSURE THAT LAND USE PLANNING IS TENURE-RESPONSIVE

To focus on taking actions that would make land use planning lead to improvements in tenure security, it is crucial to understand the linkages between the two. In the context of GLTN country-level interventions, the connections are those principles and activities that improve the level of certainty that people have in the holding and use of land and exercise of their property rights. These include:

- Ensuring participation, negotiation and consultation
- Conscious efforts to improve tenure security
- Institutionalizing transparency and mechanisms for land dispute (or conflict) resolution
- Engendering a culture of gender and youth responsiveness
- Promoting fit-for-purpose strategies, pro-poor mapping and documentation
- Engagement in capacity development, human rights, environment and food security.

These guiding principles are essential to linking a land use planning process to improvements in tenure security. In general, to understand how these principles and practices improve tenure (and avoid actions that are unresponsive to tenure improvement), relevant questions need to be asked during the land use planning process and operational answers provided. The matrix of questions outlined below should be used throughout the project cycle. These questions should cover all necessary elements of the project, including aspects related to participation, negotiation, consultation, tenure security, land conflicts, transparency, corruption, capacity development, human rights, food security, gender, women's land rights, youth involvement, process of mapping and documentation, among many others. Some examples of relevant questions and their operational answers (steps for action and red lines[3], where necessary) are presented here.

The questions[4] explored in these sections are merely examples of some specific enquiries that land use planners should seek to answer in the process of performing their tasks. Questions may arise in a particular project area that differ or go beyond the remit of the Guide. Project implementers should endeavour to identify critical questions that relate to their specific task and project areas, work towards answering them and adhere to the red lines where (and when) necessary. Actions essential to answering the questions explored in this section require land use planning implementers or their staff to understand the basics of tenure-responsive land use planning. They also need to know how to apply land use planning to tenure security improvements and other GLTN tools for identifying, evaluating, enumerating, mapping and monitoring land tenure-related scenarios and impacts.

A. DIRECTLY PROMOTING TENURE SECURITY

Tenure security can be improved by ensuring that land transactions are backed by agreement between an individual or group governed and regulated by a legal, social and administrative framework (the legal framework includes both customary and statutory systems). Tenure security is also a human rights issue

3 Red lines are recommended limits of action that must not be overstepped if tenure security is to be achieved or promoted in a land use planning process. Engaging in red-lined activities neither ensures nor guarantees tenure security in such a process.

4 These questions form a checklist for land use planning implementers to consider to ensure that they do not ignore critical opportunities to improve tenure security during the planning process.

TABLE 1: HOW TO ENSURE THAT TENURE SECURITY CONDITIONS ARE CREATED OR MAINTAINED DURING LAND USE PLANNING

Specific tenure-responsive land use planning steps or activities	Questions country-level implementers should ask	Actions to correct any situations unresponsive to tenure security
Identify all legitimate rights to land and ensure they are recognized in legal, social and customary terms.	Is there any formal or customary law or social norm that governs the holding, use and ownership of land and land resources?	Review and identify the provisions of the law or policy, cultures and social relations that guide land use, ownership and holdings.
Protection of customary land rights or (in urban slums) rights to the city of slum dwellers to ensure a continuum of land rights.	Do records or documents on customary land rights exist in the project area?	Execute a participatory inventory to identify all land rights (including customary rights) and ensure their recognition.
	Are there legal, paralegal, administrative, or customary authorities able to guarantee customary land rights protection?	Carry out enquiries with local institutions to identify relevant authorities to enable the protection of customary land rights.
Post-implementation monitoring and evaluation to ensure that tenure remains protected	Does the land use planning process have any avoidable negative impact on local people's legitimate land rights, including socially recognized informal rights?	Continue to align land use planning with improvements in tenure security during and after implementation. Where adverse impacts cannot be avoided, fair compensation (including resettlement) should be used as a last resort.
Identify red lines and adhere to them.	• If it is impossible to improve tenure security, do not proceed with land use planning. • If land use planning policies serve the purpose of taking control and possession away from actual occupants (or are simply against human rights principles), do not proceed with land use planning.	

because recognition of the right to security of tenure is a precondition of the rights to shelter and livelihood opportunities.

Therefore, in order to promote tenure security in a land use planning process, it is vital to recognize the diversity of land rights, ranging from the most informal possession and use to formal ownership (continuum of land rights). At every stage of the land use planning process, it is vital to ask relevant questions that, when answered, will enable the emergence of tenure security.

B. RAISING AWARENESS OF PARTICIPATION TO SECURE TENURE

Land use planning can, directly or indirectly, affect hundreds or thousands of people (depending on the size and location of the project area). Identifying relevant stakeholders allows for the success of the project because it enables implementers to understand who will be affected by it and how, and the influences these people may have over the project. Most importantly, it allows understanding of how to engage with stakeholders in a participatory manner.

PART III

QUESTIONS TO ASK AND ACTIONS TO TAKE TO ENSURE THAT LAND USE PLANNING IS TENURE-RESPONSIVE

Participatory processes are essential to all tenure-responsive land use planning. The aim should be to reach consensus among relevant stakeholders on future-related decisions. At this stage of the planning process, negotiations and consultations are the core activities. Relevant stakeholders (or their representatives) should be involved from the outset. Their roles may include providing information on social practices and land tenure, contributing to analysis and interpretation of data and information and developing good ideas and options to ensure that the rights of all are respected and recognized. Depending on the activities at stake, asking the right questions will enable appropriate actions to be taken (including red lines).

TABLE 2: HOW TO RAISE AWARENESS OF PARTICIPATION (NEGOTIATION AND CONSULTATION) FOR TENURE SECURITY IN LAND USE PLANNING

Specific tenure-responsive land use planning steps or activities	Questions country-level implementers should ask	Actions to correct any situation unresponsive to tenure
Identify potentially affected landowners, rights holders and land users (including governmental and traditional authorities, faith-based organizations and influential individuals) in the project area.	Have you identified all the landowners and land users that could be affected by the project?	Conduct tenure assessment with local civil-society organizations and local people to identify all landowners and users, including women, youth and other vulnerable groups.
Engage women, youth and vulnerable groups in the planning process.	Is there a participatory engagement plan in place to enable inclusiveness and transparency in land use planning?	Work with local civil-society organizations and local people to develop a plan to ensure that everyone is included in the process.
Engage government officials and traditional authorities.	Have all avenues to safeguard tenure been explored?	Work with government officials to ensure that all possible tenure security alternatives allowed by law are introduced in the new plans for those affected.
Develop the capacity to participate, negotiate and consult with government agencies.	Are the local people capable of negotiating and engaging in meaningful discussions and consultations with government agencies?	Conduct awareness-raising outreach and communicate the objectives, scope, timeline and impact of land use planning.
Work with representatives or negotiators in the land use planning process.	Have you identified the legitimate representatives of the community you can work with?	Identify the representatives legitimately selected by the project community to represent them in negotiations. Ensure that a legitimate representative has been chosen by the community or the government or special interest groups (e.g., women, youth and vulnerable groups) to represent them.
Identify red lines and adhere to them.	• Do not proceed if all relevant stakeholders have not been consulted. • Do not proceed with negotiations if the negotiators are not legitimate representatives of the people and/or the Government, etc.	

C. CREATING LAND DISPUTE RESOLUTION MECHANISMS

Bringing different stakeholders together with a common goal creates a meeting-point for politicians and powerful non-political actors (through policymakers and local administrators) and communities to negotiate to find common ground and a way forward. Land use planning should aim for a process in which a balance is reached and the views of communities on tenure security concerns are adopted. Dialogue and land dispute (or conflict) resolution thus create a forum for reconciling viewpoints in an environment in which poor community members are less fearful of losing their rights to land. It reduces the fear of possible encroachment on their land that may cause non-recognition of their land rights. It is essential that the land use planning process is transparent. Answering the following questions facilitates the taking of appropriate actions to enable improvement in tenure security.

TABLE 3: HOW TO ENSURE THAT LAND DISPUTE RESOLUTION MECHANISMS LEAD TO TENURE RESPONSIVENESS IN LAND USE PLANNING

Specific tenure-responsive land use planning steps and activities	Questions country-level implementers should ask	Actions to correct any situation unresponsive to tenure
Ensure that a lack of transparency does not negatively affect land use planning outcomes.	How and where (in terms of steps) can lack of transparency affect land use planning?	Communicate with the community to achieve transparency in land matters.
Create a complaint or dispute resolution mechanism using features such as formal or informal arbitration panels, formal judicial systems, and/or complaint/dispute resolution mechanisms embedded in the local land administration system.	Is there a mechanism for lodging and addressing complaints on land matters? Is such a mechanism accessible by all and responsive to all?	Work with local civil-society organizations and local people to develop a plan to ensure that everyone is included in the process.
Ensure that disputes and conflicts over land are resolved amicably.	Are there overlapping and conflicting land rights in the project area? Are there existing land disputes or conflicts? How can these conflicts be resolved?	Resolve all land disputes or conflicts with documented agreements.
Identify red lines and adhere to them.	• Do not proceed with land use planning if the disputes are between the Government and communities.	

PART III

QUESTIONS TO ASK AND ACTIONS TO TAKE TO ENSURE THAT LAND USE PLANNING IS TENURE-RESPONSIVE

D. ENSURING GENDER RESPONSIVENESS

Gender is not all about women. It is about the relationship between men and women and their responsibilities concerning land and natural resources. It is a central organizing principle of societies and often governs production and reproduction, consumption and distribution. Gender roles are the 'social definition' of women and men. They vary in different communities and cultures, classes, ages and during different periods in history.

Healthy traditional societies and cultures are very common in developing countries. While traditional societies provide potent cultural emblems and identity, the structure of gender issues gives great advantages to men in economic matters. It can also lead to abuse and corrupt practice on land matters. Strengthening tenure security for women means emancipation and participation of women in socioeconomic activities hinging on land issues. Answering the following questions facilitates the taking of appropriate actions to protect women's land rights and tenure security.

TABLE 4: HOW TO ENABLE GENDER ISSUES TO INFORM TENURE SECURITY IN A LAND USE PLANNING PROCESS

Specific tenure-responsive land use planning steps or activities	Questions country-level implementers should ask	Actions to correct any situation unresponsive to tenure
Protect the land rights of women (and other vulnerable groups).	Are there vulnerable groups whose land rights are affected by the project area?	Consult with vulnerable groups (including women, youth and others) to ensure that their rights, interests and lands are protected.
Respond to the land needs of women and girls.	How secure are women's rights to own, inherit, purchase and use land?	Work with local civil-society organizations and local people to develop a plan to ensure that everyone is included in the process.
Identify red lines and adhere to them.	• If it is impossible to improve the tenure situation of women, youth and vulnerable groups, do not proceed with land use planning.	

PART III

Simulating a dispute resolution exercise in Kabale, Uganda under the Netherlands Government funded project "Securing Land Tenure for Improved Food Security in Select Areas in Uganda". Photo © UN-Habitat.

PART III

QUESTIONS TO ASK AND ACTIONS TO TAKE TO ENSURE THAT LAND USE PLANNING IS TENURE-RESPONSIVE

E. ENUMERATION, MAPPING AND DOCUMENTATION

The mapping and documentation of the land use planning process can serve as proof of tenure. This can strengthen the tenure security scenarios of stakeholders in both de facto and de jure terms. Land use planning usually includes various types of documentation of land rights that enhance tenure security since most of the information, data and records captured are also required when addressing tenure issues. Throughout the land use planning process, numerous records on the use, ownership, etc. of land are collected through mapping activities that delineate land uses, land areas or parcels. These records can be used to remedy unclear land borders to address tenure security issues. For a land use plan, these records are commonly compiled in a generalized form. Integrating tenure aspects in the land use planning process allows for maintaining more detailed and accurate land records. Such records (including land use or ownership certificates) could be used later in registration or titling proceedings under certain circumstances. Answering the following questions (and applying appropriate red lines) may be necessary to take action to improve tenure.

TABLE 5: HOW TO ENSURE THAT ENUMERATION, MAPPING AND DOCUMENTATION ENABLE TENURE SECURITY IN A LAND USE PLANNING PROCESS

Specific tenure-responsive land use planning steps and activities	Questions country-level implementers should ask	Actions to correct any situation unresponsive to tenure
Conduct participatory enumeration to identify who owns what, how and where on land.	Has enumeration been conducted to identify who owns what land and where?	Conduct analysis of land rights and document them. Where documentation already exists, use existing records but conduct further investigations to update them.
Conduct mapping and documentation exercises.	Have property rights identified been mapped and documented?	Map and document identified land rights and associated data to ensure adequate record-keeping and visual representation of land scenarios. The documented records must contain relevant land information that supports the provability of tenure and tenure security.
Identify red lines and adhere to them.	• If it is impossible to improve the tenure situation through documentation, recording and mapping, do not proceed. To proceed, it is essential to find alternative methods to ensure recording and documentation of land rights and associated data.	

F. CROSS-CUTTING ISSUES SUCH AS CAPACITY DEVELOPMENT, LEARNING AND AWARENESS BUILDING

The improvement and development of individual and institutional capacities is a cross-cutting aspect of land use planning and is crucial for sustainable land use. When land use planning is participatory, it creates momentum for capacity and knowledge development for the planning team. More importantly, it sensitizes land users to the importance of tenure security.

Capacity development may be necessary for various aspects of land use planning, including cross-sectoral management capacities, process steering, multi-stakeholder coordination, community development approaches, participatory moderation skills, workshop facilitation and organization, and many others. Other instruments for capacity development include coaching, hands-on assistance, and training and lectures.

Human rights are always a critical aspect of land management projects. Both governmental and non-governmental stakeholders must respect legitimate tenure rights and human rights.

TABLE 6: HOW TO ENSURE THAT CAPACITY DEVELOPMENT LEADS TO TENURE SECURITY IN LAND USE PLANNING

Specific tenure-responsive land use planning steps and activities	Questions country-level implementers should ask	Actions to correct any situation unresponsive to tenure
Avoid forced evictions and involuntary displacement of people in human settlements.	Does the land use planning process require involuntary or forced displacement or resettlement of people through expropriation?	Adjust the design of land use planning to avoid forced evictions, involuntary displacement or resettlement.
When necessary, promote the compensation of people whose land rights are adversely affected by the land use planning process.	Where voluntary displacement or resettlement occurs, did those whose legitimate land rights were affected receive fair compensation?	Ensure that adequate compensation is agreed upon, that agreements are documented, and payments fairly and swiftly made.
Ensure that the land use planning process has livelihood-generating outcomes. Food security is relevant for sustaining tenure security and vice versa.	Have you evaluated the food security livelihood and shelter impacts of the land use planning process on local people?	Conduct a collaborative assessment (in any form possible) of the potential food security outcomes of the land use planning (for local people).
Ensure that land use planning does not include activities that could have a negative impact on the environment.	Is the land use planning designed to minimize direct or indirect impacts on the environment?	Conduct a collaborative assessment (in any form possible) of the potential environmental impacts of the land use planning (for local people).
Identify red lines and adhere to them.	• Do not proceed with land use planning if forced or involuntary resettlement (or displacement) cannot be avoided.	

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QUESTIONS TO ASK AND ACTIONS TO TAKE TO ENSURE THAT LAND USE PLANNING IS TENURE-RESPONSIVE

The land use planning process should ensure that it supports environmental protection and security. It should avoid (or at least minimize) any potential negative impacts on the environment of inappropriate land uses. It should also strive to adopt strategies to improve tenure security so as to widen the options of local people for attaining food security. These also raise critical questions that must be answered to improve capacity development, learning and awareness-building on tenure security.

Conducting community enumerations in Bukidnon, Philippines under the BMZ funded project, "Secure Access to Land and Resources". Photo © UN-Habitat.

Box 2: Understanding the planning system and levels of planning in a country

The planning system of a country is generally understood through the various levels of planning carried out by different administrative levels: local, district, regional and national levels. Each responsibility of each of these levels may be separate or complementary and depends on the degree of decentralization in place. Accordingly, the different administrative levels have to deal with different kinds of issues, challenges and problems. The national level approaches issues from a 'macro-perspective' and considers the development of the entire country; regional levels have 'meso-perspectives', with a focus on regional issues; and local levels have 'micro-perspectives', focusing mainly on the development of their own villages or communities. At the meso level, cities typically adopt master plans, while rural municipalities mainly depend on local land use planning.

It is also very important to note that the different levels of planning may be interconnected, depending on the institutional arrangements within a particular country. For example, local land use plans at the village level normally inform regional plans and regional plans may be embedded in national plans.

''While the nature and magnitude of problems and issues of the respective levels differ, decision makers at a given level must also understand the problems and issues of the other levels. In other words, the national level must consider local needs and constraints when formulating policies and regulations; on the other hand, the local and regional levels are bound by policies and regulations that are established by national government'' (Haub, 2009, p. 10).

PART IV

STEP-BY-STEP PROCESS TO IMPLEMENT TENURE-RESPONSIVE LAND USE PLANNING AT COUNTRY LEVEL

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STEP-BY-STEP PROCESS TO IMPLEMENT TENURE-RESPONSIVE LAND USE PLANNING AT COUNTRY LEVEL

PART 4: STEP-BY-STEP PROCESS TO IMPLEMENT TENURE-RESPONSIVE LAND USE PLANNING AT COUNTRY LEVEL

Implementers of tenure-responsive land use planning should understand it as a land-rights-based approach to instituting gender-inclusive governance of land in urban and rural areas. They should work towards protecting people's land rights and recognizing those with unrecognized land rights. Strengthening the security of land rights (and land resource access) of local land users should be a key focus when implementing tenure-responsive land use planning. This is important because strengthening local users' rights to land gives them a foundation on which to plan and invest in livelihoods options based on sustainable land use practices.

If land rights are confirmed, recorded and mapped, land use planning implementation and enforcement is much easier. The recognition of the land rights of local people can protect them from forced eviction. It also assists in the development of a culture of sustainable land use practices that can provide socioeconomic safety nets and a healthier environment. The backbone of tenure-responsive land use planning is the country implementation process, an iterative learning process consisting of the steps presented in figure 2. These steps have been designed to strengthen land use practices and security of tenure or people's land rights. The following sections describe how to execute these steps while implementing tenure-responsive land use planning in GLTN interventions at the country level.

A starting point for GLTN-assisted interventions at the country level is pre-project preparation to lay the foundations for community- or local-level land use planning operations.

3. Collect data

- Identify land areas or units for LUP.
- Conduct land use inventory and tenure enumeration to grasp existing scenarios.
- Carry out participatory mapping of project areas and plot boundaries.

4. Assess and analyse data

- Assess and analyse land, and legal and social tenure (including rights, privileges, restrictions and responsibilities)
- Identify existing challenges and ways of resolving conflicting issues.
- Determine future land uses and the tenure issues embedded in them.

6. Prepare land use plan

- Negotiate how to enforce land uses, and legal and social tenures in accordance with laws and development responsive cultures.
- Prepare land use plan based on continuum of rights principles and practice.
- Draft local regulations, agreements, and detailed management plans for recognition of land uses and tenure (including rights, privileges, restrictions and responsibilities).
- Conduct gender sensitive community meetings to ratify the plan and document all outputs.
- Present draft plan for community endorsement.

1. Initiate the LUP Project

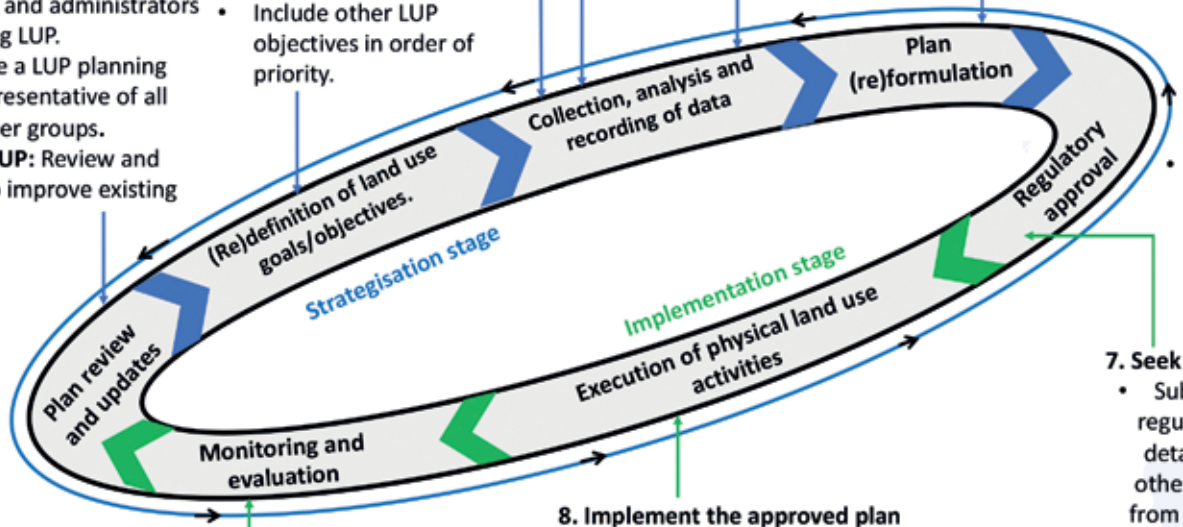
- **New LUP:** Conduct preliminary meetings between community members and administrators on starting LUP.
- Constitute a LUP planning team representative of all stakeholder groups.
- **Existing LUP:** Review and update to improve existing plan.

2. Set objectives

- Make tenure security improvement a key objective
- Include other LUP objectives in order of priority.

5. Reach agreements and document all data

- Document every data collected, assessed and analysed, including agreements made to resolve conflicts.



7. Seek approval of plan from authorities

- Submit the proposed plan, draft local regulations, agreements and any other detailed management plans (including other documentary outputs emanating from the LUP process) for endorsement and/or recognition by the relevant authorities.
- **If draft plan is disapproved by relevant authorities, revert to the necessary steps to redress any concerns raised and redraft plan for approval.**
- Present the approved plan for community endorsement.

8. Implement the approved plan

- Link new data to existing land information systems.
- Update all land records (register, cadastre, etc.) with new data.
- Use new data for certification and titling if acceptable.
- Carry out all activities stipulated in the plan iteratively.

9. Monitor and evaluate the implementation of the plan

- Set up a process for monitoring and evaluating progress of plan.
- Evaluate plan to ascertain tenure security improvements.
- Monitor efficiency in land uses and tenure security situations.

Figure 2: Significant steps involved in the implementation of tenure-responsive land use planning

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A. PRE-PROJECT PREPARATIONS

The following preparatory activities are necessary to ensure that GLTN-assisted land use planning initiatives have a firm and reliable foundation before implementing the steps involved in tenure-responsive land use planning:

- Activity 1: Form the organizational team. This is the team responsible for implementing the tenure-responsive land use planning at the country level. It will generally be the country office of the project implementing organization (civil-society or governmental organization).
- Activity 2: Conduct a tenure-focused study of the relevant land policies and programmes and the legal framework for physical planning or land use planning. This will provide an understanding of the general feasibility and viability of conducting tenure-responsive land use planning in the country. The study is necessary to understand the roles and responsibilities of different administrative levels and stakeholders and the existing institutional setting.
- Activity 3: Initial consultations within the country, including identifying broad stakeholders at all planning levels. Efforts should be made to identify stakeholders who are directly (physical planning authorities, local communities, etc.) and indirectly involved in the land use planning process in the country – for instance, those involved in providing funding and technical expertise (such as civil-society actors).
- Activity 4: Make resources available. These include matters relating to financing that will be used for capacity-building, among others. Time is also an essential element, especially for local authorities and government staff. Adequate time planning and management are imperative.
- Activity 5: Identify the project area. The project area should reflect current land use patterns, with a clear understanding of the land and tenure challenges land users face. The choice of project area should be agreed upon by relevant stakeholders, especially those whose land parcels are in that area. The question of who owns the data collected during the process should be discussed and documented.

Coordinating all these activities will pave the way to ensuring that the land use planning process (to be implemented at the local/community level) is carried out to ensure bottom-up and top-down planning linkages and appropriate support and feedback in the entire process. The local-level operations will follow the primary (or generic) steps in a tenure-responsive land use planning process (see figure 2), which includes initiating the land use planning process, setting objectives, collecting, assessing and analysing data, reaching agreements and documenting all data, preparing the land use plan, seeking formal approval for the prepared land use plan, implementing the land use plan, and monitoring and evaluating implementation. The activities involved in carrying out each of these steps are presented below.

B. INITIATING THE TENURE-RESPONSIVE LAND USE PLANNING PROCESS AT LOCAL (COMMUNITY) LEVEL

The success of a tenure-responsive land use planning process is dependent on how the implementers take the first steps to kick-start it. Depending on the technical and financial resources available, the country team should engage with the community. Subsequent activities should include:

- Activity 1: Conduct preliminary meetings. An introductory meeting between community members (including youth and women representatives), local authorities, traditional authorities, and administrators concerning the need for tenure-responsive land use planning is essential.

- Activity 2: Conduct awareness-raising outreach. This process should be carried out in the identified project community and involves engaging relevant stakeholders (including representatives of women, youth and vulnerable groups) and the public to create a shared understanding of opportunities for land use and tenure security improvements. The community organizer can do this. Being a cross-cutting issue, awareness-raising should be carried on throughout the life cycle of the project.
- Activity 3: Form a local tenure-responsive land use planning team. The members of this team should be representatives of relevant stakeholder groups (women, youth, vulnerable groups, etc.). Gender equality should be considered in the formation of these teams. The number of stakeholders participating in the process (including their roles, levels and frequency of engagement) should be determined. The ideal team for tenure-responsive land use planning would be one comprised of representatives of relevant stakeholder groups. Representatives of local investors should be considered for the team if they are active in the project area.
- Activity 4: Review the existing land use plan **(if available).** There may not be a current land use plan in developing countries, especially in rural areas but, if there is one, it should be reviewed to identify its weaknesses and how it can be improved. It is essential also to check other plans associated with the development of the project area (such as community development plans, forest land use plans, etc.) which may overlap with or complement the land use plan.

C. SETTING THE OBJECTIVES OF TENURE RESPONSIVE LAND USE PLANNING

At this stage, the local tenure-responsive land use planning team has to carry out the following activities:

- Activity 1: Carry out a strength, weaknesses, opportunities and threats (SWOT) or planning needs assessment and participatory stakeholder workshops. An analysis of the strengths, weaknesses, opportunities and threats to the land use planning should be conducted to understand the interests, challenges, advantages and disadvantages at play. This enables realistic, locally informed objectives to be set and the identification of potential entry points for tenure-responsive land use planning activities.
- Activity 2: Identify specific objectives for implementing tenure-responsive land use planning. An example of a particular objective is to identify land-use types, the nature of land use practices, the challenges to and pressures on land use and conflict situations in the exercise of land use and tenure practices. It is important to hold meetings or consultations with concerned groups (e.g., women, youth and vulnerable groups) to identify the actual state of land use and tenure security challenges.
- Activity 3: Prioritize the objectives identified for implementation. It is crucial to make tenure security and improved land use a priority objective of tenure-responsive land use planning. This also means considering the tenure situation of women, youth and vulnerable groups.
- Activity 4: Identify possible objective indicators. Identify possible questions that should be answered to achieve the priority objectives of the project. The local people should develop these questions based on their needs assessment and their 'land vision' for the future.
- Activity 5: Develop a monitoring and evaluation system. This means developing a monitoring and evaluation system to evaluate implementation in the post-implementation phase.

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STEP-BY-STEP PROCESS TO IMPLEMENT TENURE-RESPONSIVE LAND USE PLANNING AT COUNTRY LEVEL

Box 3: Who is a stakeholder? How is a stakeholder an important entry point?

Stakeholders include primary, secondary and occasional users of land and decision makers. They could be farmers, herders, urban dwellers, nomadic pastoralists, firewood collectors, commercial companies, local government departments, national Government, cooperatives, unions, timber forest product collectors, conservation organizations, NGOs, etc. By considering all the different groups of land users, the different social groups should be included by default, particularly women, youth and the elderly. It is more socially acceptable to include typically marginalized groups (for example, women, young people or pastoralists) because they are land users than because of their marginalized status. For more information on this topic, see International Fund for Agricultural Development (2014)

Stakeholder engagement as an entry point into country and local operations

Stakeholder consultations or engagement as a component of tenure-responsive land use planning focuses on critical entry points for stimulating and facilitating prior informed consent and government buy-in, awareness and agreement on tenure-responsive land use planning value addition to country and local programmes and strategies. It also aims to initiate and strengthen intersectoral partnerships around a common vision with clear mutual and shared responsibilities among public, private and civil-society institutions. Other elements of this component include public awareness of and education on tenure-responsive land use planning, fostering the commitment and political will needed to achieve land use and tenure security visions, and mainstreaming functions and responsibilities to drive tenure-responsive implementation in both governmental and non-governmental organizations. It is important to appreciate that this component is not about mere administrative engagement and decisions but can be a protracted engagement to negotiate on common understanding and responsibility in the institutions concerned. This component also ensures that the subsequent plan on tenure-responsive land use planning implementation is a response to real country and local needs and issues and is clear in its value addition.

D. COLLECTING AND ANALYSING DATA FOR TENURE-RESPONSIVE LAND USE PLANNING

This component consists of two steps, the collection and analysis of data, which can either be separated or combined, depending on project size. They involve the following activities:

- Activity 1: Prepare a checklist of data and information for collection. Some critical questions are: What are the land use and tenure security challenges faced by the community? Who is directly affected by these challenges? Who (and how) are the women and other vulnerable groups affected? What impact do these challenges have on the environment? What is the scope of land and geographical location of the community affected? The answers determine the kind of data to be collected.
- Activity 2: Carry out participatory mapping of project areas, tenure rights and plot boundaries. This can be done through mapping and enumeration of land plots and tenure rights. The GLTN tools (the social tenure domain model (STDM) and participatory enumeration) can serve as suitable tools for carrying out these tasks. It is essential to engage local land users (trained and guided by professional community organizers) to map and enumerate. Household socioeconomic data can be collected from the national or local statistical office (if available) or local municipal office or be based on interviews. The most practical way to collect accurate data is to compare official statistics with data collected from the community. Often, official statistics are not updated regularly and the data

Box 4: Participatory mapping

The mapping of land and resources is a powerful information-generating tool. The exercise triggers community-level discussions about their land and resources and the issues that surround them. Maps can be used to identify and understand different uses of resources, different resource locations, resource access and resource seasonality. Maps give important information such as water points, market infrastructure, boundaries and different production areas and their status. Mapping is carried out to manage problems on resource use (among others) as it may serve as a tool to identify and discuss related challenges and their potential solutions. The map provides a visual record of the area, including its land and resource use. Ground mapping (on the ground) or sketch mapping (on a piece of paper) represent key community-identified features of the land from a bird's eye view. They do not rely on exact measurements, yet they do show the relative size and approximate position of features. Mapping can help to introduce and explore the concepts of spatial planning with communities that may not be used to such an approach. 'A picture is worth a thousand words'.

Participatory mapping is a set of approaches and techniques that combines the tools of modern cartography with traditional participatory methods to represent the spatial knowledge of local communities. It is based on the premise that local people are knowledgeable about their local surroundings and present conditions. Therefore, they must actively participate in community mapping activities

(ANGOC and PAFID, 2018).

collected in the community may be more accurate than those of the authorities. Box 5 describes some data collection methods. It is essential to document all types of land use and tenure rights, including primary, secondary and occasional land uses. The same applies to tenure. All possible rights should be documented (both statutory and customary tenure, etc.). The participatory mapping products should be in line with the requirements of the authorities as some governments will not accept maps produced by communities or civil-society organizations.

- Activity 3: Collect data using interviews and/or focus group discussions on issues that bind land uses and tenure practices in the community. The data should be related to the questions asked to identify the 'land vision'. The best way to do this is to compile a land use inventory and conduct tenure enumeration to identify the status quo.
- Activity 4: Analyse the data collected. There are various data analytical tools, depending on the type of data available (box 6).

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STEP-BY-STEP PROCESS TO IMPLEMENT TENURE-RESPONSIVE LAND USE PLANNING AT COUNTRY LEVEL

Box 5: Some important data collection methods for tenure-responsive land use planning

Techniques for data collection may include interviews, windshield surveys, questionnaires, using tablets and mobile applications, unmanned aerial vehicles (UAVs – drones), satellite imagery, aerial photographs, existing maps, hand-held global positioning system (GPS) receivers, digital data sets, traditional field surveying and participatory mapping.

- Interviews and questionnaires are used to collect a wide range of data for planning purposes (often focusing on information not readily available from other sources such as maps, and aerial and satellite imagery). These can provide a wealth of traditional and indigenous knowledge that is not normally collected otherwise. Interviews (including focus group discussions) can help collect information on tenure and relationships regarding land.
- Participatory mapping, which involves community stakeholder participation and input, yields similar benefits. This method can be applied in the context of participatory enumeration for both tenure and other land data.
- Windshield survey involves driving through the project area to record visual observations about land development to provide information that can be added to proposed maps.
- GPS and field surveys can enable the collection of data about natural and cultural features of the project area.
- Mobile applications involve the use of mobile technology for data collection, especially from stakeholders. STDM can be used to conduct both mapping and data collection on tenure.
- Aerial and satellite imagery may be used to gain access to data on cultural and natural features of the landscape (e.g., data on elevations, roads, buildings and other topographic features). The level of detail collected will depend on the scale and resolution of the source imagery. Similarly, existing maps and digital data sets may already contain the features obtainable from aerial and satellite imagery and can be used directly or with only minor processing.

These methods (combined with government statistics) provide understanding of the project site, demography and development sectors in the project area. The Global Land Tenure Network social tenure domain model and participatory enumeration land tools enable data to be collected using all of the above methods in a participatory manner. Various methods and tools may be combined as required during data collection.

Box 6: Types of data and data analytical methods for tenure-responsive land use planning

- ***Land tenure data (classification of tenure):*** Data on existing land rights, ownerships, privileges and obligations are essential to ensure an understanding of the tenure and gender situations in order to address conflicting and overlapping situations. This data collection can be done by holding key informant interviews and focus groups to identify the existence of barriers to participation (especially by women, youth and vulnerable groups) in land-related livelihood activities. This will enable an understanding of an entry point for tenure improvement.
- ***Statistical data about the project site, demography and sector:*** Data about demography and agricultural, economic, climatic and social conditions are needed. Information about the size of the project area in relation to its populations is needed to understand the extent of the spatial challenges faced by people. A grasp of the land sectors in relation to socioeconomic challenges is needed for decisions on projections and forecasts. These data may be accessed through the national, regional or local statistical offices. In general, demographic data should be used for appropriate decision-making on land-to-people ratios.
- ***Land cover data:*** These are essential because they provide information about the extent of land covered by forests, wetlands, impervious surfaces, agriculture and other land and water (e.g., wetlands, mountain slopes, river basins or open water).
- ***Land use data:*** These are important because they show how people use the area (whether for development, conservation or mixed uses).
- ***Land classification data:*** These may be necessary for making decisions on the optimal use of land. This is usually guided by land and soil classification systems (which may be a classification of the physical, chemical and biological properties of soils to understand soil types and generate land suitability or capability classes). Such data may be crucial where there is a focus on agricultural land uses. However, this can be applied to other land uses, including areas for building, conservation, etc.
- ***Data on site development standards:*** These are important for site and settlement planning. They vary from country to country.
- ***Site analysis: Developing a good understanding of the project area is crucial to tenure-responsive land use planning.*** Analyses should include an understanding of the size of the site, carrying capacity of site, impact of the site on all sectors, including surrounding communities, environment, infrastructure, etc.
- ***Land tenure analysis:*** Since tenure-responsive land use planning is geared towards improving tenure, land tenure analysis should be conducted at the assessment stage. It will help to ensure that existing land rights are made more secure, that newly formed land rights are well-defined and that land conflicts are either resolved or avoided. Ensuring that there is a relationship between tenure security and poverty alleviation is crucial. This involves examining (to understand) the tenure security dimensions of the project area and the capacity of other land tools to contribute to its improvement when implemented with tenure-responsive land use planning in country-level projects. Tenure analysis can be done using STDM, participatory enumeration and pro-poor recordation of land rights.
- Services and infrastructural analysis: These involve understanding current and future access to services and infrastructure (including transportation, utilities, health and safety, education, etc.) as part of the tenure-responsive land use planning process. It also involves an evaluation of the needs of all proposed development and the likely impacts on available services that will result from the introduction of this development into any space.
- Demographic and sector analyses: Data about population, population density, the impact of the sectors, population change, internal migration, age distribution of population, income level (and employment levels, etc.) are needed to capture the economic and environmental capacity of the project area. The results of such analysis as they relate to land issues are crucial for decisions that will impact on people.
- Environmental and natural resource analysis may provide assessments of the topographical, natural resource, climatic and hazard characteristics of the area. Overlapping uses of land may also be provided by this analysis.

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E . FORMULATING AGREEMENTS AND DOCUMENTING THE TENURE-RESPONSIVE LAND USE PLANNING PROCESS

Large amounts of data are generated during the tenure-responsive land use planning process. This may include documentation of social, economic, legal and paralegal agreements made during land conflict resolution. Documenting land rights and tenure relationships (including certification) is vital as it can later provide proof of tenure.

The law allows land certificates to be registered or converted into legal land titles or certificates. The process of reaching agreements and documenting them may involve the following activities:

- Activity 1: Establish a tenure-responsive land use planning register to record the process. All data collected must be documented, assessed, validated and analysed. Validation is essential because the data collected must be brought back to the community or stakeholders for validation before finalization. Agreements must be documented as evidence to settle future disputes. This includes agreements made to resolve conflicts.
- Activity 2: Make an inventory of land tenure data. As tenure is a critical aspect of tenure-responsive land use planning, it is vital to ensure that all tenure issues are recorded. Land mapping and enumeration software (such as STDM)[5] should be used to allow for easy capture of existing rights, use and conflicts (if any). STDM can be used in tenure-responsive land use planning to allow for simultaneous documentation, analysis and process operations.
- Activity 3: Conduct a certification exercise, where necessary. There may be instances in which certification exercises are a legal requirement in implementing tenure-responsive land use planning. It is important to ensure that all memoranda of agreements, terms of reference, compensation and conflict settlement agreements emanating from the exercise are attached to formal documents intended to serve as proof of tenure.

5 STDM is a GLTN land tool used for mapping and data capture.

F. PREPARING OR DRAFTING THE TENURE-RESPONSIVE LAND USE PLAN

The data collected and analysed, including maps, is used as the basis for drafting the tenure-responsive land use plan. It is crucial to make decisions based on agreements (substantive consensus) with local people and solutions prescribed to improve any land challenges. Land tenure security should be a critical focus for the drafting of the plan. The essential activities of drafting the plan should include:

- Activity 1: Prepare the tenure-responsive land use plan. This should be based on a continuum of rights, principles and practice. The implementers must identify barriers to the exercise of legally and socially legitimate land rights. Land use solutions should focus on creating the enabling environment to exercise land rights while avoiding land conflicts. The information collected through participatory approaches must be consolidated and documented in maps and data that form the basis of the plan. A simple methodology proposes (a) categories of land uses according to future priority uses and (b) zoning categories for the project area. While categories of land use may differ depending on the scale, typical categories include informal settlements, grassland, forest, farmlands, water bodies, protected land, commercial land, housing, infrastructure, transport and open spaces. A similar categorization system could be applied to tenure.

- Activity 2: Draft regulations to guide land use and define the legal value of appropriate instruments. These should include local regulations, agreements and detailed management plans to recognize land uses and tenure (including rights, privileges, restrictions and responsibilities). Land uses and legal and social tenure should be enforced according to existing laws and cultures. Where there are existing regulations, efforts should be made to comply with them. Where that is not possible (in urban areas, for example), it may be necessary to draft alternative rules to complement them. This must be done in agreement with participating stakeholders (including the authorities).
- Activity 3: Conduct gender-sensitive community meetings to ratify the plan and document all outputs. The plan should mainstream cross-cutting issues such as gender. It is essential to ensure that women, youth and vulnerable groups within communities ratify the plan before community validation to ensure conflict-free situations at the community level.[6] The GLTN has specialized land tools that can be used to analyse gender and youth issues in the land use planning process. The GLTN land tools gender evaluation criteria (GEC) [7] and youth and land responsiveness criteria (YLRC) [8] can be used to collect and analyse the data needed to ensure gender and youth responsiveness in the tenure-responsive land use planning process.
- Activity 5: Present the draft plan to the community for review and validation. The final plan should be presented to the public for final feedback and revision before submitting it to the relevant authorities for approval. Any feedback should be considered before requesting official endorsement. Upon approval, the next step should be to seek legal and administrative endorsement of the plan.

G. SEEKING APPROVAL FROM THE RELEVANT AUTHORITIES (INCLUDING TRADITIONAL AUTHORITIES)

The proposed plan should be submitted to the relevant authorities for endorsement. Any other documentation arising from the plan should be made available to supplement the authorities for recognition. The steps for executing this process include:

- Activity 1: Submit the prepared plan to the traditional authorities for approval. First, it should be shown and explained to traditional authorities (if the project area is within a chiefdom or some form of traditional authority). After obtaining the endorsement of traditional authorities, it should be submitted to the formal authorities for approval. This is done by identifying the relevant governmental stakeholders responsible for legally or administratively approving and formalizing the draft plan. These stakeholders should already be involved in the tenure-responsive land use planning process. The reason for obtaining these approvals is to ensure that the plan complies with cultural and administrative and formal regulations. If it does not comply with formal regulations, the plan may have no legal force. If it does not conform to cultural regulations (from traditional rulers), implementation may lack social legitimacy and participation.

6 It may be important to take specific steps to ensure that women, youth and vulnerable groups endorse the plan. Such an extra step may be crucial in situations where the culture of the project community is highly gender-insensitive or discriminatory to women, youth or disadvantaged groups. If necessary, the objective of obtaining their endorsement should be to make sure they are part of the local land use planning team and happy with the plan. This may help avoid future problems.

7 GEC is a land tool that can be used to assess whether cultures, laws, policies or human practices are responsive to the needs of both women and men and to promote gender-responsive land governance.

8 Youth and land responsiveness criteria is a tool developed to assess land programmes and policies objectively to ensure that youth and land issues are equitably addressed in order to achieve tenure security for all.

PART IV

STEP-BY-STEP PROCESS TO IMPLEMENT TENURE-RESPONSIVE LAND USE PLANNING AT COUNTRY LEVEL

Box 7: Who implements tenure-responsive land use planning?

Tenure-responsive land use planning projects should be implemented by the local government unit (such as a municipal office) responsible for land management and urban planning. Implementing organizations may vary from country to country or even within a single city or rural municipality, however. For instance, an international agency or NGO can initiate a project together with local people. Local chiefs of traditional authorities or heads of local communities may be initiators in communal areas. A department of the national or provincial government may also initiate a project (GLTN, 2016b, p. 38).

- Activity 2: Present the tenure-responsive land use plan to the formal authorities for approval. The draft tenure-responsive land use plan is submitted to the relevant formal authorities. It should comprise the land-use map prepared on the basis of future land use priorities, and all the documents ensuring tenure security. These documents should include draft local regulations on land uses, agreements between communities and individuals on contested claims, compensation documents, detailed management plans to recognize the group and individual land use and land rights. If the authorities do not approve the plan, it should be sent back to the stakeholders (including the community) for improvement. Once the plan is accepted and endorsed, it should be presented to the public again as a final plan.

County Government of Mombasa officials in Kenya, local NGO staff from Pamoja Trust engaging with community members in Kwa-Bulo settlement during the data validation activities in 2016. Photo © UN-Habitat.

PART IV

H. IMPLEMENTING THE APPROVED TENURE-RESPONSIVE LAND USE PLANNING

The implementation of the approved plan involves a wide range of activities. Awareness raising about the need for land use planning and the approved plans is a cross-cutting activity. Tenure-responsive land use planning is guided by the principle that failure to implement is a waste of time and resources. Every land use plan should make provision for its implementation based on the needs of the people or community that initiated it. Implementation of the approved plan should include executing the activities stipulated in the plan flexibly.

- Activity 1: Carry out land development (and land activities) following proposals in the tenure-responsive land use plan. This involves ensuring that future land development complies with the land use categories and zones (if applicable) proposed in the plan. It is essential that representatives of the relevant authorities monitor (and enforce) the process to ensure that it does not infringe existing laws and follows recommended standards.
- Activity 2: Make a record of land use and land tenure. Depending on the jurisdiction of the project, implementation should include documenting land use and land rights through records or registration, including certificates or titles, ensuring that women, youth and vulnerable groups are protected and recorded.

I. MONITORING AND EVALUATING THE IMPLEMENTATION OF TENURE-RESPONSIVE LAND USE PLANNING

A process must be put in place to provide feedback on implementation of the tenure-responsive land use plan. This means developing a monitoring and evaluation system during the implementation stage. This involves the following activities:

- Activity 1: Develop monitoring and evaluation systems (based on shared responsibility). Monitoring and evaluation systems assess the effects and impacts of the tenure-responsive land use planning process on people, the environment and land markets. The system should consist of a set of indicators of the degree to which the objectives of the plan have been achieved. Such indicators should help to ascertain changes in land use and improvements in tenure security. The authorities must ensure that the system complies with the law.
- Activity 2: Report milestones (including challenges and difficulties) of the implementation process. A mechanism, led by the implementing team, should regularly report the milestones of tenure-responsive land use planning implementation. It is also essential for the results of the report to be shared with stakeholders.
- Activity 3: Conduct an impact assessment of the implemented process. The monitoring and evaluation processes can be carried out through participatory impact assessments over the short term (after two to four years), medium term (after five to eight years) and long term (over nine years).
- Activity 4: Document monitoring and evaluation outcomes. Keep records of the monitoring and evaluation outcomes. Use the monitoring and evaluation process to determine future land use planning and tenure objectives and goals.

PART V

ENTRY POINTS FOR TENURE-RESPONSIVE LAND USE PLANNING IN GLTN COUNTRY-LEVEL INTERVENTIONS

PART 5: ENTRY POINTS FOR TENURE-RESPONSIVE LAND USE PLANNING IN GLTN COUNTRY-LEVEL INTERVENTIONS

Since tenure-responsive land use planning involves planning and development issues, finding entry points for in-country interventions requires a preliminary assessment that must include understanding the linkages between land use and tenure security in the planning frameworks and development agendas of countries. If this is not done before in-country implementation, the result may be a failed outcome.

This implies identifying the development priorities of a country to determine how they are linked with land use and land tenure security priorities. Possible entry points for implementing or mainstreaming tenure-responsive land use planning into country-level operations will vary depending on governance levels. This means that potential multiple entry points could be found at the local (including community) and sectoral levels where Global Land Tool Network-assisted projects are usually implemented.

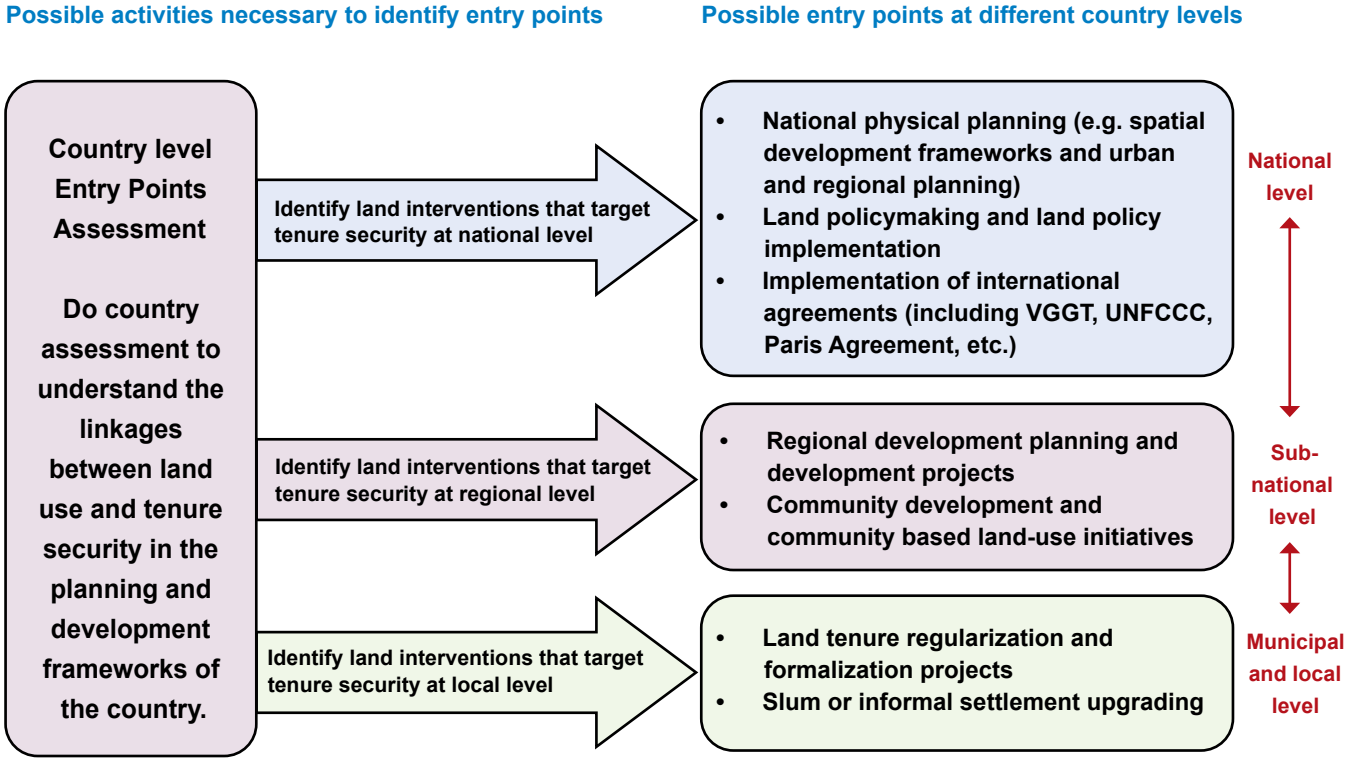

Figure 3: Examples of entry points for mainstreaming tenure-responsive land use planning in GLTN country interventions at different governance levels.

PART V

ENTRY POINTS FOR TENURE-RESPONSIVE LAND USE PLANNING IN GLTN COUNTRY-LEVEL INTERVENTIONS

A. CONDUCT PRELIMINARY COUNTRY-LEVEL ENTRY POINTS ASSESSMENT

It is essential to begin by conducting a preliminary country-level entry points assessment, which involves evaluating the situation of land use planning and tenure security improvements in the country, including policy, institutional and governance arrangements. The linkages need to be understood between land use and tenure security in the planning frameworks and/or development vision (and agenda) of the country where tenure-responsive land use planning is to be implemented. Since GLTN operations are mainly local or community-based, mainstreaming tenure-responsive land use planning in country operations must occur across all levels of government. This is necessary to ensure that different frameworks (including laws, planning frameworks, policies, programmes, etc.) provide a path for implementation and stakeholder participation.

B. OPPORTUNITIES TO LINK TENURE-RESPONSIVE LAND USE PLANNING WITH GLTN INTERVENTIONS AT LOCAL LEVEL

Further investigations can be done to identify opportunities to embed tenure-responsive land use planning with specific and general development plans, programmes and visions that address land, environmental and spatial concerns and the living conditions of people. The particular points for mainstreaming tenure-responsive land use planning operations in various countries will be the planning, development, strategy and programme instruments which allow for land use planning and tenure security improvements. If such instruments have legal or administrative provisions that allow for the implementation of land use planning or tenure security (or both), they can serve as potential entry points. It should be borne in mind that these entry points can exist at different administrative or governance levels within a country.

C. IDENTIFY POTENTIAL ENTRY POINTS AT DIFFERENT LEVELS IN A COUNTRY

The potential entry points for tenure-responsive land use planning in different countries may be at the national, regional or district, local (and community) and sectoral levels. At these levels, studies must be conducted to identify opportunities for the integration of tenure-responsive land use planning in specific and general development plans, programmes and visions that address land, environmental and spatial concerns and the living conditions of people.

- National level. Tenure-responsive land use planning should be linkable to existing development instruments if they provide land use planning or tenure security improvements. Particular instruments at the national level could be: land policies, development and physical planning implementation (including formulation); the implementation of international agreements (including the New Urban Agenda, the Voluntary Guidelines on Responsible Governance (VGGT), the United Nations Framework Convention on Climate Change, the Paris Agreement, etc.); and development and resource allocation visions. Tenure-responsive land use planning can operate under national mapping and certification programmes, including land access, land titling, land regularization or formalization exercises.
- Regional/district level. Opportunities may exist for tenure-responsive land use planning if regional development plans, programmes and projects or their implementation are based on action plans that target land access, land use, food security and

sustainable resource management, which can serve as potential entry points for tenure-responsive land use planning operations.

- Local (and community) level. This refers to any local (including village or community) action plans that target land access, land use planning, food security and sustainable resource management. Land certification exercises, physical planning projects and local or community-based natural resource management initiatives, in particular, are potential entry points for implementing tenure-responsive land use planning.

These entry points can take the form of rural, urban or peri-urban development or planning projects or programmes, including master plan development, informal and slum upgrading, urban land administration initiatives, forest area management planning, urban or peri-urban zoning programmes or coastal area planning (among others).

D. ENSURE THAT TENURE-RESPONSIVE LAND USE PLANNING BALANCES TOP-DOWN AND BOTTOM-UP APPROACHES

It is essential to ensure that vertical and horizontal (that is, top-down and bottom-up) procedures are followed in the tenure-responsive land use planning process. The vertical and horizontal integration relates to the scale and principles of operation. Horizontal integration is the reflection of all land uses throughout the planning process. Vertical integration refers to aligning tenure-responsive land use planning among different administrative or governance levels. This situation should never be taken for granted, as various forms of participation can emerge at different levels.

E. NEED TO INTEGRATE LAND USE PLANNING INTO POLICIES

Some barriers can make it impossible to implement tenure-responsive land use planning (including knowledge, capacities, poor participation, etc.) or mainstream it into the existing planning and development frameworks of countries. Such barriers may include:

- Inability to link tenure-responsive land use planning to align with existing policies across administrative or governance levels. When tenure-responsive land use planning is integrated with national development plans, policies or planning frameworks (or even international agreements), it still needs to be further linked with the regional and local planning process for effective implementation. Where no plans or policies exist, it may be necessary to adopt community-agreed procedures.
- Problems in finding a common language and methods for tenure-responsive land use planning. Different agencies do not want to cooperate due to differences in their mandates and priorities. Different agencies involved in promoting land use planning, land administration, and development planning speak different professional and sectoral languages. They also apply other methods and tools in their work. Harmonizing their differences can pose a challenge in integrating tenure-responsive land use planning into existing platforms for action.

PART V

ENTRY POINTS FOR TENURE-RESPONSIVE LAND USE PLANNING IN GLTN COUNTRY-LEVEL INTERVENTIONS

Box 8: Key entry points for tenure-responsive land use planning irrespective of level or sectors

- Entry point 1. National planning and development processes: If national planning and development processes allow for measures that promote land use planning or tenure security improvements or both, tenure-responsive land use planning can be introduced.
- Entry point 2. Cross-cutting approach in national development policies: These are overarching issues related to gender and women's land rights, youth development and land access, climate change mitigation and environmental protection, sustainable land management, land administration, and matters concerning the governance of tenure (among many others). If these issues (or any one of them) share the same objectives as tenure-responsive land use planning, they provide an entry point.
- Entry point 3. Local and community planning processes: These could be municipal, community or village actions that target sustainable natural resource management, land certification, food security, poverty alleviation, land inventory or mapping, etc. It could be a broader local development measure such as rural development. If these measures promote the key principles and objectives of tenure-responsive land use planning, they can serve as entry points for its implementation.
- Entry point 4. Capacity-building and development in land use projects: Where capacity-building involves land use planning or tenure security at any level, it can provide opportunities to mainstream tenure-responsive land use planning as an add-on project.

- **Limited capacity of institutions (at different levels of administration) to support the implementation of tenure-responsive land use planning initiatives.** As tenure-responsive land use planning is based on an integrative concept (that embraces land use planning and tenure security), it is still new in many countries. This means that there may be limited technical skills and human resources for articulation and implementation in those countries. In many cases, there is also a lack of technical and financial resources, as participatory land use planning can be time- and, therefore, cost-intensive. The institutions and individuals working in tenure-responsive land use planning need to know each other and leverage their strengths. Thus, sensitization and knowledge developed during the procedure are critical to its success.

- **Overlap of institutional mandates and capacities within country operations.** Although national mandates on spatial planning, physical planning and land use or tenure security-related development programmes may exist, land use planning responsibilities are better defined at the regional and local levels. Institutional overlaps can make these responsibilities unclear, however. Sometimes decentralized offices in charge of land use planning vary in capacity, from the city, district or regional level to local levels. It always helps to identify who would lead and support articulating initiatives from both bottom-up and top-down policy processes. The need for shared responsibilities is critical because planning is typically done by ministries of planning or urban development (or local government), isolated from ministries of land (where tenure-related land information is stored and administered).

- Monitoring and evaluation measures for tenure-responsive land use planning can be challenging. Indicators for monitoring and evaluating such planning (especially its enforcement) are challenging. This makes measuring progress in tenure security difficult. Implementers must understand the GLTN phase 3[9] strategy and the vision behind it. They also need to have a good grasp of land intervention approaches to know how to monitor and evaluate the progress of tenure-responsive land use planning. One possible way to incorporate monitoring and evaluation of a plan (and its enforcement) in the process is to include it in the setting of tenure-responsive land use planning objectives and form a team for its implementation.
- Limited knowledge of tools or approaches and its operations. If implementers lack a strong understanding of land tools, it could be because they are not aware of the tenure-responsive land use planning process (and related approaches). It is for this reason that land use planning implementers must be familiar with many techniques and tools. In GLTN country-level interventions, tools and approaches are practical ways to solve land administration and management problems. It is a method of putting principles, policies, and legislation into effect. Land tools (or approaches) generate change through new ideas and changing mindsets. Table 7 shows a sample of some GLTN land tools and the roles they can play in a tenure-responsive land use planning process.

9 GLTN phase 3 is the GLTN Strategy 2018–2030, which sets out how the GLTN will support key stakeholders to fulfil their obligations for inclusive development and meet their Sustainable Development Goal commitments and human rights obligations on land and tenure security.

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ENTRY POINTS FOR TENURE-RESPONSIVE LAND USE PLANNING IN GLTN COUNTRY-LEVEL INTERVENTIONS

TABLE 7: GLTN LAND TOOLS AND THEIR ROLE IN A TENURE-RESPONSIVE LAND USE PLANNING IMPLEMENTATION PROCESS.

GLTN land tools that can directly contribute to and be easily integrated into tenure-responsive land use planning	Role in tenure-responsive land use planning operations
City slum upgrading	Involves an inclusive and participatory process defined by its system of contributions, benefits and compensation, allowing for the development of slum areas without expropriation or relocation. Planning and tenure security are critical elements of the process.
Continuum of land rights	Analyses the continuum of existing land rights, mainstreaming a continuum of land rights principles and recording and recognizing land rights and any continuum identified.
Participatory enumeration	Engages the affected stakeholders in data collection, enumeration and recording.
Youth	Analyses youth and gender data.
Pro-poor land record system	Ensures pro-poor documentation of land and rights. Consolidates pro-poor land records. Develops a pro-poor land information system.
Transparency in land administration	It can serve as a toolkit for embedding transparency principles in tenure-responsive land use planning.
Social tenure domain model	Ensures pro-poor land inventory and mapping; maps the physical and social borders of land; mainstreams continuum of land rights principle; and provides tenure-based awareness and capacity development.
Fit-for-purpose land administration	Implements land administration based on fit-for-purpose principles and pro-poor and locally realistic methods
Land and conflict	Assesses conflicts and ways of resolving them. Resolves and documents disputes.
Gender evaluation criteria	Evaluates the responsiveness of a particular intervention on land.
PILaR	PILaR is a mechanism through which land units with different owners and claimants are combined into a single area through a participatory and inclusive process. Planning and tenure security are intricately linked in the process.
How to develop land policy	Allows for inclusion of tenure-responsive steps as part of the land policy development process, especially ensuring tenure security in land policymaking.
Valuation of unregistered land	Carries out valuations of parcels that are not registered for purposes of compensation and relocation, considering the market and social and cultural values in different contexts.

PART VI

IMPLEMENTING TENURE-RESPONSIVE LAND USE PLANNING WITH OTHER TOOLS: ISSUES TO CONSIDER

PART VI

IMPLEMENTING TENURE-RESPONSIVE LAND USE PLANNING WITH OTHER TOOLS: ISSUES TO CONSIDER

PART 6: IMPLEMENTING TENURE-RESPONSIVE LAND USE PLANNING WITH OTHER TOOLS: ISSUES TO CONSIDER

A starting point for implementing tenure-responsive land use planning with other tools (based on the GLTN phase 3 strategy) should involve identifying its entry points with other tools (focusing on linkages or convergences) and vice versa. Identifying entry points for incorporating tenure-responsive land use planning with other tools (and vice versa) entails locating points of intersection with aspects or approaches of different tools to enhance tenure security. Specific preconditions must be met for any tool to be incorporable with tenure-responsive land use planning, however.

The practicality of incorporating tenure-responsive land use planning with other tools depends on how it (or the other tool) can fit into existing plans and programmes (including policies, regulations and institutional arrangements) in the country where it is to be implemented. Tenure-responsive land use planning embraces several aspects of land management and administration. It deals with how best to improve land use for socioeconomic and environmental development. It has a land administration element that demands land and property rights transfer, adjudication and recording. It has a planning element that deals with coordinating decisions and activities to achieve the best use of land and natural resources for development outcomes. It has a socio-anthropological aspect that deals with understanding the historicity and sociocultural heritage of community development to ensure people-centred planning. It has a human rights element that allows for discussions about protecting people's fundamental right to housing and other amenities necessary for better living conditions in human settlements. It also has a capacity development aspect (and so on and so forth). It is these features that make it compatible with other tools and practicable in most developing countries. Whatever tool is to be implemented alongside tenure-responsive land use planning at the country level depends on what

Box 9: Preconditions for implementing tenure-responsive land use planning with other tools
(non-GLTN tools or fit-for-purpose land administration and continuum of land rights principles)

Since tenure-responsive land use planning is primarily geared towards tenure security, if any tool is to be implemented with it, that tool must have the capacity to enable tenure security. In this regard, tools that can be implemented with tenure-responsive land use planning must allow:

- The possibility to harmonize data compilation procedures and enable consistent data collection between the two (or more) tools. The database system should be compatible and should enable common data entry and database management between the different tools.
- The integration of social mapping activities and inventories in land-related assets that promote tenure-responsive land use planning is not a stand-alone tenure security tool. Social mapping is a visual method of identifying households relative to the distribution of different key land resources in a project area.
- The collection and documentation of data sets that can be managed and updated over time.
- The production of data that can be used as evidence of rights during land adjudication.
- Any land tool, approach, method or strategy – irrespective of whether or not they are GLTN tools – must meet these requirements if it is to be able to be effectively implemented or incorporated to achieve tenure security

PART VI

function that tool will contribute to a specific aspect of land use planning towards ensuring tenure security and other objectives. Land use planning can also serve as an entry point to enhance tenure security interventions. Nevertheless, it is essential to consider the following issues before considering combining tenure-responsive land use planning with other tools.

A local grassroot surveyor assists other community members to identify and draw boundaries of spatial units on top of satellite images, during the implementation of 'Application of Fit-For-Purpose land Administration tools and Approaches' project in Dolakha district of Nepal undertaken by Kadaster International, GLTN and UN-Habitat, Nepal Country Office. Photo © Kadaster International/ Paula Dijkstra.

A. HUMAN CAPACITIES FOR IMPLEMENTING TENURE-RESPONSIVE LAND USE PLANNING WITH OTHER TOOLS

The capacities that must be available if tenure-responsive land use planning is to be implemented with other tools at the country level include professional or para-professional land use planners, community organizing experts, gender and youth specialists. These individuals have general and expert knowledge of GLTN land tools, mapping and GIS personnel and beneficiary groups aware of their land use and tenure needs. To enhance capacities, formal and informal training sessions may be needed to improve the conceptual and practical know-how of those involved in tenure-responsive land use planning implementation.

B. TIMELINE FOR THE TENURE-RESPONSIVE LAND USE PLANNING PROCESS

Implementing tenure-responsive land use planning activities involves many steps, which concern numerous stakeholders, including local parties such as landowner groups, government agencies, land professionals, civil society, land investors, community leaders and members, etc. It is difficult to gauge how long it will take to carry out tenure-responsive land use planning because it will depend on many factors, including the availability of resources, size of the project area, ease of participation, frequency of conflicts and the bureaucratic hurdles involved in administrative processes. Whatever the timeline, it is crucial to outline strategies for different stages of the process as this will help to ensure that adequate funding is available for each step (including workshops, studies, training, administration of the project, and consultancies involved in the process itself, among others).

PART VI

IMPLEMENTING TENURE-RESPONSIVE LAND USE PLANNING WITH OTHER TOOLS: ISSUES TO CONSIDER

C. POSSIBILITY OF LINKING TENURE SECURITY WITH THE PLANNING PROCESS

It is essential to link tenure to land use planning in order to carry out tenure-responsive land use planning. This can be done by thinking of and executing activities in terms of mainstreaming 'tenure security' (through documentation, land information systems, etc.) and 'planning processes' (how to obtain agreements that promote development benefits for stakeholders). To succeed in executing these activities, a specific strategy or agreed 'road map' is needed for each stage of the process.

D. MANAGEMENT OF DISPUTES AND CONFLICTS INHERENT IN LAND USE PLANNING

Conflicts are bound to arise during tenure-responsive land use planning because of competing interests. It is essential to deal with conflicting and competing interests in land because tenure security emerges only when there is an absence (or reduction) of land conflicts. A primary strategy in executing every stage of the tenure-responsive land use planning process should include the resolution of land disputes and the avoidance of potential conflict situations in the ownership, use and exercise of rights and privileges during implementation and in the post-implementation stage of the process.

The strategy for securing tenure should include defining the borders of physical parcels and the land rights that subsist in them and the social relations that enable the exercise of those rights. This is only possible with the agreement of the groups whose land, rights and interests are at stake. A strategy is needed to deal with this. "Ways will need to be found to keep all the disparate organizations and interests engaged in the process. And if some do walk out, ways will need to be found to bring them back into the process again in a way that caters to their concerns but does not compromise the integrity of the process itself" (UN-Habitat, 2007, p. 8). All this must be done taking gender, youth and vulnerable groups into account and attending to any factors that may influence the process.

E. FACTORS THAT MAY INFLUENCE THE IMPLEMENTATION OF TENURE-RESPONSIVE LAND USE PLANNING WITH OTHER TOOLS

In most developing countries, weak land governance, ineffective land policies, land laws and planning procedures are biased against the poor. This results in the poor being unable to access or use the land they need to grow crops, build houses and establish businesses. Whenever a decision is made to implement tenure-responsive land use planning, it is essential to know what factors may threaten or facilitate its implementation. Apart from the availability of technical capacity and project finance, the key institutional factors that can influence the success of land use planning include:

- Availability of a development plan. Every country has a development plan on use of its land and resources. This plan may determine the preferred way of initiating tenure-responsive land use planning. For instance, if the national (regional or local) development plan is pro-poor and gender-responsive, it provides an environment conducive to tenure-responsive land use planning implementation. The converse is also true. It can also influence other tools incorporated with tenure-responsive land use planning in the implementation process.

- *The development control process.* As a matter of policy, law, rule or administrative precedent, every country has procedures to be followed to determine land use and type and intensity of development. Understanding that process is essential to knowing when and how best to initiate tenure-responsive land use planning.
- Stakeholder interests. Stakeholder interests may influence land use planning at any level. Those interests have to be understood to ensure that adequate participation is forthcoming. This is important as stakeholders must endorse every step of the land use planning process. Analysing stakeholder interests and creating a platform for their participation is crucial to securing tenure. Taking into account stakeholder interests is crucial to achieving the objectives of land use planning.
- Culture of participation in the planning process. The culture (and nature) of involvement in planning processes varies within countries, but it is essential to understand how much effort is required to promote citizen engagement and gender inclusiveness in the land use planning process since tenure-responsive land use planning (on principle and in practice) promotes much more involvement of beneficiaries and stakeholders in plan preparation. If the culture of participation is understood, the best ways can be found of promoting meaningful participation of relevant stakeholders at all stages of the planning process, and help to identify the land tools that can best be used to improve involvement in the land use planning process.

PART VII

IMPLEMENTING TENURE-RESPONSIVE LAND USE PLANNING WITH OTHER TOOLS: PROCESS AND ENTRY POINTS

PART VII

PART 7: IMPLEMENTING TENURE-RESPONSIVE LAND USE PLANNING WITH OTHER TOOLS: PROCESS AND ENTRY POINTS

As tenure-responsive land use planning is a direct tool for tenure security improvement (and has the flexibility to be incorporated with other tools), many other GLTN land tools (and third-party approaches) are capable of incorporation into it. In general, many GLTN tools (including participatory enumeration and STDM) can be combined with it. When it is deployed in country-level projects, other tools can be implemented with it to provide value additions in:

- The participation and capacitation (or empowerment) of stakeholders in the land intervention process.
- Data collection, analysis and use: these other tools allow the possibility of harmonizing data compilation procedures and formats. They enable consistent data collection between two (or more) tools. This means that their database systems are compatible and allow common data entry and database management between the different tools. The data produced can be used as evidence of rights during land adjudication.
- Gender and youth access to land and secure tenure. Access to land by youth and women (and their tenure security) is strengthened by inclusive planning and creating inclusive regulations during tenure-responsive land use planning.
- The exercise of a continuum of land rights in the use and management of land (and natural resources).
- The application of fit-for-purpose land administration.
- Opportunities for dispute resolution during procedures. This reduces any uncertainties in the use of land and exercise of land rights.
- Pro-poor land records give the poor access to the documentation about their land and land rights. This can serve as evidence in court, land arbitration or any forum where there is a need for proof to resolve land issues.

Any land tool, approach, method or strategy – irrespective of whether they are GLTN or third-party tools – must meet these requirements if they are to be effectively incorporated into the tenure-responsive land use planning tool to produce land use and tenure security outcomes. The benefits of implementing tenure-responsive land use planning with other land administration (and information systems-oriented) tools are enormous. They can contribute to poverty alleviation, securing tenure, management of land disputes, improving inclusive planning, natural resources management and environmental protection. The following sections explain how to implement tenure-responsive land use planning with other tools to achieve these aims.

A. PARTICIPATORY ENUMERATIONS AS AN ENTRY POINT FOR TENURE-RESPONSIVE LAND USE PLANNING

Many implementers of land interventions, especially GLTN partners, incorporate one or two land tools (or methods) to ensure low-cost or pro-poor and efficient implementation of their projects. The implementation of the tenure-responsive land use planning tool is pro-poor and efficient when implemented or incorporated with the GLTN participatory enumeration tool, especially in its planning, data collection and analytical approaches in the rural, peri-urban and urban contexts. The GLTN publication, *Count Me In: Surveying for tenure security and urban land management,*[10] outlines the idea of participatory enumeration. Participatory enumeration is a data-gathering process that is designed and

10 Available at https://gltn.net/download/count-me-in-surveying-for-tenure-security-and-urban-land-management/.

conducted with the involvement of the people who are being surveyed. It is an innovative approach, also known as community mapping, people's census and self-surveys.

Enumeration means 'to count', 'to list' or 'to ascertain the number of' (GLTN, 2010: 7). It is a significant activity in any land management or land administration procedure, implying the process of gathering statistical information about a community. In the context of the work of GLTN, participatory enumeration is a data-gathering process which is to a significant extent jointly designed and conducted by the people who are being surveyed. In some cases, the entire process is participatory, from inception, through design, management and implementation, to analysing and using the data. In others, participation occurs at specific points in the process, such as an initial consultation or information-sharing event, a point of boundary identification, or a process of public data verification. Participatory enumeration is not a stand-alone tool. *Count me in: Surveying for tenure security and urban land management* provides all the necessary details and steps for conducting participatory enumeration, a data-gathering and analytical process capable of being effectively incorporated into tenure-responsive land use planning.

B. INCORPORATING STDM IN TENURE-RESPONSIVE LAND USE PLANNING THROUGH THE ENUMERATION PROCESS

The GLTN tool, social tenure domain model,[11] plays a crucial rule in participatory enumeration. STDM is linked to participatory enumeration when used as an application to identify and map abandoned and encroached resources, so that people can see them on maps to inform decision-making. The use of STDM also helps in mapping all shared natural resources to encourage more investment and for better management of land resources.

Box 10: Combining participatory enumeration, STDM and tenure-responsive land use planning

Another significant (but not stand-alone) GLTN tool, social tenure domain model, is a flexible land information tool that can incorporate information about different land rights and claims. STDM provides a standard for representing flexible 'people-land' relationships. Any form of right, responsibility or restriction in a formal system is considered as a social tenure relationship in STDM. STDM emphasizes the relationships between people and land, independently of the level of formalization and legality of those relationships.

The STDM is a flexible land information tool that can incorporate information about different land rights and claims. It can be used as a tool for enumeration and can be used at every step of the enumeration process as a means of implementing tenure-responsive land use planning.

The STDM-based database provides (and can store) comprehensive socioeconomic and spatial data on land and natural resources. The data generated through participatory enumeration and geospatial mapping (using STDM) help to strengthen security of tenure in the use and ownership of land and natural resources through pro-poor and gender-responsive land records and documentation.

A participatory enumerations approach is a useful tool because it is flexible and adapted to different needs and contexts. This is why various organizations (including NGOs and community organizations, development projects and international bodies) and national and local authorities and other stakeholders have used the

11 For more on the STDM, see https://stdm.gltn.net/.

approach. The implementation of tenure-responsive land use planning fits the co-management approaches inherent in the participatory enumeration process. The participatory enumeration can viably serve as a planning platform (or background) and a data collection (and analytical) step in tenure-responsive land use planning to ensure improved tenure security. The enumeration steps to be taken in any particular project can be flexibly (but logically) specified by the implementers. "Various organizations that conduct participatory enumerations have their own general set of procedures" (GLTN, 2010, p. 22). This is what makes it a very flexible tool. The steps taken must work towards achieving collaborative objectives to incorporate tenure-responsive land use planning with participatory enumeration (or vice versa).

C. INCORPORATING YOUTH AND GENDER TOOLS IN TENURE-RESPONSIVE LAND USE PLANNING THROUGH THE ENUMERATION PROCESS

It is also crucial to ensure that tenure-responsive land use planning addresses youth and land issues equitably in order to achieve tenure security for all. Incorporating two GLTN tools, gender evaluation criteria [12] and youth and land responsiveness criteria (YLRC) [13] Is crucial for achieving this. These tools allow for the evaluation of gender and youth situations in land access and tenure security during enumeration.

Youth and land responsiveness criteria can be used to evaluate existing land tools in terms of their responsiveness to youth and to identify where and how they can be more responsive to youth needs and concerns for land. The tool also provides strong opportunities to involve youth actively in the process and to obtain first-hand knowledge of the experiences of youth in relation to land issues. Gender evaluation criteria can be used to check whether the tenure-responsive processes incorporate gender issues and to show how they can be adapted to integrate gender issues. These two tools need to be incorporated in order to take into account the situation of men, women and youth. Enumeration processes can help to produce gender-disaggregated and youth-relevant information to ensure that tenure-responsive land use planning processes do not suffer from gender-blindness or youth-ignorance.

D. STEPS IN IMPLEMENTATION OF TENURE-RESPONSIVE LAND USE PLANNING WITH PARTICIPATORY ENUMERATION

It is important for implementers to study the steps of participatory enumeration outlined in this guide in case participatory enumerations need to be incorporated with tenure-responsive land use planning. A typical participatory enumeration tool involves the following steps: planning and consultation, data collection (interviews), data validation, data capture and analysis, mapping and structure numbering, and enumeration reporting (and lessons). (See figure 2 for details.)

"To reiterate, there is no single methodology or procedure followed in participatory enumerations. How an enumeration is designed and implemented depends on both internal and external factors to the settlement to be enumerated" (GLTN, 2010, p. 19). An STDM-

12 For further information, see the GLTN publication *Designing and Evaluating Land Tools with a Gender Perspective* (2011), available at http://gltn.net/2016/10/11/designing-and-evaluating-land-tools-with-a-gender-perspective-2011/.

13 For more about the YLRC, see GLTN (2015), *How Responsive Is Your Land Programme to the Needs of Youth?* available at http://gltn.net/2016/09/06/how-responsive-is-your-land-programme-to-the-needs-of-youth/.

PART VII

IMPLEMENTING TENURE-RESPONSIVE LAND USE PLANNING WITH OTHER TOOLS: PROCESS AND ENTRY POINTS

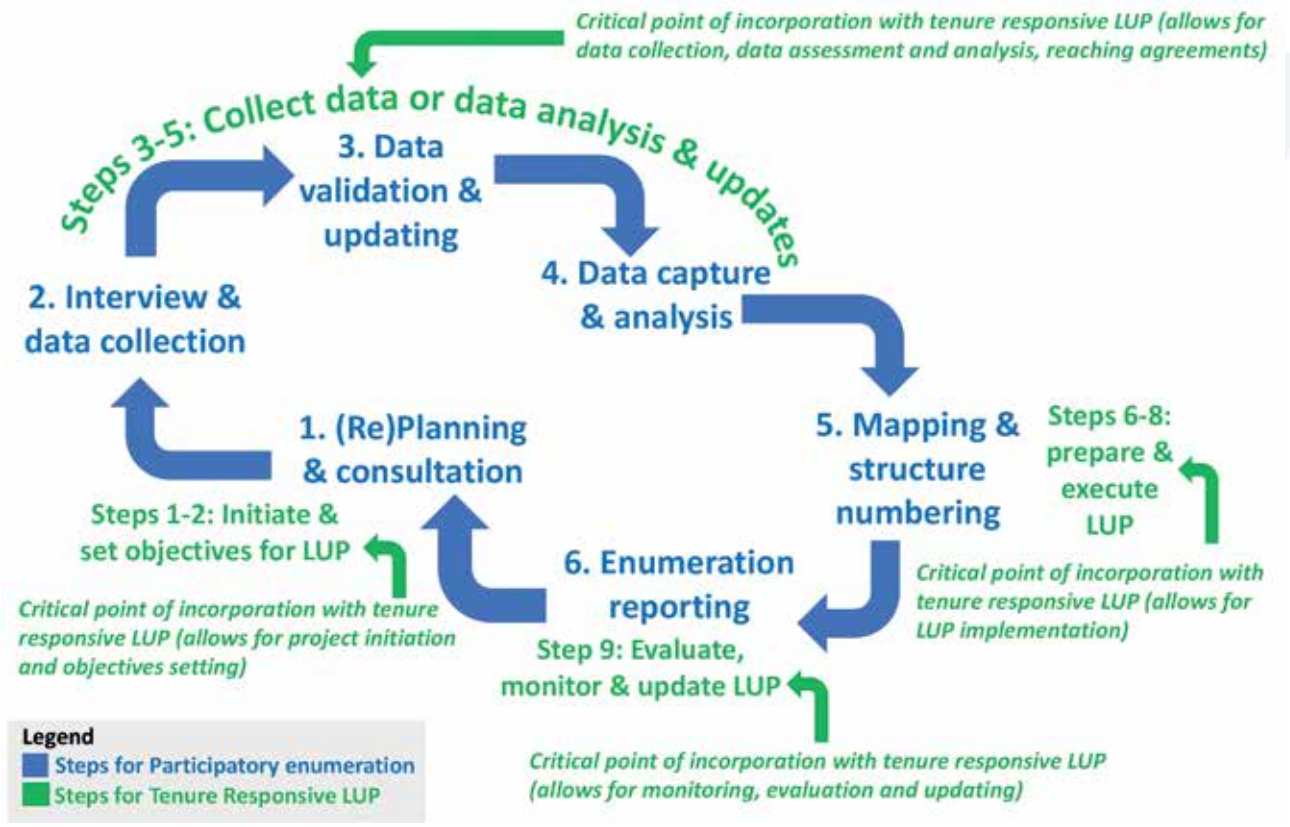

Figure 4: Points of implementation of tenure-responsive land use planning with participatory enumeration

based land information management system is crucial for the success of participatory enumerations, while following a set of guidelines to increase access to land for women and youth makes it pro-poor, gender-responsive and youth-empowering. The impact an enumeration process will have on tenure-responsive land use planning depends on how these factors are considered in the enumeration exercise. Figure 4 illustrates the critical points of incorporation or implementation of tenure-responsive land use planning with participatory enumeration. The process of co-implementation (or incorporation) with tenure-responsive land use planning is explained below.

- Combined activity 1: The planning and consultation in participatory enumeration can serve as the step for initiating and setting objectives for tenure-responsive land use planning. Participatory enumeration usually begins with a community planning meeting, where stakeholders share the enumeration objectives with the whole community. This should be a public meeting, welcoming to everyone, and should be well advertised in advance. In tenure-responsive land use planning, this phase can serve as a platform for initiating and setting objectives for the tenure-responsive land use planning. This is important because enumeration can affect the quality of the information on existing land uses.
- Combined activity 2: The data collection in participatory enumeration can serve as a step in tenure-responsive land use planning. In this stage, the enumeration team go house-to-house with questionnaires to interview households and

measure plots and house sizes. They will need pens, booklets, questionnaires, tape measures and chalk to do this. They will also need to introduce themselves to senior household members and explain the enumeration and the survey. In tenure-responsive land use planning, this phase can serve as a platform for collecting data and conducting a land-use inventory assessment and its documentation.

- Combined activity 3: The data validation stage of participatory enumeration can serve as the data assessment stage in tenure-responsive land use planning. In this stage, the analysed data is put through a verification process to ensure that they are valid and relate to the true situation on the ground in the community. This is when the survey forms used for data collection could be (re)checked by allowing the community members to assess and compile the data. In tenure-responsive land use planning, this phase can serve as a platform for verifying the data collected as part of the land use inventory and tenure assessment (and documentation). It can also be integrated into data collection and assessment (depending on the implementers' circumstances).
- Combined activity 4: The data capture and analysis stage of participatory enumeration can serve as the data assessment and analysis step in tenure-responsive land use planning. In this stage, the data from enumeration (having been verified by the community) is captured, recorded and analysed to understand their interpretations in the context of the objective of the enumeration. In tenure-responsive land use planning, this phase can serve as a platform for collecting and assessing data for the plan. It will involve capturing and analysing the land use and tenure (rights) enumeration and recording. This is done to secure tenure and appropriate land use patterns for the future.
- Combined activity 5: The mapping and structure numbering stage of participatory enumeration can serve as the plan preparation (including seeking approval) and implementation stage in tenure-responsive land use planning. In this stage, the mapping of the project area and designated land areas or parcels is done based on the objectives of the enumeration exercise. In the context of tenure-responsive land use planning, this stage will prepare (and gain formal approval for) the plan and its implementation. Please refer to earlier parts of the *Practical Guide* for the activities involved in this stage.
- Combined activity 6: The reporting and lessons stage of participatory enumeration can serve as the monitoring (including data updating) and evaluation steps in tenure-responsive land use planning. In this stage, the enumeration report is prepared based on detailed documentation of findings. These findings can be presented in the form of maps, charts, graphs, and narratives and recorded. Depending on the purpose of the enumeration, these records can be used in future negotiations and demands for resources and recognition of land rights. As this is the final stage in the enumeration process, it is always necessary to draw lessons to evaluate the entire process. In tenure-responsive land use planning, this phase can serve as a platform for monitoring and evaluation and linking the new data from tenure-responsive land use planning with existing land information systems. Monitoring and evaluation are necessary to ensure that the purpose of securing tenure and appropriate land use patterns for the future is maintained. It is also essential to evaluate outcomes and impacts and draw lessons for improving the tenure-responsive plan.

PART VIII

URBAN AND RURAL CONTEXTS WHEN APPLYING TENURE-RESPONSIVE LAND USE PLANNING IN COUNTRY-LEVEL INTERVENTIONS

PART 8: URBAN AND RURAL CONTEXTS WHEN APPLYING TENURE-RESPONSIVE LAND USE PLANNING IN COUNTRY-LEVEL INTERVENTIONS

A. APPLYING TENURE-RESPONSIVE LAND USE PLANNING TO URBAN AND RURAL AREAS: CROSS-CUTTING ISSUES

Tenure-responsive land use planning has very wide applicability. It can be used to address spatial and sectoral land-related challenges in urban and rural areas. This can take place in the form of a land management intervention regarding challenges related to:

- Climate change adaptation and mitigation. Tenure-responsive land use planning allows for strategies on climate change adaptation when it integrates the assessment of impacts and inappropriate uses and land rights aspects. The process can help identify areas for carbon sequestration and appropriate sites for renewable energy production (solar energy farms, hydropower plants, offshore wind and tidal bases, onshore windmill parks, etc.). This makes it relevant for preparing communities to deal with current and future climate change-related risks.
- Post-disaster reconstruction (or risk reduction) and post-conflict reconstruction. Tenure-responsive land use planning can help in the restoration of lost sociocultural and economic activities caused by human violence (war) or a natural disaster (flood, earthquake, tsunami, etc.). It can also be implemented to provide a new development vision after disasters.
- Sustainable natural resource management. In social and legal terms, natural resources also form part of land as they are located below or above land. Tenure-responsive land use planning can help to define the general allocation and uses of natural resources. It provides opportunities for improvements in tenure security in issues relating to water and forests.
- Coastal area and coastal resources management. Tenure-responsive land use planning can help to protect or conserve land areas (or the habitats of endangered species) that will be environmentally constrained by future damage. Tidal basins and coastal areas are among the areas that can benefit from the initiative, particularly by making coasts resilient.
- Sustainable agriculture and food security. Sustainable agricultural production and food security are directly linked. The two are also directly related to land use planning and tenure security. Hence, implementing tenure-responsive land use planning can lead to secure land rights, tenure security, better land use, better investment incentives, land productivity and food security.

Apart from the aforementioned areas of application, it is essential to note that tenure-responsive land use planning is a practical tool for addressing many challenges in the context of the urban-rural continuum. Understanding the urban-rural continuum perspective in which tenure-responsive land use planning can be applied is essential because many of the difficulties it seeks to mitigate are spatially diverse and exist in urban, peri-urban and rural areas. For instance, similar land-related challenges, such as settling land conflicts, mitigating and adapting to climate change, improving economic development, improving tenure security, achieving food security, protecting biodiversity and protecting people from natural disasters, exist in

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rural, urban and peri-urban areas. Therefore, tenure-responsive land use planning serves as an intervention for rural, urban and peri-urban development in GLTN country-level interventions. It is a veritable tool for tackling different land use challenges associated with spatial development. This is because "if at an early stage, a consensus on the land use can be negotiated by all conflicting parties and be approved by the responsible official institution making it legally binding, conflicts can be avoided" (GIZ, 2012, p. 11).

TABLE 8: EXAMPLES OF UNIQUE CHALLENGES IN RURAL, URBAN AND PERI-URBAN AREAS AND OPPORTUNITIES TO ADDRESS THEM USING TENURE-RESPONSIVE LAND USE PLANNING

Spatial areas	Examples of challenges unique to urban, rural and peri-urban areas	Opportunities offered by tenure-responsive land use planning
Rural areas	Poor rural economic growth puts pressure on land use, leading to: • Inequitable land distribution due to gender inequality in land access. • Insecurity of tenure caused by increasing effects of large-scale land acquisitions in rural areas. • Increasing food insecurity due to rapidly increasing lack of access to land for food production.	• It can serve as a combined strategy for communal land registration and tenure security. • It is a platform for negotiating equitable land access that can empower women, youth and vulnerable groups who would ordinarily have no access to land in rural areas due to gender-insensitive cultural land practices.
Peri-urban areas	Rural and urban lifestyles clash in peri-urban areas. This is caused by continuing urban expansion, which leads to: • Conflicting formal land markets and informal transactions. • Loss of water catchments and water resources due to the occupation of land for residential or commercial development. • Transitional challenges in which customary land rights enter the land market and become commodified. • The clash of various land uses (e.g., pastoral, agricultural, residential, commercial, etc.). • Loss of agricultural and forest land (and resources). • Exposure to natural disasters.	• It provides the opportunity to plan land uses and promote tenure concerns based on a rural-urban continuum. • It can help secure the tenure security of peri-urban residents and strengthen settlement patterns to conform to acceptable standards. • The data collection and analytical aspects of tenure-responsive land use planning can help identify the factors that motivate peri-urbanism within a settlement and its effects on people and the area.
Urban areas	Highly built-up spaces and population density result in urban land uses competing for limited space. Inability to fit many development needs into limited spaces leads to: • The proliferation of informal and slum settlements. • Environmental degradation and climate change-related risks. • Difficult mobility – of people, inaccessibility of infrastructure and lack of transportation infrastructure for the flow of goods and services.	• It contributes to adaptation to and mitigation of climate change because it can identify areas affected by climate change. • Informal settlement or slum upgrading can be planned and carried out using tenure-responsive procedures to ensure access by and tenure security of urban slum dwellers.

B. RURAL DIMENSION OF IMPLEMENTING TENURE-RESPONSIVE LAND USE PLANNING

Poverty reduction is a significant challenge in rural areas, but it is a problem that is directly linked to land use, ownership and productivity. Rural areas are generally highly dependent on land and natural resources for their livelihood, food security and economic development. Land tenure-related issues – including land fragmentation, inheritance rights, discrimination against women and youth, among many others – create land fragmentation, gender inequality, inappropriate land use practices, and unsustainable natural resources management. Solving these problems relies on improving tenure governance, a key objective that GLTN pursues by introducing tenure-responsive land use planning (and related land-use projects) in rural areas.

Most people in rural areas depend on customary or indigenous tenure systems to access, hold and exercise rights over land (and natural resources). Insecurity of tenure puts up barriers to appropriate land use and broad livelihood options. The GLTN, through its many land use projects in developing countries, works to secure land rights through the issuance of tenure-enhancing documents. For instance, the GLTN has conducted land use and tenure security projects that have led to the issuance of certificates that provide evidence of land rights to rural people in Uganda. Rural smallholder farmers can use these certificates to prove that they are the rightful owners of the land parcels they occupy. This gives customary tenure security to rural smallholder farmers. Such an intervention improves local capacities (and knowledge) on land issues. It also strengthens the development of rural areas. It allows beneficiaries to obtain land certificates that serve as alternative documentation to improve tenure security since de jure land titles are still costly to process for rural low-income communities. Moreover, since rural areas consist mainly of land assets and natural resources, tenure-responsive land use planning plays a crucial role in providing an opportunity to tackle tenure security and sustainable land use challenges.

C. URBAN PERSPECTIVE OF TENURE-RESPONSIVE LAND USE PLANNING IMPLEMENTATION

Prospective tenure-responsive land use planning is an approach to mitigating the risks of uncontrolled and rapid urbanization affecting land tenure regimes, land markets and land uses in urban areas (and especially in peri-urban areas towards which cities are expanding). In spatial terms, urban areas are unique because they are characterized by built-up spaces, occupied by large populations. Urban areas and cities therefore have limited space for development. The search for improved living conditions (usually in the form of better jobs, access to better infrastructure, health and the promise of economic prosperity, among many other reasons) pulls people to urban areas and cities. The growing urban population is already putting immense pressure on urban land and different urban needs (such as food security, infrastructure development, poverty eradication, the enjoyment of nature and leisure, etc.) dependent on land availability. The techniques necessary for adjusting land development options to fit within limited urban spaces are the goal of sustainable urban development, a vision that strongly aligns with the objectives of tenure-responsive land use planning.

Eradicating poverty by promoting urban economic development and employment requires the involvement or participation of local urban communities. Regreening degraded urban land to incorporate green spaces as a critical element in urban planning is essential for climate

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change mitigation. Most importantly, integrating slum dwellers (or people living in informal settlements) into the urban space is vital to an inclusive lifestyle. This implies securing the right of every urban dweller to affordable housing, a vision that cannot be achieved without prior land tenure security.

GLTN country-level interventions have an urban (including peri-urban) and rural focus. This allows GLTN to introduce measures to improve urban situations in its project areas. Through the application of tenure-responsive land use planning in urban areas, multiple land uses can be made available (and their functions can be effectively linked to the needs of urban people).

For example, GLTN-assisted projects in the Philippines have enabled homeless people in urban areas (specifically informal settlement communities) to build their capacity to play an active role in sustainable city planning processes. The GLTN-assisted project enables them to use its land tools (such as enumeration and STDM) to capture and store urban land information suitable for making informed decisions on their socio-spatial and economic living conditions.

Box 11: Why does GLTN apply tenure-responsive land use planning to rural, urban and peri-urban development in its country-level work?

Land use goes hand in hand with land tenure. Different functions and uses of land can imply different owners or users. A change in land use can therefore result in the displacement of current users. This is the case when a huge area is zoned as commercial farmland. Previously used and often owned by the local population, the land is now leased to strangers (national or foreign investors). The juxtaposition of different land tenure systems is another reason why land use and land ownership are closely linked. Legal pluralism and the poor recognition of local land rights mean that different individuals or groups can claim ownership or use rights over the same piece of land. Accordingly, investigation of property rights needs to be a central part of situation analysis, discussion and decision-making over future uses. Although most people clearly distinguish between three types of ownership (property regimes) – private, public (national, regional or municipal property) and common or collective property – ownership is often not clearly defined. For more on this topic, see GIZ (2012), Land Use Planning: Concept, Tools and Applications..

When applied in rural, urban and peri-urban areas, tenure-responsive land use planning provides a platform for properly defining land use and ownership (and rights), and improving people-to-land-to-people situations. Examples of GLTN-assisted projects in rural, urban and peri-urban areas include:

- A project in Zambia that has expanded beyond Lusaka to other town councils
- Projects concerning land use and tenure security that led to the issuance of certificates providing evidence of land rights in Pader (Uganda).
- Land certificates issued in Uganda to identify and recognize rural smallholder farmers as the rightful owners of the land parcels they occupy.

D PERI-URBAN PERSPECTIVE OF TENURE-RESPONSIVE LAND USE PLANNING IMPLEMENTATION

Typically, peri-urban areas are geographical units with undefined or unclear boundaries regarding physical borders, land rights and social interactions related to land. They share features with urban and rural areas, but they have additional features that differentiate them from urban and rural areas (see table 8). They therefore need specialists with knowledge of the how-to aspect of their development planning.

In land management, intervention involves engaging in decisions and activities through legitimate processes that lead to improvements in living conditions. Tenure-responsive land use planning (like many other GLTN land tools) is an interventionist tool based on land management principles and practices. That is why GLTN uses it in countries like the Democratic Republic of the Congo, Laos, Namibia, Uganda and Zambia to mitigate peri-urban challenges caused by growing pressures from environmental challenges and informal land tenure in urban areas, and the (re)planning of informal communities. One GLTN intervention in a peri-urban area is its Zambia project, which has expanded beyond the city of Lusaka to other town councils in the country. This shows that tenure-responsive land use planning presents an opportunity to (re)define land uses and tenure systems, leading to more explicit physical and tenure boundaries.

Digital enumeration in Freedom Square informal settlement in Gobabis municipality, Namibia. In March 2021, the Government, through the Ministry of Land Reform issued 988 land hold titles to nine associations in Freedom Square, with an additional 122 to be printed in due course. Photo © GIZ.

PART IX

TENURE-RESPONSIVE LAND USE PLANNING AND RELATED COUNTRY CASE STUDIES

PART IX

PART 9: TENURE-RESPONSIVE LAND USE PLANNING AND RELATED COUNTRY CASE STUDIES

The following sections provide examples that illustrate how GLTN-assisted projects have employed tenure-responsive land use planning principles and practices in Uganda and the Philippines.

A. PARTICIPATORY SLUM DEVELOPMENT PLAN FOR KISENYI, UGANDA

1. Kisenyi slum and the objective of the project

Kisenyi is in the Kawempe Division of Kampala. The Kisenyi slum evolved from a rich swampy land area previously used for agriculture. The slum is close to the central business district and occupies three of the division's thirteen parishes. Currently, it hosts about 25,000 people working in the abattoir and petty trading (and market-related) businesses. Its proximity to the central business district means that the slum is located on potential prime real estate land. "The slum faces tremendous market pressure and is consequently gentrifying at a rate that is alarming for the urban poor. As small parcels of the slum are bought out and re-developed, the residents, many of whom are the reason for the central business district's colourful and vibrant informal economy, are being pushed out" (Dobson and others, 2014). Attempts by the Ugandan Government to administer the slum are hampered by the fact that it lacks any formal plan and because of the complex tenure system in Uganda). This exacerbates existing tenure insecurity situations suffered by residents at the hands of absentee landlords. The core objective of the project was to make the slum more liveable through a planning process that responds to the tenure needs of the people.

2. Implementing partners and their roles

The GLTN partnered with the Ministry of Lands, Housing, and Urban Development, the National Slum Dwellers Federation of Uganda, the divisional authorities of Kampala, ACTogether, Comic Relief and Shack/Slum Dwellers International to work towards a participatory pro-poor strategy to planning that embraces the realities in the slum. The key implementing partners and their roles include:

- GLTN/UN-Habitat: Supported funding, technical support, Government engagement and tools (capacity development and support).
- Shack/Slum Dwellers International: Supported with local negotiations with Kisenyi residents and landlords, and provided the necessary political, technical and administrative support to overall project implementation.
- National Slum Dwellers Federation of Uganda: Conducted the negotiations with both residents and landowners of Kisenyi slum.
- ACTogether: The main actor in the project, ACTogether provided technical and informational support to the National Slum Dwellers Federation and community leaders and members in its project implementation. It also enabled communication between global institutions and national- and local-level stakeholders.
- Comic Relief: Was engaged as a development partner/donor in Kampala
- Ministry of Lands, Housing, and Urban Development: Provided the political and administrative support for overall project implementation.
- Kampala Capital City Authority: Made planning inputs by formulating slum development plans.
- Divisional authorities of Kampala: Provided institutional support.

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A typical outlook of the Kisenyi settlement in Kawempe Division, Kampala, Uganda, one of the study areas and home to about 25,000 people working in an abattoir and petty trading (and market-related) businesses. Photo © UN-Habitat.

- Kisenyi residents: Led the conceptualization and implementation of the slum development plan.
- Makerere University: Involved through the Department of Architecture and Physical Planning in providing knowledge support.

3. Key implementation activities

The activities involved in the implementation of the project were:

- Sensitization and consultation. Consultations at both the local and national levels. Consultations at the national level entailed gaining the input and endorsement of national stakeholders. In contrast, sensitization at the local level ensured that residents of Kisenyi understood the need for the project and led it based on their priorities and needs. This process also allowed development of an implementation plan, agreement on roles and responsibilities, including identifying and mobilizing the necessary support and resources.
- Community development planning. Creating visions to provide infrastructure, expand existing infrastructure and negotiate new ways of improving land development standards and ensuring tenure security.
- Participatory mapping. Organizing the Kisenyi community members to negotiate and decide on their development vision. The people aspired to inclusive development of their slum as an integral part of Kampala urban development.

- Preparation and mapping and implementation of the plan. Mapping existing structures using satellite imagery to produce area maps, meetings between residents and landlords (structure landlords and owners of the land), and determining where and how to improve existing infrastructure. Handheld GPS units were used to identify community facilities such as road access points, water points, public toilets, etc. and update maps accordingly.

4. Major outcomes and impacts

Implementation of the plan resulted in enhanced liveability of the target areas in the following ways:

- The plan allowed for more space for roads. This led to the creation of new access roads and the expansion of existing ones.
- The residents who did not know their structure landlords had the opportunity to establish new tenancy relationships. This means that potential tenants engage landlords during land sales or related transactions. Landlords may be landowners or owners of structures (structure owners) and in some cases both. Two types of tenants exist: tenants on land and tenants of structures. The former can own structures and be landlords to the later. These sets of land rights holders had their rights clearly defined and their responsibilities to each other decided..
- The Kisenyi residents have developed a closer relationship with Kampala Capital City Authority, which means that they are duly consulted on issues concerning the general development of Kampala.

5. Challenges and lessons learned

The development plan had spatial (physical) and social aspects. The spatial aspect focused on organizing spaces for better living conditions. The social element focused on improving social cohesion among residents. These situations led to the establishment of specialized committees to implement and monitor various aspects of the plan.

- The main challenge is that the Ministry cannot issue approvals due to strict regulations on space, although activities are approved by community- and district-level authorities. This is due to existing physical planning regulations and standards which are not responsive to the context in informal settlements.
- Severe land challenges persist in Kisenyi, challenges the community hopes to integrate into their plan. The settlement still needs to develop green areas and drainage systems by introducing a flood protection plan.

B. PARTICIPATORY DATA-GATHERING FOR EVIDENCE-BASED PLANNING IN MUNTINLUPA CITY, THE PHILIPPINES

1. Muntinlupa City and the objective of the project

Muntinlupa is one of 16 cities that comprise Metro Manila, the National Capital Region (NCR) of the Philippines. As of 2015, it had a population of more than 500,000. A significant part of the economic development of the city comes from trade and industry, real estate and information technology, making it a vital investment hub, both for the NCR and the Philippines as a whole. But the city houses hundreds of

informal settlements of various forms, structures and locations, which makes effective urban governance and infrastructure access difficult, especially as spatial information is diverse but inaccessible for efficient decision-making.

In 2015, the GLTN began a successful partnership with local organizations that sought to build the capacity of informal settlement communities to play an active role in the sustainable planning of Muntinlupa. STDM tool and process were later introduced in a project called "Use of STDM to enhance development initiatives in the Philippines". The key objective was to enable the collection and management of accurate land information, including the development aspirations, of the people living in informal settlements in Muntinlupa.

2. Implementing partners and their roles

Actors in the project include the Technical Assistance Movement for People and Environment Inc. (TAMPEI) and Homeless People's Federation Philippines Inc. (HPFPI), under the umbrella organization Philippine Alliance with GLTN. The key implementing partners and their roles included:

- World Bank: In 2014, it provided the funds to support mapping activities for implementation of the project "Citywide Development Approach to Informal Settlements Upgrading", in close partnerships with government authorities and poor urban communities, to scale up slum upgrading efforts through the mapping of all informal settlements, developing a city-wide shelter development plan, and systematically allocating resources.
- Philippine Alliance: The Homeless People's Federation Philippines Inc. (HPFPI) and Technical Assistance Movement for People and Environment Inc. (TAMPEI): Provided on-the-ground support for community engagement, Government involvement and capacity development exercises.
- GLTN: Facilitated and funded the continuation of city-wide mapping exercises built on the previous project initiated by the World Bank. It provided capacity training and support for the use of STDM.
- Muntinlupa Development Foundation: Provided local support for the implementation of the project.
- Muntinlupa City Council and *barangay* (smallest administrative division in the Philippines) councils: These councils helped to provide institutional support.

3. Key implementation activities

The activities involved in implementation of the project are described below.

- Sensitization discussions with Muntinlupa City Council and the *barangay* councils. Discussions and meetings were held to understand changes in the area that would be of benefit to residents and integrate those changes into the project objectives.
- Community engagement and mobilization. To facilitate organization of the homeowners' association.
- STDM and mapping training. Training workshops were held to capacitate the relevant stakeholders, especially members of the TAMPEI and HPFPI, in using STDM and its application for urban management.
- Enumeration and mapping using STDM. This was done to map the area, one *barangay* after another.
- Planning workshop on integrating capacity-building and community upgrading proposals into the city's Annual Investment Plan (AIP).
- Writing workshop to document community-driven experiences and facilitate a national-level summit to

A data validation exercise in Muntinlupa, Philippines. Nearly half of Muntinlupa's 460,000 residents belong to the urban poor sector, mostly living in informal settlements without tenure security and access to basic services such as power, water and sanitation. without access to basic services such as power, water and sanitation. Photo © TAMPEI.

scale up city-wide development initiatives to promote inclusive land tenure security. The procedure was participatory, focusing on documenting city land-related challenges and possible ways to meet them.

4. Major outcomes and impacts

Apart from the mapping the area, the participatory and community-driven processes used to implement the project have created a platform for community members to bring their concerns to the table. This has been made possible through their active engagement and participation in capacity-building activities that have built their awareness of and confidence to pursue their rights to secure tenure. In general, implementation of the project resulted in enhanced liveability in the following ways:

- A learning hub for data capture and analysis has been established in Muntinlupa and is managed by TAMPEI and HPFPI.

- About 186 informal settler communities have been mapped in eight *barangays* located in risky and safe areas where information on private and government land has been captured.
- At the *barangay* level, a *barangay* shelter plan has been established in Muntinlupa, Sucat *barangay*. The plan is expected to be replicated and adapted by other *barangays*.
- A technical working group composed of community leaders from the eight *barangays* was formed to give a voice to the urban poor, specifically the informal settler families, regarding their inclusion in the city's planning.
- The outcome of the mapping and enumeration exercise presented to the local housing board has led to TAMPEI and HPFPI being recognized as critical organizations working in informal settlements. As a result, they have been given vital positions on the local housing board. This has given a policy voice to the urban poor in Muntinlupa City.
- Partnership with academia and professional organizations. TAMPEI and HPFPI collaborate with the Department of Geodetic Engineering (University of Philippines) in community mapping, mapping fieldwork and data-processing techniques (including data validation and presentation).

5. Challenges and lessons learned

One challenge was that, at first, some community members were sceptical and did not participate, while the local authorities were not supportive and did not participate actively.

Lessons from this project concern the fact that local people in informal settlements can become resource persons to informal settlement upgrading if they are given the necessary capacity development. In this case, their capacity to use STDM has empowered them to have a voice in policymaking and disseminate their experiences to other informal settlements so that they can learn from them.

PART X

IMPLEMENTING TENURE-RESPONSIVE LAND USE PLANNING IN CHALLENGING SITUATIONS

PART X

TENURE-RESPONSIVE LAND USE PLANNING AND RELATED COUNTRY CASE STUDIES

PART 10: IMPLEMENTING TENURE RESPONSIVE LAND USE PLANNING IN CHALLENGING SITUATIONS

A. THERE IS NO PLANNING LAW OR LAND USE PLANNING IS CHALLENGING TO IMPLEMENT

Sometimes there is no specific law or planning framework (although this is rare) to guide land use planning in a particular country. It is also possible that specific laws and planning frameworks exist, but the process is challenging to implement due to lack of capacity. There may also be a demand for tenure-responsive land use planning, but no law (or one that is challenging to apply). In such cases, implementers should consider the following:

- Capacities need to be built (through specific capacity development exercises) before any challenging aspect can be resolved.[14]
- It is also possible that there are laws, but they are incompatible with some of the steps recommended here (procedures may be different or some aspects, such as participation and gender equity, may not appear in existing legislation). Where this is the case, it is essential to adapt procedures to suit local needs so that laws are not broken.
- If there is community demand for tenure-responsive land use planning but no law to implement it (or a law that is challenging to apply), other strategies could be employed. For example, the process can be carried out with the support of local authorities or implementing partners by ensuring that applicable community rules are developed and used. What is important is that these community rules must not conflict with existing law.

If there is no law or planning framework to guide land use planning, implementers can take the following actions to mainstream tenure-responsive land use planning in the ongoing development activities of the country at the community level.

- **Seek provisions in national development agendas, national development (or land use) programmes, sectoral policies, strategies and land use project implementation (e.g., in urban, rural and peri-urban areas) to find mainstream tenure opportunities responsive to land use planning.** There is always a chance that, in the absence of specific laws and planning frameworks, one of these instruments exists. If this is not the case, a legitimate community-based tenure-responsive land use planning process becomes imperative, provided it has the support of local authorities and if the prescribed procedures do not violate the law. Such a community-based approach can be adapted from the generic procedures of tenure-responsive land use planning.
- **Follow a community-focused procedure adapted to existing development administrative rules and regulations.** Where no laws exist, there will always be some existing administrative rules and regulations under which land-related development projects are implemented. It is possible to facilitate communities to create their preferred rules and regulations (or an action plan) that can be adapted to these existing rules and regulations to allow for land use planning implementation.

14 The GLTN has developed a yet-to-be-published one-day training guide that land professionals or those engaged in tenure-responsive land use planning implementation can use for quick capacity-building. The document is provisionally entitled Doing Tenure-responsive Land Use Planning: A One-Day Training Guide for Land Professionals.

- **Connect land use planning to other land use or planning-related community-based or area-based projects at the local level.** The GLTN implements tenure-responsive land use planning as a community-based initiative. This is because it is essential for all communities in every country to be involved in land use planning. Land-related challenges affect communities directly, so efforts to tackle these problems cannot be made without involving communities. Communities need to be armed with the information and capacity to deal with the issues they face. Their involvement in land use planning initiatives creates a platform for engaging them directly. The many community-based or area-based projects that could give a platform to launching tenure-responsive land use planning at the country level include community forestry planning projects, community-based natural resource management projects, agricultural intensification and food security projects and post-disaster planning projects, to mention a few.

B. CONNECTING LAND USE PLANNING TO COMMUNITY AND AREA-BASED PROJECTS

Land and natural resources related to community-based projects provide community members with the resources, information, and capacities they need to improve their living conditions. Community-based projects include a variety of supports and capacity development services (for women, youth, and members of communities), which normally focus on community developmental needs. Land-related community-based projects include, but are not limited to, public housing provision, afforestation projects, irrigation and water reclamation projects, agricultural assistance programmes, women and youth empowerment projects, etc. Integrating land use planning into community or area-based initiatives strengthens both processes as they share strategic and operational synergies. The introduction of land use planning in community projects would give communities (and other stakeholders) the opportunity to hold transparent debates about land use decisions. This can give landowners and rights-holders opportunities to find flexible and equitable solutions to conflicting land uses. The engagement of citizens promotes the welfare of present and future generations.

In many ways, land-related community or area-based projects and land use planning are complementary processes. Both rely on socio-spatial data to identify priority land areas for uses that would benefit people. Both are based on taking action (based on future projects) to influence land and make decisions to ensure sustainable development. Both involve similar coordination of processes. This makes it possible to connect them as part of a strategy in the broader development process at the country level.

Figure 5 illustrates the connections between land use planning and community or area-based projects with a land or natural resource focus. Each can serve as a platform for the implementation of the other; that is, there is room to implement land use planning in community or area-based projects and vice versa. Community or area-based projects have something in common with land use planning. Both envision the future. Generally, land use planning helps communities to envision their future in the context of land use.

PART X

TENURE-RESPONSIVE LAND USE PLANNING AND RELATED COUNTRY CASE STUDIES

Box 12: Any community or area-based projects that allow land decisions can be connected to land use planning

Most land or natural resource-related community or area-based projects either require land use conversion and planning or allow for them where necessary. Any development project with land use or natural resources management as top priority issues can be connected with land use planning. For example, community land or forest conservation, community-based natural resources management, community land consolidation or readjustment and community development or territorial development (and many others) require appropriate or rational land use management and planning as part of their procedures. Land use planning can be connected to projects of this nature through their planning steps and implemented using the rules and regulations for these specific projects and community agreements on how land uses should be decided to ensure improvements in tenure security.

The absence of a specific planning framework or law can in this case be an opportunity rather than a setback to the process. Introducing land use planning as an element in a broader community or area-based project can benefit both communities and the environment. It can also set a planning precedent for implementing other such initiatives.

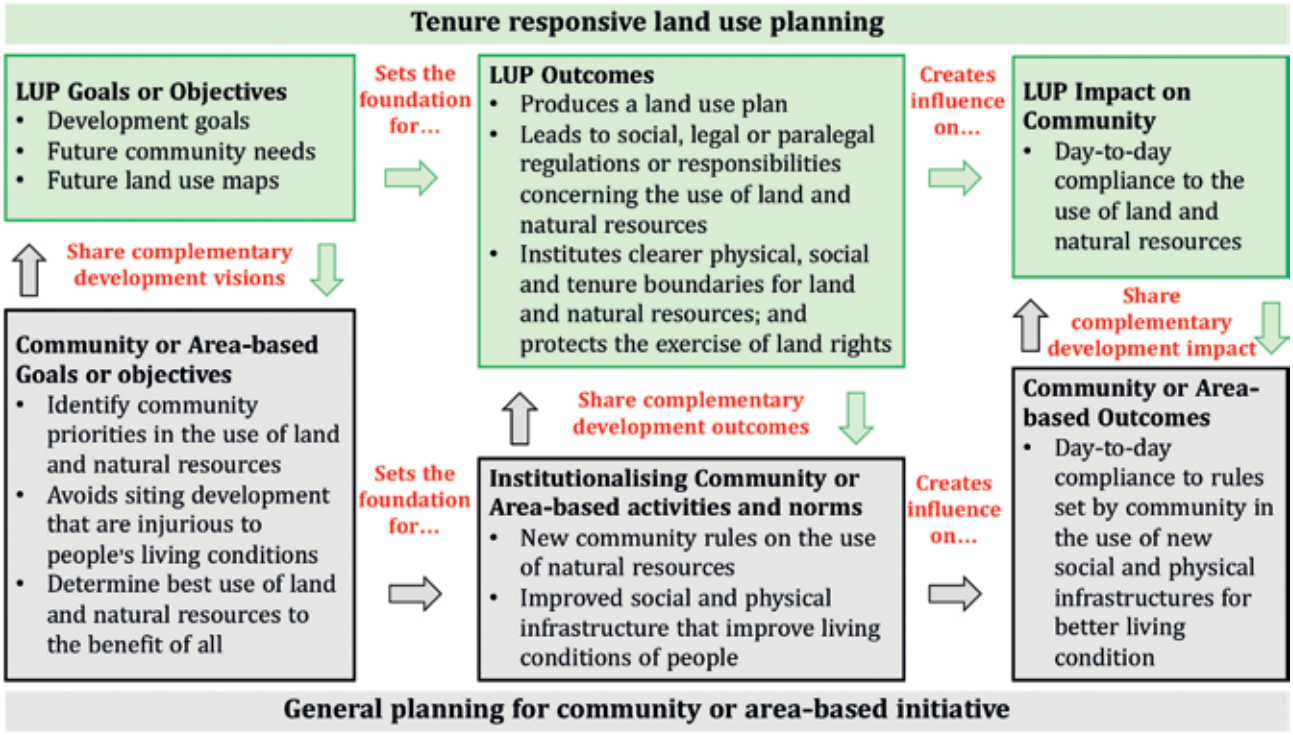

Figure 5 : Connecting land use planning to community or area-based projects (areas of complementarity)

However, tenure-responsive land use planning combines land use aspirations with tenure security goals. Many community or area-based projects related to land and natural resources follow fundamental steps that apply to land use and general planning procedures (socially, administratively or legally). Hence, when there is no specific planning law or land use planning regulations (which can make it challenging to implement land use planning), the best way to implement tenure-responsive land use planning is to connect it with existing community or area-based projects. This can be done by introducing land use planning activities in areas where they complement a community or area-based project.

C. APPLYING LAND-BASED FINANCING TO TENURE-RESPONSIVE LAND USE PLANNING

One significant challenge implementing partners face is the availability of the financial resources necessary to support tenure-responsive land use planning implementation. Implementing partners may seek opportunities to broaden the scope of their finances for the work they do. They may have to make the tenure-responsive land use planning process self-financing in post-implementation monitoring. Whatever the case, it is essential to bear in mind that the extent to which tenure-responsive land use planning can deliver more qualitative (ensuring greater tenure security) and quantitative (securing tenure for more people) outcomes depends on resources. The use of land-based financing is crucial.

Land-based financing is a flexible set of instruments that can be adapted to a variety of institutional and cultural contexts. It aims to enhance the availability of resources for local development. Improved local finances and the ability to improve local infrastructure and service provision can have far-reaching social and economic benefits. Land-based financing also tends to have fewer negative impacts on private investment than other types of revenue tools and can even have positive spatial and social impacts. This combination of potential financial, economic, spatial and social benefits is the reason that it has become a hot topic internationally in recent years. The GLTN has developed a training package for people seeking ways of understanding possible funding for land-based interventions.

The GLTN encourages its implementing partners and local authorities (and communities) to seek funding, where possible, to finance their work. However, they should bear in mind the risk of receiving financing from funding stakeholders (whether local or international, private or public) with a specific interest in the outcome of the planning process. This is important because land use planning in general is not simply a technical and neutral instrument, but usually represents the interests of the stakeholders who implement and fund the process. Land-based financing is a flexible and adaptable set of instruments with revenue-generating potential and often better economic, spatial, and social impacts than other revenue tools. *Guide* users seeking to fund their tenure-responsive land use planning are advised to consult the GLTN tool *Leveraging Land: Land-Based Finance for Local Governments. A Reader.*[15]

15 Available at https://gltn.net/download/leveraging-land-land-based-finance-for-local-governments-a-reader/?wpdmdl=9157&refresh=5e25307eab9071579495550.

PART XI

SUMMARY

PART XI

PART 11: SUMMARY

The *Practical Guide* has been prepared to enable land use planning implementers to understand the best ways of taking a tenure-responsive approach to carrying out their tasks at the country level, especially as it pertains to GLTN country-level interventions.

Given the complex array of land use and tenure security challenges facing many developing countries (in Africa, Asia and Latin America), as well as Australia, the Guide has set out an approach based on tenure-responsive land use planning that is capable of:

- Extending tenure security improvements as part of the functions of land use planning;
- Ensuring that appropriate land use leads to increased food supply to reduce hunger as part of land use planning functions;
- Instituting gender equality in the ownership and exercise of land rights through land use planning implementation. In many developing countries, women, youth and marginalized groups often remain cut off from land access;
- Improving land use and tackling tenure security challenges using pro-poor land tools technology (such as the STDM of GLTN and many other approaches applied by other organizations); and
- Embracing environmentally sensitive behaviour in land use to reduce land degradation and climate change challenges as part of the functions of land use planning.

PART XII

CONCLUSIONS

PART XII

PART 12: CONCLUSIONS

Tenure-responsive land use planning is a systematic element of land policy implementation and therefore a substantial part of sustainable land governance interventions. The steps involved in tenure-responsive land use planning are neither fixed nor rigid, but intended to be adapted to existing situations in any jurisdiction where the tool is implemented.

It is important to note that appropriate use and secure land tenure are immediate outcomes, but their impact should be the central vision of every land use planning process. When appropriate land use and tenure security are sustained, it can lead to food security and sustainable urban or rural development (Chigbu and others, 2019), but it is difficult to achieve such impacts through land use planning without incorporating different tools capable of scaling up the process.

As tenure-responsive land use planning is a multidisciplinary process, its implementation should not be limited to a specific person, organization or profession, but should be a collaborative process in which those whose land is at stake play a prominent role to ensure greater impact and accountability. The leading implementer of a tenure-responsive land use planning project may have any land-related professional background, provided they have the requisite technical experience and qualifications in land use planning or tenure security. They should act mainly as a facilitator and coordinator and allow local people and other stakeholders to contribute to the implementation process. They must have the capacity to act as a moderator and a firm commitment to addressing land management issues. They must be expert generalists in land management, land tenure, land use planning and land administration. To successfully use the *Practical Guide* to engage in effective land use planning, implementers should have the necessary commitment and experience to adapt the steps outlined here to the country context of their operations. Therefore, the question of who should spearhead land use planning should be taken seriously.

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UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME (UN-HABITAT)

UN-Habitat helps the urban poor by transforming cities into safer, healthier, greener places with better opportunities and where everyone can live in dignity. UN-Habitat works with organizations at every level, including all spheres of government, civil society and the private sector, to help build, manage, plan and finance sustainable urban development. Our vision is cities without slums that are liveable places for all, which do not pollute the environment or deplete natural resources. More information at www.unhabitat.org.

NAMIBIA UNIVERSITY OF SCIENCE AND TECHNOLOGY (NUST)

NUST is a public institution located in Windhoek, Namibia. Established in 1996 and known as Polytechnic of Namibia until 2015, NUST has a long history dating back to 1980, when it started teacher training and secretarial courses. Today, the University is ranked as the best higher education institution in Namibia. It is recognized by the African Union (through its Network of Excellence on Land Governance initiative) as a Centre of Excellence on Land Governance in Africa. For more information, visit www.nust.na

THE GLOBAL LAND TOOL NETWORK (GLTN)

GLTN aims to contribute to poverty alleviation and the Millennium Development Goals through land reform, improved land management and security of tenure. The network has developed a global land partnership. Its members include international civil society organizations, international finance institutions, international research and training institutions, donors and professional bodies. It aims to take a more holistic approach to land issues and improve global land coordination in various ways. For further information, visit the GLTN web site at www.gltn.net.

ABOUT THIS PUBLICATION

Tenure-Responsive Land Use Planning: A Practical Guide for Country-Level Intervention shows how to ensure that land use planning improves tenure security in developing countries. It presents steps for implementing tenure-responsive land use planning in GLTN country-level interventions. Though it is not a blueprint for tenure-responsive land use planning, it outlines procedures that can be adapted to land use and tenure situations in various developing countries.

While the *Practical Guide* is designed for GLTN implementing partners carrying out GLTN-supported interventions, it can also be used by other partners or practitioners with similar objectives acting as GLTN implementing partners. Other potential users include all those who have opportunities to incorporate land use planning into existing or future GLTN-supported interventions. The *Practical Guide* explains how to implement tenure-responsive land use planning in conjunction with other tools at the country level. It will help government officials and practitioners to evaluate land use policies and make informed decisions about strategies for improving tenure security. It will also be useful for those executing land use planning or land or natural resource management projects that involve planning and tenure security improvement, and for anyone who wants to quickly grasp the nuts and bolts of conducting land use planning in a way that preserves and improves tenure security.

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