

Land Tenure and Property Rights (LTPR)

What it means for
“Sustainable” in
Sustainable Tourism (ST)

LTPR and ST

How many tourism projects worldwide do you know that have based both their investment and conservation goals on clearly defined and secure land tenure and property rights?



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How many biodiversity conservation approaches have taken into account land tenure and property rights?

Or addressed peoples' access to and use of natural resources after they've been displaced by the formation of parks?



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How many natural resources enterprise projects have secured clear and transferable property rights to resources? And for whom?

How much of sustainable natural resources management is based on LTPR?

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Let's look at the some specific ST Issues:

- Coastal tourism – who owns the beach and the land backing the beach? Who possess the rights to access and use coastal water resources?
- Ecotourism – who owns the animals/nature/land that is the foundation for the venture? How secure are those rights? What secures those rights? How complex are those rights?

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- Cultural Tourism –
What tenure and property rights were affected by the onset of this aspect of tourism?
- Adventure Tourism –
who has the rights over access and use to areas that host this aspect of tourism?



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Who holds the
(intellectual) property
rights to this aspect of
tourism?



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- Land Tenure is the relationship (legal or customary) among individuals or groups of people with respect to land, water, trees/plants...
- Land Tenure is an institution – rules are made by societies to regulate behavior over land and access.
- Rules of tenure define how property rights to land and natural resources are to be allocated within societies.

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Rules of Tenure (UACT)

- USE
- ACCESS
- CONTROL
- TRANSFER

Land Tenure systems determine who can use what resources for how long, and under what conditions.



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Land Tenure Interests

Overriding, Overlapping,
Complementary, Competing



LTPR and ST Tenure Types



PRIVATE



COMMUNAL



OPEN ACCESS



STATE

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Property Rights – any rights that a person holds in or on land may be considered as property.

Real Property = Immovable Property
Personal Property = Movable Property

Since there can be a multiple of property rights associate with land and the resources on it/under it, we often refer to a “bundle of rights”.

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Property Rights are often simplified to include formal and informal:

Use rights – rights to use land for grazing, growing crops, gathering NTFPs, hunting.

Control rights – rights to make decisions how the land should be used including decisions on what activities will happen, and who is to benefit;

Transfer rights – rights to sell or mortgage the land/resource and convey it to others.

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Customary Rights

- Traditional/held in trust by elders/community committees/kin groups

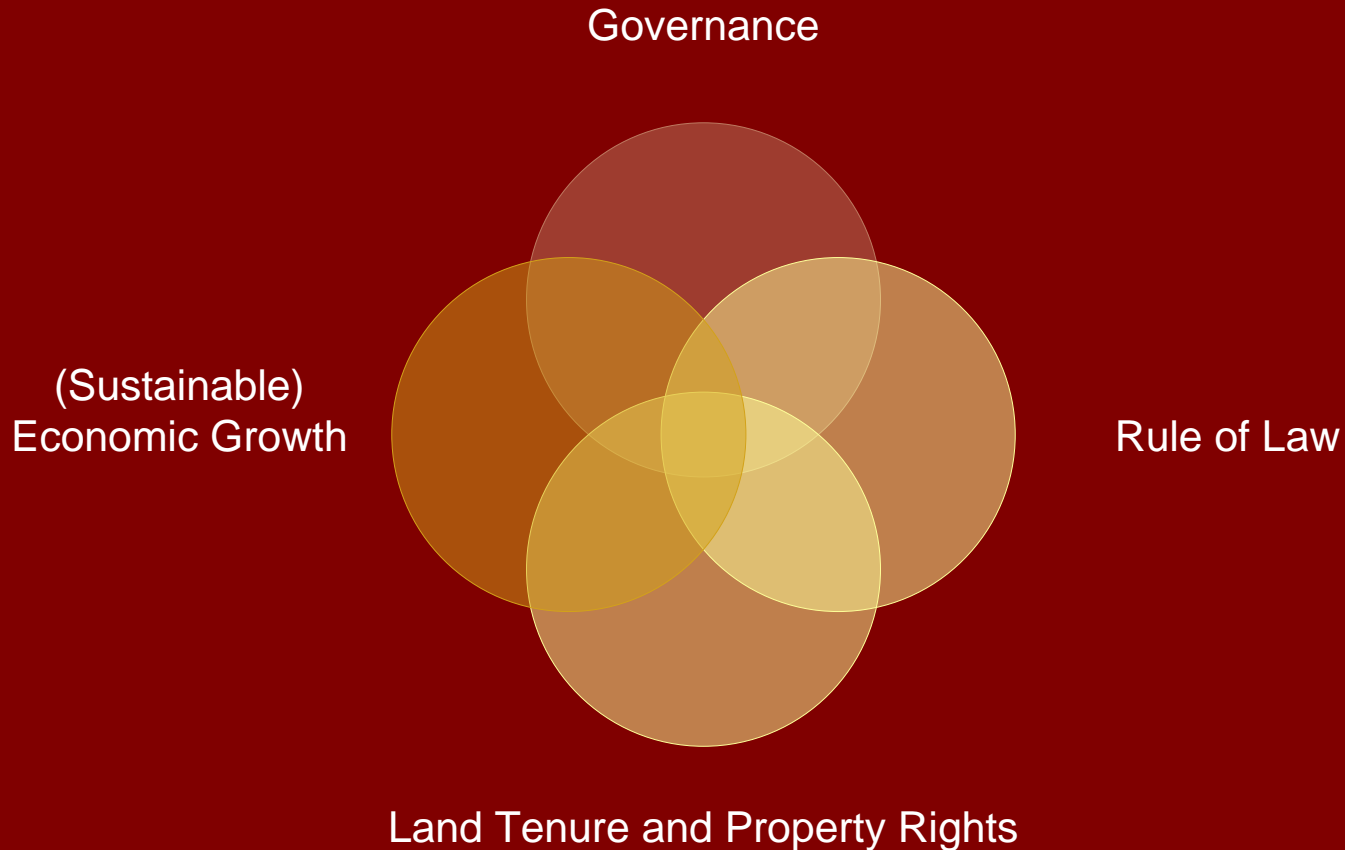
Statutory Rights

- Described in policy and law



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LTPR as a precursor to ST development investments



The LTPR Framework

- **Land Tenure and Property Rights Matrix**
- **Land Tenure and Property Rights Country Issues and Donor Interventions Report**
- **Land Tenure and Property Rights Country Ranking and Issues Map**
- **Land Tenure and Property Rights Assessment Tools**

LTPR Matrix

		LAND AND PROPERTY RIGHTS ISSUES CATEGORIES				
		Violent Conflict/ Instability	Unsustainable Natural Resources Management & Biodiversity Loss	Insecure Tenure and Property Rights	Inequitable Access to land and natural resources	Poorly Performing Land Markets
LT&PR POLICY AND PROGRAM INTERVENTIONS	Key Institutional Arrangements					
	Conflict and Dispute Resolution					
	Legal & Regulatory Framework					
	Redistribution					
	Land Administration					
	Land Use Management & Conservation					

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Land Tenure and Property Rights Issues						
	Violent Conflict/ Post-Conflict Instability	Unsustainable Natural Resources Management/Biodiversity Loss	Insecure Tenure and Property Rights	Inequitable Access to Land and Natural Resources	Poorly Performing Land Markets	
Land Tenure and Property Rights Interventions	Key Institutional Arrangements	Rule of law Restoration of safety and security Commitment to protection of human rights Free and fair elections Transparency	Decentralization of NRM services and systems Collaborative/community management systems Institutional coordination Establishment of civil society management capacity National environmental action plans/biodiversity conservation strategies	Specialized community governance structures Judicial reform, courts, and magisterial systems Community governance structures Decentralization of government services and systems Civil society strengthening Notary systems	Constitutional provisions Presidential decrees Decentralization of services and systems	Supportive government service delivery systems Decentralization of notaries Mortgage/credit institutions
	Conflict or Dispute Resolution	Peace and reconciliation commissions Mediation/arbitration Restitution/compensation Resolution of conflicting claims to common resources Compensation	LTPR conflict mediation systems Community conflict commissions Compensation systems Harmonize plural legal systems	Land arbitration systems Alternative dispute mechanisms Legal aid Controlled access to protected area resources Rights adjudication	Local arbitration systems Legal aid Land courts Compensation systems	Land claims courts Tenant/sharecropper conflict resolution systems
	Legal and Regulatory Framework	Civil code Constitutional development reform Judicial reform Land law review commissions	Protected area legislation Forest/pasture law reform Sustainable agriculture policy/legislation Water law reform	Laws to strengthen poverty rights Limits and safeguards to compulsory acquisition Establish magistrates/notaries Strengthen customary tenure Legal aid Land law review commission	Legal reforms strengthening state acquisition and distribution of land and property Legal reforms addressing "open access" issues Land banks/land funds	Laws and regulations to enable transactions Conducive fee structures Land access/use contracts Strengthened notary systems Removal of legal barriers to land ownership and transfer Incentives for subsequent registrations
	Redistribution	Resettlement of soldiers Resettlement of refugees/internally displaced persons Reallocation of state land and property Restitution Land swaps	Ecosystem assessments Easements/expropriation Transfer rights	Redistribution of land rights Restitution Formalization of customary tenure Community title to common property	Improper redistribution/eviction halted Land reform Resettlement Farm redistribution/restructuring Reallocation/privatization of land and property Expropriation Land banks	Market-assisted land reform
	Land Administration	Provisional land titling Land demarcation Reconstruction of property Reconstruction of records	Community title to common property Concessions/community license of common resources to third-party users Environmental and economic valuations	Rights adjudication Land certification/registration Registry development Immovable property registry Reconstruction of property and records	Land-use planning Environmental zoning and management systems	First registration systems Land titling and registration Immovable property register Private sector market information and valuation systems Public access to land information systems
	Land-Use Management and Conservation	Land reclamation Demining Control of unbridled resource exploitation Land suitability assessment	Participatory land-use planning and zoning Land-use monitoring systems Environmental/ecosystem zoning Development and conservation incentives Integrated land/water resources management	(Community) land reserve trusts and conservancies	Land information systems Land survey/demarcation Land titling and registration	Zoning Taxation/tax incentives Town and regional planning Green areas/easements Public-private partnerships

Cross-Cutting LTPR Interventions: Targeted support for gender, ethnic, and social rights; public information and awareness; capacity building.

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The LTPR Assessment

Pre-Assessment – used by USAID Mission to pre-assess LTPR issues

Full LTPR assessment - guides the analysis of LTPR issues in a country, and/or analyzes ongoing LTPR programming in a country

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And what's in your next sustainable tourism project?

Will you address LTPR issues before making the Sustainable Tourism Investment? Or

Will you deal with security of tenure and property rights issues as part of your ST investment?