Responsible Governance and Secure Tenure of Urban and Peri-Urban Land:
A Framework for Dialogue and Action in Latin America and the Caribbean

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ACRONYMS AND ABBREVIATIONS

ABC	Saving, Subsidy, Credit
AECID	Spanish Agency for International Development Cooperation
CAF	Development Bank of Latin America
CARICOM	Caribbean Community
CEDETT	Center for Distance Education for Economic and Technological Development (Spain)
CEPACs	Certificates of Additional Construction Potential (Brazil)
CESCR	Committee on Economic, Social and Cultural Rights
CIAT	Inter-American Center of Tax Administrations
CNDH	National Commission for Human Rights (Mexico)
COFOPRI	Informal Property Formalization Commission (Peru)
COHRE	Centre on Housing Rights and Evictions
COOTAD	Organic Code of Territorial Organization, Autonomy and Decentralization (Ecuador)
CORETT	Commission for the Regularization of Land Tenure (Mexico)
CPCI	Permanent Committee on Cadastre in Latin America
CPTTE	Permanent Commission for Public Land Titling (Dominican Republic)
DGCN	General Direction of National Cadastre (Dominican Republic)
DGOT	General Direction of Territorial Planning (Dominican Republic)
DGRP	General Direction of Public Registry (Paraguay)
DINARDAP	National Directorate of Public Data Registry (Ecuador)
ECLAC	Economic Commission for Latin America and the Caribbean
EOT	Territorial Planning Scheme (Colombia)
ERU	Urban Renewal Company of Bogota (Colombia)
FAO	Food and Agriculture Organization of the United Nations
FARC	Colombian Revolutionary Armed Forces
FLACMA	Latin American Federation of Municipalities, Cities and Associations
FUCVAM	Uruguayan Federation of Housing Cooperatives for Mutual Assistance
GDP	Gross Domestic Product
GGP	Gross Geographic Product
GIS	Geographic Information Systems
GLTN	Global Land Tool Network
HIC	Habitat International Coalition
HFHI	Habitat for Humanity International
IADB	Inter-American Development Bank
ICF	National Institute of Forest Conservation and Development, Protected Areas and Wildlife (Honduras)
ICT	Information and Communication Technologies
IGAC	Agustin Codazzi Geographic Institute (Colombia)
ILO	International Labor Organization
INA	National Agrarian Institute (Honduras)
INAI	National Institute of Indigenous Affairs (Argentina)
INCRA	National Institute of Colonization and Agrarian Reform (Brazil)
INDERT	National Institute of Rural and Land Development (Paraguay)
INDI	Paraguayan Institute of the Indigenous (Paraguay)
INFONAVIT	Institute of the National Housing Fund for Workers (Mexico)
IOM	International Organization for Migration
IPPUR	Institute of Urban and Regional Planning and Research of the Federal University of Rio de Janeiro (Brazil)
IPTU	Property and Urban Property Tax (Brazil)
LAC	Latin America and the Caribbean
LAMP	Land Administration and Management Program (Jamaica)
LGAF	Land Governance Assessment Framework
LIFI	Legal and Institutional Framework Index
LILP	Lincoln Institute of Land Policy
LOOTUS	Organic Law of Territorial Planning, Land Use and Management (Ecuador)
MDA	Ministry of Agrarian Development (Brazil)
MIDUVI	Ministry of Urban Development and Housing (Ecuador)
MINURVI	Ministries of Urbanism and Housing of Latin America and the Caribbean
MINVU	Ministry of Housing and Urbanism (Chile)
MVCS	Ministry of Housing, Construction and Sanitation (Peru)
NGO	Non Governmental Organization
NLA	National Land Authority (Jamaica)
NUA	New Urban Agenda
OAE	Organization of American States
OECD	Organization for Economic Co-operation and Development
OECS	Organization of Eastern Caribbean States
OHCHR	Office of the United Nations High Commissioner for Human Rights
OUC	Consortium Urban Operation (Brazil)
PASPRAH	Program for People in Conditions of Patrimonial Poverty to Regulate Informal Settlements (Mexico)
PATH	Honduras Land Management Program
PBOT	Territorial Ordering Basic Plan (Colombia)
PGSU	Urban Land Generation Program (Peru)
PIS	Social Integration Program (Chile)
PMCMV	My Home My Life Program (Brazil)
PMIB	Comprehensive Neighborhood Improvement Program (Colombia)

POT	Territorial Ordering Plan (Colombia)
PRIMED	Comprehensive Informal Settlements Improvement Program of Medellin (Colombia)
RENABE	National Registry of State Property (Argentina)
SAS	Secretariat of Social Action (Paraguay)
SDG	Sustainable Development Goals
SEDATU	Secretariat of Agrarian, Territorial and Urban Development (Mexico)
SEDESOL	Ministry of Social Development (Mexico)
SEHAB	Municipal Secretariat of Housing of São Paulo (Brazil)
SENPLADES	National Secretariat of Planning and Development (Ecuador)
SINAP	National System of Property Administration (Honduras)
SINIT	National Territorial Information System (Honduras)
SNC	National Cadastre Service (Paraguay)
SNCP	National Integrated System of Cadastral Information (Peru)
STDM	Social Tenure Domain Model (GLTN)
SUNARP	National Superintendence of Public Registries (Peru)
SUNAT	National Superintendence of Customs and Tax Administration (Peru)
SURE	Unified Registry System (Honduras)
UN	United Nations
UNISDR	United Nations Office for Disaster Risk Reduction
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO)
ZEIS	Special Areas of Social Interest (Brazil)

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EXECUTIVE SUMMARY

As a result of intense rural-urban migrations, added to recent intraregional migrations, Latin America and the Caribbean (LAC) is highly urbanized. More than 80% of the population lives in cities, reaching 450 million urban inhabitants (UN-Habitat, 2015). In the last twenty years, although poverty has sharply declined, this reduction has been accompanied by rising inequalities, housing deficits and violence rates.

Indeed, the lack of diverse and affordable housing has led to informal urban development processes in urban peripheries without access to basic goods and services. In many cities of Central America and the Andean-Equatorial zone, 'pirate settlements' and invasions of public and private land account for more than 50% of the urban territory. In the Southern Cone, many social housing condominiums are well located but deteriorated and overcrowded.

Real estate speculation, associated with low social housing production and poor public regulation of urban and peri-urban land, have led to multi-scale socio-spatial segregation, formal and informal urban sprawl 'without city', underuse of urban land and deterioration of existing housing stock, giving rise to multiple forms of insecure tenure for low-income and vulnerable groups. Besides affordable land and adequate housing shortages, **new challenges are threatening secure tenure** such as urban renewal with expulsion of poor owners (Latin-gentrification), extortion by criminal groups linked to drug trafficking, increasing diversification and fragmentation of households (unipersonal, migrant, female and older adult-headed households), and climate change impacts.

If insecure tenure has historically been associated with informality, its causes and manifestations are multiple, and to some extent subjective. Intermediate (occupation, possession, lease, sub-lease), customary and community tenures are not recognized in most national legislative frameworks. This situation increases households' vulnerability to forced evictions and relocations, especially during urban renewal and post-disaster interventions. The Caribbean is particularly exposed to this kind of concerns.

Given the lack of regional analyses on these issues and with the purpose of guiding multi-actor dialogue and GLTN actions in the region, the present study focuses on **three main objectives**:

- Identify and analyze the main challenges related to urban and peri-urban land governance and tenure in Latin America and the Caribbean;
- Examine the limitations, opportunities and progress to drive change in the region; and
- Formulate public policy recommendations and specific actions towards fulfilling the Sustainable Development Goals (SDG) and the New Urban Agenda (NUA).

An extensive bibliographic review of books, articles, manuscripts, laws, ordinances, policies and programs, technical reports, guides, videos and documentaries was carried out. In addition, more than fifty semi-structured online interviews were conducted with key regional stakeholders, and inputs were collected at different international and regional events. Ten countries were analyzed in detail: Dominican Republic, Jamaica, Mexico, Honduras, Colombia, Ecuador, Peru, Brazil, Argentina and Paraguay.

In addition to the previously mentioned challenges, **the study identified several institutional limitations and barriers that reproduce unaccountable land governance systems**, including confusing and disjointed institutional frameworks, weak land management systems, gaps between cadastres and registries, fragile tax collection systems, complex and costly procedures, lack of trained human capital, and corrupt and clientelist practices (especially with regard to tenure regularization programs).

Nonetheless, there is a **range of improvements and opportunities** in the region towards secure tenure and responsible governance of urban and peri-urban land.

On affordable urbanized land and adequate housing production

- Diversification of housing access mechanisms: almost free housing programs for very low income households (Chile, Colombia, Peru), promotion of social leasing (Chile, Argentina, Uruguay) and housing cooperative schemes (Uruguay).

- New affordable land supply through land rent redistributive instruments that control real estate speculation. *In peripheries*: Urban Land Generation Program (Peru), Urban Expansion Plans (Colombia), Consortium Urban Operations (Brazil). *In new real estate developments*: Solidarity Quotas for social housing (Brazil), Social Integration Projects (Chile). *In vacant land*: compulsory construction (Colombia), progressive property tax (Brazil), domain prescription for private inaction.

- Regeneration of deteriorated neighborhoods and existing housing stock: Urban Renewal Plans (Colombia), Social Condominiums Program (Chile), urban regeneration plans in several cities with IADB support.

- Informal settlements regularization and upgrading: comprehensive instruments (Brazil), trusts (Honduras), GIS-based community tools (Social Tenure Domain Model, GLTN).

On secure tenures

- Legitimation of intermediate, customary and community tenures in the Caribbean, Central America, Brazil and Colombia.

- Tenure privileges for vulnerable groups, especially regarding female-headed households, older adults, precarious youth, immigrants and emigrants, same-sex couples, and indigenous and Afro-descendant communities.

- Strategies for social pacification in Central America (UN-Habitat), Colombia and Brazil.

On the management of new climatic challenges

- Instruments of disaster prevention and mitigation, urban planning with disaster risk management, and community initiatives.

On land management systems

- New institutional frameworks and articulation of cadastres and registries (Argentina, Colombia, Dominican Republic, Honduras).

- Land value maps (Chile, LILP).

- Improvement of land tax collection (Brazil, Colombia, El Salvador).

- Free online technical-administrative procedures (Colombia, Honduras, Uruguay and Peru).

- Towards more transparency and less corruption: early warning (Peru), participatory budgeting and public accountability (Brazil).

International opportunities, regional studies and technical assistance networks

- Global frameworks and conventions establishing guidelines: 2030 Agenda and SDG, Framework Convention on Climate Change, NUA.

- Regional knowledge: studies, assessments, and toolkits (UN-Habitat/GLTN, LILP, IADB, World Bank, FAO, academic research, virtual platforms).

- Training, technical assistance and financing networks (CPCI, international, regional and national opportunities).

With the aim of driving catalytic change in the region towards compact, equitable, sustainable and resilient cities, **the study suggests recommendations in five key areas of secure tenure and land governance**:

i) Strengthening articulated, participatory and transparent institutional frameworks and land management systems

Deepening decentralization; improving vertical and horizontal coordination; updating and aligning cadastres and registries; maping and monitoring land values; ensuring free online access to public information and simplified procedures; increasing tax performance; awareness raising and training in responsible governance.

ii) Expanding affordable urbanized land and adequate housing supply in different locations and tenures, through equitable distribution of costs and benefits

Articulating land supply with housing construction (land banks); planning urban borders and taking advantage of vacant land (urban perimiters, urban operations, mandatory construction, progressive property tax); exploring alternative financial housing access mechanisms for not creditworthy population (public-private schemes, real estate funds); promoting social leasing (supply, subsidies, State guarantee, repossession rules); regularizing and upgrading informal settlements (legal mechanisms, land readjustment); regenerating deteriorated neighborhoods without gentrification (social interest areas, right of first refusal, social compensations, subsidies); and fostering inclusive urban development and densification with high urban quality (social housing quotas, sale of construction rights, urban standards).

iii) Ensuring security of tenure

Backing asymmetric transactions; recovering territories ruled by criminal gangs; legitimizing customary and intermediate tenures; protecting community tenures (*ejidos*); facilitating land access for vulnerable groups; and monitoring levels of security of tenure.

iv) Addressing and anticipating new socio-demographic and climatic challenges

Accompanying socio-demographic trends in peri-centers and intermediate cities; integrating environmental policy with land use planning; providing basic services and neighborhood improvement programs; relocating high-risk settlements; and establishing multi-stakeholder land governance systems with disaster risk approach.

v) Enhancing research and cooperation

Expanding research on key issues (types of tenure and security levels, alternative financial access mechanisms to land and housing, social renting, metropolitan land governance, socio-spatial micro-segregation, intermediate cities, notarial guild); and responding to regional technical assistance demands through decentralized and South-South cooperation.

In conclusion, the **main actions to be carried out in each subregion** are the following:

Caribbean: document and legitimize intermediate and customary tenures and create public land banks considering that most of the land is State-owned. Actions could be coordinated with CARICOM and the Eastern Caribbean States Commission (OECS).

Central America: develop training strategies in responsible land governance to discourage corruption; pilot land rent redistributive instruments to increase the scarce land and housing supply;

foster sustainable urban planning; implement land and housing access mechanisms for female-headed households, precarious youth and emigrants via remittances; and regularize and improve informal settlements.

Andean-Equatorial zone: promote an Andean exchange program on the design and implementation of land rent redistributive instruments; implement land and housing access programs for female-headed households, precarious youth and migrants via remittances; regularize informal tenure and upgrade precarious neighborhoods; fight corruption; and strengthen risk management.

Brazil: accompany the piloting of land rent instruments in intermediate cities; reduce corruption; and regularize and improve informal neighborhoods with a long-term approach.

Southern Cone: promote peri-urban land policies; strengthen social leasing programs, and land and housing access for immigrants and older adults; and regularize persistent informal settlements.

The report is organized into six sections, which analyze successively the key challenges in land governance and tenure in the region, the main institutional limitations and barriers, opportunities and progress, and specific actions to impulse catalytic change. Recommendations are summarized by subregion and country in the conclusions and the ten case studies are included in appendix.

1. INTRODUCTION

1.1. Responsible governance and secure tenure in Latin America and the Caribbean

Responsible governance and secure tenure of urban and peri-urban land represents a considerable challenge in Latin America and the Caribbean, where 82% of the population lives in cities (UN-Habitat, 2014). The high degree of urbanization hides different forms of land and housing access. Despite the stabilization of rural-urban mass migrations, urban peripheries continue to grow informally, accounting for 30 to 50% of cities (UN-Habitat and CAF, 2014). The lack of adequate housing supply in quantity, quality and diversity, and of affordable and well-located urbanized land, leave a large number of households in conditions of socio-spatial segregation and insecure tenure. In addition, context factors such as climate change, conflicts linked to drug trafficking and new socio-demographic trends are increasing urban land and housing demand in the region.

As a result, housing deficits affect 39% of urban households (about 50 million people)[1], and informal settlements account for more than 110 million people (25% of urban households in the region)[2]. Although the relative share of informal urbanization has declined since the 1990s, it keeps increasing in absolute terms, becoming a major challenge for the formulation and implementation of public policies towards more equitable cities.

Country	National	Urban	Rural
Argentina	n.d.	32	n.d.
Bolivia	75	64	93
Brazil	33	32	44
Chile	23	19	53
Colombia	37	27	71
Costa Rica	18	12	26
Ecuador	50	41	66
El Salvador	58	50	74
Guatemala	67	56	79
Honduras	57	42	72
Mexico	34	28	58
Nicaragua	78	70	88
Panama	39	37	58
Paraguay	43	39	50
Peru	72	60	98
Dominican Republic	41	35	56
Uruguay	n.d	26	n.d
Venezuela	n.d	29	n.d
Average	45	39	66

Table Nº 1. Housing shortage in 18 LAC countries, 2012 (in %)

Source: Boullion (2012)

According to UN-Habitat, 70% of the LAC population lives under insecure tenure conditions, a number well over the 30% internationally recognized. "*This situation not only affects the continuum of land rights but also represents a significant barrier to improve living conditions, especially for the most vulnerable*" (Augustinus, 2015)[3].

Indeed, insecure tenure has multi-scale and multi-dimension negative implications that reproduce patterns of poverty, inequity and gender inequality (HFHI, 2016, UN-Habitat and CAF, 2014). Living in insecure tenure, as informal occupants, tenants or sub-tenants, means less access to assets,

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[1] Boullion (2012).

[2] UN-Habitat (2012).

[3] All the quotations have been translated by the author.

rights, goods and services; precarious housing conditions; greater labor discrimination[4]; limited access to post-disaster responses; and vulnerability to forced evictions and expulsions (by State interventions, real estate pressures or criminal extortion). At the urban level, insecure tenure has negative effects related to socio-spatial segregation and uncontrolled expansion such as risk or environmentally protected areas occupation, road congestion, pollution of water sources and high infrastructure costs (Rajack, 2016). At the same time, informality reduces municipal revenues based on property tax and buy/sell transactions.

On the contrary, secure tenure provides people with legitimated land rights, and the opportunity to become citizens with full rights and responsibilities. At the household level, secure tenure allows greater economic prosperity, health and saving capacity, and decreases domestic and community violence rates (HFHI, 2016). It also represents an opportunity to strengthen municipal governments, local democracy and more socially, economically and environmentally sustainable cities.

In spite of several limitations and barriers such as the lack of reliable data on tenures, corrupt practices and patronage, there are promising initiatives in the region. These experiences focus on generating adequate land and housing supply in different tenures and locations; regularizing and upgrading informal settlements in innovative ways; improving land administration and tax collection systems; recognizing plural and intermediate tenures; and promoting land value capture instruments that redistribute urban capital gains.

1.2. Objectives and methodology

Within the framework of UN-Habitat/GLTN and HFHI's mission to expand knowledge about secure tenure, and strengthen multi-stakeholder dialogue, the present study has three main objectives:

- Identify and analyze the **main challenges** related to urban and peri-urban land governance and tenure in Latin America and the Caribbean;
- Examine the **limitations, opportunities and progress** to drive change in the region;
- Formulate **public policy recommendations and specific actions** towards fulfilling the SDG and the New Urban Agenda (NUA).

An extensive bibliographic review of books, articles, manuscripts, laws, policies and programs, technical reports, guides, videos and documentaries was carried out to identify challenges, limitations, opportunities and good practices. In addition, more than fifty semi-structured online interviews were conducted with key regional stakeholders and inputs were collected at different international and regional events: X Hemispheric Summit of Mayors in Sucre, Bolivia (May 19-20, 2016); Experts Meeting in San Jose, Costa Rica (July 14-15, 2016); El Alto Technical Assistance Mission (September 7-10, 2016); and HABITAT III Conference in Quito, Ecuador (October 17-20, 2016). Ten countries were analyzed in detail: Dominican Republic, Jamaica, Mexico, Honduras, Colombia, Ecuador, Peru, Brazil, Argentina and Paraguay (see case studies in appendix).

1.3. Conceptual framework

1.3.1. Responsible land governance

Governance is understood as "*the way public authorities and institutions acquire and exercise authority to shape public policy and provide public goods and services*" (World Bank, 2007). **Responsible governance of urban and peri-urban land** thus can be understood as a decision-making and resource allocation system related to land policy, which promotes inclusion, equity, prosperity, resilience and urban sustainability. The system must be transparent and open to different public, private and social actors. It must respond to climate change challenges and protect the environment (Payne, interview 2016). Besides, it must rely on all the relevant information,

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[4] Review the testimonies of *favelados* in the longitudinal studies on ascending socio-residential mobility in Brazil (Perlman 2010). *Favelados* want to have a 'direction' (secure tenure) in order to get a job and be considered 'people'.

resources, mechanisms and instruments to order the territory, offer adequate land and housing, and collect taxes, guaranteeing the legal and regulatory enforcement that supports it (Silva, interview 2016).

This definition includes among its main elements[5]:

- The institutional framework; its functions and resources (human, financial, technological);
- Urban planning and land policy frameworks, including financing, land planning and management instruments;
- Rights to public and private land; the rules and procedures for acquisition, disposal, registration and protection, among others;
- Tax policy and collection processes;
- Public monitoring tools on land use and management;
- The nature and quality of physical and legal land information; the facilities to access and update such information; and
- The conflict resolution mechanisms related to land disputes.

1.3.2. Urban land, peri-urban land and adequate housing

Urban land refers to the urbanized area and artificially constructed land ('created land'), located within the urban perimeter. **Peri-urban land** is understood as the peripheral land that is not yet classified as urban and/or urbanized, but represents potential areas for urban growth in the short, medium and long term.

In many cases, peri-urban land has agricultural or forest reserve vocation, and represents a key asset for urban environmental balance and food security. Conflicts and real estate speculation are common due to land-use change expectations from rural to urban.

Box Nº 1. Definitions of urban land in some LAC countries

Argentina: populated centers with 2,000 inhabitants or more.
Brazil: area within the urban perimeter of a city or town, defined by municipal law.
Paraguay: cities, towns and administrative centers of the departments and districts.
Colombia: areas with a town hall, defined by an urban perimeter established in municipal agreements.
Ecuador: capitals of provinces and cantons.
Peru: populated centers with 100 or more houses.
Mexico: localities of 2,500 inhabitants or more.
Honduras: localities of 2,000 inhabitants or more, which have essentially urban characteristics.
Dominican Republic: administrative centers of municipalities and municipal districts, some of which include rural suburban areas.
Jamaica: localities of 2,000 inhabitants or more, which have urban characteristics.

Source: Elaborated by the author.

The human right to **adequate housing** "*is the right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity*"[6]. Adequate housing includes the following attributes: legal security of tenure; availability of services, materials, facilities and infrastructure; accessibility; habitability; affordability; location; and cultural adequacy[7].

1.3.3. Land tenure

Land tenure is an institution, a set of socially constructed norms to regulate the relationship of mankind with land, which may be defined in juridical or customary ways (FAO, 2016; UN-

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[5] World Bank (2012) and www.landnetamericas.org.
[6] http://www.ohchr.org/EN/Issues/Housing/toolkit/Pages/RighttoAdequateHousingToolkit.aspx
[7] CESCR (1991), General Observation Nº 4, http://www.acnur.org/t3/fileadmin/Documentos/BDL/2005/3594.pdf?view=1

Habitat, 2016). In several LAC countries, only three types of tenure are recognized: property, rent and others.

Land tenure involves a wide range of land rights that can be combined in multiple ways: occupy, enjoy and use; cultivate and use productively; restrict or exclude others; transfer, sell, buy, grant and lend; inherit and bequeath; develop and improve; rent; and benefit from increases in property values and rental incomes.

Land tenure gives rise to a **network of interrelated interests**, including:

- *Dominant interests*: when sovereign powers allocate or redistribute land through expropriation.
- *Overlapping interests*: when several parties have different rights over the same parcel of land (for example right of lease and right of way).
- *Complementary interests*: when different parties have the same interest in the same parcel of land (family land, Jamaica).
- *Competing interests*: when different parties claim the same rights on the same plot of land. Land tenure conflicts are often the result of opposing claims (FAO, 2016; UN-Habitat, 2014).

Land tenure relationships can be well defined and enforceable in official courts or customary structures. In other cases, they may be poorly defined, with ambiguities that lend themselves to abuse.

1.3.3.1. Types of tenure

The different types of tenure are determined by the holder (statuary, customary, religious), the degree of legality (legal, illegal, informal, formal), and associated interests.

According to the types of holder, land tenure is divided into the following categories:

- **Private**: assignment of rights to a private party, which may be an individual, a couple, a group of persons or a legal person.
- **Communal**: when collective rights allow each member to use independently community properties (*ejidos*, Mexico).
- **Free access**: no specific rights are assigned to any person, neither can anyone be excluded. This category usually includes national goods like roads, parks, forests and mountains, among others.
- **Public**: property rights are assigned to a public entity. In some countries, it includes urban parks, natural reserves and forest land under national, regional or local mandate (FAO, 2016).

Regarding degrees of legality, **land tenure may be legal, illegal, formal, informal**, or combined as follows:

- *Formal legal tenure*: for example formal property.
- *Informal legal tenure*: for example informal leasing.
- *Formal illegal tenure*: for example illegal occupation of private plots through formal purchase to a false owner.
- *Informal illegal tenure*: for example illegal occupation of private plots through informal purchase to a false owner.

As tenures offer different sets of rights, degrees of security and accountability, the different types may be viewed in a sequence from highly informal and illegal tenures to formal legal tenures.
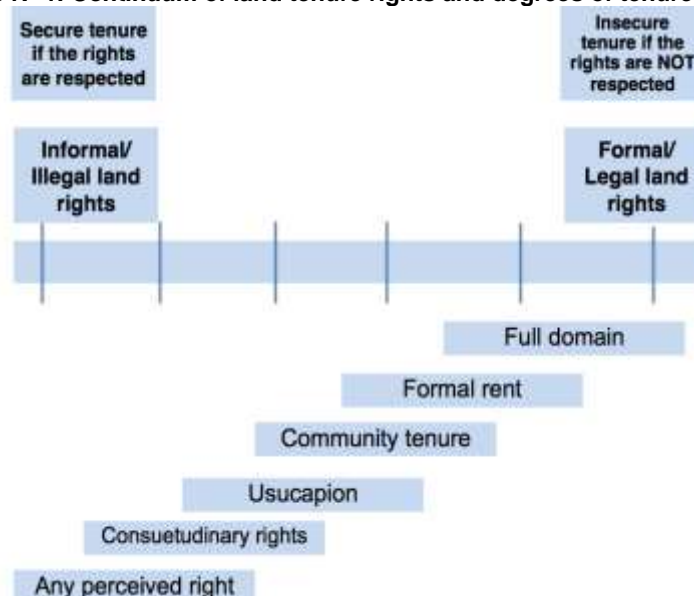
Source: Elaborated by the author, based on UN-Habitat (2012)

1.3.3.2.   Security of tenure

Secure tenure is the relationship between a person or entity and a plot of land, where:

- The **degree of trust** of the person, group or entity is high with respect to land rights and associated economic benefits;
- **Land rights are recognized and protected** by third parties (States or other institutions); and
- There is effective government **protection against forced evictions** (UN-Habitat, 2011).

Land tenure is secure if all three requirements are met, fairly secure if two requirements are met, and insecure if none of the requirements are met.

Secure tenure has no direct correlation with formality, legality, or private property. It includes individual and collective subjective perceptions, in which State actions or omissions play a fundamental role.

1.4. Subregions

Latin America and the Caribbean is a highly urbanized region. From 1990 to 2010, the urban population increased by more than 150 million inhabitants, with a projection of more than 580 million by 2030[8]. However, each subregion has particular characteristics regarding governance and tenure of urban and peri-urban land.

Table Nº 2. Urban population by subregion and average household size in 1990, 2010, 2030

Year/population	1990	2010	2030
Caribbean	7.500.079	14.340.917	21.480.477
Southern Cone	44.218.054	58.881.570	70.950.613
Andean-Equatorial zone	63.947.629	99 .512 .058	133 .229 .980
Central America	13.405.010	24.227.948	38.325.169
Mexico	61.475.379	91.745.303	119 .016 .210

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[8] Cepalstat (2015).

Brazil	110.622.982	164.631.360	197.460.860
Total Urban Population	301.169.133	453.339.156	580.463.309
Total Households	70.098.000	119.210.052	181.125.077
Household size	4.3	3.8	3.2
Source: Elaborated by the author, based on Cepalstat (2015).			

1.4.1. Caribbean

The Caribbean is undoubtedly the most diverse subregion with 41 million inhabitants. 28 million persons live in cities, including 6 million in poverty. The subregion represents only 5.8% of the regional urban population and 7% of the total regional population (Cepalstat, 2016).

One of the characteristics of this subregion is the insular component and political-administrative diversity, with independent and unitary States, overseas territories, and constitutional monarchies. Among the main features are: high disaster propensity; strong rural-urban complementarity; poor communication between central and local governments; low citizen participation in urban planning; massive informal tenure; and abundant public land stock (Rajack, interview 2016).

Excessive urban expansion with little access to goods and services is common in the Caribbean. According to Angel's estimates (2010), if current trends goes on, urban areas could double and even quadruple by 2050 in Barbados, Guyana, Jamaica, Suriname and Trinidad and Tobago, putting pressure on ecosystem services and arable land.

1.4.2. Central America

Central America, without Mexico, has a population of 49 million inhabitants, representing 6.4% of the regional urban population and 8.4% of the total regional population. 29 million persons live in urban areas, including 11 million in poverty. Including Mexico, the total population increases to 164 million people, representing almost 30% of the regional population (Cepalstat, 2016).

Among the most relevant characteristics are: State corruption in varying sectors and levels; lack of robust housing policies; mostly palliative housing programs (regularization, improvement); high informality and socio-residential segregation; disaster propensity; migrations; and territorial expressions of drug trafficking.

Although there are no official figures, it is estimated that about 150,000 migrants irregularly enter the southern border of Mexico (mainly through Chiapas State), with the intention of reaching the United States. Most of these migrants come from Central America, South America, and to a lesser extent from Asian and African countries. Furthermore, 1,5 million Mexicans, both documented and undocumented, annually migrate to the United States (IOM, 2016), in addition to the internally displaced by narcotrafficking (about 50,000 people a year according to Transparency International).

1.4.3. Andean-Equatorial zone

The Andean-Equatorial zone (Colombia, Ecuador, Peru and Bolivia) has a total population of 130 million people, 98 million of whom are urban, and 32 million live in poverty (Cepalstat, 2016). Its population represents 22.4% of the total regional population. It is the subregion that has grown the most in the last twenty years (ECLAC, 2015).

One of the main characteristics that distinguishes this subregion is the simultaneous existence of Andean (community) and western land regimes in urban and peri-urban areas. An example of this is *El Ejido* Park of Quito, host city of HABITAT III. Other features include: urban primacy of national and subnational capitals, contrasting with multiple small coastal and Amazonian cities; natural

disasters; drug trafficking; displaced people without land; and innovative land instruments design in Colombia, incipient in Peru and Ecuador.

1.4.4. Brazil

Brazil has a total population of 195 million people, 144 million of whom are urban, and 36 million live in poverty (Cepalstat, 2016). Brazil accounts for 34% of the total regional population.

A positive characteristics regarding urban and peri-urban land governance has been the inclusion of the social function of property in the Constitution and City Statute (2001), which establishes rules of public order and social interest that regulate the use of private property in favor of collective good and environmental sustainability (Todtmann, interview 2016). In addition, Brazil has promising experiences in implementing land rent redistributive instruments that aim at controlling speculation, regularizing informal settlements and fostering inclusive real estate development.

1.4.5. Southern Cone

The Southern Cone (Uruguay, Paraguay, Argentina and Chile) is the most urbanized subregion with more than 80% of the population living in urban areas (ECLAC, 2015). It totals 67 million inhabitants: 60 million urban, 12 million of whom live in poverty. The incidence of urban poverty is lower than in other subregions. The Southern Cone population represents 11.5% of the total regional population (Cepalstat, 2016).

One of the transversal characteristics is the early consolidation of robust land management systems. Argentina has the oldest cadastre and registry in the region, which limits massive corruption in urban and peri-urban land governance.

However, the subregion faces several challenges: persistent precarious settlements in large cities; disconnected housing and urban policies; and lack of a peri-urban land policy.

Box Nº 2. Land tenure in LAC

Regional census data and National Household Surveys do not allow a quantitative analysis of tenure security levels. However, trends are emerging. At the regional level, more than 60% of the population are owners, more than 20% are tenants, and 12% have another form of tenure.

Brazil is the country with the largest number of owners and where the increase has been stronger in the last twenty years (73.9% of the urban population), followed by Paraguay and Argentina.

The country with the largest number of tenants is Colombia (39.8% of the urban population), which also shows the largest increase in the last twenty years (15 percentage points).

Peru is the country with the greatest amount of population in 'other type of tenure' (27% of the urban population). However, the highest increase has been in Colombia (10 percentage points), Paraguay (6 percentage points) and Mexico (5 percentage points).

In the region, tenants and 'other forms of tenure' are increasing. This situation asks for including questions on security of tenure in censuses and national surveys, differentiated by socio-economic and vulnerable groups.

Source: Elaborated by the author, based on Cepalstat (2016).

Table Nº 3. Urban population by country according to types of tenure 1990-2010

Countries	Owners 1990	Owners 2010	Tenants 1990	Tenants 2010	Other tenure 1990	Other tenure 2010
Dominican Republic	60,4	56,8	33,5	35,1	6,1	8,1
Honduras	58,9	63,8	24,3	24,3	16,8	11,9
Mexico	67,0	64,1	20,8	19,1	10,1	15,0
Colombia	60,8	46,2	25,4	**39,8**	3,8	14,0

Ecuador	60,2	61,9	28,8	25,4	11,0	12,7
Peru	61,4	61,3	13,8	12,6	24,8	**26,2**
Brazil	66,9	**73,9**	21,8	19,5	21,8	19,5
Argentina	74,9	69,5	15,5	18,0	9,6	12,0
Paraguay	73,8	70,3	19,6	17,5	6,6	12,2
Simple average	64,9	63,1	22,6	23,5	12,3	14,6

Note: There is no information about Jamaica in Cepalstat (2016).
Source: Elaborated by the author, based on Cepalstat (2016).

1.5. Clarifications and organization of the report

The major contribution of this study lies in the analysis of trends and identification of promising ways for concerted actions on urban and peri-urban land tenure and governance in the region. It faced several constraints in terms of time, budget, and information scarcity. Regarding secure tenure monitoring and assessment for example, the only regional experience is UN-Habitat pilot project applied in São Paulo, Brazil in 1996 (UN-Habitat/GLTN, 2011). With respect to urban and peri-urban land governance, the most robust assessments were carried out in Peru, Colombia and Honduras by the World Bank through the LGAF methodology.

This study is conceived as an instrument for dialogue with national and local governments towards defining post-HABITAT III HFHI, GLTN and partners' actions. It is aimed at supranational, regional, national and local authorities that face urban and peri-urban land tenure and governance challenges, as well as urban policy experts, social leaders, academics and organizations related to these issues.

It is organized into six sections, which analyze successively the key challenges in land governance and tenure in the region, the main institutional limitations and barriers, opportunities and progress, and specific actions to impulse catalytic change. Recommendations are summarized by subregion and country in the conclusions and the ten case studies are included in appendix.

2. KEY CHALLENGES IN GOVERNANCE AND URBAN AND PERI-URBAN LAND TENURE

2.1. Low affordable urbanized land and adequate housing production

2.1.1. Unregulated land, speculation and socio-spatial segregation

"*It is said that people live in insecure tenure because of the lack of resources to generate urbanized land and housing in well served places. In reality, I believe that insecure tenure is the result of a non-redistributive city construction, unable to capture increases in land rents for the benefit of all; that is the true original sin* "(Smolka, interview 2016).

In LAC cities, **the lack of land market regulation leads to speculation and rising land prices**. Land is a finite resource whose supply is relatively inelastic. Therefore, urbanized land is a scarce commodity for which multiple actors, institutions and uses compete. Land values depend on a wide range of variables, including production costs, taxes and attributes such as location. The critical issue is that many of these attributes are not the result of owners' investments and efforts, but of the action of third parties, usually the State through public investment or land-use changes.

By not implementing **land rent capture and redistributive instruments**, governments lose the opportunity to increase well-located urbanized land supply, invest in adequate social housing, or regularize and improve deteriorated neighborhoods. Countries that have not yet implemented such instruments like Peru, have higher levels of population living in informal settlements. Central American and Caribbean cities are other examples, where quantitative housing deficits are higher than the regional average.

There are several ways of illustrating the relationship between the lack of land regulation and real estate speculation. One of them are urban boundaries that have historically been defined as 'a line on a map', without succeeding in curbing urban expansion. Peri-urban land is particularly subject to speculative retention. It is common for owners to anticipate urban sprawl and land-use changes with the purpose of benefiting from rising land prices, without having taken part in public investment or regulatory changes that originated such increases in values. This situation calls for including land value capture instruments that discourage speculative and unplanned urban expansion. There are numerous other examples of land speculation related to changes in buildability regulations.

A new practice has been observed in the Southern Cone on this matter; the very same owners induce increases in land prices by overinvesting in specific urban areas. This happens in some areas of Buenos Aires, Santiago de Chile and Lima where land rents are not regulated, and to a lesser extent in Colombian and Brazilian cities (Todtmann, interview 2016).

According to Jaramillo (2009), **the practice of speculation is not homogeneous**. Three types may be distinguished:

- *Protospeculation* by simple mercantile agents or small-scale passive savers.
- *Passive speculation* by capitalist speculators who buy and sell land without any constructive process.
- *Inductive speculation* that differentiates from the previous ones by the existence of: productive-constructive acts; impacts on the surrounding areas' land rents; needs for considerable capital; abilities to understand and anticipate urban development trends and practices; and greater potential to induce and guide urban structure and land mutations. This category includes the purchase and construction of urban or peri-urban land in urban renewal processes and new real estate developments with small landowners expulsion, either formally or informally. Informal inductive speculation consists in buying and selling increasingly expensive peripheral plots, internalizing in advance the future valuation resulting from regularization and upgrading programs.

In this context, urbanized land access in the region is only determined by the ability of households to pay. Low-income groups have no choice but accessing land where values are lower, generally in stigmatized and deteriorated central or peripheral areas, with poor access to goods and services. This situation gives rise to socio-spatial segregation phenomena in different scales and dimensions[9] (González et al, 2007; Sabatini, 2006). On this matter, traditional large-scale segregation patterns (north-south, east-west) are giving way to new and complex socio-spatial reconfigurations in big LAC cities. Both public and private interventions bring different socio-economic groups together, without knowing the real effects of this scale reduction in terms of integration or new micro-segregation forms.

2.1.2. Insufficient social housing production, disarticulated from land policy

Another factor that plays against affordable urbanized land supply is the lack of adequate social housing. In no LAC country the number of new or upgraded housing equals the magnitude of housing deficits.

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[9] Three dimensions of segregation are distinguished in the literature: 1) household location and groups distribution in space (degrees of concentration and homogeneity); 2) urban quality and access to goods and services; and 3) subjective dimension of prestige or stigmatization. See Zimmermann (2014).

Table Nº 4. Housing shortage and housing expenditure				
Countries	1. Housing shortage	2. Housing expenditure in % of as GDP, 2012	3. National GDP in current dollars, 2012	4. Average housing expenditure in current dollars, 2012 (3/1)
Brazil	6.900.000	2,1	2,346 trillions	7.140
Colombia	1.307.000	0,7	377 billions	2.019
Costa Rica	25.017	2,4	49,5 billions	47.488
El Salvador	61.260	1	25 billions	4.081
Guatemala	712.100	3,5	58 billions	2.851
Mexico	9.675.006	1,6	1,283 trillions	2.122
Nicaragua	347.691	3,6	11,86 billions	1.228
Panama	136.665	3,8	46,2 billions	12.846
Peru	1.860.692	2,4	202 billions	2.605
Source: Elaborated by the author, based on 1) Boullion (2012); 2) ECLAC (2014b); and 3) World Bank Database				

Through the 'My Home My Life' Program (PMCMV), Brazil built 1 million homes between 2009 and 2011 and another 2.5 million between 2011 and 2016, which only managed to account for 30% of the urban quantitative housing deficit[10].

In addition, most State and municipal social housing programs are based on **saving+subsidy+mortgage credit schemes (A+B+C)**, leaving informal population that is not creditworthy behind. Because of the previously mentioned urban dynamics, these new social housing projects are generally located in urban peripheries, with low access to economic opportunities, public transportation networks, facilities, public and green space.

Another expression of urban and peri-urban land deregulation is the **divergence between housing and land policies**. In general, the effectiveness of housing policies is measured by the number of delivered subsidies or regularized plots, without any territorial approach. The lack of coherence between land and housing policies is largely due to poor conceptual connections between housing demand and urbanized land demand within public institutions. Public actors forget that with efficient land rent capture, social housing supply could be increased and diversified.

Such disarticulation results in inefficient land use and makes fundamental decisions meaningless, regarding for instance the definition of expansion areas, regeneration and neighborhood improvement programs, or the projection of infrastructure networks and mobility systems. "*Housing policy goes to one side and land policy to another*" (Rolando, interview 2016).

An example of this is public land retention with no clear purpose, which is evident in Kingston (Jamaica), Santo Domingo (Dominican Republic) and Santiago de Chile. In the latter, the Chilean Ministry of Housing and Urban Development owns more than 3,000 hectares compared to a quantitative housing deficit of more than 200,000 housing units for the poorest segments (León, interview 2016).

Disarticulation is not only observed between land and housing policies, but also between and with sectoral policies such as environmental, tax, socioeconomic, cultural and energy policies. Consequently, cities are less inclusive, sustainable and efficient.

2.1.3. Formal and informal urban sprawl 'without city'

As the regional report for HABITAT III points out, "*the LAC urban area has grown substantially with different degrees of intensity. Among the main explanatory factors are: uncontrolled speculation and increase in land and housing prices, due to the lack of value capture and reinvestment; demographic and income growth; transformation of productive structures; decrease in the average*

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[10] Estimated data from Bonomo (2015) and 2012 housing deficit in Boullion (2012).

household size; privatization of public space; willingness to live in closed condominiums to protect from real or perceived violence; and poor territorial planning" (UN-Habitat, 2016).

LAC cities are moderately dense compared to the international average (UN-Habitat, 2012). According to the Urban Expansion Program's estimates (New York University[11]), land consumption per capita declined between 1990 and 2015 in some cities such as Bogota and Belo Horizonte, but keeps growing in the mega cities of Buenos Aires, Mexico City, Santiago and Quito. Toluca (Mexico) for example, increased 3.2 times its population between 1980 and 2009, and 25.3 times its urban area (SEDESOL, 2012 in CAF, 2011). Approximately 70 LAC cities face a similar situation, most of them in Brazil. This unplanned urban sprawl raises the costs of providing and managing basic public services in increasingly remote and less populated areas.

Table Nº 5. Urban extension, population and land consumption per capita in 1990, 2000 and 2015 (10 cities)

Cities	Urban Extension (ha.)			Population			Land consumption per capita (m.)		
	1990	2000	2015	1990	2000	2015	1990	2000	2015
Belo Horizonte	49,460	58,057	65,471	2,745,708	3, 496,348	4,139,468	180	166	158
Bogota	32,155	36,966	41,550	4,450,735	6,506,251	8,854,881	72	57	47
Buenos Aires	134,033	159,265	196,446	10,615,361	11,839,063	14,065,924	126	135	140
Cochabamba	9,277	17,336	27,624	475,734	732,090	1,082,217	194	237	255
Culiacan	7,636	10,767	15,730	375,046	483,533	653,415	204	223	248
Holguin	2,667	3,274	3,385	206,665	241,028	266,021	129	136	127
Mexico City	102,982	136,823	214,867	9,741,580	12,540,064	18,111,506	106	109	119
Quito	9,965	16,750	42,894	906,139	1,405,938	2,317,510	110	119	185
Santiago (Chile)	45,713	57,130	77,266	4,499,499	5,396,623	6,561,224	102	106	118
Tijuana	16,030	24,596	37,246	632,644	1,164,332	1,738,963	253	211	214

Source: Urban Expansion Program, NY University (2016)

The Lincoln Institute of Land Policy estimates that **urban areas will continue to grow[12]**, both in a scenario of constant or decreasing population density (LILP, 2012).

Figure Nº 1. Variations of urban density in LAC 16 cities (in %)
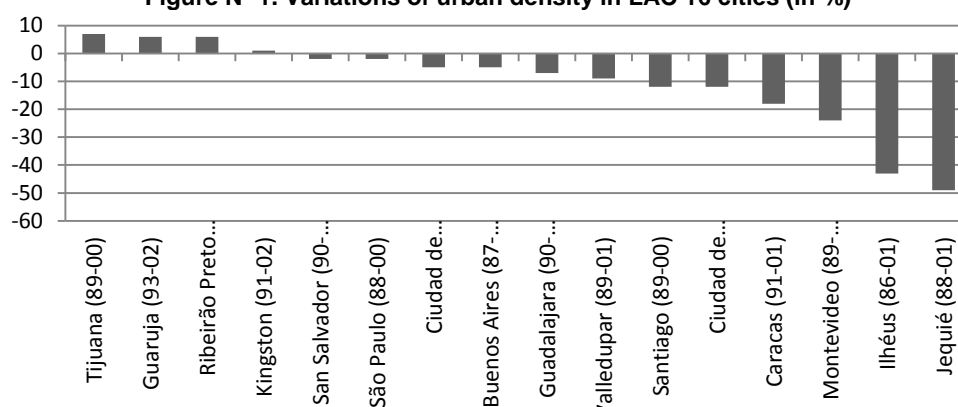
Source: Elaborated by the author, based on Angel (2012) and Lincoln Institute of Land Policy.

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[11] The program seeks to build a World Atlas of Urban Expansion, which monitors urban sprawl in 4,000 cities globally. A first stage includes 200 cities, including 26 in LAC (Vásconez and Galarza, 2015).

[12] LILP, Atlas of Urban Expansion (2012) http://datatoolkits.lincolninst.edu/subcenters/atlas-urban-expansion/

LAC urban expansion occurs both formally and informally, and includes a wide range of public, private and social actors. Peripheral formal public and private social housing projects with varying densities and poor urban quality have already been mentioned. An illustrative example are the standardized single-family housing projects localized on the outskirts of Mexican cities, with scarce access to public transportation and collective facilities. An increasing number of inhabitants leaves them to go back to the city.

Pictures Nº 1, 2, 3. Abandoned houses and neighborhoods, periphery of Mexico City, 2012. By Paola Siclari

Another important factor of urban expansion 'without city' is the **persistent informal development of urban and peri-urban land in the region**. Although the population of informal settlements has declined in relative terms, figures have been increasing in absolute terms since the 1990s in almost all LAC countries.

Table Nº 6. Share of urban population living in informal settlements 1990-2014								
Countries	**1990**	**1995**	**2000**	**2001**	**2005**	**2007**	**2009**	**2014**
Brazil	36,7	34,1	31,5	36,6	29,0	28,0	26,9	22,3
Argentina	30,5	31,7	32,9	33,1	26,2	23,5	20,8	16,7
Paraguay	...	...	...	25,0	17,6	...	...	...
Peru	66,4	56,3	46,2	68,1	36,1	36,1	...	34,2
Colombia	31,2	26,8	22,3	21,8	17,9	16,1	14,3	13,1
Ecuador	...	...	...	25,6	21,5	...	...	36,0
Honduras	...	...	...	18,1	34,9	...	...	27,5
Mexico	23,1	21,5	19,9	19,6	14,4	14,4	...	11,1
Jamaica	...	...	...	35,7	60,5	...	...	...
Dominican Republic	27,9	24,4	21,0	37,6	17,6	16,2	14,8	12,1
LAC	33,7	...	29,2	...	...	...	...	20,5
Source: Elaborated by the author, based on Cepalstat (2015).								

Between 1990 and 2014, the population living in informal settlements declined by 13 percentage points in the region, led by Colombia (18.1 percentage points) and Brazil (14.4 percentage points). In Ecuador and Honduras, this population increased by 16 and 10 percentage points respectively in the period 2001-2014.

Data for the Caribbean are scarce but in Jamaica for instance, the average 60% of informal urban dwellers has been maintained since 2005. In the Dominican Republic, this population declined from 28% in 1990 to 15% in 2015 (UN-Habitat, GUO database 2015). In Haiti, the absolute figure has doubled as a result of the 2010 earthquake. Barbados stands out positively, with very few precarious settlements (UN-DESA, 2004a).

Picture Nº 4. Informal urbanization in Lima, Peru. By César Fajardo, 2015

With respect to informality, **regularization and improvement programs have been insufficient,** only partially responding to inhabitants' needs.

There is a scarcity of information at the regional level regarding the effectiveness of informal settlement programs. Assessments are deeply needed under a common framework to identify the systemic effects of interventions (Smolka, interview 2011).

In Mexico, the Program for People in Conditions of Patrimonial Poverty to Regulate Informal Settlements (PASPRAH) implemented since 2006 has an average capacity of regularization of 35,000 titles per year. It is estimated that 350,000 homes have been regularized by 2016, compared to 10.8 million urban dwellings with irregular tenure status (Sedesol, 2011).

In Rio de Janeiro (Brazil), comprehensive informal settlement upgrading programs such as *Favela-Bairro* (1992-2006) and *Morar Carioca* (2006-2104) - the latter with the ambitious goal of legalizing and urbanizing all the city's favelas by 2020 - have managed to regularize a total of 110,000 homes since the early 1990s. It is estimated that households with irregular land tenure total more than 700,000 in 1,100 favelas (Di Virgilio, 2014; Leitao, interview 2016). In the metropolitan area of São Paulo, only 47 (6.2%) of the 754 informal settlements are under regularization processes (Denaldi et al, 2016).

Political-clientelist administration further complicates this issue by offering regularization programs in exchange for political favors. Most of these interventions end up being palliative. They contribute to reduce informality figures, but in practice, housing and neighborhoods remain highly precarious.

2.1.4. Deterioration and sub-utilization of urban land and existing housing stock

Furthermore, LAC cities face deterioration and underuse of central and social housing neighborhoods. In the region, regeneration of affordable and well-located housing is incipient. In Buenos Aires, the underuse of real estate is estimated at 100,000 units[13].

If some programs to improve impoverished central neighborhoods exist, none incorporates tenure regularization. Interventions rather focus on physically improving private homes and public spaces. Iniciatives include neighborhood improvement programs in Panama, the *Barrios* Program in Chile, the Revitalization and Patrimonial Infrastructure Program (Chile-IADB) and the Multiphase Neighborhood Improvement Program (Bolivia-IADB).

Regarding deteriorated social housing neighborhoods, the Chilean Social Condominium Program is among the few programs existing in the region. However, it faces high legal-administrative informal tenure, as second and third transactions are not registered (Castillo, interview 2016).

In addition to this is the **large amount of vacant land** in the region, own by both public and private entities, with different locations and characteristics. Such land could be used to increase adequate housing stock. According to recent estimates, Mexico City has wastelands that could respond to the housing demand for the next 30 years (Iracheta, 2016).

2.2. New forms of insecurity of tenure

Besides the challenges related to affordable land and housing low production, new forms of insecure tenure are emerging in the region. They are linked to real estate pressures, social conflicts, criminal practices, low legitimacy of intermediate and customary tenures, and lack of tenure privileges for vulnerable groups in unclear cadastral and registry contexts.

2.2.1. Insecure formal tenures due to real estate pressure

An uninformed senior citizen who sells his plot or house in a well-located neighborhood to an expert real estate developer is a classic example of asymmetric land transactions in the region. It is different from classical gentrification in developed countries, referred to the socio-spatial displacement of low-income population in deteriorated central areas by population of greater socioeconomic level (Glass, 1964; Harvey 1992). In LAC, it is rather a change of population based on social deprivation of land rents, called '**Latin-gentrification**' by some researchers (Inzulza-Contardo, 2012; Lopez-Morales, 2011).

The new inhabitants of revitalized neighborhoods are not necessarily higher income population, but younger people, single-person households, or owners who buy real estate for rent. Who leaves does it selling the plot or house to a value that generally does not include the future valuation for greater buildability. In Chile, the Urban Renewal Program launched the mid-1990s is an illustrative example. Plots of land in central Santiago, mostly around 200m2, were sold for an average of 2UF/m2[14]. The majority of owners thus received 400 UF, an insufficient value to buy a 45m2 apartment in the same area, thus forcing them to leave. Similar situations are observed throughout the region due to the weakness of land value capture mechanisms and the lack of State accompanying measures to asymmetric land transactions.

Owners of beach land in the Caribbean face an even more precarious situation, negotiating land sales with international resort developers. As a result, they often move inland and lose their marine and fishing activities transferred from generation to generation (Assad, interview 2016).

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[13] According to estimates by HFH Argentina.
[14] The unit of development (UF) is a unit of account used in Chile since 1967. Its original purpose was the revaluation of savings according to the variations of the inflation. Subsequently, its use was extended to the credit system.

2.2.2. Insecure tenures and social conflicts

Conflicts affecting land secure tenure in the region are mainly three: those linked to criminal gangs; international migrations; and internal conflicts.

Examples of historically legal and secure tenure threatened by **criminal gangs, generally linked to the global drug trafficking network**, are common in several LAC countries. In Honduras, "*crazy houses are houses the Maras grab, they take them from people with signed papers and use them to make parties, torture, or store drugs ... let's say you give your house or you give your life*". Banks generally map the drug trafficking monopolized urban areas and exclude their inhabitants from mortgage loans (Solano, interview 2016).

The territorial expressions of drug trafficking are barely analyzed in the region, even though the affected urban areas are generally well identified. This situation affects to a greater extent the Andean-Equatorial zone, Brazil and Central America. Abandoned by the public and private sectors, some of these areas are: *Cracolândia* in São Paulo (Brazil) with more than 20,000 inhabitants; the *Luz Fanor Hernández* neighborhood in Managua (Nicaragua); and *January 23* urbanization in Caracas (Venezuela), where the garbage collection service was deactivated in 2000 because of high violence levels suffered by operators (Kiss, interview 2016; Koonings and Kers, 2007; Perlman, 2010).

In the case of São Paulo, unlike the *Estación Luz* contiguous neighborhood that benefited from urban regeneration interventions that increased land values by 40%, in *Cracolândia,* land prices have decreased since drug trafficking monopolizes the place. 60% of properties have been abandoned or transformed into precarious hotel rooms where consumers sleep for a few reals (Santoro, interview 2016).

Map Nº 1. *Cracolândia* São Paulo, Brazil, Google   Picture Nº 5. *Cracolândia*, Google

In the same vein, the displacement generated by criminal organizations in Mexico is alarming. It is estimated that more than 35,000 households have been displaced at the national level; the most affected States being Chiapas, Guerrero, Michoacán, Jalisco and Tamaulipas (CNDH, 2016).

Added to this is the **migratory impact**, essentially in Central America, a route of passage of regional and international migrants to the United States who live in insecure and transitory tenures. In the Southern Cone, immigrants from the least LAC developed countries face precarious tenure conditions, renting or sub-renting rooms in deteriorated central neighborhoods or urban peripheries.

Another factor of insecure tenure relates to **internal conflicts**. The case of Colombia is telling. After a 52-years war with the FARC, the government must provide secure housing solutions to more than

6 million internally displaced persons, in addition to the demobilized ex-*guerilleros* in the framework of the 2016 Peace Agreement.

2.2.3. *Intermediate, customary and community tenures not legitimized*

Although LAC countries recognize ownership and formal lease as common forms of tenure, as well as the associated rights of use, enjoyment and usufruct, various types of tenure are excluded from most national legal frameworks.

These include intermediate tenures such as informal occupation, informal leasing and sub-leasing, which are exempt from benefits in contexts of tenure regularization and urban renewal interventions. In Jamaica and Haiti, there is concern about the lack of knowledge and recognition of intermediate tenures in 'family lands', where informality affects more than 60% of urban dwellers (Da Costa, interview 2016). Informality in all its dimensions - constructive, legal, administrative and environmental - is a major challenge in the Caribbean and Central America. The few exceptions in the region (see section 4) account for the need to document, analyze and legitimize intermediate tenures.

Besides, community tenures such as commons in Jamaica, communal sites in the Dominican Republic or non-indigenous community land in Argentina, have no legal existence[15]. Beyond non-recognition, there is concern about the deconfiguration of community tenures against increasing competition for urbanized land and weakening of social protection systems.

Community lands are massively sold, informally in Honduras, the Dominican Republic, Jamaica, Brazil and Paraguay, and legally in Mexico and Peru since the governments of Salinas de Gortari (1988-1994) and Fujimori (1990-2000), with the alleged goal of facilitating planned urban expansion.

In Mexico, *ejido* land is sold in two ways: legally after approval of 2/3 of Ejidal Assemblies, or through informal sale of individual domains and usufruct rights. "*Many ejidatarios do not distinguish between the transfer of full ownership and usufruct, which is ultimately a de facto individual full domain. This is how ejido land is becoming a reserve for real estate and informal developers*" (Eibenshutz, interview 2016). This phenomenon displaces urban limits in exchange for bribes, and physically, environmentally, legally and socially deconstructs tangible and intangible collective heritages.

In Peru, the Fujimori government constitutionally repealed the inalienability and imprescriptibility rights that community land had preserved since 1933. "*Legal norms, according to the agreement of the Community Assembly, allow peasant communities to transfer land ownership to individuals and/or third parties (Law No. 24656 of Peasant Communities); this has facilitated the sale of individual areas within community plots to private developers, who sub-divide, urbanize and re-sell as individual plots*" (Knudsen, interview 2016).

The adverse effect of legitimizing a massively informal practice in a context of land market liberalization is surprising, with no public measures or instruments to guide urban and peri-urban development.

2.2.4. *Lack of tenure privileges for vulnerable groups*

The lack of tenure privileges for vulnerable groups is characteristic of the region, especially for **female-headed households, older adults, same-sex couples, migrants, and ethnic groups such as indigenous and Afro-descendants communities**. This situation is of particular concern in the Dominican Republic, Mexico, Honduras, Peru, Ecuador and Paraguay.

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[15] Commons refers to lands owned by former slaves and their descendants after the abolition of slavery in 1834. Commons are public or private lands that are peacefully occupied by communities and uncontested. The latter also applies to Argentinean community lands.

From a gender perspective, separated women do not generally have rights over housing and land tenure. They also face limitations of inheritance in *de facto* relationships, which becomes even more problematic when they are heads of households. Children born out of wedlock face similar difficulties regarding land rights.

Another characteristic situation of the region are the barriers encountered by emigrants to buy land and/or housing in their countries of origin. "*In Ecuador, especially in Azuai and Cañar, returned emigrants have built houses of up to three or four floors with elevators in their farms. Many of them are now underused or semi-abandoned, with no option of connection to basic service networks as they are located in peri-urban or rural areas* "(Mejía, interview 2016).

Another example of special concern is the stateless status of Haitians born in the Dominican Republic, who lost their housing rights, among other rights, through the ruling of the Dominican Constitutional Court of September 23, 2013. The ruling retroactively denies Dominican citizenship to anyone born after 1929, who does not have at least one Dominican parent. More than 1,5 million people are in this situation.

2.2.5. *Unclear legal, cadastral and registry contexts*

An additional problem that threatens the security of land tenure is the lack of clarity in the order of priority between **overlapping land regimes**, leading to conflicts that are difficult to resolve. All LAC countries have adopted legal instruments that give priority to indigenous communities' rights, recognizing their historical and cultural aspects. However, there is no legal clarity in most countries when these areas overlap with others governed by different legal frameworks. These gaps ask for further research in the region.

Another identified trend is the **massive existence of incomplete registered titles**, in part due to a low register culture among people. However, in many cases this situation originates from public entities. It is especially notable when institutions do not register social housing titles, a common reality in Buenos Aires, the Dominican Republic and Honduras. "*Historically, the government of the city of Buenos Aires has registered little or no social housing titles*" (Kerr, interview 2016).

Secure tenure is also threatened when **multiple institutions poorly manage registered land**. It happens in the Dominican Republic, where the current Presidential Initiative for Land Titling grants titles in parallel to Real Estate Jurisdictions and the Ministries of Education and Health (that independently manage urban land for public infrastructure construction). Similar circumstances are observed in Honduras, where various institutions administer, sell and grant titles: the National Agrarian Institute (INA), National Institute of Forest Conservation and Development (ICF), Supreme Court, Presidency and municipalities, in the framework of the Unified National Registry System (SURE)'s progressive consolidation. In Brazil, federal, State and local institutions lead informal settlement regularization programs through independent registries, which are not integrated at the municipal level.

A first conclusion is that the main challenge does not necessarily lies in centralizing cadastral and registry processes into a single entity's hands, but in strengthening inter-institutional coordination through dialogue and complementary work, like in Argentina and Colombia. Some of the most backward countries in this area are the Dominican Republic, Honduras and Mexico.

Pictures Nº 6, 7. Expressions of dissatisfaction with unregistered social housing titles in Arica, Chile, 2016. By Paola Siclari

2.3. New socio-demographic and territorial trends

2.3.1. Household atomization and diversification

Latin America is a region that grows at different speeds by subregions. Households are atomizing and diversifying according to new socio-demographic trends:

Steady share of "*ninis*" (young people between 15 and 29 years excluded from the education-labor sectors), who total 30 million people. 70% of them are women assigned to child care and domestic work[16].

Growth of female-headed households. They accounted for 23% of households in 1990 against 33% in 2010[17]. The socio-economic situation of women in the region is of particular concern, with 50 % of them working in the informal sector. With gender parity in education and training, women receive wages on average 30% lower than their male counterparts. The affiliation rate to social protection systems is also lower, with extreme situations like Paraguay, where 75% of the female working population is not affiliated[18].

Rising older population. They represented 4.8% of the population in 1990, compared to 5.6% in 2010. Projections estimate that they will account for 12% of the population by 2030 (more than 80 million people). Only 20% are affiliated to social protection systems (ECLAC, 2015). According to estimates by the authors, there would be more than 16 million urban households headed by older adults in insecure tenure.

Increase in regional immigrants, with little access to land, housing, work and social protection systems. The number of immigrants is estimated at 7.6 million, with the main destination countries being Dominican Republic, Argentina, Venezuela and Costa Rica[19].

Importance of indigenous and Afro-descendant population in cities, who represent about 25 million and 60 million respectively. The incidence of urban poverty is 20% to 30% greater among indigenous people compared to the rest of the population. They have an average of four years less of schooling and are more affected by overcrowding and forced evictions[20].

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[16] ECLAC (2014a); De Hoyos et al (2016).
[17] Cepalstat (2015).
[18] ECLAC (2015a); ILO (2014).
[19] ECLAC (2014c), (2015 a y b).
[20] UN-Habitat (2012); Cepalstat (2015).

Table Nº 7. Demographic composition by age groups in LAC 1990-2010-2030						
Total population and %	**1990**		**2010**		**2030**	
0 - 14 years old	174,407	36,3%	186,597	32,2%	147,917	21,5%
15 - 64 years old	282,335	58,8%	360,718	62,2%	457,613	66,6%
+ 64 years old	23,258	4,8%	32,686	5,6%	81,470	12%
Source: Elaboration based on Cepalstat (2016).						

LAC households tend to atomize with an average of 4.3 people per household in 1990, 3.8 in 2010 and 3.2 in 2030[21]. The reasons for this atomization are multiple: socio-economic inequalities, rupture of homes product of social conflicts and disasters, rising divorce rates, population aging, and more individualistic lifestyles, among others.

This means that the region's 480 million urban dwellers make up 126 million households, against 111 million twenty years ago. Such fragmentation represents a serious challenge regarding the necessary public policies and resource allocation to meet rising land and housing demands.

However, this **atomization of households differs by socio-economic groups**. In the last twenty years, single-person households have increased in the highest quintiles whereas large households have raised in the lowest ones, accompanied by the emergence of vulnerable household heads (women, seniors, immigrants).

Table Nº 8. Household types according to income quintiles in %, 2015						
Household types	**Q1**	**Q2**	**Q3**	**Q4**	**Q5**	**Simple average**
Single person	4,6	7,4	11,9	12,4	20,5	11,36
Two parents with children	40,6	32	33,6	35,5	34,2	35,18
Two adults without children	4,4	8,9	11,2	13,1	16,6	10,84
Single-parent	21,7	15,1	13,6	13,3	11,3	15
Extended family	34,7	36,7	29,7	25,7	17,3	28,82
Source: Elaborated by the author, based on Cepalstat (2015).						

Besides, these trends hide large regional differences. The Caribbean and Central America are subregions with moderate urban and demographic transition. Therefore, attention to vulnerable and female-headed households should be a priority (their share has increased over the past decade due to increased male migrations, World Bank, 2015). Brazil, Mexico and Andean-Equatorial countries are in full urban transition, the most advanced being the countries of the Southern Cone. In these subregions, elder care related to secure tenure and adequate housing must be urgently strengthened.

2.3.2. Convergence in urban peri-centers

Another regional socio-territorial trend is the **relative depopulation of city centers and specific peripheral zones, through a growing migratory process towards peri-central areas.**

Low-income people and regional immigrants tend to favor relatively central locations against formal tenure in peripheral social housing projects. Peri-central zones seem to represent the best cost-benefit option between location and land value. People prefer to live in worse tenure conditions (sub-leasing rooms or sharing housing with relatives) but with better access to goods and services, and less distance between home and work (Brain, Prieto and Sabatini, 2010; Siclari, 2012). "*This was the choice of more than five million Mexican households, who left the closed condominiums on the outskirts to return to centers, because home-work trips exceeded six hours a day*" (Paquette, interview 2016).

Consequently, these new location patterns and strategies impact secure tenure demands in peri-centers, asking for larger and more diverse housing supply in such areas.

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[21] Projections Celade-ECLAC (2015).

Figure Nº 2. Net migration rates in centers and peripheries in 8 LAC cities *(for 1000 inhabitants)*
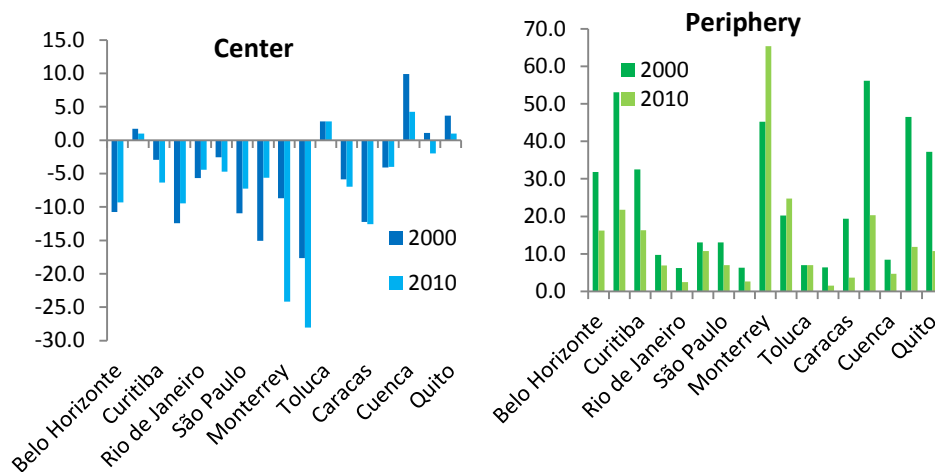
Source: ECLAC (2014b)

2.4. Climate change impacts

LAC is among the regions at greatest risk of natural disasters, including floods, droughts, volcano eruptions, earthquakes, extreme weather conditions, hurricanes and landslides, among others. The occurrence and severity of such disasters have increased in the last thirty years. Droughts are 360% more common and hurricanes occur 521% more than in the 1970s (Fagen, 2008). The World Bank (2011) identifies nine LAC countries among the 20 highest risk countries in the world, where more than 80% of the population is at risk of natural disasters. UNISDR estimates that 132,000 homes are annually destroyed due to natural disasters in the region (UNISDR, 2016), where **more than 50% of the population lives in risk areas.**

The burden of these risks is disproportionately borne by low-income groups. As mentioned earlier, land competition and weak urban development policies have limited safe urban land and housing supply for the poor. This has resulted in the informal development of precarious settlements in risk areas, chosen for their low land prices.

Informal urban development exacerbates the risk of disasters over time. Poor building quality increases the risk of loss of property, injury and death, especially during hurricanes and earthquakes. Poor urban services, including limited access for emergency and rescue organizations, and limited water for fire prevention and response, greatly increase the risk of extensive damage during fires and landslides. Poor drainage in coastal areas along riverbanks, including blocked drainage courses by accumulated garbage, increases the risk of flooding. The same happens in consolidated neighborhoods with low maintenance.

Box Nº 4. Reconstruction of Ica, Peru: an example of poor management

What happened in Ica a few minutes after the earthquake is that President García announced that the victims had been few and that the government would give subsidies to rebuild houses. The next day, more than 500 people were reported dead and the government did not allow any organization to help. This generated a second disaster, since information for subsidy allocation was collected by several institutions without any coordination (National Civil Defense Institute, UN-Habitat, NGOs).

As the communication was so confusing, some people whose homes had not been affected demolished them to benefit from a 6,000 soles subsidy (USD $ 2,000). The first subsidies were distributed in a clientelist way. Then, it appeared to be very difficult to distribute them per plot, since several plots had five or six houses without any clear subdivisions or official registration. Such was the pressure of people that the government built walls in front of houses so that the media and the press could not see the misery behind.

After the first few weeks, President García traveled to Colombia to learn about the experience of the Reconstruction Corporation. An attempt was made to replicate the reconstruction strategy through private companies, coordinated by the Corporation to Foment the Reconstruction of the South. The strategy failed due to high levels of corruption and non-

The World Bank (2011) notes that "*events of low or moderate intensity often occur, such as localized floods and fires that have the most significant impact on the quality of life of the poor*". This means that greater disasters appearing in global headlines only represent part of the physical and psychological damage that result from natural events in poor communities. Fires, floods and landslides, many of which occur on a regular basis, represent a higher risk for informal settlements' and impoverished neighborhoods' residents. Such small-scale regular disasters have strong impacts on quality of life, particularly regarding public health. Poor drainage and flooding provide ideal environments for disease transmission, including mosquito-borne diseases like malaria and dengue, and waterborne diseases such as diarrhea and cholera (World Bank, 2011). This is particularly true for Caribbean communities where, in addition, much of the Gross Domestic Product is generated in coastal areas prone to flooding.

Indeed, climate change impacts are differentiated by subregions. Geographic conditions place Central America in a situation of great vulnerability, which imposes the development of preventive and resilient urban and peri-urban land governance systems. For example, the Central American drought that has taken place for several years in Cocibolca (Nicaragua), and includes the so-called Central American 'dry corridor'[22], is threatening food security of 3.5 million people. This situation will probably motivate migratory movements to cities, with consequent rise in urban land and housing demands.

Brazil and Paraguay are more prone to flooding, and Andean-Equatorial countries have higher prevalence of seismic risk, thus implying differentiated resilient land management strategies.

Improving basic urban services in high-risk areas would significantly reduce damages caused by environmental events and periodic disasters across the region. For this, and to limit environmental threats for the poorest groups, it is key to integrate environmental and urban planning.

Picture Nº 8. Massive fire in informal settlements in Valparaiso, Chile, 2014. By Radio Universidad de Chile

3. INSTITUCIONAL LIMITATIONS AND BARRIERS

This chapter complements the analysis of challenges and barriers, identifying key institutional constraints on the way towards responsible governance and secure tenure. It focuses on public, private and social representations, imaginaries and practices in the region.

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[22] It comprises areas of Guatemala, Honduras, El Salvador, Nicaragua and Costa Rica, on the Pacific Ocean coast.

3.1. Practices and representations: private property, the State and the market

In LAC, the civilist conception of property rights as fundamental, real, absolute and exclusive rights is deeply rooted in mentalities and national legal systems. Indeed, regional social imaginaries consider private property as the 'natural tenure' *par excellence*. Beyond the sense of security and capital protection, private property has symbolic and cultural values of consolidation of social positions. This **liberal conception of property rights conflicts with the principle of social function of property**, according to which private property must contribute to development and the common good, for example through urban standards or value capture.

Although this principle is recognized in several Constitutions of the region, **few countries have developed land rent capture and redistributive instruments** (Colombia, Brazil, Argentina, Ecuador with the new Organic Law of Territorial Planning-LOOTUS and Chile with the Law of Contributions to the Public Space). Despite innovative and progressive normative frameworks, these countries have experienced many difficulties in the implementation of such instruments, for many reasons that will be discussed below (resistance from social and private sectors, political ruptures, lack of institutional and human capacities, among others).

In addition, the **increasing land market liberalization** since the 1990s has weakened the role of the State and its ability to negotiate with the private sector. Urban and peri-urban land development then tends to respond to urban developers' interests of maximizing rents, to the detriment of affordability and secure tenure. In this context, States have adopted attitudes of **implicit tolerance of informal urban development**, as evidenced by the permissiveness of mass *ejidal* land sales in Mexico.

Often, the State itself is not seen as a guarantor of rights, but as a bureaucratic and opaque machinery, originating arbitrary decisions and violent evictions. Besides this lack of legitimacy, **political short times and discontinuity** make difficult to adopt and implement long-term urban strategies.

3.2. Confusing and disjointed institutional frameworks

Other limitations relate to the lack of clarity of institutional frameworks, both at the vertical and horizontal levels. Although most LAC countries have adopted **decentralization reforms** transferring responsibilities to municipal entities (regarding urban development and land management), these **have not been accompanied by the corresponding transfers of resources and capacities.**

In addition, **the distribution of roles and responsibilities regarding land governance is not clear**. Multiple institutions from different territorial levels intervene in these issues, generating political conflicts and confusion among citizens. In several countries, housing policies depend on central governments, and are based on stimulating demand through individual subsidies that are disconnected from territorial realities. In Ecuador for example, extractive oil management and environmental protection remain in the national government's hands. As mentioned above, it is very common for different institutions to have authority over territorial decisions and land rights without any coordination. This occurs to a larger extent in Central America, where various entities have the power of granting domain titles without any national registration system. Despite progressive improvements, this situation remains frequent in medium and small cities.

At the local level, the **lack of institutional articulation between local governments' dependencies** has already been mentioned. This political and administrative fragmentation generates gaps and contradictions between land and housing policies, and between these and environmental, health, education and infrastructure policies, among others. In general, urban policies lack of territorial approach, undermining the design and implementation of coherent and integrated urban planning models in the short, medium and long term.

3.3. Weak land management systems

3.3.1. Gaps between cadastres and registries

"The importance of the cadastre lies in the possibility of providing information on land use, development and transactions, allowing to understand tenures, land value reconfigurations and changes. The cadastre registers physical and social changes, thereby legitimizing tenure. It integrates public and private land information, then helping to avoid fraud and estimate available public land for the benefit of the poorest and most vulnerable groups. On the other hand, the registry ensures tenure legal status" (Piumetto, interview 2016).

Except in Argentina and large cities of Colombia and Brazil, the regional situation is very distant from the one just described. **Lack, inconsistency and partiality of information, and administrative fragmentation of cadasters and registries are common**, with high levels of institutional disarticulation. An extreme case is El Alto in Bolivia, where the municipal cadastral office broke ties with the Office of Real Rights because of the accumulation of unresolved land disputes (Ilijic, interview 2016). The **low culture of registration among the population** of the region has also been mentioned.

The Dominican case is among the most complex, with the historical existence of two registry types; the Registration Act of 1890 and the Torrens System and further modifications 1947-2005. There are also Real Estate Jurisdictions, in charge of elaborating cadastres and registries. The Mexican is another complex case, for the amount and massive informality of land transactions. Paraguay is another emblematic example, where the General Direction of Public Registries (DGRP) scarcely coordinates actions with the National Cadastre Service (CNS) and even less with other registration and cadastral institutions such as local governments, the National Institute of Rural and Land Development (INDERT) - in charge of regularizing rural tenures - and the Secretariat of Social Action (SAS) - for urban tenure regularization (Franco-Torche, interview 2016).

The **lack of land value maps** and poor knowledge about informal land market functioning represent additional constraints that hamper effective management of land transactions. The absence of land value formal registries in informal settlements opens the door to a wide range of arbitrariness and prevent from using land rent instruments to finance urban upgrading programs.

Only some characteristics of informal land markets and transactions are known; that real estate speculation is unbridled, that the buying and selling of plots are advertised on light poles, stores or through 'word of mouth'; or that transactions are sealed in signed papers with Community Boards' presidents acting as witnesses. *"Land governance in precarious settlements is a missing area in our work"* (Hopper, conversation 2013).

Picture Nº 9. Informal sale of housing in Salvador de Bahía, Brazil, 2009. By Paola Siclari

3.3.2. Fragile property tax collection systems

The lack of robust cadastres, registries and land value maps hinder the implementation of efficient and equitable tax collection systems in the region. This situation, combined with the high informality of the land stock, makes it difficult or impossible to capture and redistribute land rents. Only some Brazilian, Colombian, Mexican and Chilean cities dispose of such tools and information is usually partial (De Cesare, 2011).

As a result, **property tax revenues are very low in the region**, with an average of 0.8% of GGP compared to 1.9% in OECD countries (OECD, ECLAC, CIAT and IADB, 2016). The countries that collect the most are Argentina and Colombia with 2.9% and 2.1% of the GGP respectively. At the other end is Honduras with 0.2% of the GGP.

Cultural issues also play a significant role in this situation. "*Mayors do not charge property taxes because they see it as a threat of loosing followers; and people do not pay because they do not see improvements in cities; while charging and reinvesting would generate a virtuous circle of general well-being*" (Vittrup, interview 2016).

3.3.3. Complex and costly technical-administrative practices

One of the reasons why tenure returns to informality or is never formalized, is the **complexity and costs of technical-administrative procedures to register land titles**. The 'Doing Business' study (World Bank, 2011) is the first regional report that quantifies land administrative complexity. It points out that the average needed time to acquire a property and complete the transfer is 50 days, with extreme situations in Bolivia (more than 100 days) and Peru (less than 10 days).

Regarding costs, the value of title registration in registry offices ranges from 0.2% of the land value in Chile to 1% in Costa Rica. It means that registering a USD$ 25,000 plot would cost USD$ 50, representing more than 25% of the Argentine, Chilean or Colombian minimum wage. These costs dramatically increase if plots are purchased through bank credit, and can reach up to USD$ 850. As a result, many people avoid or abort such procedures (Rosso, interview 2016).

"Complexity is due to the lack of procedural protocols. With little information, ordinary citizens are paralyzed and leave the paperwork" (Antequera, interview 2016).

3.3.4. Lack of knowledge and trained human capital

Another weakness observed across the region is the **general lack of knowledge about urban and peri-urban land governance in various sectors and levels**, a matter of concern regarding the increasing international requirements related to secure tenure (SDG, NUA) (UN, 2015).

With respect to qualified personnel, the 'Making Land Legible' analysis estimates the number of geographers and land surveyors in local governments, based on the number of registered professionals and assuming that 60% of them work in municipalities. Results are telling; Brazil and Guatemala have less than one geographer per municipality. The situation is even worse in the Caribbean and Paraguay (LILP, 2016).

This topic deserves to be deepened to **define technical-professional training demands** at different territorial levels. *"Anyone who becomes urban planner does it by attending the few regional schools that exist. If possible, the person will attend a university outside the region, or will simply learn from practice on the field "* (Acioly, interview 2016).

Regarding tenure regularization and land disputes mediation, professionals are generally people without university education that have learnt from practice. In Brazil and Honduras, the so called 'social regularizers' are legitimized by communities.

3.4. Corruption and clientelism

Another cross-cutting issue that limits security of tenure and robustness of urban and peri-urban land governance are the **corrupt and clientelist practices** at different levels, which have become structural in some LAC countries. The lack of georeferenced cadastral maps described above opens the way to comfortable inconsistencies between physical and legal registries of properties. For politicians and officials in charge, the *status quo* facilitates the clientelist management of urban and peri-urban land.

The Dominican and Mexican cases are among the most worrying, with a series of administrative defects: counterfeit, modification, theft, duplication of registered titles with different owners, and fraudulent title registration among others.

In the region, there are hundreds of examples of political-clientelist regularization of informal settlements, especially in Mexico and the Andean-Equatorial zone. In Honduras, the recovered *ejidos* through the Agrarian Reform of 1974 were transferred to municipalities in 1990, who sold them under a clientelist approach to farmers and inhabitants of peri-urban areas (Espinal, interview 2016). Another particularly critical example is the New Recife Project in Brazil with luxury homes built on public land, which the municipality sold at a very low price to the promoter company that finances most of the region's political campaigns (Ludemir, interview 2016).

In short, political indifference towards urban and peri-urban land governance weakens institutional frameworks, facilitating unplanned and excluding urban development.

Table Nº 9. Summary of key challenges and limitations by LAC subregion				
Subregions / Challenges	**Land and housing production**	**Socio-demographic conditions**	**Conflicts**	**Climate change**
Caribbean	Production of urbanized land. Regularization and informal neighborhoods upgrading. Land management systems.	Households headed by women. Afro-descendant population.	Community tenures. Gentrification	Seismic hazards, floods, hurricanes
Central America	Production of urbanized land. Regularization and informal neighborhoods upgrading. Urban regeneration of deteriorated neighborhoods. Land management systems. Corruption.	Households headed by women. Indigenous population, and Afro-descendant to a lesser extent.	Drug trafficking. Migrants of passage. Community tenures. Gentrification.	Seismic hazards, floods, droughts, hurricanes.
Andean-Equatorial zone	Production of urbanized land. Regularization and informal neighborhoods upgrading. Urban regeneration of deteriorated neighborhoods. Land management systems. Innovative instruments of land management with low implementation in Colombia, incipient in Ecuador and Peru. Corruption.	Progressive aging of population. Households headed by women and older adults. Indigenous population, and Afro-descendent in Colombia and Venezuela.	Drug trafficking. Post-conflict in Colombia. Gentrification.	Seismic risks, floods.
Brazil	Regularization and upgrading of *favelas*. Urban regeneration of deteriorated neighborhoods. Robust land management instruments with low implementation. Corruption.	Progressive aging of population. Households headed by women and older adults. Afro-descendant population.	Drug trafficking. Gentrification.	Floods.
Southern Cone	Urban regeneration of deteriorated neighborhoods. Persistent informal settlements.	Aging population. Households headed by women.	Integration of regional immigrants.	

| | Peri-urban land management. Corruption. | Indigenous population. | Community tenures. Gentrification. | |

Source: Elaborated by the author

4. OPPORTUNITIES AND PROGRESS IN THE REGION

This chapter reviews key opportunities and progress towards responsible land governance and secure tenure in the region, which seek to overcome the previously identified challenges, barriers and constraints. It also includes opportunities related to international conventions, regional knowledge networks and technical assistance supply.

As mentioned earlier, some countries and capital cities have adopted innovative land regulatory frameworks based on notable financing, land planning and management instruments. These instruments can guide urban development, control speculation, impulse social housing, and improve information systems and tax performance. Some promising experiences are presented below.

4.1. On affordable urbanized land and adequate housing production

4.1.1. Diversification of housing access mechanisms

Beyond traditional A+B+C programs, housing access mechanisms have diversified through almost free housing programs, alternative tenure arrangements and cooperative schemes.

There is progress in the region regarding housing affordability. **New housing financial schemes** encompass changes in savings requirements, mortgage credit elimination and increase in State subsidies for very low-income people, essentially in Chile, Colombia and Peru.

Box Nº 5. Housing programs for vulnerable and low-income people

Chile: assuming that a significant share of the population is not subject to credit, the Solidarity Fund covers up to 90% of the housing value (including land). The program supports the purchase of new or used housing, housing construction or upgrading. An average of 55,000 subsidies are annually granted, compared to the 120,000 units accumulated housing deficit for this segment, which increases by 25,000 units per year (MINVU, 2016).

Colombia: in 2012, the '100,000 Free Homes' program was launched, which benefits displaced people and people affected by natural disasters, selected by lot. The Ministry of Housing, City and Territory approves projects led by private companies and municipalities contribute by donating the land (Bonomo et al, 2015). However, there have been problems regarding projects' urban quality and social coexistence.

Peru: in 2005, it was proposed to increase significantly the granting of subsidies, up to 120,000 annual subsidies for housing purchase, construction or improvement. The 'Techo Propio' program assigns subsidies to vulnerable households covering between 40% and 90% of the total housing value (Bonomo et al, 2015).

Types of tenure are also diversifying through new affordable social leasing programs, which constitute an alternative to private property. Examples include the 'Renting is Possible' program in Buenos Aires (Argentina)[23], Uruguay's national rental policy based on State guarantees[24], the subsidized rent program 'Bye mother-in-law' in Chile[25], and housing leasing programs in Colombia[26].

Box Nº 6. 'Renting is possible' Program, Buenos Aires (Argentina), 2013

Launched in 2013, 'Renting is possible' is a Housing Institute of the City of Buenos Aires program along with the City Bank. It supports young households, students, low-income people and informal population to access formal rental

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[23] http://www.buenosaires.gob.ar/red-en-todo-estas-vos/alquilar-se-puede
[24] http://www.mvotma.gub.uy/tu-vivienda/alquilar.html
[25] http://beneficios.minvu.gob.cl/arrendar-una-propiedad/
[26] https://www.fna.gov.co/vivienda/leasing/arriendo-social

contracts. The solution consists in: a City Bank guarantee for renters, a subsidized rate loan to cover initial expenses, a four-month prior saving scheme for informal beneficiaries, a partial rental subsidy, and a training process by Humanity for Humanity Argentina (HFHA).

Although the program attempted to benefit 2,000 applicants in the first year (1,000 middle-income households, 500 low-income households and 500 students), participation of low-income population has been reduced due to the difficulties of finding housing for rent and the lack of confidence in the program among owners.

Finally, **housing cooperative schemes** are progressively spreading over the region, through which households self-manage housing solutions from planning to construction and collective management. Uruguay is the most advanced country in this field with more than forty years of experience. Since 2010, it has prioritized the cooperative system among public housing programs (Nahoum, 2012). The Uruguayan Federation of Housing Cooperatives for Mutual Assistance (FUCVAM) brings 400 cooperatives together, representing 20,000 organized households waiting for a loan (Bonomo et al, 2015). Since the 2000s, Uruguay has transferred capacities to a number of LAC countries such as Argentina, Bolivia, Paraguay, Venezuela, and Central American countries to adopt cooperative models (Bonomo et al, 2015).

4.1.2. New affordable land supply through real estate speculation control

In addition to facilitating housing access, some countries have advanced in the generation of urbanized, safe and affordable land in different locations. This new supply in centers, peri-centers and peripheries results from the control of speculation in new real estate developments through land rent redistributive instruments. In Colombia for example, the Law of Territorial Planning (388/1997) allows municipalities to recover up to 50% of urban capital gains generated by public actions.

Varying mechanisms exist to plan urban-rural borders and expansion. In Colombia, Urban Expansion Plans allow the city to order urban sprawl through integrated housing projects (housing, road infrastructure, facilities and public space) based on land readjustment and equitable distribution of costs and benefits among landowners, developers, the public sector and beneficiaries. Bogota also disposes of an important land bank administered by Metrovivienda. The 'Ciudadela Nuevo Usme' project stands out with the urbanization of 65 ha. divided into 36 superlots with mixed uses. In Medellin, it is worth mentioning the 'Pajaritos' Plan, which made possible to plan the western border and obtain urbanized land for social housing.

In Brazil uses Consortium Urban Operations (OUC) with a similar logic and one difference: potential land rents of predefined polygons are auctioned in the financial market as bonds, denominated Additional Building Potential Certificates (CEPACs).

On this matter, Mexico has implemented Urban Containment Perimeters, which regulate new social housing location depending on urban attributes. In Peru, the government is attempting to reverse informal urbanization through the Urban Land Generation Program (PGSU), which allocates served plots to households subject to housing subsidies in previously urbanized areas (El Peruvian, 09/23/2015; World Bank, 2015).

Generation of affordable land is also being encouraged in new private real estate developments located within urban perimeters. Urban charges for developers, in the form of land transfers or social housing construction, are becoming more frequent in large LAC cities. In São Paulo, the new Master Plan introduced Solidarity Quotas, obliging developers of more than 20,000 m2 projects to donate 10% of the land for social housing. Brazil also uses the Special Areas of Social Interest (ZEIS) that limit land use to affordable housing. In Chile, Social Integration Projects (PIS) seek to mix different socio-economic groups in housing projects, breaking patterns of large-scale segregation resulting from social housing construction only in peripheries. Projects must have at least 30% of housing for population in quintiles I, II and III (MINVU, 2016).

Other initiatives seek to take advantage of vacant land in different locations. Brazil implements three instruments to control this type of speculation: compulsory use of vacant land through reparcelling and/or mandatory construction, progressive property tax for underused land (IPTU), and domain prescription by private inaction. Bogota has implemented declarations of priority construction, habilitation and use of underused or abandoned buildings.

4.1.3. Regeneration of deteriorated neighborhoods and existing housing stock

Another area of opportunity is the regeneration of impaired central neighborhoods and existing housing stock. In Colombia, Urban Renewal Plans offer several legal modalities to include owners in projects, and thus avoid gentrification and intra-urban displacement[27]. The 'Fenicia Triangle' Plan led by the University of the Andes in Bogota's center compensates the owners with an equal size housing in the new development ('M2 for M2 Plan'). There are also preferential housing access options for tenants. These Plans must devote 30% of the useful area to social housing, promote mixed uses and improve urban standards in terms of facilities, public space and green areas.

Images Nº 1 y 2. Urban renewal 'Triangulo de Fenicia' Plan, Bogota, Colombia. ERU, 2016

Historical centers renovation and urban regeneration programs financed by the IADB in Argentina, Brazil, Panama, Colombia, Ecuador, Chile, Uruguay and Mexico can also be mentioned. In some cases, social housing quotas have been included.

Regarding **existing housing stock renovation**, it is worth mentioning the re-use of empty buildings in central São Paulo to constitute a public housing stock for rent. The municipality expropriates buildings, and the private sector rehabilitates and maintains the buildings for twenty years, taking them as a guarantee.

Regenerating social housing neighborhoods constitutes another imperative. Only Chile has moved forward with the Social Condominium Program, which aims at improving building informality and overcrowding by merging apartments and relocating households (Ferrer, interview 2016).

4.1.4. Informal settlements regularization and upgrading

Other opportunities and improvements relate to **informal settlement regularization and upgrading**. Brazil is by far the most innovative country in the region regarding comprehensive instruments and programs, followed by Colombia.

In 2012, the Slum Improvement Program of São Paulo's Municipal Housing Secretariat (SEHAB) received the UN-Habitat Scroll of Honor[28]. In Brazil, regularization in public and private land respond

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[27] This is considered to a lesser extent by the OUC in Brazil, evidenced by the displacement of hundreds of families because of 2016 Olympic Games' urban projects.
[28] http://mirror.unhabitat.org/content.asp?catid=827&typeid=24&cid=12404

to different strategies. Public land occupation can be legitimized through property rights granted for 99 years. In private land, individual or collective titling processes begin after 5 to 20 years of uncontested and peaceful occupation (Civil Code 2002 and Federal Law 11977/2009). An interesting variant is regularization through social regulators, in charge of mediating between owners and occupants, thus avoiding expropriations. To that end, the judicial power establishes a compensatory payment, which indicates the amount and periodicity of the compensation that occupants will have to pay to the owner, at the end of which they will legally acquire the land. Occupants receive titles as soon as the process begins, allowing municipalities to urbanize and collect property tax from the first stages of projects (Cavalcanti en LILP, 2014). *"This mechanism has worked well, avoiding expropriations through fair compensation to owners of informally occupied land"* (Denaldi, interview 2016). In the same vein, Honduras uses trusts.

Box Nº 7. Trusts to pay original owners for informally occupied land in Honduras

Having expropriated a human settlement by public necessity and to determine the payment of the **compensation** to the original owner, the General Direction of Administration of National Property appoints an evaluation commission composed of three experts: one (1) for the General Direction, one (1) for expropriated settlers, and one (1) for the owner(s) of the expropriated property.

Once the evaluation commission is established, the occupied property appraisal is carried out. Each member determines the price per square meter.
-If two experts coincide with a value, then that will be the price.
-If three experts determine a different value, the value will be determined by the average, as long as the difference between the lowest and highest value is not greater than 20%.
-If the difference exceeds 20%, the General Direction will determine the value.
To determine a fair price, different characteristics are taken into account: infrastructure improvements carried out by occupants and paid property taxes, topography of the property, among others.

In case of the formation of a **trust**, the Property Institute will establish the minimum conditions to be fulfilled by the trusts, including the constitution in authorized banks.

Once the trust is set up, the **Regularization Panel** is carried out by the General Direction for Property Regularization. Each beneficiary defines how the compensation will be paid in a maximum period of five years. The amount to be paid includes the area of the property plus roads and social facilities areas in a proportional way. A common area factor is defined per square meter.

Source: Elaborated by Enrique Pantoja, World Bank.

Another innovative modality of in-situ regularization is found in Brazil through Permanent Protection Areas that *"guarantee the stay of communities in no risky areas if it is proved that occupation will contribute to city development and will not be a burden/additional cost, in social and environmental terms" (*Bonduki, interview 2016).

Equally innovative and comprehensive is the Colombian experience. The Integral Neighborhood Improvement Program (PRIMED) of Medellin achieved a remarkable qualitative leap in the 1990s, when the city welcomed thousands of internally displaced people. Thanks to this program, the Juan Bobo river area was rebuilt through land readjustment and improvement of collective infrastructure and housing. Various types of tenure were recognized, including informal sub-leasing. The Juan Bobo Project won the Dubai World Prize in 2008 as Best Practice. This experience served as the basis for designing and implementing the national Comprehensive Neighborhood Improvement Program (PMIB).

Another initiative is the Social Tenure Domain Model (STDM) pilot project led by Habitat for Humanity Colombia and GLTN in Soacha (Colombia) in 2015. This GIS-based technological and participatory tool demonstrated great potential for assessing and prioritizing housing, neighborhood upgrading and secure tenure interventions in precarious settlements[29].

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[29] http://stdm.gltn.net/applications/soacha-colombia/

At the regional level, various regularization programs are being developed; from the Settlement Management Unit in Jamaica, the National Commission for Land Titling in the Dominican Republic, the National Commission of Housing and Precarious Settlements created in 2014 in Honduras, the PASPRAH program in Mexico, MIDUVI in Ecuador, and COFOPRI in Peru.

Barbados is a very interesting case, with very low urban informality levels, as a result of a strictly implemented Construction Code, acquisitive prescription initiatives that are effective over 20 years of uncontested and peaceful urban occupation, and improvement programs led by the National Housing Corporation with IADB support.

Picture Nº 10. Heliópolis, upgraded settlement, São Paulo, 2012. By Revista Paraisópolis
Picture Nº 11. Vila Nilo, upgraded settlement, São Paulo, 2012. By Revista Paraisópolis

4.2. On secure tenures

4.2.1. Legitimacy of customary and intermediate tenures

The region is characterized by significant divergences regarding the legal recognition of customary forms of tenure. In Central America and the Caribbean, **constitutional and legal protection is provided to indigenous, Afro-descendant and peasant cooperatives to varying degrees**, with a general trend towards reducing protection against increasing market competition. In peri-urban areas, although most countries have legitimized indigenous land regimes, the same is not true regarding community ones.

With respect to intermediate tenures, the region has advanced through the adoption of progressive access mechanisms to full ownership. In the Dominican Republic, the legitimation of peaceful occupation and construction through registered building codes called *Cintillos* (Law of Registration 2005) stands out. In Jamaica, former slaves and their descendants' possession land rights are recognized through the Statute of Delimitations, and can be converted into registered full domain titles (Commons). Besides, the Jamaican legislation recognizes possession rights of private land after twelve years of peaceful and uncontested occupation. Likewise, in order to facilitate credit access, the National Land Authority grants Commitment Letters that legitimize land regularization processes.

Brazil is another country legitimizing possession rights of peacefully occupied public and private land, through the Civil Code and City Statute. In Colombia, recognized occupants (*poseedores*) pay property taxes.

4.2.2. Tenure privileges for vulnerable groups

Other advances and opportunities relate to tenure privileges for vulnerable groups that begin to take into account new regional socio-demographic trends.

Regarding **gender issues**, women can register housing titles at their name, whether they are married or in a *de facto* relationship in Jamaica, Honduras, Colombia, Brazil, Mexico and Chile. This

guarantees their rights to inherit part of the property in case their partner passes away. In Chile, the Civil Union Agreement allows women to inherit the couple's property. In Jamaica, **women-headed poor households** are exempt from property tax, and have preferential housing access in Mexico[30]. In Argentina and Paraguay, they can appeal to justice so that housing acquired before marriage is declared family property, resulting in the non-prescription of the property. This allows the woman to stay in the house by paying a compensation to her former partner.

In the case of age groups, **precarious youth** have preferential access to housing rent subsidies in Buenos Aires (Argentina) and Chile. Vulnerable **older adults** are exempt from property tax in Jamaica, and may apply to specific housing programs in Chile.

For their part, **immigrants** can access to housing and rental programs in Chile with the Residence Certificate, and in Argentina after two years of continuous residence and formal employment contract.

In Chile, **same-sex couples** can apply under equal conditions to MINVU's Housing Rental Program. In Colombia, they can access to housing programs and to the conjugal part like *de facto* marital unions.

In terms of **ethnic groups**, Honduras recognizes indigenous, Afro-descendant and community land regimes (Property Law 2004), which has led to massive delivery of community titles to Agalteca and Miskito communities (stripped of their land in previous decades).

No country in the region has established land and housing access mechanisms for **returned emigrants**, who are significant in Ecuador, Guatemala, Salvador, Honduras and Paraguay since the 2008 global financial crisis.

4.2.3. Social pacification

With respect to social conflicts linked to criminal gangs and drug trafficking networks, good practices include UN-Habitat Safer City Program, which has improved security levels in Santa Tecla (Salvador), Managua (Nicaragua) and Tijuana (Mexico). Another interesting reference is the reappropriation of Medellin (Colombia) and pacification of Rio de Janeiro (Brazil).

4.3. On the management of new climatic challenges

In addition, the region is progressing in the fight against climate change, through prevention and mitigation strategies in three main areas; multilateral agencies' actions, risk management-based territorial planning, and community preventive measures.

At the regional level, the American Shelter Group for Disaster Preparedness and Response promotes good practices and coordinates multilateral agencies' actions regarding natural disasters. In 2016, the Group provided emergency housing in response to the *El Niño* phenomenon, working with the Red Cross, Shelter Box, Techo Paraguay and Techo Argentina to support more than 160,000 displaced people by droughts and floods in the Southern Cone. It is also addressing drought-related displacement in Central America and emergency shelters for Cuban migrants.

Prevention and attention to climatic disasters are emerging in development banks' agendas. For example, the IADB provided a USD$ 100 million loan to respond to hurricanes in Honduras, the most prone country to such disasters in the world. The IADB also supports the Honduran government's Comprehensive Risk Management Program for Natural Disasters to identify and reduce risks throughout the country.

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[30] http://sipse.com/mexico/programa-casas-madres-solteras-sedatu-83842.html

At the local level, **risk management is being incorporated into territorial planning in many LAC cities**. Quito, Rio de Janeiro and several Caribbean cities are good examples. However, challenges are still significant, especially regarding environmental data integration into spatial information systems and cadastres. Another interesting initiative is the public insurance program of Manizales (Colombia), which insures buildings against natural disasters and seeks to reach low-income people.

Finally and in the absence of strong institutional responses, some **local communities lead initiatives**. A study on climate change adaptation of low-income groups in Nicaragua shows that 91% of people take special measures to prepare against storms, and 100% take actions to protect themselves, their families and homes during disasters (Moser et al, 2010).

4.4. On land management systems

The importance of robust land management systems towards responsible governance has been mentioned in the previous chapter. The next subsections describe progress and best practices in this matter.

4.4.1. New institutional frameworks for urban and peri-urban land management

Although Argentina and more recently Colombia are regional pioneers in strengthening cadastral and registry systems, **positive trends are observed in Central America through institutional reconfiguration of urban land governance**. The Dominican Republic and Honduras are emblematic cases.

The Argentine cadastral system is the oldest and most robust in the region. It includes the National Registry of State Property (RENABE), the Foreign-owned Property Registry, the Indigenous Area Registry (administered by the National Institute of Indigenous Affairs - INAI), and Provincial Registries that centralize municipal cadastral and registry information and integrate the Federal Cadastre Council. Each cadastral agency is responsible for determining land valuation in its jurisdiction, for fiscal and territorial planning purposes. In Buenos Aires, there is also a Real Estate Cadastral Police that legally and technically controls cadastres and registries (delineations, buildings, land rights, valuations, among others).

In Colombia, the urban and peri-urban land management system has markedly improved in the last two decades. Bogota has been pioneer in improving its cadastre with World Bank's technical and economic support. The city now has one of the most robust cadastres and registries in the region, which allows digitization of cadastral and registry information, geographical and alphanumeric areas homologation, and 4D building modeling. Progress continued with the cadastre of Medellin and other main cities.

Despite difficulties related to the existence of parallel land regimes, **the Dominican Republic is moving towards the creation of a unique land management system**. Proof of this is the registry data migration from the Real Estate Jurisdiction to the General Direction of National Cadastre (DGCN) in the Ministry of Finance, and the cadastral information migration to the General Direction of Territorial Planning (DGODT) in the Ministry of Economy. This effort to harmonize information and boost territorial decision-making efficiency is reflected in the new Constitution (2015), the Cadastre Law of 2014 and the pending Law on Territorial Planning and Land Use (Abel, interview 2016).

Honduras is another notable case. Decades of political instability and natural disasters prompted authorities to redefine the institutional framework governing urban and peri-urban land. In 2004, the Property Law created the Property Institute, with the function of consolidating a legal and territorial land information system, regularizing tenure and clarifying land disputes. That same year, the Institute initiated the World Bank supported Honduran Land Management Program (PATH), with the objective of consolidating a Unique Registry System (SURE), National System of Property (SINAP)

and National System of Territorial Information (SINIT). In addition, the program has massively regularized tenure through expropriation by public necessity.

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Box Nº 8. Progress of the cadastral survey, Honduras Land Management Program (PATH)

It is estimated that there are around 3 million plots in Honduras, of which 1,8 million would be urban and the rest rural. The Program's achievements are as follows:

1,188,000 properties entered into the Unified Registry System (SURE) / 35% of the registered area.
27 municipalities request cadastral maintenance via SURE.
75 municipal officers conduct cadastral and registry consultations in SURE.
22% of the national territory has orthographic coverage.
33 (11%) of the municipalities have a valid legal nature.
The National Geodetic Network is established, composed of 8 CORS stations.

Source: Elaborated by Enrique Pantoja, World Bank.

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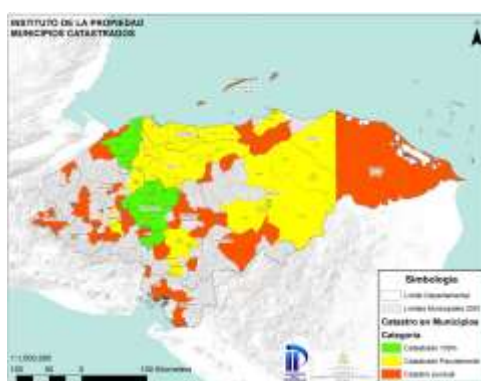
Map Nº2. Cadastral areas, Honduras

4.4.2. Land value maps

To progress towards land rent redistributive instruments implementation that control speculation, it is absolutely necessary to document land values. In 2015, the LILP supported the **first voluntary and open regional experience of building a regional land value map based on GIS in the cloud**[31]. For several months, more than 500 people from different cities incorporated land data, including location, m2 value, available basic services, plot size and information sources. Results show the highest land values in Panama, Peru and Chile, and the lowest in Nicaragua, Honduras and El Salvador. In Bolivia, Peru, and Paraguay, housing is less affordable when comparing land prices with average incomes. The initiative could be massively replicated at different scales.

In Chile, the Ministry of Housing and Urban Development leads a similar campaign to empower deteriorated central areas' households in the negotiation of their plots with private developers. It is the only documented experience of accompanying asymmetric land transactions in the region (Contrucci, interview 2016). In Colombia, the previously mentioned STDM experience shows potential for developing georeferenced community maps.

4.4.3. Improvement of property tax collection

Improving property tax performance as a local source of income is another key area of opportunity in the region, which mainly shows progress in Brazil, Colombia and El Salvador. Porto Alegre in Brazil was the first city in promoting progressive property tax that sanctions vacant land owners (IPTU). In this matter, São Paulo has achieved the greatest results during the past few years. Colombia is another notable case, where comprehensive improvement of land information and management systems has greatly improved property tax performance. The equitable distribution of costs and benefits logic has been relatively internalized by the Colombian society.

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[31] http://valorsueloamericalatina.giscloud.com

"People pay because they see investments in the territory, and they all pay, even the 'mejoras'[32], even the poor" (Restrepo, interview 2016). As a result, property tax collection in Colombia has increased by 55.7%, from USD$ 960 to USD$ 1495 million dollars. The same occured in El Salvador after the first year of the cadastre modernization project; a sample of 11 municipalities shows an increase of 110.87% for a total of USD$ 220 million dollars (Pantoja, 2016).

Another significant advance is the **LILP regional research project on land tax performance monitoring**. It systematically collects financial, legal and administrative data in a large number of municipalities, including indicators of tax performance as source of revenue, collection efficiency, valuation practices, and cadastre characteristics. Continuously updated information is available online[33] (De Cesare, 2011).

4.4.4. Simplified and affordable technical and administrative procedures

Throughout this study, little information on administrative procedures simplification was found, except in Colombia, Honduras, Uruguay and Peru.

In the last fifteen years, the cadastres of Bogota and Medellin have undergone a series of structural improvements, which include free online access to georeferenced, legal and normative cadastral information through a single virtual window. Citizens can easily request territorial antecedents, physical and normative modifications, and monitor them without going to cadastral and registry offices. The system automatically updates cadastres and registries in case of approval (Velásquez, 2016). Similar experiences are found in Brazil and Honduras through the PATH single window.

In the Southern Cone, the Uruguayan National Cadastre Office has implemented a 'virtual office' through which any user can carries out formalities, queries, and downloads databases or online information, interacting directly with officers without moving[34].

Another notable case is the simplification and cost reduction of titling processes in Peru. *"Relevant improvements include the experience of COFOPRI, which reduced the needed time to obtain titles from 7 years to 45 days, decreased the number of procedures from 2007 to 4, and reduced registration costs from USD$ 2,156 to almost none"* (Fernándes, 2014).

Image Nº 3. Online cadastre, COFOPRI, Peru

4.4.5. Towards more transparency and less corruption

Frontal fight against land corruption is not common in the region. However, **strengthening cadastres and registries with complete, updated and transparent information can hinder**

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[32] It refers to occupants who do not have full ownership but pay property taxes.
[33] http://www.lincolninst.edu/subcenters/property-tax-in-latin-america
[34] https://www.mef.gub.uy/19879/1/mef/catastro-innova:-transformacion-institucional-y-uso-de-la-tecnologia-para-cumplir-con-los-cometidos-del-catastro-en-la-era-digital.html

corrupt practices. In this sense, countries allowing virtual access to registries (Colombia, Brazil, Uruguay, Peru, Honduras), or implementing unique codes for physical and legal property information (Chile, Mexico, Peru) are 'one step ahead' from those which still handle information on paper or evidence inconsistencies between cadastres and registries.

In the framework of the National Integrated Cadastral Information System consolidation in Peru (SNCP) generated a **free 'registry alert' service**, which informs the holder when a title is presented on his/her registry, by email or text message. This allows to early identify falsified documents submission or impersonation[35].

Other positive initiatives include **local participatory budgeting** and **public accountability** in Brazil, and **progressive awareness raising and training of public officials** in responsible governance.

4.5. International opportunities, regional studies and technical assistance networks

4.5.1. Global frameworks and conventions

Half of humanity lives in cities, and 95% of urban expansion in the coming decades will occur in developing regions[36]. To face this challenging situation, international institutions have adopted an **extensive international framework that guides governments' actions towards responsible land governance and secure tenure**. The many agreements, conventions and declarations represent a great opportunity for LAC, offering at the same time guidelines and resources to drive change in the region. Documents focus on varying development issues with particular attention to rights, gender equity, vulnerable groups and climate change.

The **2030 Development Agenda** dedicated one of the seventeen Sustainable Development Goals (SDG) to cities. Goal 11 seeks to make cities inclusive, secure, resilient and sustainable. In particular, it considers that urban density can facilitate access to adequate housing and basic services, improve urban and local governments efficiency, and reduce environmental impacts. With regard to this last point, the **UN Framework Convention on Climate Change**, through the 2015 Paris Agreement, recalled that climate change prevention and mitigation priority measures should be adopted in cities, which occupy 3% of the planet but represent between 60 and 80% of energy consumption and 75% of greenhouse gas emissions[37]. Following the same paradigm, the **New Urban Agenda** (NUA) adopted in Quito in 2016 reaffirmed the commitment to fight urban expansion, promote good governance and secure tenure. It identifies three main tools: property tax systems, urban planning, and basic services and infrastructure provision.

Box Nº 9. International principles and agreements on urban and peri-urban land governance

The 1948 **Universal Declaration of Human Rights** states in article 7 that *"all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination"* and in Article 17 that *"everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property"*.

The 1976 **Vancouver Action Plan (HABITAT I)** states that *"given its (finite and irreplaceable) nature, land can not be treated as any other asset, by a few and at the mercy of market forces. Its management (public), must be conceived under a long-term logic, especially with regard to the location and development of urban activities, because of the effects that this has on human settlements models and structures"*. **HABITAT II** (1996) states that *"access to land and legal security of tenure is a prerequisite for the adequate provision of housing for all and sustainable development of urban and rural human settlements"*.

In the framework of the **New Urban Agenda (HABITAT III),** UN-Habitat and GLTN make governments the following recommendations: raising awareness about the importance of land for sustainable development of human settlements; providing sufficient and affordable land; achieving secure tenure with gender balance, recognizing diverse forms of tenure, with better systems of land administration; ensuring that urban planning is efficient and socially and environmentally

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[35] https://www.sunarp.gob.pe/alertaregistral/
[36] UN: http://www.un.org/sustainabledevelopment/es/cities/
[37] Ibid.

sustainable despite high and rapid population growth; advocating for responsible governance; facilitating land-based financing; promoting a balance between the social function of property and land as an economic asset; developing sustainable solutions for internally displaced and resettled people; solving land disputes; promoting sustainable land management to prevent further climate change impacts and natural disasters; generating accessible and transparent geo-data; and fostering land policies that guarantee affordability and sustainable land consumption. They also point out that private actors should *"respect human rights and legitimate land tenure rights, through impact assessments and deployment of countervailing measures, through robust public systems"* (UN-Habitat, 2016).

The **Sustainable Development Goals** (SDG) promote secure tenure and sustainable land use in a number of objectives, with two specific indicators: indicator 1.4.2 on the number of older adults with secure tenure and perceived secure tenure, by sex and type of tenure; and indicator 11.3.1 on the relationship between the land use rate and the population growth rate.

The **2015 Paris Agreement** states that mitigation, adaptation, management strategies, technologies and capacities development and transfer should be adopted to slowdown global warming in the next 15 years, ideally below 2º C (FCCC / CP / 2015 / L.9 12.12).

Other agreements and guidelines on secure tenure:
The Right to Adequate Housing (CESCR, 1991; UN-Habitat, 2010) and the World Housing Strategy (R.24 / 9, 2014).

Resolution 59/239 of 2004, through which the UN-Habitat General Assembly urges governments to support the Global Campaign on Secure Tenure and the Global Campaign for Urban Governance as tools for the promotion and management of land and property rights, together with the Global Urban Campaign (Resolution 65/165 of 2010). Resolution 28/2004 of the High Commissioner on Human Rights on Forced Eviction Prohibition: the Guide on Displacement (1997) and the Guide for the Evaluation of Forced Evictions (2014). Resolution GC23-17 (UN-Habitat, 2011) invites governments to: implement sustainable land policies, adopt effective land governance systems; promote security of tenure, especially during and after conflicts and disasters; improve land management systems (planning, information, taxation); create mechanisms that expand land-based sources of income to finance infrastructure. Resolution 24/15 (UN-Habitat, 2015) recommends governments to address urban development from urban planning and design, legislation and urban financing.

The 2012 FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) promotes responsible governance of land, fisheries and forests with respect to all forms of tenure: public, community, indigenous, customary and informal. It urges governments to: protect the various forms of possession; promote legitimate tenure rights; facilitate access to justice to deal with legitimate housing rights violations; prevent disputes over tenure, violent conflict and corruption.

The Montego Bay Declaration (MINURVI, 2015) gives specific guidance on how to ensure secure tenure and responsible land governance. It reaffirms the right to the city, access to affordable and adequate housing and urges to overcome poverty, segregation and informality that affect the region (MINURVI, 2015).

The Declaration of Sucre 2016, product of the Hemispheric Summit of Mayors, calls for strengthening local autonomies and capacities, improving urban security, and increasing women participation in municipal governments (FLACMA, 2016).

On cultural aspects:
169 ILO Convention on the Rights of Indigenous and Tribal People; UN document E.CN.4/Sub.2/2004/30, E/CN.4/Sub.2/2001/21, E/CN.4/Sub.2/AC.4/2006/3, A/CONF.165/14, and the Indigenous People Guide.

On environmental aspects:
The Sendai Disaster Risk Reduction Framework 2015-2030 (UN-UNISDR), which aimed at implementing multidimensional measures of risk prevention, disaster reduction, response and recovery (UNISDR, 2015).

Source: Elaborated by the author

4.5.2. Regional knowledge: studies and assessments

In addition, more and more regional studies and assessments improve the understanding of key issues, and disseminate knowledge for effective decision-making.

Several academic and practical material can be mentioned; the LILP's Latin American Program publications, IADB regional studies (for example on social leasing - IADB, 2014), GLTN and

partners' works, the World Bank Land Governance Assessments (LGAF)[38], the FAO VGGT guide, and applied research developed by experts in urban and peri-urban land in the region.

Regarding peri-urban land planning, the New York University's Urban Expansion Program and the IADB Emerging Cities Program offer key inputs, the latter with 71 Latin American cities under study.

In terms of regularization, the Institute of Urban and Regional Planning and Research of the Federal University of Rio de Janeiro (IPPUR) is leading important initiatives; the Metropolis Observatory and Favelas Observatory focus on investigating, monitoring and assessing land tenure regularization and neighborhood improvement programs[39].

Regional dialogue and dissemination of good practices are facilitated by the large number of academic and political meetings, and the existence of varying virtual platforms to capitalize knowledge and learning[40].

4.5.3. Training, technical assistance and financing networks

Furthermore, various **international, regional, financial, academic and civil society institutions and networks offer training, technical assistance and funding opportunities** on responsible governance and secure tenure related issues. Some promote regional experience sharing through South-South cooperation schemes.

One of them is the **Latin American Permanent Committee on Cadastre** (CPCI), a collegiate institution created in 2006 by national and local cadastral institutions that agglomerates more than twenty LAC countries[41]. It aims at disseminating information, experiences, best practices and training related to cadastres (partly through its annual symposium). Workshops implemented in 2009 and 2010 to train Quito's cadastre officials are good examples. Some of the covered topics were geographic information and quality management standards, geo-referencing and digital mapping, valuation methodologies, GIS and spatial databases. CPCI also provided technical assistance to Colombia and Panama in cartography production and GIS applications of photogrammetry and radar information (in the framework of the South-South cooperation agreement between the Agustín Codazzi Geographic Institute, Colombia, and the Tommy Guardia National Geographic Institute, Panama).

Picture Nº 12. LAC Expert Network, launch of the cadastre, Dominican Republic. By CPCI

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[38] Land Alliance has coordinated the implementation of LGAF in Peru and Honduras. It develops institutional and legal context evaluations to formalize services provision in Peru. The organization is interested in strengthening cooperation ties with the Urban Land Group and partners.

[39] www.of.org.br; www.urbfavelas.org.br

[40] See Box No. 10.

[41] Argentina, Bolivia, Brazil, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Spain, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Puerto Rico, the Dominican Republic, Uruguay and Venezuela, www.catastrolatino.org.

Regarding **national training programs for territorial officials**, Brazilian and Mexican initiatives stand out. In the first case, officials from more than 5,600 municipalities were trained in property taxes, with a focus on land registry, property valuation and tax calculation (De Cesare, 2013). In Mexico, a broad urban planning capacity-building strategy for local public officers is about to begin. UN-Habitat, the Ministry of Public Education and the Ministry of Agrarian, Territorial and Urban Development designed six free online training modules. The program seeks to install knowledge and skills in sustainable territorial planning. It includes concrete tools on monitoring, transparency and accountability, for a total cost of USD$ 150,000.

Box Nº 10. Institutional opportunities of training, technical assistance and financing for responsible governance and secure tenure

International opportunities

UN-Habitat/GLTN provides technical assistance and funding to governments on varying issues: institutional and legal reforms, policies and programs (with a gender focus), secure tenures, and land instruments. In Mexico for example, it supports the Human Settlements Law and Cadastre Law reforms, and has estimated the Urban Prosperity Index in 139 cities. In 2006, it monitored land tenure in São Paulo to test the Legal and Institutional Index (LIFI).

Development banks offer technical assistance and financial opportunities in the region. The **World Bank** has trained civil servants in Honduras, El Salvador, Guatemala, Colombia, Brazil, Uruguay and Argentina, like the **IADB** through the 'Leading Sustainable Development of Cities' course. Both institutions support tenure regularization, neighborhood upgrading, and social housing construction programs. They also support urban regeneration, social leasing programs and land instruments use. Besides, they offer opportunities to strengthen municipal finances, cadastres and registries, property tax collection and capital appreciation.

Regional opportunities

During the last ten years, the **Organization of American States** (OAE) has been working on the development of cadastre support tools and capacity-building processes with national and municipal cadastral authorities. Some of these instruments include: the Cadastral and Online Registry Toolkit; training modules that have reached around 2,000 public officials; the MuNet program for catastral improvement; and specific projects such as the Antigua and Barbuda address system with the support of Colombia and Mexico (Pantoja, 2016).

In 1993, the **LILP** initiated a program for Latin America and the Caribbean, including research, training and documentation of best practices in seven key areas: land value capture; taxes, valuations and cadastres; large-scale redevelopment projects; informality, regularization and land markets; urban land markets analysis; legal dimension of land policies; and climate change. The program offers on-site and distance training courses, training workshops; it supports research and provides technical support to urban and peri-urban land management institutions in the region.

Habitat for Humanity-LAC has led cadastral and registry courses in Honduras, Guatemala and Bolivia. It has developed support material and exchange spaces in the framework of the Solid Ground Global Campaign and the Urban Land virtual platform[42]. With the support of HFHI, the Bolivian Women Leadership Network has achieved legal changes, such as the possibility of land titles registration for women (HFHI, 2016).

Habitat International Coalition-HIC for Latin America is a global platform defending the right to the city that has greatly influenced the New Urban Agenda. It provides inputs and experiences to design and implement secure tenure instruments.

Shelter Cluster America for Disaster Response and Preparation works in post-disaster through a multi-tenure and disaster prevention approach. It has developed an extensive work in Central America and the Caribbean (especially Haiti) and recently in Ecuador.

CEDETT Foundation, with the support of the Spanish Agency for International Cooperation (AECID), has consolidated an Ibero-American Cadastre Experts Network and annually conducts training courses for regional experts.

National opportunities

National and departmental governments; Ministries of Urbanism, Housing, Territory; national cadastral offices; municipal associations and municipalities; and notarial and registry associations.

Source: Elaborated by the author.

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[42] http://solidgroundcampaign.org/; http://www.suelourbano.org/

5. WAY FORWARD: TOWARDS RESPONSIBLE GOVERNANCE AND SECURE TENURE OF URBAN AND PERI-URBAN LAND

This last chapter raises recommendations to impulse a regional qualitative leap towards responsible governance and secure tenure of urban and peri-urban land. Responsible governance is understood from a wide range of dimensions; political-legal, territorial and environmental, socio-demographic, cultural, economic and financial.

Based on the previously analyzed challenges, progress and opportunities, the report identified five key actions: strengthening institutional frameworks and land management systems; expanding affordable urbanized land and adequate housing supply; ensuring security of tenure; addressing and anticipating new socio-demographic and climatic challenges; and enhancing research and cooperation ties.

5.1. Strengthening institutional frameworks and land management systems

This section presents recommendations towards robust, efficient and transparent institutional frameworks and land management systems, as an essential step for implementing land rent instruments that are described in the next section.

5.1.1. Decentralized, articulated and participatory institutional frameworks

A clear, articulated and participatory institutional framework is considered fundamental for effective and efficient land governance. To this end, **decentralization reforms should be deepened** in many countries, with emphasis on the coherent distribution of competencies and resources between governmental levels. In Paraguay for example, although the Municipalities Law assigns land management functions to municipalities, real decentralization is still incipient due to the lack of local strong institutions and capacities.

Besides being decentralized, institutional frameworks should **foster inter-agency coordination at both vertical and horizontal levels**. For this, governments must clarify the distribution of roles, responsibilities and resources between territorial levels, especially in Central America and the Caribbean regarding urban development, housing, cadastres and registries related issues. In 2015 for instance, regional Ministers of Housing and Territory established that national urban and housing policies materialize the social agreement to achieve human development goals (Declaration of Montigo Bay, MINURVI, 2015). To transform these national guidelines and laws into effective local policies and programs, governments may ask for UN-Habitat and GLTN support (Urban Environment and Planning Division).

Moreover, it is essential to strengthen horizontal articulation between municipal dependencies, based on a clear and shared territorial planning model. In particular, land, housing, environmental and infrastructure policy integration must be improved. Another dimension of horizontal articulation lies in fostering metropolitan land governance systems, given the high regional levels of metropolization.

Finally, **local participatory mechanisms with a broad spectrum of public, private and civil society actors** should be strengthened. Indeed, participation may increase legitimacy, transparency and sense of ownership levels. There are interesting experiences in Brazil to replicate in the region, regarding the role of social movements in the City Statute construction, the participatory formulation of Municipal Master Plans and participatory budgeting. In particular, dialogue spaces with owners, promoters and construction guilds could contribute to dismantling traditional private property conceptions and improve the acceptance of progressive land rent instruments. These are key actions to strengthen the social function of property and the equitable distribution of costs and benefits within societies.

5.1.2. Improving cadastres and registries

Another step towards responsible land governance involves **improving cadastres and registries harmonization, updating, transparency, and accessibility**. The incremental strengthening of cadastres and registers has shown significant results in Bogota, Medellin (Colombia) and São Paulo (Brazil).

To this regard, CPCI, OAE, CEDETT and HFHI offer a wide range of technical support schemes and training workshops. Besides, widespread social cadastres elaboration may provide additional benefits in informal contexts, using GLTN tools such as STDM.

At the same time, it is essential to **simplify and reduce costs (financial, time) of registration, modification and information consultation procedures**, towards greater affordability and transparency. These improvements could also discourage corrupt and clientelist practices. Notorious experiences based on new technologies of information and communication (ICT) are found in Uruguay and Peru.

5.1.3. Mapping and monitoring land values

Besides strengthening robust cadastres and registries, **commercial land value mapping is needed to implement value capture instruments**. The LILP regional experience could be replicated at country and city levels to monitor urban and peri-urban land values. The participatory, voluntary, open and transparent nature of such initiatives should be preserved, which fosters social ownership of the collected information.

Community and geo-referenced land value maps could be massified in informal settlements to improve transactions transparency and the use of land management tools such as land readjustment (STDM).

5.1.4. Increasing property tax performance

Increase land tax performance is another regional critical action. Beyond relying on up-to-date cadastres, three operational actions are recommended. The first relates to the expansion of the taxpayer base. In several LAC cities, informal occupiers' willingness to pay land taxes has been demonstrated, as a way to legitimize their land rights towards regularization (Restrepo, interview 2006; Smolka, 2013). The second recommendation has to do with the adoption of equitable and progressive tax policies, with flexible rates depending on taxpayers' socio-economic conditions and land use (sanctioning vacant land owners as in Brazil with progressive IPTU). The last recommendation is based on the need to strengthen collection, control and monitoring mechanisms (De Cesare, 2016).

5.1.5. Awareness raising and training in responsible governance

Awareness raising and politicians and public officers training must also be continued, in order to motivate political will, promote transparency, implement good practices and reduce corruption levels. Although countries like Brazil and Colombia have innovative legislative and regulatory frameworks since the 1990s, the implementation of land-based redistributive instruments has been extremely low. Beyond the resistance of broad sectors of society (owners, guilds), there is a critical lack of technically and legally trained human capital to handle such processes in practice.

As mentioned above, several organizations offer training in urban development, land instruments, cadastres and registries. A mass training campaign could be developed at the regional level, through cooperation agreements between international organizations, knowledge networks, national and local governments. The Urban and Peri-Urban Land Governance Workshop held during the X Hemispheric Summit of Mayors in Sucre (Bolivia) in 2016 may be a point of departure.

Pictures Nº 13 y 14. Workshop on Urban Governance in LAC, X Mayors Hemispheric Summit, Sucre, Bolivia, 2016. By Lucía Plaza

5.2. Expanding affordable urbanized land and adequate housing supply in different locations and tenures

The second area of action has to do with local urban development, land and housing policies. Improving secure tenure in the region requires expanding affordable urbanized land and adequate housing supply in three key dimensions: articulating land supply with new housing construction and access mechanisms, especially in peri-urban land; regularizing and improving existing housing stock, both formal and informal, in impaired central areas, social housing neighborhoods and informal settlements; and promoting inclusive urban development, so that new real estate developments contribute to more equitable cities.

For each action, **promising financial, fiscal, legal, land planning and management instruments** are recommended in order to generate, capture and redistribute land rents, guide urban development and control real estate speculation and socio-spatial segregation.

5.2.1. Articulating land supply with housing construction and access mechanisms

Previous chapters have shown the **regional need and urgency to plan urban expansion and incorporate peri-urban and vacant land, including public land**[43]. To this end, interesting instruments exist such as land banks, Urban Expansion Plans in Colombia, Priority Development and Construction Declarations in Bogota, Consortium Urban Operations (OUC) in Brazil with CEPACs sale, Urban Containment Perimeters in Mexico, or the Urban Land Generation Program (PGSU) in Peru. All these initiatives seek to order urban peripheries development through housing, goods and services provision[44]. They attempt to limit real estate speculation through land value capture and equitable distribution of costs and benefits. Many organizations provide key inputs to that end; for instance the New York University's Urban Expansion Program and the IADB Emerging Cities Program.

However, this kind of municipal interventions depends to a large extent on national housing policies and access mechanisms, which generally do not match poor households' needs and capacities. In the region, A+B+C schemes have demonstrated their limitations in reaching informal and/or low-income population. In addition to existing alternatives such as cooperatives in Uruguay or almost free housing programs, **new co-responsible financial housing access mechanisms must be**

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[43] Europe implements interesting mechanisms for building social housing on public land. In France, the *Bail emphytéotique administratif* grants long-term land-use rights to developers to build low-cost social housing (since the value of the remaining public land is not included). The UK has similar schemes, as the Community Right to Reclaim Land that allows a private person to request the transfer of ownership of vacant public land.
http://www.lse.ac.uk/geographyAndEnvironment/research/London/pdf/SocialHousingInEurope.pdf
[44] Several programs have limitations regarding the provision of basic goods and services (roads and public transportation, facilities, public and green space), focusing on single housing; an aspect to improve hand in hand with national housing policies.

explored. Such analysis must take into account the magnitude of housing deficits and States' fiscal capacities, and the necessary articulation mechanisms to land policy. Research on this matter may include public-private schemes based on real estate funds with territorial approach. Central America and Andean-Equatorial countries could be interesting laboratories.

Tenure diversity should also continue to expand in the region by equally promoting private property and leasing options in housing programs, according to households' ability to pay and life cycle. At the same time, conflict resolution and arbitration mechanisms must be strengthened. Countries implementing subsidized rental programs such as Chile, Argentina and Uruguay, could lead knowledge transfer strategies to demanding countries.

5.2.2. Regularizing and improving existing housing stock

Other actions relate to existing housing stock regularization and improvement, in order to boost urban housing supply in centers, peri-centers and peripheries. Strategies must be appropriate to the degrees of formality and deterioration of the different zones.

The first strategy is **regenerating impoverished central areas**, through instruments such as Urban Renewal Plans in Colombia that allow comprehensive interventions and encourage original owners' participation into projects, thus avoiding gentrification. In Bogota, the former municipal administration adopted several benefits to protect low-income owners and residents, such as the right of first refusal; social compensations (transitional lease and removal expenses while the project is being built); and housing subsidies for tenants (Decree 448/2014). Brazil uses the Special Areas of Social Interest (ZEIS). Governments could also encourage building recycling programs to convert underused or abandoned buildings into social housing like in São Paulo. These types of measures should be deepened and generalized. Also, governments and researchers shall pay attention to the socio-economic mix impacts for different groups and in terms of social coexistence.

In addition to large urban interventions, small scale urban densification private developments must be part of an urban regeneration plan that analyzes the different zones' real capacity of densification and guarantees basic goods and services provision (especially regarding public services networks, public space and facilities). Such plans must also include land rent redistributive instruments that finance the needed public investment. To carry out actions of this nature, countries can apply to IADB revitalization programs.

The second strategy is **improving deteriorated social housing neighborhoods** that become sources of insalubrity and insecurity. Only Chile has experience in this area through the Social Condominium Program. Additional measures should strengthen condominial administrations, since only middle and upper class condominiums dispose of functioning administrations in the region.

The third strategy is **regularizing and upgrading informal settlements**, and low urban quality legalized neighborhoods. Countries with successful programs in this area (Brazil, Colombia and Chile) could accompany the weaker ones (Honduras, Guatemala, Peru, Ecuador and Paraguay). The main actions are the following:

- Identify informal settlements to be regularized through city or metropolitan level urban planning. Precarious settlements' organizations could help with that like in Southeast Asia. Once defined, GIS-based social cadastres should be developed, to document tenures (also at the intra-household scale) and housing and neighborhood improvement demands.

- Establish regularization legal mechanisms. Several experiences exist in the region regarding in-situ regularization: administrative prescription in cases of uncontested and peaceful private land occupation; rights of use public land; Permanent Protection Areas in São Paulo; or owners compensation like trusts in Honduras. Alternative forms of land and housing access can also be offered through relocation, social housing or lease subsidies.

- Implement upgrading interventions that improve housing and urban quality, through land readjustment when possible. Such actions are also required in legalized and consolidated settlements, which despite being 'formal', remain highly precarious and vulnerable (poorly built housing, low access to public facilities and space among others).

5.2.3. Fostering inclusive urban development

In addition to peri-urban land speculation control and urban regeneration interventions, governments should **implement land rent redistributive instruments in all new real estate developments**, allowing to expand affordable housing supply in different locations.

"Capturing and redistributing land value increases for sure has a high social cost. It is generally not the case, but could certainly help generating urbanized land in strategic areas, building social housing, facilities and services throughout the city. Recent experiences of compelling housing construction in well served areas can be observed in the region (Colombia, Chile, Brazil). There are very interesting instruments to 'put' social housing where the market would not guarantee it" (Smolka, interview 2016).

In São Paulo for example, private developers must contribute to social housing through Solidarity Quotas. They can make the contribution in the same project, in another location or pay the municipality. São Paulo also implements an instrument called onerous granting of building rights, which allows capturing part of land values to reinvest in the city. A similar attempt exists in Bogota through additional buildability conditioned to urban standards.

To expand land rent redistributive instruments throughout the region, their use must be strengthened in countries that have adopted them but face implementation difficulties (in small Colombian and Brazilian municipalities for instance), as well as in countries that have not adopted them through pilot projects (Peru, Honduras, Guatemala, Mexico).

Table Nº 10. Innovative instruments by urban intervention types	
Intervention types	**Instruments**
Plan urban expansion controlling speculation	**Land planning and management instruments** Urban-rural boundaries and perimeters. Provision of goods and services. Urban Containment Perimeters (Mexico). Urban Land Generation Program (Peru). Urban Expansion Plans (Colombia). Consortium Urban Operations - OUC (Brazil). **Financial instruments** Rate for land use change. Certificates of Additional Construction Potential - CEPACs (Brazil). **Legal instruments** Right of first refusal (Colombia). Project announcement that blocks land values (Colombia).
Optimize the use of vacant land and underused buildings	**Land planning and management instruments** Priority Development, Construction and/or Habilitation Declarations (Colombia). Building recycling. **Fiscal instruments** Progressive property tax. **Legal instruments** Domain extinction by private inaction.
Increase land and housing supply for low-income population - inclusive real estate development	**Land planning and management instruments** Social housing quotas in private real estate developments (Solidarity Quotas, São Paulo, Brazil). Conditional buildability depending on social housing quotas. Densification of served areas, with social housing quotas. Public, private or mixed land banks. Special Areas of Social Interest - ZEIS (Brazil) Social Integration Projects - PIS (Chile).

	Financial instruments Sale of construction rights. Onerous Granting of the Right to Build, reinvested in social housing (Brazil). Supply and demand subsidies. Subsidized rental programs with State guarantee. **Fiscal instruments** Tax incentives for social housing construction (exemption from VAT, non-taxable income).
Impaired neighborhoods regeneration avoiding gentrification	In addition: **Land planning and management instruments** Urban Renewal Plans, with social housing quotas (Colombia). OUC with Solidarity Quotas (Brazil). **Financial and legal instruments** Anti-gentrification measures: right of first refusal, compensations, subsidies for tenants.
Informal settlements regularization and upgrading	**Land planning and management instruments** Land readjustment. Shared land. ZEIS (Brazil). Social cadastre. Housing and neighborhood improvement programs. **Legal instruments** Acquisitive prescription, legitimation of occupation, expropriation with or without compensation (trust in Honduras), domain transfer to informal occupants. Conflict resolution and arbitration mechanisms.
Source: Elaborated by the author.	

5.3. Ensuring security of tenure

5.3.1. Backing asymmetric transactions

Public accompaniment strategies to asymmetric land transactions (regarding information and bargaining power) must be explored to limit intra-urban displacement. Only Chile has experience in this field, through online land value maps. Beyond public and open information on land prices, accompaniment protocols for vulnerable households should be established, especially with respect to the elderly living in impoverished central areas.

Such programs should support the inhabitants in their homes appraisal and monitor sale processes. NGOs specialized in land governance issues could implement these strategies with GLTN support.

Furthermore, **governments must keep fighting against forced evictions and land spoils**. The Voluntary Guide on Responsible Land Tenure Governance and the Center for Housing Rights and Evictions (COHRE) provide key inputs to this end (Alterman, conversation 2013).

5.3.2. Recovering territories ruled by criminal gangs

Another imperative action is **recovering crime-ruled territories, with emphasis on drug trafficking effects**. To counteract forced or voluntary expulsions generated by growing violence and insecurity levels, negotiation schemes may be explored to offer gangs' members economic opportunities.

Interesting regional experiences include UN-Habitat Safer City Program and the pacification of Medellin (Colombia) and Rio de Janeiro (Brazil).

5.3.3. Legitimizing customary and intermediate tenures

It is absolutely urgent that LAC national legal frameworks recognize customary and intermediate tenures. In this area, the Argentine land rights legal framework is the most comprehensive in the region.

"There must be clarity in the priority order of land regimes when they overlap in the territory; especially customary and western-Latin ones" (Augustinus, conversation 2013).

Actions to raise public awareness on this issue may be a first step, as well as social registries development that document tenures types at the household and intra-household levels. Also, intermediate rights protocols would facilitate the inclusion of tenants, sub-tenants and informal occupants in reconstruction, regeneration and regularization processes, thus guaranteeing land rights and preventing forced displacement.

5.3.1. Protecting community tenures

Protecting community tenures (*ejidos*) represents another area of intervention, as they function as backing economic and social assets against increasing land competition. To **avoid community land deconfiguration**, three main actions are recommended:

- Forbid *ejidos* alienation in all possible cases.
- Encourage urban densification under collective schemes that directly benefit communities.
- Train communities (*ejidatarios)* on cultural, social, economic and environmental values of *ejidos* to slow down massive alienations, whether they are formal or informal.

For this, a regional 'Defend your *Ejido*' campaign could be designed and implemented with GLTN support. It may start in Mexico and Peru, two of the most affected countries.

5.3.2. Facilitating land access for vulnerable groups

As previously mentioned, **new forms of inequality are emerging in the region that demand specific programs fostering rights, equity and equal opportunities for all**. Recommendations include the following:

- Develop tenure analyses by vulnerable groups, based on national censuses and household surveys in the different countries.

- Generate public, private or mixed land banks to provide housing to vulnerable groups, either individually or collectively.

- Guarantee, regarding **gender equity**: women's rights to inherit in *de facto* relationships; dwelling occupation after separation, under specific conditions (for example being head of household); and preferential access to another dwelling. Property tax exemption for female-headed households (and older adults) could also be considered. Special measures for same-sex couples and those who do not wish to marry must also be explored.

- Develop programs for **precarious youth** and **vulnerable older adults**.

- Promote land and housing access for **immigrants** in both host countries and countries of origin. One regional pending action is designing land and housing programs financed by remittances.

- Offer **displaced people** land and housing options in both origin and arrival places, as not all of them wish or can return.

- Recognize tenures established by **peri-urban communities**, since many of them do not want to be urban, but are not rural either.

- Grant tenure privileges to **indigenous and Afro-descendant communities** in cities, where they live mainly for work purposes.

- Facilitate land and housing access for **disabled people**.

5.3.3. Monitoring levels of security of tenure

It is absolutely key to measure and monitor tenure security levels at household, city, and country levels. These analyses will allow, among others: identify different tenure types; determine people's legal/social knowledge on tenure; measure households' secure/insecure tenure perceptions; assess the incidence of informality; explore land, housing and relocation needs; and evidence dispossession and eviction practices. In other words, municipal and national governments will have inputs to: legitimize new forms of tenure; design accompaniment and training strategies; focus regularization programs; offer housing in different tenures and locations; and implement anti-eviction measures.

To this end, governments can rely on urban consultation surveys and household surveys, 4000 being the internationally recommended number of urban households to be surveyed. Such surveys could be developed by local organizations with support of municipalities and international organizations such as UN-Habitat. It would be pertinent to work with geo-referenced maps and/or aerial photographs to: define informal settlements areas, areas at risk, deteriorated downtown areas and peri-centers, by tenure types; then take small samples and extrapolate to these areas to guide urban interventions.

Table Nº 11. Parameters and indicators to measure and monitor tenure security of urban and peri-urban land

Condition to measure	Territorial level	Indicator	Levels of security of tenure	National level
1. Degree of trust of holders regarding urban land rights and associated economic benefits.	Household	Share of households afraid of being evicted. Share of female-headed households afraid of being evicted.	Low	Medium
	City	Share of households afraid of being evicted (by urban and peri-urban areas). Share of female-headed households afraid of being evicted (by urban and peri-urban areas).	Low	
	Country	Share of households afraid of being evicted (in selected regions) Share of female-headed households afraid of being evicted (in selected regions).	Low	
2. Recognition and protection of individual or collective land rights.	Household	Share of households with insecure tenure documentation*. Share of informal plots and homes registered in formal systems and geographic information systems for land management. Share of households with the right to sell and/or inherit their plot and/or home.	High	
	City	Share of households in zones likely to obtain formal or intermediate tenure solutions.	Low/No	
	Country	Informal settlements included in national urban and peri-urban land information systems.	Yes/High	
3. Protection against forced evictions.	Household	Share of evicted households over a certain period of time.	High	
	City	Share of evicted informal settlements over a certain period of time. Existence of regulation on forced eviction / ratification of international conventions on forced eviction.	Low/No	
	Country	Accessible and effective provisions on forced evictions.	No/ Low	
Note: Elaborated by the author, based on UN-Habitat/GLTN (2011) *Monitoring Security of Tenure in Cities*; LGAF; LIFI. * See Table no.12 on tenure documentation.				

Table Nº 12. Documentation of land tenure according to security levels		
Types of tenure	**Secure**	**Insecure**
Ownership	a.	
Certificate of property registration	b.	
Title of ownership	c.	
Notarial commitment of purchase and sale	d.	
Lease agreement with purchase commitment	e.	
Certificate of occupation	f.	
Certificate of payment of property taxes	g.	h.
Renting		
Registered lease agreement	i.	
Unregistered lease agreement		j.
Informal agreement (written)	k.	l.
Verbal arrangement		m.
Sub-renting		
Registered sub-lease agreement	n.	
Unregistered sub-lease agreement		o.
Verbal arrangement		p.
Nota: Elaborated by the author, based on UN-Habitat/GLTN (2011), *Monitoring Security of Tenure in Cities*.		

5.4. Addressing and anticipating new socio-demographic and climatic challenges

5.4.1. Accompanying socio-demographic trends in peri-centers and intermediate cities

At the socio-demographic level, **land and housing policies must respond to and anticipate the increasing household fragmentation and diversification**, with emphasis on the previously mentioned vulnerable groups. These trends ask for legitimizing new forms of tenure, creating specific access mechanisms, and stimulating diverse housing options regarding tenures (private property and renting) and locations.

"(Socio-demographic evolutions) require documenting and legitimizing intermediate forms of tenure that these groups have consolidated, and accept that land governance costs will increase, because since there are more households of different types, the number and diversity of land transactions will raise and become more complex" (Alterman, conversation 2013).

In parallel, vulnerable households' tendency to locate in peri-centers, as a result of survival strategies that value more location than secure tenure, leads to uncontrolled densification of peri-central neighborhoods. This usually takes place in regularized informal settlements through additional rooms self-construction to informally rent. Such trend must be analyzed in detail and accompanied by **densification 'with urban quality' and secure tenure policies**.

Additionally, **governments should pay attention to intermediate and emerging cities that are experiencing rapid urban and population growth**. These cities must be identified by national governments to prioritize public and private policies and investments in a regional convergence perspective.

5.4.2. Establishing land governance systems with disaster risk approach

The regional high risk propensity is duplicated by climate change effects, poor urban planning, and urban informality, increasing low-income people's vulnerability. In this sense, **mitigation, prevention and emergency response measures must be strengthened, for both regular low-intensity events and unusual disasters such as hurricanes and earthquakes**. The recommended preventive actions are the following:

- Integrate risk management and environmental policy with urban-regional planning, in accordance with international guidelines.
- Evaluate risk types and levels through technical studies and community participation (social cartography).

- Mitigate risks and reduce levels of air, water and soil pollution through adequate water management, reserve areas, mobility policy and solid waste management.

- Determine land uses and housing location based on flood zones, seismic and other hazardous areas analysis.

- Strengthen institutional capacity to provide basic services.

- Relocate settlements in high risk areas with different tenure and location options, respecting community organization and social capital.

- Regularize tenure and improve neighborhoods and housing to increase resilience.

- Foster robust land management systems, especially updated registries that recognize customary and intermediate tenures, to carry out the two previous actions guaranteeing inhabitants' land rights.

- Sensitize and train public, private, civil society and community actors.

Regarding disaster response, it is key to strengthen community skills that have demonstrated their ability to react and organize immediately, sometimes more effectively and efficiently than international aid agencies. This is particularly true in the case of "*quick start events that require temporary relocation (...) Residents rely on their existing social capital and networks*" (World Bank, 2011). In parallel, local institutions' capacities and articulated work between key stakeholders must be reinforced.

Improving risk management requires a) greater coordination between international agencies, national and local governments, b) urban planning with disaster risk approach, and c) better preparedness and response at the community level. To this end, involved actors can rely on the Americas Housing Network for Disaster Preparedness and Response. Actions should start with specific programs in Central America (hurricanes and drought), the Caribbean (hurricanes and floods), Brazil (multiple risks), and Paraguay (drought and floods).

5.5. Enhancing research and cooperation

5.5.1. Expanding research on key issues

To design and implement high impact land governance and secure tenure strategies and policies, **future research agendas shall focus on the following topics**:

- Customary, intermediate and community tenures by location, vulnerable groups and security levels.

- Socio-demographic trends and location patterns.

- Alternative land and housing financial access mechanisms (titles, real estate funds).

- Leasing among low-income people and vulnerable groups.

- Informal markets and transactions.

- Urban and peri-urban borders.

- Impacts of reducing the scale of segregation: gentrification, micro-segregation.

- Land governance in territories ruled by drug trafficking.

- Community strategies of resilience, prevention and disaster response.

- Land governance and tenure in intermediate and emerging cities.

- Notarial actors. There is no systematic documentation on notarial coverage, roles, functions, fees, and corrupt practices. Only Colombia has a Notarial Superintendence.

- Civil society and social organizations role in land governance and tenure.

- Governance of urban and peri-urban land at the metropolitan level, in a region that massively tends to metropolization.
- Urban and rural land governance in the framework of the Peace Agreement in Colombia and in Cuba.

5.5.2. Responding to regional technical demands

Finally, **training, technical assistance and international cooperation schemes should keep strengthening in the region**. Decentralized cooperation between cities of LAC and other regions on land policy, tenure, cadastres and registries, as well as South-South and triangular cooperation strategies, could be further developed to share lessons learned and best practices.

Box Nº 11. Preliminary requests for technical support in the region

BOLIVIA
Assessment and improvement of urban land governance and tenure, El Alto municipality
The informal occupation of the city has consolidated extended multifamily types of tenure, giving rise to a massification of intra-family disputes over land tenure and housing. In the framework of the X Hemispheric Summit of Mayors (Sucre, May 2016), the mayor asked for support to carry out an assessment of urban and peri-urban land governance and design a comprehensive cadastre improvement strategy. A technical visit and workshop on land governance were held in September 2016.

HONDURAS
Land governance and instruments, municipality Puerto Cortés
The municipality of Ciudad Puerto Cortés disposes of resources, institutional capacity and political will to co-design and implement an urban and peri-urban land policy based on value capture instruments. The mayor is also interested in documenting the experience to replicate in the country and subregion.

ARGENTINA
Urban and peri-urban land policy, Bandera, Santiago del Estero
The municipality of Bandera in Santiago del Estero is requesting technical support to capture value from peri-urban agricultural land that affect the environment with the use of pesticides without contributing to territorial development.

DOMINICAN REPUBLIC
Urban regeneration plan, land bank, and regularization of informal settlements on public land, Santo Domingo with support from the IADB
There is an opportunity to create a land bank with the Sugar Public Company's land and thus plan urban expansion. Some areas are informally occupied, especially in the capital. Support is also requested to improve the cadastre in the framework of the urban regeneration plan of Santo Domingo.

Source: Elaborated by the author.

Picture Nº 15. 12th District Meeting and Workshop on Urban Land, City El Alto, Bolivia, Collage 2016

6. CONCLUSIONS AND SHORT RECOMMENDATIONS BY SUBREGIONS

In conclusion, multiple forms of insecure tenure of urban and peri-urban land exist in Latin America and the Caribbean, which have negative socio-economic, territorial, environmental, cultural and political impacts at different scales. This multi-causal phenomenon manifests itself in a variety of ways among subregions. The main challenges include weak land governance and management systems, real estate speculation and socio-spatial segregation, corrupt and clientelist practices, low affordable urbanized land and adequate housing production, persistent informal urban expansion, new socio-demographic trends and vulnerable groups, social conflicts linked to drug trafficking, and climate change impacts.

Although the report identified a range of opportunities and progress in the region - for example intermediate and community tenures recognition in the Caribbean, cadastres and registries strengthening in the Andean-Equatorial zone, land rent redistributive instruments in Brazil and Colombia, and varying technical assistance and cooperation networks - there is still a long way to go.

With the purpose of impulsing a qualitative leap towards responsible urban and peri-urban land governance and secure tenure, in compliance with the SDG and New Urban Agenda, the main recommendations are summarized below as a guide for dialogue and future action.

Caribbean: document and legitimize intermediate and customary tenures and create public land banks considering that most of the land is State-owned. Actions could be coordinated with CARICOM and the Eastern Caribbean States Commission (OECS). Recommendations also include supporting the consolidation of cadastral data in the Ministry of Economy and registry data in the Ministry of Finance in **the Dominican Republic**.

Central America: develop training strategies in responsible land governance to discourage corruption; pilot land rent redistributive instruments to increase the scarce land and housing supply; foster sustainable urban planning; implement land and housing access mechanisms for female-headed households, youth disconnected from the education-labor sectors and emigrants via remittances; and regularize and improve informal settlements. Actions in **Mexico** should include a 'Defend your *Ejido'* campaign and support to the new Human Settlements Law. In **Honduras**, training municipal and Institute of Property's officials in land governance is considered key.

Andean-Equatorial zone: promote an Andean exchange program on the design and implementation of land rent redistributive instruments; implement land and housing access programs for female-headed households, precarious youth and migrants via remittances; regularize informal tenure and upgrade precarious neighborhoods; fight corruption; and strengthen risk management. In **Peru**, massive training in responsible land governance could discourage political-clientelist regularization and informal micro-speculation. Alternative financial housing access mechanisms and a 'Defend your *Ejido'* campaign should also be explored. In **Ecuador**, accompany the new Organic Law of Territorial Planning is recommended. Actions in **Colombia** should consider transferring the accumulated experience in land rent instruments to medium and small cities, and supporting the definition of land and housing access mechanisms for displaced and demobilized people.

Brazil: accompany the piloting of land rent instruments in intermediate cities; reduce corruption; and regularize and improve informal neighborhoods with a long-term approach.

Southern Cone: promote peri-urban land policies; strengthen social leasing programs, and land and housing access for immigrants and older adults; regularize persistent informal settlements. In **Argentina**, actions may support the 'Renting is Possible' Program and recycling strategies for underused buildings with HFHA.

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APPENDIX

Country profiles: Jamaica, Dominican Republic, Honduras, Mexico, Colombia, Ecuador, Peru, Brazil, Argentina, Paraguay