



Procedure file

Basic information		
INI - Own-initiative procedure	2013/2026(INI)	Procedure completed
Role of property rights, property ownership and wealth creation in eradicating poverty and fostering sustainable development in developing countries		
Subject 6.30.02 Financial and technical cooperation and assistance		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	DEVE Development		21/11/2012
		ECR DEVA Nirj	
		Shadow rapporteur	
		PPE MITCHELL Gay	
		S&D CASHMAN Michael	
		ALDE GOERENS Charles	
		Verts/ALE SARGENTINI Judith	
	Committee for opinion	Rapporteur for opinion	Appointed
	FEMM Women's Rights and Gender Equality		21/01/2013
		S&D COSTA Silvia	
European Commission	Commission DG	Commissioner	
	International Cooperation and Development	PIEBALGS Andris	

Key events			
11/03/2013	Committee referral announced in Parliament		
11/02/2014	Vote in committee		
21/02/2014	Committee report tabled for plenary	A7-0118/2014	Summary
13/03/2014	Results of vote in Parliament		
13/03/2014	Debate in Parliament		
13/03/2014	Decision by Parliament	T7-0250/2014	Summary
13/03/2014	End of procedure in Parliament		

Technical information	
Procedure reference	2013/2026(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative

Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	DEVE/7/11943

Documentation gateway

Committee opinion	FEMM	PE465.019	15/07/2011	EP	
Committee opinion	FEMM	PE513.154	05/06/2013	EP	
Committee draft report		PE519.602	24/09/2013	EP	
Amendments tabled in committee		PE523.041	14/11/2013	EP	
Committee report tabled for plenary, single reading		A7-0118/2014	21/02/2014	EP	Summary
Text adopted by Parliament, single reading		T7-0250/2014	13/03/2014	EP	Summary
Commission response to text adopted in plenary		SP(2014)457	11/08/2014	EC	

Role of property rights, property ownership and wealth creation in eradicating poverty and fostering sustainable development in developing countries

The Committee on Development adopted the own-initiative report drafted by Nirj DEVA (ECR, UK) on the role of property rights, property ownership and wealth creation in eradicating poverty and fostering sustainable development in developing countries.

Article 17 of the Universal Declaration of Human Rights states that everyone has the right to own property alone as well as in association with others and that no one shall be arbitrarily deprived of his property. Nevertheless, 1.2 billion people worldwide occupy properties for which they don't hold formal rights, live without permanent homes or access to land altogether.

Moreover, although the MDGs recognised the need to address the security of slum inhabitants and urban squatters in developing countries and committed to account for at least 100 million slum inhabitants by 2020, the target is far from being on track. 90% of new urban settlements in Sub-Saharan Africa are taking the form of slums and 3 billion people are estimated to reside in slums by 2050.

However, these assets cannot be protected nor mobilised. They represent dead, extra-legal capital. This total extra-legal and unregistered wealth is estimated at over 9.3 trillion USD, which is 93 times larger than the total for all the foreign aid given to developing countries in the past 30 years. As such, establishing legal property law systems and empowering people to govern over their own resources could turn out to be the greatest development story of the 21st century, but also the greatest challenge of all.

Land rights, including property rights, and wealth creation: the report considered registered property rights and secure land rights to be a catalyst for economic growth. It stressed that empowering people to make decisions about their own resources, combined with formal inheritance provisions, strongly encourages smallholders to invest sustainably in their land, practise terracing and irrigation, and mitigate the effects of climate change.

Members recognised that the challenge is to overcome the dissonance between legality, legitimacy and practices by building land tenure mechanisms based on shared norms, starting from a recognition of existing rights, while making sure that men and women, as well as vulnerable communities in developing countries, have secure rights over land and assets, and are fully protected against vested interests that could seize their property. Members strongly condemn the practice of land-grabbing which, in particular, illegally dispossesses the rural poor and traditional Nomad populations of land without adequate compensation.

Roadmap to secure land rights, including property rights, and sustainable land governance in the developing world: Members highlighted the fact that land reform requires flexibility, tailored to local, social and cultural conditions, such as traditional forms of tribal ownership, and should be focused on empowering the most vulnerable. They stressed that land tenure reform should begin with accurate land data collection and with systematic titling by means of cadastral mapping using low-cost technologies. They warned against applying a one-size-fits-all approach in order to achieve land security. The report stated that the decentralisation of land administration empowers local communities and individuals, and drew attention to the need to eliminate corrupt practices imposed by local chiefs through deals struck with foreign investors and any claims to unregistered individual plots of land. Members emphasised that a high priority for development policy should be to establish and improve land registries in developing countries. According to the report, tenure security can be safeguarded under various forms, such as through clear, long-term rental contracts, or formal recognition of customary rights and informal settlements, with accessible and effective dispute settlement mechanisms.

The EU is called upon to:

- channel support towards capacity development and training programmes in land management with the aim of securing land rights for the poor and vulnerable groups, including through cadastral surveying, registration, and efforts to equip educational institutions in developing countries;
- strengthen the capacity of courts in developing countries to enforce property law effectively, to resolve land disputes and manage expropriations as part of a holistic approach aimed at consolidating judicial systems and the rule of law;
- help developing countries to implement their land reforms in order, to promote, in particular, the participation of all stakeholders, and in

combination with awareness-raising programmes, so that the rights of all parties involved, especially the poor and vulnerable, are fully respected;

- give strong assistance to newly empowered landowners to invest, by means of auxiliary support mechanisms, in new equipment;
- ensure that developing countries introduce legislative measures to promote gender equality and prevent discrimination;
- address the means of removing the significant social, political and cultural constraints on land rights acquisition.

With a view to empowering women in their rights and access to land, inheritance, access to credit and savings in post-conflict situations, the EU is urged to pay particular attention in its land reform programmes to women's vulnerability to changes in family structure and the degree to which women can enforce their rights, as well as to ensure that in practice, household deeds have both spouses names on the land title.

Placing land rights, including property rights, at the heart of EU development policy: Members commended the EU's participation in global land initiatives. They highlighted the fact that, as the world's leading development actor, the EU has the capacity to enhance its currently limited approach in terms of both scope and visibility with a view to addressing land tenure. The EU must aim to ensure that people have access to social protection and insurance schemes in order to protect their livelihoods and protect their assets in the case of a disaster or shock. They recommended that an update be made to the 2004 EU Land Policy Guidelines in coordination with Member States in order to assess current tenure challenges and assist with the implementation of new low-cost technologies in land mapping and administration.

The Commission is urged to:

- set a clearly defined budget line for property rights, shifting from a small-scale perspective to long-term land governance reform, with a view to streamlining land tenure;
- enhance its assistance with respect to the inclusion of land rights in humanitarian and development responses to disasters or civil conflicts, whereby land policies must guarantee secure land rights for different ethnic, social or generational groups in an equitable manner.

Role of property rights, property ownership and wealth creation in eradicating poverty and fostering sustainable development in developing countries

The European Parliament adopted by 340 votes to 19 with 22 abstentions, a resolution on the role of property rights, property ownership and wealth creation in eradicating poverty and fostering sustainable development in developing countries.

Parliament recalled that Article 17 of the Universal Declaration of Human Rights stated that everyone had the right to own property alone as well as in association with others and that no one should be arbitrarily deprived of his property. Nevertheless, 1.2 billion people worldwide occupied properties for which they did not hold formal rights, live without permanent homes or access to land altogether.

Moreover, although the MDGs recognised the need to address the security of slum inhabitants and urban squatters in developing countries and committed to account for at least 100 million slum inhabitants by 2020, the target was far from being on track. 90% of new urban settlements in Sub-Saharan Africa were taking the form of slums and 3 billion people are estimated to reside in slums by 2050.

However, these assets could not be protected nor mobilised. They represented dead, extra-legal capital. This total extra-legal and unregistered wealth was estimated at over 9.3 trillion USD, which was 93 times larger than the total for all the foreign aid given to developing countries in the past 30 years. As such, establishing legal property law systems and empowering people to govern over their own resources could turn out to be the greatest development story of the 21st century, but also the greatest challenge of all.

Land rights, including property rights, and wealth creation: Parliament considered registered property rights and secure land rights to be a catalyst for economic growth, while also promoting social cohesion and peace. It stressed that empowering people to make decisions about their own resources, combined with formal inheritance provisions, strongly encouraged smallholders to invest sustainably in their land, practise terracing and irrigation, and mitigate the effects of climate change.

Parliament recognised that the challenge is to overcome the dissonance between legality, legitimacy and practices by building land tenure mechanisms based on shared norms, starting from a recognition of existing rights, while making sure that men and women, as well as vulnerable communities in developing countries, had secure rights over land and assets, and were fully protected against vested interests that could seize their property. It strongly condemned the practice of land-grabbing which, in particular, illegally dispossesses the rural poor and traditional Nomad populations of land without adequate compensation.

It stressed that the removal of public incentives for the production of crop-based biofuels and subsidies was one way to combat land-grabbing.

Parliament emphasised that investment agreements on large-scale land acquisitions or leases should duly take into account the right of current land-users, as well as the rights of workers employed on farms. It considered that all land deals should also include a legal obligation whereby a certain minimum percentage of crops produced should be sold on the local market.

Roadmap to secure land rights, including property rights, and sustainable land governance in the developing world: Parliament highlighted the fact that land reform requires flexibility, tailored to local, social and cultural conditions, such as traditional forms of tribal ownership, and should be focused on empowering the most vulnerable. It warned against applying a one-size-fits-all approach in order to achieve land security. It stated that the decentralisation of land administration empowered local communities and individuals, and drew attention to the need to eliminate corrupt practices imposed by local chiefs through deals struck with foreign investors and any claims to unregistered individual plots of land. Members emphasised that a high priority for development policy should be to establish and improve land registries in developing countries. Tenure security could be safeguarded under various forms, such as through clear, long-term rental contracts, or formal recognition of customary rights and informal settlements, with accessible and effective dispute settlement mechanisms.

The EU was called upon to:

- channel support towards capacity development and training programmes in land management with the aim of securing land rights for the poor and vulnerable groups, including through cadastral surveying, registration, and efforts to equip educational institutions in developing countries;
- strengthen the capacity of courts in developing countries to enforce property law effectively, to resolve land disputes and manage expropriations as part of a holistic approach aimed at consolidating judicial systems and the rule of law;

- help developing countries to implement their land reforms in order, to promote, in particular, the participation of all stakeholders, and in combination with awareness-raising programmes, so that the rights of all parties involved, especially the poor and vulnerable, are fully respected;
- ensure that developing countries introduce legislative measures to promote gender equality and prevent discrimination;
- address the means of removing the significant social, political and cultural constraints on land rights acquisition.

With a view to empowering women in their rights and access to land, inheritance, access to credit and savings in post-conflict situations, the EU was urged to pay particular attention in its land reform programmes to womens vulnerability to changes in family structure and the degree to which women can enforce their rights, as well as to ensure that in practice, household deeds have both spouses names on the land title.

Placing land rights, including property rights, at the heart of EU development policy: Parliament commended the EUs participation in global land initiatives. It highlighted the fact that, as the worlds leading development actor, the EU had the capacity to enhance its currently limited approach in terms of both scope and visibility with a view to addressing land tenure. It underlined that EU aid should contribute to building the institutional capability required for the granting of secure land rights, so as to tackle rent-seeking and bureaucratic inertia, as well as corrupt and unaccountable practices;

The EU must aim to ensure that people have access to social protection and insurance schemes in order to protect their livelihoods and protect their assets in the case of a disaster or shock. However, the Plenary rejected the committees recommendation that an update be made to the 2004 EU Land Policy Guidelines as well as rejecting assistance for new low-cost technologies in land mapping and administration.

The Commission was urged to:

- set a clearly defined budget line for property rights, shifting from a small-scale perspective to long-term land governance reform, with a view to streamlining land tenure;
- enhance its assistance with respect to the inclusion of land rights in humanitarian and development responses to disasters or civil conflicts, whereby land policies must guarantee secure land rights for different ethnic, social or generational groups in an equitable manner.

It should be noted that an alternative resolution replacing this one, presented by the ECR group, was rejected in plenary.