

REM: Advisory Group on climate-neutral, energy-efficient and sustainable buildings and cities



Tenure rights and Informal Settlements
key characteristics and ways to address

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Conference: Ensuring tenure security during the reconstruction after natural and man-made disasters

Round table: Addressing impacts of natural and man-made disasters on tenure rights using legal instruments and other tools

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Informal Settlements

Informal development and informal settlements - unregulated, illegal and unauthorized construction defined by UNECE Guidelines for the formalization of informal constructions

The term “informal settlements” is used by the United Nations to refer to:

- a. Residential areas where a group of housing units has been built on land to which the inhabitants have no legal claim, or which they occupy illegally;
- b. Unplanned settlements where housing is not in compliance with current planning and building regulations (unauthorized housing)

According to UN-Habitat and UNECE Guidelines for the formalization of informal constructions:

- 33 % of urban dwellers live in informal settlements in the developing world
- More than 50 million people are located in in informal settlements in UNECE region

UNECE

Guidelines for the formalization of informal constructions



UNITED NATIONS

The key factors behind emergence and growth of informal settlements

- ✓ **Poverty and Rapid Urbanization:** Leading to rural migrants seeking better economic opportunities in urban areas
- ✓ **Land tenure insecurity and procedures:** Lack of or complicated legal, policy and institutional framework for construction permissions stimulate people to settle informally on vacant land and build unauthorized construction
- ✓ **Conflicts or climate change:** Due to geopolitical tensions or natural disasters leads to their migration and developing informal settlements
- ✓ **Inadequate Housing Policies:** The absence of housing policies, coupled with regulatory barriers and bureaucratic hurdles
- ✓ **Inadequate Urban Planning:** Poor urban planning and infrastructure development can result in the spontaneous formation of informal settlements
- ✓ **Undeveloped or corrupt land/property monitoring system:** Absence of data collection and analyses or poor monitoring system leads to growth of informal tenure



Various forms of informal settlement



- ✓ It primarily encompasses informal constructure
 - Unauthorized constructure on private land
 - Informal constructure on illegally occupied public land
 - Informal constructure on the private land owned by another person
 - Informal expansion of the building

- ✓ Land /Property tenure
 - Unauthorized use of land or property
 - In adverse possession

- ✓ Property Market
 - Informal property market
 - Informal use of utilities
 - Informal construction is a dead capital



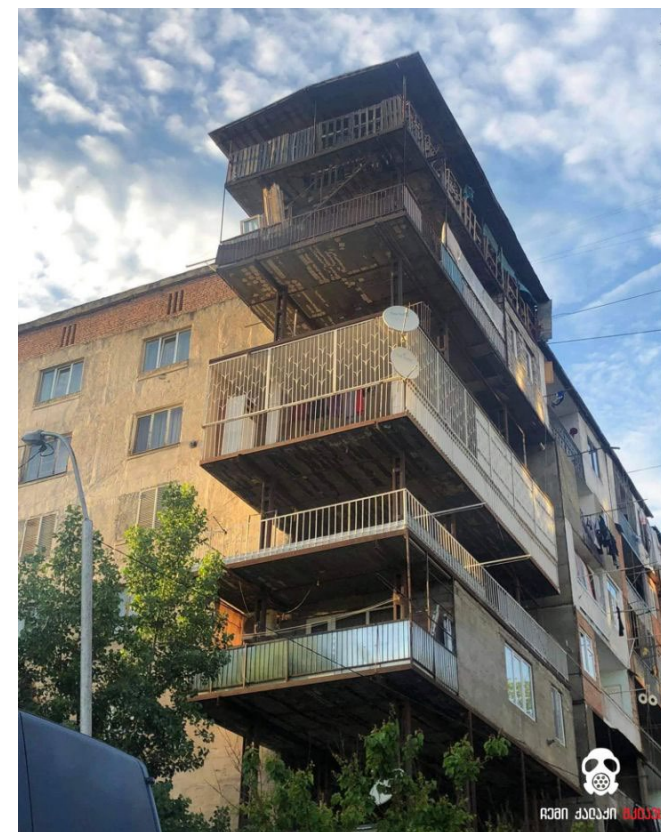
Criteria for formalization

- **Continuous use:** Under this condition, the adverse possessor must prove he/she has been in continuous and uninterrupted possession of the property

- **Actual possession:** The possessor must actively possess the property for the state's predetermined statutory period, which typically may vary from 10 to 15 years. Possession may involve maintaining the land/property and also paying taxes

- **Exclusive use:** The property is used solely by the squatter, excluding any others from using it as well. May include present witnesses

Decision of the property formalization should be in line with the existing territorial development plan



Restricted areas for formalization

- Forest land, natural reserves, recreational zones, historical and cultural heritage;
- Public spaces/infrastructure such as roads, sidewalks, parks, coastal zones,
- Pastures and hay land



Financial aspects of formalization

Property formalization process involves financial costs that vary according to the form of informal constructure and country:

- Land tax multiplied several times depending on type of informal possession
- Certain percentage of property value
- Predefined amount depending on the type of informal possession



Institutional Framework for formalization of informal properties

1. **National Level:** Ministry of Economy, Ministry of spatial planning and territorial development, Ministry of Construction, Ministry of culture and heritage, the Cabinet of Ministers
2. **Local Government** – special commission for legalization including representatives of environmental protection and protected areas, land cadaster, public infrastructure, architecture and spatial planning, culture, etc;
3. **Private sector participation:** Land Surveyors, land valuers, legal consultants



Summarized challenges, solutions and outputs

PROBLEM

Tenure insecurity

Lack of investment

Lack of access to financing

Constraints in real estate market operation

Tax collection challenges

SOLUTION

Data collection and analysis;

Strategy development;

Elaboration of legal and regulatory framework

Institutional capacity building

Establishment of efficient monitoring system

IMPACT

Increased tenure security

Real estate market developed

Increased private investment in real estate
business

Increased mortgage lending and access to
finance

Improved tax collected

San Marino Declaration



San Marino Declaration was adopted by the UNECE member States during the eighty-third session of the UNECE Committee on Urban Development , Housing and Land Management (CUDHLM)

The formalization of the informal settlements has to be in line with the internationally accepted principles for sustainable and inclusive urban design and architecture in support of sustainable, safe, healthy, socially inclusive, climate-neutral and circular homes, urban infrastructure and cities



- 1. People-centrality, social responsibility and inclusivity:** Urban planning, design and architecture need to foster and support social responsibility and integrate diversity and equality through due consideration of the needs of individuals and households across all races, age groups, gender, cultures, abilities and income levels, including intergenerational planning.
- 2. Cultural identity, values and heritage:** Urban planning, design and architecture should respect the identity and cultural heritage of places and buildings as well as the cultural values and traditions of communities.
- 3. Resource efficiency and circularity:** Every city, urban infrastructure and building should be designed in a way that limits the use of energy, uses only sustainable energy sources, reuses rainwater and limits the use of other natural resources and reduces resource losses. In addition, every city, urban infrastructure and building should, to the extent possible, by design: use recycled materials; reuse and requalify spaces; reduce the production of waste reuse water; and encourage food production through urban agriculture, orchards and food forests.
- 4. Safety and health:** Every city, urban infrastructure and building should be based on internationally recognised quality standards as well as safety standards for workers and citizens, including fire safety. Homes should provide a comfortable, safe and healthy living space, while cities and urban spaces should be designed with the imperatives of ensuring the safety and health of citizens; providing safe and sustainable mobility systems, including rail, road, inland waterways as well as walking and meeting spaces, green areas and urban forests that are accessible to all. Port cities need to ensure that port facilities are up to international transport and safety standards.
- 5. Respect for nature and natural systems and processes:** Every city, urban infrastructure and building should be designed in a way that limits its impact on the ecosystem of surrounding spaces, including by respecting plants, animals, and other organisms, as well as weather and natural habitats. This implies conducting ex-ante environmental impact assessments, allowing spaces for biodiversity and using natural materials as well as low impact production assembling and dismantling processes.
- 6. Climate neutrality:** Cities, urban infrastructure and buildings should be designed and requalified to minimize the associated climate footprint, by adopting creative solutions that reduce pollution and energy use; phase out unsustainable mobility systems; use modern, energy-efficient, climate-neutral systems; and integrate green energy generation systems in city designs and buildings.
- 7. People-smartness:** Technology and smart information and communications technology solutions should be used to improve liveability, including the most socially disadvantaged, bolster transparency and curb corruption.
- 8. Resilience, durability, functionality and foresight:** City and architectural design should support solutions that make homes, buildings and urban spaces resilient to natural disasters, especially those caused by climate change, including hurricanes, droughts and wildfires, flooding and high winds; and making buildings and infrastructures durable and flexible, incorporating spatial adaptability to accommodate new conditions and usages over time.
- 9. Affordability and accessibility:** Cities and homes need to be affordable and accessible to all citizens. Designers need to keep this factor in mind and design high-quality environments for meeting the needs of all citizens.
- 10. Inter-disciplinary cooperation and networking:** Cities and urban spaces should be designed to foster cohabitation, community engagement, solidarity and social cohesion taking into account the needs of citizens across all races, age groups, gender, cultures, abilities and income levels;
- 11. Engagement:** Consultation with and participation of the local communities is essential for any urban project, including small, medium and large-scale projects. Continuous engagement with various stakeholders, including longitudinal research, will foster trust, ensure responsiveness to the needs of all citizens, and consolidate shared ownership of the city's future.

Thank you for your attention