SIDE EVENT 6:
Good land administration and sustainable urban development
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Good land administration and sustainable urban development


Organized by: RMIT University, Melbourne and UN-Habitat
Moderator: Prof. Darryn McEvoy, RMIT University
Speakers:
• Mr. Luke Kiddie, Lecturer, Victoria University of Wellington
• Mr. Alexei Trundle, PhD Candidate, University of Melbourne
• Prof. Jaap Zevenbergen, University of Twente ITC

The capital cities of the South Pacific are currently experiencing rapid urbanisation pressures as increasing numbers of rural people migrate to the primary cities either in search of employment and greater access to healthcare and education, or as a consequence of environmental “push” factors in their homelands. However, the limited capacity of municipal Government in Small Island Developing States (SIDS) to respond to the scale and pace of change is leading to a significant growth of informal settlements in urban and peri-urban locations. These unplanned settlements are often located in high-risk areas and are mainly comprised of poor quality housing with limited access to services; with new settlers often lacking the adaptive capacity of other more established urban dwellers. This urbanisation process is therefore creating new climate risks. Settlements in peri-urban areas can also be contested and sometimes lead to conflict. Given the complexity of property rights, and the duality tensions that exist between Western-influenced land tenure arrangements within cities (a legacy of colonial times) and customary arrangements that operate in the surrounding peri-urban and provincial areas, land administration solutions will need to bridge city and customary laws and practices if they are to be locally acceptable. This side event not only highlighted critical land tenure issues for Honiara’s peri-urban areas but will also seeked to explore what role international best practice has to help facilitate good land administration, in turn enhancing the climate resilience of Honiara (and other Pacific cities) and ultimately leading to a more sustainable pathway.
GOOD LAND ADMINISTRATION & SUSTAINABLE URBAN DEVELOPMENT

Prof. Darryn McEvoy, RMIT University

Good land administration and sustainable urban development

Prof. Darryn McEvoy
RMIT University, Melbourne
Pacific Urban Forum, Nadi 2019

Climate Resilient Honiara

- 4-year project funded by UNFCCC Adaptation Fund and administered by UN-Habitat. RMIT University provide scientific support. HCC and SIG are project leaders.
- Community level (community profiling, climate action plans and engineering solutions)
- Ward level (communication of climate risks with women and youth, urban agriculture, nature-based solutions, climate resilient infrastructure e.g. evacuation centres, CCA / DRR training of ward councillors, and responsible land administration in peri-urban areas).
- City level (training and short professional courses in Honiara and Melbourne).
Vulnerability Hotspots in Honiara

Speakers

  *Introduction to the Honiara context.*

- **Alexei Trundle**, University of Melbourne, Australia.  
  *Peri-urban challenges in informal settlements (Honiara and Port Vila).*

- **Prof. Jaap Zevenbergen**, University of Twente, Netherlands.  
  *Reflections on the expert workshop, and lessons from international best practice.*
Informal settlement in Honiara

Dr Luke Kiddle, School of Geography, Environment & Earth Science, Victoria University of Wellington

Snapshot

- Greater Honiara growing quickly
- Approx. 40% of Honiara’s municipal population now living in informal settlement areas
  - 4,000 households (around 28,000 people)
  - In 36 formal ‘Informal Settlement Zones’ in municipal Honiara
  - And other informal settlement pockets across town
  - Settlement traces back to 1960s
- Quickly expanding informal settlement areas on peri-urban land outside of municipal Honiara in Guadalcanal Province
  - Numbers unclear
  - Access arrangements varies
- All areas: Patchy services and typically located in environmentally hazardous areas
- Honiara’s housing profile divided
  - Highly expensive formal housing areas
  - Informal settlement areas
- No low-income housing provision from the State or other providers
Informal settlement zones

Current and project growth
Hazard risk

Importance of home gardening
Intervention

• Informal Settlement Zones: transference of Temporary Occupation licenses to FTE (formalization) & subdivision planning
  • But low uptake of FTEs
  • Why? Perceived security of tenure relatively high(?)
• UN-Habitat support Participatory Slum Upgrading Programme (PSUP):
  • Profiling
  • Informal settlement upgrading strategy: likely a pilot approach
• Small-scale project interventions (e.g. WASH from NGOs)
• Currently little focus on areas outside of the Honiara town boundary:
  • Why: land tenure confused & contested
• What’s also important: nuanced understanding of often unique informal settlements

Peri-Urban Challenges in Informal Settlements: Hybrid Land Governance

5th Pacific Urban Forum, Nadi
Acknowledgements:
The communities, governments and civil societies of Port Vila & Honiara
The University of Melbourne’s School of Design, Melbourne Sustainable Society Institute, and Climate & Energy College
UN-Habitat Cities & Climate Change Initiative / Regional Office for Asia & the Pacific

34.6 percent of ni-Vanuatu currently live within the combined urban areas of Metropolitan Port Vila and Luganville, 10 percent above official figures and already a larger share than the UN projections for the country to 2050.

"At home, mostly hemi somehow mi garem different from hemi garem stap lo town. Life at home is easy, you getem things free, free fish, free water, but lo here ... some culture is stap, and the differences, it is different in town because some things stop, and the influence of others compared to the island is different. Lo home now, em climate change the islands seeing sea rise, wash houses out from the village, serious, yeah. Climate change hemi wanfela issues falla lo home, some damage from climate change. House mifala, islands, are small. Nowhere to go." - Community Rep. (OJHH2)
Differentiating Peri-urban Informality in Melanesia

The garden boundary – understanding the unzoned

Source: McEvoy et al. 2018
Alienation, Urban Elites and Neocolonialism

Natives and Settlers on the New Hebrides Frontier, 1870-1900 (Thompson, 1981)
“The formation in New Caledonia in 1882 of the Compagnie Calédonienne des Nouvelles-Élébrides ... had the avowed aim of turning the New Hebrides into a French colony
... a new principle of massive alienation of land had been introduced into the islands. And naturally the company’s British competitors followed suit. They devoted little or no time to niceties such as seeking out the true owners, precisely delineating the boundaries, or carefully explaining the concept of permanent alienation.”

Urban Land Grabbing by Political Elites (2017) (McDonnell)
“over the last 15 years, Vanuatu has experienced a dramatic land grab, with more than 10 per cent of all customary land now leased ... on Efate Island alone, 56.5 per cent of what was previously held as customary land along the coastline is now leased”

Consequences for Climate Change Adaptation

“First, when we first settled here, we have our stream here. And then, the Solomon Water come and then, Solomon Water come and pipe it ...when we arrive here we used to use our stream, then they take it from us.” JBHH1

“He asked the chief if he could build a permanent church here, but no .. agreement so they could only build a temporary one ... he wanted to build a good church for them so they could use it as an evacuation centre” BSHHS
Rethinking Peri-Urban Good Governance

- **Breaking the cycle of Eurocentric urban planning assumptions**
  - Customary, cultural considerations
  - Continued misuse by planning literate ‘urban elites’, land councils
  - Chance to break outmoded conventions (community leases, digitization, non-cadastral)

- **Recognising ‘invisible’ boundaries**
  - Accepting non-municipal urban governments are here to stay but resourcing appropriately
  - Understanding the importance of ‘shared’ resources: gardens, pathways, communal utilities

- **Good urban governance: supporting the Right to the City as equity in opportunity**
  - Security and services as enabling platforms for the urban poor, esp. in the face of climate shocks and stresses
  - Disadvantage within demographics, households, not just across them
  - ‘Slum upgrading’ more than housing: livelihoods & economic opportunities are as critical

Macronesia: Customary Exclusion & Colonial Aspirations

“Calling for a complete rethinking of Australian policy towards Melanesia, not just West New Guinea, Hasluck’s proposal was to first expand Australia’s empire east-wards into the South Pacific and, only when that was established, to move westwards to include West New Guinea in a greater Melanesia.” (Waters 2016)

– Australia’s Minister for External Affairs Paul Hasluck, 1960

“If our neighbours requested this, and their peoples agreed, Australia would become responsible for their territorial seas, their vast Exclusive Economic Zones, including the preservation of their precious fisheries reserves. Under this arrangement, Australia would also become responsible for the relocation over time of the exposed populations of these countries.”

- Former Australian Prime Minister Kevin Rudd (2019)
Thank you / Vinaka!

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HONIARA WORKSHOP OUTCOMES COMPARED TO INTERNATIONAL EXPERIENCE ON LAND ADMINISTRATION IN INFORMAL SETTLEMENTS

PROF.DR. JAAP ZEVENBERGEN, MSC, LLM
PROFESSOR LAND ADMINISTRATION & MANAGEMENT
HEAD OF DEPARTMENT URBAN & REGIONAL PLANNING AND GEOINFORMATION MANAGEMENT
2018 Q1 VISITING PROFESSOR RMIT UNIVERSITY
EDITOR JOURNAL LAND USE POLICY

FACULTY OF GEO-INFORMATION SCIENCE AND EARTH OBSERVATION
LAND TENURE

- Three definitions
  - people to people to land relation (Bohannan 1973)
  - formal or informal rules of how people relate to land
  - An institution, i.e., rules invented by societies to regulate behavior. Rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints. … (Shivji e.a. 98)
  - Rights, restrictions and responsibilities (RRR)

LAND TENURE

- Different sources / societies that set land tenure
  - statutory law (‘formal’)
  - tradition (‘customary law’)
  - occupation (‘informal’)
- If mixed in same area → legal pluralism
  - Forum shopping (those with recourses tend to win in the end)
- UN Habitat’s Continuum of land rights (2008):
LEVEL PLAYING FIELD: WHAT DO WE MEAN?

Within urban boundary
- Unregistered
- Temporary License Holders
  - Renewal every year (100) now 3 years (1000 SBD)
  - Few do it, but without no services, no upgrading
- House numbers, not land plot identification
  - Densification continues
- Fixed Term Estates (often 75 years)
  - Conversion from (paid up) TOLs after ‘proper’ subdivision
  - Subdivision, surveying in systematic way moving slowly along
  - Offer letters slower, needs payment(s) and registration
  - Uptake divers; comes with annual payment

OUTCOME LA EXPERT WORKSHOP HONIARA 28 JULY

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<thead>
<tr>
<th>OUTCOME LA EXPERT WORKSHOP HONIARA 28 JULY</th>
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<tbody>
<tr>
<td>• FTEs seen by ... as holy grail, will solve many issues</td>
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<tr>
<td>• no parallel process to get them services</td>
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<td>• costs of conversion + yearly payments might not suit everybody</td>
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<td>• those with stable income yes, and can get mortgage as well</td>
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<tr>
<td>• no mention of risks of gentrification</td>
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<td>• poor FTE holder sells on, and squats again</td>
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<tbody>
<tr>
<td>• access to land for climate resilience actions</td>
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<tr>
<td>• relocation not very usual, and hard to know where to go to</td>
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<tr>
<td>• registration of customary land not yet started, so risk of having to negotiate with several ‘landowners’</td>
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<tr>
<td>• participation, community involvement key</td>
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<td>• some communities organized and coherent, others not</td>
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<tr>
<td>• Permanent Estates (also for gov.) are around as well, but not always clear what the exact status is</td>
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INTERNATIONAL EXPERIENCES

- Uganda
  - Customary land is 1 of 4 land types in Constitution
  - Land Act 1998 introduced for this land
    - CCOs – certificate of customary ownership
    - CLAs – communal land association
  - Slow uptake only recently CCOs issued, recorded at lower government level (~province)
  - Conversion to freehold is possible – gov. seems to push for that
  - Successful pilots in peri-urban areas / informal settlements with
    - documenting de facto land occupation by NGOs, local government buy-in and increasingly Ministry of housing / urban development
    - use of STDM (simple GIS for land records), local certificates

INTERNATIONAL EXPERIENCES

- Global Land Took Network / UN Habitat
  - Designed ‘pro poor land tools’ for responsible land management
  - To be able to implement the Continuum of Land Rights idea
  - Social tenure
    - Approach
    - Data model
    - Software
    - Allows overlap
      - layered rights
      - also conflicts

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Different Data Acquisition Approaches

- Residential Area
- Slum
- Urban Business District
- Customary Area

**STDM ON LOCAL COMPUTER**

- Mashimoni Community Office, Nairobi, Kenya
- Similar approach/software by Cadasta foundation, FAO

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INTERNATIONAL EXPERIENCES

- Namibia
  - communal land rights in more rural areas, registered last decade
  - Informal settlements (often townships of apartheid era)
  - since late 1990s working on flexible land tenure system
    - 3 step approach to land rights
      - Starter title (locally recorded indicative area, part of larger block that itself is registered)
      - Land hold title (locally recorded with boundaries)
      - Full title (registered in national deeds register)

INTERNATIONAL EXPERIENCES

- FLT bill circulated for 10 years
- Now an Act, but regulations took again very long
- Pilot areas continued without legal frame over that time

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### INTERNATIONAL EXPERIENCES

- Bottom up approach to land record keeping
- Upcoming version 2 of a pro-poor land recordation system

At community level keep records of land tenure as community sees it – start to link to national system in due course

- Often linked to specific ‘project’ (e.g. irrigation, upgrading)
  - Many people stay with *halfway document* – TOL, or documents of the process towards getting a FTE, without actually getting it
  - Formal (last) steps are too expensive (getting it and later transactions)

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Gbawe Customary Land Secretariat (Ghana)
- Keep own records
- Liaise with formal land agencies

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POSSIBLE SOLUTIONS

- Massive support for rolling out FTEs, but expensive for gov. and in future for landholders, OR
  - Introduce land records with (satellite or drone) images of areas with mainly TOLs a/o still undocumented at community/ward level
  - Use tool like STDM to also map (not survey) plots and that shows overlaps of claims
  - Get a community FTE for the area registered, and deal with individual households via local records

POSSIBLE SOLUTIONS

- Engage communities with adaptation action plans
- Look jointly for solutions, where and how to access the land
- Try to negotiate relocation when needed
- Engage with customary landowners for land outside the municipal border for needed relocation
- Consider a land tool like Land Readjustment (swamping of parts of land within an area; pilot voluntary but consider a law later on)
- Compulsory acquisition is needed sometimes
  - after participatory process and against FAIR compensation, and as little as possible
POSSIBLE SOLUTIONS

- It should always be fit for purpose
- Differences between areas, within areas, between people, within demographies, hazard types, etc.

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Global Compact Cities Programme

UNITED NATIONS GLOBAL COMPACT

- **Stakeholders**
  - Business
  - Industry Associations
  - Investors
  - Civil Society
  - Labour
  - Academia
  - Government

- **Global Network**
  - 160+ countries
  - 85+ local networks

- **Platforms & Programmes**
  - Human Rights & Labour
  - Women's Empowerment Principles
  - Children's Rights and Business Principles
  - Child Labour Platform
  - Caring for Climate
  - CEO Water Mandate
  - Food & Agriculture Business Principles
  - Anti-corruption
  - Business for Peace
  - Business for the Rule of Law
  - Business and Education
  - Supply Chain Sustainability
  - Global Compact LEAD

- **Sister Initiatives**
  - Global Compact Cities Programme
  - Principles for Responsible Investment (PRI)
  - Principles for Responsible Management Education (PRME)
  - Sustainable Stock Exchanges (SSE)

- **Action Hubs**
  - Water
  - UN-Business
  - Ocean Action

- **TEN PRINCIPLES**
  - Human Rights
  - Environment
  - Anti-corruption
  - Labour
  - Participation
  - Peasants
  - Workers
  - Consumers
  - Communities
  - States

- **Breakthrough Innovation for the SDGs**
- Reporting on the SDGs
- Pathways to Low-Carbon & Resilient Development
- Financial Innovation for the SDGs
- Health is Everyone’s Business
- Peace, Justice & Strong Institutions
- Decent Work in Global Supply Chains
- Water Security through Stewardship
- Sustainable Ocean Business

GLOBAL COMPACT CITIES PROGRAMME
### THE TEN PRINCIPLES OF THE UNITED NATIONS GLOBAL COMPACT

<table>
<thead>
<tr>
<th>Human Rights</th>
<th>Labour</th>
<th>Environment</th>
<th>Anti-Corruption</th>
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<tr>
<td>1. Businesses should support and respect the protection of internationally proclaimed human rights; and</td>
<td>3. Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;</td>
<td>7. Businesses should support a precautionary approach to environmental challenges;</td>
<td>10. Businesses should work against corruption in all its forms, including extortion and bribery.</td>
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<td>2. Make sure that they are not complicit in human rights abuses.</td>
<td>4. The elimination of all forms of forced and compulsory labour;</td>
<td>8. Undertake initiatives to promote greater environmental responsibility; and</td>
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<td>5. The effective abolition of child labour; and</td>
<td>9. Encourage the development and diffusion of environmentally friendly technologies.</td>
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<td></td>
<td>6. The elimination of discrimination in respect of employment and occupation.</td>
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Source: UN Global Compact Guide to Corporate Sustainability

The UN Global Compact’s Ten Principles are derived from the Universal Declaration of Human Rights, the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work, the ILO Declaration on Environment and Development, and the United Nations Convention Against Corruption.

### THE SUSTAINABLE DEVELOPMENT GOALS BY 2030

**MAKING GLOBAL GOALS, LOCAL BUSINESS**

![Image of the 17 Sustainable Development Goals icons]
Established in Melbourne (2003) by UN Secretary General approval

Approach is based on the Melbourne Model of cross-sectoral collaboration between business, government and civil society

125+ signatory cities and regions in 29 countries

The International Secretariat has been hosted by RMIT University in Melbourne since 2008:

- Connecting cities with leading urban researchers and expert technical advice
- Networking between cities and knowledge exchange
- Capacity Development and facilitating cross-sectorial action through tools such as the City Scan, and programs such as the City Partnerships Challenge
- Supporting signatory cities with their reporting to the UN Global Compact, the world’s largest corporate sustainability initiative

Examples of Cities Programme projects around the world
WAYS TO PARTICIPATE IN THE UN GLOBAL COMPACT - CITIES PROGRAMME

1.

JOIN THE UN GLOBAL COMPACT

The initial and foundation stage of becoming engaged with the United Nations Global Compact and its Cities Programme is to become a signatory to the United Nations Global Compact.

This commitment is made by the Mayor who on behalf of the city or region, expresses commitment to advance the Ten Principles of the United Nations Global Compact and the Sustainable Development Goals.

The municipal government is then required to document its progress on this commitment through submitting a Communication on Engagement [CoE] report to the UN Global Compact every two years.

There is no cost involved in joining the UN Global Compact for the city/municipality non-business category.

WAYS TO PARTICIPATE IN THE UN GLOBAL COMPACT - CITIES PROGRAMME

2.

COMPLETE A CITY SCAN

The ‘City Scan’ diagnostic and reporting tool was developed as a response to cities’ need for tools that provided a collaborative understanding of challenges to support decision making.

The tool measures the city against 157 challenges in three key areas: City Development, City Sustainability and City Governance. It generally takes 3 to 6 weeks to complete with the data gathering from multiple departments in the city or regional government.

The City Scan helps local and regional governments to identify practice and policy areas with opportunities for improvement to achieve the Sustainable Development Goals and promote the UN Global Compact 10 principles, and is also used as part of the City Partnerships Challenge Process.
WAYS TO PARTICIPATE IN THE UN GLOBAL COMPACT - CITIES PROGRAMME

3.

PARTICIPATE IN THE
CITY PARTNERSHIPS
CHALLENGE

A two year capacity development, facilitation and coaching process for city and regional city governments to produce people centred public private partnership projects to advance the SDGs and the New Urban Agenda.

What is required from participant organisations?

• A dedicated Development Leader (2 days a week) to be the focal point for the city and an executive level champion within the organisation to provide senior support and guidance throughout the two-year period.

• USD$20,000 per year for two years. This financial contribution can be reduced depending on supporting contributions from local, regional, national and international partners. This financial contribution is required for facilitation, capacity building, coordination of partners, research and student support services.
WAYS TO PARTICIPATE IN THE UN GLOBAL COMPACT - CITIES PROGRAMME

CITY PARTNERSHIPS CHALLENGE
2018-19 PILOT IN AUSTRALIA

4.

BECOME AN INNOVATING CITY

Innovating cities are local and regional governments who are completing multisectoral collaborative projects but are seeking further support to deepen their engagement and to promote and share their work with others.

Innovating cities and regions are by invitation and are recognised by the UN Global Compact – Cities Programme as champions of best practice. These cities lead by example, influence others through their practice, innovate and shape sustainable cities through collaboration and action.

Leeuwarden Water Campus
Leeuwarden, The Netherlands
• Multi partner innovation centre
• Aligned national, state and city governments
• Achieved shared value through collaboration
• Governance structures and processes to progress partnered proposals
• Created special economic, social and environmental zones

Vila Chocolatão
Porto Alegre, Brazil
• Development process for a cross-sectoral, participatory, collaborative network working with vulnerable urban communities
• Projects that addressed mapping, livelihoods, legal electricity, portable water, citizenship and care for children

The Sustainability & Citizenship Network
Global Compact
Cities Programme

Global Compact
Cities Programme
HOW TO GET IN TOUCH

For more information on the City Scan, the City Partnerships Challenge, Innovating Cities or the Cities Programme more generally, please get in touch with us.

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ARE YOU ATTENDING THE HIGH LEVEL POLITICAL FORUM?

Please get in touch to organise a time to meet with us and discuss how the Cities Programme can assist your city to advance the Sustainable Development Goals.

9 – 18 July 2019, New York
@PUF2019

Pacific Urban Platform

pacific_urban_forum