



MICRO-CREDENTIAL

LAND MANAGEMENT IN CENTRAL ASIA

5.- Land Use Concept and Forms

Land Use Rights

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Before we can secure land rights for all, we must understand the systems, pressures, and competing interests that shape how land is governed — and who ultimately benefits.

Effective land use planning is not simply a technical exercise — it is a fundamentally political process that reflects whose needs a society chooses to prioritize.

A Contested Discipline

Land use planning is a process — and often a battleground — for deciding how land should be used in the future. It sits at the intersection of politics, economics, ecology, and social justice.

Core Objectives

- Organize competing land uses for the long-term benefit of people and the environment
- Manage growing demands on finite land resources
- Balance private interests with public good
- Provide a legal and regulatory framework for development decisions

Visualizing Land's Competing Demands

As these demands intensify — particularly in the Global South — the absence of coherent, inclusive planning creates dangerous gaps in tenure security and equitable access.

Agriculture

Feeding a growing global population requires vast and protected farmland, yet agricultural land is increasingly lost to urban expansion and infrastructure development.

Infrastructure

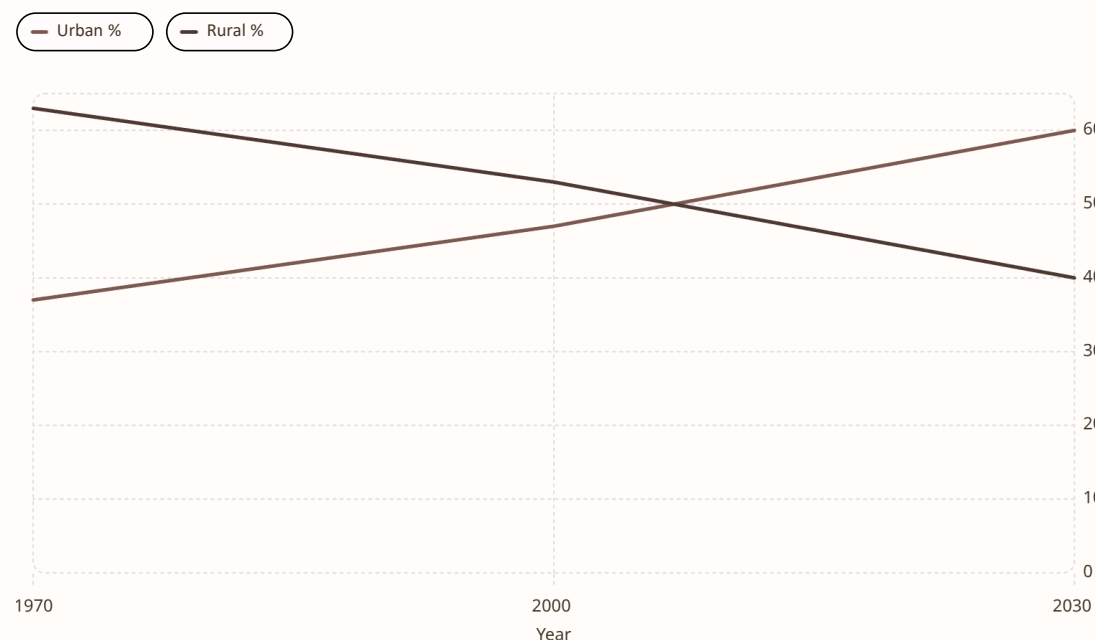
Roads, utilities, and public services are essential for development, yet their expansion often displaces communities and fragments ecosystems.

Housing

Rapidly growing urban populations demand affordable, accessible housing — placing immense pressure on land near economic centers.

Forestry

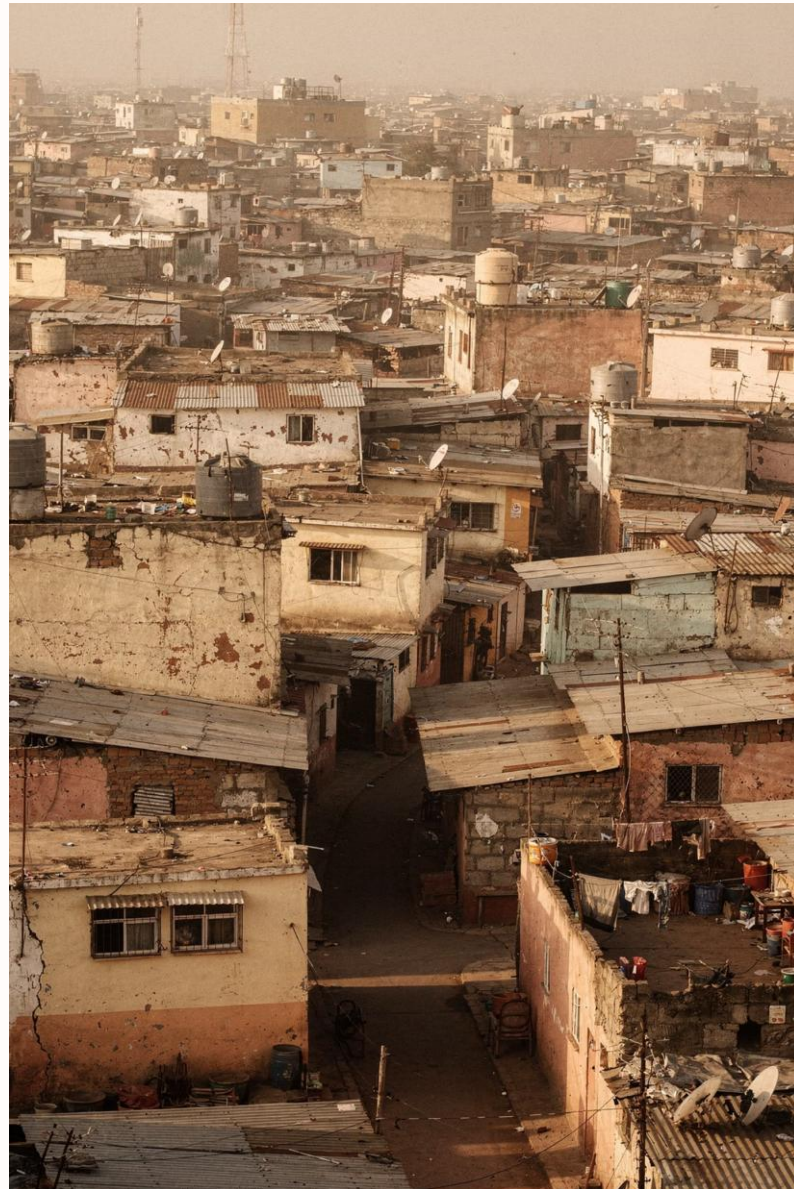
Forests provide biodiversity, carbon storage, and livelihoods — but face relentless pressure from commercial interests and land conversion.



What This Shift Means

By 2030, the majority of humanity will live in cities. This historic transition brings opportunity — but also enormous risk. Urban growth in developing countries frequently outpaces the capacity of governments to plan and deliver services.

The result: millions of people settle in informal, unplanned areas — without legal tenure, basic services, or protection from forced eviction.



50%+

Living in Slums

In Southern Asia and Sub-Saharan Africa, over half of all urban residents live in informal settlements — without legal recognition or basic infrastructure.

1B+

Global Slum Dwellers

More than one billion people worldwide currently reside in slum conditions, a figure that continues to grow as urbanization accelerates.

~0

Tenure Security

The vast majority of slum dwellers lack any legal security of tenure — leaving them perpetually vulnerable to eviction, exploitation, and poverty.

The Missing Link: Tenure Insecurity

The Planning Paradox

Many cities and countries have formal land use plans in place. Yet these plans are routinely designed without accounting for the tenure reality of their poorest residents — creating a dangerous disconnect between policy on paper and life on the ground.

Without addressing tenure, even the most well-intentioned land use plans can accelerate displacement and deepen inequality.

Who Gets Left Behind

- Informal settlers and slum dwellers
- Indigenous and customary land users
- Women, who face additional legal barriers in many jurisdictions
- Rural smallholders in rapidly urbanizing areas

Sustainable development demands that we integrate the needs of growing cities with the fundamental right of every person to secure land. Planning without tenure security is planning without people.



The Importance of Tenure Responsive Planning

Acknowledging the gap is only the first step. This chapter explores how a new generation of tools and frameworks is working to make land use planning genuinely responsive to the tenure needs of all people — particularly the most vulnerable.



Why Tenure Responsive Land Use Planning?

Closing the Gap

Traditional land use planning focuses on zoning and spatial efficiency — but often ignores who actually holds rights over land. Tenure responsive planning bridges this divide by making land rights a central component of every planning decision.

Protecting the Vulnerable

By explicitly integrating tenure security into spatial planning processes, governments can prevent forced evictions, formalize informal settlements, and build inclusive urban environments that work for everyone.

A Rights-Based Approach

This approach recognizes that secure land rights are not a luxury — they are a foundation for health, economic participation, and human dignity. Planning must reflect this reality.



University of Twente (ITC)

Brings academic rigor and geospatial expertise to the development of land tenure tools, grounding methodology in peer-reviewed research and fieldwork.



UN-Habitat & FAO

Provide global reach, policy frameworks, and on-the-ground implementation experience in urban settlements and agricultural land governance across developing nations.



World Bank

Offers financing, data resources, and development expertise, helping translate research tools into scalable programs that governments can adopt and sustain.

Ensuring Diverse Input

Expert Group Meetings bring together practitioners, policymakers, academics, and community representatives to review drafts and challenge assumptions. Online contributions extend this consultation globally, capturing insights from practitioners across dozens of countries.

Validating in the Field

No tool is considered ready until it has been piloted and rigorously tested in real country contexts. Field validation reveals the practical challenges that desk-based analysis cannot anticipate — and ensures the final product is genuinely fit for purpose.

Introducing the Tenure Responsive Land Use Planning Guide

Comprehensive Scope

A flagship resource specifically designed for developing country contexts, covering legal frameworks, participatory methods, and integration of informal tenure into spatial plans.

Best Practices Embedded

Draws on proven methodologies and lessons learned from decades of land governance work, synthesized into actionable guidance for planners and policymakers.

Global Case Studies

Includes rich examples from Africa, Asia, and Latin America — demonstrating how tenure responsive planning has been successfully implemented across diverse cultural and legal contexts.



From peri-urban settlements in East Africa to informal communities in Southeast Asia and smallholder territories in Latin America, tenure responsive planning is being tested, refined, and scaled — proving that inclusive land governance is achievable across vastly different contexts.



What does it truly mean to "own" land? This chapter examines the legal architecture of property rights — from the bundle of rights that constitutes ownership to the limits government may place on private land — and why this understanding is foundational to tenure security.

More Than Physical Land

In legal terms, owning real estate means holding a collection of distinct rights — the right to use, exclude others, transfer, lease, develop, and benefit from the land. These rights can be separated, sold, or restricted independently of each other.

The Fee Simple Estate

The fee simple absolute represents the most complete form of private ownership recognized in law. It conveys the full bundle of rights with minimal restrictions — giving the holder maximum control over the property for an unlimited duration. All other ownership forms represent a subset of these rights.

Government Limitations on Property Rights

1

Police Power

The broadest limitation — governments may regulate land use through zoning, building codes, and environmental rules to protect public health, safety, and general welfare, without compensating the owner.

3

Taxation

Property taxes represent an ongoing government claim on land value. Failure to pay can ultimately result in the loss of ownership through tax foreclosure.

2

Eminent Domain

The sovereign right to acquire private property for a legitimate public use — roads, utilities, public facilities. Owners must receive just compensation, but cannot refuse the taking.

4

Escheat

When a property owner dies intestate and without heirs, the state assumes ownership — preventing land from falling into legal limbo and ensuring its continued productive use.

Fee Simple

The highest and most complete form of private ownership. The holder owns the land outright, with full rights to use, transfer, mortgage, and bequeath it — subject only to government limitations.

Easements

A non-possessory right to use another person's land for a specific, defined purpose — such as a utility corridor, access road, or drainage channel. The land owner retains ownership but cannot obstruct the easement holder's use.

Leasehold

The right to occupy and use land for a defined period under a contractual agreement with the landowner. Common in commercial real estate and public land allocation, leaseholds provide use rights without full ownership.

Property Rights as a Fundamental Human Right

"Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property."

— *Universal Declaration of Human Rights, Article 17*

International human rights law recognizes secure land and property rights as foundational to human dignity. Access to land underpins the ability to grow food, build shelter, access credit, and participate in economic life.

For hundreds of millions of people — particularly women, indigenous peoples, and informal settlers — the gap between this legal ideal and lived reality remains vast, with profound consequences for individual and community well-being.

→ Rights Come with Responsibilities

Most legal systems recognize that property rights are not absolute. Owners have a duty to use land rationally and in a manner consistent with community welfare — not merely for private profit at the expense of others.

→ Environmental Stewardship

Restrictions on land use for environmental protection — wetland preservation, forest conservation, coastal buffers — reflect the principle that land is a shared resource with ecological value that transcends individual ownership.



Sustainable Resource Management

Governments increasingly embed sustainability requirements in land rights frameworks, requiring owners to manage natural resources — water, soil, biodiversity — in ways that preserve them for future generations.

In many developing countries, the majority of land remains unregistered — leaving vast populations legally invisible and economically excluded from the protections a registry provides.

The Cornerstone of Tenure Security

A land registry is the official record of who owns what. It provides legal proof of ownership, enables transactions, secures collateral for credit, and protects rights holders against arbitrary interference or fraudulent claims.

Why Registries Matter for Development

- Enable mortgage lending and access to formal credit markets
- Reduce land disputes and costly litigation
- Support transparent and efficient land markets
- Provide government with accurate data for taxation and planning
- Protect vulnerable groups — especially women — from dispossession



Formal registration transforms a precarious claim into a legally protected right — opening doors to credit, investment, and lasting security. It is one of the most powerful tools available for poverty reduction and equitable development.



The ultimate goal of land use planning and tenure security is not administrative efficiency — it is justice. This final chapter outlines the path forward toward inclusive land governance that leaves no one behind.



Develop Efficient Property Rights Systems

Build transparent, accessible land registration and administration systems that serve all citizens — including those currently outside the formal economy — ensuring fair access and legal protection for every land holder.



Empower Communities Through Legal Recognition

Extend formal legal recognition to customary and communal tenure systems. Engage communities as active participants in land use decisions that affect them — not merely as subjects of planning processes designed without their input.

Plan Responsively for the Most Vulnerable

Ensure that land use planning frameworks are explicitly designed to protect and advance the tenure security of the poorest, most marginalized populations — women, informal settlers, indigenous peoples, and rural smallholders. Inclusive governance begins with inclusive planning.



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