The Fukuoka Office organised this Seminar in cooperation with UNESCAP, which is based in Bangkok, back-to-back to the Global Observance of World Habitat Day in Fukuoka from 2–4 October. Over 40 international experts and practitioners in the field of human settlements development participated in the Seminar to discuss the problems faced in cities of developing countries to secure land for the urban poor due to poorly regulated and managed land markets. They exchanged experiences in urban land management in developed countries to secure land for public and social purposes, and reviewed innovative approaches that have been tried in cities of developing countries in (and outside) the region to secure land for housing the urban poor. The Seminar concluded that secure tenure is a major contribution to the alleviation of poverty, to sustainable livelihoods, to improving choices and opportunities for men and women, for accessing services, and for the recognition of the citizenship of the urban poor and the rights that go with such citizenship.

The Fukuoka Declaration

This group of experts and practitioners meeting in Fukuoka from 2-4 October 2001 at a Seminar on Securing Land for the Urban Poor as a part of the Global Observance of World Habitat Day do hereby adopt the following Declaration on Secure Tenure for the Urban Poor:

Mindful of the content of the Habitat Agenda adopted at the City Summit in June 1996,

Recalling the conclusions of the Habitat Millennium Summit of the UN in June 2001,

Concerned at the prevailing patterns and practices of urbanization and their effects on the world's urban poor and their struggle to better their conditions,

Noting the increase in the demand for land and the numbers of the urban poor in our cities

Recognising the central role that the informal sector of the urban economy and the urban poor play in the successful economic and social development of our cities,

Determined to work towards the alleviation of poverty in our cities,

Committed to working towards fulfilling the aims of UNCHS(Habitat)'s Global Campaign for Secure Tenure,

Hereby adopt this Declaration for consideration by all Governments:
1. Secure tenure is a major contribution to the alleviation of poverty, to advancing sustainable livelihoods, to improving choices and opportunities for men and women; for accessing services; and for the recognition of the citizenship of the urban poor and the rights that go with such citizenship;

2. The fundamental principle of secure tenure endorsed by all Governments at the City Summit is a culture of governance and a legal and administrative system that prevents forced and arbitrary evictions from land and homes; provides effective redress for those who are so evicted whether by public agencies or private interests; and a fair hearing before, and alternative accommodation in the event of, any eviction or relocation that is adjudged to be necessary in the public interest;

3. Governments must adopt policies and where necessary reform legal and administrative systems to enable women to have access to land and credit through market processes; to inherit land; and to achieve secure tenure of land in ways which are no less favourable than those which apply to men. Policies must address historical imbalances which have disadvantaged women in relation to their access to land;

4. Secure tenure embraces a range of relationships between humankind and land. Governments must adopt policies and adapt administrative and legal systems to give recognition and endorsement to relationships based on customary tenure; practices and tenurial relationships developed by the urban poor themselves; communal forms of tenure; intermediate, flexible and innovative forms of tenure which are less than freehold tenure;

5. The participation of the urban poor is central to any proposed solutions to the challenges of developing policies and programmes to ensure secure tenure; governance systems must be adapted to facilitate and actively assist the urban poor to contribute to the development and the implementation of policies and programmes to that end;

6. The role of the international community, international organisations, national governments, the private sector and civil society must be complementary. International organisations, and national governmental bodies must recognise the diverse interests, needs and concerns of the urban poor and adopt policies and programmes that fit these diversities;

7. The role of the international community is to recognise the contribution that all residents of cities make to global and national economic development; to work with national governments and organisations of civil society to bring forward programmes of technical and financial assistance to improve the security of tenure of the urban poor; and to develop financial instruments, mechanisms and institutions that facilitate long-term global investment in urban land markets specifically aimed at advancing the well-being of the urban poor;

8. The role of international organisations and programmes is to work with national governments and organisations of civil society to provide programmes of technical and financial assistance, capacity building and training to bring about necessary institutional
reforms and efficient and equitable urban governance; and to provide strong ethical and moral support for the urban poor in their struggle for secure tenure;

9. The role of national governments is to develop economic and social policies including land taxation policies, enact laws, provide fair and efficient dispute settlement mechanisms, establish effective regulatory systems, set and monitor realistic and attainable standards, facilitate and co-ordinate the operations of the necessary institutions at local level and in the private sector to implement policies and administrative arrangements directed to enabling land markets to work efficiently and equitably to secure tenure for housing and economic activities for the urban poor;

10. The role of local governments must be to work, without regard to their formal tenure status, with the local citizenry both directly and through their community based organisations, and with local institutions of civil society and professional organisations to plan, manage and regulate the use of land within their areas of jurisdiction; to develop and implement programmes of land regularisation and up-gradation of areas occupied by the urban poor; and to set aside and make available land and facilitate its occupation under clear and simple systems of title security and registration by the urban poor;

11. The role of the institutions and organisations of civil society is to work with and mobilise the urban poor acting together in co-operatives or other collective and communal associations to defend their occupation of land against arbitrary eviction; to obtain land with secure tenure for residential and employment purposes by negotiating with public and private sector agencies for land under their control and for loans to facilitate the purchase of land; to develop programmes of land regularisation and community managed systems of title registration; and to facilitate community based systems of dispute settlement;

12. Land policies must be adopted which recognise that securing land for the urban poor is a central aim of policy; at the same time, these policies must be developed within a holistic policy framework which focuses on poverty alleviation at a national level and addresses the total national land resource;

13. The full range of land administration mechanisms and institutions for securing land tenure must be utilised. These include financial instruments, urban planning, land management, laws, information and capacity building;

14. Financial mechanisms should be developed which are geared to the needs and capacities of the urban poor and as far as possible, build on existing financial arrangements for credit, especially for small loans, already in use amongst the urban poor;

15. Urban planning processes and practices must be reviewed and adjusted so as: to facilitate the development of land for low income settlements; to recognise the existing settlements of the urban poor and incorporate them in the legal city; to involve, via democratic and participatory processes, all citizens in the development of policies for the future planning and management of the city. Urban planning processes must be implemented in accordance with the principles of administrative justice.
16. The full range of land management and administration tools must be used by public and private institutions in partnership to provide secure tenure. These include cost-effective cadastral systems, simplified land registration systems, a range of innovative land tenure arrangements including the adaptation of customary systems, communal tenure systems, both formal and informal, and temporary tenure systems;

17. Laws and regulatory frameworks on land must be reviewed, revised and rewritten in clear and simple language so as to enable citizens to understand and access their rights and opportunities under the laws. These should facilitate citizens to access land, maintain secure tenure and use their land for enhancing their livelihoods; and provide protection against public and private abuse of position and power or fraudulent and unfair conduct in connection with the exercise of functions over land and in the operation of land markets;

18. There must be efficient, effective and equitable regulation and management of land and housing markets. Regulation must be targeted to ensure that land speculation is penalised; that dishonest and unconscionable dealings in land, including the provision of credit, secured or otherwise, in connection with the acquisition of land, may be reviewed and if necessary revised or rescinded through appropriate mechanisms; and that forcible and illegal evictions can be restrained promptly. Public acquisition of land may only take place for public purposes and in accordance with fair procedures.

19. Whilst inwards investment in land and urban economies is to be encouraged, it is important that mechanisms are in place to ensure that the poor are not disadvantaged by such investment. In particular, the matter of foreign ownership of and investment in urban land needs to be given careful consideration and steps taken to ensure that any such foreign ownership is compatible and complies with the national interest.

20. Information on land, its ownership, use, value, and potential must be made widely available. Land registries must be open and public and available to be consulted by anyone. Any reports on land issues prepared by consultants should be made available at public outlets such as libraries or via web sites; any research undertaken by publicly funded persons or agencies should likewise be made publicly available. Land-related agencies should be required to prepare annual and periodical reports on their work which should be made available to the public.

21. Institutions at all levels of government must be prepared to work together and with others in the private sector and civil society to make a reality of secure tenure and to improve urban economies and environments in ways which benefit the poor in particular;

22. Professionals, elected representatives at central and local levels and public servants must be prepared to re-learn their functions and roles and revise their institutional cultures and working practices so that they are more socially responsive, market-sensitive and economically viable. All actors in urban land development must be prepared to learn from and disseminate lessons from experience derived from different cities, countries and administrative environments.
23. Capacity building within public bureaucracies is central to improved land administration and the more effective tackling of the challenges of providing land for the urban poor. Capacity building involves institutional reform, designed to free public agencies from over-centralised regulation and control; bureaucratic reform designed to reorient bureaucracies to be more efficient, consumer-friendly and cost-effective and ensure proper monitoring of activities; function reform designed to allocate tasks to the appropriate levels of bureaucracies or alternatively remove them from public bureaucracies altogether; and education and training to raise the levels of competence of staff at all levels.

24. Education, training and research are essential components of capacity building. International agencies working with national governments should build up regional and national research and educational facilities to improve the quality and depth of information generated about land administration and land policy and the range of educational and training courses available to countries within the region.

25. A crucial aspect of ensuring secure tenure and the social peace and economic development that accompanies it, is efficient and effective settlement of disputes about land. All states should review their processes of dispute settlement with respect to land and bring into being a system which puts the interests of the users of the system first, builds on traditional, local and informal systems known to and trusted by the citizenry, and facilitates the speedy, inexpensive and just settlement of land disputes. Alternative dispute resolution procedures such as mediation, arbitration, negotiated settlements and the use of respected local citizens to reconcile parties should be used wherever possible in place of formal and expensive courts. The legal profession should take the lead in developing programmes of legal aid and assistance to facilitate the poor’s access to the judicial process.