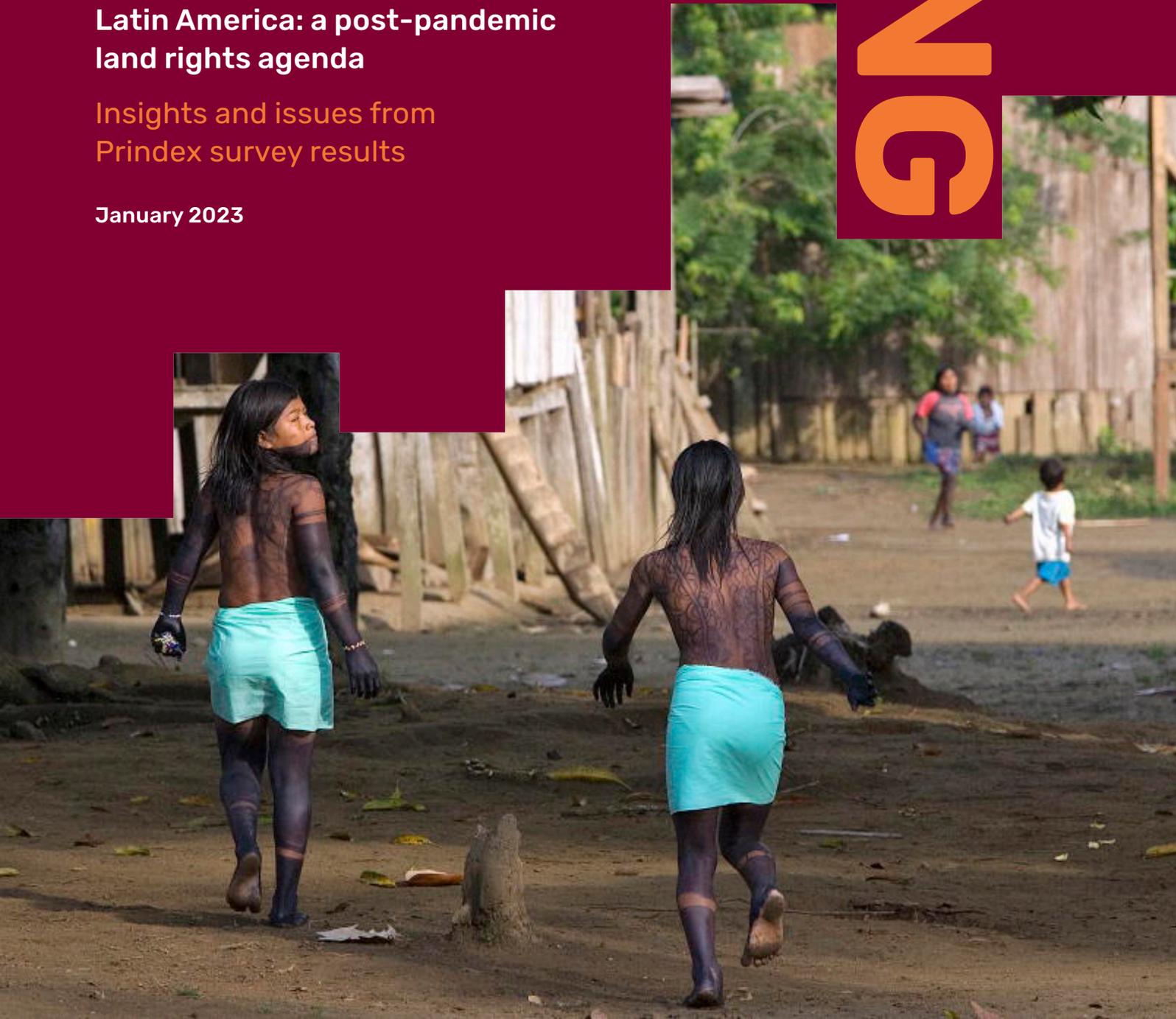


# WORKING PAPER

**Land tenure security in  
Latin America: a post-pandemic  
land rights agenda**

Insights and issues from  
Prindex survey results

January 2023



This working paper was authored  
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# 1. Introduction

## 1.1 Objectives of this discussion paper

The objective of this discussion paper is to outline an agenda for improving the security of rights to land and housing in support of an inclusive, sustainable economic reactivation of the Latin American region in the wake of the COVID-19 pandemic. We seek to link this agenda to the continued development of indicators of land tenure security, building on the baseline data on citizens' perception of land tenure security gathered by Prindex in 2019, immediately before the region-wide shock of the pandemic.

In the aftermath of the severe economic contraction which accompanied the pandemic, the priority now facing the region is economic recovery. In a region characterized by high levels of inequality, social exclusion and degradation of natural resources, the need for an inclusive and sustainable reactivation is acute. Land and housing will play a crucial role in this reactivation through their links with agricultural production, urbanization and natural resource management. The need for economic reactivation for dynamic, inclusive, and sustainable growth to redress both the legacy of the pandemic and long-standing social needs has never been more acute in the region with poverty at its highest level in decades.

Secure land rights are at the heart of this challenging agenda. Security of land tenure helps drive investment in construction, agriculture, and small business and tends to reduce social conflict. Economic reactivation in the post-pandemic period will work better for everyone, and for the enormous natural resources of the region, if land rights are strengthened and people feel more secure.

To contribute to the regional discourse on land tenure security issues, Prindex data collected immediately before the pandemic are a useful baseline to characterize the levels of security and insecurity across countries. New rounds of data collection planned for 2023 will be valuable to measure where progress in securing rights is being made.

With the aim of supporting policymakers and citizens to understand and monitor progress in the agenda for land tenure security for inclusive and sustainable reactivation, this paper describes priority areas of policy attention supported by data on land tenure security. The report directs its attention to three major areas. Each is the focus of its own section in the report. They are:

1. Land tenure security and sustainable economic reactivation;
2. Social development;
3. Emerging regional challenges.

## 1.2 Principal findings of Prindex globally and in Latin America

Insecure property rights are a global problem and the Latin America and Caribbean (LAC) region is no exception. On a global level, Prindex surveys indicate widespread fear of losing one's home or other property: approximately 1 in 5 adults perceive their rights as insecure, totaling almost 1 billion people. In Latin America, 91 million inhabitants (21% of the adult population, very close to the global average) feel insecure about their home ownership (Prindex, 2020). The percentage of adults who feel insecure in each country is presented in the map below, with the estimated insecure population represented by the size of the circle on each country:

### BOX 1: A BRIEF NOTE ON PRINDEX'S METHODOLOGY

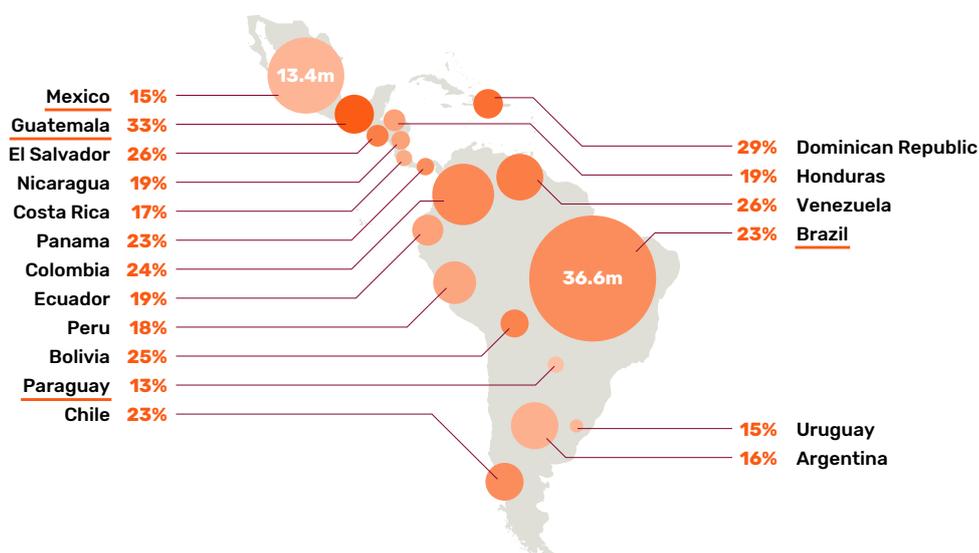
In 2018 and 2019 the Global Property Rights Index, known as Prindex, a joint initiative of ODI and Global Land Alliance (GLA), carried out nationally representative surveys of adults in 140 countries around the world in collaboration with the Gallup World Poll (Prindex, 2020). In Latin America this survey was applied in 18 countries. The survey samples are representative of the national adult population as a whole, and allow for disaggregation by sex, tenure type and location (rural/urban).

This approach means that owners, renters or other adult residents of a surveyed residence are included, and that women have an equal probability of selection as men. Sub-groups which are often vulnerable to insecurity such as migrant and foreign workers, internally displaced people and refugees are likely captured by the survey in proportion to their prevalence in the general population, but the surveys do not intentionally target them or other specific groups.

The survey asks a core question to randomly selected adults about their perception of the likelihood that they could lose the rights to their home or other property against their will within the next five years. Those who responded with a perception that this loss is "likely" or "very likely" are classified as insecure, and those who responded that the result in "unlikely" or "very unlikely" are classified as secure. The result is the first global dataset that quantifies citizens' perceptions land and property insecurity and allows comparability between countries.

The Prindex data is free to download, use (for non-commercial purposes) and analyze on [www.prindex.net/data](http://www.prindex.net/data). However, users should be cautious when analyzing data from subjective, perception-based surveys. More information on methodology, sampling strategy and FAQs can be found at [www.prindex.net/about/methodology](http://www.prindex.net/about/methodology).

FIGURE 1: INSECURITY BY COUNTRY IN LATIN AMERICA



Source: Prindex (2020)

#### Perceived uncertainty levels vary within the region

Paraguay exhibits the lowest level of insecurity in the region (13%), while Guatemala's rate of insecurity is the highest in the region (33%). Due to their large populations, the greatest numbers of insecure people live in Brazil (36.6 million) and Mexico (13.4 million).

Prindex data on perceptions of land tenure security underline the need for a regional agenda that supports development and social justice. Without security over their homes and productive plots, families' situations easily become precarious, and are likely to become even more so in the post-pandemic context.

# 2. Land tenure security and sustainable economic reactivation

## 2.1 Poverty and land tenure security

With secure land rights for all, economic growth can be better shared by all sectors of society, including those in poverty. Secure land rights give those living in poverty better opportunities for investment in housing and small businesses, better access to social services and education, and more resilience to shocks, such as the pandemic. These are especially true for women and children. While employment has begun to improve since 2021, many of the new jobs that have been created, particularly for women, are in small firms that are often informal (World Bank, 2021). Security of land rights may be particularly valuable for these kinds of small businesses.

Prindex survey results provide evidence of a positive relationship between poverty and insecurity of property rights. The survey asked people to categorize their economic situation as: (i) difficult; (ii) getting by; or (iii) comfortable.

It should be noted that in the survey, the response options to this question (Which of these statements is closest to your own feelings about your household income these days?) did not include numerical amounts or ranges in view of the difficulty of comparing income between countries, between urban and rural areas. The response options were: (i) very difficult or difficult to live on current income; (ii) live comfortably on current income; and (iii) live very comfortably on current income.

25% of families who are in a difficult situation financially feel insecure about their property rights, significantly higher than those families who report that they are “getting by” (17%) and for those with a “comfortable” income (15%).

Before the pandemic, the Economic Commission for Latin American and the Caribbean (ECLAC) estimated in 2019 that nearly 31% of the region's population was below the poverty line and that 11.5% lived in extreme poverty with both numbers trending upwards since 2015. In 2020, COVID-19's impact was significant in the region. A 2021 regional report estimates that at the end of 2020, poverty had reached 33.7%. This equates to 209 million, or 22 million more than the previous year, of which 78 million people were in a situation of extreme poverty, which was 8 million more than the previous year (CEPEAL, 2022). Most of the region's poor live in urban areas, with a large degree of overlap between substandard, insecure housing and poverty. Improving tenure security, through policies such as regularization of informal settlements, forms an important element of economic reactivation, by improving poor people's ability to invest in homes and small businesses and to devote more time and energy to economic activities.

Even though only 18% of the region's population lives in rural areas, they account for 29% of Latin America's poor. Moreover, 27 million people, or 41% of those who suffer extreme poverty in the region, live in rural areas. This is particularly concerning as rural areas are central to the economic development of LAC countries and their export markets (CEPAL, 2022). Land access and secure land rights are a key constraint for rural poverty reduction. The region's land distribution is the most unequal in the world with the top 10% of land owners controlling 75% of the agricultural land, and the bottom 50% controlling just 2% (Ward and Baldinelli, 2020). In many areas, poor rural people who occupy land do not have legal recognition to occupy it, reducing their incentives to invest in raising productivity, preventing them from selling it for full value and creating vulnerabilities to dispossession. These vulnerabilities are often even more acute for indigenous and Afro-descendent peoples.

## 2.2 Food insecurity and agricultural responsiveness

Secure land rights also have a crucial role to play in addressing food insecurity, which has increased with the pandemic's economic contraction. According to the The Food and Agriculture Organization of the United Nations (FAO), Latin America and the Caribbean are facing a critical situation in terms of food security with a 79% increase in the number of people living in hunger from 2014 to 2020. According to the Regional Overview of Food Security and Nutrition, in the first year of the COVID-19 pandemic, the number of people living with hunger increased by 13.8 million, reaching a total of 59.7 million people (FAO, IFAD, PAHO, UNICEF and WFP, 2021).

After this increase, hunger in Latin America and the Caribbean currently stands at its highest point since 2000. The pandemic accelerated the rise in food insecurity, but the trend shows that the causes are deeper than the pandemic, with deep vulnerabilities in food systems needing to be overcome to make them more inclusive and sustainable.

The situation demands an urgent response, both immediate for the short term and strategic for the long term. Secure property rights are an important protective factor for food insecurity: poor farmers tend to invest more in soil fertility and productive infrastructure when land rights are secure (Jaramillo *et al.*, 2022; Lawry *et al.*, 2014). Women with secure land rights tend to invest more in feeding families than those that do not (Allendorf, 2007). People employed in the informal sector also tend to eat better when property rights to land and housing are secure, largely because they do not need to spend as much time protecting their land (IPCC, 2019). Access to secure land for small farmers, who tend to produce the majority of the region's food, along with access to productive technology and market distribution channels, are critical elements of the response needed to the structural problem of affordable food and growth in the agri-food sector.



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## 2.3 Urban and peri-urban development

The next major agenda area for the land and property sector's role in Latin America's economic reactivations is shelter and urban development. Latin America is the most urbanized region on earth. In the 60-year period between 1950 and 2010, the share of the region's population living in cities increased from 30% to more than 85%. By 2050, the share of the region's population living in cities is expected to be 90%. The region has at least 55 cities with a population of one million or more, including some of the world's largest metropolitan areas, such as Mexico City and São Paulo.

But the provision of good quality shelter, infrastructure and services has not kept up with the population growth. Latin America's cities have failed to generate sufficient shelter and infrastructure for new arrivals from the countryside who are largely low-income. Across the region, governments and wealthy elites failed to plan for lower-income housing during the decades of rapid urban growth. This resulted in an urbanization of poverty and the phenomenon of massive informal settlements across the region. In 2022, approximately 25% - more than 160 million people - live in informal settlement in the region. Most of these urban poor do not have formal titles and access to basic services. Housing supply tends to focus on upper income groups with formal title and access to financing, while demand is primarily generated from low-income groups who are often unable to afford formally titled land and infrastructure under current institutional arrangements. As a result of this disequilibrium, three quarters of all new housing is 'informal' (Di Virgilio, 2021).

With these insecure land rights driving dysfunction in the housing and financial markets, tens of millions of Latin American households operate in precarious conditions, typically in the peri-urban fringes, or interspersed with wealthier neighborhood on steep slopes and canyons like in Guatemala City and Rio de Janeiro. Informal areas are mainly peripheral settlements characterized by high vulnerability, low quality of life, and low health and well-being of their inhabitants. The insecurity and low quality of peri-urban services contribute to the lack of social integration and access to city services because they often fall outside the planning and regulation jurisdictions of national and local authorities. Even though regularization programs that formalize people's land rights have been undertaken for informal settlements in many countries, the rate at which land is regularized has never approached that of the growth of new informal settlements (Childress *et al.*, 2021).

Informality also disrupts the linkage between occupants, municipal revenue and municipal services. Almost 80% of Latin Americans lack safe sanitation and only 28% of the region's waste water collected from sewers is treated (Muggah, 2018). Access to employment, education and health care is compromised by the location and lack of services of the informal settlements and governance is weak, often leading to de facto control by gangs (Di Virgilio, 2021). Poor conditions do not stop people from coming and settling - informal markets and irregular or illegal situations of possession fill the gap. While informality is tied to poverty, informality does not disappear even if the poverty rate improves, suggesting other factors at play, like inadequate zoning and rigidity in the land market (Goytia, 2016).

COVID-19 only worsened the inequalities and social deficits in Latin America's urban housing. Before the pandemic, two out of three families in Latin America lived in homes that did not meet the minimum standards of well-being and safety (World Bank, 2019a). Other problems resulting from migration have been documented during the pandemic, such as dangerous overcrowding in marginal neighborhoods - many migrants were without water, sewage, ventilation, transport, electricity, green areas, schools or hospitals - which increased rates of transmission and reduced the scope for prevention of COVID-19.

Unsafe housing is made even more risky by the recurrence and severity of natural disasters such as avalanches, earthquakes, floods, and tsunamis, which disproportionately threaten low-income neighborhoods. In Colombia, for example, it has been estimated that the costs of reconstruction can be between 4 and 10 times higher than prevention (World Bank, 2019b).

A lack of public social housing or disaster relief programs leave most displaced families on their own without assistance.

The issue of adequate numbers of housing units and the quality and habitability standards of dwellings are equally important when designing inclusive public policies (Inter-American Development Bank, 2022).

The Prindex surveys find that in Latin America twice as many people own their homes as rent (39% vs. 20%) and that renters feel three times more insecure. Women tenants (one of the most vulnerable groups in the region) tend to suffer more insecurity than men, as detailed in Section 3.1 of this discussion paper.

Monitoring of LAC's urban land rights through indicators such as Prindex can help raise visibility for policy makers and help them to understand the magnitude of the problem of housing insecurity. The Prindex data are consistent with other data on regional trends indicating a shortage of affordable housing, escalating land prices associated with speculative investment and mega-projects, cumbersome and expensive property registration and limited access to housing finance.

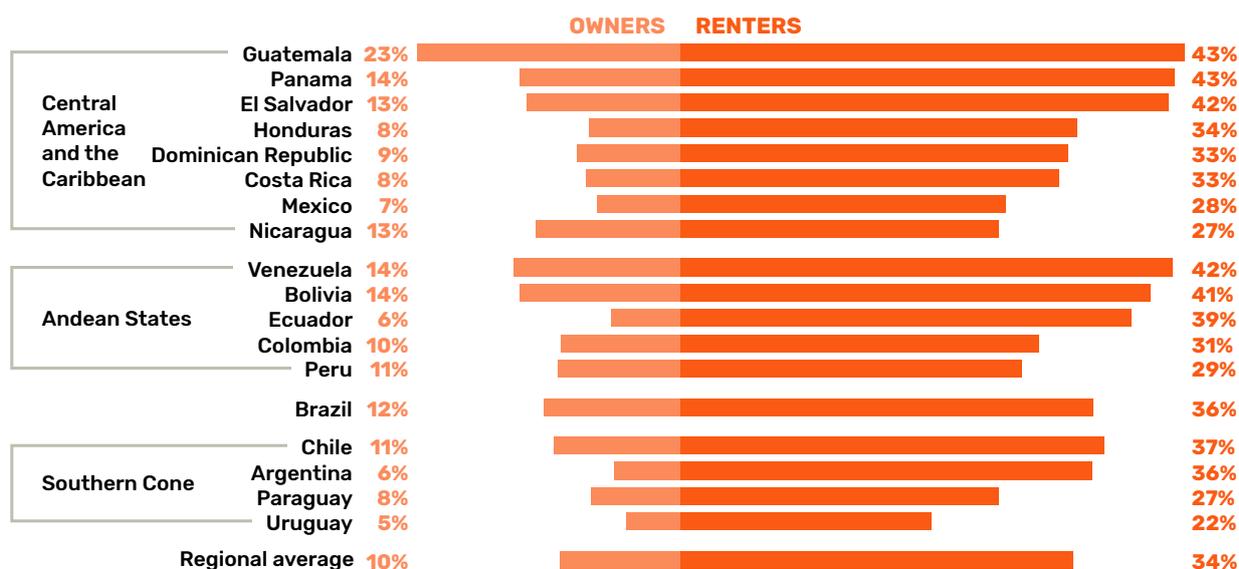
## BOX 2: NEGOTIATING PROPERTY RIGHTS IN BRAZIL

Terra Nova is a Brazilian social enterprise specialized in the regularization of lands of social interest in illegally occupied urban areas. With its social vocation and its experience in conflict mediation, Terra Nova has developed an approach that solves the high cost of regularizing informal settlements. A coordination mechanism is created to negotiate and mediate between the residents of informal settlements and the private owners to solve the problem of financing.

Terra Nova acts as a good faith mediator, creating a business opportunity between the residents and the owner so that the former acquire the property from the latter in a scheme that, in addition to compensation for the price of the land, includes a process of regularization and titling of the properties that will be provided with formal municipal services. From the perspective of the residents, this method strengthens the position of the individual resident by forming an association and allowing for reasonable monthly payments over periods between 7 and 10 years.

Although the price of land may appear low compared to prevailing market rates, evidence has shown that it is close enough to market rates to be attractive to the seller, but at the same time is affordable for residents. This innovative approach has been applied in settlements in São Paulo and Curitiba and has great potential for replication in other cities.

FIGURE 2: INSECURITY OF OWNERS AND TENANTS



Source: Prindex (2020)

# 3. Social development

As economic reactivation moves ahead, land tenure insecurity contributes to the region's most critical issues of social exclusion including gender inequality, youth access to resources, and the rights of Indigenous and Afro-descendent peoples. An agenda of secure land rights for all can help to generate win-win outcomes for economic growth and improved social inclusion for these groups.

## 3.1 Challenges for women

Women form the largest of these typically socially excluded groups. Increasing security of land and housing for women holds the promise of transforming women's social security and ability to accumulate wealth. Despite gender equality under the law, and a view of Latin America as more progressive than some other regions in the world, there remain wide gender gaps in many areas, including security of land and housing (UN Women, 2020). In recent (pre-pandemic) years around 53% of women in the region were employed (30 percentage points fewer than the rate for men of productive age) (Observatorio de Igualdad de Género, 2017). Additionally, women in the region earn 17% less per hour for their work than men of the same age with the same educational levels (International Labor Organization, 2017).

Underemployment, unemployment and the lack of recognition of domestic work are also factors that mainly affect women. The disparity in women's property rights includes culturally-dictated limitations on inheriting or owning agricultural land, as well as having to give up family property in the case of the death or divorce of a spouse (Deere and Leon, 2003). This increases women's vulnerability and the chances of becoming a victim of poverty, gender-based violence or trafficking. Various studies show that when women have secure property and inheritance rights, their income and therefore the well-being of the entire family increases (Peterman, 2011). Without title to their homes and plots, all areas of their lives are made more difficult: overcoming poverty, accessing adequate healthcare, education, and the protection and well-being of their families.

The COVID-19 pandemic had a disproportionate effect on women in the region as the lockdown measures and economic consequences of the health crisis exacerbated pre-existing inequalities, especially in

their limited access to healthcare, the increase in domestic work, and the increase in domestic violence (UN News, 2020).

By custom, property titles or contracts often exclude married women or cohabiting women, thus making it possible for men to decide and negotiate the family patrimony without women's knowledge or input (Deere and Leon, 2003). In these cases, low levels of schooling and lack of information make women less apt to take legal action to defend their rights and those of their children. Women are often excluded from land tenure formalization campaigns, putting their inheritance rights and those of their children at risk and contributing to an increase in the vulnerability of both, especially in rural settings. Climate change, armed conflicts and migration disproportionately affect women and children (Smith *et al.*, 2021).

So relevant is this issue that the Sustainable Development Goals (SDGs) draw attention to these rights in particular. Specifically, 'Goal 5: Gender Equality' proposes to end all forms of discrimination against women and girls, and one of its goals specifically refers to access to property. Both globally and regionally, it has been proven that empowering women has a multiplier effect and helps promote development (Deere and Leon, 2000). Therefore, granting women equal rights to economic resources, including home ownership and productive land, is essential to alleviate poverty.

The region has made great strides in terms of gender equity, especially in terms of legal and formal recognition of women's rights; however, as can be seen in the situation of young Indigenous women of the Mixe people in Oaxaca, Mexico (see the case study in Box 3) customs often are in opposition with legal rights and prevent them from being realized.

### BOX 3: YOUNG INDIGENOUS WOMEN OF THE MIXE PEOPLE IN THE STATE OF OAXACA, MEXICO

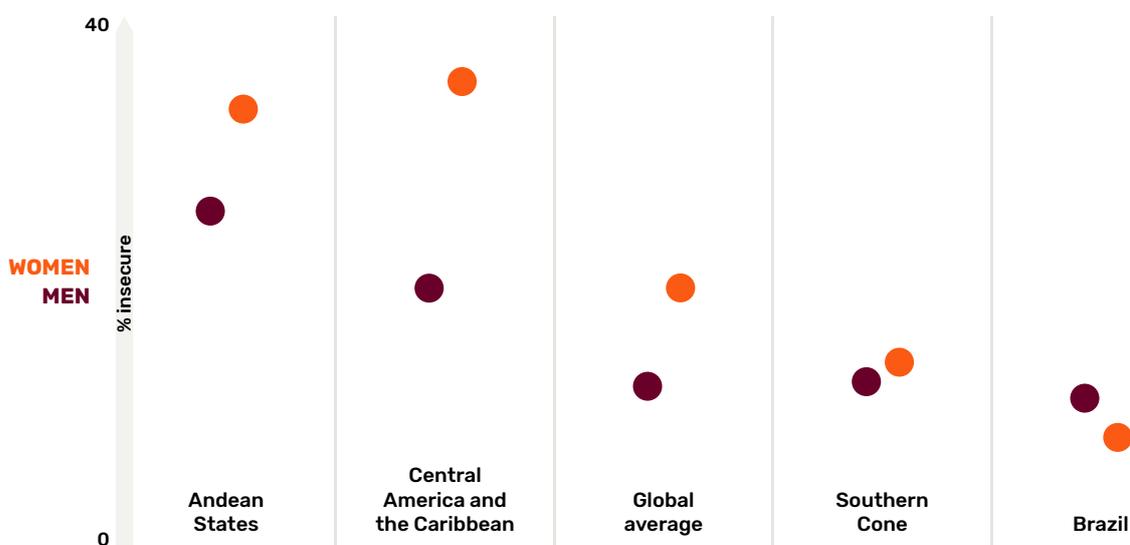
A study carried out on communal properties in the Mixe territory (Vásquez García, 2014) shows how young Ayuujk women are limited in their access to the *ejido*, defined as the parcels that the members of the community receive to live or cultivate and that is part of the collective property. Despite the fact that since 1971, Mexico has recognized formal legal equality for men and women, community practices do not comply with this.

To be an *ejidataria* you must have a dependent family, which excludes single young men and women. Women are considered as wives or daughters, not as heirs of the original *ejidatario* and therefore lack inheritance rights. In the exceptional case of a young single woman who inherits a parcel (for example, because she is an only child) she has very little chance of maintaining her inheritance if she marries, as her parcel would be represented by her husband in the communal assembly. If she decides not to marry, the community will likely consider that she alone cannot care for and work the land and reassign the parcel to other male relatives.

Young women (married or single) cannot participate in decision-making spaces (*ejido* and communal assemblies) where they could influence and claim their rights. Conversely, as a young man ages, his chances of participating in assemblies and community politics or fulfilling community positions will increase, thereby increasing his chances of claiming his rights to a parcel.

When interviewed, women say that they would prefer that the possession be in their name to be able to weather marital breakups or divorces, especially in the case of young couples - many women are forced to leave with their children when they separate, making all of them vulnerable.

FIGURE 3: MEN'S AND WOMEN'S INSECURITY IN THE FACE OF POTENTIAL DEATH OF SPOUSE



Source: Prindex (2020)

The Prindex (2020) report on gender and tenure security warns about the global differential impact that insecurity in access, use and ownership of land has on women. Prindex makes women and men equally visible in its global survey by ensuring that surveyors do not only ask questions of the declared "head of household". The disaggregation of Prindex data by gender highlights women's concerns and their specific contexts of vulnerability. An example is women's susceptibility to loss of family property in the event of the death of their spouse. This gender gap is particularly wide and

statistically significant in Central America, where on average 25% of men versus 36% of women feel that they would be insecure in this scenario.

Considering the perceptions of women in its research, in the global land indicators and gender-focused reports like the Prindex surveys helps to represent the interests and voices of women in the region and can provide benchmarks for measuring progress and holding governments accountable for improving women's rights to land and housing.

## 3.2 Challenges for youth

Youth in the LAC region are a crucial demographic group for economic reactivation. The young population (defined as being between 15-29) of the region is around 160 million people and in most countries their proportion will continue to grow. The pandemic, due to the closure of educational establishments and the alarming surge of unemployment, has increased the vulnerability of an already-vulnerable population across the region.

Economic reactivation of the region requires that young adults be active agents in this process, possible only if they have access to livelihoods. Secure access to land is a key component for increasing the income generation and asset accumulation of the youth population.

Several factors in the region contribute to the tenure insecurity of young people. Due mainly to increases in life expectancy, young people inherit land much later than in previous generations, in most cases after they have raised families of their own. Inheritance often leads to the division of farmland into smaller and smaller parcels, affecting their productivity. Real estate markets are not an adequate solution, as a lack of collateral and credit history limits young people's access to productive loans.

The region's rural sector is progressively aging as young people emigrate to urban centers. One study of Argentina, Bolivia, Colombia, Guatemala, Nicaragua and Peru looked at international as well as rural-urban migration (Procasur, 2015). The study concludes that the abandonment of the countryside and traditional productive agricultural activities by young people result from a lack of opportunities for social and productive participation in their communities and difficulties in securing access to land. Traditional agricultural

activities lack economic and social recognition, undoubtedly a factor that discourages future rural generations. Rural youth often face double exclusion: the general economic exclusion of their rural or indigenous communities from broader society, and exclusion from decision-making levels and land ownership within their own communities.

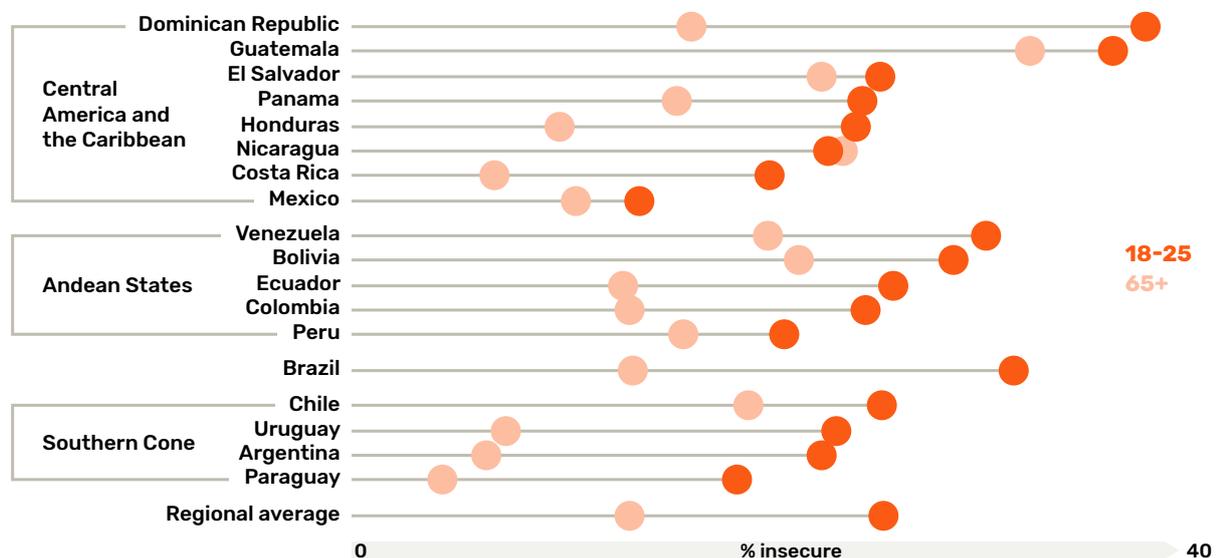
Very few countries in the region have a youth-focused public agenda that proposes concrete measures to promote access to work, healthcare, education, leisure and land.

Prindex is unique in that it is one of few global studies that is representative of young adults. The global survey asked for respondents' age, and categorizes respondents into three age ranges: (i) under 25 years of age; (ii) between 25 and 64 years old; and (iii) over 65 years old.

The data shows that, on average, young people between the ages of 18 and 25 are almost twice as likely to experience insecurity as people over the age of 65. This difference is particularly evident in Brazil and in the Southern Cone, as illustrated below.

The data show that single young people are more insecure than married young people of the same age. Disagreements with family or relatives and financial uncertainty are the main reasons for their insecurity. Longer-term monitoring of the security of tenure of today's youth will help to orient policies and resources to the provision of housing and land for business and agriculture for today's young population.

**FIGURE 4: INDEX OF INSECURITY BY COUNTRY AND AGE GROUPS**



Source: Prindex (2020)

### 3.3 Insecurity in rural areas and for Indigenous and Afro-descendant communities

Indigenous and Afro-descendant peoples are another group for whom secure land rights loom large and are a critical policy element to ensure that the region's economic reactivation is inclusive and sustainable. A global study concludes that Indigenous Peoples and Local Communities (IPLCs) occupy 32% of the earth's land and that more than a quarter of these people are likely to face pressure in the future from industrial

agriculture, extractive mining, oil and wood for energy production, and urbanization (WWF, 2021).

The Latin America region sees these pressures in their extremes. Of the total population of the region, almost 8% are Indigenous (45 million people) and 24% are Afro-descendants (Benza, 2021. Indigenous people inhabit all the countries of the region (CEPAL, 2014).

FIGURE 5: INDIGENOUS POPULATION IN LATIN AMERICA



ECLAC encourages the region's countries to put public policies in practice which:

- 1) are based on standards of indigenous peoples' rights
- 2) include their perspectives and contributions to the region's development
- 3) consolidate improvements in their well-being and living conditions, political participation and territorial rights
- 4) promote the construction of multicultural societies that benefit us all

Source: CEPAL (2014)

Some groups are unrecognized by national institutions and legislation and most are threatened by incoming settlers and investors. Large state works and private extractive concessions (mainly oil, mining and agro-industrial) try to exploit the resources in these areas and in most cases, the communities are defenseless as national institutions lack public policies to serve or protect them or lack the resources to implement existing protective policies. Although in some countries these peoples' collective rights are legally protected – meaning they have the right to be consulted prior to the execution of activities or projects in their territories, or consulted on any that affect them directly – this guarantee is not always fulfilled. Examples of this gap between de facto and de jure land tenure governance can be found in Bolivia, Columbia and Ecuador.

Without titles, Indigenous territories don't receive recognition of their carbon storage contribution and cannot benefit from carbon credits (RRI, 2021). A report from 2018 found that Indigenous peoples and local communities collectively manage at least 17% globally (approximately 293,061 million metric tons) of the total carbon stored in forest lands of the 64 countries evaluated, including twelve Latin American countries (RRI, 2018) This is five times more carbon than previously recognized. Without adequate protection, these communities can be victims of land grabbing.

A study published in 2022 warns that the Amazon is dangerously close to its tipping point toward collapse of its ecosystem, and that this could potentially mean the release of up to 90 billion tons of greenhouse gas into the atmosphere (PIK, 2022). Although around 18% of the area in the region is recognized as owned or controlled by Indigenous peoples and local communities, historically, these communities have struggled to obtain recognition of their ancestral lands and titling of their territories (International Land Coalition, 2022). Even when they have property titles, the titles of their territories often have inexact or incorrect boundaries, and encroachment by loggers, miners, agribusiness, coupled with lack of judicial cooperation, financial resources, and lack of environmental protection limit the security of tenure associated with having a title.

Customary and traditional use and governance systems that have survived in the region for centuries have undeniable benefits for the conservation of biological diversity, especially for the management of critical habitats and ecological corridors, and to address climate change (WWF, 2021; Etchart, 2017). A multi-scale study showed that forests regenerate better on land that had been titled to Indigenous communities (Bennett *et al.*, 2021). In the region, specifically in the Amazon, it has been confirmed that lands in the hands of Indigenous peoples and in protected areas release much less carbon than external lands (Walker *et al.*, 2020), and globally, Indigenous lands account for 36% of the remaining intact forest landscapes (Fa *et al.*, 2020).

Research has shown that greater security of forest tenure can reduce emissions and deforestation, while being relatively cost-effective to implement (RRI, 2020; Blackman and Veit, 2018). The lack of property rights to these territories can undermine long-term incentives for investments such as reforestation of their territories with native or threatened species and also to regulate the use of certain natural resources such as non-timber forest products. It is clear that land tenure security interventions must be incorporated into future conservation strategies (Robinson *et al.*, 2018).

In the survey carried out by Prindex between 2019 and 2020, it was not possible to select a representative portion of the Indigenous or Afro-descendant population in the national samples of the region. However, Prindex is committed to national studies and pilots of its methodology to address the situation of insecurity of Indigenous and Afro-descendant peoples, as demonstrated in the case of Colombia (see Box 4).

Specific and tailored studies are the best way to provide evidence of the tenure situation of Indigenous and local communities. Prindex recognizes that these studies should not be only national, since there are peoples like the Kichwa and Tikuna that span borders. There is a clear need in the LAC region to extend indicators of land tenure security like Prindex to include regional and national studies that recognize the situation of these peoples and respect their rights, to identify the appropriate governance approaches for IPLCSs as custodians of their lands. Such studies and indicators will contribute to raising the visibility of these issues in regional and national discussions and help to bring the benefits of the region's economic reactivation to Indigenous and Afro-descendent groups in a sustainable and inclusive manner.

#### **BOX 4: LAND OWNERSHIP OF INDIGENOUS AND AFRO-DESCENDANT COMMUNITIES IN RURAL COLOMBIA**

In 2021, the Observatory of Ethnic and Peasant Territories of the Javeriana University with financing from the International Fund for Agricultural Development (IFAD) and the technical support of the International Land Coalition (ILC) and Prindex, carried out a pioneering study to measure the security of collective land tenure of Indigenous, Afro-descendant, and peasant communities in rural Colombia.

The research was carried out with two peasant associations, two Afro communities (community councils) and one Indigenous community (Indigenous reservation) located in the Caribbean region of Montes de María (Departments of Sucre and Bolívar). The objective was to deepen understanding of how the communities conceive of their collective territory and what concerns are making them feel insecure about their land and property, including armed conflict, forced displacement and slow legalization processes.

Nearly 80% of those surveyed said they were worried or very worried about losing land, more than 3.5 times the national average (urban and rural) in 2018. Internal armed conflict that has been going on for more than five decades was the first cause of concern, followed by family disagreements. About 38% of those surveyed had lost their rights to their home or plot of land at some point as a result of violent situations, forced displacement or dispossession. Despite this, 74% of respondents trust that the local authorities would defend them.

*Study on Perceptions on the Security of Land Tenure in Montes de María based on the PRINDEX Methodology. Observatory of Ethnic and Peasant Territories. Javeriana Pontifical University, Bogota. December 2021.*

# 4. Emerging regional challenges

As the LAC region grapples with economic reactivation, additional areas of risk beyond the traditional macroeconomic and political risks are also emerging as major threats to long-term inclusive, sustainable development including climate change and natural disasters, migration, and conflict. Secure land rights have an important role in preventing or mitigating the effects of each of these threats.

## 4.1 Climate change and natural disasters

Climate change and natural disasters pose a significant threat to inclusive and sustainable economic reactivation in the LAC region. It is a region endowed with enormous quantities of natural resources, including freshwater, trees and biodiverse ecosystems that create possibilities for much nature-based and sustainable growth, for example, through the region's sustainable forestry value chains and ecotourism and payments for ecosystem services such as carbon sinks (World Bank, 2022). But unmitigated climate change and associated increases in natural disasters such as hurricanes and floods create risks to this development pathway. The LAC region is one of the most vulnerable areas in the world to these kinds of disasters because of the high population density in coastal areas that are especially vulnerable to natural disasters and the lack of risk management practices (World Bank, 2022).

The effects of climate change and natural disasters are already becoming evident in the region with increasingly powerful storms and flood events that impoverish and displace rural farmers and push them towards the cities; this leads to the kind of increased poverty, hunger and demand for land and informal urbanization discussed earlier.

The recent Intergovernmental Panel on Climate Change (2019) report on climate change and land concludes that mitigating hunger and the effects of climate-induced disasters will require a land-use revolution. Farmers will need to implement agricultural practices – such as improved irrigation, terracing, and agroforestry – that improve climate resilience, conserve soil and trees, and boost production. But insecure land rights are inhibiting millions of rural occupants from achieving the stability or opportunities to invest in this type of land-use transformation.

This issue is critical in LAC due to its highly unequal land distribution and insecurity of rights. More than half of all productive land in Latin America is held by just 1% of farms, with rural and Indigenous people particularly unlikely to benefit from secure land rights. This situation of unequal and insecure land access means that the majority of rural occupants are unable to fully utilize their potentially most productive asset.

Central America, in particular, suffers from highly unequal land distribution and climate change-driven hunger. In the 'Dry Corridor' – a tropical dry forest region which runs through Guatemala, El Salvador, Honduras and Nicaragua, accounting for half of Central America's small producers of basic grain crops – an extended period of drought is accelerating land degradation, lowering crop yields and driving out-migration (Jochnick, 2019).

Secure access to land for the region's farmers and forest dwellers is at the core of a long-term strategy to mitigate and adapt to climate change and increasing natural disasters by improving carbon storage and agricultural resilience. If the region fails to implement this transformation, the risks posed by climate change and natural disasters may undermine the promise of post-pandemic economic reactivation and indeed of all long-term growth scenarios.

Monitoring land tenure security has a role to play in supporting these measures by helping policymakers, activists and researchers to track progress in land rights and benchmark it along with other evidence of progress in creating climate and disaster resilient spaces.

## 4.2 Migration

Two significant new migrations of people are currently underway in the region. One is an exodus of migrants from Honduras, El Salvador, and Guatemala headed towards the United States and the second is a large number of Venezuelans migrating to other South American countries, especially Colombia, Brazil and Ecuador. Both migrations increase pressure on urban areas in destination countries and contribute to the proliferation of informal settlements.

Vulnerable groups such as women with children, unaccompanied children and people with special needs make up a large percentage of migrants. Informal migrants lack social or police protections and are at risk of falling victim to mafias and other crime.

Both migrations signal important needs for secure land rights and sufficient land access. In Central America's Dry Corridor, an estimated 1.4 million people living in the region need food aid, with farming plots and common areas that are too small, arid and

**FIGURE 6: NEW CHALLENGES IN LATIN AMERICA**



Source: Prindex (2022)

insecure to make a living. Migration to urban areas or foreign countries is frequently the last resort for these impoverished, hungry citizens. Displaced Colombians and Venezuelans often have no chance to return to lands they have abandoned, often ending up in urban informal settlements as noted.

While migration in different countries may have different immediate causes, in many cases the solutions would start with security of land rights. Legal reforms that strengthen land rights for rural communities and provide access to productive land could protect and incentive farmers to produce profitably for their own consumption and for

neighboring markets. With secure land, farmers would obtain greater leverage and motivation to invest in productivity-enhancing things like terracing, and fruit tree-planting, helping to strengthen food security for their households and communities.

Continual collection of land indicators like Prindex over time, could provide policy-makers seeking economic reactivation and reduction of migration with the kind of data needed to track the relationship of land rights, migration and rural economic development, and help to target intervention where it would make the most impact.

## 4.3 Violence, post-conflict reconciliation and peace-building

The 21st century has not seen the level of civil wars in Latin America that were widespread throughout the 20th century. However, inequality, illegal resource extraction, gaps in democratic governance, security vacuums and narco-trafficking have led to social conflicts and rural violence in countries like Mexico, Colombia and Brazil. Social pressures leading to violence in peri-urban areas, such as in failed 'pacification' programs in Rio de Janeiro in the 2010s, have flared in the areas where informality of land rights has led to gaps in governance and stable state institutions.

Post-conflict reconciliation in Colombia, Peru, and Central America have hinged critically on issues of land rights recognition, restitution and access.

These experiences have demonstrated that the recognition of rights to land, its possession and resolution of disputes are key elements to negotiate, achieve and consolidate social peace; land tenure security provides stability and security to people, while uncertainty about land has a high potential to generate or prolong conflicts.

Little has been studied about whether insecurity of tenure is a direct cause of violent conflicts, but people's evaluations of their security is an element associated with the probability of conflicts of varying degrees of violence and aggressiveness (Locke *et al.* 2021). Data like the Prindex core indicator of perceived land tenure security could contribute its analysis of perceptions to research the relationships between social conflicts and property rights. A strong nexus exists between stable land rights, effective governance and the prevention and reconciliation of violent conflict. For inclusive, sustainable economic reactivation to take off in the LAC region, a reduction of violence and the success of peace-building projects are fundamental conditions.

### BOX 5: LAND TENURE AND THE PEACE PROCESS IN COLOMBIA

United States Agency for International Development funded the Land and Rural Development Project (LRDP), implemented by TetraTech and Global Land Alliance, to support the peace process in Colombia. Within the framework of this effort, it has been recognized that titling, proper documentation and legalization of the land are essential to restore the land to the victims of the conflict.

GLA conducted the baseline study in 10 pilot municipalities of the Land for Prosperity (LFP) program, creating one of the largest and most comprehensive subnational databases on the perception of land tenure security in the world. The study was carried out in 2021 with a total of 5,227 interviews. The Prindex methodology detected important differences between the municipalities involved in the LFP program and the Colombia national average obtained by Prindex in 2018.

The study found that 15% of the population studied perceived that the armed conflict puts the security of their rights to land and housing at risk, compared to 1% at the national level. In these municipalities, approximately 1 out of every 3 inhabitants has at some point lost their right to live or to use a property against their will. Municipalities such as Cáceres (Antioquia) and Chaparral (Tolima) stand out, where about 10% of those interviewed reported having lost their rights to live or use their properties in the 12 months prior to the survey.

# 5. Conclusion

This discussion paper sets out an agenda for improving the security of land rights in the Latin America and Caribbean region as part of inclusive, sustainable economic reactivation. The consequences of insecure property rights for the region in terms of foregone investment and productivity, social vulnerability and potential ramifications for stability and environmental sustainability may be severe. The challenges posed by insecurity of land rights are especially relevant for the region's economic reactivation. According to the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), the effects of COVID-19 in the region include the most severe recession since 1930, high unemployment and an increase in poverty and inequality. Security of land tenure is an element that is fundamentally relevant in the region's post-pandemic economic recovery planning.

The results of the Prindex surveys provide useful insights into several key areas of development policy concern. The findings indicate higher insecurity among younger working age people and youth. The region needs to capitalize on the large cohort of younger workers' contributions to economic growth in order to raise living standards sustainably over the long term.

The results are also relevant for policy discourse about the impact of urbanization in the region. The relatively high degrees of insecurity perceived by renters underline concerns about structural weaknesses in demand-side factors associated with employment and income; supply-side factors associated with the middle and lower markets segments' capacity to provide affordable and secure land provision for housing, business and agriculture; and governance factors in terms of institutions capacity to guarantee secure rights for all groups.

Women's rights are another area of concern for regional development policy highlighted in the survey results. The perception surveys reveal that a significantly higher proportion of women express fear of losing land for housing or other purposes during transitional events like the death of a spouse or divorce. These results offer more evidence to a growing body of work on women's land rights which is showing that structural inequalities in property rights and land are creating barriers to women's social and economic flourishing and, by extension, to the development of children. More data and more policy attention to this area could unlock huge reserves of women's potential.

Indicators of the security of land and housing tenure like the Prindex dataset can be useful for governments, civil society, academics and international organizations interested in the land governance agenda in the Latin America region. The national indicators show progress toward achievement of the SDGs, especially the land and gender-related goals. Tenure security can improve the standing of marginalized people, especially women and Indigenous communities, empowering them to be part of decision-making processes, such as household spending or deciding who will inherit land and property.

Additional challenges to inclusive, sustainable economic reactivation, including climate change, natural disasters, migration, and post-conflict reconciliation, create further multi-dimensional threats with land rights at their core.

In the uncertainty of current times, it is essential to continue efforts to improve the security of property rights of families in the region. Land and property security incentivizes investment in homes and farms, strengthens the accumulation of wealth by rights holders, contributes to sustainable resource management, and helps to overcome poverty and exclusion through these pathways.

Measures of the security of tenure such as the Prindex data, provide a starting line and a new approach for the analysis of people's situations and concerns and facilitates the definition of national and subnational public policies.

To further unpack the context-specific factors influencing tenure insecurity, Prindex continues to carry out deep-dives in several countries to capture localized data. Prindex's methodology can be customized to target vulnerable groups, understand problems specific to a town, region, or other location, or explore climate and sustainable development issues impacted by land rights.

Findings from this data can contribute to more secure and inclusive land governance in the region, with all the economic and social benefits that entails. Perceptions of security of property rights are a simple and powerful way for the voices of local populations to enter the land governance agenda in the region.

The Prindex initiative exists to foster the inclusion of these voices and improve the quality of the land governance discourse to advance secure rights for all.

This data has the potential to become an important monitoring tool for raising the visibility and awareness of land rights issues in the region and helping policymakers, activists, and researchers to track and build progress on these issues during the critical coming years and decades.

Prindex intends to expand its engagement with all actors interested in land and property rights across the LAC region, to ensure data efforts are aligned, work to progress the region's land agenda, and contribute to the region's overall sustainable development. We aim to expand the availability of perceptions data to bring greater transparency, inclusion and accountability to the land sector.



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