

A Methodological Framework for Comparative Land Governance Research in Latin America and the Caribbean

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Abstract

Strengthening land governance is critically needed in Latin America and the Caribbean to protect the environment, achieve gender equality in land rights, expand the transparency of land records, and facilitate planned urban growth. Inadequate land administration limits the development of housing markets, tax collection, and the scale and speed of housing and land regularization programs in low-income communities. The region faces major challenges in land tenure informality and overlapping mandates for titling, mapping, and registration. In response to these issues, this technical note identifies the gaps in land governance information for five Latin American and Caribbean countries—Barbados, Brazil, Ecuador, Panama, and Trinidad and Tobago—and provides a comparative methodological framework for field research in these countries. The annex provides Spanish and Portuguese translations of the questionnaire, which includes new questions absent from existing tools, such as the World Bank’s Land Governance Assessment Framework and USAID’s Blueprint for Strengthening Real Property Rights.

JEL codes: C42, O18, O54, Q15 R21, R52

Keywords: land tenure, land administration, land markets, property registries, urbanization, Barbados, Brazil, Ecuador, Panama, Trinidad and Tobago



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Acronyms

ANATI	Autoridad Nacional de Administración de Tierras (National Land Administration Authority)
CMIS	Cadastral Management Information System
CORS	Continuously Operating Reference Stations
COOTAD	Código Orgánico de Organización Territorial, Autonomía y Descentralización (Code for Territorial Planning and Decentralization)
DB	Doing Business
DFID	Department for International Development
EMBDC	Estate Management and Business Development Company
ESCI	Emerging and Sustainable Cities Initiative
EU	European Union
FAO	Food and Agriculture Organization
GAD	Gobiernos Autónomos Descentralizados (Local Autonomous Governments)
GDP	Gross Domestic Product
GHI	Global Housing Policy Index
GIS	Geographic Information System
GIS	Deutsche Gesellschaft für Internationale Zusammenarbeit
GLTN	Global Land Tools Network
GOP	Government of Panama
GPS	Global Positioning System
IDB	Inter-American Development Bank
IFAD	International Fund for Agricultural Development
IFPRI	International Food Policy Research Institute
IICA	Inter-American Institute for Cooperation on Agriculture
IMF	International Monetary Fund
IPRI	International Real Property Rights Index
LAC	Latin America and the Caribbean
LGA	Land Governance Assessment
LGAF	LGA Framework
LTPR	Land Tenure and Property Rights
MIDUVI	Ministry of Urban Development and Housing

OAS	Organization of American States
OECD	Organisation for Economic Co-operation and Development
PAC	Growth Acceleration Program
PNCC	Programa Nacional de Capacitação das Cidades (National Cities Training Program)
PRONAT	Programa Nacional de Administración de Tierras (National Land Administration Program)
PROTIERRA	Programa de Desarrollo de la Economía Territorial (Program for Development of the Spatial Economy)
SALIS	State Land Information System
SICAR	Digital and Land Information System
STDM	Social Tenure Domain Model
UN	United Nations
USAID	United States Agency for International Development
VGGT	Voluntary Guidelines for the Responsible Governance of Land, Forests and Fisheries
WGI	World Governance Indicators

1. Introduction and Purpose

This paper is part of a broader initiative to support the improvement of urban land management and housing services throughout Latin America and the Caribbean.¹ Strengthening urban land governance is critically needed to prevent corruption in the land sector, curtail false land claim documentation, protect the environment, and modernize property assessment procedures that are essential for the financing of public services.

The region faces major challenges in land governance. The problems most frequently identified include land tenure informality and deficiencies in land administration systems data and administration. These phenomena can be attributed to excessive costs and time delays in transferring property, inadequate compliance with land policies, lack of knowledge of property assessment systems, poor public access to property records, and inaccuracies in registries that often contribute to property disputes. These gaps particularly affect vulnerable groups, such as low-income individuals, women, and ethnic minorities. Inadequate land administration can have adverse effects by limiting the development of housing markets, tax collection, environmental preservation, and the scale and speed of housing and land regularization programs in low-income communities.

The widespread use of the phrase “land governance” in international development practice is relatively recent. Topics like informality, land administration (land titling, property registration, cadastral mapping, property taxation and valuation), and land markets are sub-themes within land governance with which the reader might be more familiar.

A working definition of land governance: “land governance concerns the rules, processes, and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, and the way that competing interests in land are managed.” (Palmer et al., 2009: 9). The World Bank [Land Governance Assessment Framework \(LGAF\)](#) covers five main thematic areas:

- Recognition and respect for existing rights
- Land use planning, management, and taxation
- Management of public land
- Public provision of land information
- Dispute resolution and conflict management

¹ This paper is an activity of the “Improving Transparency of Land Registries for Enhanced Urban Planning in Latin America and the Caribbean” (RG-T2490) technical cooperation program, coordinated by Michael G. Donovan. This publication was made possible by the support of two IDB trust funds: (1) the Institutional Capacity Strengthening Fund (ICSF), established with the contribution of the Government of the People’s Republic of China; and (2) the Transparency Fund, currently supported by the Government of Norway, the Government of Canada, and MasterCard Corporation. Robin Rajack, Kevin Barthel, Eglaisa Micheline Pontes Cunha, Javier León, Felix Alderete, Andrew Weekes, Diego Erba, Alejandra Norero, Geovanna Chavez, Patricio Zambrano Barragán, Jason Hobbs, Joy Green, Leandre Murrell-Forde, Leslie Hunter, Charisse Griffith-Charles, Ariel Ochoa, Thea Hilhorst, Sarah Schineller, Janina Mera, Eloisa Marques, Julia Gomila, and Fernando Campos Leza provided valuable inputs for this publication. The authors also appreciate comments from participants of the 2014 Caribbean Land Conference in Port of Spain.

“National and local governments also struggle with overlapping and competing government agencies, ineffective land administration, incomplete or outdated property registries, inappropriate zoning, cumbersome and complex building codes, and corruption. Many urbanizing countries inherited European legal and administrative frameworks from colonial periods. As a result, many plans and regulations are imbued with, and senior officials think in terms of, concepts and practices designed for conditions that no longer apply.” (USAID, 2014: 3)

This paper is concerned with land governance issues relevant to urban development. The preliminary country briefs included in this paper provide baseline information about each country that will be expanded in the case studies. This paper reviews existing assessment tools and then recommends an approach to the case studies. Annex 3 contains details of the recommended approach, a guide comprising an outline of the information to be gathered for all five countries regarding the land governance situation, and a set of country-specific questions meant to

delve deeper into certain topics of particular importance for urban development. Many aspects of land governance, such as the processes for recognizing and formalizing land rights and land use planning processes, are relevant. The text box above defines the scope of land governance.

The case studies will focus on how land governance as a foundation for these four lines of action is relevant in the five selected countries. They are meant to fill information gaps about the state of land governance today and to identify specific needs that should be addressed in order for land administration systems to foster inclusive and sustainable urban development. The case studies will also connect land governance to the broader development setting. This is important because, especially in small island states, urban and other kinds of areas (defined by the predominant land uses rural, forest, and coastal) are interlinked economically, environmentally, socially, and politically.

2. Literature Review

The countries of the Latin America and the Caribbean (LAC) region are among the world’s most urbanized areas. Currently, 80 percent of the region’s population is urban. Approximately 23.5 percent of the urban population lives in slums, and the overall urban population will increase by 21 percent (100 million people) in the next 20 years (United Nations, 2015; UN-Habitat, forthcoming). With such massive growth, it will be even harder to meet housing goals and objectives related to the eradication of slums. Cities are not only generally underserved now, but are also expected to be inundated by in-migration.

The case studies reflect various degrees of urbanization. According to official census figures, the percentages of the population living in urban areas in the five countries in 2010 were: Barbados, 32.1 percent; Brazil, 84.3 percent; Ecuador, 62.7 percent; Panama, 65.1 percent; and Trinidad and Tobago, 9.1 percent (United Nations, 2015). Using an agglomeration index

that provides a uniform measure of urbanization,² the World Bank's analysis calculated the following urbanization rates for these five countries in 2010: Barbados, 91.3 percent; Brazil, 63.6 percent; Ecuador, 49.2 percent; Panama, 52.6 percent; and Trinidad and Tobago, 81.6 percent (World Bank, 2009).

In all five countries, problems of urban poverty, inadequate housing, and slums are increasingly important in the policy agenda and, generally, urbanization is a feature of the countries' development trajectory. The country briefs in Section 3 support this view. These briefs also highlight issues of urban inequality, such as access to housing and services and urban crime, as among the nations' key challenges. The Seventh Session of the World Urban Forum (WUF7) highlighted urban equity and noted that an estimated 60 percent of urban dwellers around the globe are under the age of 18.

The literature reviewed for this scoping paper shows why it is important to get ahead of these trends by establishing a foundation of good land governance that will enable cities to absorb growth with shared prosperity and poverty reduction. In general and for the five countries analyzed, the paper explores how improved land governance will support effective management of cities under this future scenario.

There is a growing body of literature and evidence that supports the need for more attention to land governance. Inefficiency, corruption, and nontransparent or incomplete information about land rights and uses impact actions related to investments in the development of infrastructure, housing, and environmental protection. These are the manifestations of poor land governance. Good land governance, on the other hand, underpins confidence and creates efficiency. The costs of poor land governance are borne in terms of lost investment, higher transaction costs, lower productivity, political disenfranchisement, and even health and education. The impact arenas of improving land governance can be summarized in four vital themes that matter across a range of urban development topics, and development more generally:

- Socioeconomic inclusion and protection of basic rights
- Incentives for households and business to be productive and invest
- Reliable information for public and private planning
- Disaster risk reduction and management

There is a large body of descriptive literature on the importance of efficient and equitable land access, land rights, and land information to the abovementioned dimensions of development. The scope of that literature goes well beyond the scope of this paper. For example, much of it is focused on rural areas. Farvaque and McAuslan (1992) discuss urban land markets and provide many examples of the ways that good or poor land governance can affect the functioning of urban land markets. More recently, the United Kingdom's Department for International Development (DFID) reviewed the economic research on the economic growth and household welfare impacts of effective land rights, covering secure tenure and efficient systems for land

² The index identifies an area as urban or agglomerated if: (i) its population density exceeds a threshold (150 persons per square kilometer), (ii) it has access to a sizable settlement within some reasonable travel time (60 minutes by road), and (iii) the settlement contains more than 50,000 inhabitants (World Bank, 2009, cited in McHardy and Donovan, 2016).

transfers (DFID, 2014). This study has relatively more findings relating to rural areas, following a bias in interventions and research toward rural land tenure issues. Erba (2015) explains how a reliable land information system (including fiscal, physical, and legal information about land parcels as well as other socioeconomic information) underpins a wide spectrum of urban development and planning needs of the Ecuadorian government. This can be generalized to other countries. Durand-Lasserve et al. (2007) provide a nuanced review of how improving tenure rights in urban areas has meaningful impact, pointing out that land titling might not always be the right tool to achieve improved tenure security. The Habitat for Humanity Shelter Report “Building a Secure Future through Secure Tenure” (Habitat for Humanity, 2009) provides a good overview of the implications of poor land governance for urban development, particularly housing the poor. As Esquirol (2014) points out, while land titling can be important, it is not always the right tool to improve tenure and it does not always have the intended impacts on mortgage credit. Other authors (e.g., Deininger et al., 2003; Sanjak, 2012) have also pointed this out. In urban contexts, like in rural areas, it is important to understand the range of tenures that exist and the range of legal, policy, and administrative practices and other investments that affect the security and efficiency of access to land rights.

The value of land market information has also been recognized. Dowall (1995) describes how the pressures of urban development make accurate and systematic information about land markets critical; decisions in both public and private programs rely on it, for example, to plan for and meet the needs for housing and urban infrastructure. Dale et al. (2006) provide a lucid description of land markets, how they matter in the market economy, and how land governance is important to the adequate performance of land markets. The United Nations Human Settlements Program (UN-Habitat) Global Urban Observatory (UN-Habitat, 2010) points out that as the population grows, the area of the built environment expands even more. As income grows, households can afford larger dwellings, motorization increases, and with it demand for more streets and parking spaces. It is important that land governance institutions function well to align supply and demand for land as urban development occurs. At the same time, the rights of the poor need to be recognized and their needs met.

A land market study in Brazil conducted by Reydon and Bueno (2014) reviewed the literature that identifies several drivers of informality and factors that limit the formal recording of property rights to land and real estate. Many of these are squarely problems of land governance: exclusionary land use regulations, corruption in public and private takings of land, expensive and inefficient processes for registration and adjudication of rights, and land market issues (e.g., rapid land price escalation, lack of long-term financing, and a relative scarcity of serviced land). Fernandes, another Brazilian scholar, similarly describes these drivers of informality across Latin America (Fernandes, 2011). Torres (2011) points to drivers of informality in the costly judicial processes, red tape, and corruption related to property rights as well as land price increases that accompany urban development. Additionally, Scholz (2015) illustrates that in the urban context, the right to build and the right to land are not the same, and they are assigned by different authorities. This means that land governance extends to the built environment on the land, as was recognized in the work of de Soto (2000), who finds that administrative red tape in the processes for obtaining building permits, for example, are a major factor in informal settlement.

Some of the trends that will be seen in the preliminary country briefs include rapid urbanization exceeding the capacity of municipalities to meet the emerging needs for infrastructure, housing (both public and private), registration, and titling. These are discussed in the U.S. Agency for International Development (USAID) Issue Brief on Land Tenure in Urban Environments (USAID, 2014), which presents a lively case for how and why land tenure, land markets, and land administration all matter to urban development; that is, urban land governance needs attention. To all these factors, Farvaque and McAuslan (1992) add the tendency to overly centralize land governance institutions as a source of inefficiency and informality. As will be seen in the country briefs, Brazil and Ecuador have taken bold policy steps toward decentralization and are now building implementation capacity. Finally, with regard to disaster risk management, Dharmavaran (2013) provides a good discussion of the use of land value capture tools, such as land readjustment and transfer of development rights, which can be used to finance and implement land-sensitive land use planning. She points out that these tools rely extensively on land records to establish and re-establish rights. She also underscores the need to understand land markets to set incentives correctly and to ensure that social rights are protected, which also requires understanding tenure.

3. Background on Land Governance in the Five Selected Countries

3.1 Overview

The Inter-American Development Bank (IDB) selected five very diverse countries to study: Barbados and Trinidad and Tobago in the Caribbean, Panama in Central America, and Brazil and Ecuador in South America. They differ in their history, culture, economic, social, and political settings. Population size, land area, and the degree of urbanization also vary significantly across the five countries.

With regard to the nexus between land governance and inclusive urban development, some themes common to all five countries are: (i) major coastal cities at risk from rising sea levels, increasingly fervent wind storms, erosion, and other environmental threats, with the corresponding need for coastal zone management and disaster risk reduction; (ii) a social rights perspective on land policy and urban development, rather than a strictly economic and market perspective; (iii) a significant history of social housing efforts coupled with an inability to keep up with demand; (iv) informal settlements—slum conditions and related crime; (v) significant prior land tenure or land administration project portfolios with ample donor support (financial and technical assistance, except Barbados); (vi) a lack of integration or sufficient architecture for efficient interoperability of land information systems; and (vii) land market segmentation and informality, land price escalation, speculation, and government involvement. The five countries differ in how these common themes are manifest and in the degree of decentralization of governance. These differences have implications for prioritization of issues and for how to define and achieve reforms.

Three of the five countries have benefitted from multiple IDB-funded land projects and other projects that included a land governance component within another sectoral project, as well as investments by the World Bank, USAID, and other donors to support land governance reforms. Yet these countries were selected for study because of their relatively poor performance on indicators that are not specific to urban areas. The geographic scope of the projects was not comprehensive, often targeting rural land tenure issues. In Ecuador, notwithstanding the projects' rural focus, the investments included establishing a modern cadastre and registry at the local level, which coincidentally had benefits for urban development. Expansion of gated and leisure communities in rural areas is an important issue in several of the countries, such as Barbados (Bunce, 2008) and Panama (Roitman and Phelps, 2011; Sigler, 2014). This blurs the line between rural and urban land governance and means that attention to land use conversion policy will matter. In some countries, more recent projects focused more on fixing the registry and cadastre system and less on addressing informality. According to the IDB (2014a), many projects perform poorly compared to targets. A topic that the case studies could explore, from the lens of learning forward-looking lessons, is the sustainability and sufficiency of these recent projects.

As Table 1 shows, the performance of the five countries on published measures of important aspects of land governance reveals some progress as well as a need for improvement. Across the countries, between 20 and 30 percent of the population lives in housing with informal tenure.³ While Ecuador and Panama rank between the top third and the top half of the 189 countries on the World Bank's Doing Business indicators of efficiency in registering land transactions in urban areas, the other three are near the other end of the spectrum. Considering that Doing Business typically captures the experience with commercial transactions in the capital city, the scores represent best-case experiences in the country compared to what a poor urban household might experience. Similarly, on the other indicators presented that relate to the overall quality of land rights, the range of scores reflects a mixed picture.

The Women, Law, and Business database available on the World Bank's website suggests that, de jure, gender inequality is not an issue. In the rated countries (Brazil, Ecuador, and Panama), the law provides for equality for women and men in relation to property rights. There are a few differences noted. For example, in Ecuador, the report says that married women and men do not have equal rights to property. This should be reviewed in the case study. The International Real Property Rights Index (IPRI) scores on gender equality of property rights (shown in Table 1) are relatively high, but none of the countries received a full 10. The de facto situation of gender differences in access to land and secure tenure is not typically as good as the law allows, as a result of continued discriminatory practices in the implementation of policy, as well as social and cultural traditions. The case studies need to identify gaps between law and practice.

³ As shown in Table 1, these data are from a 2010 source, and the percentages are probably higher now.

Table 1: A Snapshot of Metrics on Land Governance by Country

	Barbados	Brazil	Ecuador	Panama	Trinidad & Tobago	Sources ⁴
Rule of law in relation to property rights⁵	N/A WGI): 82.0	4.8	2.7 92/97	4.5	N/A WGI: 64.1	International Real Property Index (IPRI; International Property Alliance 2014) Score of 10; Global ranking (ratio) World Governance Indicators (World Bank 2013b) percentile rank (0-100)
Control of corruption	91.4	55.0	32.1	45.9		World Bank (2013b) percentile rank (0-100)
Quality of property rights	N/A		6.1 48/97	7.1 19/97 1 in CA region		IPRI (2014) score of 10 Global ranking (ratio)
Ease of registering a transaction (rank; n=189)	144 (6 steps; 118 days)	138 (13.6 steps; 31.7 days)	80 (8 steps and 39 days)	61 (7 steps; 22.5 days)	159 (9 steps; 77 days)	Doing Business (World Bank 2015a) Ranking among 189 countries
Estimated percent of households with informal land and housing tenure	N/A	28	21.5	23	24.7	UN-Habitat Urban Information Database (2010); percentage
State land	0.9	N/A	<1	N/A	53	Percentage
Gender bias (in access to land and credit, inheritance and social rights)	N/A	6.8	6.4	7.6	N/A	IPRI (2014) score of 10

A recent and growing body of literature pulls the threads of land governance together. In addition, below the big-picture level, the information available in documents accessible at a distance is less standardized and quite varied by country and sub-theme within land governance. Table 1 provides active country strategy information for Ecuador and Trinidad and Tobago. For the other three countries, information is pulled from strategies with end dates in 2013 and 2014. The goals for improved land governance include formalizing and securing land rights (Brazil, Ecuador, and Trinidad and Tobago), developing land markets (Ecuador), improving tax administration and increasing revenues (Panama), and supporting integrated coastal management (Barbados). Historically, the IDB has financed significant investment in improving key elements of land governance (land administration systems, land titling, and registration) justified by these goals and others, such as increasing agricultural productivity and reducing land conflicts. As these goals might reveal, the IDB land sector portfolio—and that of other donors who support land governance reform in the LAC region—has been predominantly focused on rural areas and rural development, although some of the more recent municipal and

⁴ Sources: International Real Property Rights Index (IPRI) – both the Property Rights sub-Index and the Property Rights sub-Index with gender equality measures incorporated are used; World Bank: Doing Business (DB); World Governance Indicators (WGI); Women.

⁵ The WGI also provides a broader rule of law percentile ranking.

multisector development projects include urban areas.⁶ IDB (2014a) includes an annex providing basic information about all IDB land projects or projects with land components from 1981–2013.

Below are preliminary country briefs on land governance. For each country, the brief will first provide a top-line message about the country that summarizes contemporary motivations to engage in a review and possible reforms to land governance and that identifies the main land governance issue areas of concern. This message is supported by a snapshot of the development context in the country today and a review of the state of land governance, including highlights of recent and most relevant projects and information gaps. Based on this information, country-specific suggestions and questions for the case study research are identified. It is important to recognize that these country briefs are based primarily on desk research and limited interviews. As such, they are preliminary and not comprehensive (the information presented in the tables, in particular, may have gaps). They frame the case studies, which will validate, complete, and update this information as needed. The references cited in this scoping paper will also be a good starting point resource for the case studies. It is expected that more detailed data and perspective are available locally.

Caribbean

3.2 Barbados Land Governance and Urbanization Brief

In its 2013–2020 Barbados Growth and Development Strategy, the government’s focus is on adjustment and repositioning given its current growth and competitiveness scenario and its need to sustain its social services. Among the government’s strategic goals are fiscal sustainability, competitiveness of tourism and other sectors, productivity, green and inclusive development, climate change resilience, and disaster risk management. In this context, three aspects of land governance warrant more consideration than they appear to currently receive. First, planning and property rights issues related to land use change are a growing area of concern that will continue to worsen as the agenda mentioned above is pursued. Efficiency of land transactions and access to current and complete land information are particularly important for business facilitation but also relevant to the other goals. Finally, in the context of acute fiscal pressure and the need to continue to support a range of social services, improving valuation and property tax collection could prove useful.

3.2.1 Context and Impact Arenas

Barbados is an open economy that has performed remarkably well since independence in 1966. Between 1980 and 2013, per capita income increased fourfold (US\$4,122 to US\$15,373). In 2015, it ranked 57 out of 187 countries on the Human Development Index. Its growth is service industry-driven, particularly by tourism and offshore financing. Tourism directly contributes around 12 percent of GDP through hotels and restaurants, but indirectly over 40 percent of GDP. It also drives the demand of non-tourism sectors in construction, manufacturing, and services. The country enjoys strong economic ties with the Eastern Caribbean nations, and with

⁶ Some of these projects are highlighted in the tables included in the country briefs in Section 3.

strong air connectivity there is potential for greater trade and tourism with emerging markets (Government of Barbados and IDB, 2015).

However, Barbados' international competitiveness has slipped as a result of the deteriorating macroeconomic framework. Barbados' economic environment has been characterized by low economic growth and constrained fiscal space. The country is challenged with an increasing fiscal deficit, which exceeded 12.3 percent of GDP in FY 2013/14, and that has led to a rapid accumulation of public debt (Government of Barbados and IDB, 2015). After strong growth and development achievements, Barbados faces slowing growth and growing unemployment.

Even though agriculture accounts for only 4.4 percent of GDP (Caribbean Development Bank, 2014), most land is still planned for agriculture and food security. Still, population density is very high. In its 2013–2020 Barbados Growth and Development Strategy, the government's focus is on adjustment and repositioning given its current growth and competitiveness scenario and its need to sustain its social services. Among the government's strategic goals are fiscal sustainability, competitiveness of tourism and other sectors, productivity, green and inclusive development, climate change resilience, and disaster risk management. There is not a lot of published literature about land governance in Barbados and, other than in the context of business facilitation, it is not referred to in government and donor strategy documents.

From recent news articles and some of the information available about land governance, the following additional context supports the issue identification provided in the chapeau above. Property taxes are a small share of total government revenue, and property tax collection is low compared to its potential. In the context of acute fiscal pressure and the need to continue to support a range of social services, improving valuation and property tax collection could prove useful. Today Barbados faces a need to reinvigorate its tourism industry. Infrastructure gaps and the difficult investment climate (red tape) affect the competitiveness of tourism.

Although Farvaque and McAuslan (2002) cite Barbados as an example of a well-performing land market, there are areas that require attention. Preventing further degradation and creating incentives for restoration could require improved land governance. The need for planning to contain urban sprawl and protect the natural and built environments has long been raised as a concern (Maynard, 2003). In response, the 2003 Physical Development Plan amendment has adopted the term Urban Corridor (UC) which has been identified as occupying the coastal areas of the island from the northwest to the southeast. This area encompasses the northwest urban centres of Speightstown and Hometown, the growing area of urbanization at Warrens, the capital city of Bridgetown in the west, the town at Oistins and onward to the Airport to the southeast. This area correlates to the main commercial and tourism belt with the associated in between residential land use activities. The UC was developed to facilitate the limit of urban expansion (Government of Barbados, 2015) and provides for better control on rate of expansion and delivery of public policy within the urban area.

Barbados faces challenges of competing land uses at the nexus of rural and urban areas. The representative of the Inter-American Institute for Cooperation on Agriculture (IICA) is quoted in *Barbados Today* (March 11, 2014) as saying there is “no escaping competition between land for housing and land for agriculture.” Presently, the largest share of land is zoned for agriculture,

justified in part based on food security policy. Still, conversions are significantly reducing the amount of land available for farming. In 2014, press reports refer to an oversupply of residential land, excluding beachfront land, and a price decline. The value of undeveloped land dropped by 40 percent in last five years, according to an interview of Andrew Mallalieu published in the *Barbados Times* (May 8, 2014).

Land use and demand do not appear to be aligned. In some cases, converted plots are unused while land for productive investment in farming cannot be found. Conversely, family land still zoned for agriculture cannot be put into housing development formally with ease. Nor can family land be used as collateral, which might limit the ability to build on it. Emigrants buy land with the intent to return, yet many do not actually return, and the land sometimes lies vacant for 15 to 20 years.

Barbados' current strategy emphasizes the need to reduce inequality and sustain social services. The Ministry of Housing, Lands and the Environment's current vision is to ensure that all are included in housing, as reflected in its "House Every Last Person" program. Barbados has a long tradition of social housing provision by the National Housing Development Corporation, dating as far back as 1936, under a variety of different names; in 1972 it became NHC. Maynard (2003) describes "revolutionary legislation in 1980" that allowed tenants to obtain land in freehold by purchasing the land they were leasing at the very low cost of BBD \$1 per square meter. This allowed many people to become landowners. By 2003, a new class of tenants had emerged, with relatively poor landlords rather than the State as landlord. By 2000, 75 percent of housing was owner occupied. The creation of social service agencies in the 1990s also contributed to the expansion of affordable housing. As of 2003, the efforts still had not addressed the shortage of affordable land. Financial sustainability of the social housing and slum upgrading agenda is an issue of concern today.

Inefficiency in land transactions and in access to current and complete land information is relevant to Barbados' urban development agenda. However, these issues do not draw attention—rather, the extra costs and time implications or information constraints for planning that result have become more like background noise. Beyond these basic issues, transparency in concessions is an issue related to tourism development. Beliefs that foreign investors are treated preferentially rather than incentivizing the growth of local tourism enterprises, low-income housing being built at very high costs without a rationale, and other hints of unfair and inconsistent practices appear in the news. Improved data on land markets, especially if transparently available, could help reduce overpayment and create greater transparency.

3.2.2 Land Governance at a Glance

Documentation about land governance in Barbados is even more scant than in the other four countries selected for study by the IDB under this initiative. Most of the details available to this scoping study have to do with the land registration system. In 2004, the prime minister declared the need to accelerate the introduction of title registration to support competitiveness and encourage investment in Barbados. The goal was set to title and register all land parcels by 2010. In 2005, an evaluation of the program identified 10 main issues that hindered the effective rollout of the title registration system. It is unclear what actions have been taken to address

these concerns. It appears that many of these issues persist today and that titling has not advanced significantly.

The 1988 Land Registration Act, the Land Adjudication Act, and the Land Boundaries Act all had provisions to support a switch from the deeds system to a title registration system. The goal was to cheapen, simplify, and expedite processes. Conversion of deeds to titles is set to happen once an area is declared a registration district. A systematic, area-wide process is then implemented to map, title, and register the ownership of parcels in the declared area. As of 2003, only 10 percent of the parcels had been registered, and presently, it is estimated that 15 percent are registered with titles. Individual requests to title on demand were initially allowed, but those provisions were repealed.

In tandem to the declaration of the conversion to a title system, the deeds registry was made more easily searchable through information technology upgrades. In 1993, the Land Tax Department's land information and processes were computerized. Today, one can pay taxes through an integrated e-z-pay system. The Land Tax Department has maintained a comprehensive parcel ownership map (with 99 percent coverage). The Lands and Surveys Department digitized the map in preparation for demarcation in registration districts. There is still no easy way to track progress across the title registration process. It is not surprising that legal professionals and citizens do not perceive value in the conversion to titles.

There appears to be limited legislative reform relating to land governance since 2002. The latest legislative reform is the Land (Title Proceeding) Act (No. 7 of 2011).⁷ This act reforms the law relating to the method and procedure known as "a title suit" or "a foreclosure suit" for obtaining formal title to land with informal or defective title. The government has a self-financed initiative to continue to improve the land registry, cadastre, and titling processes, which is moving forward very slowly. The number of agencies involved from different ministries with different objectives and without sufficient communication is part of the reason for inefficiency and slow progress. This was flagged in the 2005 registry evaluation (Her Majesty's Land Registry, 2005) in relation to the title registration process. Some additional issues identified in the registry evaluation in 2005 include the following:

- Organization of the process across three relatively uncoordinated agencies
- Lack of a reform process owner or champion
- Significant delay related to the demarcation process
- Disincentives for registration created by the fee structure (fees are set as a minimum amount to collect, not in relation to cost reduction)
- The requirement to pay for the title, even in the declared registration districts—even if they might not see value in converting—which has affected uptake
- Lack of clarity in technical provisions within the law for titling
- A shortage of surveyors with the requisite skills

⁷ See full text here: <http://faolex.fao.org/docs/pdf/bar104397.pdf>.

These findings were not challenged in the responses from the heads of each agency, although some technical details were corrected. It does not appear today that much has changed, and it is unclear what use was made of the evaluation.

In addition to these issues, there are other specific land governance challenges.⁸ First, it is important to find solutions to unlock family land to prevent it from defaulting into idle land status. The time and cost to administer estates perpetuates family land. The number of claimants and the complexity of the situations increase over time. Solutions could actually be available within the current law. For example, the Commissioner of Titles could direct the resolution of estate issues rather than requiring the full process of administering the estate. The focus of the title registration program is limited to already documented rights and does not target the harder-to-address problem of undocumented land rights. All of the declared registration districts are in the urban heart across four of the 11 parishes. These areas are the best cases in terms of simplicity of registration and high-value land. To move beyond these and into the more difficult areas will require addressing human resource constraints, including inconsistent application of the rules due to inadequate skills and policy awareness. Better project documentation will help ensure continuity and consistency when political leadership changes, which has been a problem to date. Squatter settlements on environmentally sensitive areas, particularly in relation to inland water quality (groundwater and construction on limestone areas), need more attention, as does relocation arising from title adjudication of rural village lands.

3.2.3. Barbados-Specific Questions for the Case Study

1. What will it take to reduce inefficiency in land allocation, such as changes in public policy and processes for land zoning, land conversions, or land use planning? Addressing family land issues? How will improved land information management contribute?
2. Is there current information on the number of parcels that exist, the universe of informality, and an inventory of squatter settlements (informal or illegal)?
3. What was or was not done in response to the 2005 registry assessment? If no follow-up was undertaken, why not? Has a stakeholder mapping exercise been conducted or other constraints to adopting the suggestions identified?
4. What is the researcher's opinion on the utility of converting from a deeds to a title system and the possibility to formally reverse the policy choice made to introduce the title system?
5. What lessons can be learned from the IDB-funded Housing and Neighborhood Upgrading Program, with respect to, for example, the efficiency of titling and registration processes and access to land information for planning including land rights?
6. Did the assessment prepared under the ESCI (see below) identify any specific land governance challenges? How do they fit within the broader conclusions of the case study? Were there any specific challenges related to land information management?
7. What specific improvements to land information management will improve tax collection?

⁸ Based on an interview with Joy Green and Leandre Murell-Forde in August 2015.

Table 2: Barbados Land Governance Facts and Figures

Topic	Fact or Figure	Notes
	Dual system of deeds and title registry	Digital records have been in use for a long time. Lands and Survey Department has modern equipment including for electronic field capture. Adjudication and registry have interoperable information.
Squatters and informality	10–15 percent covered by a title. 15 percent had no formal document in one village survey	Limited information is available.
Tenure security	By 2000, 75 percent of all homes were owned and security of these rights does not appear to be an issue. Tenancies are also relatively secure.	Squatting and insecure tenure are not big problems in Barbados (Griffith-Charles, 2010).
Tenure types	Private land, public land, family land	The State holds less than 1 percent of the land.
Gender	Unknown	Overall, gender equity is an issue in Barbados.

Table 3: Barbados Institutional Landscape

Ministry	Entity	Notes
Ministry of Housing, Lands and Rural Development (formerly, Min. of Housing, Lands and Environment)		Responsible for the preparation and execution of upgrading schemes for slums.
	National Housing Commission	
	Urban Development Corporation	
	Lands and Survey Department	Demarcation, topographic mapping, surveying for government, geodetic controls, and GIS coordination.
	Land Adjudication Unit (Commissioners of Land)	Reviews and clarifies rights in land; quasi-judicial function.
	Land Registration Department	Operates both the deeds and the title registration systems.
	Town and Country Development Planning Office	Responsible for land use planning in both rural and urban areas. Allocates public land. Political level makes final decisions about regularization.
Ministry of Agriculture, Food, Fisheries and Water Resource Management	Barbados Water Authority	Responsible for sourcing, management and distribution of water and ensuring its quality and safety for public consumption. Plays integral role in approval of all development in the island.
Ministry of Finance and Economic Affairs	Land Tax Department	Valuation of all real property and levy property taxes.
Ministry of Environment and Drainage	Drainage Unit	Management and maintenance of runoff water drainage systems to mitigate against flooding.
National Housing Corporation		Provision of housing solutions (lots, high rise apartments, quadruple and duplex units, single units) and/or lands for housing at affordable prices.
Urban Development Commission		To improve the living standards, the quality of life, access to tenure for the vulnerable, poor and disadvantaged individuals, groups and communities in Urban Barbados.

Table 4: Barbados Project Highlights

Project	Timeline and Status	Host Entity, Fund Sources and Amounts	Description
Implementation of the Emerging and Sustainable Cities Initiative (ESCI)	2014–2017	IDB and other donors; US\$1 m for Bridgetown City and for the Greater Bridgetown area	Complete an assessment and provide design support to identify and address bottlenecks to sustainability, weigh and prioritize investment decisions, and find specific and adequate solutions (see ESCI website).
Housing and Neighborhood Upgrading Program	2005–2014	MLHE, IDB and GOB; Phase 1 US\$40 m and Phase 2 US\$40 m	Pilot comprehensive upgrading program. The policy component included land use planning. The MHLE legal department was responsible for land titling of housing provided under the program.
House Every Last Person	2012–ongoing	National Housing Corporation	One of four programs that provide housing solutions for low and middle income; recent press reports that land was converted and left empty.

3.3 Trinidad and Tobago Land Governance and Urbanization Brief⁹

As Trinidad and Tobago seeks to diversify its economy and sustain economic growth gains from its robust energy sector development, its strategy pursues regional development coupled with social and environmental risk management. Its top three impact arenas of land governance are (i) land use and change processes (infrastructure, conversion of agricultural land, and generational (family) land usage); (ii) social issues, especially crime, that accompany inadequate housing; and (iii) disaster risk reduction and coastal zone management. Prior IDB land policy work in Trinidad considered that tenure informality, both rural and urban, was also an important limiting constraint on social and productive use of land. While Trinidad and Tobago has made significant improvements to its land governance framework over time, a preliminary desk review suggests that there are important steps that can be taken to ensure that land governance facilitates—and does not hinder—positive change in these three and other impact arenas. In Trinidad and Tobago, the main land governance needs are overall policy coherence and performance of the land registration and cadastral information systems. According to Griffith-Charles (2011), improving the land registration system can be achieved relatively easily (low technical difficulty and low political friction). The case study will help identify specific gaps in policy, information, and investments as well as entry points for addressing them.

3.3.1 Context and Impact Arenas

Energy sector growth has allowed Trinidad and Tobago to become one of the wealthiest economies in the Caribbean. Energy sector-led growth created a dual economy between international business in the energy sector and the local economy, which has lagged behind in its development. Today, stocks of oil and gas are harder to tap and market prices are low, creating more need to diversify the economy. There are opportunities to expand local presence in the energy sector via enterprises that sell products and services to the energy sector (some with high value-added). Tourism is also expected to grow (Government of the Republic of Trinidad and Tobago, 2014; Republic of Trinidad and Tobago and IDB, 2010; IDB, 2013).

⁹ Recent elections could lead to changes in some of the government initiatives mentioned in this section. To date, it does not appear that changes have been made (based on the content of relevant public websites).

Some identified ways to encourage local private sector development include increasing available credit, reducing government involvement in the economy, and expanding non-energy sector activity. While the limitations on credit do not seem related to land governance, the ease of registering property is identified as one of the weakest aspects of public administration and is relevant to business startups. Theft is also a growing issue for business and citizens; in the view of one interviewee, it is linked to the persistent informal settlement situation. Access to land is not stated as a major concern for many small, medium, or large firms. Rather, the main needs in relation to expanding private sector investment are infrastructure improvements and improved environmental management (Government of the Republic of Trinidad and Tobago and IDB, 2010; IDB, 2013).

Planning for efficient and effective use and management of Trinidad and Tobago's land and ocean space requires many demographic and related factors to be taken into account, including population size and spatial distribution; demand for housing, employment, and goods and services; people's daily commuting patterns; settlement patterns, that is, people moving from one place to another/places losing population and others gaining; and impacts on the economy, the environment, and the social structure of the country; and squatting and its implications for sustainable development."

[*The National Spatial Development Strategy of Trinidad and Tobago: Surveying the Scene* p.5.](#)

Beyond expanding the private economy, land governance matters for the broader environmental and social stability that need to accompany growth. Trinidad and Tobago needs to stay in front of climate change and its vulnerability to its impacts, including increased risk of natural disasters (Government of the Republic of Trinidad and Tobago and IDB, 2010). The social housing agenda is still strong with publicly constructed homes accounting for a significant share of new homes and a continued emphasis on allocating land to landless households. Regularization of squatter settlements is an ongoing priority. In line with the desire to broaden its economic base for development, Trinidad and Tobago is now focusing beyond its primary city. The Sustainable Development Manifesto 2010 and the Medium-Term Policy Framework 2011–2014 set an agenda for development of regions and for sustainability. Historically, growth and population have been concentrated in both Trinidad and Tobago, but settlement patterns are changing with growth in other regions. The issues identified in these policy documents include addressing the problems of informal settlements and broadening access to housing. A UN-Habitat report (UN-Habitat, 2012) points out that while tenure is informal in the settlements, a bigger issue is infrastructure provisioning. Tenure insecurity, according to that source, is a bigger issue in rural areas. There are a variety of related initiatives. The IDB-supported Neighborhood Upgrading Program support the upgrading agenda, providing subsidies for people to build or improve their homes.

In this context, the impacts of achieving policy coherence in practice and, in part, doing so by improving information about land rights so that it is up-to-date and efficiently and transparently available will make the jobs of many public agencies easier. Infrastructure and land

redevelopment, for example, in the context of coastal zone management, typically requires compulsory acquisition. Good governance approaches to public takings requires good information about formal and informal rights and about land values. Up-to-date parcel maps connected to legal records of land rights will help to more adequately plan and resource programs to keep pace with and better manage human settlement. The same type of information is an essential input to scoping and addressing both regularization and housing access programs.

For example, the allocation of land for social housing projects and owner-managed construction will require close coordination with the Estate Management and Business Development Company (EMBDC), the Commissioner of State Lands, Land Settlement Agency, and the Public Registry, among others. The agencies involved need up-to-date information on: (i) the extent and location of public land holdings that can be made available for greenfield developments; (ii) whether applicants have already received an allocation of public land and housing; (iii) land values at the sites; (iv) the demand and ability to pay of targeted beneficiaries; (v) the current zoning of identified land; (vi) servicing requirements (potable water, access roads, electricity); (vii) the current tenancy status of the lands; and (viii) current de facto use of its lands, for example, by small-scale farmers. The private land developers, the financial agents, and the households that will acquire housing will all need to know that the rights to the new housing will be properly titled and registered. From the secondary literature review, reliable, up-to-date, and searchable information for these variables is unevenly available and not efficiently accessible. Current efforts, such as upgrading of the Cadastral Information Management System, could prove helpful. They could be complemented by innovative tools like the social tenure domain model (STDM) data model, analyzed by Griffith-Charles¹⁰ (2011), which would allow more robust collection of information on informal and de facto tenure and land usage.¹¹ If the rights of all parcels in an area are recorded properly, private households and enterprises will have better incentives to make land-based investments, because tenure risk would be reduced and land information would be more reliable.

3.3.2 Land Governance at a Glance

Historically, the Government of Trinidad and Tobago has taken bold measures to provide access to land for housing, including through private partnerships. Since as early as the 1980s, the government has had programs that provide sites, financing, and site services. Sometimes, but not always, land rights were successfully regularized with title deeds within these programs. Major legislative reform efforts were undertaken in the 1970s, 1980s, and late 1990s. At one point, a comprehensive package of land policy reforms was drafted. It was abandoned in favor of a piecemeal approach in accordance with the political process for legal reform at that time. At certain junctures, big changes were enacted with regard to land and housing. For example, 1998 saw two very important reforms. First, Act 25 of 1998 provided an explicit statutory pathway for incremental regularization of informal settlements on State lands (Rajack and Barhate, 2004). This law gave poor people a basic assurance of a place to live without having to fully regularize their possession rights in one step. Under the Act, a squatter who was illegally

¹⁰ See Griffith-Charles (2015) for an introduction to STDM and its applicability in Trinidad and Tobago.

¹¹ This would likely require administrative directives or actual legal reform to enable this approach.

occupying state lands could apply for a Certificate of Comfort (COC) in the prescribed statutory format on or before October 27, 2000. This is the first step in a three-stage regularization process to obtain security of tenure (McHardy and Donovan, 2016). Second, the Land Settlement Agency was created as a state corporation. It replaced the Settlement Regularization Unit with a better operational approach, including improved human resource practices and procurement processes. It was found that tenure security improved (decreased risk of eviction) and that, in response, household investment in improvements to homes increased.

While recently, UN-Habitat, in its Trinidad and Tobago: Port of Spain Urban Profile (UN-Habitat, 2012), noted that there is no comprehensive land policy for the country or comprehensive housing policy that brings all the pieces of law and practice together, the last few years saw significant change. Legal reforms in the recent past and those in the pipeline include:

- The Land Tenants Act (Security of Tenure) Amendment No. 2 Bill 2014 would have clarified issues related to absentee leaseholders and lease renewal. This bill lapsed on June 17, 2015.
- The Public Procurement and Disposal of Public Property No. 2 Bill 2014 passed. This legislation seeks to address corruption in the public sector.
- The Planning and Facilitation of Development Act, enacted by proclamation of the president at the end of July 2015 (enacting Act No. 10 of 2014). This creates the National Planning Authority, whose role will be to prepare and keep under review a spatial development strategy. As shown in the text box above, the existing spatial development strategy includes content on land rights.

This positive dynamic could still leave Trinidad and Tobago without a comprehensive or complete land governance framework. In addition to describing historical issues of access by the poor and ethnic bias in public administration, Mohammed (2003) points out another dimension where there could be improved coherence in land policy. Tourism and fishing lands are not part of broader land policy but are subject to narrow state land administration requirements. This author also stresses the institutional complexity of land administration and the government's limited implementation capacity. In 1992, there were 10 agencies across seven ministries and, according to Mohammed (2003), this number has increased. Table 6 (page 25) lists 18 public entities that have a role in some aspect of land governance. It does not include the newly authorized National Planning Authority. There appears to be horizontal overlap in what they do, and they appear to be centralized.

An important example of horizontal overlap is the coexistence of two parallel registration systems. The land titling system and the deed registration system are, however, both administered by the Registrar General's Department. The government decided to convert the public registry from a deeds-based system to a title-based system. Declaring registration districts and undertaking titling has not advanced significantly, and it appears that the attempt to replace the deeds system has thus far failed. There was a move toward parcel index mapping and systematic adjudication, but as of 2005 it had not seen much progress. This leads to inefficiencies and market confusion. It is not surprising that the registration of transactions is

costly in time and money. According to the World Bank (2014a), it takes 77 days and costs 7 percent of the value of the property to register a commercial land transaction.

Additionally, the poor have limited access to legal services, and regularization of settlements is highly complex. The literature does not suggest any efforts to streamline procedures or the existence of any strong coordination mechanisms to alleviate institutional complexity. There was an attempt by a Cabinet Commission chaired by the deputy prime minister and also an Interim National Physical Planning Commission whose scope included land policy, land information systems (LIS) policy, coastal zone policy, land use policy, and standards coordination (Mohammed, 2003).

The issue of family land adds a degree of complexity in Trinidad and Tobago, particularly for Tobago. “Family land has been variously described as a Caribbean cultural institution symbolizing a social response to oppressive colonial land regimes and also, more mundanely, as co-ownership of land in undivided shares by the descendants of the original purchaser” (Johnson, 2008: 5). The latter applies in Trinidad and Tobago. The implications of certain land policies, such as the procedures for intestate estate management, make it costly, in time and money, to formalize rights upon the death of an owner. This leads to the persistence of generational family landholdings. Although this is a source of informality and there are disputes within families, generational lands do not imply insecurity of tenure. The holding of lands among family members could have positive implications for agricultural uses by the family in the sense of preventing fragmentation of parcels into too small lots. At the same time, it tends to result in unused or underutilized lands because family members do not farm nor can they make the land available to outsiders, for example through formal leases or sales. Griffith-Charles (2011) also proposes using the STDM data model as a way to integrate multiple party and multilayered rights data into the formal land registry and create appropriate access to information about rights and uses at both the central and local levels.

The following land data and land information systems have been identified:

- State Land Information System (SALIS), implemented (date unknown) with relative success but there is still lack of clarity around inventory (Mohammed, 2003)
- Cadastral Management Information System (CMIS), introduced in 2005 and in the process of being upgraded
- Geodetic control, updated in 2010, followed by investments in continuously operating reference stations (CORS, allows GPS use in parcel surveys) in 2011–2012
- A GIS of a subset of public lands developed by the Ministry of Housing, Lands and Marine Resources

More information about these efforts and outstanding needs is not available in the secondary literature.

There are some additional land governance issues and challenges in Trinidad and Tobago that merit attention. There are a significant number of absentee owners of family land (an estimated 48 percent of family land claimants do not live on the family-land parcel); this is leaving productive land unused. Corruption in land allocation appears to be a concern. Press reports in

2015 mention industrial and rural land grabbing. If the land registry and cadastral information were complete, up to date, and interoperable, there would be more transparency and less room for corruption. Some questions have been raised about the government's favoring registration of leasehold titles rather than actually ceding ownership in regularization and land allocation processes although this practice goes back many decades. There appears to be a need for a massive valuation system to inform pricing of public land allocations to private developers and for property taxation. There is no authoritative, complete, and accurate state land inventory. The Town and County Planning statistics do not take tenure into account (UN-Habitat, 2012).

3.3.3 Trinidad-Specific Suggestions for the Case Study

In addition to further developing the information about land governance and urban development presented above, the case study for Trinidad and Tobago should devote attention to the following:

1. The case study should describe recent precedent in executing compulsory takings for infrastructure investments and environmental management. A few examples should be included to illustrate the issues at play.
 - a. How widespread are issues relating to sufficiency of notice and consultation or allegations of mismanagement, such as those recently reported in the news?¹²
 - b. How do these concerns relate to specific issues of land information management, policies, or procedures?
2. In relation to the land information management system investments (e.g., SALIS and CMIS) and to the operation of the registry and cadastre, the case study should assess factors that affect sustainability. It should also provide a clear understanding of current policy directions in relation to horizontal overlap between the two registry systems.
3. Will the ongoing and proposed investments provide the quality and efficiency of access to information needed for achieving regularization goals, to inform disaster risk reduction plans, for infrastructure-related public takings, for managed land conversions, and to address the situation of family lands, over time? For each, give an opinion and a brief explanation for the opinion.
4. Beyond allowing for interoperability of registry and cadastre, are there additional opportunities to integrate land information and create efficiency and greater reliability? Specify the current location of information, what it is used for, and what key steps would have to be taken to integrate the data.
5. Provide brief background that will help explain why systematic land titling still has not been implemented at scale. How is it related to weaknesses in land information management? What other factors are important (e.g., institutional complexity? Lack of financial or human resources? Lack of consistent political will?)
6. Complete and clarify the list of recent and current legal reforms relating to improved land governance. How will these motivate improvements to land information management? Make clear the status of legislation and how far implementation has proceeded.

¹² See www.guardian.co.tt/news/2014-10-11/land-owners-block-oas.

7. Explain how land governance issues affect access to and management of coastal lands. Provide examples that show how improved land information management is relevant to coastal land management. What types of improvements are relevant?

Table 5: Trinidad and Tobago Land Governance Facts and Figures

Topic	Fact or Figure	Notes
Type of land administration system	Separate and generally not interlinked databases for registration records, cadastral maps, and state land inventory. The Land Settlement Agency (LSA) maintains its own registry of land allocated under its programs.	Deeds and title registry operate in parallel. Registration is voluntary. Title registration introduced in 2005 as part of an effort to increase efficiency; by 2011 only about 15 percent of parcels were covered (Griffith-Charles, 2011). Estimated 300,000 parcels are covered by a separate cadastre; records are not up to date and correct. Maps cannot yet be entered digitally (on the way). For the title registry only, there is a reference number that connects map to registry record. No system in place to effectively capture family land claims. Parcel maps are fixed boundary not georeferenced.
Squatters and informality	It is estimated that one-sixth of the population are squatters. (UN-Habitat, 2012). An estimated 30 percent of parcels are unmapped and unregistered, and 47 percent of occupants lack a proper document. ¹³	Statistics correlate with poverty rates (17 percent with some places as much as 30 percent) (Government of the Republic of Trinidad and Tobago and IDB, 2010). The Ministry of Housing, Lands and Marine Resources web page states that it is undertaking a survey of squatter sites to estimate the number of squatters.
Tenure security	50 percent of private and family land is formally recorded; 80 percent perceive tenure secure (Laloo and Griffith-Charles, 2015); conflicts tend to be within families.	
Tenure types	Private land, state land and family land	Private land is registered and unregistered; State land (> 50 percent of all land) is used by squatters, agencies, and public corporations and in forest reserves. Family land (defined as land in the name of one or more deceased relative). Some squatters on public land are entitled to COCs and on private land can sometimes gain rights via adverse possession. ¹⁴
Gender	No legal restrictions. In practice, only 14 percent of landowners were women in 2004.	Gap between law and policy is attributed to inheritance practices and custom. Many households are headed by women (UN-Habitat, 2012).

¹³ Griffith-Charles (2011); Consistent with official statistics available on the web (70 percent parcel registration).

¹⁴ Laloo and Griffith-Charles (2015) provide a very useful description of tenure types in Trinidad and issues relating to each type of tenure.

Table 6: Trinidad and Tobago Institutional Landscape¹⁵

Ministry	Entity	Notes
Ministry of Finance and the Economy	Commissioner of Valuations Valuation Division	Provide Government and its Agencies with Valuation and Land Economy advice to enable fair, consistent and competent decision making in respect of property transactions, property taxation and land management.
	Inland Revenue Division	Collects Land and building tax, Stamp Duty
Ministry of Local Government	Port of Spain Corporation; City Corporation of San Fernando	Land and building tax in the city (land Tax and land rents paid here)
Ministry of Agriculture, Land and Fisheries	Surveys and Mapping	Maintains National Survey Controls, topographic mapping; cadastral mapping
	Commissioner of State Lands Land Management Division	Grants leases for state lands; supports Caroni LTD to deliver land to former workers
	Estate Management and Business Development Company (EMBDC)	Manage former Caroni Lands former sugar plantation lands
Ministry of Planning and Development	Town and Country Planning	Performs planning and control functions on development and use
	Advisory Town Planning Panel	Reviews TCPD decisions
Min. of Housing, and Urban Development	Land Settlement Agency	Addresses squatting on state land, promotes access to land for those without proper legal access, conducts title investigations; performs sociological surveys; perform infrastructural upgrading works; conduct cadastral surveys; help settle disputes; prepare and issue Certificates of Comfort and Deeds of Leases.
	Housing Development Corporation	Aims to make housing more accessible and affordable for citizens of Trinidad & Tobago.
	Urban Development Corporation	Property redevelopment, construction and management
	East Port of Spain Development Company LTD.	Manages the development of East Port of Spain
Ministry of Legal Affairs	Land Registry (Registrar General's Department)	Hosts both deeds and Torrens title registries (Common Law and Real Property Ordinance)
Ministry of Public Administration	Property and Real Estate Services Division	Responsible for all government real estate, most specifically sale, acquisition and rental
Ministry of Energy and Energy Industries	PETROTRIN	
	Palo Seco Agricultural Enterprises Limited	Provides estate maintenance and estate management services. The Legal and Estates Services Department (LESD) manages the estates and land assets belonging to PETROTRIN and its predecessor companies, TRINTOC and TRINTOPEC for which there are existing Management Contracts. LESD also oversees the management of PSAEL owned land assets. The Department is also responsible for the servicing of tenancies and the

¹⁵ The authors appreciate the information provided by Robin Rajack and Charisse Griffith-Charles to complete this table.

Ministry	Entity	Notes
		collection of rent and taxes for the estates they currently oversee.
Tobago House of Assembly - Division of Planning and Development	Land Management Department	Survey, monitoring to prevent illegal activities, administration and distribution of State lands.
Tobago House of Assembly - Division of Planning and Development	The Planning Department	Monitoring and evaluation of the capital projects of the Assembly, including the physical planning to leverage location as a means of maximizing the effect and impact on economic development of the island

Table 7: Trinidad and Tobago Project Highlights

Project	Timeline and Status	Host Entity, Fund Sources and Amounts	Description
National Upgrading Programme	2011-present	Ministry of Housing and Urban development allocation (US\$50m)	Informal Settlement Upgrading; Housing Subsidies; and Institutional Strengthening
Electronic Government and Knowledge Brokering Program	In implementation	Lands and Survey Division via Ministry of Public Affairs; IDB	Cadastral Management Information System (CMIS) upgrading and updating; creates interoperability between the LIS of the Land Management Division and the Registrar General's Land Registry Database.
Strengthening Information Management at the Registrar General's Department	In implementation	IDB, Ministry of Legal Affairs; US\$20m	Registry modernization
Land Use Planning and Administration Project (LUPAP)	Completed	IDB	Building on legal reform momentum, this project sought to improve land market functioning and address the institutional underpinnings of tenure problems via systematic titling and registration and clarification of rights. Legal and LIS reforms.

Central America

3.4 Panama Land Governance and Urbanization Brief

Panama is one of the fastest-growing economies in the world, with higher than average job creation and poverty reduction and strong middle-class growth. Financial services, tourism, and mining will continue to grow. Energy infrastructure, transportation upgrading, education, and public sector institutional capacity (including disaster risk reduction and municipal management) are among the potential constraints to growth. The government's current five-year plan includes an ambitious program to deliver basic sanitation to everyone, all across Panama, and the government continues to encourage the construction of social housing. There is a big gap with respect to poverty reduction and development in indigenous areas, including tenure insecurity, which is interlinked with crime and violence in ways that threaten the overall cohesion of Panama's development (Koehler-Geib, Scott, and Soliman, 2015). Apart from indigenous lands,

there have been significant and relatively successful investments in land titling and land administration. Today, the discussion revolves around how to ensure the full realization and sustainability of the results from prior investments in land titling and cadastre and the need to complete the reform agenda. This includes further improving the efficiency of services and the need to address pockets of tenure insecurity and informality, and expanding progress outside the metropolitan area, which is underway.

3.4.1 Context and Impact Arenas

Panama's economy relies on trade in services, most notably financial services. The government has managed the Panama Canal well and created incentives for foreign and domestic investment. For example, the Program for Multinational Headquarters had, as of 2014, brought 100 companies and US\$600 million in investment to Panama. Tourism contributes about 14 percent of GDP and is expected to continue to grow. Big results in terms of poverty reduction have been achieved although some groups have been left out. Poverty and extreme poverty remain very high in indigenous areas. (Koehler-Geib, Scott, and Soliman, 2015). Key constraints to continuing this success are related to infrastructure, education, and public administration. With respect to the latter, transparency, efficiency, and adequacy of the regulatory framework are referred to in the literature.

Corresponding to this growth and development success, "the built environment of Panama City, Panama, has undergone a large-scale transformation over the past decade" (Sigler, 2014: 261). Luxury condominium and gated community growth (Esquirol, 2014; Sigler, 2014) feature prominently in Panama's urban landscape. Its suburban greenfield developments reflect the needs of the upwardly mobile working class, which are increasingly within reach through affordable housing finance and public infrastructure related to water and transportation (Sigler, 2014). New density creates new challenges for ageing infrastructure. In tandem, rural immigration to the city continues, and there is pressure on affordable housing for the poor. Squatting is still occurring, according to Esquirol. However, Sigler states that "Panama City's urban periphery is now distinguished by a lack of informal settlements, and only a small proportion of residents live in informal housing." Less than 15 percent is a high estimate.

The quality of land governance appears to facilitate or hinder all of these trends in both private and public activity. The public sector agenda includes various initiatives that are specifically affected by the quality of land information and land market dynamics.¹⁶ For example, social housing expansion could be encouraged by moving more land into the market through titling of national and municipal lands, as appropriate. The plan to create universal access to basic services would be much more efficiently planned if up-to-date cadastral information were available across the country. Similarly, planning for revitalization and urban development (e.g., the plan for the revitalization of La Exposición neighborhood and other urban areas around the canal) typically require land redevelopment and relocation, which in turn are better done with adequate cadastral information. Decentralization is an important part of the agenda of the current government as evidenced by the passage of Law No. 66 (October 2016), which amended the Decentralization Act (Act No. 37, June 2009). However, property taxation

¹⁶ The perspectives on impact areas benefitted from an exchange with Ariel Ochoa, ANATI, in September, 2015.

continues to be a central government mandate. The central government transfer revenue to municipalities based on cadastral information.

Watershed management is a major theme, and the value of having secure land rights as an incentive to take measures to protect the natural environment is recognized. The National Land Administration Authority (Autoridad Nacional de Administración de Tierras, or ANATI) recently issued 500 titles as part of its collaboration with the Inter-institutional Commission of the Watershed of the Panama Canal. Finally, like the other countries reviewed, Panama has extensive public housing programs: public housing, subsidies, upgrading, and making land available to developers of mixed-income areas. It is important to ensure that the gains in regularization are sustained and that the effectiveness of public provision of land information is sufficient in all of these areas of urban development. This was recognized in the early design of the National Land Administration Program (Programa Nacional de Administración de Tierras, or PRONAT) that was supported by the World Bank and the IDB. PRONAT, unlike typical land administration programs funded by the IDB and the World Bank, had the specific goal of providing information to these other types of improvements.

3.4.2 Land Governance at a Glance

Panama is considered to have established a modern land administration system and to have successfully pursued land tenure formalization. Panama ranks well, especially compared to other countries in the region, in the Doing Business ease of registering a property ranking. The fact that it has a mature title insurance market reflects this. Panama has made significant changes to its laws, policies, and institutions to encourage efficiency in land administration services, stimulate private investment in residential and nonresidential buildings and infrastructure, and address a range of specific land governance issues. These issues include informal settlements, coastal land rights, and boundaries.

Since 2001, over US\$100 million has been invested in land governance reforms, largely funded by the World Bank and the IDB. These projects had a comprehensive agenda, including cadastral mapping, titling and registration of land parcels, land use and territorial planning, legal reform, institutional strengthening, and information systems improvements (e.g., linking the registry and the cadastre, GIS, and massive valuation). The US\$100 million includes stand-alone land projects such as PRONAT, and components within other development projects, such as for agricultural services modernization and watershed management in the Panama Canal and Darien areas, funded by the IDB. The IDB also funded the Program for Development of the Spatial Economy (Programa de Desarrollo de la Economía Territorial, or PROTIERRAS) in 2003 to add productive investment support to legally titled lands and fund land use planning exercises linked with PRONAT. This investment was motivated by case studies showing that economic benefits from land titling were slow to emerge. Table 10 lists the more recent projects that were part of this US\$100 million investment package and includes other recent or ongoing relevant efforts.

With these investments, over the last 15 years, Panama has made significant progress in many dimensions of land governance, including the following:

- Decreased time and cost of cadastral services (from US\$250 in 2006 to US\$50 in 2013), titling (urban titling time reduced from seven months to four months and cost reduced from US\$50 to US\$20), and registration
- Roughly 65,000 beneficiaries of massive titling in the Panama City Metropolitan areas (21 percent of the PRONAT target), 120,000 in the central provinces, and more than 50,000 elsewhere:
 - Over 235,000 properties whose titles were formally registered
 - 2.6 million ha mapped
 - 60 percent of the disputes encountered in the titling process resolved
- Developed nine land use plans
- Integrated, updated, and interconnected the geographic and legal information for 456,000 parcels in the metropolitan area. Digitized land records (maps and legal documents) and designed a land information system called SICAR to allow exchange of records between the registry and the cadastre (although it has not yet been fully implemented)
- Established a national land valuation system and increased tax collection
- Improved capacity of several collaborating agencies in relation to municipal land administration
- Updated and delivered spatial data for urban development projects (real estate development, valuation, mass transit, and land development planning)

Many legal reforms were implemented in the last 15 years. Of particular importance was the law creating ANATI (Law 59 2010). In 2010, the National Land Administration Authority was created to bring more coordination across agencies involved (cadastre, agrarian reform, the geographic institute, and PRONAT).¹⁷ Importantly, ANATI does not incorporate the Public Registry. The law provides flexible zoning and tax incentives for titled construction, such as a 20-year transferable property tax exemption (Esquirol, 2014), and allows for maximum density). These are presented by PRONAT (PRONAT, 2009) and recognized in the 2014 Project Evaluation for PRONAT and in the IDB's comparative valuation study of its land administration investments (IDB, 2014a; Latin Consulting, 2014).¹⁸

Implementation advanced further on regularization than on the modernization of the LAS, and there is a continued agenda for these and other aspects of land governance. Recent media reports reveal that land rights issues are still a reality even while Panama has achieved a high degree of formalization.¹⁹ The government has continued its land titling efforts, particularly in the western part of the country and in conjunction with other initiatives, such as the provision of housing finance, watershed management, and informal settlement upgrading. Competing land uses are handled in ways that give rise to concerns about transparency and corruption. Land

¹⁷ See Panama Law 59 (2010), which created ANATI (www.anati.gob.pa/normativa/Ley_59_de_2010_ANATI.pdf).

¹⁸ It is likely that some of these same types of results were achieved in the other case study countries under the projects mentioned within the briefs. However, Panama appears to have the most extensive urban emphasis in its land administration reform projects.

¹⁹ Some press articles relay recent stories where land rights are at issue: <http://elsiglo.com/panama/toman-puente-reclamando-tierras/23880616>; <http://elsiglo.com/panama/pintan-guerra-tierras/23870732>; <http://elsiglo.com/panama/largo-proceso-legalizacion-tierra/23852270>

invasions and disputes crop up periodically, apparently sparked by infrastructure investments and efforts to provide titles for long-time residents of settlements that are being upgraded.

With support from the OAS, ANATI received technical guidance for self-financed upgrading, such as scanning and indexing its largely paper-based property records. The project for scanning, digitalization, and geo-referencing of approved plans in ANATI is entering a second phase, which will support the creation of an interface to connect geospatial information from existing parcels in ANATI with legal information from the public land registry.

Current land governance challenges include the following:

- As noted in the 2014 PRONAT evaluation, insufficient coordination across institutions persists even though the creation of ANATI improved land administration through bringing various agencies under one roof.
- SIICAR (information architecture to interconnect the registry and cadastral records) had not been implemented as of 2014 (Latin Consulting, 2014) due to differences in technological capabilities between the cadastre and the registry (cadastre is more advanced). The project to digitize printed land records, which already has led to the scanning of more than one million approved plans, will modernize the registry. ANATI recognizes the importance of SIICAR and is calling for an update to its design and then establishing it in practice. The locations where the ongoing parcel mapping and title regularization initiative are being implemented could be good places to pilot SIICAR.²⁰
- While significant results were achieved in terms of titling and regularization, targets were not systematically met in urban areas (see Table 4.2 in Latin Consulting, 2014). It appears that the number of irregular land tenure situations was underestimated, and the process of reconciling differences and overlaps across records was not completed. While Panama does not have the problem of parcels without records, the quality of records could still be an issue. The cadastre is also becoming outmoded, considering that interoperability between ANATI and the Property Registry was not sufficiently developed. Limitations in terms of completeness and comprehensiveness of land records—notwithstanding significant achievements—make it harder for local governments to optimize their tax base and plan and execute development initiatives.
- Finally, while PRONAT and other projects have helped the government and indigenous leaders make progress on recognition and documentation of indigenous land rights, this remains a priority topic—perhaps, the highest priority of land governance improvement today. This is not particularly relevant to the questions of urbanizing areas except that Panama has a higher rate than other countries of indigenous outmigration to cities. PRONAT was subjected to a World Bank Inspection Panel Review²¹ because of concerns raised to the World Bank about policy reforms and indigenous land rights. The World Bank’s support for policy reform ended, but ANATI continued to pursue reforms.

²⁰ This recommendation was made in an exchange with Ariel Ochoa, ANATI, in September 2015.

²¹ The report of this review can be found [here](#).

3.4.3 Panama-Specific Questions for the Case Study

Beyond updating the situational analysis of land governance in Panama, the main value of the case study will be to identify lessons relevant to Panama and other countries and to identify potential gaps in completing the reform process, which could be a source of hidden costs in time, money, or resource allocation as Panama's growth and social development agenda moves forward. The following questions should be addressed in the case study:

1. How well are the legal reforms introduced in the last 10 years (listed above) performing, and are there gaps that could explain any issues uncovered by the core land governance situational assessment carried out in the case study?²² What is the role of land information management in supporting the performance of the reforms?
2. What factors affected the sustainability of prior investments in land administration systems (titles, cadastre, and registry)? The IDB Comparative Evaluation Study (IDB, 2014a) notes sustainability risk for regularization "when the conditions that lead to informality have not changed." The case study should seek to understand the need for reinvestment, for example by ANATI, to upgrade its cadastral information and systems, and the risk that titled lands may revert to informality because of a failure to register subsequent transactions.
3. Are the assertions about a continued lack of coordination and shared vision made in this document valid, and if so, what are the specific issues that need attention?
4. What was the impact of the nine land use plans prepared under PRONAT? The final evaluation of PRONAT (Latin Consulting, 2014) suggests that the plan in the Darien was implemented, but it is not clear whether the others were. If not, why not? If so, to what benefit? Was land information management a constraint, and if so, how?
5. How could current major urban revitalization efforts benefit from improved land administration information and services? The IDB's Emerging and Sustainable Cities Initiative (ESCI) supported studies on the planned revitalization of Barrio La Exposición (an historic area of Panama City). How did land governance issues factor into the conclusions of these studies and into the plan? Are there lessons from previous urban revitalization efforts, such as the IDB-funded pilot project Urban Revitalization and Poverty Alleviation in Colon (innovation loan given in 2003) that relate to land governance? The loan document points out risks around acquisition of properties to be renovated and attitudes towards rights. Can any lessons be learned from the nine land use planning exercises carried out under PRONAT?
6. What is the current estimated scope of irregular land records? What are the main reasons why PRONAT had difficulty addressing this issue (Latin Consulting, 2014)? How does zoning policy affect this?
7. The PRONAT final evaluation (Latin Consulting, 2014) states that the efficiency and effectiveness of the massive valuation system was not reviewed. This could be a useful

²² This should include providing an understanding of the Tourism Concession Law and Regulations (Law No 2 of 2006 and Executive Decrees 85 of 2006); Special Expropriations Law (Law 20 of 2009); Adjudication of Coastlands and Insular Territories (Law 80 of 2009 and Executive Decree 45 of 2010); New Agrarian Code (Law 55 of 2011); and the Indigenous Communal Lands Regulations (Executive Decree 223 of 2010).

topic to explore, given Panama’s needs to further the effectiveness of its fiscal financing and bolster decentralization.

8. What are the top lessons from Panama’s experience in land administration modernization that could be relevant to the other four countries?

Table 8: Panama Land Governance Facts and Figures

Topic	Fact or Figure	Notes
Type of land administration system	Centralized deeds registry system Modern cadastre and GIS	Parcel surveys and registry records are maintained separately. There are regional operational offices of both the registry and the cadastre.
Squatters and informality	High estimate is 15 percent	Squatting continues but is not as pronounced as in other countries in the region.
Tenure security	Information is not readily available	Data are hard to find. Tenure insecurity in rural and indigenous lands seems more pronounced than urban tenure insecurity. In urban areas, questions about tenant security and remaining pockets of informal squatting/settlement are found in the literature. Colombian refugees represent a particular pocket of tenure insecurity in urban areas.
Tenure types	State property, individual private property, indigenous communal land rights, possession by agrarian reform law, adverse possession and precarious occupation, rental and share arrangements, and condominium property	Statistics on percentage of land or population in each of these categories are not available in the literature reviewed. There is state-owned land to which a right of possession can be obtained via a formal contract issued by ANATI. Many of these lots are on the beach, on islands, or inside special tourism zones. These properties are not listed in the Public Registry Office.
Gender	Ranks well on the IPRI Gender Bias Index; limited information available	By law and in recent reform programs, gender equity is strong. It is not clear if there is a gap in practice in terms of women’s use, ownership, and control of rural and urban property.

Table 9: Panama Institutional Landscape

Ministry	Entity	Notes
Ministry of Housing and Territorial Planning		Responsible for land management, land information, territorial planning, housing programs, and settlement upgrading
ANATI (land reform directorate, cadastre directorate, National Geographic Institute Tommy Guardia)		ANATI is an independent national authority governed by the National Land Council (Consejo Nacional de Tierras), which is comprised of several Ministers of State, the Comptroller General and the Director of the Public Registry. The Council oversees management and approves the Action Plan and budget. ANATI directs land policy and land administration and carries out the services and functions of the four entities that comprise it. The Land Council authorizes or deauthorizes initiatives of ANATI but is not involved in its operation.
	Directorate of Territorial Planning	Planning, studies, and support to municipalities.
	Directorate of Spatial Investigations	Establishes and enforces rules and regulations, evaluates land on which to develop new housing projects.
	Directorate of the “Ventanilla Única”	Reviews urban plans from other directions; coordinates with other ministries changes to cadastre.

Ministry	Entity	Notes
Ministry of Economy and Finance	Directorate of Public Assets	Conducts valuation of public lands and valuation oversight, and provides support to various agencies for a range of purposes, including public takings, leasing, concessions, and others.
	Directorate of Public Revenues	Property taxation.
Public Registry of Panama	The Registry is headquartered in Panama City and maintains 10 regional offices.	Records transactions in land, including titles issued, and provides related services. Originally part of the Secretariat of Government and Justice, but now independent.
Panama Canal Authority		
National Environmental Authority		
National Mortgage Bank		Provides financing to social housing programs.
Ministry of Interior	National Directorate of Indigenous Policy	
	National Directorate for Local Government	
	National Commission on Political Administration Boundaries	
Other	Municipal Councils, Rural Institutions	

Table 10: Panama Project Highlights

Project*	Timeline and Status	Host Entity, Fund Sources and Amounts	Description
Programa del Catastro y Titulación en La Cuenca Hidrográfico de la Canal de Panamá	Ongoing	ANATI	Collaborates with Inter-Institutional Commission on the Panama Canal Watershed Management. Issues titles and updates maps.
Programa de Mensura y Legalización	Ongoing	Ministry of Housing	In the process of regularizing 500 informal settlements.
Land Administration and Regularization project	2007–2014, Completed)	ANATI IDB and GOP \$38 million	
Metropolitan Region Cadastre and Land Administration Modernization Program	2002–2012	ANATI \$27 million	
PRONAT	2001–2014	Ministry of Economy and Finance in Phase 1, ANATI subsequently	Originally included titling, regularization, cadastral mapping, information systems, legal and policy changes, and land use planning activities. In 2012, the scope was reduced to only regularization.

*The IDB land administration projects were merged with PRONAT in 2010.

3.5 Brazil Land Governance and Urbanization Brief

In the context of its growth and development trajectory, Brazil will need to devote more attention to urban land governance while continuing to pursue solutions in rural areas. Advancing progress on urban land governance is critical to the ability to push Brazil's progressive urban development legislation more fully into implementation, to support local fiscal finance, and to tackle the perpetuation of informal settlements with improved overall planning of urban expansion. Rossbach (2014) points to the need to balance expanding urban development, real estate markets, and the basic social rights of the poor. Add to that the need for continued investment in urban infrastructure without tension around resettlement.

Two key issue areas are clear from the literature. First, the autonomy and responsibilities for land management embodied in the 1988 Constitution and subsequent legislation, such as the City Statute of 2001, still challenge the operational capacity of urban municipalities (human and financial resources). Medium-sized municipalities in particular need to align land information and land management capacity with these responsibilities.²³ Second, the inefficiencies related to administrative processes and institutional complexity surrounding land governance complicate achievement of the ambitious city development agenda. Achieving institutional streamlining and land information system interoperability or unification will be important. The need for multipurpose cadastre (or some means to achieve its aims) is already recognized in, for example, the Ministry of Cities decree of 2009 (Portario No 511). The need is still outstanding, particularly outside of the wealthier municipalities. A corollary is the need to rationalize tax policy and address valuation issues. Measures to address these issues will provide better access to information for city management and effective land markets, safeguard and welcome investment, and support a culture of registration.

3.5.1 Context and Impact Arenas

Brazil has seen tremendous growth and development, making major inroads in poverty reduction and socioeconomic inclusion. Its economy performs well in terms of overall growth, food production, and energy. The proportion of people living in poverty in Brazil went from 22.4 percent in 2004 to 9.0 percent in 2013, while the proportion of those living in extreme poverty dropped significantly, from 7.6 percent in 2004 to 4 percent in 2013 (Government of the Federative Republic of Brazil and IDB, 2016). However, growth has slowed significantly in recent years. GDP growth stagnated in 2014 at 0.1 percent, and in 2015 there was a 4.0 percent contraction, which is expected to continue in 2016. In 2015, the unemployment rate rose and real income began to decline. In addition, fiscal results have deteriorated and the public debt burden has increased, which has contributed to its international credit rating slipping (Government of the Federative Republic of Brazil and IDB, 2016). Urban growth in the Northeast has been particularly slow (OECD, 2013). Improved sanitation is also critically

²³ The OECD Territorial Review of Brazil (OECD, 2013) reveals a gap between the responsibilities assigned to local government and the capacity of municipalities to carry them out.

needed. The percentage of people living in households with wastewater service reached close to 49 percent at the national level in 2013. Nevertheless, the National Sanitation Plan (PLANSAB 2013) figures show that only 39.7 percent of households have a sanitary sewer network considered appropriate, 50.7 percent of households live under precarious sanitary conditions, and only 39 percent of the wastewater produced is subject to adequate treatment and final disposal, giving rise to serious environmental and health problems for the population (Government of the Federative Republic of Brazil and IDB, 2016).

Brazil has a service-based economy, with agriculture accounting for 6 percent of economic growth. Agriculture has already undergone significant modernization, fueling the transition to a nonfarm economy. Eighty-six percent of the population lives in urban areas, and metropolitan areas generate 61 percent of GDP. There has been a housing boom, but a recent land governance assessment (LGA) revealed a housing deficit for the poor of 6 million units (World Bank, 2014b). Home values surged with the boom. While this is good news for property owners, it exacerbates the challenge of affordable housing. It is therefore vital for Brazil to accelerate growth, sustain development progress, and foster social and economic inclusion. There is a need to rebalance growth from consumption-based to investment-based. Within that big picture, government priorities include large-scale provision of a range of social services, such as housing and infrastructure, and promoting private investment.

In 2007, the government also launched a bold infrastructure investment finance program (Programa de Aceleração do Crescimento, or PAC). Its second phase, which ended in 2014, emphasized urban areas and supported investment plans totaling US\$582 billion, focused mainly on the southeastern and southern regions of the country. Land conflicts around major works have flared up. The World Cup received some negative press globally because of reports that many people were displaced in order to create or improve infrastructure for the games. Questions were raised about the extent to which there was a public purpose that justified taking land from private citizens and how the lack of documented rights to land and housing implied less than adequate compensation for takings. Rossbach (2014) suggests a need to improve approaches to resettlement and compensation more generally.

Delivering on its commitments with regard to the right to the city and citizen well-being will make a significant difference. In turn, improved information on land rights and land uses will enable the government to fulfill these commitments. Beginning with the 1988 Constitution, substantial responsibility for cities to develop in an inclusive manner and for addressing tenure rights and regularization of informal settlements was decentralized to the municipal level. Reydon and Bueno (2014) also suggest the need to put the new legal instruments into practice and to regularly monitor progress. Municipalities will benefit from improved property tax collection. (IDB, 2012a; IMF, 2015; World Bank, 2011; 2014b) The LGA (World Bank, 2014b) also points out the importance of land governance for disaster risk reduction.

The public domain is extensive in Brazil and various departments and agencies in Brazil manage upwards of thirty percent of the country's land area. The 1988 Constitution of Brazil in its Article 20, specifies a large public domain that includes unoccupied boundary lands essential to national defense, riparian waterways, beaches, the territorial sea, tidal areas,

subsoil mineral resources, the continental shelf, and land that the federal government owns, whether used or unused. In addition, the public domain includes Brazil's massive coastline and a large number of beaches, riverbanks, swamps, and other maritime and riparian lands. The coastal land justification derives from Article 4 of the November 14, 1832 *Instruções*, which stated: "Coastal lands are those bordered by the ocean or by navigable rivers that extend until a distance of 15 *braças craveiras* [33 meters] counted from the point where the average high tide arrives" (*Instruções de 14 de Novembro de 1832, art. 4^o*). This distance corresponded to the range of typical canon fire in 1832, and was thus instituted for reasons of national defense. Today, coastal lands are still the property of the federal government, a process that complicates land regularization of stilt housing (*palafitas*) in informal settlements alongside rivers or coastal areas (Donovan, 2007).

3.5.2 Land Governance at a Glance

Brazil is a very large country, and land governance issues vary across its diverse landscapes. Three well-known patterns that the government and civil society have sought to address in a progressive way are: the high degree of inequality in the distribution of rural land and issues of landlessness; continued and often violent conflict around access to land and the development of the Amazon (Reydon, Fernandes, and Telles, 2015); and the urban favelas or informal slums in its major cities. Rural and environmental issues are less directly relevant and are therefore not emphasized in this scoping paper. The Amazon area comprises 59 percent of the territory of Brazil, yet only 12.3 percent of the population lives within it (Fernandes et al., 2015). It would appear to be important for Brazil to pay more attention to urban land governance issues even while continuing to establish good governance of rural land and other resources, notably forests. In the past, most of the attention has been focused on rural areas due to social conflict and environmental issues.

Fernandes et al. (2015) describe the historical lack of land governance. They lay out the critical junctures that have led to the relatively recent significant attention being paid to establishing good land governance. As Reydon and Bueno (2014) point out, while large cities have made progress on regularization and some small cities have carried out successful projects, the magnitude of the problem is still significant in relation to low-income housing, affecting as many as 10.5 million urban households. Informality is present in as many as 92 percent of all urban municipalities. They cite one 2010 estimate that land titling is inadequate in 26 percent of all housing.

Institutional capacity limitations (human, financial, and information-related) at the local level regarding land governance are pronounced. The LGA report (World Bank, 2014b) says it well: "The legislative structures and a national planning vision of spatial development and land use are running ahead of institutional capacity at the local level....these are not supported by adequate spatial data, regularization processes, mobilization of resources, and [human] capacity at municipal level." The report suggests that technology could bring about rapid success at scale.

The World Bank (2014b) and Reydon, Fernandes, and Telles (2015) describe the complex web of institutions engaged in land governance in Brazil. These documents stress how the many

entities work independently and do not coordinate their efforts. They also note the need to strengthen local capacity to be able to fulfill the mandates of decentralization. Table 12 contains information about the main institutions involved in land governance in urban areas. In addition to these, and among those listed by Reydon, Fernandes, and Telles (2015), are various offices of the Ministry of Agrarian Development, including the National Institute of Colonization and Agrarian Reform (INCORA). Cadastres are particularly important for urban planning. Across institutions, there are multiple uncoordinated cadastres. There are separate entities responsible for property taxation in rural and urban areas and separate fiscal cadastres. Socioeconomic cadastres are also separate in urban and rural areas. The Ministry of Planning, Budget and Management has its own incomplete national cadastre system (World Bank, 2014b). In rural areas, recent investment in a geospatially based multipurpose rural cadastre that interconnects with the registry is making progress.

In the last 15 to 20 years, significant reforms adopted in Brazil have set the stage for inclusive urban development, including by improving key aspects of land governance. Below is a list and description of the main reforms:

- The 1988 Constitution and subsequent legislation, such as the City Statute of 2001, the new Civil Code of 2002, and Portaria No 317/2013 (a regulation of the City Statute issued by the Ministry of Cities to promote involuntary resettlement in relation to housing and slum upgrading, sanitation, and hillside protection) together grant cities more autonomy and responsibility. Citizens have a right to the city and corresponding social rights, including housing. The concept of the social function of land now applies to urban land as well as farmland. This means that the value of land is a shared public good not merely subject to private economic uses. Local government can expropriate land to meet its obligations to ensure that social rights are met. The tenure rights of squatters on public land are recognized after five years (with some restrictions, such as size of parcel and environmental redlining). Various tools, including participatory land use planning and land regularization, are laid out in the statute.
- The Ministry of Cities was created in 2003 with the mandate to find solutions to urban challenges, including informal settlements.
- Law 10267 of 2001 requires systematic exchange of registry and cadastre data but has been slow to be implemented, according to Fernandes et al. (2015).
- A regulation (Portaria No. 511) issued in 2007 provides guidance for implementing municipal multipurpose cadastres. However, because each municipality is responsible for its own implementation, the guidelines do not detail the technical procedures that must be followed. Some municipalities have more resources to work with than others. Thus, they can approach it in a highly technical manner, which is beyond the capacity of other municipalities. Moreover, its implementation is not mandatory.
- Under the government initiative known as Terra Legal, by 2014, 11 million hectares had been titled and most had been georeferenced. However, because the goal was to achieve this for 67 million hectares, the agenda remains open.
- In 2009, the Ministry of Cities issued a policy on resolving urban land conflicts.

- As a result of the land governance assessment processes, in 2013, an Inter-Ministerial Commission on Land Governance was established, and its members were meeting regularly to coordinate actions to address weaknesses that were flagged.
- The National System of Spatial Data Management (Sistema Nacional de Gestão de Informações Territoriais) was established in 2016 to provide a comprehensive database that integrates spatial, legal, fiscal, and cadastral data from public registries at various levels of government in Brazil (Presidency of the Federative Republic of Brazil, 2016).

In addition to the initiatives highlighted in Table 13, there are numerous efforts to improve aspects of land governance in rural areas. These include significant efforts to improve the cadastral information base and interoperability with registry data. The São Paulo private notary organization created a compulsory registration of properties database to drive formalization through transactions. According to the LGAF, this practice is being adopted in other areas.

Notwithstanding the significant reforms and projects to support implementation of improved land governance described above, implementation has been slow to produce results at scale. The contributing challenges cited in the literature include the following:

- Private land registries are not reliable. The records are incomplete and out of date. The LGA report (World Bank, 2014b) suggests that it is easy to record fraudulent claims. This points to a need to improve information standards of private notaries. The LGAF shows data for the state of Para implying that the sum of recorded tenure is 85 percent larger than the total area of the state.
- Spatial information corresponding to land rights and uses is especially important for urban planning and is not sufficiently available. Registry and cadastral data are not integrated, despite a legal framework that calls for information sharing. Because the registry is run as a private concession, it is even harder to integrate data with the public land agencies such as the cadastre. Fernandes et al. (2015) cite this as one of the reasons that the goals of Terra Legal are not met. Recently, calls for an overall land information architecture, such as the proposal for a territorial information management system (Reydon, Fernandes, and Telles, 2015). While Terra Legal's focus is rural, the same problem will likely be found to constrain implementation of urban land regularization.
- There is no consolidated and complete inventory of public lands. This is particularly important for the rural and environmental development agenda, and it is also relevant for urbanization. The implications are a lack of ability to manage public lands (Fernandes et al., 2015; World Bank, 2014b). It contributes to uncontrolled private appropriation of land, tenure insecurity, deforestation, and speculation, all of which affect land access. Reportedly, only 30 to 50 percent of public land is mapped (World Bank, 2014b).
- There are policy and administrative drivers of informality, even while the overall policy favors regularization. For example, the building permit process is not affordable, predictable, or efficient, according to the LGA. This contributes to informality and to the challenge of regularization of individual parcels. Similarly, the LGA suggested a need to improve the affordability of the minimum size parcel for formalization of urban shelter options. Reydon and Bueno (2014) and World Bank (2014) also indicate a need to

understand the risks associated with regularization and ensure that sufficient safeguards are in place. They found that the fourfold increase in land values as regularization began resulted in a considerable windfall for the owner or the heirs at the future point of transfer. Yet, land access became even more difficult for poor households in their sample and even out of reach for some. Related to this, speculators occupied environmentally protected areas.

- The very low assessed value of property—and the uneven capacity for tax administration—inhibits tax collection and municipal finance. An appropriate methodology is needed to keep the valuation rolls up to date.
- There is a need to deepen understanding of policy reforms and their implications for tenure rights in the judiciary (Reydon and Bueno, 2014; Rossbach, 2014).

It is not possible to identify data and information gaps from the desk review completed for this scoping study other than to point out certain generic issue areas. For example, the quality of the registry and cadastre information—which is incomplete, out of date, and not sufficiently interconnected—constrains urban development planning and contributes to the perpetuation of tenure insecurity and transactional inefficiency. The LGAF suggests the need for monitoring data and program evaluations to improve programming and drive results.

3.5.3 Brazil-Specific Suggestions for the Case Study

The LGA report (World Bank, 2014b) notes the scale, complexity, and internal variation in land governance challenges across Brazil. The case study should focus on one or two priority medium-sized cities or municipalities, using state and national information only as needed for context. To help define the location, note that the IDB country strategy prioritizes the northeastern and northern regions, and the LGA report suggests that these same regions are of medium to high priority in terms of the impact of improvements in regularization and supply of serviced housing lots. The author of the case study will select the sites after reading this scoping paper (Brazil section particularly) and discussing it with the IDB technical lead for the assignment, and will provide a rationale in the case study report. The case study will cite the national and relevant state-level LGA reports (if they exist) for all questions in the case study guide that are derived from the LGAF, given that no change in response is anticipated at present. For those questions in the case study guide that do not derive from the LGAF, the author should provide national, state, or local information according to its relevance.

Some topics of particular interest include the following:

1. Is there a significant gap between legal equality for women with regard to land rights and inequality in practice in the selected urban areas?
2. Were effective actions taken, particularly via the inter-ministerial commission on land governance, in relation to LGA findings that affect urban settings?
3. What can be learned from a stakeholder mapping around implementation of the City Statute and other key legislation and implementation tools (e.g., compulsory subdivision, preferential rights) related to land regularization? Does this exercise suggest a role for improved land information management?

4. How do land market dynamics and regulations limit the supply of formal serviced plots accessible to the poor? What information gaps limit the ability to answer this question?
5. How do the incentives for participation in regularization work, such as those offered in Para and Sao Paulo, as described in the LGA report (World Bank, 2014b), and what difference have they made to date?
6. What judicial precedents support or contradict the policy environment of rights to the city, development, and regularized land?
7. What are the positive lessons learned so far under Terra Legal in terms of inter-institutional coordination and land information sharing?

Table 11: Brazil Land Governance (urban focus) Facts and Figures

Topic	Fact or Figure	Notes
Land administration system	The registry is a state level for-profit concession to private notaries. In urban areas, the cadastre is decentralized to the municipal level. Cadastre information is generally not linked to the real property registry.	Generally, records are not georeferenced. Recently, the government required that registration include a georeferenced parcel map. Some registries have digitalized records and automated business processes. The LGA found large information gaps related to lack of registration of property and poor quality of records, including limited scope of digitalization (World Bank, 2014b). What information is available is relatively easy to access.
Squatters and informality	The LGAF gives a range between < 50 and <70 percent of individual urban properties are formally registered (varies by state).	Adverse possession is relatively easy and a common way to gain rights. More than 3 million homes with tenure issues (World Bank, 2014b).
Tenure security	1.5 m households have uncertain property titles (IDB, 2012a).	Less than 50 percent of records for private, registered land can be identified on maps (World Bank, 2014b).
Tenure types	Brazil has a diverse tenure typology, including individual and group rights, private, and public.	The law recognizes customary group or collective rights (e.g., of indigenous peoples and descendants of slaves). Individuals can have registered rights or valid unregistered rights of possession. Public land can be federal or state and for a variety of uses (lands belonging to federal and state entities and programs, idle land, preservation and conservation areas).
Gender	In law, gender equality is strong. More than 45 percent of land registered to physical persons is registered in the name of a woman, individually or jointly (World Bank, 2014b).	In practice, there are said to be gaps, especially in rural areas.

Table 12: Brazil Institutional Landscape (urban focus)

Ministry	Entity/Office	Roles and other Notes
Ministry of Justice	Real Estate Registry	Maintains records of transactions. State-level institution run by private notaries on a concessional basis.
	Court System	Adjudicates conflicts and related changes to titles.
Ministry of Cities	National Secretary for Accessibility and Urban Programs	Develops policies and supports planning for urban development and land use management. (decentralized)
Municipalities	Various	Maintain fiscal cadastre and carry out valuation and tax collection. Responsible for social housing and basic services, regularization of informal housing,

Ministry	Entity/Office	Roles and other Notes
		urban planning, and related investment.
Ministry of Planning, Budget and Management	Secretary of the Brazilian national patrimony (naval and other public lands)	
State Land Institutes	Manage all state-level public lands	

Table 13: Brazil Project Highlights (urban focus)

Project	Timeline and Status	Host Entity, Fund Sources and Amounts	Description
Avaliação em Massa de Imóveis para Fins Fiscais	2012		The project aims to support property taxes and contribute to the municipal regulatory knowledge base with a focus on how to raise the low assessed land values for the urban property tax base.
Programa Nacional de Capacitação das Cidades (PNCC)			
Programa Nacional de Apoio à Regularização Fundiária Sustentável – Papel Passado (Programa Papel Passado)	Unknown	Ministry of Cities in collaboration with Brazil's Federal Assets Office (Secretaria do Patrimônio da União, SPU)	Provides support to municipalities in regularization of settlements. The program applies emphyteusis ²⁴ (aforamento) to confer leasehold in perpetuity through extensive collaboration between local governments and notary groups.
Minha Casa Minha Vida			Reduces obstacles to the regularization of settlements.
Terra Legal	2009–ongoing		Land regularization and titling in the Amazon region including cities; grounded in adverse possession.
BR-L1176 (IDB) Regional Urban Development Project 2012- present	In Implementation		Upgrading property records for local tax purposes; Federal and selected states.
BR-L1083 (IDB) Município of Curitiba Integrated Social and Urban Development Program and BR-L1160 (IDB) São José dos Campos Urban Structuring Program	In Implementation		Promotes improved quality of life for residents by financing strategic projects in the areas of favela improvement, mobility, and social development. In urbanized neighborhoods and four urbanized settlements, 2,402 parcels have been regularized.

²⁴ Emphyteusis confers the right of lease in perpetuity. This tool was used extensively by Roman legislators who borrowed emphyteusis from the Greeks in the fourth century to legislate the use of Rome's enlarged imperial conquests. This institution was later adopted by civil law countries, such as France, Italy, and Portugal and then disseminated to their colonies. Unlike usufruct rights, which normally last a generation or two, emphyteusis consists of a lifelong tenure that can be passed down to heirs indefinitely (Donovan, 2007). Perpetual leases generally are forbidden in common law countries, though they are permitted in Australia (Farvacque and McAuslan, 1992).

Project	Timeline and Status	Host Entity, Fund Sources and Amounts	Description
BR-0392 Agriculture and Rural Development: Cadastre and Land Regularization Program 2007–2012	Completed		
EU Deforestation (end 2013)	Completed		
GIZ CP--Regional Planning and Development in Amazonia (end 2014)	Completed		
GIZ Protected Areas (ends 2015)	In Implementation		
GIZ Amazonia - Terra Legal (ends 2017)	In Implementation		
GIZ Rural Environmental Cadastre	Under Preparation		
World Bank Para Integrated Rural Development Project1 (end 2014)	Completed	LAS, titling, and registration.	
World Bank Parana Multi Sector Development Project (end 2017)	In Implementation	Includes land regularization.	
World Bank Santa Catarina Rural Competitiveness Project (ends 2016)	In Implementation	Includes land regularization.	

3.6 Ecuador Land Governance and Urbanization Brief

Ecuador recovered well from the global financial crisis and experienced strong growth, driven by oil price increases, for several years while also making important strides in reducing poverty. While growth is expected to remain steady over the medium term, 2015 is expected to be a relatively low-growth year. The current government agenda is aimed at consolidating and expanding both social and economic progress. In recent years, the government has prioritized energy, infrastructure, and transportation (IMF, 2014; World Bank, 2015b). Most people live in four cities in Ecuador, which is the most densely populated country in the region. These cities have significant problems with irregular settlements, informal tenure, and informal construction (IDB, 2011; 2012b). Statistical data from 2014 suggest that 63 percent of Ecuador’s population is urban and that more than 30 percent live in either Quito or Guayaquil (United Nations, 2015).

Rapid, unplanned urban expansion is linked with land governance challenges. Significant progress is being made, especially with transformative legal reform, starting with the new Constitution in 2008. Completion of the legal reform agenda, implementing it, and addressing some challenges with how to implement some of its key tenets, such as that land has social value as a quasi-public good, comprise an unfinished agenda. Having good land market information and a holistic update to the land governance situation could help Ecuador further its progress on its transformational agenda and create an environment conducive to productivity and private sector growth.

3.6.1 Context and Impact Arenas

Ecuador's economy is based on natural resource-based products, most notably oil, as well as agriculture, fisheries, forestry, and tourism. Growth has been resilient though presently low. Consolidating economic progress and ramping up social inclusion and well-being are the essence of the current government's agenda, especially in cities and through improved land management. This is clear in both the 2008 Constitution and the 2013 Plan for Good Living (Plan Nacional para el Buen Vivir) and the various legal and institutional changes that have and will accompany them.

Scholz (2015) indicates that 730,000 homes, or 2.8 million people, live in precarious settlements, with about 37,000 homes located in uninhabitable areas, such as protected areas and areas with unresolvable risks. She reports that 83 percent of the land in consolidated urban areas is not productively used but is also inaccessible to the poor. Land markets are segmented (Sanchez-Gallego, 2014; Segura, 2010). Segura (2010) found that prices in formal markets in Quito were three times higher per square meter. Even in serviced settlement areas, prices are high compared to what poor households can afford. Similarly, Kim and Dowall (2014) conclude that constrained land supply and high prices are the main impediments to the provision of affordable housing. Due to the lack of formal access to housing for the poor, 35 percent of total housing stock lacks formal titles, an estimated 15,400 hectares live in informal settlements, and there are an estimated 123 hectares of land area invaded and illegally urbanized. It is estimated that 70 percent of homes were informally self-constructed without regard to construction standards (MIDUVI, 2009).

In 2007, the Ecuadorian government, while clamping down on new illegal squatting, launched an ambitious social housing policy through the provision of subsidies for the purchase of new units and the renewal of existing homes. From 2007 to 2010, the Ministry of Urban Development and Housing (Ministerio de Desarrollo Urbano y de Vivienda, or MIDUVI) granted 112,000 subsidies, and the policy has continued over the years, creating a variety of products (adapting to the different segments of the population, including a combination of savings, subsidies, and loans). One of the products is a \$200 subsidy for regularization of titles (bono de titulación) for funding the services associated with clarification of titles. An important side consideration related to irregular settlement that should be noted is that, according to the Global Land Tools Network website, Ecuador has the highest number of refugees in Latin America, primarily female immigrants from Colombia who seek shelter but are excluded from public housing programs.

Over time, better land use planning and improved administrative processes related to land and building rights will help prevent the recurrence of informal settlements. The 2014 Doing Business indicators on dealing with construction permits rank Ecuador above the regional average. Administrative processes related to implementing the public housing agenda need to complement improvements in those relating to property. A recent presentation (MIDUVI, 2015) reveals that critical processes for the approval of “priority interest” housing projects are excessively long. In Quito, the approval of a housing project was reported to take 780 days, and the range across cities was from 450 to 964 days. These challenges, along with a lack of up-to-date urban land market information,²⁵ constrain progress on the dual agenda of economic growth and progressive social development.

To add complexity to the challenge of managing urban growth in Ecuador, according to the Global Property Guide 2014,²⁶ there is a risk of over-exploitation of the coastlines from unregulated growth—both high-end housing and informal settlements. Ecuador is also seen as a good place to retire, and this has exerted upward pressure on home prices. Accordingly, the value added from construction is rising relatively more than other sectors; however, it varies significantly and has seen a decline recently. Mortgage lending has seen marked growth since 2007 (Government of Ecuador, undated).

Clearly there is big need for public investment in the development of cities and management of related social issues. The question of local financing is very important in Ecuador in light of the 2008 Constitution, which created truly decentralized governments. Today, local governments still depend mainly on national budget allocations and subsidized loans from the national bank for their financing. The national bank subsidizes local investments, such as potable water investments and improvement of cadastres, but municipalities must repay the loans. Land tax revenue remains a very low part of municipal budgets (close to 3 percent). Even the special levies add only an additional 12 percent²⁷ (Scholz, 2015).

Among the recommendations made by Kim and Dowall (2014) for improving the supply of affordable housing are that the Municipality of the Metropolitan District of Quito should consider expanding land supply by moving development into outlying buildable areas, redeveloping the old municipal airport site for affordable housing, and revising zoning and planning regulations to permit higher-density development in areas with adequate infrastructure and appropriate topography.

Whether these specific recommendations or other means to implement the new policy and legal framework are being considered or acted on, having good land information and improved documentation of land rights would provide an essential basis to guide decisions and to motivate private engagement in the development process. For example, Kim and Dowall (2014) point out that government financing for social housing (including construction of new houses

²⁵ The USAID Country Profile (2011) suggests that data on land markets are out of date and too anecdotal; this view matches what was found in the literature and was reinforced in interviews for this scoping study.

²⁶ The Global Property Guide is a website. The Ecuador page was last updated in 2014.

²⁷ The government publication “CEM Guide: Contribución Especial de Mejoras” explains the concept of special levies for works and how it is to be applied. These are levied on properties whose value will increase as a result of the works.

and refurbishment of existing units) triggers the need for clear titles, yet local governments' response capacity is not yet clear. Up-to-date and correct parcel information and information about land markets are key to improving local real estate tax collection, to creating a sound approach to capturing the value of public improvement to the land, and to a variety of planning purposes implicit in the government's agenda for social and economic change.

Significant progress is being made in providing a robust policy framework to address this situation, but reforms have not yet been implemented sufficiently to match the scope of the challenges. In summary, the 2008 Constitution contains very progressive declarations regarding the principles of a "good life" that should drive urban development, encompassing environmental and social sustainability. The "right to the city," including the right to decent shelter, the importance of citizen participation in the definition of land uses, the prevalence of the public interest over private property, and the obligation of owners to develop unused property to prevent price speculation are embodied in the 2008 Constitution. In line with these principles, subsequent legislation, such as the Code for Territorial Planning and Decentralization (Código Orgánico de Organización Territorial, Autonomía y Descentralización, or COOTAD), empowers new local autonomous governments to expropriate private land where irregular subdivisions took place in order to facilitate regularization and adjudication of the parcels to settlers. In other words, land governance is recognized as a foundation of the new policy framework. With the need to move already adopted legislation and initiatives further into implementation and with new legislation pending, a case study on land governance will prove timely.

3.6.2 Land Governance at a Glance

With the centrality of land governance to the government's overall development vision, the legal and institutional framework for land and building regularization and for land use planning and management has experienced important positive transformations since the approval of the 2008 Constitution. A major policy direction is the establishment of local autonomous governments (Gobiernos Autónomos Descentralizados, or GADs) and their roles in land governance. This major policy change shifted the responsibility of land registration from private entities to municipal governments and linked registry, cadastre, and tax collection responsibilities.

The Constitution and the legislation that followed empower and guide GADs on issues related to land governance, including land use planning and property registration. The current constitutional and policy perspective also embraces the view that land is both a public and a private good and its value reflects both public and private factors. Salazar (2013) explains that a lot of the value gain in housing comes from third-party action, principally of the State (e.g., roads, schools) rather than improvements made by the private owner. Increases in value that result from public investment (*plusvalía*) belong to society and are subject to recapture by the public administration. Along with this concept, speculation in land investment is also discouraged.

The legal framework also confronts the popular conception of property rights to land, referring to the surface and what lies beneath and above it versus the view that the subsurface, for example, belongs to the nation. Finally, an important aspect of the overall reform process is the

need to clarify and rationalize the roles and responsibilities of various institutions and levels of government vis-à-vis the new policy and legal framework. This is especially important in regard to overlapping mandates for land titling, mapping, and registration with settlement regularization and upgrading and urban planning exercises.

The following list describes some of the main legal and policy reforms already adopted or underway.²⁸

- The government of President Correa (which took office in 2007) has a zero-tolerance policy for new squatting as a mode of access to land. Sanchez-Gallego (2014) suggests that by 2012, 300 sites had been cleared of illegal squatters. Previously, according to Sanchez-Gallego (2014), public policy might have actually encouraged informal settlement.
- Executive Decree No. 688, issued in 2011, stipulates the creation of a national integrated and georeferenced cadastre of habitat and housing (in rural and urban areas).
- COOTAD, adopted in 2013, establishes true decentralization through the creation of GADs. Among other things, the GAD has the authority to create and administer real estate cadastres in urban and rural lands, following standards to be set in national law.²⁹ This code makes it mandatory to update cadastre and land valuation rolls every two years. Under this code, the GAD also exercises the responsibility for property registration at the canton level) within a National System of Public Registration of Property. Parameters such as tariffs are set locally.
- The proposed Law on Rural Land and Ancestral Territories (*Ley de Tierras Rurales y Territorios Ancestrales*) is currently being debated. If passed, it will prohibit further expansion of urban area limits and protect agricultural land.
- The Territorial Planning, Land Use and Management Law (*Ley de Ordenamiento Territorial, Uso y Gestión del Suelo*, or LOTUS), which was recently approved by Ecuador's Congress, establishes the principles and rules governing land management. The Law seeks to support the following:
 - Create coherence in roles and processes across levels of government and providing guidelines and tools to achieve this;
Establish minimum standards for planning and require georeferenced cadastral mapping and periodic collection of data on informal settlements;
 - Establish a national system of cadastres within the Secretary of National Planning and Development (*Catastro Nacional Integrado Georeferenciado*), which seeks to support spatial and housing analysis at municipal and national levels;
 - Create new institutional structures, such as the Technical Council for the Use and Management of Land (*Consejo Técnico de Uso y Gestión del Suelo*) and an Oversight Division for Territorial Planning, Use and Management of Land;
 - Creates land bank for municipalities with more than 50,000 inhabitants; and

²⁸ Scholz (2015) provides a review of current legislative activity and captures the most relevant historical changes.

²⁹ It is unclear whether or not these have been set; this should be identified in the case study.

- Provides guidelines for the creation of a National Spatial Strategy (*Estrategia Territorial Nacional*) and its synergy with the National Development Plan (National Assembly of the Republic of Ecuador, 2016).

Even before the new Constitution and policy initiatives, advances to improve land governance were made, particularly in rural areas. Various IDB, World Bank, USAID, and other donor projects have supported rural land titling, improved land registration, and cadastral mapping for many years. In the early 2000s, the province of Guayaquil created its own low-cost computerized registry software with interoperability to the local cadastre, with technical support from a local university. For this study, no updated information on the results and sustainability of the system was found. With support from the IDB and the World Bank, the government created SigTierras, a national cadastre and map information system and initiative at the national and cantonal levels. This effort targets rural areas and is completed in eight cantons, with 25 more cantons in the process of implementing and seven more pending (data from SigTierras website³⁰). SigTierras planned to finance the development of a consistent series of digital thematic maps at the municipal level. These maps were/are intended to provide the cantonal land offices with accurate and extensive land information for their territorial planning and management responsibilities.

In spite of the important results of such projects, the USAID Country Profile—Property Rights and Resource Governance (USAID, 2011) refers to continued challenges in land titling and registration related to overlapping mandates of different agencies, insufficient funding, and reports of corruption. At that time, USAID’s municipal strengthening project and other World Bank and IDB projects were investing in functional cadastres-registries at the municipal level. More generally, there is little information available about the performance of GADs in their newly acquired land governance functions. According to the local media, as of June 2014, roughly half of all municipalities had outdated cadastres (*El Telégrafo*, 2015). Cuenca appears to have made important strides in multipurpose cadastre and is seen as a source of good-practice learning for other cities. More broadly, the policy vision encourages the identification and scaling up of good practices from around Ecuador (e.g., Quito and Cuenca for land use planning and Quito on property tax implementation) and from the South American region. Brazil’s constitution, adopted earlier than Ecuador’s, also upholds the right to the city and establishes strong decentralization, particularly with regard to urban land governance.

Even with progress from the past, contemporary policy reforms, and the quest to find and use best-practice tools, there are challenges that need to be overcome. One is the limited data on land markets, combined with the various policy elements that rely on land market information. While there are one-off studies about informal land markets (e.g., Segura, 2010), they tend to focus on detailed descriptions of transactions. Salazar (2012) obtained administrative data for formal land market transactions across many neighborhoods in the Quito metropolitan area and presents a lot of data tables with information going back to 2000. These data are not very reliable. They are geographically limited. Variables such as parcel size and location might be inaccurate given the lack of accurate cadastral maps, and price information is almost certainly

³⁰ See www.sigtierras.gob.ec.

understated because the incentives in policy are to under-report. The government does not have a good basis for identifying real sales prices, and sellers reportedly advertise lower prices than the actual sale price. There is a need for a mechanism that will lead to reliable and regularly updated information about land transfers. Recommendations made in relation to the previously mentioned presentation of MIDUVI (MIDUVI, 2015) include clarifying the concept of *plusvalía* in the Code and ensuring regulatory clarity and stability in order to encourage investment. Yet, projections about the impact of options are hindered by the lack of reliable cadastral and land market data.

Another challenge is how to ensure the proper development of specific sites for organized settlement. This requires infrastructure planning, for example. It could require the ability, in practice, to exercise public takings or the right of first purchase. Both of these require good information about claims and values of existing land. There is a need to create technical units that can monitor informal settlement. Finally, there is a significant practical challenge around how to achieve sufficient coordination in practice among levels of government and different agencies to achieve the mandated integration of various land information systems.

3.6.3 Ecuador-Specific Questions for the Case Study

1. What are the potential mechanisms for capturing basic land market data on a regular basis? Along with this question, the case study should elaborate on: (i) the roles and capacities of the private notaries in relation to municipal land services; (ii) the overall reliability of and maintenance of the canton-level cadastre-registry; and (iii) the current status of standards for land valuation.
2. How could a household survey that captures both informal and formal land market transactions contribute improved information to the ongoing discussion about land policies and their implementation tools? How does (and how could/should) SigTierras relate to the initiatives to establish multipurpose cadastres? Is SigTierras sustainable from the standpoint of use and financing?
3. What are the stakeholder positions that matter most about the currently proposed legislation?
4. What kinds of programmatic interventions would be most useful to make progress on the implementation of land laws and policies in urban areas? Specifically consider what can be done to improve land information management.
5. What are the specific capacity development needs of the GAD in the core areas of land governance? What are the specific training needs for land information management?

Table 14: Ecuador Land Governance Facts and Figures

Topic	Fact or Figure	Notes
Type of land administration system	See notes.	SigTierras promotes the concept of Folio Real (where a parcel is associated with a unique cadastral map and number. Erba (2015) states that the cadastre covers 60 percent of the urban parcels.
Squatters and informality	35 percent of housing stock lacks title (IDB, 2011). 50 percent of Quito population lives in informal areas (Kim and Dowall 2014).	

Topic	Fact or Figure	Notes
Tenure security		An issue for indigenous peoples.
Tenure types	Public land, private land held communally, by the State, by individuals, associations, cooperatives or mixed forms.	The Constitution recognizes private, public, communal, state, and associative rights in property (USAID, 2011). All of these must be used in accordance with the social and environmental function of land.

Table 15: Ecuador Institutional Landscape

Ministry	Entity	Notes
Ministry of Urban Development and Housing		Lead authority responsible for ensuring universal access to adequate housing and related services. Particularly relevant among the units that comprise this ministry are the National Directorate for Property Assessments and Cadastres, the Under Secretary for Information Management, the Directorate for Human Resettlement, and the Directorate for Human Settlements.
National Institute of Statistics and Census	The National Housing Commission	Charged with establishing and rendering consistent implementation, guidelines for housing sector statistics.
Secretary of National Planning and Development		Lead authority responsible for territorial planning policies.
Technical Secretary for Irregular Human Settlements		Responsible for eliminating land invasions.
	Inter-institutional Committee for the Prevention of Irregular Human Settlements	
Ecuador Institute of Social Welfare		Provides subsidies and bank credit for housing purchase.
Ministry of Agriculture, Livestock and Fishing	SigTierras	
National Congress	Comisión de Gobiernos Autónomos, Descentralización, Competencias y Organización Territorial	Created in 2014 with technical support of the European Union to try to help ensure local government concerns about legislative gaps and lack of clarity in norms and procedures are addressed.
Autonomous Local Governments		Manage land development and land records (cadastre and registry), consistent with national laws, guidelines, and institutions.

Table 16: Ecuador Project Highlights³¹

Project	Timeline and Status	Host Entity, Fund Sources and Total Funding Amount	Description
Programa Nacional de Desarrollo Urbano Etapa I		MINUVI, IDB US\$65 million	
Programa de		MINUVI, IDB US\$104	

³¹ USAID (2011) provides summaries of significant rural land projects supported by the IDB and the World Bank between 2000 and 2009. The World Bank Ecuador Urban Poverty Reduction Project that was under design in 2003 for approval by 2005 could be highly relevant, but insufficient information is available online. It is possible that it did not move forward. Bilateral agencies are also supporting various forest and agricultural land projects. They do not appear to be relevant to urbanization.

Project	Timeline and Status	Host Entity, Fund Sources and Total Funding Amount	Description
Vivienda Social Etapa II		million	
Municipal Strengthening Project		USAID	Included capacity development for land administration at the local level.
National System for Rural Land Information and Management and Technology infrastructure	2011-ongoing	Ministry of Agriculture; IDB; US\$128 million	Continue to implement SigTierras and register rural lands.

4. Approaches to Assessment

4.1 Constraints to the Desk-top Document Review

While there is literature on various subtopics relevant to this scoping paper and the case studies, it is not readily available online. Much of the needed qualitative and quantitative information is literature that is not widely available. The information is also spread across a diverse set of papers, reports, and websites, each of which might contain insights or data on some aspect of the scope of this work. With the exception of the LGA report (World Bank, 2014b) produced recently in Brazil and the book produced after a 2001 land policy conference in the Caribbean (Williams, 2003), there are few comprehensive review papers that compile the insights and data for these five countries. This is also true for the LAC region more broadly in the last decade.³² In this context, the Initiative stands to provide a valuable update for both the countries and the region.

The IDB specialists and some of their colleagues from each country provided a range of documents as input to the review and contributed perspectives on issues and sources of information through interviews. These contributions were used to prepare this scoping paper. The interviews proved useful in filling in some gaps and providing context to what was learned from the desk review. Too many of the documents made available by IDB or found online were focused on rural areas and were either too detailed on a highly specific topic or not sufficiently focused on topics relevant to the case studies.³³ Thus, many of the documents initially provided were of limited use. Information and data that is 10–15 years old, while providing historical context, will not help define the starting point for a contemporary policy dialogue. Again, this should remind the reader that the briefs included herein are not comprehensive and underscore the value of conducting in-depth case study research.

³² In recent years, the World Bank has supported South-South exchanges on land policy; however, the learning is not available and has not been summarized in written proceedings.

³³ Many of the documents reviewed are not available (e.g., Bunce, 2008) online. Wherever possible, hyperlinks are included. Additionally, some new books are available for online viewing or downloading that appeared to contain relevant information. They include: Fischer, McCam, and Auyero. *Cities from Scratch: Poverty and Informality in Urban Latin America* and Herzog, *Global Suburbs*.

For all of the countries studied, there are important information gaps that need to be filled in the case studies or in follow-on projects. For the larger countries, it will be important to understand variations across locations and between the national and the local level. It will also be important to complete the comprehensive list of recent and relevant projects (donor, public, and nongovernmental organization-supported projects) to extract updates and lessons for forward-looking discussions, such as the event with policy makers. Up-to-date understanding of land market dynamics and systematic approaches to capturing key land market data could be useful in all of the countries, pending the preliminary review of this topic in the case studies.

4.2 Existing Tools for Assessing Land Governance³⁴

This subsection explores whether an existing tool can be directly applied to provide the information base for the case study reports and, if so, which one is best suited to this purpose. Several tools were reviewed with an eye toward their potential use in the case study research, beginning with a tool introduced by USAID called the Blueprint for Strengthening Real Property Rights.

4.2.1 The USAID Blueprint for Strengthening Real Property Rights

This is an assessment tool introduced by USAID³⁵ as a contribution to meeting the commitments of the Special Summit of the Americas held in 2004 in Monterrey, Mexico. The Third Summit of the Americas, held in Quebec City, Canada, in 2001, included a commitment to improve property rights to land to support the agenda of growth with poverty reduction. In these summits, the countries of the LAC region committed to an agenda of improving land governance and to tracking their progress in support of the broader agenda of economic growth and poverty reduction.

A diverse group of experts developed the tool and piloted it nationally and in some municipalities in Bolivia. The pilots demonstrated that the tool could be implemented and that it was of particular interest to municipal governments. The OAS, working with USAID, planned to create an online version of the tool, but the effort was discontinued, partly due to changes in USAID programming and to the emergence of a broader interest in developing a globally consistent tool. The blueprint became an input to the development of the LGAF tool described below. In that context, while this blueprint tool has been referenced from time to time including recently, it was never rolled out or applied outside the pilot.

A few limitations of the blueprint tool were behind the call to move beyond it and create the LGAF. First, it is less comprehensive than the land governance agenda. At the Summit of the Americas and in the early 2000s generally, more attention was being paid to land administration

³⁴ Farvaque and McAuslan's 1992 book on urban land policies lays out a framework for understanding how land governance institutions affect land markets. It is similar in scope and content to the USAID blueprint tool and the World Bank's land governance tool. It is not formulated as a tool per se, and it is developed with particular emphasis on land markets rather than a broader array of impact arenas of land governance. It includes principles of effectiveness, key definitions, examples, and a road map of potential reforms. The authors suggest that every country be subject to periodic land audits to assess the state of urban land governance, reinforcing the value of the type of case study to be carried out.

³⁵ Jolyne Sanjak led the development of the blueprint tool as an employee of USAID.

systems and formalization of land rights. Elements such as land use planning, public takings, and taxation and valuation, among others, were given less attention. The blueprint tool followed suit. It was also particularly, although not exclusively, focused on the development of land markets, including secured transactions. This last topic was more relevant in the Americas than in Africa. Moreover, the blueprint was produced before the emergence of widely consulted international standards of good practice on land governance. It reflected early lessons learned that subsequently fed into the standards that exist today. For these reasons, the updated, upgraded, and expanded content and language found in the LGAF is preferable. Finally, the list of indicators included in the blueprint was compiled by experts who believed that administrative data or other readily available information could be used as a baseline to gauge progress. In fact, data limitations were significant and, based on the work for this scoping paper, still appear to be. A few of its most relevant indicators are included in the case study guide along with some improved indicators being developed for use with the LGAF (see below). This will allow an assessment of the ease of obtaining data and a perspective on the relevance in country.

Based on the above, the conclusion is that this tool is only partially relevant. The case study guide draws from it where appropriate. For reference, the tool is accessible via the hyperlink in the subheading introducing it (above), and detailed guidance on it can be found in the [Blueprint Toolkit User's Manual 2005](#) (Pinzón, 2005). A legal blueprint was also created to provide more detailed benchmarks for legal reform corresponding to those established by the blueprint for various aspects of land governance.³⁶

4.2.2 The World Bank Land Governance Assessment Framework

This tool was created under the leadership of the World Bank in collaboration with other multilateral and bilateral development agencies and experts from private consulting firms, research institutions, and civil society organizations.³⁷ A small group of experts had been discussing what it would take to establish harmonized global and national measures of progress on land governance reforms (even if not labeled as such) in parallel to USAID's work on the blueprint tool. With the creation of the blueprint and the interest it generated as well as concerns raised by some experts about its global relevance, the LGAF was developed and implemented. A global expert group developed the tool, providing several opportunities for stakeholders to weigh in. It has been implemented in more than 35 countries and is currently being implemented in several more countries. The 35 countries are diverse, and LGAF has been implemented in most regions and subregions. The LAC region has implemented the fewest LGAs to date, and none have been implemented in the Caribbean subregion. In South and Central America, the LGAF has been implemented in Brazil, Colombia, Honduras, and Peru and is currently being prepared for Guatemala. Of the five countries selected for study, [Brazil](#) is the only one that has engaged with the World Bank to carry out an LGA to date.

³⁶ The Legal Blueprint is not available online, but a draft can be obtained from the authors.

³⁷ The United Nations Food and Agricultural Organization (FAO), the International Fund for Agricultural Development (IFAD), UN-Habitat, the International Food Policy Research Institute (IFPRI), USAID, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), and the African Union's Land Policy Initiative (LPI) were involved in the development and piloting of the LGAF. Land Equity (Tony Burns) was also instrumental in shaping the LGAF tool. Many other people and organizations were also involved.

The LGAF is composed of a set of 27 land governance indicators, each with 120 sub-indicators or dimensions. The LGAF requires the use of standardized indicators and provides consistent definitions of terms and ratings on each dimension, grounded in international best practice. As described in the [LGAF Implementation Manual \(2013 version\)](#) (World Bank, 2013a), the LGAF is implemented using a standardized process that is country-owned and highly participatory. The indicators are grouped together by sub-topics, which are evaluated by panels of people with the relevant experience and expertise, informed by a background report prepared by a local expert. The World Bank provides quality control and has set rules for certain adaptations to country contexts. Some topics are optional, while others are defined as core. Once a scorecard and a narrative report are drafted, national validation and policy dialogue events typically follow. The purpose of the policy dialogue is to set priorities for follow-up action. The LGAF is meant to be repeated every three to five years, but it has not yet been repeated in any of the countries except Peru, which was part of the partial and early pilot round of application. Initially, it was thought that a typical LGAF could be completed in around four to six months at a cost of US\$40,000 to US\$50,000. Precedent suggests that it takes more like six to eight months and costs twice as much as originally estimated, depending on the country. In the last few years, several countries, including Brazil, have engaged with the World Bank in defining a common set of quantitative monitoring indicators that are meant to track progress by periodically gathering administrative data on key outcome variables such as percent of land mapped, percent parcels registered to women, number of registered transactions, price of transactions, actual tax revenue, and area expropriated.

In the last several years, the World Bank has convened the in-country experts involved in LGAF implementation, experts from its partner organizations, and other stakeholders to learn lessons. The workshops have been a venue for sharing best practices on land governance reforms that are identified in LGA reports and for learning about issues and challenges to the LGAF itself.

The lessons from LGAF implementation to date suggest strong support for the quality of indicators and the quality of the process of applying the tool. The tool can generate a comprehensive, up-to-date, locally owned, consensus-based, and benchmarked snapshot of the state of land governance in a country. This is seen as a substantial improvement over typical donor-driven and external consultant-produced assessments that are more limited in scope and might have been done as part of a project. Besides the substantive findings, the process typically creates a more cross-organizational (less stovepiped) awareness of issues and challenges, which could be a basis for developing greater inter-institutional coordination in adopting and implementing reforms. Based on the priorities identified in the process of finalizing the LGAF, next steps have been taken in many countries. In Brazil, for example, an inter-ministerial committee was created and charged with meeting regularly to monitor progress and further define next steps.

Some of the challenges and concerns raised to date include a variety of process questions. Many of them have been addressed already, as have some substance-related concerns. For example, given the level of urbanization, for Brazil it was a concern that the LGAF (as then designed) did not have sufficient coverage of urban tenure regularization. A module on urban land governance was developed and used in Brazil as a pilot. That module was also found to be

valuable in Honduras. The FAO commissioned studies to analyze how well the LGAF is suited to benchmark progress on the recently adopted³⁸ Voluntary Guidelines for the Responsible Governance of Land, Forests and Fisheries (VGGT). The FAO studies concluded that in many aspects, the LGAF is well aligned but that there were some important topical gaps, such as governance of resource rights in the context of fisheries and coverage of land management in the context of natural disasters. The revisions to the LGAF manual in the 2103 edition improved the content on urban land governance and other themes that had been subject to optional modules or were not covered at all. It did this by reorganizing and improving the wording of existing content and expanding the number of indicators and dimensions.

Additional questions that have been raised include the following: whether participation of public and civic actors is sufficiently balanced, whether the tool is too embedded in the World Bank to have the broad country-owned impact it aspired to have; whether enough attention has been paid to the mechanisms for ensuring adequate follow-up, including repeating the LGAF; and whether the reports, which are very long and detailed, are sufficiently summarized and presented for use by policy and program decision makers. In the areas of the challenges noted and based on early successes experienced, the World Bank has used learning to actively improve the tool over time.

Depending on the purpose of assessing land governance, some content and process limitations of engaging the World Bank to implement an LGAF will need to be considered. In the context of this scoping paper, the conclusion is that the LGAF, as such, is not well suited for the case studies. Implementing an LGAF (even if only applying the core modules) would likely take longer and cost more than the Initiative had anticipated. The tool has some specific gaps in coverage (e.g., urban land market characterization and information about policy toward slums and re-development). Finally, the case studies could, in some of the countries, suggest a value to subsequently implementing LGAF to help foster broader stakeholder engagement in defining issues and priorities or encourage better coordination across efforts. If such a scenario emerges, the case study work would provide substantial input to the first step of the LGAF process: the expert report that feeds into the panel discussions to score the country on the indicators. In the meantime, substantial content from the LGAF standardized indicators has been included in the case study guide. A preview of the content identified as relevant is provided in Table 17.

Table 17: Priority LGAF Topics and Indicators with Relevant Dimensions Noted

Theme	Indicator	Potentially Relevant Dimensions	Comments
Overarching tables: Brief tenure typology and a chart of institutions and their roles			
Recognition of the continuum of rights	LG 1	1.4	For the Initiative, it is important to identify all formal tenure types and all types of informal tenures.
Respect for and enforcement of rights	LG 2	2.1; 2.3-2.7	

³⁸ The FAO Committee on World Food Security VGG adopted these in 2012.

Theme	Indicator	Potentially Relevant Dimensions	Comments
Restriction on rights	LG 5	All	
Transparency in land use restrictions	LG 6	All	
Efficiency in urban land use planning process	LG 7	All	
Speed and predictability	LG 8	All	Relates to building permits and restrictions.
Tenure regularization schemes in urban areas	LG 9	All	
Expropriation	LG 11; LG 12	All	Covers justification, efficiency, transparency, and fairness.
Mechanisms for recognition of rights	LG 17	All	Highly relevant to the problems of informal housing.
Completeness of the registry	LG 18	All	Includes restrictions and encumbrances.
Reliability of the registry	LG 19	All	
Transparency of valuation	LG 22	All	
Tax collection efficiency	LG 23	All	
Clarity of [institutional] mandates	LG 26	All	

Source: LGAF Manual 2013, Annex 2.

The LGAF tool and manual are available in English, Spanish, Portuguese, and French. The World Bank hosts an [LGAF website](#) where the tool is explained, the above-linked manual is housed, and all documentation of completed LGAFs is posted.

4.2.3 The Land Market Assessment Tool

The Land Market Assessment Tool was introduced to address the need for more comprehensive land market information than was available. It was developed under the leadership of David Dowall in 1995 for the World Bank and the UN-Habitat Urban Management Program. It seeks to provide land market information relevant to government planning and decision making, to evaluation of government policy and actions, to private sector investment and development decisions, and to the structuring of land-based taxation. It lays out a detailed mixed-methods approach to assessing the nature and dynamics of land markets.

While well-functioning land administration systems that cover all land parcels with up-to-date records would collect data on the basics of land markets (supply of land of various types, values of land, number of transactions) to be accessed, in all of the case study countries, this is not the scenario. Instead, formal and informal land markets operate in parallel. This means that only a portion of the transactions are recorded. Land prices are not accurately reported because of tax implications and a lack of control over what is reported. Land markets often operate under legal and sociocultural constraints. These can include restrictions on transfers and asymmetries in access to information about land values and supply. In such a scenario, primary research is usually needed to get a clear picture of land markets. Depending on the information sought, more or less extensive research will be needed.

Dowall underscores the need to consider urban planning regulations, competition among urban land uses, infrastructure provision, land tenure, geography, and housing finance, and how these factors shape land market outcomes, such as the supply of land and housing and its affordability and accessibility. Two other recent sources of methodological guidance on carrying

out land market studies are Colin (2007) and Durand-Lasserve et al. (2015). Colin's work studies how well informal land markets respond to the needs of poor people in South Africa's cities. It combines qualitative methods, including detailed life histories of sampled households, interviews with market makers (i.e., private and public agents that have a role in or an impact on land markets), and quantitative analysis based on extensive household surveys. It includes variables relating to social and demographic characteristics of land market participants, regulatory benefits and hurdles experienced, modes of acquisition of land for housing, reasons for selling or transferring land, the documentation trail of rights and transfers, and how buyers find information about land supply.

Durand-Lasserve et al. (2015) focus on land delivery channels (or modes of access to land) for housing, including formal and informal, using a mix of qualitative and quantitative methods similar to those used by Dowall. One difference is that they use qualitative analysis to assess the legal and institutional framework for land governance to frame the operating environment of land markets. They also use qualitative analysis to identify basic patterns in land access for housing. They point out that formal and informal land markets interact and cannot be considered completely separate. Some of the variables that affect land price are the distance to the city center, the type of rights document held by the seller, and access to water and other municipal services.

The questionnaire used by Durand-Lasserve et al. is a good model for collecting basic quantitative data on sales and factors affecting price. It does not include information about the buyers and sellers, as do the approaches of Urban LandMark and Dowall. The World Bank is working on an online survey questionnaire design tool that will allow researchers to create a survey instrument using standard, quality-tested questions that can be tailored to fit the context. This tool will likely include a land markets module. All of the authors suggest that the design of quantitative research depends on first understanding which aspects of land market behavior are important for the policy issues at hand and what data are needed.

The Land Market Assessment Tool, or more recent land market research methodologies, are not suited for case study research. First, each of the three pieces of guidance suggests that the type of information about land governance and the behavior of land markets in the framework of a case study would be a natural first step in any case. The information collected would be used to shape the sampling methodology and finalize the data collection instruments. Second, these methodologies are meant to be carried out over the course of one to two years and would cost significantly more than the case study budget (and would cover only part of its scope). The cost would depend on the number of sites where land market information is collected, which in turn depends on the other aspects of the research and their intended uses (sample size determination and related implications for numbers of surveys and logistics costs). For example, Durand-Lasserve et al. (2015) report on a relatively simple approach to collecting current price data, whereas the Dowall and Urban LandMark guidance address the full range of variables collected through extensive life histories and household surveys. It would not seem possible to apply these methods for less than US\$100,000 even within a small area.

The other tools reviewed in this section include elements related to land markets that are meant to gather both qualitative and quantitative information from secondary sources and administrative data in a rapid appraisal. The level of coverage in these tools is largely sufficient for the case studies and can be complemented by interviews with key informants (chosen based on learning from the references cited in this section, as is indicated in Annex 3, Case Study Guide) to better understand how and why land market behavior matters to the broader development impact arenas. If a need emerges for expanded research or for regular data collection on certain variables, a second-phase analysis could be designed.

4.2.4 The International Real Property Index

This tool is applied annually to provide a yearly rating report prepared by a de Soto Fellow employed by the Property Rights Alliance. It was first published in 2007, and there have been eight editions to date. The index has three main components. Countries are given an overall score as well as component scores. The components are Legal and Political Environment, Physical Property Rights, and Intellectual Property Rights. Recently, a measure of gender bias is also reported. For the Initiative's purpose, the Physical Property Rights and the Gender Bias are relevant and are reported for the five countries in Table 1. The Physical Property Rights component measures protection of real property rights, registration of rights, and access to secured loans. It covers 131 countries and ranks them on a scale of 1 to 10. It relies on World Bank governance indicators, the World Economic Forum Competitiveness Index, and Doing Business, among other sources. Three of the five case study countries—Brazil, Ecuador, and Panama—are ranked (as shown in Table 1).

4.2.5 Doing Business

This tool, deployed annually by the World Bank, ranks 189 countries annually on their performance on a range of investment climate indicators, including ease of registering a property. It ranks countries based on a scenario relating to commercial property transfers in the major cities of the country. The report provides good-quality descriptions of the process, the time, and the cost of registering a commercial land transaction in an urban context. It also provides trend information on time and cost to register. The problems faced by business and reported in Doing Business are typically magnified for the poor and in rural areas. The rankings are based on expert opinions via a World Bank-administered survey of lawyers, notaries, and public registry officials primarily. The rankings for the five countries are included in Table 1. While this tool is relevant and used in the case study guide, it is only applicable to a narrow dimension of land governance and does not directly measure the situation faced by urban households and housing programs in relation to registration of titles and deeds in land acquisitions.

4.2.6 Global Housing Policy Index

In 2010, with funding support from Habitat for Humanity International, the Rockefeller Foundation, and the IDB, a coalition of organizations collaborated to create the Global Housing Policy Index (GHI). The tool assesses urban housing tenure and related land laws, as well as certain administrative procedures such as expropriation. It is meant to be applied at the city level. In 2011, it was applied in 25 cities, including only Recife, Brazil, from the country case

study list. It has a very good and simple set of questions, several of which are listed in the Case Study Guide. The host web page for this indicator, where the data and other related content can be found, is provided as a hyperlink to the subsection title above. A simple one-page description is available [here](#).

4.2.7 Voluntary Guidelines for the Responsible Governance of the Tenure of Land, Forests and Fisheries

In 2012, under the auspices of the Committee on World Food Security, the FAO introduced and the member states negotiated the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Forests and Fisheries (VGGT). The VGGT represent globally agreed principles and best-practice standards on a wide range of sub-topics. While the focus is on food security and rural tenure, many chapters are highly relevant to supporting good land governance in urban areas. These include land administration systems, public takings, land markets, and others. The VGGT does not yet have a defined and consistent approach to assessing the state of affairs in relation to its content. However, the LGAF tool was developed around the same time with the involvement of many of the same technical experts and, therefore, has a high degree of consistency in its content. The FAO hired consultants to map the VGGT content to the LGAF and identified some coverage gaps. Tenure issues related to fisheries and disaster management are gap areas that are germane to the Initiative. To the extent that the LGAF-derived content to the case study guide pulls content aligned with the VGGT, it will provide an assessment of the core relevant parts of the VGGT. In addition, the case study guide points the researcher to some technical guides that have been prepared by the FAO to help inform their investigations of topics not otherwise covered. For example, the VGGT guide on fisheries resources has content relevant to coastal zone management issues that are important for several of the case studies.

4.2.8 USAID Land Tenure and Property Rights Framework and Situational Assessment Tool

In 2013, USAID introduced a toolkit with the primary aim of helping its mission staff understand how land tenure and property rights (LTPR) issues relate to their rural development programs (primarily). The toolkit includes an overarching conceptual framework that maps issues within land governance to USAID program areas. It provides overlay matrices which map particular constraints to particular areas of land governance. Urban programming was not a focus, and the tool is of limited use in the urban development context. Recently, USAID produced an Issue Brief on urban land tenure that provides guidance on the nature of land issues in urban areas, how they matter to urban development, and some ideas on what can be done about them.³⁹ That reference is cited in the introduction to this scoping paper and also in the Case Study Guide in Annex 3 in reference to defining an appropriate typology of tenure for urban areas. The Glossary in the LTPR framework is one of the most comprehensive and most recent lists of terms with clear definitions. It is very useful and is referenced in the Case Study Guide. USAID has published LTPR Profiles for many countries.

³⁹ This issue brief is cited in the background literature review earlier in this paper.

As a complement to the LTPR Framework, USAID prepared a country brief for a large number of countries around the globe in 2007. A round of updates and additions was completed in 2011. Of the five case study countries, profiles exist for [Brazil](#) and [Ecuador](#) only. These were completed in 2011, based on desk research that faced limitations similar to this scoping paper in finding up-to-date, accessible information. They also primarily cover rural land issues. The format of these reports, however, is attractive and provides a good example for case study researchers of how to present significant content in relatively few pages geared to policymakers (see examples linked above in the relevant country briefs).

4.2.9 Gender Evaluation Criteria⁴⁰

The Global Land Tools Network (GLTN), a network of organizations that promote improved land tenure and pro-poor land administration, housed within UN-Habitat, recently created Gender Evaluation Criteria. These are a series of 22 questions across six criteria that, when answered, provide an assessment of the gender implications of land governance reforms and related projects. It is not designed to identify gender gaps in land tenure and land markets, per se. This tool has been tested mainly by civil society organizations. It has been applied to evaluate mostly rural interventions, but it was used to evaluate at least one municipal master plan. Information about how long this tool takes to apply is not available.

4.3 Recommended Approach to Case Studies: Filling Gaps in Information and Defining a Forward Land Policy Agenda in the Selected Countries

In considering the set of tools just described and the needs identified for the case studies to be funded by the IDB, a blend of the content from several sources into a tailored approach is recommended. In other words, rather than deploying one or more of the assessment tools described above, a Case Study Guide should be prepared specifically to best support the Initiative, drawing on existing tools. The LGAF tool is a principal source but not the only source. It is used to shape questions that the researchers will answer to inform their reports; otherwise, the LGAF methodology is not envisioned for this work, as explained earlier.

The IDB technical cooperation RG-T2490 has the following purpose: “The training, research and policy dialogue described in this proposal seeks to expand the capacity of government officials in urban land administration” in relation to their pursuit of an agenda of inclusive and sustainable urban development. For this purpose, the case studies need to meet the following two objectives:

Case Study Objective 1: To provide an up-to-date description of the land governance situation in the country, with an emphasis on the issues related to urbanization and the development of urban areas.

Case Study Objective 2: To analyze the situation to identify priority land governance issues and information gaps that matter in relation to key areas in the urban development agenda.

⁴⁰ A draft of the tool is available at the Huairou Commission’s website: see [this](#) link.

The Case Study Guide in Annex 3 lays out a detailed approach to collecting and presenting qualitative and quantitative information designed to allow the case study authors to prepare a report that will meet these two objectives. The following list describes the main attributes of the Case Study Guide:

- It provides a content outline to ensure consistency across the case studies while allowing room to address topics of special interest in each country. The outline and content guidance will help ensure that the case study provides a focused, top-line story of the “what” and “so what” of its recommended land governance reform agenda.
- It provides templates to guide the compilation of basic information about land tenure, public services involved in land governance, and reform projects. This section should ensure that the researcher captures the continuum of tenures from full ownership rights to various rights of use and access, both formal and informal, used by people in urban and urbanizing areas. This is especially important for urban land policy (see [USAID Urban Land Tenure Brief](#) (USAID, 2014: 4).
- It provides a standard set of detailed questions across a range of land governance topics to allow a description of the situation in each country in relation to international standards and principles. The question guide draws on content from the tools reviewed, citing the relevant tool when particular information from that tool is included or used with no or modest adjustment. By answering these questions, the researcher will be guided to collect the information needed to prepare the case study report.
- The guide calls for answering a standard set of questions and points the researcher to a set of country-specific questions that the desk review could not answer sufficiently. It also provides insight on a few special topic areas, such as coastal zone management, and provides input into how to cover these special topics when they are relevant.
- It includes a section that guides the collection of quantitative baseline information and calls for the researcher to identify gaps in the ability to do so.
- It relies primarily on existing data, complemented with key informant interviews without extensive primary data collection.
- It includes taking stock of stakeholders and their influence on land policy, land markets, and land tenure (as was presented on page 15 of the Title Registration Evaluation Report prepared for Barbados (Unknown, 2005) and which is reinforced by Farvacque and McAuslan’s (1992) recommendations for land institution audits). This will help inform a political economy strategy and engagement approach for any follow-on work.
- It is purposely meant to focus on information about urban and urbanizing areas, allowing discretion to determine the specific geographic focus of the case study in each country. This is particularly important for Brazil.

This approach will generate an up-to-date, comprehensive scoping of the state of land governance (including about the state of land governance data) as it relates to contemporary development challenges, with emphasis on urbanizing areas. This will inform a high-level dialogue and generate concern for improving identified aspects of land governance. As needed to build stakeholder engagement, to further baseline, or to dig deeper into certain content areas,

these case study reports can be followed by, and would inform, the application of an LGAF or a detailed Land Market Assessment or other more rigorous or in-depth studies as needed.

5. Conclusions

This scoping paper supports the view that land governance is an important aspect of inclusive urban development and the shelter agenda in the LAC region. It points to studies that verify the implications of poor land governance and the impacts of improving land governance. The literature review is followed by a summary of the information used in the desk research for each country about land governance and the urban development agenda. Preliminary briefs for each country portray the specific ways that land governance issues constrain inclusive urban development, characterize the state of land governance, and identify specific topics for focus in the case study research. These briefs provide a starting point for the case studies and framed the thinking about what type of approach to use for the case study research. Nine existing tools for assessing elements of land governance were reviewed. It was concluded that the case studies require a tailored approach that draws from but does not fully apply or use several of these tools, the LGAF in particular. The resulting Case Study Guide is attached as Annex 3 and is characterized in Section 4 of this paper.

It is important to use terminology carefully and consistently. Going forward, in all project documentation, a common set of definitions for key terms should be used, such as the one provided in the LGAF operational manual or the glossary in the USAID LTPR Framework. This scoping paper provides some definitions, and the Case Study Guide provides additional guidance.

The scoping paper clarifies the need for the proposed case study research and policy dialogue. The available information about each country's land governance situation is not developed and compiled in a way that it can be readily used for such dialogue, and in most of the countries, significant portions of it need to be updated. The preliminary country briefs suggest that all five of the selected countries need continued, renewed, or expanded investment in land governance, especially in urban and peri-urban areas. Brazil and Ecuador have significant recent and ongoing investments or policy action, but the need is still significant. Given that all had significant prior projects, it will help to take a hard look at their sustainability before new investments are made.

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Annex 1: Assessment Tools at a Glance

	“Blueprint”	LGAF	IRPI and DB	GHPI	VGGT	USAID LTPR Assessment
Availability in Case Study Countries	No application to any of the five countries identified	Available for Brazil National, Para, Sao Paulo, and Piauí States	Available for Brazil, Ecuador, Panama, and Trinidad and Tobago.	Available for Recife, Brazil	Globally relevant; initial rollout in Brazil	No information available publicly.
Content Coverage	Superseded and expanded upon by LGAF (LGAF built on BP); no directly useable set of questions to guide research (implicit rather than explicit). The Legal BP adds value in project design study. Reform Readiness Criteria could be useful if LGAF tool and process not used.	Most comprehensive LG content coverage; provides a set of readily useable questions and standardized answers to choose from. Some parallel to legal BP; less granular and narrower coverage e.g., as related to secured transactions. Reform readiness is incorporated in process of deciding to carry out an LGAF.	Narrow focus; emphasis on commercial land transactions and private property rights.	Narrow focus; urban housing tenure of the poor; some questions are good complements to LGAF for the IDB’s purpose.	Comprehensive in many ways although explicit focus is on LG as related to food security; complement to LGAF; no rating system or set of standard questions such as in LGAF.	Comprehensive rural focused; geared to assess needs in relation to USAID strategic objectives with USAID programming in mind and not to evaluate the state of LG as such in the country.
Indicators		Quantitative Monitoring Indicators are fewer and easier to measure than those included in BP; outcomes related to land markets are limited.				
Standards	Standards of performance by defining performance targets across five principles of effective property rights systems.	Set standards of performance through detailed universal benchmarks against which ratings are assigned (A-D).			Sets standards of performance by globally negotiated statements of principles and overall best practice.	Does not set standards of performance.

	“Blueprint”	LGAF	IRPI and DB	GHPI	VGGT	USAID LTPR Assessment
Engagement	Somewhat participatory process of rating led by international and local experts.	Highly participatory process, country owned; local experts provide background for stakeholder group to use in rating; global guidance and World Bank quality control.				
Periodicity	Can be updated easily, but this tool has not been used beyond the pilot stage.	Aim is to update periodically and not less than three years from initial LGAF; Peru did an update.	Basic indicators updated annually. The 2016 report will provide information on Land Administration Systems; not clear how these questions will be repeated.			
Follow-up Guidance	Provides guidance on what to do about poor performance checklist.	Specific what to change recommendations come from high-level LGAF workshop.			Technical Guides (Some in place, e.g., for gender) provide a checklist of things to consider and many good practice examples to guide choices and implementation of change.	
Overall Value of Case Studies	Superseded by LGAF and therefore not ideal for this purpose.	The LGAF provides a strong framework for the case studies. Options for its use are described in the scoping paper.	Scope too limited. If the LAS piece is implemented regularly, it could become a good monitoring tool.			Not meant for the purpose and designed with USAID process orientation.

Annex 2: List of Persons Interviewed

1. Victor Endo, Land Administration Specialist; Founder of AdTerritorio, Peru and International Consultant. Victor provided information and insights regarding Ecuador.
2. Barbara Scholz, former Advisor to MIDUVI, and Luis Felipe Guevara, Economist, provided information and insights on Ecuador.
3. Felix Alderete, IDB Panama, facilitated contacts and information for Panama.
4. Ana Miller, Trimble, provided background information on Panama.
5. Joy Green, Land Adjudication Unit lawyer, and Leandre Murrell-Forde Barbados. Senior Surveyor, Lands and Surveys Department Barbados, provided insights and information for Barbados.
6. Hazar Hosein, CEO, Lands Settlement Agency of Trinidad and Tobago, provided perspective for the Trinidad and Tobago brief.
7. Charisse Griffith-Charles, Lecturer, Department of Geomatics, Engineering, and Land Management, University of the West Indies, St. Augustine, provided insights and reference materials relevant to Trinidad and Tobago and Barbados.
8. Bastiaan Reydon, Faculty, University of Campinas, provided insights and information on Brazil.

Annex 3: Case Study Guide

This Case Study Guide provides instructions and detailed questions to guide the collection of information and reporting of findings. The case study will use both qualitative and quantitative information. For comparability, the authors should include in their reports all core information indicated in this guide and use the specific definition of terms and articulation of questions provided in this guide.

I. General Instructions

This Case Study Guide provides instructions and detailed questions to guide the collection of information and reporting of findings. The case study will use both qualitative and quantitative information. For comparability, the authors should include in their reports all core information indicated in this guide and should use the specific definition of terms and articulation of questions provided. The case study should comprise a narrative report informed and accompanied by populated versions of the tables included in this guide as needed to present information in a brief but comprehensive manner.

A. Case Study Content Overview

Table 1 provides an outline of the Case Study report. The information collection guidance follows this order. The approach to information collection will allow a brief, easy to read case study that is comprehensive in presenting the contemporary motivations for, advances in, and challenges to achieving the land governance platform for inclusive and sustainable development with a focus on urbanizing areas. The authors should avoid lengthy narratives. The report should be composed of brief narrative summaries of findings by topic accompanied by charts and tables that present information catered to policymakers and lending confidence to the findings.

B. Definitions

Varying definitions of terms can be a source of confusion and inconsistency in collecting information. Terms like land tenure, property rights, land management, land governance, land administration and array of other terms vary in definition and preference locally and across the community of practice. It is important that authors have a common set of definitions in mind when preparing their case studies. We encourage reference to the [USAID Land Tenure Framework](#), Glossary of Common Land and Land Tenure Terms. The [FAO Multilingual Thesaurus on Land](#) is also a good reference. Definitions are embedded within each section of this guide as needed to ensure clarity of the guidance. Two definitions from the USAID glossary are important from the beginning of this guide:

“Land governance: The bundle of rules, rights, policies, processes, institutions, and structures created to manage the use, allocation of, access to, control, ownership, management, and transfer of land and natural resources found on land.”

"Land administration: The management of information about the ownership, value and use of land and its associated resources. The function of a land administration system is to record, maintain and make available information that can create security of tenure and support the land market (UNECE, 2004)."

C. Sources of Information

The information needed to prepare the case study will require primary data gathering. Some information, facts and figures is available from secondary sources such as those listed in the bibliography to the scoping paper, but it is limited. Primary data gathering will require a mixture of obtaining and analyzing administrative data from public agencies and potentially private service providers. Key informant interviews and focus groups will also be needed. In each tab, guidance is provided as to where and how to obtain the information. Some of the topics that will be covered in the case studies may require more extensive data gathering to fully assess issues or inform policy and program decisions, such as through household surveys, cost tracking, and cost-benefit analysis. These methods are beyond the budget and scope of these case studies. However, each tab also includes a place to identify data gaps that will require creation of new or improved data (administrative, household surveys or others).

D. Other Considerations

Here are a few other important things to keep in mind when conducting the case study.

1. The case study should primarily refer to land and development of primary and secondary cities and the urbanizing areas around them.
2. The case study may include topics of high importance that are outside of urban and urbanizing areas.
3. Rather than leave blanks, indicate whether information or data are not available or whether a question is not relevant in context.

Table 1: Case Study Table of Contents	
Section 1: Country Context	In this section, the author should incorporate and update the country brief provided in the scoping paper. The case study does not need to report historical context in detail (e.g., do not describe the evolution of land law since the beginning of the country's history; citations to prior studies that provide this detail can be useful). This section should be relatively brief. It should convey the top-line messages about impact arenas of and potential entry points for improving one or more areas of land governance in the context of urbanization. It should also outline the overall advances and challenges in land governance, taking a view about priority topics for policy dialogue and program design (drawing from the detailed information in the following sections). It should include a table and brief discussion of overarching indicators of performance of land governance. It should draw attention to any important information and data gaps that affect the ability of the government to resolve challenges and achieve progress on land governance and the impact arenas it serves, particularly, social housing and municipal development.
Section 2: Basic Land Governance Information	In this section, the report should provide a concise understanding of the status quo in regard to land governance as follows: (i) describe the basic characteristics of land policy. Without doing a comprehensive log of laws and policies, describe the framework of law and policy that govern land; (ii) include a typology of types of rights to land and buildings (including the continuum of informal and formal, individual and group, public and private lands that exists in the country); (iii) describe the institutional landscape. This should include a chart of public sector entities involved in land governance; and (iv) describe the reforms in the last 10 years. Include a table of recent (2005–2015) and planned reform projects. <i>Note:</i> The scoping paper provides starting draft information for this section which should be updated, clarified, and expanded as necessary. The templates and questions below will provide additional input to this section.
Sections 3–7: Situational Assessment by Key Land Governance Topics	The case study should use the questions defined in the next sections of this guide to conduct a situational assessment of key land governance topics. For each topic, a selective set of questions is provided. As described in the scoping paper, these questions are drawn from various existing assessment tools (citations also included herein) and are not meant to be comprehensive. Gender is integrated across the topics. Questions are pitched from the perspective of best practice. For example, if the question asks “does the law provide equal rights to women and men...,” an affirmative answer is consistent with best practice benchmarks. The information will allow the author to articulate strengths, weaknesses, and information gaps. Across all of the questions, the unit of focus is major cities (to be identified by the case study author), national as relevant (e.g., aspects of law and overall data), and rural to the extent important in the context of urbanization trends (e.g., conversion of agricultural land to residential usage). In these ways, the set of questions allows the author to characterize the status quo, frame a discussion of priorities for reform or upgrading, and identify areas for further investigation in relation to the case studies. The narrative report should summarize the findings by topic.
Section 8: Stakeholder Mapping	The author should assess the reform readiness situation. This should include the vision of the political leadership, whether this is broad consensus around the vision, and the willingness to reform in practice, for example, among the public sector technical leadership and among other stakeholders. For each major policy or information gap identified as a priority in sections 3–7, the case study should identify who the key stakeholders to change are and the type of influence they have. The idea is to identify entry points, champions, and obstacles to addressing the identified priorities.
Section 9: Overarching Indicators	The case study should update and expand on the third party macro-level indicators included in the scoping paper. The guide will provide information about country-level indicators that can be used by governments to monitor their progress.
Section 10: Conclusions	The author should reiterate the top-line story of why land governance matters today, particularly for urban development objectives, summarize the key findings of the case study, and suggest priority areas for further attention.

I. Templates and Core Questions about Land Governance

In this section, the author is provided with a set of templates for gathering suggested background information to be included in the Case Study Report and a set of questions arranged by topic. These will provide information to use in crafting sections 2–7 and 9 outlined above. Guidance for sections 1 and 8 is limited to the description of the chapter and the preliminary content found in the scoping paper. The author is expected to be concise in answering the questions and filling out the templates; however, the space included in this guide will not likely be sufficient. The author will need to pattern their own format based on the format used in providing the guidance to information collection.

A. Table Templates

The author should create a comprehensive list of the ways that people access, use, and control land and real property. This should include buildings and not just the land. This provides context for the case study. A good reference to understand possible range of urban tenure types is found on pages 2 and 4 of USAID’s Urban Land Tenure Brief (linked [here](#)). Follow the template below.

i. Tenure Typology

Tenure Typology Chart			
<i>Identify the types of tenures that describe rights of access, use and control of land. This should include rights to all types of land, of all types of people (women, men, local communities, and indigenous peoples), the state, land held by individuals or groups, formal or informal, primary or secondary rights of access, use and control.</i>			
Tenure Type (Label)	Definition	Key Characteristics Characterize tenure type by gender, geography or land use category, group or individual, types of documentation or evidence (formal and informal), or other differentiating features.	Sources of Information

ii. Institutional Landscape

Building from a preliminary version of this table included in the scoping paper, complete an institutional landscape chart using the template below.

Institutional Landscape Chart			
Name of Entity or Unit	Identify Institutional Relationships	Level of Government (central, regional, local)	Mandate and Current Roles in Land Governance
	Unit with ministry		
	Shared mandate with another entity		

iii. Projects and Initiatives

Building from the preliminary table in Annex 1 of the Scoping Paper, identify recent (last 10 years) and planned initiatives and projects that aim to address a major challenge or make a significant improvement to land governance. This should include efforts being made as part of social housing and other urban development programs. It is recommended to create a project database in Excel or other software with more detail and in the case study summarize the information in a table using the template below.

Projects and Initiatives Summary Chart		
Project/Initiative Basics (name, time frame, value)	Entities Involved (host, fund source, implementing agents)	Description Briefly note the purpose, geography of implementation, customer service orientation and key results to date

For each ongoing or planned initiative or project, to the extent possible, identify any constraints to the success of the project that relate to underlying problems with land information systems or land policy that are outside the scope of the project. In the narrative about the reform context, include a discussion of the main constraints identified, drawing also from information gathered by topic below.

B. Question Guide by Topic

For most of the topics covered in this section, several of the questions are derived from the [LGAF Implementation Manual Version 2013](#) (available in English, Spanish, and Portuguese). In the relevant questions, the LGAF indicator statement and/or the benchmarks for scoring on the indicator were (partially or in entirety) converted into a question format.⁴¹ The selected LGAF indicators and dimensions used are referenced below. Other sources used are also identified below. If no source is identified within a question, the question is based on the consultant's knowledge of the USAID Blueprint, the FAO Voluntary Guidelines on the Responsible Governance of the Tenure of Land, Forests and Fisheries (VGGT) and sector assessment work more generally.

⁴¹ Even though the case studies are outside the context of implementing an LGAF as such, it makes sense to draw on the very purposeful wording it provides. The LGAF involves a standard process of expert and stakeholder input gathering and consultation to arrive at consensus scoring on a standard set of indicators, dimensions and score definitions. Even without implementing that process, the LGAF indicator framework is well-defined and comprehensive with 27 indicators and 120 dimensions within these. The case study scope is not as broad and its context is different. Where it made sense, the LGAF indicators and dimensions were used to define appropriate questions to ask in this case study research. LGAF-derived questions are complemented by a range of additional questions.

To answer these questions, the author will need to use discretion to identify sources of evidence. For many topics, a combined approach of using secondary sources and first-hand information gathering would be advisable. In the context of the timeframe and budget for these case studies, first-hand information gathering will be limited to readily accessible administrative data of the entities involved in land governance, interviews with key informants, or small focus groups.

Remember that the case study's focus is on major urban and urbanizing areas. Reference to national-level information will be important in several sections. Reference to rural land information is relevant only to the extent it has implications for or is affected by urbanization.

Topic 1: Law and Public Policy

Selected LGAF and GHI Indicators

Topic 1 Core Questions			
Question	Summary Response with Key Facts and Figures (the narrative can elaborate as needed)		Sources Used
1.1 Land policies and regulations exist and are developed in a participatory manner. <i>LGI 27.1</i> ⁴²	A	A comprehensive policy exists or can be inferred by the existing legislation. Land policy decisions that affect sections of the community are based on consultation with those affected and their feedback on the resulting policy is sought and incorporated in the resulting policy.	
	B	A comprehensive land policy exists or can be inferred by the existing legislation. Land policy decisions that affect sections of the community are based on consultation with those affected but feedback is usually not sought or used in making land policy decisions.	
	C	Policy exists or can be inferred by the existing legislation but it is incomplete (some key aspects are missing or only cover part of the country such as only urban or only rural areas), or land policy decisions that affect some sections of the community are made without consultation with those affected.	
	D	No clear land policy exists or can be inferred by the existing legislation, and/or land policy decisions are generally made without consultation of those affected.	
1.2 The implementation of land policy is costed, matched with benefits and adequately resourced. <i>LGI 27.3</i>	A	Implementation of land policy is costed, expected benefits identified and compared to cost, and there are a sufficient budget, resources, and institutional capacity for implementation.	
	B	The implementation of land policy is costed, though not necessarily based on a comparison of expected benefits and costs. There is an adequate budget, resources, and institutional capacity.	
	C	The implementation of land policy is not fully costed and/or to implement the policy there are serious inadequacies in at least one area of budget, resources, or institutional capacity.	
	D	The implementation of land policy is not costed and there is inadequate budget, resources, and capacity to implement the land policy.	

⁴² "LGI" Land Governance Indicator from LGAF.

1.3 Recognition of a continuum of rights. The law recognizes a range of rights held by individuals as well as groups (including secondary rights as well as rights held by minorities and women). <i>LG1/1</i>	A	Existing legal framework recognizes rights held by most of the rural population, either through customary or statutory tenure regimes.
	B	Existing legal framework recognizes rights held by most of the urban population, either through customary or statutory tenure regimes.
	C	The tenure of most groups in rural areas is formally recognized, and clear regulations exist regarding groups' internal organization and legal representation.
	D	Group tenure in informal urban areas is formally recognized, and clear regulations exist regarding the internal organization and legal representation of groups.
	E	The law provides opportunities for those holding land under customary, group, or collective tenure to fully or partially individualize land ownership and use. Procedures for doing so are affordable, clearly specified, safeguarded, and followed in practice.
1.4 Urban land tenure rights are legally recognized. <i>LG/1.4</i>	A	Existing legal framework recognizes rights held by more than 90 percent of the urban population.
	B	Existing legal framework recognizes rights held by 70 to 90 percent of the urban population.
	C	Existing legal framework recognizes rights held by 50 to 70 percent of the urban population.
	D	Existing legal framework recognizes rights held by less than 50 percent of the urban population.
1.5 Women's property rights to land are equal to those of men. ⁴³ <i>LGAF LG/2.7</i>	A	Women's property rights are equal to those of men both across and within generations (including in case of inheritance or divorce) both in law and in practice.
	B	Equality of women's property rights to those of men is established by law and followed in practice most of the time.
	C	Equality of women's property rights to those of men is established by law, but there are considerable limitations to exercising such rights in practice.
	D	Equality of women's property rights to those of men is not established by law.
1.6 In cities with high levels of informal tenure, a clear, well-documented process to address tenure security, infrastructure and housing, exists. <i>LG/9.2</i>	A	Existing regulations do not provide incentives for new informal occupations, and a strategy exists to regularize land rights and provide services to existing informal occupants.
	B	A strategy exists to regularize land rights and provide services to existing informal occupants but existing regulations provide incentives for new informal occupations.
	C	Strategies to deal with urban informality exist but focus only on either land or services but not both.
	D	Common property under condominiums is not recognized.
1.7 A policy is in place and progress is being made to ensure delivery of low-cost housing and associated services to those in need. <i>LG/7.1</i>	A	Approval of high-end residential developments by the private sector requires simultaneous provision of low-end social housing in a way that is in line with projected requirements, and this is complied with.
	B	Approval of high-end residential developments by the private sector requires simultaneous provision of low-end social housing in a way that is in line with projected requirements, but this is not complied with.

⁴³ See <http://www.fao.org/gender-landrights-database/en/> or the World Bank Women, Law and Business report for information on gender and land rights.

	C	Approval of high-end residential developments by the private sector requires simultaneous provision of low-end social housing, but levels of provision are highly inadequate.	
	D	There are no provisions that would require private developers to cater to the lower end of the housing market.	
1.8 Is slum clearance and redevelopment an established policy of the national or local housing agency? <i>Global Housing Policy Indicators (GHI) P5.1</i>	Yes		
	No		
1.9 Accessible opportunities for tenure individualization exist. <i>LGI 2.1</i>	A	The law provides opportunities for those holding land under customary, group, or collective tenure to fully or partially individualize land rights if they so desire. Procedures for doing so are affordable, clearly specified, safeguarded, and observed in practice.	
	B	The law provides opportunities for those holding land under customary, group, or collective tenures to fully or partially individualize land rights if they so desire. Procedures to do so are affordable and include basic safeguards against abuse.	
	C	The law provides opportunities for those holding land under customary, group, or collective tenures to fully or partially individualize land rights if they so desire. Procedures are not affordable or clear, leading to discretion in their application.	
	D	Although there is demand, the law provides no opportunities for those holding land under customary, group, or collective tenures to fully or partially individualize land rights.	
1.10 A condominium regime provides for appropriate management of common property (rules for common property for management of driveways, parking, gardens, stairways, etc.). <i>LGI 9.3</i>	A	Common property under condominiums is recognized and there are clear provisions in the law to establish arrangements for the management and maintenance of this common property.	
	B	Common property under condominiums is recognized but the law does not have clear provisions to establish arrangements for the management and maintenance of this common property.	
	C	Common property under condominiums has some recognition but there are no provisions in the law to establish arrangements for the management and maintenance of this common property.	
	D	Common property under condominiums is not recognized.	
1.11 Are immigrants, refugees, and non-citizens allowed to own land? <i>GHI P1.5</i>	Yes		
	No	(If the answer is no, please indicate whether this constitutes a large portion of the population.)	
1.12 Is there a national or local housing policy in place to support privatization of public housing? <i>GHI P6.3</i>	Yes		
	No		

Additional Questions

Question	Summary Response with Key Facts and Figures (the narrative can elaborate as needed)	Sources Used
1.13 Is it possible to register group rights in urban areas?		
1.14 What is the rationale for public land ownership (national, regional, local)?		
1.15 Is there a special tribunal or court for hearing cases involving disputes over land rights? Can ADR techniques be used for land conflicts?		
1.16 Is there an adequate secured transactions law in place? Does it permit the use of land and of real property as collateral?		

Topic 2: Quality of Rights to Land and Real Property

Selected LGAF Indicators

Topic 2 Core Questions		
Question	Summary response with key facts and figures (the narrative can elaborate as needed)	Sources Used
2.1 Overlaps of rights (based on tenure typology) are minimal and do not cause friction. <i>LGAF LGI 26.5</i>	A	The issues identified in the tenure legal framework and procedures for land-related matters (incl. renewable and subsoil resources) are fully consistent and a unified mechanism for complaint and grievance redress is available in case of overlap
	B	The legal framework and procedures for land-related matters (incl. renewable and subsoil resources) are fully consistent but there may be differences in the way complaints and grievance redress are handled.
	C	The legal framework and procedures for land-related matters (incl. renewable and subsoil resources) deal with land-related matters very differently but have functioning mechanisms for redressing overlap in place.
	D	The legal framework and procedures for land-related matters (incl. renewable and subsoil resources) deal with land-related matters very differently, and effective mechanisms for addressing overlap are not in place.

Additional Questions

Topic 2 Core Questions		
Question	Summary Response with Key Facts and Figures (the narrative can elaborate as needed)	Sources Used
2.2 Do people perceive that their tenure is secure?	What evidence is there about perceptions of tenure security?	
2.3 Is eviction without due process rare?		
2.4 Is there gender equality in practice between the rights of women and men to access, use, or control land?		
2.5 Is there a low incidence of disputes over land rights?		
2.6 What are the typical types of disputes?		

Topic 2 Supplemental Information: Overall Quality of Land Rights Summary Assessment		
Criteria	Definition/Benchmark	Assessment of Performance in Relation to Criteria
Comprehensiveness	The full spectrum of legitimate rights to access, use, and control land, along a continuum from informal to formal including group and individual rights for women and men are recognized and respected.	
Equity (in law and in practice)	The law provides for equal rights and rules are consistently applied across ethnicity, age, family status, and religion.	
Enforceability	Rights can be exercised; rights holders are protected from capricious eviction (free from taking without due process and timely compensation) and disputes can be resolved without undue time or cost.	

Topic 3: Registry and Cadastral Information Systems and Services

For this topic, first find answers to the core questions listed below. Then, complete the template “Overall Quality of Registry and Cadastral Information Systems and Services” considering the answers to those questions and broader information from the background research. This section includes documentation of land rights and transactions as well as the archives of physical (maps) and legal records (deeds, leases, titles, certificates of occupancy, for example). It is anticipated that the questions that involve quantitative information in this section might be difficult to answer. The author is requested to ascertain if relevant data are readily available from administrative sources or recent (last five years) secondary sources. The case study should report on data availability and limitations along with any findings that can be generated within the scope of the case study. Illustrative or partial information might be available and suggestive of the situation.

Selected LGAF Questions

Topic 3 Core Questions			
Question (with source)		Summary Response with Key Facts and Figures (the narrative can elaborate as needed)	Sources Used
3.1 Individually held land in urban areas is formally registered. <i>LG/ 2.3</i>	A	More than 90 percent of individual land in urban areas is formally registered.	
	B	Between 70 percent and 90 percent of individual land in urban areas is formally registered.	
	C	Between 50 percent and 70 percent of individual land in urban areas is formally registered.	
	D	Less than 50 percent of individual land in urban areas is formally registered.	
3.2 Individually held land in rural areas is formally registered. <i>LG/ 2.2</i>	A	More than 90 percent of individual land in rural areas is formally registered.	
	B	Between 70 percent and 90 percent of individual land in rural areas is formally registered.	
	C	Between 50 percent and 70 percent of individual land in rural areas is formally registered.	
	D	Less than 50 percent of individual land in rural areas is formally registered.	
3.3 Women's rights are registered and recognized in practice in both urban and rural areas. <i>LG/ 2.6</i>	A	More than 45 percent of land registered to physical persons is registered in the name of women either individually or jointly.	
	B	Between 35 percent and 45 percent of land registered to physical persons is registered in the name of women either individually or jointly.	
	C	Between 15 percent and 35 percent of land registered to physical persons is registered in the name of women either individually or jointly.	
	D	Less than 15 percent of land registered to physical persons is registered in the name of women either individually or jointly.	
3.4 Formalization of urban residential housing is feasible and affordable. <i>LG/ 9.1</i>	A	The requirements for formalizing housing in urban areas are clear, straightforward, affordable, and implemented consistently in a transparent manner.	
	B	The requirements for formalizing housing in urban areas are clear, straightforward, and affordable but are not implemented consistently in a transparent manner.	
	C	The requirements for formalizing housing in urban areas are not clear, straight-forward, or affordable, but many applicants from informal areas are managing to satisfy the requirements.	
	D	The requirements for formalizing housing in urban areas are such that formalization is deemed very difficult.	
3.5 There is an efficient and transparent process to formalize possession that is in line with local practice and understanding). <i>LG/ 17.1</i>	A	There is a clear, practical process for the formal recognition of possession and this process is implemented effectively, consistently and transparently.	
	B	There is a clear, practical process for the formal recognition of possession, but this process is not implemented effectively, consistently or transparently.	
	C	The process for the formal recognition of possession is not clear and is not implemented effectively, consistently or transparently.	
	D	There is no process for formal recognition of possession.	
3.6 Information regarding land rights maintained in different registries is routinely synchronized	A	Links are in place for virtually all types of land information (courts, banks, registries) and mandatory checks are performed to ensure legitimacy of any transactions that materially affects certain parties' land rights before they can be final.	
	B	Links are in place for virtually all types of land information (courts, banks, registries) but checks on the legitimacy of transactions that affects certain parties' land rights are only performed ex post.	

so as to reduce transaction cost for users and ensure integrity of information. <i>LG/ 19.1</i>	C	Links are in place for some types of land information, and checks are insufficient to eliminate a significant number of potentially fraudulent transactions.	
	D	Few or none of the relevant links exist.	

Additional Questions

Topic 3 Core Questions		
Question (with source)	Summary Response with Key Facts and Figures (the narrative can elaborate as needed)	Sources Used
3.7 What are the main factors that lead to informality?		
3.8 What are the main obstacles to successfully obtaining formal land rights?	<i>Note: This could include: tax debt, zoning or planning violations, building code violations, lack of a clear process for formalizing a legitimate but undocumented right, difficulty in providing required evidence and identification.</i>	
3.9 For the items identified in the last question, is it easy to resolve these for individual applicants? Can/are solutions being offered at the policy level e.g., transitional waiver of tax debts for first-time land registration?		
3.10 Is the private sector allowed (by law and in practice) to provide land administration services (e.g., surveying, document preparation, legal and para-legal services)?		
3.11 How many processes are involved in the principal services (obtaining a documented land right, registering a land transfer, obtaining a parcel survey)? How long does it take from start to finish?		
3.12 Is there an approach to recognize informal settlements by recording the rights at the community level?		
3.13 Are registered properties mapped (covered by cadastral maps or parcel surveys held in the registry)?		
3.14 Is the registry digitalized and searchable? Are its business processes automated? Are records up-to-date?		
3.15 Is the cadastre digitalized and its business processes automated? Are records up-to-date?		
3.16 Are the registry and cadastral databases interoperable? Are data shared?		
3.17 How are the registry and the cadastre funded? Is sustainability a concern?		
3.18 Do parcels have a unique cadastral and registry identification number?		
3.19 Is there a web-based platform for public access to land administration information? Can transactions be conducted on-line?		

Topic 3 Supplemental Information: Quality of Registry and Cadastral Systems and Services		
Criteria	Definition/Benchmark	Assessment of Performance in Relation to Criteria
Comprehensiveness	The registry and cadastre can record diverse types of rights and transfers (i.e., rights beyond individual freehold may be recorded) and meet the needs of all people and entities for land information.	<i>In the narrative, note any significant variance in findings across entities and levels of government.</i>
Completeness	A high percentage of registry records are identifiable on maps. A high percentage of rights to land are registered.	
Transparent	Information about land transactions and rights are accessible by the public with appropriate safeguards.	
Complex	Complexity can be related to the # of agencies involved, the clarity of mandates, whether there is vertical or horizontal overlap, the number and difficulty of administrative procedures, the type and rigidity of technical requirements. Comment on the level of complexity from the perspective of the end users of land information and related services. Is streamlining possible?	
Equity	Land services (recordation of legal and physical attributes of rights and transfers) and land information are available and provided to all people in a consistent manner.	
Efficiency	Records can be obtained timely. Transactions are recorded without undue delay.	
Credibility	Records are reliable. Public servants are trust-worthy.	

Topic 3 Supplemental Information: Human Resource Capacity (replicate this chart for each relevant agency e.g., the public registry, the cadastral department)		
Name of Agency	Data Requested	Response
	How many certified GIS specialists are working in the agency? How many are available in the country?	
	How many qualified surveyors are working in the agency? How many are available in the country?	
	What type of land information system is in use? Provide details include the type of software.	
	What are the agencies training needs for land information management? Is this training available in country?	

Topic 4: Land Use Planning and Management

Selected LGAF and GHI Questions

Topic 4 Core Questions			
Question (with source)		Summary Response with Key Facts and Figures (the narrative can elaborate as needed)	Sources Used
4.1 Restrictions regarding urban land use are justified and enforced (including risk prone and protected areas). <i>LG/ 5.2</i>	A	There are a series of regulations that are for the most part justified on the basis of overall public interest and that are enforced.	
	B	There are a series of regulations that are for the most part justified on the basis of overall public interest but that are not enforced.	
	C	There are a series of regulations that are generally not justified on the basis of overall public interest but are not enforced.	
	D	There are a series of regulations that are generally not justified on the basis of overall public interest and are enforced.	
4.2 Restrictions regarding urban land ownership and transferability are justified. <i>LG/ 5.1</i>	A	There are a series of regulations that are for the most part justified on the basis of overall public interest and that are enforced.	
	B	There are a series of regulations that are for the most part justified on the basis of overall public interest but enforcement is deficient.	
	C	There are a series of regulations that are generally not justified on the basis of overall public interest but are not enforced.	
	D	There are a series of regulations that are generally not justified on the basis of overall public interest and are enforced.	
4.3 There is a clear decision-making process for expansion of urban land and associated land use change that respects existing rights and information on change is publicly available. <i>LG/ 6.1</i>	A	Information on planned urban expansion and infrastructure development is publicly available with sufficient lead time and a process is in place to deal land rights by those affected in a way that corresponds to internationally recognized standards.	
	B	Information on planned urban expansion and infrastructure development is publicly available with sufficient lead time and a systematic process to deal land rights by those affected in a way that is not fully in line with international standards.	
	C	Information on planned urban expansion and infrastructure development is publicly available with sufficient lead time but the way in which land rights by those affected are dealt with is largely ad hoc.	
	D	Information on planned urban expansion and infrastructure development is not publicly available.	
4.4 Compensation is paid for the expropriation of all rights regardless of the registration status. <i>LG/ 12.1</i>	A	Fair compensation, in kind or in cash, that allows maintenance of previous social and economic status, is paid to all those with rights in expropriated land (ownership, use, access rights etc.) regardless of the registration status.	
	B	Compensation, in kind or in cash, is paid, however the level of compensation where rights are not registered does not allow for maintenance of social and economic status.	
	C	Compensation, in kind or in cash, is paid for some unregistered rights (such as possession, occupation etc.), however those with other unregistered rights (which may include grazing, access, gathering forest products etc.) are usually not paid	
	D	No compensation is paid to those with unregistered rights of use, occupancy or otherwise.	
	A	Where people lose rights as a result of land use change outside the expropriation process, compensation in cash or in kind is paid so that these people have comparable assets and can continue to maintain prior social and economic status.	

4.5 There is compensation for loss of rights due to land use changes. <i>LGI 12.2</i>	B	Where people lose rights as a result of land use change outside the expropriation process, compensation in cash or in kind is paid so that these people have comparable assets but cannot continue to maintain prior social and economic status.	
	C	Where people lose rights as a result of land use change outside the expropriation process, compensation in cash or in kind is paid such that these people do not have comparable assets and cannot continue to maintain prior social and economic status.	
	D	Where people lose rights as a result of land use change outside the expropriation process, compensation is not paid.	
4.6 Is there recent precedent of the government removing low-income neighborhoods and transferring the vacant land to the private sector for development? (GHI P5.2)	Yes		
	No		
4.7 Land use planning effectively controls urban spatial expansion in the largest city in the country. <i>LGI 7.2.</i>	A	In the largest city in the country urban spatial expansion is controlled effectively by a hierarchy of regional/detailed land use plans that are kept up to date.	
	B	In the largest city in the country, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban spatial expansion is guided by the provision of infrastructure without full implementation of the land use plans	
	C	In the largest city in the country, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban spatial expansion occurs in an ad hoc manner with infrastructure provided some time after urbanization.	
	D	In the largest city in the country, a hierarchy of regional/detailed land use plans may or may not be specified by law and in practice urban spatial expansion occurs in an ad hoc manner with little if any infrastructure provided in most newly developing areas.	
4.8 Land use planning effectively controls urban development in the four largest cities in the country, excluding the largest city. <i>LGI 7.3.</i>	A	In the four major cities, urban development is controlled effectively by a hierarchy of regional/detailed land use plans that are kept up to date.	
	B	In the four major cities, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban development is guided by the provision of infrastructure which implements only a part of the land use plans.	
	C	In the four major cities in the country, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban development occurs in an ad hoc manner with infrastructure provided some time after urbanization.	
	D	In the four major cities in the country a hierarchy of regional/detailed land use plans may or may not be specified by law and in practice urban development occurs in an ad hoc manner with little if any infrastructure provided.	
4.9 Planning processes are able to cope with urban growth. <i>LGI 7.4</i>	A	In the largest city in the country, the urban planning process/authority is able to cope with the increasing demand for serviced units/land as evidenced by the fact that almost all new dwellings are formal.	
	B	In the largest city in the country, the urban planning process/authority is able to cope to some extent with the increasing demand for serviced units/land as evidenced by the fact that most new dwellings are formal.	
	C	In the largest city in the country, the urban planning process/authority is struggling to cope with the increasing	

		demand for serviced units/land as evidenced by the fact that most new dwellings are informal.	
	D	In the largest city in the country, the urban planning process/authority cannot cope with the increasing demand for serviced units/land as evidenced by the fact that almost all new dwellings are informal.	
4.10 There is a complete recording of publicly held land. <i>LGI 10.2</i>	A	More than 50 percent of public land is clearly identified on the ground or on maps.	
	B	Between 30 percent and 50 percent of public land is clearly identified on the ground or on maps.	
	C	Less than 30 percent of public land is clearly identified on the ground or on maps.	
	D	Public land is not clearly identified on the ground or on maps.	
4.11 The inventory of public land is accessible to the public. <i>LGI 10.3</i>	A	All the information in the public land inventory is accessible to the public.	
	B	All of the information in the public land inventory is accessible to the public, but information for some types of public land (land used by the military, security services, etc.) is not available for justifiable reasons.	
	C	All the information in the public land inventory is only available for a limited set of public property and there is little or no justification why records are not accessible.	
	D	No information in the public land inventory is accessible to the public.	
4.12 The management responsibility for public land is unambiguously assigned. <i>LGI 10.4</i>	A	The management responsibility for different types of public land is unambiguously assigned.	
	B	There is some ambiguity in the assignment of management responsibility of different types of public land but this has little impact on the management of assets.	
	C	There is enough ambiguity in the assignment of management responsibility of different types of public land to impact to some extent on the management of assets.	
	D	There is serious ambiguity in the assignment of management responsibility of different types of public land with major impact on the management of assets.	
4.13 The key information on public land allocations to private interests is accessible to the public. <i>LGI 10.6</i>	A	The key information for public land allocations (the locality and area of the land allocation, the parties involved and the financial terms of the allocation) is recorded and publicly accessible.	
	B	The key information for public land allocations (the locality and area of the land allocations, the parties involved and the financial terms of the allocation) is only partially recorded but is publicly accessible; or the key information is recorded but only partially publicly accessible.	
	C	The key information for public land allocations (the locality and area of the land allocations, the parties involved and the financial terms of the allocation) is recorded or partially recorded but is not publicly accessible.	
	D	There is no recorded information on public land allocations.	

Additional Questions

Question (with source)	Summary Response with Key Facts and Figures (the narrative can elaborate as needed)	Sources Used
4.14 Are permits easy to obtain and, if not, why not?		

Topic 5: Taxation and Valuation

Selected LGAF Questions

Question	Summary Response with Key Facts and Figures (the narrative can elaborate as needed)		Sources Used
5.1 There is a clear process of property valuation. <i>LG/ 22.1</i>	A	The assessment of land/property values for tax purposes is based on market prices with minimal differences between recorded values and market prices across different uses and types of users and valuation rolls are regularly updated.	
	B	The assessment of land/property for tax purposes is based on market prices, but there are significant differences between recorded values and market prices across different uses and types of users or valuation rolls are not updated regularly.	
	C	The assessment of land/property for tax purposes has some relationship to market prices, but there are significant differences between recorded values and market prices across different uses or types of users and valuation rolls are not updated.	
	D	The assessment of land/property for tax purposes is not clearly based on market prices.	
5.2 Exemptions from property taxes are justified and transparent. <i>LG/ 23.1</i>	A	There are limited exemptions to the payment of land/property taxes, and the exemptions that exist are clearly based on equity or efficiency grounds and applied in a transparent and consistent manner.	
	B	There are limited exemptions to the payment of land/property taxes, and the exemptions that exist are clearly based on equity or efficiency grounds but are not applied in a transparent and consistent manner.	
	C	The exemptions to the payment of land/property taxes are not always clearly based on equity or efficiency grounds and are not always applied in a transparent and consistent manner.	
	D	It is not clear what rationale is applied in granting an exemption to the payment of land/property taxes and there is considerable discretion in the granting of such exemptions.	
5.3 Property holders liable to pay property tax are listed on the tax roll. <i>LG/ 23.2</i>	A	More than 80 percent of property holders liable for land/property tax are listed on the tax roll.	
	B	Between 70 percent and 80 percent of property holder liable for land/property tax are listed on the tax roll.	
	C	Between 50 percent and 70 percent of property holder liable for land/property tax are listed on the tax roll.	
	D	Less than 50 percent of property holders liable for land/property tax are listed on the tax roll.	
5.4 Assessed property taxes are collected. <i>LG/ 23.3</i>	A	More than 80 percent of assessed land/property taxes are collected.	
	B	Between 70 percent and 80 percent of assessed land/property taxes are collected.	
	C	Between 50 percent and 70 percent of assessed land/property taxes are collected.	
	D	Less than 50 percent of assessed land/property taxes are collected.	

Additional Questions

Question	Summary Response with Key Facts and Figures (the narrative can elaborate as needed)	Sources Used
5.5 Is the cost of collecting taxes lower than the revenue collected?		
5.6 Are property taxes defined and administered locally?		
5.7 Are property taxes used to support municipal services to citizens locally?		

Topic 6: Access to Land in Urban Development and Land Markets

This topic explores how people access land for housing and for other urban development needs (e.g., enterprise) and other characteristics of land markets. As explained in the scoping paper, to really understand this topic, more in-depth qualitative and quantitative information is needed via large sample, well-structured household survey and more extensive review of administrative data. This type of research can be done as a follow-up to the case study if the topic of land markets (or sub-topics within this rubric) remains a priority. The information and perspective in the case study will be very valuable to shaping such research. More immediately, the following questions are meant to provide a high level overview of land market dynamics that can be used in policy dialogue about priorities.

For each question, the author should first answer based on reviewing secondary information sources. If time and funding permit, the author is encouraged to pull together a sample of administrative data on basic variables as indicated below e.g. from one or a couple of land registry offices in the two principle cities. It is also possible to obtain information for some questions by scanning news and other media and by driving/walking areas and noting information that might be posted about land sales. Key informant interviews should also be conducted including with a sample of formal *and informal* land market service providers such as real estate brokers, notaries, surveyors, staff of the land registry and other agencies with a role in formal land transactions.

Selected LGAF and GHI Questions

Topic 6 Core Questions			
Question	Summary Response with Key Facts and Figures (the narrative can elaborate as needed)		Sources Used
6.1 Is it common for residents to hold land through long term leases from the state (national or local)? (GHI P1.6)	Yes		
	No		
6.2 The number of illegal land sales is low. <i>LG/ 2.4</i>	A	Few, if any, illegal transactions occur in practice and mechanisms to unambiguously identify illegal sales exist and are applied routinely.	
	B	The number of illegal land transactions is low and some are unambiguously identified on a routine basis.	

	C	The number of illegal land transactions is high and some are unambiguously identified on a routine basis.	
	D	The number of illegal land transactions is high and none are unambiguously identified on a routine basis.	
6.3 The number of illegal lease transactions is low. <i>LG/ 2.5</i>	A	Existing legal restrictions on land leases if any, are clearly identified, widely accepted and fully complied with.	
	B	Existing legal restrictions on land leases, if any, are clearly identified, justified and accepted by all parts of society, but not fully understood by land users, so that compliance is partial.	
	C	Existing legal restrictions on land leases are clearly identified but not fully justified or accepted by land users, so that compliance is partial.	
	D	Existing legal restrictions on land leases are routinely neglected.	

Additional Questions

Topic 6 Core Questions		
Question	Summary Response with Key Facts and Figures (the narrative can elaborate as needed)	Sources Used
6.4 What are the main modes of acquiring rights to land for housing? (purchase, inheritance, renting, leasing, state allocation, other)	<i>Note: Identify any relation between these modes and the tenure types included in the typology and also with socio-demographic categories.</i>	
6.5 Are both formal and informal land markets (for sales, for rentals) active? Which predominates?	<i>Note: Discuss differences across locations within major urban areas and across areas of the country. Also identify differences by type of land use (residential (slum, settlement, subdivision, public housing) and non-residential))</i>	
6.6 What percent of parcels or dwellings are transferred every year?	<i>Note: If data are not available, provide a subjective view of how active markets are.</i>	
6.7 Are leases of public lands transferable? If so, what is role of the state?		
6.8 How are typical transactions financed? How does this vary by segments of the market?		
6.9 Is secured lending common with the land title or lease serving as collateral?		
6.10 Does housing microfinance exist and do they have real or psychological collateral requirements based on tenure documentation?		
6.11 What real estate services are provided by the private sector (formal or informal)?		
6.12 Are public land allocation and adjudication processes clear and sufficient to meet demands by the poor? By investors?		
6.13 What variables seem to affect land sales prices?	<i>Note: For example, distance from the center of the city, access to transportation, job opportunity, public utility servicing, type of document of</i>	

	<i>seller's rights (e.g., title deed), neighborhood characteristic (slum, informal settlement, subdivision, private housing development, public housing).</i>	
6.14 What variables seem to affect land rental prices?		
6.15 What information about land transactions is available publically in official records?		
6.16 What other sources of reliable land market information exist and are kept up-to-date?		

Topic 7: Special Topics

For some locations, the two topics covered in 7 a and 7 b are important to characterize. Similar to the land markets topic, the case study is not suited for a robust assessment of these topic areas. However, a brief assessment along the lines outlined could point out important policy or information gap areas. For each country, 7c repeats the country-specific questions from the scoping paper. Each author should use information from the previous sections of the case study guide providing more detail and additional information as needed to answer these questions. The findings should be used to inform the overall conclusions about the impact arenas for land governance reforms and the corresponding priority action areas.

7a. Linking Land Governance to Water, Fisheries and Coastal Zone Management

The FAO VGGT provides international good practice guidance about the tenure governance issues at the nexus of land and water resources. A preliminary draft of the [Technical Guide on fisheries](#) is now available and describes how the issues of land governance may apply to coastal areas and fisheries. Apart from coastal lands, urban expansion into rural areas in some environments can pose risks to fresh water quality as well. If these topics are of significant importance for the country being studied (see issues discussion in the scoping paper), the author should assess how the land tenure situation overlays with water, fisheries and/or coastal zone management issues using the linked technical guide as a key reference. The LGAF Indicators 3.2, 3.3 and 4.5 are also relevant. At a minimum, the case study should reveal whether land governance issues are currently understood within and land tenure data used to inform efforts to address these particular land use and water resource issues.

7b. Disaster Risk Reduction and Disaster Management

If the major cities considered in the case study face significant natural disaster risks, identify whether or not land governance issues are understood within and land tenure data available for use within efforts to reduce disaster risks and to plan disaster responses. How has the lack of formal tenure and efficient land administration services hindered prior disaster recovery efforts, if relevant?

7c. Country Specific Case Study Suggestions and Questions

Below is specific guidance for each country. The suggestions and questions should be answered in the report and might also suggest to the author topics to prioritize in answering the

standard questions. These will likely require additional information beyond what answering the standard questions will provide.

Barbados Specific Questions for the Case Study

1. What will it take to reduce inefficiency in land allocation, such as, for example, changes in public policy and processes for land zoning, land conversions, or land use planning? Addressing family land issues? How will improved land information management contribute?
2. Is there current information on the number of parcels that exist, the universe of informality, and an inventory of squatter settlements (informal or illegal)?
3. What was or was not done in response to the 2005 registry assessment? If no follow-up was undertaken, why not? Conduct a stakeholder mapping or identify other constraints to adopting the suggestions?
4. What is the researcher's opinion on the utility of converting from a deeds to a title system and the possibility to formally reverse the policy choice made to introduce the title system?
5. What lessons can be learned from the IDB funded from the Housing and Neighborhood Upgrading Program e.g., efficiency of titling and registration processes, access to land information for planning including land rights?
6. Did the diagnostic prepared under the ESCI (see below) identify any specific land governance challenges? How do they fit with the broader conclusions of the case study? Were there any specific challenges related to land information management?
7. What specific improvements to land information management will improve tax collection?

Trinidad and Tobago Specific Suggestions for the Case Study

1. The case study should describe recent precedent in executing compulsory takings for infrastructure investments and environmental management. A few examples should be included to illustrate the issues at play.
 - a. How widespread are issues relating to sufficiency of notice and consultation or allegations of corruption such as reported in the recent news?⁴⁴
 - b. How do concerns relate to specific issues of land information management, specific policies or procedures?
2. In relation to the land information management system investments (e.g., SALIS and CMIS) and to the operation of the registry and cadastre, the case study should assess factors that affect sustainability. It should also provide a clear understanding of current policy direction in relation to horizontal overlap between the two registry systems.
3. Will the ongoing and proposed investments provide the quality and efficiency of access to information needed for achieving regularization goals, to inform disaster risk reduction plans, for infrastructure-related public takings, for managed land conversions, and to address the situation of family lands, over time? For each, given an opinion and a brief explanation for the opinion.

⁴⁴ www.guardian.co.tt/news/2014-10-11/land-owners-block-oas

4. Beyond allowing for inter-operability of registry and cadastre, are there additional opportunities to integrate land information and create efficiency and greater reliability? Specify the current location of information, what it is used for and what key steps would have to be taken to integrate the data.
5. Provide brief background that will help explain why systematic land titling still has not been implemented at scale. How is it related to weaknesses in land information management? What other factors are important (e.g., institutional complexity? lack of financial or human resources? Lack of consistent political will?)?
6. Complete and clarify the list of recent and current legal reforms relating to improved land governance. How will these motivate improvements to land information management? Explain the status of legislation and how far implementation has proceeded.
7. Explain how land governance issues affect access to and management of coastal lands. Provide examples that show how improved land information management is relevant to coastal land management. What types of improvements have been made?

Panama Specific Suggestions for the Case Study

1. How well are the set of legal reforms introduced in the last 10 years (listed above) performing, and are there gaps that could explain any issues uncovered by the core land governance situational assessment carried out in the case study?⁴⁵ What is the role of land information management in supporting the adequate performance of the reforms?
2. What are the factors that affected the sustainability of prior investments in land administration systems (titles, cadastre, and registry)? The IDB Comparative Evaluation Study (IDB 2014) notes sustainability risk for regularization “when the conditions that lead to informality have not changed.” The case study should seek to understand the need for reinvestment, such as by ANATI, to upgrade its cadastral information and systems and how significant the risk or reality is of titled lands reverting to informality through the lack of registration of subsequent transactions.
3. Are the assertions about a continued lack of coordination and shared vision made above valid, and if so, what are the more specific issues that need attention?
4. What was the impact of the nine land use plans prepared under PRONAT? The final evaluation of PRONAT (Latin Consulting 2014) suggests that the plan in the Darien was implemented, but it is not clear whether the others were. If not, why not? If so, to what benefit? Was land information management a constraint? If so, in what way?
5. How could current major urban revitalization efforts benefit from improved land administration information and services? The IDB’s Emerging and Sustainable Cities Initiative supported studies in relation to the planned revitalization of the Barrio La Exposición (an historic area of Panama City). How did land governance issues factor in the conclusions of these studies and in the plan? Are there lessons from previous urban revitalization efforts, such as the IDB-funded pilot project “La Revitalización Urbana y el

⁴⁵ This should include providing an understanding of the Tourism Concession Law and Regulations (Law No 2 of 2006 and Executive Decrees 85 of 2006); Special Expropriations Law (Law 20 of 2009); Adjudication of Coastlands and Insular Territories (Law 80 of 2009 and Executive Decree 45 of 2010); New Agrarian Code (Law 55 of 2011); and the Indigenous Communal Lands Regulations (Executive Decree 223 of 2010).

Alivio de la Pobreza en Colon” (innovation loan granted in 2003), that relate to land governance? The loan document points out risks around acquisition of properties to be renovated and attitudes towards rights. Can any lessons be learned from the nine land use planning exercises carried out under PRONAT?

6. What is the current estimated scope of irregular land records? What are the main reasons why PRONAT had difficulty addressing this issue (Latin Consulting 2014)? How does zoning policy affect this?
7. The PRONAT final evaluation (Latin Consulting 2014) states that the efficiency and effectiveness of the massive valuation system was not reviewed. This could be a useful topic to explore, given Panama’s needs to further the effectiveness of its fiscal finance and bolster decentralization.
8. What are the top lessons from Panama’s experience in land administration modernization that could be relevant to the other four countries?

Brazil Specific Suggestions for the Case Study

The scale, complexity and internal variation in land governance challenges across Brazil is noted in the report from the land governance assessment (World Bank 2014b). In that context, the case study will need to focus on one or two priority medium-size cities or municipalities, using state and national information only as needed for context. To help define the location, note that the IDB country strategy prioritizes the Northeast and Northern regions and the LGA report (World Bank 2014b) suggest that these same regions are high-medium priority in terms of impact of improvements in the areas of regularization and supply of serviced housing lots. The case study author will make site selections after reading the scoping paper (Brazil section particularly), discussing with the IDB technical lead for the assignment and will provide a rationale in the case study report. The case study will cite the national and relevant state-level (if one exists) Land Governance Assessment Reports for all questions in the case study guide that are derived from the LGAF, given that no change in response is anticipated at present. For questions in the case study guide that do not derive from the LGAF, the author should provide national, state, or local information according to its relevance. Some specific questions to ask are listed below.

1. Is there a significant gap between legal equality for women with regard to land rights and inequality in practice in the selected in urban areas?
2. Were effective actions taken, particularly via the inter-ministerial commission on land governance, in relation to LGA findings that affect urban settings?
3. What can be learned from a stakeholder mapping around implementation of the City Statute and other key legislation and implementation tools (e.g., compulsory subdivision, preferential rights) related to land regularization? Does this exercise suggest a role for improved land information management?
4. How do land market dynamics and regulations limit the supply of formal serviced plots accessible to the poor? What information gaps limit the ability to answer this question?
5. How do incentives for participation in regularization such as those offered in Para and Sao Paulo, described in the LGA report (World Bank 2014b), work, and what difference have they made to date?

6. What are the precedents in judicial decisions that support or contradict the policy environment of rights to the city, development, and regularized land?
7. What are the positive lessons learned so far under Terra Legal in terms of inter-institutional coordination and land information sharing?

Ecuador Specific Questions for the Case Study

1. What are the potential mechanisms to capture basic land market data on a regular basis? Along with this question, the case study should elaborate on: (i) the roles and capacities of the private notaries in relation to the municipal land services; (ii) the overall reliability of and maintenance of the canton level registry-cadastre; and (iii) the current status of standards for land valuation.
2. How could a household survey that captures both informal and formal land market transactions provide improved information to the ongoing discussion about land policies and their implementation tools? How does (and how could/should) SigTierras relate to the initiatives to establish multipurpose cadastres? Is SigTierras sustainable from the usage and financing lens?
3. What are the stakeholder positions that matter most about the currently proposed legislation?
4. What kinds of programmatic interventions would be most useful to advance progress on the implementation of land laws and policies in urban areas? Specifically consider what can be done to improve land information management.
5. What are the specific capacity development needs of the GAD in the core areas of land governance? What specific training needs are there for land information management?

Topic 8: Monitoring Progress

In this section, the author should pull together available quantitative information (from primary administrative or secondary sources) using the most recently available data. Secondary sources that are more than five years old should not be used. The information gathered in this section can be used to characterize the status quo or provide a baseline for future review. It is also meant to begin to define important information gaps. For gaps identified, the author should a) comment on whether there are initiatives ongoing that will help fill these gaps; and, b) if there are not such initiatives, provide some thoughts on what it would take to fill these gaps. (Apply to: major urban areas and nationally, as feasible.)

Topic 8 Core Information			
Variable	Quantitative Findings	Discussion of Limitations to Findings and Gaps in Data	Sources Used
8.1 LGAF Quantitative Monitoring Indicators			
8.1a The share of area mapped with rights identified	<i>Include date of data</i>		
8.1b The share of land registered in women's name (counting individual & joint)			
8.1c The number and prices of registered land transactions			
8.1d The value of land tax assessed and actually collected			
8.1e Area expropriated and compensation paid			
8.1f No. of pending land-related conflicts of different types in the court			
8.2 Indicators from the Blueprint for Strengthening Real Property Rights			
8.2a Real property-based credit as a percent of total credit of the system			
8.2b Mortgages rely on real property as a percent of registered property			
Topic 8 Core Information (continued)			
8.2c Average value per square meter of low income housing land ⁴⁶			
8.3 Third-party Comparative Indicators (these focus on formal markets in more developed areas)			
8.3a Ease of Registering a Property Transaction (Doing Business)	The author should update information from these sources presented in the scoping paper if new data is available. The author could also provide context for the ratings.		
8.3b Rule of Law (International Real Property Index, IRPI)			
8.3c Overall Quality of Property Rights (IRPI)			
8.3d Gender Bias (IRPI)			
8.3e Control of Corruption (World Governance Indicators)			

⁴⁶ This could be reported as a ratio to average household income disaggregated by categories of housing and income groups.

Annex 4. Guía para estudios de caso (Spanish Guide)

I. Contexto

Esta Guía de Estudio de Caso proporciona instrucciones y preguntas detalladas para orientar la recopilación de información y la comunicación de los resultados. El estudio de caso utilizará información tanto cualitativa como cuantitativa. Para facilitar la comparación, los autores deben incluir en sus informes toda la información básica que se indica en esta guía, así como usar la definición específica de los términos y expresar las preguntas tal como se hace aquí.

II. Instrucciones generales

Esta Guía para Estudios de Caso proporciona instrucciones y preguntas detalladas para orientar la recopilación de información y la comunicación de los resultados. El estudio de caso utilizará tanto información cualitativa como cuantitativa. Para facilitar la comparación, los autores deben incluir en sus informes toda la información básica que se indica en esta guía, así como usar la definición específica de los términos y expresar las preguntas tal como se hace aquí. El estudio de caso estará compuesto de un informe descriptivo fundamentado y de los cuadros rellenos que aquí se incluyen, con vistas a presentar la información de una manera breve pero completa.

A. Resumen del contenido del estudio de caso

El cuadro 1 muestra un resumen del informe del estudio de caso. Las directrices para la recopilación de la información siguen ese orden. La forma de llevar a cabo la recopilación de la información permitirá contar con un estudio de caso breve y fácil de leer, que presente de manera completa las motivaciones, avances y desafíos contemporáneos para lograr una plataforma de gobernanza de la tierra que propicie un desarrollo inclusivo y sostenible, centrándose especialmente en las áreas de urbanización. Los autores deben evitar largas descripciones. El informe debe estar compuesto por breves resúmenes de los resultados por tema acompañados de gráficos y tablas que presenten información destinada a un público de formuladores de políticas y que otorguen confianza a las observaciones.

B. Definiciones

Manejar definiciones diferentes de términos puede ser una fuente de confusión e incoherencias en la recopilación de la información. Términos como *tenencia de la tierra*, *derechos de propiedad*, *gestión de la tierra*, *gobernanza de la tierra*, *administración de la tierra* y otros términos varían en su definición y en las preferencias tanto a nivel local como en la comunidad de práctica. Es importante que los autores se sirvan de un conjunto común de definiciones al preparar sus estudios de caso. Animamos a que se tome como referencia el *Glossary of Common Land and Land Tenure Terms* del [USAID Land Tenure Framework](#) (Marco de Tenencia de la Tierra de USAID). También constituye una buena referencia el [Tesauro plurilingüe de Tierras de la FAO](#). Las definiciones se presentan en las secciones correspondientes de esta guía para garantizar la claridad de las orientaciones. Dos definiciones esenciales del glosario de USAID son importantes desde el principio de esta guía:

«Gobernanza de la tierra: Es el conjunto de reglas, derechos, políticas, procesos, instituciones y estructuras creados para gestionar el uso, la asignación, el acceso, el control, la propiedad, la gestión y la transferencia de las tierras y los recursos naturales que en ellas se encuentran.»

«Administración de la tierra: Se trata de la gestión de la información sobre la propiedad, el valor y el uso de la tierra y sus recursos asociados. La función de los sistemas de administración de tierras es registrar, mantener y facilitar información que dé lugar a la seguridad de la tenencia y apoye el mercado de tierras. (CEPE, 2004)»

C. Fuentes de información

La información necesaria para preparar el estudio de caso requerirá recopilar datos primarios. Una parte de la información, hechos y cifras está disponible a partir de fuentes secundarias, como las que figuran en la bibliografía del estudio preliminar, pero son limitadas. La recopilación de datos primarios requerirá obtener y analizar datos administrativos de organismos públicos y, posiblemente, de proveedores de servicios privados. También se harán entrevistas a personas clave y a grupos focales. En cada sección se ofrece orientación sobre dónde y cómo obtener la información necesaria. Algunos de los temas que se traten en los estudios de caso podrían requerir una mayor recopilación de datos para evaluar plenamente el tema o fundamentar las decisiones en torno a las políticas o los programas, por ejemplo, llevando a cabo encuestas de hogares, seguimiento de costos o análisis de costos y beneficios. Estos métodos van más allá del presupuesto y del alcance de estos estudios de caso. Sin embargo, cada sección incluirá asimismo una casilla para señalar la posibilidad de que falten datos y que haya que generar datos nuevos o más completos (encuestas administrativas, de hogares o de otro tipo).

D. Otras consideraciones

Se indican aquí otros aspectos importantes a tener en cuenta al elaborar el estudio de caso.

1. El estudio de caso debe referirse principalmente a la tierra y el desarrollo **de ciudades primarias y secundarias y de las áreas de urbanización que las rodean.**
2. El estudio de caso puede incluir temas de particular importancia que se encuentren fuera de las áreas urbanas y de urbanización.
3. En lugar de dejar espacios en blanco, indique los casos en que falten información o datos o que se trate de una cuestión no relevante para el contexto.

Cuadro 1: Contenido del estudio de caso	
Sección 1: Contexto del país	En esta sección, el autor debe repasar y actualizar el resumen sobre el país presentado en el estudio preliminar. El estudio de caso no necesita describir en detalle el contexto histórico (por ejemplo, no describan la evolución de la ley de tierras desde el comienzo de la historia del país; aunque puede ser útil citar estudios previos que ofrezcan detalles de ese tipo). Esta sección debe ser relativamente breve. Ha de transmitir lo esencial sobre las situaciones destacadas para el tema y sobre posibles puntos de entrada para mejorar una o más áreas de la gobernanza de la tierra en el contexto de la urbanización. También debe describir los avances y desafíos globales en la gobernanza de la tierra, pronunciándose sobre las cuestiones prioritarias para el diálogo sobre políticas y el diseño de programas (a partir de la información detallada de las siguientes secciones). Asimismo, incluirá un cuadro y una breve discusión acerca de los indicadores generales de desempeño de la gobernanza de la tierra. Deberá llamar la atención sobre cualquier falta de información y datos importantes que afecte a la capacidad del gobierno para resolver los desafíos y lograr avances en la gobernanza de la tierra y las áreas de impacto a que sirve, en particular la vivienda social y el desarrollo municipal.
Sección 2: Información básica sobre la gobernanza de la tierra	En esta sección, el informe debe proporcionar una visión concisa de la situación actual con respecto a la gobernanza de la tierra. Para ello ha de: 1) Describir las características básicas de la política en materia de tierra. Sin hacer un registro completo de las leyes y políticas, describa el marco legislativo y de políticas que rige la cuestión de la tierra. 2) Incluir una tipología de los tipos de derechos a la tierra y desarrollos (incluyendo el continuo de tierras formales e informales, individuales y colectivas, públicas y privadas que existan en el país). 3) Describir el panorama institucional. Habrá de presentar un cuadro de las entidades del sector público implicadas en la gobernanza de la tierra. 4) Describir las reformas de los últimos 10 años. Incluir un cuadro que muestre los proyectos de reforma recientes (entre 2005 y 2015) y previstos. <i>Nota: El estudio preliminar supone una información de partida para esta sección, que debe ser actualizada, aclarada y ampliada, según se requiera. Las plantillas y preguntas siguientes proporcionarán información adicional para esta sección.</i>
Sección 3-7: Evaluación de la situación en los temas clave de la gobernanza de la tierra	El estudio de caso debe utilizar las preguntas definidas en las siguientes secciones de esta guía para llevar a cabo una evaluación de la situación acerca de los temas clave de la gobernanza de la tierra. Para cada tema, se proporciona un conjunto concreto de preguntas. Como explica el estudio preliminar, estas preguntas se han extraído de diversas herramientas de evaluación existentes (entre las que también se incluyen citas) y no pretenden ser exhaustivas. La cuestión del género se integra en todos los temas. Las preguntas se presentan desde la perspectiva de las mejores prácticas. Por ejemplo, si la pregunta dice «¿Fija la ley la igualdad de derechos para las mujeres y los hombres (...)?»), una respuesta afirmativa estará acorde con las mejores prácticas de referencia. La información permitirá que el autor reúna las fortalezas, debilidades y vacíos de información. En todas las preguntas el foco serán las principales ciudades (que el autor del estudio de caso habrá de identificar), las tendencias nacionales (por ejemplo, aspectos legales y datos generales) y las tendencias rurales en la medida en que sean importantes en el contexto de las tendencias de urbanización (por ejemplo, la conversión de tierras agrícolas para un uso residencial). De esta manera, el conjunto de preguntas ha de permitir al autor caracterizar la situación actual, enmarcar una discusión sobre las prioridades para la reforma e identificar áreas para llevar a cabo una investigación más profunda en el marco de la cooperación técnica bajo la que se realiza el estudio de caso. El informe descriptivo debe resumir los resultados por tema.
Sección 8: Mapeo de las partes interesadas	El autor debe evaluar la situación para evaluar si se está preparado para la reforma. Al respecto incluirá la visión de los dirigentes políticos, valorará si hay un amplio consenso en torno a esa visión y la voluntad de reformar en la práctica, por ejemplo, entre los responsables técnicos del sector público y otras partes interesadas. Para cada gran laguna de información o de política que se identifique como prioridad en las secciones 3-7, el estudio de caso debe identificar quiénes son los actores clave para el cambio y qué tipo de influencia tienen. Se trata de identificar los puntos de entrada, los defensores de la reforma y los obstáculos con vistas a abordar las prioridades identificadas.

Sección Indicadores generales	9:	El estudio de caso ha de actualizar y ampliar los indicadores a nivel macroeconómico de terceros que se incluyen en el estudio preliminar. La guía proporcionará información sobre los indicadores a escala de país que puedan ser utilizados por los gobiernos para monitorear su avance.
Sección Conclusiones	10:	El autor debe hacer un repaso de las razones esenciales por las que la gobernanza de la tierra es importante en la actualidad, sobre todo en relación con los objetivos de desarrollo urbano, así como resumir los principales resultados del estudio de caso y sugerir áreas prioritarias a que dedicar una mayor atención.

III. Plantillas y preguntas básicas sobre la gobernanza de la tierra

Esta sección ofrece al autor un conjunto de modelos para la recopilación de la información de referencia sugerida para incluir en el Informe del Estudio de Caso y un conjunto de preguntas ordenadas por tema. Así, proporciona un conjunto básico de información para elaborar las secciones 2-7 y 9 antes descritas. La orientación de las secciones 1 y 8 se limita a la descripción del capítulo y el contenido preliminar que se encuentra en el estudio preliminar. Se espera que el autor sea conciso al responder a las preguntas y rellenar las plantillas; sin embargo, es probable que el espacio dejado en esta guía no sea suficiente. El autor ha de adaptar su propia plantilla según el formato utilizado en la orientación para recopilar información.

A. Plantillas de cuadros

El autor ha de crear una lista completa de las formas en que las personas acceden, usan y controlan la tierra y los bienes inmobiliarios. Se deben incluir las edificaciones y no solo la tierra sobre la que se asientan, pues eso proporciona contexto para el estudio de caso. Una buena referencia para comprender los diversos tipos posibles de tenencia urbana puede encontrarse en las páginas 2 y 4 del Resumen sobre la tenencia urbana de la tierra de USAID (disponible [aquí](#)). Siga viendo la plantilla en la página siguiente.

i. Tipos de tenencia

Cuadro de los tipos de tenencia			
<i>Identifique los tipos de tenencia que describan los derechos de acceso, uso y control de la tierra. Se incluirán los derechos a todos los tipos de tierra, por cualquier tipo de personas (mujeres, hombres, comunidades locales, pueblos indígenas), el Estado, detentados individual o grupalmente, formal o informalmente, y los derechos de acceso, uso y control primarios y secundarios.</i>			
Tipo de tenencia	Definición	Principales características Caracterizar el tipo de tenencia por categoría de género, geografía o uso de la tierra, grupo o individuo, tipo de documentación o evidencia (formal e informal) u otras características	Fuentes de información

ii. Panorama institucional

A partir de la versión preliminar de este cuadro que constaba en el estudio preliminar, complete este cuadro sobre el panorama institucional sirviéndose de esta plantilla.

Cuadro del panorama institucional			
Nombre de la entidad o de la unidad	Indique las relaciones institucionales	Nivel de gobierno (central, regional, local)	Mandato y funciones actuales en la gobernanza de la tierra
	Unidad con ministerio		
	Mandato compartido con otra entidad		

iii. Proyectos e Iniciativas

A partir del cuadro preliminar del anexo 1 del Estudio Preliminar, identifique las iniciativas y proyectos recientes (de los últimos 10 años) y planificados cuyo objetivo sea hacer frente a un reto importante o aplicar una mejora significativa en la gobernanza de la tierra. Se incluirán las iniciativas llevadas a cabo en el marco de los programas de vivienda social y otros programas de desarrollo urbano. Se recomienda crear una base de datos de proyectos en Excel u otro programa con más detalles y resumirlo en el estudio de caso en un cuadro siguiendo esta plantilla.

Cuadro resumen de proyectos e iniciativas		
Datos básicos sobre el proyecto o iniciativa (nombre, período de tiempo, valor)	Entidades participantes (organización principal, fuente de fondos, agentes de ejecución)	Descripción Describa brevemente el propósito, el lugar de aplicación, el servicio prestado y los principales resultados hasta la fecha

Para una iniciativa o un proyecto en curso o previstos, en la medida de lo posible, cite los obstáculos para el éxito del proyecto relacionados con problemas de fondo de los sistemas de información de bienes raíces o la política de tierras que están fuera del alcance del proyecto. En el relato sobre el contexto de la reforma, incluya un análisis de las principales limitaciones constatadas, recurriendo asimismo a la información recopilada para los siguientes temas.

B. Guía de preguntas por tema

Para la mayoría de los temas tratados en esta sección, varias de las preguntas se derivan de la versión de 2013 del [Manual de Implementación del LGAF, o Marco de Evaluación de la Gobernanza de la Tierra](#) (disponible en español, inglés y portugués). En las preguntas pertinentes, el enunciado o la referencia para la puntuación del indicador del LGAF fueron

(parcial o totalmente) convertidos en un formato de preguntas.⁴⁷ A continuación se indican los indicadores y dimensiones del LGAF utilizados. Asimismo, se usaron otras fuentes, que también se citan más adelante. Si en una pregunta no se cita ninguna fuente, es que la pregunta se basa en el conocimiento del consultor de la herramienta desarrollada por la USAID (“Blueprint for Strengthening Real Property Rights”), las Directrices Voluntarias de la FAO sobre la Gobernanza Responsable de la Tenencia de la Tierra, la Pesca y los Bosques (VGGT) y el trabajo de evaluación del sector en general.

Para responder a estas preguntas, el autor tendrá que usar su criterio para identificar las fuentes de evidencia. Para bastantes temas, habrá de recurrir a un enfoque combinado de uso de fuentes secundarias y recopilación de información de primera mano. En cuanto a los plazos y el presupuesto para estos estudios de caso, la recopilación de información de primera mano se limitará a datos administrativos de fácil acceso de las entidades relacionadas con la gobernanza de la tierra, entrevistas con personas clave o pequeños grupos de discusión.

Recuerde: El estudio de caso se centra en las principales zonas urbanas y en urbanización. En varias secciones será importante recurrir a la información de nivel nacional. Referirse a la información de la tierra rural solo será relevante en la medida en que tenga implicaciones en materia de urbanización o se vea afectada por esta.

Tema 1: Legislación y políticas públicas

Preguntas de Gobernanza de la Tierra (LGAF) e los Indicadores Globales de las Políticas de Vivienda (GHI)

Tema 1. Preguntas básicas			
Pregunta		Respuesta resumida con hechos y cifras clave (dé los detalles que considere necesarios)	Fuentes
1.1 El avance en la implementación de las políticas es documentada de manera sistemática y pública. <i>LGI 9.2.5</i> ⁴⁸	A	Las instituciones de tierras reportan sobre el avance e implementación de las políticas de manera regular (anual), los reportes son significativos y comprehensivos. Los reportes son públicamente accesibles.	
	B	Las instituciones de tierras reportan sobre el avance e implementación de las políticas de manera regular (anual), los reportes son significativos y comprehensivos. Los reportes NO son públicamente accesibles.	
	C	Las instituciones de tierras reportan sobre el	

⁴⁷ A pesar de que los estudios de caso están fuera del contexto de la implementación de un LGAF como tal, tiene sentido recurrir a la redacción tan decidida que proporciona. El LGAF implica un proceso estándar de reunir aportaciones de expertos y partes interesadas y consultas para llegar a una puntuación consensuada sobre un conjunto estándar de indicadores, dimensiones y puntuaciones. Incluso sin la aplicación de ese proceso, el marco de indicadores del LGAF está bien definido y completo, y cuenta con 27 indicadores y 120 dimensiones dentro de ellos. El alcance del estudio de caso no es tan amplio y su contexto es diferente. En los casos en que resultó pertinente, se utilizaron los indicadores y dimensiones del LGAF para definir las preguntas adecuadas que plantear en esta investigación de estudios de caso. Las preguntas derivadas del LGAF se complementan con una serie de preguntas adicionales.

⁴⁸ «LGI» Indicador de Gobernanza de la Tierra del LGAF.

		avance e implementación de las políticas pero de una manera que no permite un seguimiento significativo del progreso a lo largo de distintas áreas, o lo hace de manera esporádica.	
	D	Las instituciones de tierras reportan sobre el avance en implementación de las políticas solo en circunstancias excepcionales.	
1.2 Las autoridades estiman el costo – beneficio de la implementación de las políticas y se asignan recursos adecuados. <i>LG1 9.2.4</i>	A	Se calcula el costo de implementar las políticas de tierras, los beneficios esperados son identificados y comparados con el costo, y existe suficientes recursos y capacidad institucional para su implementación.	
	B	Se calcula el costo de implementar las políticas de tierras, aunque este costo no se basa necesariamente en una comparación de los costos y beneficios esperados. Existe un presupuesto, recursos humanos adecuados, y capacidad institucional adecuadas para su implementación	
	C	El costo de implementación de las políticas de tierras no es completamente calculado y /o los beneficiarios no se identifican completamente. Para implementar las políticas existe inadecuaciones en al menos dos áreas entre las siguientes: presupuesto, recursos o capacidad institucional.	
	D	El costo de implementación de las políticas de tierras no es calculado, y existe inadecuaciones en presupuesto y capacidades para implementar la política de tierras	
1.3 El reconocimiento del proceso conjunto de los derechos de tenencia. La ley reconoce un conjunto de los derechos que tienen los individuos, así como grupos (incluidos los derechos secundarios), así como los derechos en poder de las minorías y mujeres. <i>LG1</i>	A	Marco legal existente reconoce los derechos que llevan la mayoría de la población rural, ya sea mediante sistemas tradicionales de tenencia o estatutarias.	
	B	Marco legal existente reconoce los derechos que llevan la mayoría de la población urbana, ya sea mediante sistemas tradicionales de tenencia o estatutarias.	
	C	La tenencia de la mayoría de los grupos en las zonas rurales se reconoce formalmente, y existen regulaciones claras con respecto a los grupos ' organización interna y la representación legal.	
	D	La tenencia de grupo en las áreas urbanas informales es reconocida formalmente y regulaciones claras disponemos acerca de la organización interna y la representación legal de los grupos.	
	E	La ley ofrece oportunidades para los tenedores de tierra bajo habitual, el grupo o la tenencia colectiva de individualizar total o parcialmente propiedad de la tierra y el uso. Procedimientos para ello son asequibles , claramente especificado, salvaguardado , y seguido en la práctica	
	A	El marco legal existente reconoce los derechos detentados por más del 90% de la población urbana, sea mediante régimen legal o consuetudinario.	

1.4 Los derechos de tenencia de tierras urbanas se reconocen legalmente y se protegen en la práctica. <i>LGI 1.1.4</i>	B	El marco legal existente reconoce los derechos detentados por entre el 70 y 90% de la población urbana, sea mediante régimen legal o consuetudinario.	
	C	El marco legal existente reconoce los derechos detentados por entre el 50 y 70% de la población urbana, sea mediante régimen legal o consuetudinario.	
	D	El marco legal existente reconoce los derechos detentados por menos del 50% de la población urbana, sea mediante régimen legal o consuetudinario.	
1.5 Los derechos de propiedad de las mujeres a la tierra son iguales a los de hombres. ⁴⁹ <i>LGAFLGI2.7</i>	A	Los derechos de propiedad de las mujeres son iguales a los de los hombres entre y dentro de las generaciones (incluyendo en caso de herencia o divorcio), tanto en la legislación como en la práctica .	
	B	La igualdad de los derechos de propiedad de las mujeres a los hombres es establecido por la ley y la práctica seguida en la mayor parte del tiempo.	
	C	La igualdad de los derechos de propiedad de las mujeres a los hombres es establecido por la ley , pero hay considerables limitaciones para el ejercicio de esos derechos en la práctica .	
	D	La igualdad de los derechos de propiedad de las mujeres a los de los hombres no está establecido por la ley	
1.6 En las ciudades con tenencia informal existe una estrategia viable para la seguridad de la tenencia, la infraestructura y la vivienda. <i>LGI 3.5.2</i>	A	Existen regulaciones que no proporcionen incentivo para las nuevas ocupaciones informales y existe una estrategia para regularizar los derechos de tierra y proveer servicios a ocupantes informales existentes.	
	B	Existe una estrategia para regularizar los derechos de tierras y proveer servicios a los ocupantes informales existentes pero las regulaciones existentes proporcionan incentivos para nuevas ocupaciones informales	
	C	Existen estrategias para ocuparse de la informalidad urbana pero se centran solamente ya sea en la tierra o en los servicios pero no en ambos.	
	D	No hay ni proceso ni estrategia para implementarlo	
1.7 Existe política para asegurar la entrega de viviendas y servicios de bajo costo y se está implementando progresivamente. <i>LGI 3.3.1</i>	A	Existe una política para viviendas y servicios de bajo costo e instrumentos efectivos para implementarlos de modo que hay una trayectoria clara para proveer techo adecuado para todos.	
	B	Existe una política para viviendas y servicios de bajo costo pero la implementación no es siempre efectiva. Como resultado, el número de las personas que tienen albergue inadecuado declina pero sigue siendo alto. C: Existe una política para las viviendas y servicios de bajo costo pero la	
	C	Existe una política para las viviendas y servicios	

⁴⁹ Si desea más información sobre género y derecho a la tierra, puede consultar <http://www.fao.org/gender-landrights-database/en/> o el informe del Banco Mundial sobre Mujer, Empresa y el Derecho.

		de bajo costo pero la implementación tiene brechas importantes de modo que el número de personas con albergue inadecuado en realidad se incrementa.	
	D	No hay política para las viviendas y servicios de bajo costo y no hay provisiones que exijan a los desarrolladores privados atender al segmento más bajo del mercado de viviendas.	
1.8 ¿El organismo nacional o local de vivienda tiene una política definida para la eliminación y reurbanización de los barrios de chabolas? <i>Indicadores Globales de las Políticas de Vivienda (GHI) P5.1</i>	Sí		
	No		
1.9 Existen oportunidades accesibles para la individualización de la tenencia. <i>LG/ 1.2.1</i>	A	Cuando resulta deseable, la ley proporciona oportunidades para que los que detentan la tierra bajo un régimen consuetudinario, grupal o colectivo, puedan individualizar total o parcialmente la propiedad o uso de la tierra. Los procedimientos para hacerlo son accesibles, están claramente especificados, incluye salvaguardas para evitar el abuso por los poderosos o mejor informados, y estos procedimientos son consistentemente seguidos en la práctica	
	B	Cuando resulta deseable, la ley proporciona oportunidades para que los que detentan la tierra bajo un régimen consuetudinario, grupal o colectivo, puedan individualizar total o parcialmente la propiedad o uso de la tierra. Los procedimientos para hacerlo son accesibles, e incluye salvaguardas para evitar el abuso, pero estos procedimientos NO son consistentemente seguidos en la práctica y frecuentemente son aplicados de manera discrecional.	
	C	Cuando resulta deseable, la ley proporciona oportunidades para que los que detentan la tierra bajo un régimen consuetudinario, grupal o colectivo, puedan individualizar total o parcialmente la propiedad o uso de la tierra. Los procedimientos para hacerlo NO son accesibles o son poco claros, lo cual conduce a una amplia discrecionalidad o al fracaso en su aplicación, aun en los casos en los que los afectados desean la individualización	
	D	A pesar de ser deseable, la ley NO proporciona oportunidades para que los que detentan la tierra bajo un régimen consuetudinario, grupal o colectivo, puedan individualizar total o parcialmente la propiedad o uso de la tierra.	
1.10 Un régimen de condominio permite una gestión efectiva y el registro de la propiedad urbana. <i>LG/ 3.5.3</i>	A	La propiedad común en los condominios está reconocida y la ley tiene disposiciones claras para el manejo y la publicidad de registros relevantes que se siguen en la práctica.	
	B	La propiedad común en los condominios está reconocida y la ley tiene disposiciones claras para	

		el manejo y la publicidad de registros relevantes que no siempre se siguen en la práctica.	
	C	La propiedad común en los condominios está reconocida pero la ley (o las regulaciones) carecen de claridad para el manejo y la publicidad de los registros relevantes.	
	D	La propiedad común bajo el régimen de los condominios no está reconocida.	
1.11 ¿Están autorizados a poseer tierras los inmigrantes, los refugiados y los no ciudadanos? <i>GHI P1.5</i>	Sí		
	No		
1.12 ¿Existe una política nacional o local de vivienda para apoyar la privatización de la vivienda pública? <i>GHI P6.3</i>	Sí		
	No		

Preguntas adicionales

Tema 1. Preguntas básicas		
Pregunta	Respuesta resumida con hechos y cifras clave (dé los detalles que considere necesarios)	Fuentes
1.13 ¿Pueden adquirirse derechos formales mediante prescripción adquisitiva?		
1.14 ¿Se pueden registrar derechos de grupo en las zonas urbanas?		
1.15 ¿Cómo es la política para la propiedad de la tierra pública (nacional, regional, local)?		
1.16 ¿Existe un tribunal o corte especial para los juicios relacionados con disputas sobre los derechos a la tierra? ¿Pueden aplicarse técnicas de solución de diferencias a los conflictos de tierras?		
1.17 ¿Existe una ley de transacciones suficientemente afianzada? ¿Permite que se usen la tierra y los bienes inmuebles como garantía?		

Tema 2: Calidad de los derechos a la tierra y bienes inmuebles

Preguntas de Gobernanza de la Tierra (LGAF)

Tema 2. Preguntas básicas		
Pregunta	Respuesta resumida con hechos y cifras clave (dé los detalles que considere necesarios)	Fuentes
	A Los problemas identificados en el marco legal y procedimientos de tenencias para asuntos relacionados con tierras (incluyendo recursos renovables y del subsuelo) son plenamente consistentes y se dispone de un mecanismo unificado para las quejas y para la reparación de reclamaciones en caso de traslape.	

2.1 Los traslapes de derechos (basados en tipología de tenencia) son mínimos y no causan fricciones o disputas. <i>LGAF LGI 9.1.5</i>	B	El marco y procedimientos legales para asuntos relacionados con tierras (incluyendo recursos renovables y del subsuelo) son plenamente consistentes pero puede haber diferencias en la manera en que se manejan las quejas y la reparación de reclamaciones	
	C	El marco y procedimientos legales para asuntos relacionados con tierras (incluyendo los recursos renovables y del subsuelo) se ocupan de maneras muy diferentes de las materias relacionadas con tierras, pero tienen mecanismos que funcionan para corregir los traslapes.	
	D	El marco y los procedimientos legales para asuntos relacionados con tierras (incluyendo los recursos renovables y del subsuelo) se ocupan de maneras muy diferentes de los asuntos relacionados con tierras y no existen mecanismos efectivos para resolver el traslape.	

Preguntas adicionales

Tema 2. Preguntas básicas		
Pregunta	Respuesta resumida con hechos y cifras clave (dé los detalles que considere necesarios)	Fuentes
2.2 ¿Sienten las personas que su tenencia es segura? ¿Qué evidencias hay sobre la percepción de seguridad de la tenencia?		
2.3 ¿Son raros los desalojos sin un proceso adecuado?		
2.4 ¿Existe en la práctica la igualdad de género entre los derechos de las mujeres y hombres en el acceso, el uso o el control de la tierra?		
2.5 ¿Hay una baja incidencia de disputas sobre derechos de la tierra?		
2.6 ¿Cuáles son los principales tipos de conflictos?		

Tema 2. Información adicional: Evaluación resumida de la calidad general de los derechos a la tierra		
Criterios	Definición / referencia	Evaluación del desempeño respecto a los criterios
Integralidad	Se reconoce y respeta el espectro completo de los legítimos derechos de acceso, uso y control de la tierra, a lo largo de una serie continua de lo informal a lo formal, incluyendo los derechos individuales y de grupo para mujeres y hombres.	
Equidad (en la ley y en la práctica)	La ley garantiza la igualdad de derechos y se aplica de forma coherente en materia de etnia, edad, situación familiar y religión.	

Cumplimiento	Los derechos pueden ejercerse realmente; los titulares de derechos están protegidos contra los desalojos arbitrarios (sin el debido proceso y una indemnización adecuada) y los conflictos se pueden resolver sin demasiado tiempo y sin costo.	
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Tema 3: Sistemas de Información y servicios de registro y catastro

Para este tema, en primer lugar encuentre las respuestas a las preguntas básicas que figuran a continuación. Luego, complete la plantilla «Calidad general de los sistemas de información y servicios de registro y catastro» teniendo en cuenta las respuestas a esas preguntas y la información general de la investigación de antecedentes. En esta sección se incluye documentación de los derechos a la tierra y transacciones, así como archivos de registros físicos (mapas) y legales (por ejemplo, escrituras, alquileres, títulos o certificados de ocupación). Las preguntas de esta sección que requieran información cuantitativa podrían ser difíciles de contestar. Se pide al autor que determine si puede accederse fácilmente a los datos relevantes en fuentes administrativas o en fuentes secundarias recientes (de los últimos 5 años). El estudio de caso debe informar de la disponibilidad y limitaciones de datos así como de los resultados que puedan extraerse en el ámbito del estudio de caso. Podría haber información ilustrativa o parcial que indique cómo es la situación.

Preguntas de Gobernanza de la Tierra (LGAF)

Tema 3. Preguntas básicas			
Pregunta (con la fuente)	Respuesta resumida con hechos y cifras clave (dé los detalles que considere necesarios)		Fuentes
3.1 Los terrenos individuales en áreas urbanas están registrados y cartografiados. <i>LG/ 1.2.3</i>	A	Más del 90% de las parcelas individuales en áreas urbanas están formalmente registradas.	
	B	Entre el 70 y 90% de las parcelas individuales en áreas urbanas están formalmente registradas.	
	C	Entre el 50-70% de las parcelas individuales en áreas urbanas están formalmente registradas.	
	D	Menos del 50% de las parcelas individuales en áreas urbanas están formalmente registradas.	
3.2 Los terrenos individuales en las áreas rurales están registrados y cartografiados. <i>LG/ 1.2.2</i>	A	Más del 90% de las parcelas individuales en áreas rurales están formalmente registradas.	
	B	Entre el 70 y 90% de las parcelas individuales en áreas rurales están formalmente registradas.	
	C	Entre el 50-70% de las parcelas individuales en áreas rurales están formalmente registradas.	

	D	Menos del 50% de las parcelas individuales en áreas rurales están formalmente registradas.	
3.3 Los derechos de propiedad de las mujeres en las tierras según las leyes relevantes están registrados. <i>LGI 1.2.6</i>	A	Más del 45 % de las tierras registradas a las personas físicas se ha registrado en el nombre de la mujer, ya sea individual o conjuntamente.	
	B	Entre el 35 % y el 45 % de las tierras registradas a las personas físicas está registrado a nombre de la mujer, ya sea individual o conjuntamente.	
	C	Entre el 15 % y el 35 % de las tierras registradas a las personas físicas está registrado a nombre de la mujer , ya sea de forma individual o conjunta	
	D	Menos del 15 % de las tierras registradas a las personas físicas se ha registrado en el nombre de la mujer, ya sea individual o conjuntamente.	
3.4 Los procesos de formalización de viviendas urbanas son factibles y accesibles. <i>LGI 3.5.1</i>	A	Los requerimientos para formalizar vivienda en áreas urbanas (formalización de edificaciones, cumplimiento de normas de planeamiento urbano y regulaciones asociadas, obtención de certificados de pago de impuestos, etc.) son claros, directos, accesibles e implementadas de manera consistente y transparente	
	B	Los requerimientos para formalizar vivienda en áreas urbanas son claros, directos, accesibles, pero no son implementadas de manera consistente y transparente.	
	C	Los requerimientos para formalizar vivienda en áreas urbanas no son claros, directos o accesibles, pero algunos residentes de áreas informales se las arreglan para satisfacer los requerimientos.	
	D	Los requerimientos para formalizar vivienda en áreas urbanas se consideran de muy difícil cumplimiento.	
3.5 Se puede formalizar la posesión de tierras por los pobres en línea con las normas locales en un proceso eficiente y transparente. <i>LGI 6.1.1</i>	A	Hay un proceso claro y práctico para el reconocimiento formal de la posesión y se encuentra implementado de manera efectiva, consistente y transparente	
	B	Existe un proceso claro y práctico para el reconocimiento formal de la posesión pero no se implementa de manera efectiva, consistente y transparente.	
	C	El proceso para el reconocimiento formal de la posesión no es claro ni práctico. Asimismo, tampoco se implementa de manera efectiva, consistente y transparente.	
	D	No hay un proceso de reconocimiento formal de la posesión.	
3.6 La información en los registros públicos está sincronizada para asegurar la integridad de derechos y reducir el costo de las transacciones. <i>LGI 6.3.1</i>	A	Existen enlaces para todo tipo de registro de información de tierras públicas; se realiza verificaciones obligatorias para asegurar la legitimidad de cualquier transacción que afecte de manera importante los derechos a la tierra de ciertas partes antes de que puedan finalizarse.	
	B	Existen enlaces para todo tipo de registros de información de tierras públicas pero verificaciones sobre la legitimidad de las transacciones que afectan los derechos a las tierras de ciertas partes se realizan solamente ex post.	
	C	Existen enlaces para algunos tipos de información sobre tierras y las verificaciones son insuficientes para eliminar un número significativo de transacciones potencialmente fraudulentas.	
	D	No existen enlaces relevantes o los hay muy pocos.	

Preguntas adicionales

Tema 3. Preguntas básicas		
Pregunta (con la fuente)	Respuesta resumida con hechos y cifras clave (dé los detalles que considere necesarios)	Fuentes
3.7 ¿Cuáles son los principales factores que conducen a la informalidad?		
3.8 ¿Cuáles son los principales obstáculos para lograr derechos formales de propiedad?	Nota: Entre ellos podrían encontrarse deudas tributarias, las violaciones de la zonificación o la planificación, las violaciones del código de edificación, la falta de un proceso claro para formalizar un derecho legítimo pero no documentado y la dificultad de suministrar las pruebas y la identificación requeridas.	
3.9 Para los elementos identificados en la pregunta anterior, ¿resulta fácil superar esos obstáculos para los solicitantes individuales? ¿Se ofrecen o pueden ofrecerse soluciones en las políticas, como por ejemplo la condonación de las deudas tributarias para los casos en que se registre por vez primera una propiedad?		
3.10 ¿Se permite al sector privado (por ley y en la práctica) ofrecer servicios de administración de tierras (como servicios de agrimensura, preparación de documentos o servicios jurídicos y parajurídicos)?		
3.11 ¿Cuántos procedimientos son necesarios para los principales servicios (como obtener un derecho a tierras documentado, registrar una transferencia de terrenos o la medición de una parcela)? ¿Cuánto tiempo se tarda desde que se empieza hasta el final?		
3.12 ¿Hay una propuesta para reconocer los asentamientos informales que registre sus derechos a nivel comunitario?		
3.13 ¿Están cartografiadas las propiedades registradas (por mapas catastrales o mediciones de parcelas constantes en el registro)?		
3.14 ¿El registro está digitalizado? ¿Y permite efectuar búsquedas? ¿Están automatizados sus procesos institucionales? ¿Sus registros están actualizados?		
3.15 ¿Está el catastro digitalizado y automatizados sus procesos institucionales? ¿Sus registros están actualizados?		
3.16 ¿Las bases de datos del registro y del catastro son interoperables? ¿Comparten los datos?		
3.17 ¿Cómo se financian el registro y el catastro? ¿Preocupa su sostenibilidad?		
3.18 ¿Las parcelas tienen un número de identificación único de registro y de catastro?		
3.19 ¿Existe una plataforma web para el acceso público a la información sobre la administración de tierras? ¿Pueden hacerse transacciones en línea?		

Tema 3. Información adicional: Calidad de los sistemas y servicios de registro y catastro		
Criterios	Definición / referencia	Evaluación del desempeño respecto a los criterios
Integralidad	El registro y el catastro pueden registrar diversos tipos de derechos y transferencias (es decir, pueden registrar derechos más allá de la propiedad individual) y satisfacer las necesidades de información territorial de todas las personas y entidades.	<i>En el relato, tenga en cuenta cualquier variación significativa en los resultados entre entidades y niveles de gobierno.</i>
Exhaustividad	Un alto porcentaje de los registros son identificables en los mapas. Un alto porcentaje de los derechos a la tierra están registrados.	
Transparente	La información sobre las transacciones y los derechos sobre la tierra está accesible por parte del público con las garantías adecuadas.	
Complejo	La complejidad puede estar relacionada con el número de organismos involucrados, la claridad de los mandatos, si hay solapamiento vertical u horizontal, el número y la dificultad de los procedimientos administrativos y el tipo y la rigidez de los requisitos técnicos. Comente el nivel de complejidad desde el punto de vista de los usuarios finales de la información territorial y los servicios relacionados. ¿Es posible su racionalización?	
Equidad	Los servicios relacionados con los terrenos (registrar los atributos legales y físicos de los derechos y las transferencias) y la información territorial están disponibles y se proporcionan a todas las personas de manera coherente.	
Eficiencia	Los registros pueden obtenerse de forma oportuna. Las transacciones se registran sin demoras indebidas.	
Credibilidad	Los registros son fiables. Los funcionarios públicos son dignos de confianza.	

Tema 3: Información adicional: Capacidad de los recursos humanos (replique este cuadro para cada organismo relevante, por ejemplo, el registro público o el departamento de catastro)		
Nombre del organismo	Datos solicitados	Respuesta
	¿Cuántos especialistas en SIG certificados trabajan en el organismo? ¿Cuántos hay en el país?	
	¿Cuántos topógrafos cualificados están trabajando en el organismo? ¿Cuántos hay en el país?	
	¿Qué tipo de sistema de información territorial está en uso? ¿Consta el tipo de software?	
	¿Cuáles son las necesidades de capacitación de los organismos para la gestión de la información territorial? ¿Hay capacitaciones en el país?	

Tema 4: Planificación y gestión del uso de la tierra

Preguntas de Gobernanza de la Tierra (LGAF) e los Indicadores Globales de las Políticas de Vivienda (GHI)

Tema 4. Preguntas básicas			
Pregunta (con la fuente)	Respuesta resumida con hechos y cifras clave (dé los detalles que considere necesarios)		Fuentes
4.1 Las restricciones sobre el uso de tierras urbanas (riesgo de desastres) sirven efectivamente a los objetivos de las políticas públicas. <i>LG/ 3.1.2</i>	A	Existe una serie de regulaciones que en su mayor parte sirven a propósitos públicos y que se hacen cumplir.	
	B	Existe una serie de regulaciones que en su mayor parte sirven a propósitos públicos pero el cumplimiento es deficiente.	
	C	Existe una serie de regulaciones que generalmente no sirven a propósitos públicos pero que no se hacen cumplir.	
	D	Existe una serie de regulaciones que generalmente no sirven a propósitos públicos y se hacen cumplir.	
4.2 Las restricciones relativas a la transferencia de la propiedad de las tierras urbanas sirven efectivamente a los objetivos de las políticas públicas. <i>LG/ 3.1.1</i>	A	Existe una serie de regulaciones que generalmente sirven propósitos públicos y se hacen cumplir.	
	B	Existe una serie de regulaciones que en general sirven propósitos públicos pero que no se hacen cumplir	
	C	Existe una serie de regulaciones que generalmente no sirven un propósito público y no se hacen cumplir.	
	D	Existe una serie de regulaciones que generalmente no sirven a propósitos públicos y no se hacen cumplir	
4.3 El proceso de expansión urbana/el proceso de desarrollo de infraestructura es transparente y respeta los derechos existentes. <i>LG/ 3.2.1</i>	A	La información sobre la expansión urbana planificada y el desarrollo de infraestructura está disponible públicamente con suficiente anticipación y existe un proceso para que aquellos afectados se ocupen de los derechos de tierras que corresponden a normas reconocidas internacionalmente.	
	B	La información sobre expansión urbana planificada y desarrollo de infraestructura está disponible públicamente con suficiente anticipación y existe un proceso sistemático para que aquellos afectados manejen los derechos de tierras de un modo que no se encuentra totalmente en línea con las normas internacionales	
	C	La información sobre expansión urbana planificada y el desarrollo de la infraestructura está disponible públicamente con suficiente anticipación pero la manera en la que aquellos afectados manejan derechos de tierras es en gran medida ad hoc.	
	D	La información sobre expansión urbana planificada y desarrollo de la infraestructura no está disponible públicamente.	
4.4 Se proporciona compensación por la expropiación de todos los derechos sin importar su condición de registro. <i>LG/ 4.3.1</i>	A	Se paga compensación justa en especie o en efectivo que permite el mantenimiento de la condición social y económica previa a todos aquellos que tienen derecho en tierra expropiada (propiedad, uso, derecho de acceso, etc.) sin importar la condición de registro.	
	B	Se paga una compensación, en especie o efectivo, a todas las personas que tienen derechos sobre las tierras que van a ser expropiadas. Sin embargo, la compensación que se paga por los derechos no registrados imposibilita mantener el mismo estatus social y económico que se tenía antes de la afectación.	
	C	Se paga una compensación, en efectivo o especie, únicamente por algunos de los derechos no registrados (tales como posesión, ocupación, etc.). Sin embargo, aquellas personas que tengan otros derechos no registrados (tales como el pastoreo, servidumbre, la recolección de productos forestales, etc.) no serán indemnizados	

	D	No se compensa a las personas cuyos derechos no se encuentran registrados (tales como uso, ocupación, etc.).	
4.5 Se compensa por el cambio del uso de la tierra que resulta en pérdida selectiva de derechos. LG/ 4.3.2	A	Cuando fuera de un proceso de expropiación como resultado de un cambio de uso de las tierras las personas pierdan derechos, se les compensa en efectivo o de una manera equivalente, de tal manera que estas personas no solo tengan activos similares a los que tenían antes de la afectación sino que puedan mantener su estatus económico y social.	
	B	Cuando fuera de un proceso de expropiación como resultado de un cambio de uso de las tierras las personas pierdan derechos, se les compensa en efectivo o de una manera equivalente de tal manera que estas personas tengan activos similares a los que tenían antes de la afectación. Sin embargo, no podrán mantener su estatus económico y social.	
	C	Cuando fuera de un proceso de expropiación como resultado de un cambio de uso de las tierras las personas pierdan derechos, se les compensa en efectivo o de una manera equivalente. Sin embargo los activos no serán equivalentes a los que tenían antes de la afectación ni podrán mantener su estatus económico.	
	D	Cuando (sin considerar los procesos de expropiación) las personas pierden derechos como resultado de un cambio de uso de las tierras, no son compensados.	
4.6 ¿Hay algún precedente reciente en que el gobierno haya eliminado las barriadas pobres y haya transferido los terrenos baldíos al sector privado para su desarrollo? (GHI P5.2)	Sí		
	No		
4.7 El planeamiento del uso de la tierra guía efectivamente la expansión espacial urbana en la ciudad más grande. LGI 3.3.2	A	En la ciudad más grande, la expansión espacial urbana es guiada efectivamente por una jerarquía de planes de uso de la tierra regionales/detallados que se actualizan de manera regular y la intensidad del uso de la tierra se hace corresponder con la capacidad de carga de la infraestructura.	
	B	En la mayor ciudad del país, aun cuando la ley establece la necesidad de contar con una jerarquía de planes de uso de tierras regional/detallado, en la práctica la expansión del espacio urbano es guiado por la provisión de infraestructura (vías, desagües, servicios públicos, etc.) sin que los planes mencionados sean íntegramente puestos en práctica.	
	C	En la mayor ciudad del país, aun cuando la ley establece la necesidad de contar con una jerarquía de planes de uso de tierras regional/detallado, en la práctica la expansión del espacio urbano ocurre de manera ad-hoc con infraestructura (vías, desagües, servicios públicos, etc.) proporcionada tiempo después de la urbanización.	
	D	En la mayor ciudad del país, aun cuando la ley establece la necesidad de contar con una jerarquía de planes de uso de tierras regional/detallado, en la práctica la expansión del espacio urbano ocurre de manera ad-hoc con poca o ninguna infraestructura proporcionada en las áreas de más reciente ocupación.	
4.8 El planeamiento del uso de la tierra guía efectivamente el desarrollo urbano en las	A	En las cuatro ciudades más importantes el desarrollo es efectivamente guiado por una jerarquía de planes de uso de la tierra regionales/detallados que se actualizan regularmente y donde la intensidad del uso de la tierra se hace corresponder a la capacidad de carga de la infraestructura.	

siguientes cuatro ciudades más grandes. LGI 3.3.3	B	En las 4 ciudades más grandes del país, aun cuando la ley establece la necesidad de contar con una jerarquía de planes de uso de tierras regional/detallado, en la práctica el desarrollo urbano es guiado por la provisión de infraestructura que implementa solo una parte de los planes de uso de las tierras.	
	C	En las 4 ciudades más grandes del país, aun cuando la ley establece la necesidad de contar con una jerarquía de planes de uso de tierras regional/detallado, en la práctica el desarrollo urbano ocurre de manera ad-hoc con infraestructura (vías, desagües, servicios, etc.) proporcionada tiempo después de la urbanización.	
	D	En las 4 ciudades más grandes del país, en tanto que la ley establece la necesidad de contar con una jerarquía de planes de uso de tierras regional/detallado, en la práctica el desarrollo urbano ocurre de manera ad-hoc con poca o ninguna infraestructura proporcionada en las áreas de más reciente ocupación.	
4.9 El planeamiento urbano puede hacerle frente al crecimiento de la ciudad. LGI 3.3.4	A	En la ciudad más grande del país, el proceso de planificación urbana / autoridad es capaz para frenar la creciente demanda de unidades con servicio / de la tierra como lo demuestra el hecho de que casi todas las nuevas viviendas son formales	
	B	En la ciudad más grande del país, el proceso de planificación urbana / autoridad es capaz para frenar en cierta medida con la creciente demanda de unidades con servicio / tierra como lo demuestra el hecho de que la mayoría de las viviendas nuevas son formales.	
	C	En la ciudad más grande del país, el proceso de planificación urbana / autoridad es luchando para hacer frente a la creciente demanda de unidades con servicio / tierra como lo demuestra el hecho de que la mayoría de las viviendas nuevas son informales.	
	D	En la ciudad más grande del país, el proceso de planificación / autoridad urbana no puede frenar la creciente demanda de unidades con servicio / tierra como lo demuestra el hecho que casi todas las viviendas nuevas son informales.	
4.10 Existe un registro completo de las tierras públicas. LGI 4.1.2	A	Más del 50 % de la tierra del Estado se identifica claramente en el suelo o en los mapas.	
	B	Entre el 30 % y el 50 % de la tierra del Estado está claramente identificada en el suelo o en los mapas.	
	C	Menos del 30 % de la tierra del Estado se identifica claramente en el suelo o en los mapas.	
	D	La tierra del Estado no está claramente indicada en el suelo o en los mapas	
4.11 La información sobre las tierras públicas es accesible públicamente. LGI 4.1.3	A	Toda la información contenida en el inventario de tierras del Estado es accesible al público.	
	B	Toda la información contenida en el inventario de tierras del Estado es accesible al público, sin embargo la información referida a cierto tipo de tierras del Estado (tierra usadas para fines militares, servicios de seguridad, etc.) no está disponible por razones justificadas	
	C	La información contenida en el inventario de tierras del estado que se encuentra disponible solo está referida a un pequeño grupo de las tierras del Estado. Hay poca o ninguna justificación para que el inventario no sea accesible al público.	
	D	La información contenida en el inventario de tierras del Estado no se encuentra disponible al público.	

4.12 La responsabilidad de gestión de los diferentes tipos de tierras públicas está asignada sin ambigüedades. <i>LGI 4.1.4</i>	A	La responsabilidad de la gestión de los diferentes tipos de tierras públicas está asignada sin ambigüedades para servir a los objetivos de equidad y eficiencia y está implementado por instituciones equipadas apropiadamente.	
	B	La responsabilidad de la gestión para los diferentes tipos de tierra pública está asignada sin ambigüedades pero esto no ha sido siempre consistente con objetivos de equidad y eficiencia o las instituciones no están siempre equipadas apropiadamente de modo que a veces estos no se logran.	
	C	Existe ambigüedad en la asignación de responsabilidad o capacidad de gestión para distintos tipos de tierras públicas y/o brechas importantes de modo que a menudo no se logra en la práctica la equidad y la eficiencia.	
	D	La ambigüedad en la responsabilidad/habilidad de gestión para tierras públicas clave hace que sea casi imposible manejar estas de manera equitativa y eficiente.	
4.13 Toda la información esencial sobre las adjudicaciones de tierras públicas a intereses privados está accesible públicamente. <i>LGI 4.1.6</i>	A	La información clave sobre concesiones (la localidad y área de la concesión, las partes involucradas y los términos financieros de la concesión) está registrada y es públicamente accesible.	
	B	La información clave de las concesiones (la localidad y el área de la concesión, las partes involucradas y los términos financieros de la concesión) se encuentra parcialmente registrada pero es pública; o la información clave se encuentra registrada pero sólo una parte es pública.	
	C	La información clave de las concesiones (la localidad y el área de la concesión, las partes involucradas y los términos financieros de la concesión) se encuentra registrada o es parcialmente registrada pero no es pública.	
	D	No se registra la información relacionada a las concesiones.	

Preguntas adicionales

Tema 4. Preguntas básicas		
Pregunta (con la fuente)	Respuesta resumida con hechos y cifras clave (dé los detalles que considere necesarios)	Fuentes
4.14 Los permisos, ¿son fáciles de obtener? De no ser así, ¿por qué no lo son?		

Tema 5: Fiscalidad y valoración

Preguntas de Gobernanza de la Tierra (LGAF)

Tema 5. Preguntas básicas			
Pregunta	Respuesta resumida con hechos y cifras clave (dé los detalles que considere necesarios)	Fuentes	
5.1 Existen procesos claros para la valoración de propiedad. <i>LGI 7.1.1</i>	A	La valoración de tierras para propósitos tributarios se basa en valores de mercado con mínimas diferencias (menos de 25%) entre los valores registrados y los precios de mercado considerando tanto los distintos tipos de usos de tierra como los distintos usuarios. Los valores se actualizan regularmente.	
	B	Los valores de la propiedad para propósitos tributarios se basa en precios de mercado con significativas diferencias (25-50%) entre los valores registrados y los precios de mercado considerando tanto los distintos tipos de usos de tierra como	

		los distintos usuarios. Los valores no se actualizan regularmente.	
	C	Los valores de la propiedad para propósitos tributarios tienen alguna relación con los precios de mercado, pero existe diferencias significativas (50-75%) entre los valores registrados y los precios de mercado considerando tanto los distintos tipos de usos de tierra como los distintos usuarios. Los valores no se actualizan regularmente.	
	D	Los valores de la propiedad para propósitos tributarios claramente no se basan en precios de mercado.	
5.2 Las exoneraciones al impuesto predial están justificadas y son transparentes. <i>LGI 7.2.1</i>	A	Existe un número limitado de excepciones al pago del impuesto a la propiedad, las exoneraciones existentes están claramente justificadas en términos de equidad o eficiencia y éstas se aplican de manera transparente y consistente	
	B	Existe un número limitado de excepciones al pago del impuesto a la propiedad, las exoneraciones existentes están claramente justificadas en términos de equidad o eficiencia, pero estas no se aplican de manera transparente y consistente.	
	C	Las excepciones al pago del impuesto a la propiedad no están claramente basadas en consideraciones de equidad o eficiencia y no se aplican de manera transparente y consistente.	
	D	La racionalidad para el otorgamiento de excepciones al pago de impuestos a la propiedad no están claras y existe una considerable discrecionalidad al momento de otorgarlas.	
5.3 Los propietarios afectos al impuesto predial están identificados en un registro de contribuyentes. <i>LGI 7.2.2</i>	A	Más del 80% de los propietarios se encuentran identificados en un registro de contribuyentes del impuesto predial.	
	B	Entre el 80% y 70% de los propietarios se encuentran identificados en un padrón registro de contribuyentes del impuesto predial.	
	C	Entre el 70% y 50% de los propietarios se encuentran identificados en un registro de contribuyentes del impuesto predial.	
	D	Menos del 50% de los propietarios se encuentran identificados en un registro de contribuyentes del impuesto predial.	
5.4 Los impuestos sobre propiedades valorizadas son efectivamente recaudadas. <i>LGI 7.2.3</i>	A	Se recauda más del 80% de impuesto predial sobre las propiedades valorizadas.	
	B	Se recauda entre el 70% y 80% de impuesto predial sobre las propiedades valorizadas.	
	C	Se recauda entre el 50% y 70% de impuesto predial sobre las propiedades valorizadas.	
	D	Se recauda menos del 50% de impuesto predial sobre las propiedades valorizadas	

Preguntas adicionales

Tema 5. Preguntas básicas		
Pregunta	Respuesta resumida con hechos y cifras clave (dé los detalles que considere necesarios)	Fuentes
5.5 ¿El costo de recaudar los impuestos es menor que los ingresos recaudados?		
5.6 ¿Los impuestos sobre la propiedad se definen y administran a nivel local?		
5.7 ¿Los impuestos sobre la propiedad se usan para ofrecer servicios municipales a los ciudadanos a nivel local?		

Tema 6: Acceso a la tierra en el desarrollo urbano y mercados inmobiliarios

En este tema se explora de qué manera las personas acceden a la tierra para la vivienda y otras necesidades de desarrollo urbano (como albergar empresas, por ejemplo) y otras características de los mercados de tierras. Como se explica en el estudio preliminar, para entender realmente este tema, se necesita información cualitativa y cuantitativa más detallada que se base en una amplia encuesta de hogares bien estructurada y en un análisis de los datos administrativos más extenso. Ese tipo de investigación puede hacerse como seguimiento del estudio de caso, si sigue siendo una prioridad el tema de los mercados de tierras (u otros subtemas de este capítulo). La información y la perspectiva del estudio de caso serán muy valiosas para dar forma a ese tipo de investigación. De manera más inmediata, las siguientes preguntas pretenden proporcionar una visión general de la dinámica del mercado de tierras que se pueda utilizar en el diálogo político sobre las prioridades.

En las preguntas, el autor primero deberá responder basándose en la revisión de las fuentes de información secundarias. Si el tiempo y la financiación lo permiten, se recomienda al autor que reúna una muestra de datos administrativos sobre las variables básicas, como se indica a continuación, por ejemplo, tomando una o dos oficinas de registro de la propiedad de las dos principales ciudades. También es posible obtener información para algunas preguntas analizando noticias y medios de comunicación y conduciendo o caminando por algunas zonas y tomando nota de la información que pueda publicarse sobre la venta de terrenos. También deben efectuarse entrevistas a personas clave, entre ellos una muestra de proveedores de servicios inmobiliarios formales e *informales*, tales como agentes inmobiliarios, notarios, peritos, personal del registro de la propiedad y otros organismos relacionados con las transacciones formales de tierras.

Preguntas de Gobernanza de la Tierra (LGAF) e los Indicadores Globales de las Políticas de Vivienda (GHI)

Tema 6. Preguntas básicas			
Pregunta	Respuesta resumida con hechos y cifras clave (dé los detalles que considere necesarios)		Fuentes
6.1 ¿Es común que los residentes detenten la tierra mediante contratos de arrendamiento de largo plazo por parte del Estado (nacional o local)? (GHI P1.6)	Sí		
	No		
6.2 El número de ventas ilegales de tierras es bajo. <i>LG/ 1.2.4</i>	A	En la práctica ocurren pocas (si las hay) transacciones ilegales y existen mecanismos para identificar sin ambigüedad las ventas ilegales y se aplican de manera rutinaria.	
	B	El número de transacciones ilegales de tierras es bajo y algunas se identifican sin ambigüedad de manera rutinaria.	

	C	El número de transacciones ilegales de tierras es alto y algunas se identifican sin ambigüedad de manera rutinaria.	
	D	El número de transacciones ilegales de tierras es alto y ninguna se identifica sin ambigüedad de manera rutinaria.	
6.3 El número de transacciones de arrendamiento ilegal es bajo. LGI 1.2.5	A	Existen restricciones legales sobre el arrendamiento de tierras (si lo hubiera) y están claramente identificadas, ampliamente aceptadas y se cumplen a cabalidad.	
	B	Existen restricciones legales sobre el arrendamiento de tierras (si lo hubiera) y están claramente identificadas, justificadas y aceptadas por todas las partes de la sociedad pero no plenamente comprendidas por los usuarios de tierras, de modo que el cumplimiento es parcial.	
	C	Existen restricciones legales sobre el arrendamiento de tierras y están claramente identificadas pero no plenamente justificadas o aceptadas por los usuarios de tierras, de modo que el cumplimiento es parcial.	
	D	Las restricciones legales existentes sobre el arrendamiento de tierras se dejan de lado rutinariamente	

Preguntas adicionales

Tema 6. Preguntas básicas		
Pregunta	Respuesta resumida con hechos y cifras clave (dé los detalles que considere necesarios)	Fuentes
6.4 ¿Cuáles son los principales modos de adquisición de derechos a la tierra para la vivienda? (compra, herencia, alquiler, arrendamiento, asignación estatal, etc.). Indique cualquier relación que se dé entre esos modos y los tipos de tenencia incluidos en la tipología y las categorías sociodemográficas.		
6.5 ¿Hay mercados de tierras formales e informales (para venta, para alquiler)? ¿Cuál predomina?	<i>Nota: Trate las diferencias entre lugares dentro de las principales zonas urbanas y entre zonas del país. Indique asimismo las diferencias según el tipo de uso del suelo (residencial (barriadas pobres, asentamiento, parcelación, vivienda pública) y no residencial).</i>	
6.6 ¿Qué porcentaje de parcelas o viviendas se transfieren cada año?	<i>Nota: Si los datos no están disponibles, proporcionar una visión subjetiva de la forma en que los mercados son activos.</i>	
6.7 ¿Los contratos de arrendamiento de tierras públicas son transferibles? Si es así, ¿cuál es el papel del Estado?		
6.8 ¿Cómo suelen financiarse las transacciones? ¿Qué diferencias hay al respecto según los segmentos de mercado?		
6.9 ¿Son comunes los préstamos garantizados en que se usan como garantía el título de propiedad o		

el arrendamiento?		
6.10 ¿Hay microcréditos para la vivienda? ¿Tienen requisitos de garantías reales o tácitamente aplicados en función de la documentación de la tenencia?		
6.11 ¿Qué servicios inmobiliarios proporciona el sector privado (formal o informal)?		
6.12 ¿Los procesos de asignación y adjudicación de tierras públicas son claros y suficientes para satisfacer las demandas de los pobres? ¿Y de inversionistas?		
6.13 ¿Qué variables parecen afectar a los precios de venta de los terrenos?	<i>Nota: Por ejemplo, la distancia al centro de la ciudad, el acceso al transporte, las oportunidades de empleo, los servicios de utilidad pública, el tipo de documento de los derechos del vendedor (por ejemplo, escritura de propiedad), las características del barrio (barriada pobre, asentamiento informal, parcelación, creación de viviendas privadas, de viviendas públicas).</i>	
6.14 ¿Qué variables parecen afectar a los precios de alquiler de los terrenos?		
6.15 ¿Qué información sobre las transacciones de terrenos está disponible públicamente en los registros oficiales?		
6.16 ¿Qué otras fuentes de información fiables sobre el mercado inmobiliario hay? ¿Se actualizan?		

Tema 7: Temas especiales

En algunos lugares, es importante describir las características de los temas tratados en 7a y 7b. Al igual que sucede con el tema de los mercados de tierras, el estudio de caso no es adecuado para presentar una evaluación profunda de esas áreas temáticas. No obstante, esbozar una breve evaluación en esa línea podría señalar importantes lagunas en el ámbito de la información o las políticas. En el punto 7c se repiten las preguntas específicas de cada país del estudio preliminar. Cada autor debe utilizar la información de las secciones anteriores de la guía para estudios de caso, ofreciendo mayores detalles y dando información adicional que podría resultar necesaria para responder a las preguntas. Los resultados deben utilizarse como base para las conclusiones generales acerca de las áreas de impacto para las reformas de la gobernanza de la tierra y las correspondientes áreas de acción prioritarias.

7.a. Vincular la gobernanza de la tierra a la gestión del agua, la pesca y las zonas costeras

Las Directrices Voluntarias de la FAO sobre la Gobernanza Responsable de la Tenencia proporcionan orientación sobre las buenas prácticas internacionales en cuestiones de gobernanza de la tenencia en relación con los recursos hídricos y de tierra. Ya está disponible una versión preliminar de la [Guía técnica sobre la pesca](#), que describe cómo pueden aplicarse

los temas de la gobernanza de la tierra en las zonas costeras y a la pesca. Aparte de las tierras costeras, en algunos entornos la expansión urbana en las zonas rurales puede plantear riesgos también para la calidad del agua dulce. Si estas cuestiones son muy importantes para el país objeto de estudio (véanse los temas de debate en el estudio preliminar), el autor debe evaluar de qué manera la situación de la tenencia de la tierra se superpone con asuntos de gestión de zonas costeras, agua y pesca recurriendo a la guía técnica correspondiente como una referencia clave. Los Indicadores LGAF 3.2, 3.3 y 4.5 también son relevantes. Como mínimo, el estudio de caso debe poner de relieve si las cuestiones de gobernanza de la tierra se entienden actualmente dentro de ese marco y si los datos sobre la tenencia de tierras se utilizan para fundamentar las iniciativas para hacer frente a esas cuestiones particulares sobre el uso del suelo y los recursos hídricos.

7.b. Reducción del riesgo de desastres y gestión de desastres

Si las principales ciudades analizadas en el estudio de caso se enfrentan a importantes riesgos de desastres naturales, identifique si las cuestiones de gobernanza de la tierra se entienden o no en ese marco y si hay datos sobre la tenencia de tierras disponibles para su uso en las iniciativas para reducir el riesgo de desastres y planificar la respuesta a los desastres. ¿De qué manera la falta de tenencia formal y de unos servicios eficientes de gestión de las tierras obstaculizan los esfuerzos previos de recuperación de desastres, en su caso?

7.c. Sugerencias y preguntas para ciertos países para el estudio de caso

A continuación se muestra una guía específica para cada país. Estas sugerencias y preguntas deben contestarse en el informe y también pueden sugerir al autor temas a que dar prioridad a la hora de responder a las preguntas comunes. Es probable que estas requieran información adicional respecto a la que puedan proporcionar las respuestas a las preguntas comunes.

Preguntas específicas para el estudio de caso de Barbados

1. ¿Qué se necesita para reducir la ineficiencia en la asignación de tierras, como cambios en la política pública y en los procesos de zonificación, la conversión de tierras o la planificación del uso de la tierra? ¿Y para abordar los problemas de las tierras familiares? ¿Cómo contribuirá la mejora de la gestión de la información territorial?
2. ¿Hay información actualizada sobre el número de parcelas que existen, el universo de la informalidad y un inventario de asentamientos ilegales (informales o legales)?
3. ¿Qué se hizo o se dejó de hacer en respuesta a la valoración catastral de 2005? Si no se realizó ningún seguimiento, ¿a qué se debió? Haga un mapeo de las partes interesadas e identifique otros obstáculos para la adopción de las sugerencias.
4. ¿Cuál es la opinión del investigador sobre la utilidad de pasar de un sistema de escrituras a uno de títulos y sobre la posibilidad de revertir formalmente la decisión tomada para introducir el sistema de títulos?
5. ¿Qué lecciones pueden extraerse del Programa de Vivienda y de Mejora de Barrios, financiado por el BID, como la eficiencia de los procesos de titulación y registro, el

acceso a información sobre la tierra para la planificación, en particular sobre derechos a la tierra?

6. ¿El diagnóstico elaborado bajo la Iniciativa de Ciudades Emergentes y Sostenibles (véase más abajo) identificó dificultades específicas de gobernanza de la tierra? ¿Cómo encaja con las conclusiones generales del estudio de caso? ¿Hubo problemas específicos relacionados con la gestión de información territorial?
7. ¿Qué mejoras específicas para la gestión de la información territorial harán aumentar la recaudación tributaria?

Sugerencias específicas para el estudio de caso de Trinidad y Tobago

1. El estudio de caso debe describir los precedentes recientes en la aplicación de las recaudaciones obligatorias para las inversiones en infraestructura y gestión ambiental. Hay que incluir algunos ejemplos para ilustrar las cuestiones en juego.
 - a. ¿Cuán extendidas están las cuestiones relativas a la suficiencia de los datos consignados y las consultas o denuncias de corrupción, según las informaciones recientes de las noticias⁵⁰?
 - b. ¿En qué sentido preocupan ciertas cuestiones sobre la gestión de la información territorial y políticas o procedimientos específicos?
2. En relación con las inversiones en sistemas de gestión de la información territorial (por ejemplo, SALIS y CMIS) y para el funcionamiento del registro y el catastro, el estudio de caso debe evaluar los factores que afectan a la sostenibilidad.
3. ¿Las inversiones en curso y previstas proporcionan la calidad y la eficiencia del acceso a la información necesarias para lograr las metas de regularización, para servir de base a los planes de reducción del riesgo de desastres, para recaudaciones públicas relacionadas con la infraestructura, para las conversiones de tierras gestionadas, y para hacer frente a la situación de las tierras familiares, a lo largo del tiempo? Para cada punto, dé una opinión y una breve explicación de por qué opina así.
4. Más allá de permitir la interoperabilidad del registro y el catastro, ¿hay otras oportunidades para integrar la información sobre las tierras y lograr eficiencia y una mayor fiabilidad? Especifique dónde se encuentra actualmente la información, qué se usa para ello y qué pasos clave deberían seguirse para integrar los datos.
5. Proporcione una breve aclaración sobre el contexto para explicar por qué la titulación sistemática de tierras aún no se ha aplicado a gran escala. ¿Cómo se relaciona ese aspecto con las deficiencias en la gestión de información territorial? ¿Qué otros factores son importantes (por ejemplo, la complejidad institucional, la falta de recursos financieros o humanos)?
6. Complete y aclare la lista de reformas legales recientes y actuales relacionadas con la mejora de la gobernanza de la tierra. ¿De qué manera producirán mejoras en la gestión de la información territorial? Aclare la situación de la legislación y en qué medida se ha aplicado.
7. Explique de qué forma las cuestiones de gobernanza de la tierra afectan al acceso y la gestión de las tierras costeras. Proporcione ejemplos que muestren cómo la mejora de

⁵⁰ www.guardian.co.tt/news/2014-10-11/land-owners-block-oas

la gestión de la información territorial es relevante para la gestión de las tierras costeras.
¿Qué tipo de mejoras proporciona?

Sugerencias específicas para el estudio de caso de Panamá

1. ¿Qué resultados están teniendo el conjunto de reformas legales introducidas en los últimos 10 años (mencionados anteriormente)? ¿Hay lagunas que podrían explicar las cuestiones no cubiertas por la evaluación de la situación sobre la gobernanza de la tierra llevada a cabo en el estudio de caso?⁵¹ ¿Cuál es el papel de la gestión de la información territorial para apoyar el adecuado desempeño de las reformas?
2. ¿Qué factores afectaron a la sostenibilidad de las inversiones anteriores en sistemas de administración territorial (títulos, catastro y registro)? El estudio de evaluación comparativa del BID (BID 2014) señala un riesgo para la sostenibilidad de la regularización «si las condiciones que conducen a la informalidad no cambian». El estudio de caso debe tratar de comprender la necesidad de reinversión, por ejemplo por la ANATI, para actualizar su información y sistemas catastrales, y ver lo significativo que es el riesgo de que tierras tituladas vuelvan a la informalidad debido a la falta de registro de las transacciones posteriores, o si ya está sucediendo.
3. ¿Qué impacto tuvieron los nueve planes de uso de la tierra preparados por el Programa Nacional de Administración de Tierras (PRONAT)? La evaluación final del PRONAT (Latin Consulting 2014) sugiere que el plan se ejecutó en Darién, pero no está claro que sucediera lo mismo en las demás provincias. Si no fue así, ¿a qué se debió? Si fue así, ¿en qué benefició? ¿La gestión de información territorial supuso una limitación? ¿De qué manera?
4. ¿Cómo podrían los principales esfuerzos actuales de revitalización urbana beneficiarse de la mejora de la información y los servicios de administración territorial? La Iniciativa de Ciudades Emergentes y Sostenibles del BID apoyó estudios relacionados con la revitalización prevista del Barrio La Exposición (una zona histórica de la ciudad de Panamá). ¿De qué manera se tuvieron en cuenta las cuestiones de gobernanza de la tierra en las conclusiones de esos estudios y en el plan? ¿Hay lecciones de iniciativas previas de revitalización urbana, como la del Proyecto Piloto para la Revitalización Urbana y el Alivio de la Pobreza en Colón (un préstamo de innovación concedido por el BID en 2003) relacionadas con la administración de tierras? El documento del préstamo señala riesgos relativos a la adquisición de inmuebles para ser renovados y sobre las actitudes respecto a los derechos. ¿Qué lecciones pueden extraerse de las nueve prácticas de planificación del uso de la tierra realizadas en el marco del PRONAT?
5. ¿Cuál es el alcance actual estimado de los registros de tierras irregulares? ¿Cuáles son las principales razones por las que el PRONAT tenía dificultades para abordar esta cuestión (Latin Consulting 2014)? ¿De qué manera afecta a eso la política de zonificación?

⁵¹ Al respecto se debería explicar el Reglamento de Concesiones Turísticas (Ley nº 2 de 2006 y el Decreto Ejecutivo 85 de 2006); la Ley de Expropiación Extraordinaria (Ley 20 de 2009), la de Titulación de Zonas Costeras y el Territorio Insular (Ley 80 de 2009 y Decreto Ejecutivo 45 de 2010el); Nuevo Código Agrario (Ley 55 de 2011); y el Reglamento sobre las Tierras Colectivas Indígenas (Decreto Ejecutivo 223 de 2010).

6. La evaluación final del PRONAT (Latin Consulting 2014) afirma que no se examinaron la eficiencia y la eficacia del sistema de valoración en masa. Podría ser útil profundizar en esa cuestión, dadas las necesidades de Panamá de promover la eficacia de sus finanzas fiscales y de reforzar la descentralización.
7. ¿Cuáles son las principales lecciones de la experiencia de Panamá en la modernización de la administración de tierras que podrían ser relevantes para los otros cuatro países?

Sugerencias específicas para el estudio de caso de Brasil

La escala, la complejidad y la diversidad interna de los desafíos de la gobernanza de la tierra en todo Brasil constan en el informe de evaluación de la gobernanza de la tierra (Banco Mundial 2014b). En ese contexto, el estudio de caso tendrá que centrarse en una o dos ciudades o municipios medianos prioritarios, usando información estatal y nacional solo cuando sea necesario para el contexto. Para ayudar a definir la ubicación, tenga en cuenta que la estrategia de país del BID da prioridad a las regiones Nordeste y Norte y que el informe sobre la evaluación de la gobernanza de la tierra (Banco Mundial 2014b) sugiere que esas mismas regiones tienen una prioridad media-alta desde el punto de vista del impacto de las mejoras en las áreas de regularización y suministro de lotes de vivienda dotadas de servicios. El autor del estudio de caso hará la selección tras leer el estudio preliminar (en especial la sección sobre Brasil), y tratará con el director técnico del BID sobre la asignación y proporcionará una fundamentación en el informe del estudio de caso. El estudio de caso citará los Informes de Evaluación de la Gobernanza de la Tierra de ámbito nacional y los relevantes de ámbito estatal (si hubiera alguno) en lo tocante a todas las preguntas de la guía para estudios de caso derivadas del Marco de Evaluación de la Gobernanza de la Tierra (LGAF), dado que no se prevé actualmente ningún cambio en la respuesta. Para las preguntas de la guía para estudios de caso que no procedan del LGAF, el autor debe proporcionar información relevante de ámbito nacional, estatal o local. He aquí algunas preguntas específicas que se podrían plantear.

1. ¿Existe una brecha significativa entre la igualdad jurídica de las mujeres con respecto a los derechos a la tierra y la desigualdad en la práctica en las zonas urbanas seleccionadas?
2. ¿Se tomaban medidas eficaces, en particular a través de la comisión interministerial sobre la gobernanza de la tierra, en relación con los resultados en materia de gobernanza de la tierra que afectarían a los entornos urbanos?
3. ¿Qué se puede aprender de un mapeo de las partes interesadas en torno a la aplicación del Estatuto de la Ciudad y otras herramientas legislativas y de implementación clave (como la parcelación obligatoria o los derechos preferenciales) relacionados con la regularización de la tierra? ¿Puede extraerse de ahí una función para mejorar la gestión de la información territorial?
4. ¿De qué manera la dinámica y las regulaciones del mercado inmobiliario limitan la oferta de parcelas con servicios formales accesibles a los pobres? ¿Qué lagunas en la información limitan la capacidad de responder a esta pregunta?

5. ¿De qué forma funcionan los incentivos a participar en la regularización como los que se ofrecen en los estados de Pará y São Paulo (tal como se describe en el informe sobre la gobernanza de la tierra (Banco Mundial 2014b)) y qué cambios han provocado hasta la fecha?
6. ¿Qué precedentes hay de decisiones judiciales que hayan apoyado o contradicho el marco político de los derechos a la ciudad, el desarrollo y la tierra regularizada?
7. ¿Qué lecciones positivas se han sacado hasta ahora del Programa Terra Legal en materia de coordinación interinstitucional e intercambio de información territorial?

Preguntas específicas para el estudio de caso de Ecuador

1. ¿Qué mecanismos potenciales hay para recoger los datos básicos sobre el mercado inmobiliario de manera regular?
2. ¿Cómo podría una encuesta de hogares que recoja las transacciones tanto informales como formales de los mercados inmobiliarios proporcionar una mejor información para el debate en curso sobre las políticas acerca de la tierra y sus instrumentos de aplicación? ¿De qué manera se relaciona el SigTierras (y cómo podría o debería relacionarse) con las iniciativas para establecer catastros de usos múltiples? ¿Es sostenible el SigTierras desde el punto de vista del uso y económico?
3. ¿Cuáles son las posiciones más importantes de las partes interesadas sobre la legislación propuesta actualmente?
4. ¿Qué tipos de intervenciones programáticas serían más útiles para avanzar hacia la implementación de leyes y políticas sobre tierras en las zonas urbanas? Refiérase específicamente a lo que puede hacerse para mejorar la gestión de información territorial.
5. ¿Cuáles son las necesidades específicas de desarrollo de capacidades de los GAD en las áreas básicas de la gobernanza de la tierra? ¿Qué necesidades de formación específicas se plantean para la gestión de la información territorial?

Tema 8: Seguimiento de los avances logrados

En esta sección, el autor debe reunir información cuantitativa disponible (de fuentes administrativas primarias o secundarias) recurriendo a los datos más recientes de que se disponga. No deben utilizarse fuentes secundarias que daten de más de cinco años. La información recabada en esta sección puede utilizarse para caracterizar la situación actual o proporcionar una referencia para una futura revisión. También tiene la intención de comenzar a definir importantes vacíos de información. Para los vacíos detectados, el autor debe: a) comentar si existen iniciativas en curso que ayuden a llenar estos vacíos, y, b) si no hubiera iniciativas de ese tipo, proporcionar algunas ideas sobre qué se necesitaría para colmar tales vacíos. **(Aplicar a: las principales zonas urbanas y a escala nacional, según se pueda.)**

Tema 8. Información básica			
Variable	Resultados cuantitativos	Discusión sobre las limitaciones de los resultados y las lagunas en los datos	Fuentes
8.1 Indicadores de monitoreo cuantitativos del LGAF			
8.1a Proporción de área mapeada en que se han identificado derechos	<i>Incluya la fecha de los datos</i>		
8.1b Proporción de tierra registrada a nombre de mujeres (tanto de forma individual como conjunta)			
8.1c Número y precios de las transacciones de tierras registradas			
8.1d Valor del impuesto sobre la propiedad evaluado y realmente recaudado			
8.1e Área expropiada e indemnización pagada			
8.1f Número de conflictos relacionados con la tierra de diferentes tipos pendientes de fallo en los tribunales			
8.2 Indicadores del Plan de Fortalecimiento de los Derechos de Propiedad			
8.2a Crédito basado en la propiedad como porcentaje del crédito total del sistema			
8.2b Hipotecas basadas en propiedades como porcentaje de la propiedad registrada.			
8.2c Valor promedio por metro cuadrado de tierra para viviendas para familias de bajos ingresos ⁵²			
8.3 Indicadores comparativos de terceros (estos se centran en los mercados formales en las zonas más desarrolladas)			
8.3a Facilidad para registrar una transacción de bienes inmuebles (Doing Business)	El autor debe actualizar la información de estas fuentes presentada en el estudio preliminar si hubiera nuevos datos disponibles. También podría proporcionar un contexto para las valoraciones.		

⁵² Esto podría informarse como razón de ingresos medios del hogar desglosados por categorías de grupos de viviendas e ingresos.

8.3b Principio de legalidad (Índice Internacional de Bienes Inmuebles, IRPI)			
8.3c Calidad general de los derechos de propiedad (IRPI)			
8.3d Sesgo de sexo (IRPI)			
8.3e Control de la corrupción (Indicadores de Gobernanza Mundial)			

Anexo 5. Guia do estudo de caso (Portuguese Guide)

I. Contexto

Este Guia do estudo de caso fornece instruções e perguntas detalhadas para orientar a coleta de informações e o relatório das conclusões. O estudo de caso usará informações qualitativas e quantitativas. Para fins de comparação, os autores deverão incluir em seus relatórios todas as informações básicas indicadas neste guia e usar a definição específica de termos e a articulação de perguntas fornecidas aqui.

II. Instruções gerais

Este Guia do estudo de caso fornece instruções e perguntas detalhadas para orientar a coleta de informações e o relatório das conclusões. O estudo de caso usará informações qualitativas e quantitativas. Para fins de comparação, os autores deverão incluir em seus relatórios todas as informações básicas indicadas neste guia e usar a definição específica de termos e a articulação de perguntas fornecidas aqui. O estudo de caso deve incluir um relatório narrativo embasado e acompanhado pelas versões preenchidas dos quadros incluídos neste guia, conforme necessário para apresentar as informações de forma concisa mas abrangente.

A. Visão geral do conteúdo do estudo de caso

O quadro 1 apresenta um esboço do Relatório do estudo de caso. A orientação para coleta de informações segue essa ordem. A metodologia de coleta de informações produzirá um estudo de caso conciso e de fácil leitura, abrangente na apresentação das motivações contemporâneas para alcançar a plataforma de governança fundiária para o desenvolvimento inclusivo e sustentável com foco em áreas em urbanização, e nos avanços e desafios para chegar a ela. Os autores devem evitar longas descrições. Recomenda-se que o relatório seja composto por breves resumos narrativos de conclusões por tema, acompanhados por gráficos e quadros que apresentem as informações de modo adequado a um público de formuladores de políticas e validem as conclusões.

B. Definições

A variação na definição de termos pode causar confusão e falta de uniformidade na coleta de informações. A definição de termos como posse da terra, direitos de propriedade, gestão fundiária, governança fundiária, administração fundiária e vários outros variam conforme o local e a comunidade da prática. É importante que os autores tenham um conjunto comum de definições em mente ao elaborar seus estudos de caso. Recomendamos a consulta ao [USAID Land Tenure Framework](#), Glossary of Common Land and Land Tenure Terms (Glossário de termos comuns sobre questões fundiárias e de posse da terra). O [FAO Multilingual Thesaurus on Land](#) também é uma boa fonte para consulta. As definições são incorporadas a cada seção deste guia conforme a necessidade a fim de assegurar a clareza da orientação. Duas definições de alto nível do glossário do USAID são importantes já no início deste guia:

“Land Governance (governança fundiária): conjunto de regras, direitos, políticas, processos, instituições e estruturas criadas para administrar o uso, destinação, acesso,

controle, propriedade, gestão e transferência da terra e dos recursos naturais nela encontrados".

"Land Administration (administração fundiária): gestão de informações relativas à propriedade, valor e uso da terra e seus respectivos recursos. A função de um sistema de administração fundiária é registrar, manter e disponibilizar informações que possam imprimir segurança à posse da terra e viabilizar o mercado fundiário (UNECE, 2004)".

C. Fontes de informação

As informações necessárias para a elaboração do estudo de caso serão fruto da coleta de dados primários. Algumas informações, fatos e cifras provêm de fontes secundárias, como as listadas na bibliografia do documento de definição de escopo, mas são limitadas. Para a coleta de dados primários, será necessária uma combinação de obtenção e análise de dados administrativos de órgãos públicos e possivelmente de prestadores de serviços privados. Também serão necessários grupos focais e entrevistas com informantes-chave. Cada guia traz orientações a respeito das fontes/meios de obtenção das informações. Alguns dos temas a ser abordados nos estudos de caso podem demandar uma coleta de dados mais ampla para avaliar por completo as questões ou informar as decisões relativas a políticas e programas, como, por exemplo, por meio de pesquisa domiciliar, acompanhamento de custos e análise da relação custo-benefício. Esses métodos extrapolam o orçamento e abrangência desses estudos de caso. Entretanto, cada guia também traz um lugar para identificar lacunas de dados que exigirão a criação de novos dados ou dados aprimorados (pesquisas administrativas, domiciliares ou outras).

D. Outras considerações

A seguir, alguns outros elementos importantes a ter em mente durante a realização do estudo de caso.

1. O estudo de caso deve referir-se principalmente à terra e ao desenvolvimento **de cidades primárias e secundárias e das áreas em processo de urbanização em seu entorno.**
2. O estudo de caso pode incluir temas de grande importância alheios às áreas urbanas e em urbanização.
3. Em vez de deixar espaços em branco, indique se há indisponibilidade de informações ou dados ou se uma pergunta não é relevante no contexto.

Quadro 1: Sumário do estudo de caso

<p>Seção 1: Contexto do país</p>	<p>Nesta seção, o autor deve incorporar e atualizar a síntese do país fornecida no documento de definição de escopo. O estudo de caso não precisa abordar o contexto histórico em detalhes (por exemplo, não é necessário descrever a evolução da lei fundiária desde o início da história do país; a citação de estudos anteriores que forneçam essa informação pode ser útil). Esta seção deve ser relativamente breve. Deve transmitir as mensagens principais acerca de zonas de impacto e possíveis pontos de entrada para a melhoria de uma ou mais áreas de governança fundiária no contexto da urbanização. Também deve delinear os avanços e desafios gerais da governança fundiária, marcando posição quanto a temas prioritários para o diálogo político e o desenho de programas (com base nas informações detalhadas contidas nas seções a seguir). Deve incluir um quadro e uma breve análise de indicadores gerais de desempenho da governança fundiária. Deve chamar a atenção para lacunas de dados e informações importantes que afetam a capacidade do governo de resolver desafios e fazer avanços na governança fundiária e zonas de impacto que atende, sobretudo habitação social e desenvolvimento municipal.</p>
<p>Seção 2: Informações básicas sobre governança fundiária</p>	<p>Nesta seção, o relatório deve permitir uma compreensão concisa do status quo no que diz respeito à governança fundiária da seguinte forma: i. Descrever as características básicas da política fundiária; sem fazer um registro abrangente de leis e políticas, descrever o marco legal e de políticas para a área fundiária. ii. Incluir uma tipologia dos direitos à terra e aos edifícios (inclusive a extensão de terras formais e informais, individuais e coletivas, públicas e privadas existentes no país). iii. Descrever o cenário institucional, o que deve incluir um mapa das entidades do setor público que atuam na governança fundiária. iv. Descrever as reformas dos últimos dez anos; incluir um quadro de projetos de reforma recentes e previstos (2005-2015).</p> <p><i>Obs.: O documento de definição de escopo fornece informações preliminares para esta seção que devem ser atualizadas, esclarecidas e ampliadas conforme a necessidade. Os modelos e perguntas abaixo destinam-se a enriquecer esta seção.</i></p>
<p>Seção 3-7: Avaliação situacional por temas-chave de governança fundiária</p>	<p>O estudo de caso deve usar as perguntas definidas nas próximas seções deste guia para realizar uma avaliação situacional de temas-chave de governança fundiária. Para cada tema, é oferecido um conjunto seletivo de perguntas. Conforme descrito no documento de definição de escopo, essas perguntas são extraídas de vários instrumentos de avaliação existentes (as citações também são incluídas aqui), e não têm a intenção de ser exaustivas. A dimensão de gênero perpassa todos os temas. As perguntas são feitas do ponto de vista das melhores práticas. Por exemplo, se a pergunta for "a lei prevê direitos iguais para mulheres e homens (...)", uma resposta afirmativa é condizente com as referências de melhores práticas. As informações permitirão ao autor desenvolver pontos fortes, pontos fracos e lacunas de informação. Em todas as perguntas, a unidade de foco são as grandes cidades (a ser identificadas pelo autor do estudo de caso), no nível nacional se for relevante (p. ex., aspectos da lei e dados gerais), e a zona rural, na medida em que forem importantes no contexto das tendências de urbanização (p. ex., a conversão de terras agrícolas para uso residencial). Dessa forma, o conjunto de perguntas é composto de modo a permitir que o autor caracterize o status quo, contextualize uma análise de prioridades para reforma ou atualize e identifique áreas para o aprofundamento da investigação. O relatório descritivo deverá resumir as conclusões por tema.</p>
<p>Seção 8: Mapeamento das partes interessadas</p>	<p>O autor deve avaliar a situação de prontidão da reforma. Essa avaliação deve incluir a visão dos dirigentes políticos, se se trata de um amplo consenso em torno da visão e a disposição de se reformar na prática, como, por exemplo, entre a liderança técnica do setor público e entre outros interessados. Para cada lacuna de política ou informação importante identificada como uma prioridade nas seções 3 a 7, o estudo de caso deve identificar quem são as principais partes interessadas para mudar e o tipo de influência que exercem. A ideia é identificar pontos de entrada, responsáveis e obstáculos à execução das prioridades identificadas.</p>

Seção Indicadores gerais	9:	O estudo de caso deve atualizar e expandir os indicadores de terceiros de nível macro incluídos no documento de definição de escopo. O guia fornecerá informações sobre os indicadores nacionais que podem ser usados pelos governos para acompanhar seu progresso.
Seção Conclusões	10:	O autor deve reiterar os princípios da importância da governança fundiária hoje, sobretudo para os objetivos de desenvolvimento urbano, resumir as principais conclusões do estudo de caso e sugerir áreas prioritárias que mereçam mais atenção.

III. Modelos e perguntas básicas sobre governança fundiária

Nesta seção, o autor recebe um conjunto de modelos para coletar informações preliminares sugeridas a ser incluídas no Relatório do estudo de caso e um conjunto de perguntas organizadas por tema, os quais formarão um conjunto básico de informações para uso na elaboração das seções 2 a 7 e 9 descritas acima. A orientação para as seções 1 e 8 se limita à descrição do capítulo e ao conteúdo preliminar encontrado no documento de definição de escopo. Espera-se que o autor seja conciso na resposta às perguntas ao preencher os modelos; contudo, o espaço fornecido neste guia provavelmente não será suficiente. O autor terá de padronizar seu próprio formato com base no formato usado na orientação oferecida para a coleta de informações.

A. Modelos de quadro

O autor deve criar uma lista completa dos meios de acesso, uso e controle de terras e imóveis. Devem-se incluir aí as edificações e não apenas o terreno. Esses dados fornecem o contexto do estudo de caso. Uma boa referência para a compreensão do possível leque de tipos de posse urbana aparece às páginas 2 e 4 do documento Urban Land Tenure Brief da USAID (que pode ser acessado [aqui](#)).

i. Tipologia de posses

Gráfico de tipologia de posses			
<i>Identifique os tipos de posse que descrevem os direitos de acesso, uso e controle da terra. Isso deve incluir direitos a todos os tipos de terreno, de todos os tipos de pessoas (mulheres, homens, comunidades locais, povos indígenas), do Estado, mantidos enquanto indivíduos ou em grupos, direitos de acesso, uso e controle formais ou informais, primários ou secundários..</i>			
Tipo de posse (Etiqueta)	Definição	Principais características	Fontes de informação
		Caracterize o tipo de posse por gênero, geografia ou categoria de uso do solo, coletivo ou individual, tipos de documentação ou de evidências (formal e informal), ou outras características distintivas	

ii. Cenário institucional

Partindo de uma versão preliminar deste quadro incluído no documento de definição de escopo, preencha um gráfico do cenário institucional usando o modelo abaixo.

Gráfico do cenário institucional				
Nome da entidade ou unidade	Identificar relações institucionais	as	Nível de governo (central, regional, local)	Mandato e funções atuais na governança fundiária
	Unidade ministério	com		
	Mandato compartilhado outra entidade	com		

iii. Projetos e iniciativas

Partindo do quadro preliminar do Anexo 1 do Documento de definição de escopo, identifique iniciativas e projetos recentes (últimos dez anos) e previstos que visem solucionar um grande desafio ou fazer uma melhoria significativa na governança fundiária. Isso deve incluir esforços que estejam sendo feitos como parte de programas de habitação social e outros programas de desenvolvimento urbano. Recomenda-se criar um banco de dados do projeto em Excel ou outro software com mais detalhes e no estudo de caso sintetizar em um quadro de acordo com o modelo a seguir.

Gráfico sintético de projetos e iniciativas		
Dados básicos de projetos/iniciativas (nome, período de tempo, valor)	Entidades participantes (responsável, fonte de fundos, agentes executores)	Descrição Indicar resumidamente a finalidade, geografia da implementação, orientação de atendimento ao cliente e principais resultados até o momento

Para cada iniciativa ou projeto em andamento ou previsto, na medida do possível, identifique eventuais restrições ao sucesso do projeto relacionadas a problemas subjacentes com sistemas de informação fundiária ou política fundiária que estejam fora do escopo do projeto. Na descrição do contexto de reforma, inclua uma análise das principais restrições identificadas, lançando mão também de informações coletadas sobre o tema abaixo.

B. Guia de perguntas por tema

Para a maioria dos temas abordados nesta seção, várias das perguntas são derivadas do [Manual de Implementação do LGAF - Versão 2013](#) (disponível em inglês, espanhol e português). Nas perguntas relevantes, a declaração do indicador do LGAF e/ou os valores de referência para a pontuação do indicador foram convertidos (no todo ou em parte) em um

formato de pergunta.⁵³ Esses indicadores e dimensões selecionados do LGAF são citados abaixo. Também foram usadas outras fontes, igualmente identificadas abaixo. Na ausência de identificação da fonte em uma pergunta, esta se baseia no conhecimento do consultor do USAID Blueprint, das Diretrizes Voluntárias da FAO sobre Governança Responsável da Posse de Terra, Florestas e Pesqueiros (VGGT) e obras de avaliação do setor em geral.

Para responder a essas perguntas, o autor precisará usar de bom senso a fim de identificar fontes de evidência. No caso de muitos temas, será uma abordagem combinada do uso de fontes secundárias e da coleta de informações em primeira mão. No contexto do horizonte de tempo e orçamento desses estudos de caso, a coleta de informações em primeira mão se restringirá a dados administrativos de fácil acesso das entidades que atuam na governança fundiária, entrevistas com informantes-chave ou pequenos grupos focais.

Lembre-se que o estudo de caso se concentra em grandes áreas urbanas e em urbanização. A referência a informações em nível nacional será importante em várias seções. A referência a informações sobre terras rurais é relevante apenas na medida em que tem implicações para a urbanização ou é afetada por ela.

Tema 1: Direito e políticas públicas

Perguntas de Marco de Avaliação da Governança Fundiária (LGAF) e Indicadores Globais da Política de Habitação (GHI)

Tema 1 – Perguntas básicas			
Pergunta	Resposta resumida com fatos e números básicos (a descrição pode entrar em detalhes se necessário)		Fontes
1.1 Existem relatórios regulares e públicos que indicam o andamento da implementação da política. <i>LGI 9.2.5</i> ⁵⁴	A	As instituições fundiárias formais informam sobre a implementação das políticas fundiárias de forma regular, significativa e abrangente e os relatórios são acessíveis ao público.	
	B	As instituições fundiárias formais informam sobre a implementação das políticas fundiárias de forma regular e significativa, mas os relatórios não são divulgados ao público.	
	C	As instituições fundiárias formais informam sobre a implementação das políticas fundiárias, mas de uma forma que não permite um acompanhamento significativo do andamento em diferentes áreas ou de forma esporádica.	
	D	As instituições fiduciárias formais informam sobre a implementação das políticas apenas em circunstâncias excepcionais ou nem informam.	

⁵³ Embora os estudos de caso estejam fora do contexto da implementação de um LGAF propriamente dito, convém fazer uso da expressiva redação que ele oferece. O LGAF envolve um processo padrão de coleta de contribuições e consultas junto a especialistas e partes interessadas para chegar a um consenso sobre a pontuação de um conjunto padrão de indicadores, dimensões e definições de pontuação. Mesmo sem implementar esse processo, o marco de indicadores do LGAF é bem definido e abrangente, com 27 indicadores e 120 dimensões. O escopo do estudo de caso não é tão amplo, e seu contexto é diferente. Nos casos em que fazia sentido, os indicadores e dimensões do LGAF foram usados para definir perguntas apropriadas a serem feitas nesta pesquisa de estudo de caso. As perguntas derivadas do LGAF são complementadas por uma série de perguntas adicionais.

⁵⁴ “LGI” - Indicador de governança fundiária do LGAF.

1.2 A implementação da política fundiária é orçada, comparada com os benefícios e possui os recursos adequados. <i>LGI 9.2.4</i>	A	Os custos da implementação da política fundiária foram levantados, os benefícios esperados foram identificados e comparados ao custo, e o orçamento, os recursos e a capacidade institucional existentes são suficientes para a implementação	
	B	Os custos da implementação da política fundiária foram levantados, embora não necessariamente com base em uma comparação dos custos e benefícios esperados. O orçamento, os recursos e a capacidade institucional existentes são adequados.	
	C	Os custos da implementação da política fundiária não foram totalmente levantados e/ou existem sérios problemas de adequação em pelo menos uma área de orçamento, recursos ou capacidade institucional para implementar a política.	
	D	Os custos da implementação da política fundiária não foram levantados e o orçamento, os recursos e a capacidade são inadequados para implementar a política.	
1.3 Reconhecimento de uma série contínua de direitos: A legislação reconhece uma gama de direitos dos indivíduos e dos grupos (incluindo direitos secundários e direitos por parte das minorias e mulheres <i>LGI1</i>	A	Estrutura jurídica existente reconhece direitos da maioria da população rural, tanto por meio de regimes legais ou costumeiros de posse de terra.	
	B	Estrutura jurídica existente reconhece direitos da maioria da população urbana, tanto por meio de regimes legais ou costumeiros de posse de terra.	
	C	A posse de terra da maioria dos grupos em áreas rurais é formalmente reconhecida e existem regulamentações claras em termos de organização interna e representação legal dos grupos.	
	D	A posse de terra de grupos em áreas urbanas informais é formalmente reconhecida e existem regulamentações claras em termos de organização interna e representação legal dos grupos.	
	E	A legislação fornece oportunidades para as pessoas que detêm a posse de terra em sistema consuetudinário, em grupo ou coletivo para individualizar total ou parcialmente a propriedade/o uso da terra. Os procedimentos para isso têm um custo acessível e são claramente especificados, salvaguardados e seguidos na prática.	
1.4 Os direitos de posse de terras urbanas são reconhecidos legalmente e são protegidos na prática. <i>LGI 1.1.4</i>	A	A estrutura jurídica existente reconhece direitos de mais de 90% da população urbana, tanto por meio de sistemas consuetudinários ou estatutários de posse de terra.	
	B	A estrutura jurídica existente reconhece direitos de 70%-90% da população urbana, tanto por meio de sistemas consuetudinários ou estatutários de posse de terra.	
	C	A estrutura jurídica existente reconhece direitos de 50%-70% da população urbana, tanto por meio de sistemas consuetudinários ou estatutários de posse de terra.	
	D	A estrutura jurídica existente reconhece direitos de menos de 50% da população urbana, tanto por meio de sistemas consuetudinários ou estatutários de posse de terra.	
1.5 A lei prevê direitos iguais à terra para mulheres e homens ⁵⁵ ? <i>LGA/LGI2.7</i>	A	Os direitos de propriedade das mulheres são iguais aos dos homens, tanto entre e dentro gerações (incluindo em caso de herança ou divórcio), tanto na lei e na prática.	
	B	Igualdade de direitos de propriedade das mulheres aos dos homens é estabelecida por lei e seguidos na prática a maior parte do tempo.	
	C	Igualdade de direitos de propriedade das mulheres aos dos homens é estabelecido por lei, mas há limitações consideráveis	

⁵⁵ Ver informações sobre gênero e direitos fundiários em <http://www.fao.org/gender-landrights-database/en/> ou no relatório sobre mulheres, direito e empreendedorismo do Banco Mundial.

		para exercer esses direitos na prática.	
	D	Igualdade de direitos de propriedade das mulheres aos dos homens não é estabelecida por lei.	
1.6 Nas cidades com a propriedade informal existe uma estratégia viável para a segurança da propriedade, da infraestrutura e da habitação LGI 3.5.2	A	Os regulamentos existentes não oferecem incentivos para novas ocupações informais e existe uma estratégia para regularizar o direito à terra e prestar serviços aos ocupantes informais existentes.	
	B	Existe uma estratégia para regularizar os direitos de terras e fornecer serviços aos ocupantes informais existentes, porém as regulações existentes proporcionam incentivos para novas ocupações informais.	
	C	Existem estratégias para lidar com a informalidade urbana porém se concentram apenas em terra ou serviços, mas não em ambos.	
	D	Não existe nem processo nem estratégia para implementá-lo.	
1.7 Existe política para garantir a entrega de moradias e serviços de baixo custo e foram implementados progressivamente. LGI 3.3.1	A	Existe uma política para moradias e serviços de baixo custo e instrumentos efetivos para implementá-los de modo que exista uma trajetória clara para fornecer teto adequado para todos.	
	B	Existe uma política para moradias e serviços de baixo custo, porém a implementação nem sempre é efetiva. Como resultado, o número das pessoas que vivem em moradias inadequadas declina, porém continua sendo alto.	
	C	Existe uma política para as moradias e serviços de baixo custo porém a implementação tem brechas importantes de modo que o número de pessoas com albergue inadequado em realidade se incrementa.	
	D	Não existe política para as moradias e serviços de baixo custo, também não existem disposições que exijam aos empreendedores privados atender ao segmento mais baixo do mercado de vivendas.	
1.8 A remoção de favelas e a requalificação constituem uma política consolidada do órgão de habitação nacional ou local? Indicadores Globais da Política de Habitação (GHI) P5.1	Sim		
	Não		
1.9 Existem oportunidades acessíveis para a individualização da posse. LGI 1.2.1	A	Quando conveniente, a legislação fornece oportunidades para as pessoas que detêm a posse de terra em sistema consuetudinário, em grupo ou coletivo para individualizar total ou parcialmente a propriedade/o uso da terra. Os procedimentos para isso têm um custo acessível e são claramente especificados, salvaguardados e seguidos na prática.	
	B	Quando conveniente, a legislação fornece oportunidades para as pessoas que detêm a posse de terra em sistema consuetudinário, em grupo ou coletivo para individualizar total ou parcialmente a propriedade/o uso da terra. Os procedimentos para isso têm um custo acessível e incluem salvaguardas básicas contra o abuso, mas nem sempre são seguidos na prática e são geralmente aplicados de modo arbitrário.	

	C	Quando conveniente, a legislação fornece oportunidades para as pessoas que detêm a posse de terra em sistema consuetudinário, em grupo ou coletivo para individualizar total ou parcialmente a propriedade/o uso da terra. Os procedimentos não têm um custo acessível e não são claramente especificados, levando a uma arbitrariedade ou a uma falha generalizada de aplicação, mesmo nos casos onde as pessoas afetadas desejam segui-los.	
	D	Apesar de conveniente, a legislação não fornece oportunidades para as pessoas que detêm a posse de terra em sistema consuetudinário, em grupo ou coletivo para individualizar total ou parcialmente a propriedade/o uso da terra.	
1.10 Um regime de condomínio permite uma gestão efetiva e o registro da propriedade urbana. <i>LGI 3.5.3</i>	A	A propriedade comum nos condomínios está reconhecida e a lei tem disposições claras para o manejo e a publicidade de registros relevantes que são seguidos na prática.	
	B	A propriedade comum em condomínios está reconhecida e a lei tem disposições claras para a gestão e a publicidade de registros relevantes que nem sempre são seguidos na prática.	
	C	A propriedade comum nos condomínios está reconhecida porém a lei (ou as regulações) carecem de clareza para o manejo e a publicidade dos registros relevantes.	
	D	A propriedade comum em sistema de condomínio não é reconhecida.	
1.11 Os imigrantes, refugiados e cidadãos de outros países têm permissão para possuir terras? <i>GHI P1.5</i>	Sim		
	Não		
1.12 Existe uma política de habitação nacional ou local para viabilizar a privatização da habitação pública? <i>GHI P6.3</i>	Sim		
	Não		

Perguntas adicionais

Tema 1 – Perguntas básicas		
Pergunta	Resposta resumida com fatos e números básicos (a descrição pode entrar em detalhes se necessário)	Fontes
1.13 É possível adquirir direitos formais por meio de usucapião?		
1.14 É possível cadastrar os direitos coletivos sobre áreas urbanas?		
1.15 Qual é a justificativa para a propriedade da terra pública (nos níveis nacional, regional, local)?		
1.16 Existe um tribunal especial para tratar de casos que envolvam disputas acerca de direitos à terra? É possível aplicar técnicas de resolução alternativa de disputas a conflitos fundiários?		
1.17 Existe uma lei sobre garantias mobiliárias satisfatória em vigor? Ela permite o uso de terras e de bens imóveis como garantia?		

Tema 2: Qualidade dos direitos à terra e imóveis

Perguntas de Marco de Avaliação da Governança Fundiária (LGAF)

Tema 2 – Perguntas básicas			
Pergunta	Resposta resumida com fatos e números básicos (a descrição pode entrar em detalhes se necessário)		Fontes
2.1 As sobreposições de direitos (baseadas em tipologia de posse) são mínimas e não causam fricções ou litígios. LGAF LGI 9.1.5	A	Os problemas identificados no marco legal e nos procedimentos de posses para questões relacionadas com a terra (incluindo recursos renováveis e do subsolo) são plenamente consistentes e se dispõe de um mecanismo unificado para as queixas e para a reparação de reclamações em caso de sobreposição.	
	B	O marco e os procedimentos legais para questões relacionadas com terras (incluindo recursos renováveis e de subsolo) são plenamente consistentes, porém pode haver diferenças na maneira como são manejadas as queixas e a reparação de reclamações.	
	C	O marco e os procedimentos legais para questões relacionadas com terras (incluindo os recursos renováveis e do subsolo) tratam de maneiras muito diferentes as matérias relacionadas com terras, porém têm mecanismos que funcionam para corrigir as sobreposições.	
	D	O marco e os procedimentos legais para questões relacionados com terras (incluindo os recursos renováveis e do subsolo) se ocupam de maneiras muito diferentes dos assuntos relacionados com terras e não existem mecanismos efetivos para resolver a sobreposição.	

Perguntas adicionais

Tema 2 – Perguntas básicas		
Pergunta	Resposta resumida com fatos e números básicos (a descrição pode entrar em detalhes se necessário)	Fontes
2.2 As pessoas consideram sua posse segura?	Quais são as evidências das percepções de segurança da posse?	
2.3 O despejo sem os devidos procedimentos é algo raro?		
2.4 Existe igualdade de gênero na prática entre os direitos de mulheres e homens ao acesso, uso ou controle da terra?		
2.5 Há baixa incidência de disputas acerca do direito à terra?		
2.6 Quais são os tipos mais comuns de disputas?		

Tema 2 - Informações complementares: avaliação resumida da qualidade geral dos direitos fundiários		
Crítérios	Definição/Referência	Avaliação do desempenho em relação aos critérios
Abrangência	A totalidade dos direitos legítimos de acesso, uso e controle da terra, ao longo de um <i>continuum</i> que vai do	

	informal ao formal, inclusive direitos coletivos e individuais para mulheres e homens, é reconhecida e respeitada.	
Equidade (perante a lei e na prática)	A lei prevê igualdade de direitos e as regras são aplicadas sistematicamente em termos de etnia, idade, situação familiar e religião.	
Executoriedade	Os direitos podem ser exercidos; os detentores de direitos são protegidos contra despejos arbitrários (isento de tomada sem o devido processo e indenização oportuna) e as disputas podem ser resolvidas sem demora excessiva ou custo indevido.	

Tema 3: Sistemas e serviços de informações cadastrais e do registro

Para este tema, primeiro encontre respostas às perguntas básicas listadas abaixo. Em seguida, preencha o modelo "Qualidade geral dos sistemas e serviços de informações cadastrais e do registro", considerando as respostas a essas perguntas e informações mais gerais da pesquisa de antecedentes. Esta seção inclui documentação de direitos e transações fundiárias, bem como os arquivos de registros físicos (mapas) e legais (escrituras, contratos de arrendamento, títulos, certidões de ocupação, por exemplo). Prevê-se que as perguntas que envolvem informações quantitativas nesta seção podem ser difíceis de responder. Solicita-se ao autor que verifique se os dados relevantes oferecem fácil acesso a partir de fontes administrativas ou fontes secundárias recentes (últimos cinco anos). O estudo de caso deve tratar da disponibilidade e limitações de dados, juntamente com quaisquer conclusões que possam ser geradas no âmbito do estudo de caso. Informações ilustrativas ou parciais podem estar disponíveis e ser sugestivas da situação.

Perguntas de Marco de Avaliação da Governança Fundiária (LGAF)

Tema 3 – Perguntas básicas			
Pergunta (com fonte)	Resposta resumida com fatos e números básicos (a descrição pode entrar em detalhes se necessário)		Fontes
3.1 Os terrenos individuais nas áreas urbanas estão registrados e cartografados. <i>LGI 1.2.3</i>	A	Mais de 90% das terras privadas em áreas urbanas são formalmente registradas.	
	B	Entre 70% e 90% das terras privadas em áreas urbanas são formalmente registradas.	
	C	Entre 50% e 70% das terras privadas em áreas urbanas são formalmente registradas.	
	D	Menos de 50% das terras privadas em áreas urbanas são formalmente registradas.	
3.2 Os terrenos individuais nas áreas rurais estão registrados e cartografados. <i>LGI 1.2.2</i>	A	Mais de 90% das terras privadas em áreas rurais são formalmente registradas.	
	B	Entre 70% e 90% das terras privadas em áreas rurais são formalmente registradas.	

	C	Entre 50% e 70% das terras privadas em áreas rurais são formalmente registradas.	
	D	Menos de 50% das terras privadas em áreas rurais são formalmente registradas.	
3.3 Os direitos de propriedade das mulheres às terras, estão registrados segundo as leis relevantes. <i>LG/ 1.2.6</i>	A	Mais de 90% dos casos estão efetivamente registrados.	
	B	Entre 75% e 90% dos casos estão efetivamente registrados.	
	C	Entre 50% e 75% dos casos estão efetivamente registrados.	
	D	Menos de 50% dos casos estão efetivamente registrados.	
3.4 A formalização de moradias urbanas é viável e acessível. <i>LG/ 3.5.1</i>	A	Os requisitos para a formalização de moradias em áreas urbanas são claros, objetivos, acessíveis e implementados consistentemente de maneira transparente.	
	B	Os requisitos para a formalização de moradias em áreas urbanas são claros, objetivos e acessíveis, mas não são implementados consistentemente de maneira transparente.	
	C	Os requisitos para a formalização de moradias em áreas urbanas não são claros, objetivos nem acessíveis, mas muitos candidatos de áreas informais estão conseguindo preencher esses requisitos.	
	D	Os requisitos para a formalização de moradias em áreas urbanas são tantos que a formalização é considerada muito difícil.	
3.5 A posse da terra pelos pobres pode ser formalizada em conformidade com as normas locais, em um processo eficiente e transparente. <i>LG/ 6.1.1</i>	A	Existe um processo claro e pratico para o reconhecimento formal de posse e esse processo é implementado de forma efetiva, consistente e transparente.	
	B	Existe um processo claro e pratico para o reconhecimento formal de posse, mas esse processo não é implementado de forma efetiva, consistente ou transparente.	
	C	O processo para o reconhecimento formal de posse não é claro e não é implementado de forma efetiva, consistente e transparente.	
	D	Não existe um processo para reconhecimento formal de posse.	
3.6 A informação nos registros públicos está sincronizada para assegurar a integridade de direitos e reduzir o custo das transações <i>LG/ 6.3.1</i>	A	Existem enlaces para todo tipo de registro de informação de terras públicas; são realizadas verificações obrigatórias para garantir a legitimidade de qualquer transação que afete de maneira importante os direitos à terra de certas partes antes de serem finalizados.	
	B	Existem enlaces para todo tipo de registros de informação de terras públicas, porém verificações sobre a legitimidade das transações que afetam os direitos às terras de certas partes são realizadas somente ex post.	
	C	Existem enlaces para alguns tipos de informação sobre terras e as verificações são insuficientes para eliminar um número significativo de transações potencialmente fraudulentas.	
	D	Não existem enlaces relevantes ou os que existem são poucos.	

Perguntas adicionais

Tema 3 – Perguntas básicas		
Pergunta (com fonte)	Resposta resumida com fatos e números básicos (a descrição pode entrar em detalhes se necessário)	Fontes
3.7 Quais são os principais fatores que levam à informalidade?		
3.8 Quais são os principais obstáculos à obtenção efetiva de direitos formais à terra?		
3.9 Para as questões identificadas na última pergunta, é fácil para os postulantes individuais resolvê-las? É possível oferecer soluções no nível de políticas públicas, como, por exemplo, renúncia fiscal transitória para o primeiro registro da terra?		
3.10 O setor privado tem permissão (por lei e na prática) para prestar serviços de administração fundiária (p. ex., agrimensura, elaboração de documentos, serviços jurídicos e afins)?		
3.11 Quantos processos são necessários para os principais serviços (obtenção de um documento de direitos sobre a terra, registro da transferência de um terreno, obtenção do estudo topográfico de um lote)? Quanto tempo leva do início ao fim?		
3.12 Existe alguma metodologia de reconhecimento de assentamentos informais por meio do registro dos direitos no nível da comunidade?		
3.13 Os imóveis registrados são mapeados (abrangidos por mapas cadastrais ou estudos topográficos de lotes mantidos no registro)?		
3.14 O registro está em formato digital e pode ser pesquisado? Seus processos comerciais são automatizados? Os registros estão atualizados?		
3.15 O cadastro está em formato digital e seus processos comerciais são automatizados? Os registros estão atualizados?		
3.16 Há operacionalidade entre o registro e os bancos de dados cadastrais? Os dados são compartilhados?		
3.17 Como são financiados o registro e o cadastro? A sustentabilidade é uma preocupação?		
3.18 Os lotes têm um número único de identificação cadastral e de registro?		
3.19 Existe uma plataforma virtual para o acesso público às informações da administração fundiária? As transações podem ser feitas pela Internet?		

Tema 3 – Informações complementares: qualidade dos sistemas e serviços de cadastro e registro		
Critérios	Definição/Referência	Avaliação do desempenho em relação aos critérios
Abrangência	O registro e o cadastro podem registrar diversos tipos de direitos e transferências (ou seja, é possível registrar direitos além da propriedade absoluta individual) e satisfazer as	<i>Na descrição, observe qualquer variação significativa nas conclusões entre as entidades e os níveis de governo.</i>

	necessidades de todas as pessoas e entidades em termos de informações fundiárias.	
Integralidade	É possível identificar uma porcentagem elevada de elementos do registro nos mapas. Uma porcentagem elevada de direitos fundiários é registrada.	
Transparência	Informações sobre transações e direitos fundiários podem ser acessadas pela população, com garantias adequadas.	
Complexidade	A complexidade pode estar relacionada ao número de órgãos envolvidos, clareza dos mandatos, se há sobreposição vertical ou horizontal, quantidade e dificuldade dos procedimentos administrativos, tipo e rigidez dos requisitos técnicos. Comente sobre o nível de complexidade do ponto de vista dos usuários finais de informações fundiárias e serviços afins. É possível simplificar?	
Equidade	São oferecidos serviços fundiários (averbação de atributos legais e físicos de direitos e transferências) e informações fundiárias a todas as pessoas de forma sistemática.	
Eficiência	É possível obter registros em tempo hábil. As transações são registradas sem demora injustificada.	
Credibilidade	Os registros são confiáveis. Os servidores públicos são confiáveis.	

Tema 3 – Informações complementares: capacidade dos recursos humanos (reproduzir este gráfico para cada órgão competente, como, por exemplo, o registro público, o departamento cadastral)		
Nome do órgão	Dados solicitados	Resposta
	Quantos especialistas certificados em SIG trabalham no órgão? Quantos estão disponíveis no país?	
	Quantos agrimensores qualificados trabalham no órgão? Quantos estão disponíveis no país?	
	Que tipo de sistema de informação fundiária está em uso? Os dados fornecidos incluem o tipo de software?	
	Quais são as necessidades de capacitação dos órgãos para a gestão de informações fundiárias? Essa capacitação está disponível no país?	

Tema 4: Ordenamento e gestão territorial

Perguntas de Marco de Avaliação da Governança Fundiária (LGAF) e Indicadores Globais da Política de Habitação (GHI)

Tema 4 – Perguntas básicas		
Pergunta (com fonte)	Resposta resumida com fatos e números básicos (a descrição pode entrar em detalhes se necessário)	Fontes
4.1 As restrições sobre o uso de terras urbanas (risco de desastres) servem efetivamente aos objetivos das políticas públicas. <i>LG/ 3.1.2</i>	A	Existe uma série de regulações que, na sua maioria, servem a propósitos públicos e são executadas.
	B	Existe uma série de regulações que, na sua maioria, servem a propósitos públicos, porém que não são executadas.
	C	Existe uma série de regulações que geralmente não servem a propósitos públicos e que não são executadas.
	D	Existe uma série de regulações que geralmente não servem a propósitos públicos e são executadas.
4.2 As restrições relativas à transferência da propriedade das terras urbanas servem efetivamente aos objetivos das políticas públicas. <i>LG/ 3.1.1</i>	A	Existe uma série de regulações que, na sua maioria, servem a propósitos públicos e são executadas.
	B	Existe uma série de regulações que, na sua maioria, servem a propósitos públicos, porém a execução é deficiente.
	C	Existe uma série de regulações que geralmente não servem a propósitos públicos e que não são executadas
	D	Existe uma série de regulações que geralmente não servem a propósitos públicos e são executadas.
4.3 O processo de expansão urbana/o processo de desenvolvimento de infraestrutura é transparente e respeita os direitos existentes. <i>LG/ 3.2.1</i>	A	A informação sobre a expansão urbana planejada e o desenvolvimento de infraestrutura está disponível ao público com suficiente antecipação e existe um processo para que os afetados possam lidar com os direitos fundiário que corresponde às normas internacionalmente reconhecidas.
	B	A informação sobre expansão urbana planejada e o desenvolvimento de infraestrutura está disponível ao público com suficiente antecipação e existe um processo sistemático para que os afetados possam lidar com os direitos fundiários de um modo que não se encontra totalmente em sintonia com as normas internacionais.
	C	A informação sobre a expansão urbana planejada e o desenvolvimento de infraestrutura está disponível ao público com antecipação suficiente, porém a maneira como os afetados tratam os direitos à terras é em grande medida ad hoc.
	D	A informação sobre expansão urbana planejada e desenvolvimento da infraestrutura não está disponível ao público.
4.4 Está previsto compensações pela expropriação de todos os direitos sem importar a condição de registro. <i>LG/ 4.3.1</i>	A	Paga-se uma compensação justa, em espécie ou através de outros meios, que permite a manutenção da condição social e econômica prévia a todos aqueles que têm direitos sobre a terra expropriada (propriedade, uso, direitos de acesso, etc.) sem importar a condição de registro.
	B	É paga indenização, em espécie ou em dinheiro, contudo, quando os direitos não são registrados, o nível de indenização não permite a manutenção da situação social e econômica.

	C	É paga indenização, em espécie ou em dinheiro por alguns direitos não registrados (tais como posse, ocupação, etc.), contudo, aqueles que têm outros direitos não registrados (que podem incluir pasto, acesso, coleta de produtos florestais, etc.) geralmente não são indenizados.	
	D	Não é paga qualquer indenização às pessoas com direitos não registrados de uso, ocupação ou outro.	
4.5 É compensada a alteração do uso da terra que resulte em perda seletiva de direitos. <i>LGI 4.3.2</i>	A	Quando a propriedade é desapropriada, é paga uma indenização justa, em espécie ou em dinheiro, para que as famílias deslocadas tenham bens comparáveis e possam continuar mantendo sua situação social e econômica anterior.	
	B	Quando a propriedade é desapropriada, é paga uma indenização, em espécie ou em dinheiro, para que as famílias deslocadas tenham bens comparáveis, mas essas famílias não podem continuar mantendo sua situação social e econômica anterior.	
	C	Quando a propriedade é desapropriada, é paga uma indenização, em espécie ou em dinheiro, mas as famílias deslocadas não têm bens comparáveis e não podem continuar mantendo sua situação social e econômica anterior.	
	D	Não é paga indenização para as pessoas cujos direitos são desapropriados.	
4.6 Há precedente recente, por parte do governo, de remoção de bairros de baixa renda e transferência do terreno desocupado para o setor privado para fins de exploração? (GHI P5.2)	Sim		
	Não		
4.7 O planejamento do uso da terra orienta efetivamente a expansão espacial urbana na maior cidade. <i>LGI 3.3.2</i>	A	Na maior cidade do país a expansão espacial urbana é controlada com eficácia por uma hierarquia de planos de uso da terra regionais/detalhados que são mantidos atualizados.	
	B	Na maior cidade do país, embora uma hierarquia de planos de uso da terra regionais/detalhados seja especificada por lei, na prática, a expansão espacial urbana é orientada pelo fornecimento de infraestrutura sem a total implementação de planos de uso da terra.	
	C	Na maior cidade do país, embora uma hierarquia de planos de uso da terra regionais/detalhados seja especificada por lei, na prática, a expansão espacial urbana ocorre de maneira <i>ad hoc</i> , sendo a infraestrutura fornecida algum tempo depois da urbanização.	

	D	Na maior cidade do país, embora uma hierarquia de planos de uso da terra regionais/detalhados possa ou não ser especificada por lei, na prática, a expansão espacial urbana ocorre de maneira <i>ad hoc</i> , com o fornecimento de pouca ou nenhuma infraestrutura na maioria das novas áreas em desenvolvimento.	
4.8 O planejamento do uso da terra orienta efetivamente o desenvolvimento urbano nas seguintes quatro maiores cidades. <i>LGI 3.3.3</i>	A	Nas quatro cidades mais importantes o desenvolvimento é efetivamente guiado por uma hierarquia de planos regionais/detalhados de uso da terra que são atualizados regularmente e a intensidade do uso da terra corresponde à capacidade de suporte da infraestrutura.	
	B	Nas quatro cidades mais importantes do país, embora uma hierarquia de planos de uso da terra regionais/detalhados seja especificada por lei, na prática, o desenvolvimento urbano é orientado pelo fornecimento de infraestrutura que implementa apenas uma parte dos planos de uso da terra.	
	C	Nas quatro maiores cidades do país, embora uma hierarquia de planos de uso da terra regionais/detalhados seja especificada por lei, na prática, o desenvolvimento urbano ocorre de maneira <i>ad hoc</i> , sendo a infraestrutura fornecida algum tempo depois da urbanização.	
	D	Nas quatro maiores cidades do país, uma hierarquia de planos de uso da terra regionais/detalhados pode ou não ser especificada por lei e, na prática, o desenvolvimento urbano ocorre de maneira <i>ad hoc</i> , com o fornecimento de pouca ou nenhuma infraestrutura na maioria das novas áreas em desenvolvimento.	
4.9 Os processos de planejamento devem enfrentar o crescimento urbano. <i>LGI 3.3.4</i>	A	Na maior cidade do país o processo/autoridade de planejamento urbano tem capacidade para fazer frente à crescente demanda de unidades/terras atendidas, conforme comprovado pelo fato de que quase todas as novas moradias são formais.	
	B	Na maior cidade do país o processo/autoridade de planejamento urbano tem capacidade para enfrentar de certa forma a crescente demanda de unidades/terras atendidas, conforme comprovado pelo fato de que as novas moradias são, em sua maioria, formais.	
	C	Na maior cidade do país o processo/autoridade de planejamento urbano está se esforçando para fazer frente à crescente demanda de unidades/terras atendidas, conforme comprovado pelo fato de que as novas moradias são, em sua maioria, informais.	
	D	Na maior cidade do país o processo/autoridade de planejamento urbano não tem capacidade para fazer frente à crescente demanda de unidades/terras atendidas, conforme comprovado pelo fato de que quase todas as novas moradias são informais.	
4.10 Existe um registro completo das terras públicas. <i>LGI 4.1.2</i>	A	Mais de 90% das terras públicas são claramente identificadas no local ou em mapas.	
	B	Entre 60% e 90% das terras públicas são claramente identificadas no local ou em mapas.	
	C	Entre 30% e 60% das terras públicas são claramente identificadas no local ou em mapas.	
	D	Menos de 30% das terras públicas não está claramente identificado no terreno nem nos mapas.	

4.11 A informação sobre as terras públicas é acessível publicamente. <i>LGI 4.1.3</i>	A	Todas as informações no inventário de terras públicas são acessíveis ao público.	
	B	Todas as informações no inventário de terras públicas são acessíveis ao público, mas as informações para alguns tipos de terras públicas (terras usadas pelos militares, serviços de segurança, etc.) não estão disponíveis por motivos justificáveis.	
	C	Todas as informações no inventário de terras públicas estão disponíveis somente para um conjunto limitado de propriedades públicas e existem poucos motivos ou mesmo nenhum motivo para justificar a não acessibilidade desses registros.	
	D	Nenhuma informação no inventário de terras públicas é acessível ao público.	
4.12 A responsabilidade de gestão dos diferentes tipos de terras públicas está designada sem ambiguidades. <i>LGI 4.1.4</i>	A	A responsabilidade da gestão dos diferentes tipos de terras públicas está designada sem ambiguidades para servir aos objetivos de equidade e eficiência e está implementado por instituições equipadas apropriadamente.	
	B	A responsabilidade pela gestão dos diferentes tipos de terras públicas está designada sem ambiguidades, mas isso nem sempre é consistente com os objetivos de equidade e eficiência ou as instituições nem sempre estão equipadas apropriadamente de modo que, às vezes, estes não são alcançados.	
	C	Existe ambiguidade na designação de responsabilidade ou capacidade de gestão para distintos tipos de terras públicas e/ou brechas importantes de modo que muitas vezes não se atinge na prática a equidade e a eficiência.	
	D	A ambiguidade na responsabilidade/habilidade de gestão para terras públicas chave faz que seja quase impossível manejar estas de maneira equitativa e eficiente.	
4.13 Toda as informações essenciais sobre alocação de terras públicas para interesses privados é acessível ao público. <i>LGI 4.1.6</i>	A	As informações-chave para as alocações de terras (a localização e a área da alocação de terras, as partes envolvidas e os termos financeiros da alocação de terras) estão registradas e publicamente disponíveis.	
	B	As informações-chave para as alocações de terras (a localização e a área da alocação de terras, as partes envolvidas e os termos financeiros da alocação de terras) são apenas parcialmente registradas, mas estão publicamente disponíveis; ou as informações-chave estão registradas mas somente parcialmente disponíveis ao público.	
	C	As informações-chave para as alocações de terras (a localização e a área da alocação de terras, as partes envolvidas e os termos financeiros da alocação de terras) são registradas ou parcialmente registradas, mas não estão publicamente disponíveis.	
	D	Não existem informações registradas acerca de alocações de terras.	

Perguntas adicionais

Tema 4 – Perguntas básicas		
Pergunta (com fonte)	Resposta resumida com fatos e números básicos (a descrição pode entrar em detalhes se necessário)	Fontes
4.14 É fácil a obtenção de alvarás? Em caso negativo, por que não?		

Tema 5: Tributação e avaliação

Perguntas de Marco de Avaliação da Governança Fundiária (LGAF)

Tema 5 – Perguntas básicas		
Pergunta	Resposta resumida com fatos e números básicos (a descrição pode entrar em detalhes se necessário)	Fontes
5.1 Existe um processo claro de avaliação de propriedades. <i>LGf 7.1.1</i>	A	A avaliação de terras/propriedades para fins de tributação baseia-se nos preços de mercado, com diferenças mínimas entre os valores registrados e os preços de mercado nos diversos usos e tipos de usuários e as listas de avaliação são atualizadas regularmente (pelo menos a cada cinco anos).
	B	A avaliação de terras/propriedades para fins de tributação baseia-se nos preços de mercado, mas existem diferenças significativas entre os valores registrados e os preços de mercado nos diversos usos e tipos de usuários ou as listas de avaliação não são atualizadas regularmente ou com frequência (com intervalos superiores a cinco anos).
	C	A avaliação de terras/propriedades para fins de tributação tem alguma relação com os preços de mercado, mas existem diferenças significativas entre os valores registrados e os preços de mercado nos diversos usos e tipos de usuários e as listas de avaliação não são atualizadas regularmente.
	D	A avaliação de terras/propriedades para fins de tributação não se baseia claramente nos preços de mercado.
5.2 As isenções de impostos sobre propriedade são justificadas e transparentes. <i>LGf 7.2.1</i>	A	Existem isenções limitadas ao pagamento de impostos sobre propriedade e as isenções existentes são claramente baseadas em aspectos de equidade ou eficiência, sendo aplicadas de forma transparente e coerente.
	B	Existem isenções limitadas ao pagamento de impostos sobre propriedade e as isenções existentes são claramente baseadas em aspectos de equidade ou eficiência, mas não são aplicadas de forma transparente e coerente.
	C	As isenções ao pagamento de impostos sobre propriedade nem sempre são claramente baseadas em aspectos de equidade ou eficiência e nem sempre são aplicadas de forma transparente e coerente.

	D	Não está claro quais são as justificativas aplicadas para a concessão de isenções ao pagamento de impostos sobre propriedade e a concessão dessas isenções é bastante arbitrária.	
5.3 Os proprietários responsáveis pelo pagamento de impostos sobre propriedade são listados na relação de impostos. <i>LGI 7.2.2</i>	A	Mais de 80% dos proprietários responsáveis por impostos sobre propriedade são listados na relação de impostos.	
	B	Entre 70% e 80% dos proprietários responsáveis por impostos sobre propriedade são listados na relação de impostos.	
	C	Entre 50% e 70% dos proprietários responsáveis por impostos sobre propriedade são listados na relação de impostos.	
	D	Menos de 50% dos proprietários responsáveis por impostos sobre propriedade são listados na relação de impostos.	
5.4 Os recebimentos dos impostos sobre propriedade excedem o custo de arrecadação. <i>LGI 7.2.3</i>	A	Mais de 80% dos impostos sobre propriedade avaliados são arrecadados.	
	B	Entre 70% e 80% dos impostos sobre propriedade avaliados são arrecadados.	
	C	Entre 50% e 70% dos impostos sobre propriedade avaliados são arrecadados	
	D	Menos de 50% dos impostos sobre propriedade avaliados são arrecadados.	

Perguntas adicionais

Tema 5 – Perguntas básicas		
Pergunta	Resposta resumida com fatos e números básicos (a descrição pode entrar em detalhes se necessário)	Fontes
5.5 O custo da arrecadação de impostos fica abaixo do montante arrecadado?		
5.6 Os impostos sobre imóveis são definidos e administrados no nível local?		
5.7 Os impostos sobre bens imóveis são usados para viabilizar serviços municipais para a população local?		

Tema 6: Acesso à terra no desenvolvimento urbano e nos mercados fundiários

Este tema explora as formas como as pessoas acessam terrenos para a habitação e para outras necessidades de desenvolvimento urbano (p. ex., empresas) e outras características dos mercados fundiários. Conforme explicado no documento de definição de escopo, para compreender este tema de fato, são necessárias informações qualitativas e quantitativas mais aprofundadas por meio de uma pesquisa domiciliar por amostragem bem estruturada e de grande alcance, além de uma revisão mais ampla dos dados administrativos. Este tipo de pesquisa pode ser realizado como seguimento ao estudo de caso se o tema de mercados fundiários (ou subtemas dentro dessa rubrica) permanecer como uma prioridade. As informações e as perspectivas do estudo de caso serão muito valiosos para a definição dessa pesquisa. Em termos mais imediatos, as seguintes perguntas visam a fornecer uma visão geral

de alto nível da dinâmica do mercado fundiário que pode ser usada no diálogo de políticas sobre as prioridades.

Para cada pergunta, o autor deve primeiro responder com base na revisão das fontes de informação secundárias. Se o tempo e financiamento permitirem, recomenda-se que o autor reúna uma amostra de dados administrativos sobre variáveis básicas conforme indicado abaixo, por exemplo, de um ou mais cartórios de registro de imóveis nas duas principais cidades. Também é possível obter respostas a algumas perguntas pelas notícias e outros meios de comunicação e circulando de carro/à pé em algumas áreas para tomar nota de informações sobre vendas de terrenos. Devem também ser realizadas entrevistas com informantes-chave, inclusive com uma amostra de prestadores formais e *informais* de serviços do mercado fundiário, como corretores de imóveis, tabeliães, agrimensores, funcionários do registro fundiário e de outros órgãos que atuem na área de transações fundiárias formais.

Perguntas de Marco de Avaliação da Governança Fundiária (LGAF) e Indicadores Globais da Política de Habitação (GHI)

Tema 6 – Perguntas básicas			
Pergunta	Resposta resumida com fatos e números básicos (a descrição pode entrar em detalhes se necessário)		Fontes
6.1 É comum os moradores manterem a terra por meio de locações de longo prazo do governo (federal ou municipal)? (GHI P1.6)	Sim		
	Não		
6.2 O número de vendas ilegais de terras é baixo. <i>LG1 1.2.4</i>	A	Na prática ocorrem poucas (se houver) transações ilegais e existem mecanismos para identificar sem ambiguidade as vendas ilegais e são aplicadas de maneira rotineira.	
	B	O número de transações ilegais de terras é baixo e algumas são identificadas sem ambiguidade de maneira rotineira.	
	C	O número de transações ilegais de terras é alto e algumas são identificadas sem ambiguidade de maneira rotineira.	
	D	O número de transações ilegais de terras é alto e nenhuma é identificada sem ambiguidade de maneira rotineira.	
6.3 O número de transações de arrendamento ilegal é baixo. <i>LG1 1.2.5</i>	A	Existem restrições legais sobre o arrendamento de terras (se houver) e estão claramente identificadas, amplamente aceitas e executadas integralmente.	
	B	Existem restrições legais sobre o arrendamento de terras (se houver) e estão claramente identificadas, justificadas e aceitas por todas as partes da sociedade porém não plenamente compreendidas pelos usuários de terras, de modo que a execução é parcial.	
	C	Existem restrições legais sobre o arrendamento de terras e estão claramente identificadas porém não plenamente justificadas ou aceitas pelos	

		usuários de terras, de modo que a execução é parcial.	
	D	As restrições legais existentes sobre o arrendamento de terras são rotineiramente negligenciadas.	

Tema 6 – Perguntas básicas		
Pergunta	Resposta resumida com fatos e números básicos (a descrição pode entrar em detalhes se necessário)	Fontes
6.4 Quais são os principais modos de aquisição de direitos à terra para fins de habitação? (compra, herança, arrendamento, locação, destinação ao Estado, outros)		
6.5 Os mercados fundiários formais e informais (para venda e locação) são ativos? Qual deles predomina?	<i>Obs.: Analise as diferenças entre os locais situados nas principais áreas urbanas e em outras áreas do país. Identifique diferenças por tipo de uso do solo (residencial [favela, assentamento, loteamento, habitação pública] e não residencial).</i>	
6.6 Que porcentagem dos lotes ou habitações é transferida a cada ano?	<i>Obs.: Se os dados não estiverem disponíveis, forneça uma visão subjetiva do nível de atividade dos mercados.</i>	
6.7 As locações de terras públicas são transferíveis? Em caso afirmativo, qual é a função do Estado?		
6.8 Como as operações são financiadas normalmente? Como isso varia de acordo com os segmentos do mercado?		
6.9 O empréstimo com garantia é comum com a titularidade da terra ou contrato de locação como garantia real?		
6.10 Existe microfinanciamento da habitação? Há requisitos de garantias reais ou abstratas com base na documentação de posse?		
6.11 Quais os serviços imobiliários prestados pelo setor privado (formal ou informal)?		
6.12 Os processos de destinação e adjudicação de terras públicas são claros e suficientes para atender às demandas das populações carentes? Dos investidores?		
6.13 Que variáveis parecem afetar os preços de venda das terras?	<i>Obs.: Por exemplo, distância do centro da cidade, acesso a transporte, oportunidades de trabalho, serviços de utilidade pública, tipo de documento de direitos do vendedor (p. ex., escritura), características do bairro (favela, assentamento informal, loteamento, empreendimento de habitação privada, habitação pública).</i>	
6.14 Que variáveis parecem afetar os preços de locação das terras?		

6.15 Que informações sobre transações fundiárias estão disponíveis publicamente em registros oficiais?		
6.16 Que outras fontes de informações confiáveis sobre o mercado fundiário existem e são mantidas atualizadas?		

Tema 7: Temas especiais

Para certas localidades, é importante caracterizar os dois temas abordados em 7a e 7b. Do mesmo modo que o tema de mercados fundiários, o estudo de caso não é adequado para uma avaliação de peso dessas áreas temáticas. No entanto, uma breve avaliação nos moldes apresentados pode revelar lacunas importantes em termos de políticas ou informações. Para cada país, 7c repete as perguntas específicas de cada um deles a partir do documento de definição de escopo. Cada autor deve usar as informações das seções anteriores do guia de estudos de caso que fornecem mais detalhes e informações adicionais que podem ser necessários para responder a essas perguntas. Os resultados devem ser usados para fundamentar as conclusões gerais sobre as áreas de impacto para as reformas de governança fundiária e as áreas de ação prioritárias correspondentes.

7a. Vinculação entre governança fundiária e manejo de recursos hídricos, pesqueiros e zonas costeiras

O VGGT da FAO fornece orientação de boas práticas internacionais sobre questões de governança da posse no que diz respeito a recursos terrestres e aquáticos. Uma versão preliminar do [Guia técnico de pesqueiros](#) foi lançada, com uma descrição de como as questões de governança fundiária podem aplicar-se a zonas costeiras e de pesca. Além de terras costeiras, a expansão urbana em áreas rurais em alguns ambientes pode representar riscos para a qualidade da água doce também. Se esses temas forem de suma importância para o país objeto do estudo (ver análise de questões no documento de definição de escopo), o autor deve avaliar como a situação da posse da terra se conjuga com questões de manejo de recursos hídricos, pesqueiros e/ou zonas costeiras com base no guia técnico com o link fornecido como uma referência-chave. Os indicadores 3.2, 3.3 e 4.5 do LGAF também são relevantes. No mínimo, o estudo de caso deve revelar se as questões de governança fundiária atualmente são compreendidas no nível interno e se os dados de posse da terra são usados para subsidiar os trabalhos no sentido de resolver essas questões específicas de uso do solo e recursos hídricos.

7b. Redução do risco de desastres e gestão de desastres

Se as grandes cidades consideradas no estudo de caso enfrentam riscos consideráveis de desastres naturais, identifique se as questões de governança fundiária são compreendidas ou não no nível interno e se há dados de posse fundiária disponíveis para uso nos trabalhos para reduzir os riscos de desastres e planejar respostas a desastres. De que maneira a falta de

posse formal e de serviços de administração fundiária eficientes dificultaram os trabalhos de recuperação de desastres anteriores, caso seja relevante?

7c. Sugestões e perguntas do estudo de caso específico do país

Apresentamos abaixo orientação específica para cada país. As sugestões e perguntas devem ser respondidas no relatório, e podem também sugerir ao autor temas que deve priorizar ao responder às perguntas padrão. Estas provavelmente demandarão informações adicionais além do que a resposta às perguntas padrão gerará.

Questões específicas para o estudo de caso de Barbados

1. O que será necessário para reduzir a ineficiência na destinação de terras, como, por exemplo, mudanças nas políticas públicas e nos processos de zoneamento, conversões de terras ou ordenamento territorial? Solucionar questões de terras familiares? Como a melhoria da gestão das informações fundiárias pode contribuir?
2. Há informações atualizadas sobre o número de lotes existentes, o universo da informalidade e um inventário dos assentamentos precários (informais ou ilegais)?
3. O que foi ou não foi feito em resposta à avaliação do registro de 2005? Caso não tenha havido acompanhamento, qual foi o motivo? Faça um mapeamento das partes interessadas ou identifique outras restrições para a adoção das sugestões.
4. Qual é a opinião do pesquisador acerca da utilidade de conversão de um sistema de escrituras para um sistema de títulos, e a possibilidade de reverter formalmente a escolha política feita para introduzir o sistema de títulos?
5. Que lições podem ser aprendidas com o Programa de Modernização da Habitação e dos Bairros financiado pelo BID, como, por exemplo, eficiência dos processos de titulação e registro, acesso a informações fundiárias para o planejamento, inclusive direitos sobre a terra?
6. O diagnóstico elaborado conforme a ESCI (ver abaixo) identifica desafios específicos de governança fundiária? De que forma se encaixam com as conclusões mais gerais do estudo de caso? Houve algum desafio específico relacionado com a gestão da informação fundiária?
7. Que melhorias específicas na gestão da informação fundiária melhorarão a arrecadação de impostos?

Sugestões específicas para o estudo de caso de Trinidad e Tobago

1. O estudo de caso deve descrever precedentes recentes na execução de empreendimentos obrigatórios para investimentos em infraestrutura e manejo ambiental. Alguns exemplos devem ser incluídos para ilustrar as questões existentes.
 - a. Quão generalizadas são as questões relacionadas à suficiência de aviso prévio e consulta ou alegações de corrupção conforme veiculado na imprensa em tempos recentes⁵⁶?

⁵⁶ www.guardian.co.tt/news/2014-10-11/land-owners-block-oas.

- b. Como as preocupações estão relacionadas a questões específicas de gestão de informações fundiárias, políticas específicas ou procedimentos?
2. Em relação aos investimentos em sistemas de gestão de informações fundiárias (por exemplo, SALIS e CMIS) e ao funcionamento do registro e cadastro, o estudo de caso deve avaliar os fatores que afetam a sustentabilidade.
3. Os investimentos atuais e propostos propiciarão a qualidade e eficiência de acesso à informação necessárias para o alcance das metas de regularização, a divulgação de informação sobre os planos de redução de risco de desastres, o empreendimento de obras públicas relativas a infraestrutura, a conversão de terras manejadas e a solução da situação das terras de famílias ao longo do tempo? Para cada um, forneça sua opinião e uma breve explicação para ela.
4. Além de permitir a operacionalidade entre o registro e o cadastro, existem outras oportunidades para integrar informações fundiárias e gerar eficiência e ampliar a confiabilidade? Especifique a localização atual da informação, para o que é usada e que medidas-chave teriam de ser tomadas para integrar os dados.
5. Forneça um breve contexto que ajude a explicar por que a titulação sistemática da terra ainda não foi implementada em escala. Como essa situação está relacionada com as deficiências da gestão das informações fundiárias? Que outros fatores são importantes (por exemplo, complexidade institucional, falta de recursos financeiros ou humanos)?
6. Preencha e esclareça a lista de reformas legais recentes e atuais relativas à melhoria da governança fundiária. De que maneira motivarão melhorias à gestão da informação fundiária? Esclareça a situação da legislação e em que ponto chegou a implementação.
7. Explique como as questões de governança fundiária afetam o acesso e a gestão de terras costeiras. Forneça exemplos que mostrem a relevância da melhoria da gestão da informação fundiária para a gestão das terras costeiras. Que tipos de melhorias?

Sugestões específicas para o estudo de caso do Panamá

1. Qual é o desempenho do conjunto de reformas legais introduzidas nos últimos dez anos (listadas acima)? Há lacunas capazes de explicar problemas revelados pela avaliação da situação da governança fundiária básica realizada no estudo de caso?⁵⁷ Qual é a função da gestão de informações fundiárias no apoio à execução adequada das reformas?
2. Quais são os fatores que afetaram a sustentabilidade de investimentos anteriores em sistemas de administração fundiária (títulos, cadastro e registro)? O Estudo de Avaliação Comparativa do BID (BID 2014) indica o risco de sustentabilidade da regularização "quando as condições que levam à informalidade não sofreram mudança". Parece que o estudo de caso deve procurar compreender a necessidade de reinvestimento, por exemplo, pelo ANATI, para modernizar suas informações e sistemas

⁵⁷ Isso deve incluir uma explicação da Lei e Regulamentos de Concessões Turísticas (Lei nº 2, de 2006, e Decreto Executivo 85, de 2006); Lei de Desapropriações Especiais (Lei 20, de 2009); Adjudicação de Terras Costeiras e Territórios Insulares (Lei 80, de 2009, e Decreto Executivo 45, de 2010); Novo Código Agrário (Lei 55, de 2011); e Regulamentos de Terras Comunitárias Indígenas (Decreto Executivo 223, de 2010).

cadastrais e a relevância do risco ou da realidade da reversão da titulação de terras para a informalidade em função da falta de registro das transações subsequentes.

3. Qual foi o impacto dos nove planos de uso da terra elaborados conforme o PRONAT? A avaliação final do PRONAT (Latin Consulting 2014) sugere que o plano no Darien foi implementado, mas não está claro se esse é o caso em relação aos outros. Em caso negativo, por que não? Em caso afirmativo, qual foi o benefício? A gestão de informações fundiárias foi uma restrição? De que maneira?
4. De que maneira os atuais trabalhos de revitalização urbana de grande escala podem ser favorecidos pela melhoria da informação e dos serviços de administração fundiária? A Iniciativa de Cidades Emergentes e Sustentáveis do BID apoiou estudos em relação à revitalização prevista do Barrio La Exposición (uma área histórica da Cidade do Panamá). Como as questões de governança fundiária pesaram nas conclusões desses estudos e no plano? Há lições de trabalhos de revitalização urbana anteriores — por exemplo, no âmbito do projeto-piloto financiado pelo BID de revitalização urbana e alívio da pobreza em Colón (empréstimo para a inovação concedido em 2003) — relacionadas à administração fundiária? A documentação do empréstimo aponta riscos em torno da aquisição de imóveis a ser reformados e atitudes em relação aos direitos. É possível extrair alguma lição dos nove exercícios de ordenamento territorial realizados no âmbito do PRONAT?
5. Qual é o escopo atual previsto dos registros de terras irregulares? Quais são as principais razões para o PRONAT ter tido dificuldade em abordar essa questão (Latin Consulting 2014)? Como a política de zoneamento afeta o problema?
6. A avaliação final do PRONAT (Latin Consulting 2014) afirma que a eficiência e eficácia do enorme sistema de avaliação não foram analisadas. Este pode ser um tema útil para explorar, tendo em vista as necessidades do Panamá de promover a eficácia de seu financiamento fiscal e reforçar a descentralização.
7. Quais são as principais lições extraídas da experiência do Panamá na modernização da administração fundiária que podem ser relevantes para os outros quatro países?

Sugestões específicas para o estudo de caso do Brasil

A escala, complexidade e variação interna nos desafios de governança fundiária em todo o Brasil são apontadas no relatório de avaliação da governança fundiária (Banco Mundial 2014b). Nesse contexto, o estudo de caso precisará se concentrar em uma ou duas cidades ou municípios de porte médio prioritários, usando informações estaduais e nacionais apenas quando necessário para contextualizar a situação. Para ajudar a definir o local, observe que a estratégia de país do BID prioriza as regiões Norte e Nordeste, e o relatório LGA (Banco Mundial 2014b) sugere que essas mesmas regiões têm prioridade alta–média em termos do impacto de melhorias nas áreas de regularização e fornecimento de lotes habitacionais urbanizados. O autor do estudo de caso fará seleções de locais depois de ler o documento de definição de escopo (especialmente a seção sobre o Brasil) e trocar ideias com o principal técnico do BID para o projeto; depois disso, fornecerá uma justificativa no seu relatório. O estudo de caso citará os relatórios de Avaliação de Governança Fundiária no nível estadual e nacional (se houver) em relação a todas as perguntas do guia de estudo de caso derivadas do

LGAF, já que, no momento, não estão previstas mudanças na resposta. Para as perguntas do guia do estudo de caso não provenientes do LGAF, o autor deve fornecer informações nacionais, estaduais ou municipais conforme a relevância. A seguir, algumas perguntas específicas a ser feitas.

1. Existe uma lacuna significativa entre a igualdade jurídica para as mulheres no que diz respeito aos direitos à terra e a desigualdade na prática nas áreas urbanas selecionadas?
2. Foram tomadas providências eficazes, em particular por meio da comissão interministerial sobre governança fundiária, em relação às conclusões do LGA que afetam as áreas urbanas?
3. O que pode ser aprendido a partir de um mapeamento das partes interessadas em torno da implementação do Estatuto das Cidades e outras legislações importantes e ferramentas de implementação (por exemplo, loteamento compulsório, direitos preferenciais) relacionadas à regularização fundiária? Este exercício sugere um papel para a melhoria da gestão das informações fundiárias?
4. De que maneira a dinâmica do mercado e a legislação fundiária limitam a oferta de terrenos urbanizados formais acessíveis às populações carentes? Que lacunas de informação limitam a capacidade de responder a esta pergunta?
5. Como funcionam os incentivos para a participação na regularização, como aqueles oferecidos no Pará e em São Paulo (conforme descrito no relatório do LGA [Banco Mundial 2014b])? Que diferença fizeram até o momento?
6. Quais são os precedentes em decisões judiciais que confirmam ou contradizem o ambiente de políticas de direitos para a cidade, o desenvolvimento e as terras regularizadas?
7. Quais são as lições positivas aprendidas até o momento com o programa Terra Legal em termos de articulação interinstitucional e compartilhamento de informações fundiárias?

Questões específicas para o estudo de caso do Equador

1. Quais são os possíveis mecanismos para registrar periodicamente os dados básicos do mercado fundiário?
2. Como uma pesquisa domiciliar que registra tanto transações do mercado fundiário informal como formal pode fornecer informações melhores para a atual discussão sobre políticas fundiárias e suas ferramentas de implementação? Como SigTierras se relaciona (e poderia/deveria) com as iniciativas para criar cadastros multiuso? O SigTierras é sustentável do ponto de vista do uso e financiamento?
3. Quais são as posições das partes interessadas mais importantes acerca da legislação proposta atualmente?
4. Que tipos de intervenções programáticas seriam mais úteis para fazer avançar a implementação de leis e políticas fundiárias em áreas urbanas? Em termos específicos, considere o que pode ser feito para melhorar a gestão das informações fundiárias.

5. Quais são as necessidades de desenvolvimento de capacidades específicas do GAD nas áreas básicas da governança fundiária? Quais são as necessidades de capacitação específicas para a gestão de informações fundiárias?

Tema 8: Monitoramento do progresso

Nesta seção, o autor deve reunir as informações quantitativas disponíveis (a partir de fontes administrativas primárias ou fontes secundárias) usando os dados mais recentes. As fontes secundárias com mais de cinco anos não deverão ser usadas. As informações reunidas nesta seção podem ser usadas para caracterizar o status quo ou oferecer uma linha de base para avaliação futura. Visam também começar a definir lacunas de informação importantes. Quanto às lacunas identificadas, o autor deve: a) comentar se há iniciativas em andamento que ajudem a eliminar essas lacunas; e b) se elas não existirem, fornecer algumas ideias sobre o que seria necessário para suprir essas lacunas. **(Aplica-se a grandes áreas urbanas e no nível nacional, conforme a viabilidade.)**

Tema 8 – Informações básicas			
Variável	Resultados quantitativos	Análise de limitações aos resultados e lacunas de dados	Fontes
8.1 Indicadores de monitoramento quantitativos do LGAF			
8.1a A parcela de área mapeada com direitos identificados	<i>Incluir a data dos dados</i>		
8.1b A parcela de terrenos registrados em nome de mulheres (incluir individuais e conjuntos)			
8.1c Número e preços das transações de terras registradas			
8.1d Valor do imposto sobre imóveis calculado e efetivamente recolhido			
8.1e Área expropriada e indenização paga			
8.1f Número de conflitos fundiários de diferentes tipos pendentes na justiça			
8.2 Indicadores do plano de fortalecimento dos direitos imobiliários			
8.2a Participação do crédito imobiliário no total de crédito do sistema			
8.2b Participação das hipotecas lastreadas em imóveis na quantidade de imóveis registrados			

8.2c Valor médio por metro quadrado de terras para habitação de baixa renda ⁵⁸			
8.3 Indicadores comparativos de terceiros (os quais se concentram em mercados formais em áreas mais desenvolvidas)			
8.3a Facilidade de registro de uma transação imobiliária (Doing Business)	O autor deve atualizar as informações dessas fontes apresentadas no documento de definição de escopo se novos dados ficarem disponíveis. O autor também pode fornecer o contexto para essas classificações.		
8.3b Estado de direito (Índice Imobiliário Internacional, IRPI)			
8.3c Qualidade geral dos direitos de propriedade (IRPI)			
8.3d Viés de gênero (IRPI)			
8.3e Controle da corrupção (Indicadores de governança mundial)			

⁵⁸ Esse dado pode ser relatado como uma relação com a renda familiar média desagregada por categorias de habitação e faixas de renda.

