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## Statistical Commission

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**Items for information: human settlement statistics**

## Report of the United Nations Human Settlements Programme on human settlements statistics

### Note by the Secretary-General

In accordance with Economic and Social Council decision 2513/235, the Secretary-General has the honour to transmit the report of the United Nations Human Settlements Programme (UN-Habitat) on human settlements statistics. The report presents a methodology developed by UN-Habitat and partners to measure security of tenure in a consistent manner across countries and regions.

The Statistical Commission is invited to take note of the report.

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\* [E/CN.3/2014/1](#).



## **Report of the United Nations Human Settlements Programme on human settlements statistics**

### **I. Security of tenure in the development agenda**

1. Complementing the theoretical and technical debates on land tenure, in 2000 world leaders, in the United Nations Millennium Declaration, made a commitment to improve the lives of slum dwellers through security of land tenure. It is included in the slum indicator, which has five dimensions, namely: (a) improved water; (b) improved sanitation; (c) adequate living space; (d) durable housing; and (e) security of tenure. In 2011, the twenty-third Governing Council of the United Nations Human Settlements Programme (UN-Habitat), in its resolution [23/17](#), encouraged Governments and Habitat Agenda partners to promote security of tenure for all segments of society by recognizing and respecting a plurality of tenure systems, identifying and adopting, as appropriate to particular situations, intermediate forms of tenure arrangements, adopting alternative forms of land administration and land records alongside conventional land administration systems, and stepping up efforts to achieve secure tenure in post-conflict and post-disaster situations.

2. Security of tenure is an effective way to safeguard the relationship between people and land in both rural and urban areas. Securing tenure for all, especially through the range of tenure arrangements and practices covered in the present report, has a variety of benefits, including social stability, poverty reduction, improved land management and functioning urban land markets. Although there is a consensus on the importance of tenure security, it has been less easy for Governments and the scientific community to actively monitor and track performance.

3. Despite its importance, security of tenure has not been globally measured owing to a lack of globally comparable data. However, UN-Habitat and its partners have made considerable progress in developing a methodology to measure security of tenure consistent across countries and regions. Observations using that method are being implemented in 25 cities around the world through household surveys, such as the Urban Inequities Survey. People or households are considered to have secure tenure when there is evidence of documentation that can be used as proof of secure tenure status, or when there is either *de facto* or perceived protection against forced eviction.

4. The main objective of the report is to present a method of measuring and monitoring security of tenure, especially in urban areas, at three levels: people, land and policies. The monitoring technique proposed follows a conceptual approach to tenure as opposed to the conventional approach based on the concept of duality: owner versus renter; formal versus informal land tenure; and *de facto* (non-registered or/and recorded) versus registered rights. A typology of tenure security within a continuum is proposed that can be captured at those three levels.

## II. Monitoring security of tenure: from duality to a tenure continuum

5. Whether tenure systems provide security for the users of land or not, security of tenure is a relative concept that changes over time and space. Over the centuries land tenure has evolved from a communal/collective system into one of individual ownership, with many variants in each broad system. In the past, the monitoring of land tenure (if any was done) was shaped by the communal ethos and was different from that of private ownership-based systems. Tenure security was an articulated axis of duality involving private owners of land and “the rest”. The main hypothesis was that owners were more likely to have secure tenure than renters and others. In modern times, the collection of data on “ownership” has been the methodological reflection of the mainstream economic ideology — liberalism and neo-liberalism — which asserts that high levels of property ownership are a sign of economic success and affluence.<sup>1</sup>

6. By the onset of the new millennium, the duality between formal versus informal tenure arrangements was established. The former consisted of freehold/leasehold arrangements, with tenants having formal rental contracts; the latter included all other tenure arrangements which were, or were close to being, extra-legal. The main hypothesis was that formal ownership of land/property eliminated not only poverty but also obstacles to the success of capitalism in underdeveloped countries.<sup>2</sup>

7. Although the distinction between formal and informal land tenure gave a better picture of tenure security than the “owners versus renters” approach, the concept validity problem was still there. Especially in the developing world, not all formal types of tenure turned out to be secure, while not all informal tenure was insecure. The line between formal and informal was more blurred than previously thought. For example, despite any formal guarantees that inhabitants were given, their security of tenure could be jeopardized with a change of policies or government.

## III. Monitoring security of tenure: people, land and policies

8. Security of tenure is manifested in three domains: the individual unit (household or workplace), the settlement and the city. The domains can be juxtaposed with the three elements of security of tenure, people, land and policies. Security of tenure in land is attained when:

- Access to land rights for the majority of individual units is recognized by others (State or non-State parties) as legal or legitimate
- Households trust that the authorities will protect them (in dwellings or workplaces) from forceful evictions
- Women spouses trust that the authorities will protect them from forceful evictions in the event of widowhood or separation

<sup>1</sup> Alan Gilbert, *Rental Housing: An Essential Option for the Urban Poor in Developing Countries* (Nairobi, United Nations Human Settlements Programme, 2003).

<sup>2</sup> Hernando de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (New York, Basic Books, 2000).

- The legal status of the land in most informal communities allows for intermediate tenure solutions
- The city's legal and institutional dynamics are open to mainstreaming the intermediary forms of tenure within land management systems
- Legal provisions against forced evictions are accessible and effective

### **Type of document and tenure rights**

9. The documents that individuals or households possess reflect, indirectly or directly, their relationship to the land they live on. They describe the series of past decisions and actions taken by those who have a claim to the particular piece of land. Land users are secure if they are confident that they will not be arbitrarily deprived of the rights they enjoy over land. A critical factor that bolsters this confidence is the certainty that those rights are recognized by others. However, who are the “others”? Although not explicitly stated in any definition, from the literature it can be deduced that “others” includes two main groups: State and non-State actors. Each group has its own conditions for recognizing peoples’ rights. The common condition required by both types of actors is the existence of a document.

### **Evictions**

10. The most visible violation of housing rights facing the urban poor today is the practice of eviction without due legal process.<sup>3</sup> Under international law, forced or unlawful eviction is defined as the permanent or temporary removal against the will of individuals, families or communities from the homes and/or land they occupy, without the provision of, and access to, appropriate forms of legal and other protection.<sup>4</sup> Being forcefully evicted from one’s home or workplace is among the most serious and dramatic violations of human rights. Evicted families are deprived not only of their homes, but also of their jobs and the services they receive from society — schools and clinics, among others. Eviction affects the survival and development of family members. Being evicted without due legal process and with no legal support is a manifestation of absolute insecurity of tenure.

### **Fear of eviction**

11. Often, the residents of illegal settlements and squatter areas are chronically stressed because they are anxious that they may be unlawfully evicted by government authorities, by the owners of their dwellings or the land owner. Their fear could be based on an objective assessment of their own situation: the extent to which they have abided by the law, the settlement’s location and the political and social dynamics, among many other reasons. Alternatively, inhabitants could arrive at purely subjective conclusions on the basis of what they hear from neighbours or news about evictions that may or may not affect them.<sup>5</sup> The reason for this

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<sup>3</sup> Nefise Bazodlu and others, *Monitoring Security of Tenure in Cities: People, Land and Policies* (Nairobi, United Nations Human Settlements Programme, 2011), sect. 5.2.

<sup>4</sup> General Comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions (see *Official Records of the Economic and Social Council, 1998, Supplement No. 2 (E/1998/22)*, annex IV).

<sup>5</sup> Bazoglu and others, *Monitoring Security of Tenure in Cities: People, Land and Policies*, sect. 5.2.2.

perception remains largely unknown. It is clear, however, that fear adversely affects the families' quality of life, as it prevents them from integrating into urban life.

#### **A. Monitoring security of tenure at the level of people: the population-based survey**

12. Monitoring security of tenure at the level of people enables policymakers to trace the impact of land policies and market and social dynamics by gathering data directly from the people themselves. The measurement of security of tenure at the level of people can be done through stand-alone household surveys, such as the Urban Inequities Survey, or through existing surveys, such as the Demographic and Health Survey and the Multiple Indicator Cluster Survey. Both types of surveys are based on a representative sample that allows a quantitative estimate of tenure security. Questions on security of tenure can also be added to population and housing censuses, allowing a quantitative estimate citywide as well as nationwide. However, in the absence of household surveys with a representative sample or population and housing census, qualitative measurement of secure tenure can be obtained through small-scale sample surveys or qualitative methods.

##### **Urban Inequities Survey**

13. The Urban Inequities Survey is a sample survey consisting of three instruments: questionnaires relating to household, women and community. It is carried out in cities where the sample size varies between 1,000 and 4,000 households, which are selected according to the principles of probability sampling. This implies listing and mapping the total universe within the city. Since the initiation of the Survey goes back to the monitoring needs of the Habitat Agenda and other Millennium Development Goal indicators, the survey questionnaire also covers other thematic areas.

14. Examples of core questions in the Urban Inequities Survey include the following:

- (a) Do you own or rent this unit (dwelling)?
- (b) (If owner) Do you have one of the documents below as evidence of your rights over this dwelling? (list of documents provided)
- (c) Does this document help you improve your dwelling?
- (d) Does it (document) help you inherit or sell this dwelling?
- (e) Does it provide you with rights over land (full/shared)? (yes/no)
- (f) (If yes) Right to develop land?
- (g) Right to sell/inherit?
- (h) (If renter) Do you have a formal contract with landlord?
- (i) Do you have an informal contract with landlord?
- (j) (If no) Have you sublet the dwelling you live in?
- (k) Have you heard of any forceful evictions in the city? (yes/no)
- (l) (If yes) Do you trust you would be supported by the authorities if you are subject to forceful eviction?

**Security of tenure module added onto household surveys**

15. In most household surveys, the thematic scope (demographic, economic, social and physical conditions of the house) is more or less the same. One aspect usually missing is security of land tenure. Hence, this entails adding security of land tenure modules to the household questionnaire and, if possible, the questionnaire of those surveys relating to women. UN-Habitat has already experimented with selected questions in the questionnaire module that are asked of women, in a number of cities, including Accra, Dakar, Hama (Syrian Arab Republic), Dhaka, Mumbai and Calcutta (India) and São Paulo (Brazil). The table in section III.D illustrates the types of indicators that could be retrieved when a module is added to an existing survey initiative.

**Type of document question added to population and housing censuses**

16. In general, population and housing censuses include a question on home ownership, for example, “Do you own or rent this dwelling?”. In addition to that question, it is recommended to add questions on the types of documents. However owing to the complexity of census operation, it is recommended that an effective advocacy campaign be carried out, and that information on relevant case studies be documented and disseminated, as in the case of Aleppo, Syrian Arab Republic, where an additional urban indicators module was added to the 2004 population census.

**Small-scale sample surveys or qualitative methods**

17. In the absence of funds or partnership opportunities for large-scale surveys and population censuses, small-scale sample surveys or qualitative research methods could be an option. This approach is considered to have value for local stakeholders, decision makers, civil society and people as an input to city and national policy formulation and planning. Small-scale sample survey results coupled with desk reviews could provide an overall feel for the number of units that possess documents considered secure. A sample size of 500-700 households would be enough to get a reasonable idea of the distribution of types of households in relation to land. The sample design appropriate for this exercise (purposive sampling) is practical and cost-effective since the selection of clusters and/or households does not have to comply with the rules of probabilistic sampling.

**B. Monitoring security of tenure at the land level:  
the community-based survey**

18. One of the innovative approaches in the proposed methodological framework is community-based security of tenure, which can be mapped, assessed, evaluated and analysed. It recommends that at the land/settlement level, the security of tenure assessment cover information on: (a) the land’s legal history; (b) the land’s current jurisdictional situation; (c) the geographical dimension of land tenure; and (d) the harmony between plans and actual land use patterns.

19. The other domain that is key to the monitoring of security of tenure is the physical and legal status of land at the settlement level. Although household indicators do reflect the experience of individual families related to security of tenure, the legal dynamics of land and planning decisions cannot be measured by household surveys or censuses alone. The legal and physical status of land is a key

ingredient of a comprehensive monitoring system. Decision makers who plan to bring intermediate tenure solutions, targeted for individual units that are settled informally on urban land, need information at the settlement/land domain.

20. The policymakers or planners who resolve to improve the condition of informal settlements need two types of information. The first is about the type of stakeholder who can exercise certain rights over the land (public, collective or private ownership). The second is on the legal status of land with reference to the spatial plans that determine land use. Most large-scale programmes that have offered intermediate tenure solutions (for example, in the Philippines and Turkey) covered informal settlements on public land. The plans derived from such programmes often allocate the land to infrastructure, tertiary urban services or nature conservation. In doing so, alternative solutions could be found. Another aspect to take into account is the physical/geological domain. The settlements in dangerous areas (encroaching on public transport routes, or on landslide and flood-prone areas, for example) cannot be offered alternative, gradual land regularization solutions.

### **C. Monitoring security of tenure at the policy level: the Legal and Institutional Framework Index**

21. UN-Habitat developed the Legal and Institutional Framework Index and two indicators to track progress on the policies of the city/country domain.<sup>6</sup> The thematic areas covered by the Index included: (a) evictions; (b) remedial and preventive measures; (c) land administration; and (d) land markets. The last thematic area was eliminated after pilots in a number of cities. The Index serves two purposes that are equally important. First, assuming it is applied in many cities, the score, as a stand-alone value, could be used to make subnational, regional and global comparisons. Second, in cities where both an Urban Inequalities Survey and a Legal and Institutional Framework Index are implemented within the same time frame, the values of indicators obtained from both instruments could be synthesized to provide the full picture (people and policies combined) of security of tenure.

22. The Legal and Institutional Framework Index is meant to produce qualitative results as opposed to the quantitative indicators the Urban Inequities Survey provides. The process of data gathering — the selection of key informants representing different stakeholder groups coupled with an expert group meeting — is qualitative. To reach a summary conclusion, however, the experts are asked to rate the legislation and the institutions. Although the overall score attained at the end of the process is based on expertise, experience and a process of intense discussion and debate at the expert group meeting, it is still a subjective assessment that must be supplemented by household and community surveys.

### **D. Measurement instruments by indicator**

23. It is important to note that the types of indicators vary according to the types of instruments used to collect information (see table). The percentage of households with secure or insecure documents can be obtained only through household surveys or population and housing censuses. In addition to providing information on the

<sup>6</sup> Ibid., sect. 3.4.

proportion of households with secure or insecure documents, the Urban Inequities Survey can provide information on the prevalence of de facto or perceived eviction as well as on the right to sell or inherit land. Small-scale surveys, rapid assessments, community assessments and the Legal and Institutional Framework Index provide detailed information but are not based on a representative sample of people, land or policies and therefore are not meant to provide information on percentages of documentation, or de facto or perceived eviction. They can only allow a qualitative assessment of the types of documents. Nevertheless, they can provide a wealth of qualitative information that can be used to assess informality of land tenure, particularly within land information systems.

### Measurement instruments by indicator

| Indicator   | Urban Inequities Survey (UIS) | Household survey supplement (partial UIS) | Population and housing census | Small-scale survey | Rapid assessment | Community assessment | Legal and Institutional Framework Index |
|---|-------------------------------|---|-------------------------------|--------------------|------------------|----------------------|---|
| Percentage of households with insecure documents                | X                             | X   | X                             |                    |                  |                      |   |
| Proxy percentage of households with insecure documents          |                               |   |                               | X                  | X                | X                    | X                                       |
| Percentage of households with rights to sell/inherit            | X                             |   |                               |                    |                  |                      |   |
| Percentage of households evicted                                | X                             |   |                               |                    |                  |                      |   |
| Percentage of households fearing eviction                       | X                             |   |                               |                    |                  |                      |   |
| Percentage of women fearing eviction                            | X                             |   |                               |                    |                  |                      |   |
| Percentage of informal population on land amenable to solutions |                               |   |                               |                    | X                | X                    |   |
| Informal units are included within land information systems     |                               |   |                               |                    |                  |                      | X                                       |

Source: Nefise Bazoglu and others, *Monitoring Security of Tenure in Cities: People, Land and Policies* (Nairobi, United Nations Human Settlements Programme, 2011), table 4.5.

## IV. Conclusion and recommendations

24. Significant progress has been made in the development of monitoring for security of tenure. Considering its complexity, it is desirable to measure security of tenure at three different levels: people, land and policies. At the level of people, a dedicated survey, such the Urban Inequities Survey introduced by UN-Habitat in 2003, can provide useful information on documents as well as on de facto and perceived evictions and the advantages associated with secure tenure. When it is not possible to conduct a dedicated survey owing to, for instance, lack of resources,



questions can be added onto existing household surveys such as the Demographic and Health Survey and the Multiple Indicator Cluster Survey to derive information on documentation and eviction. Population and housing censuses present another important tool to obtain information on documentation. The surveys or censuses can be supplemented with qualitative surveys such as rapid assessments, community assessments, small-scale surveys or the Legal Institutional Framework Index to assess informality of land or land policies in cities or countries. The combination of all the instruments will provide integrated information relating to secure tenure.

25. The use by national statistical offices of the methodology set out in the present report will significantly contribute towards better monitoring of security of tenure in cities, which is central to the post-2015 development agenda, as recommended in the report of the High-level Panel of Eminent Persons, entitled “A new global partnership: eradicate poverty and transform economies through sustainable development”.

26. The Commission is invited to take note of the report.

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