



MILLENNIUM
CHALLENGE CORPORATION
UNITED STATES OF AMERICA

Transcript
November 13, 2008 | www.mcc.gov

Millennium Challenge Corporation Hosts a Public Outreach Meeting

“The Housing Crisis that No One is Talking About:
Secure Land Tenure and Poverty Reduction”

Speakers

Matt McLean,
Vice President for Congressional and Public Affairs,
Millennium Challenge Corporation

Ambassador John J. Danilovich,
Chief Executive Officer,
Millennium Challenge Corporation

Jolyne Sanjak,
Managing Director for Implementation Support,
Millennium Challenge Corporation

Ron Terwilliger,
Chairman of the Board
Habitat for Humanity International

Karol Boudreaux,
Senior Research Fellow,
The Mercatus Center

Ted Baumann,
Director of International Housing Programs
Habitat for Humanity International

Transcript

MCLEAN: With the microphone. Good morning, everyone. Welcome to the headquarters of the Millennium Challenge Corporation. We're delighted you're here. We appreciate your taking some time out of your day and come and visiting with us today.

My name is Matt McLean. I'm the vice president for congressional and public affairs here at MCC. And I'm thrilled to see a very strong turnout to talk about the housing crisis that no one is talking about.

So I think it's a very important topic today. Recent attention has certainly focused on a campaign for the election, the global financial crisis and how so many Americans across the country are struggling with making their mortgage and staying in their homes. And for most Americans in this situation, this is a new sense of difficulty. But for the world's poor, the struggle for a place to call home, a place where they have secure tenure is one that they know all too well and they've known it for a very, very long time.

At a time when the importance of combating global poverty and ensuring economic prosperity for all has never been more crucial, we cannot, in fact we must not overlook the critical link between securing property tenure and economic growth. We cannot speak of poverty reduction without factoring the property rights of the poor into the equation.

And for us here at MCC where our mission is reducing poverty through economic growth, we see many of our partner countries stepping forward and as we ask them, what is it that you feel is most important? They have consistently come back and said, we want to have an ability to secure our property rights and have land tenure in our countries.

It's been a very common theme for many of our countries participating in the MCC program. You're in for a real treat today. We're very fortunate to have today some of the best minds on this issue. Let me share how we'll move forward today.

First, we will hear from two very distinguished speakers. First we will hear from the Chairman of the Board for Habitat for Humanity Ron Terwilliger which we had the pleasure of visiting with for a few minutes this morning before our event. We're very grateful for his leadership and for the leadership of Habitat in partnering with us to make this event possible.

Following Mr. Terwilliger's remarks we will have our own Chief Executive Officer of the Millennium Challenge Corporation Ambassador John Danilovich provide us with some remarks.

After these remarks, we will convene to a panel discussion - a panel of experts on property rights and land policy. And after the presentation of the panel, we will open it up for some Q&A.

So one housekeeping matter, we are videotaping this for replay on our Web site later which is at mcc.gov.

With that, let me begin by introducing Ron Terwilliger, Habitat for Humanity's Chairman of the Board of Directors. Mr. Terwilliger was elected to serve as their chair in October of 2007. So he's in - he's got one year down and one year to go as chair. Is that right?

TERWILLIGER: I think.

MCLEAN: He's also chair and chief executive officer of Trammell Crow Residential. I think you've just finished that up though, is that what you're saying? OK. One of the largest and most respected residential real estate companies in the United States. He is a graduate of the United States Naval Academy, with an MBA from Harvard.

Mr. Terwilliger is nationally known for - is a nationally known business leader and a strong supporter of affordable housing. Let's turn the time over to Mr. Terwilliger.

TERWILLIGER: Thank you.

(APPLAUSE)

TERWILLIGER: Thank you, Matt. I'm delighted to be here. I came this morning on the shuttle, rain and all. And actually the biggest delay was your traffic from the airport to here. Thank you, Ambassador Danilovich, and the rest of the Millennium Challenge Corporation for putting on this program today and for partnering with Habitat.

We're all looking forward to hearing from our panelists on this haunting problem which I have become much more familiar with in recent travels to Europe. I must say I've been in the U.S. real estate business for 40 years and until I became chairman of Habitat for Humanity International, not really focused on the issue of secure tenure because of the property rights we have and I think take for granted in this country.

Habitat is a 32-year-old organization founded in America's Georgia on the principle of providing home ownership to working families. We currently have our administrative headquarters in Atlanta. And importantly to this discussion, we work in 90 countries around the world where this is an important subject.

Insecure tenure is a phrase that might sound a little stuffy, kind of a legal concept. But it's often misunderstood that secure tenure is not something to be taken for granted. It's a real problem and a bleak future for 80 percent of the world's population who lack legal documentation of their rights to stay on the land or in the residence that they currently occupy.

The reason it's so familiar to us is because our Habitat staff around the world every day is dealing with these issues. And based on our surveys, insecure tenure is the number one barrier to improving poverty housing in the world.

Secure tenure, this freedom for us to take for granted the right to live without fear of being thrown out of your house, off your land today or tomorrow. Secure tenure is needed to lessen the misery of 1.6 billion people living in substandard housing without protection of their rights to stay in their residence or on their land.

Habitat for Humanity is working to change that because of our continuing commitment to working towards decent, affordable housing for all families throughout the world.

Today in Naples, Florida, we celebrate our 300,000th home. That translates to providing adequate shelter on an average of five occupants per family to 1.5 million people in this country. And in doing that, it's transformational for our homeowners, our volunteers and all of the people who help us build and provide contributions to building shelter around the world.

Tomorrow in Guatemala, we'll celebrate our 300,001st home symbolically demonstrating our commitment to continuing this challenge which is a global challenge. And we know at Habitat we can't build our way by our self out of this problem of poverty housing. But by working together with Millennium Challenge Corporation, NGO's, governments, we can certainly raise the awareness and, hopefully, the impact of people working on this problem.

We're working on the challenge of secure tenure both in the field and by being an advocate for changes in governmental policy which we hope will lead the United States with a strong respect for property rights to become a champion for secure tenure internationally.

To do that, Habitat for Humanity International has just published its first ever major policy report, and I have a copy of it here, the Shelter Report 2008 where secure tenure is the focus of this work. It's a thorough briefing on the very complex issue with Habitat's ideas on how to make needed changes on tenure issues.

I want you to know that we're not asking governmental loans to solve this problem. We do need government cooperation in many of these countries. But Habitat and NGO's and other people can provide leadership in developing innovative, creative ways, small and large, to make secure tenure a reality.

Establishing secure tenure is a different issue in many parts of the world, different cultural areas, different legal structures. It's especially difficult for women to get secure tenure in many parts of the world.

Habitat is used to dealing with grass roots differences. The homes we build are different in different places in the world. We've learned to work together and respect the autonomy of work done with families, by affiliates in national offices throughout our 90-country network. They're the ones out knocking on the doors, getting the volunteers and building the houses.

Let me offer several examples of ways Habitat is dealing with combating this kind of secure tenure issue around the world. One solution that we believe is relevant certainly in a number of countries, is teaching prospective homeowners how to use current laws to establish their ownership rights.

corruption, creating transform(ph) land administration, all take time. The great missing piece of what can do, what seems like a real puzzle, is a lack of political will to foster political tenure.

We must have that will for the long sustained work to secure families a place to call home and for establishing an equitable system of property rights, encourage economic growth and wellbeing of nations as well. We at Habitat have that will. Please join us.

Thank you very much.

(APPLAUSE)

MCLEAN: Thank you, Ron, not only for your remarks but also the work that Habitat does around the world. It's a - and also I should add, I read this this morning but there is a stack with our other materials of MCC regarding Habitat for Humanity. It's the executive summary of their Shelter Report 2008. So that's also on the table so please pick a copy of that.

We'd now like to turn the time over to Ambassador Danilovich who previously served as the U.S. ambassador to both Costa Rica and also to Brazil. He's been at the helm of the Millennium Challenge Corporation since November of 2005.

Under his leadership, MCC now has 18 compacts up and running, full-borne implementation now valued at \$6.3 billion. A little bit of work over the last three years there, sir.

Anyway, Ambassador Danilovich.

(APPLAUSE)

DANILOVICH: Thanks very much, Matt, Habitat for Humanity International Chairman Ron Terwilliger and friends of the MCC. Thank you all very much for being here this morning. I appreciate you turning out on this rainy morning.

It's a privilege to join all of you here today for the discussion on how best to provide the world's poor with secure tenure to their lands and homes. It is important that we spotlight this critical and timely issue as it is a core element in any strategy to reduce poverty through sustainable economic growth which is what our mission is here at the Millennium Challenge Corporation.

Americans have always understood the importance of homeownership, even more so today in our worsened economic climate. This is part of the American psyche and dream to be homeowners. American families realize that a fundamental source of wealth creation comes from our ability to own our homes, to own our own property.

Yet in so many poor countries of the world this dream remains elusive. Let me discuss with you today the housing crisis that no one is talking about. Protecting the property rights of the poor is a fundamental priority for achieving economic growth and sustainable development if we are serious about making a meaningful difference in the fight against poverty throughout the world.

With the tremendous unease and uncertainty caused by the global financial crisis, we are reminded of just how fragile and how interconnected prosperity is and how there's perhaps nothing more elemental and nothing more reassuring than to have a place, a safe and secure place, to call home. We understand that reality very clearly at the Millennium Challenge Corporation. Our partner countries worldwide also understand this reality.

Mission-driven organizations like Habitat for Humanity understand this reality as well. And I'm particularly grateful for Habitat's strong leadership and guiding support in spotlighting this issue of secure land tenure and working with us to make today's conversation possible.

Many thanks to you, Ron, specifically for your outstanding team and all the work that you've done at Habitat and also for partnering with us in this effort.

At the Millennium Challenge Corporation, the U.S. government's newest and most innovative development assistance agency, we partner with some of the world's poorest countries to help them achieve development priorities they themselves define as vital for their economic growth. What we have found is that our partners again and again identify secure and efficient access to land among their top goals for long-term economic growth and poverty reduction.

As a result, our partners are investing their MCC grants in ways that promote, improve legal frameworks, more client service oriented property registries and formal recording of land rights in select communities. We see this in Madagascar where comprehensive legal reforms are being instituted related to land tenure and to modernizing national and regional land services. Newly established land registration offices are formalizing the land rights of local farmers by issuing land owning certificates.

I will never forget the Malagasy woman I met during one of my trips to Madagascar who clutched the land title I had the good fortune of presenting to her as she proclaimed with great pride and optimism, "And no man will take this away from me," she said. And I've heard that echoed in many of our countries. That sense of empowerment conveyed through a piece of paper as simple as a land title has remained with me and reminds me often of how important secure land tenure is to poverty reduction.

We see this in Burkina Faso and Ghana where significant land tenure reforms are also under way that include working through judicial and mediation services to reduce conflicts over land rights. We see this in Mozambique and Benin where steps are being taken to register both rural and urban communal and individual land rights. We

see this in Nicaragua where reforms are improving in the form of documentation of property rights including the rights of women.

We see this also in Lesotho and Mongolia where revised land legislation and improvements in the registration process will provide greater security for the rights other than households. And we see this also in El Salvador where the government is using its resources to further - to make further progress on land titling and registration to leverage and compliment the impact of MCC's investments in roads and productive sectors.

In all these ways, we've a total of over \$278 million in investments in country-determined and country-driven strategies. The Millennium Challenge Corporation is happy to be helping to make a tangible difference in strengthening the real property right systems in countries from Africa to Eurasia to Latin America. And this difference matters for a number of reasons.

It matters for economic reasons. Farmers, households and businesses are more willing to protect and invest in land or property they own. Secure tenure is a critical ingredient for accessing credit, promoting investment and private sector activities and generating self-sustaining market opportunities for economic growth.

It matters for community development. Secure rights to property use, ownership and transfer in power communities to demand basic services from their governments like electricity, water and sanitation.

It matters to women. Secure tenure for women who disproportionately shouldered the excruciating burden of poverty, creates a powerful safety net that protects them and their children.

It matters for good governance. Secure tenure is a pillar of effective and transparent property right systems that are grounded in the rule of law and to benefit all segments of society.

As so many struggle with maintaining their homes for the world's poorest, a secure place of their own is their only means of shelter, their only means for a livelihood and their only means for a brighter future of promise.

At MCC we are committed to ensuring that secure land tenure is a viable pathway, not a roadblock, in a country's journey toward sustainable growth. We see this in the thousands of families whose land rights have been recorded or registered already and in the significant land policy reforms already under way because of how countries are investing their MCC grants.

This is the journey MCC partners have embarked upon. And MCC investments support the strategic development objectives in this vital area. It is a journey that our friends at Habitat for Humanity continue to highlight by raising awareness about secure land tenure and advocating actions that will strengthen land policies and property rights for the poor's benefit.

Like Habitat, so many active partners throughout the community are underscoring the importance of this issue and their collective voice is one we need and welcome to make a difference. Together we can make sustainable headway in the fight against global poverty by placing land security and property on our agenda for the world's poor.

Now is the time to do more than just understanding in its (inaudible) link between secure tenure and poverty. Now is the time to implement the solutions offered by secure tenure to achieve our shared vision for a world where prosperity replaces poverty and where hope overcomes despair.

I want to thank you all very much for your participation here today and for heeding the call to securing prosperity and hope for the world's poor by securing their property rights. With partners like Habitat for Humanity and countries committed to making progress worldwide, the Millennium Challenge Corporation will continue to answer this call as a simple part of fulfilling our mission to reduce poverty through sustainable economic growth.

Thank you all very much. Thank you.

(APPLAUSE)

MCLEAN: Thank you, Mr. Terwilliger, and Ambassador Danilovich.

We'd like to now call up our panel and take their places. And as they're coming up I'd like to introduce the three panelists today. First of all, our own Jolyne Sanjak who is MCC's managing director for implementation support where she leads teams, multiple, covering a range of topics such as agriculture, land tenure, finance, private sector development, fiscal accountability, monitoring - what do you do in your spare time?

Anyway, she's our go-to person, that's for sure. Prior to joining MCC she was a lead specialist on property rights and land policy and on rural development at USAID's Bureau for Latin America and the Caribbean.

Next to Jolyne is Karol Boudreaux who is senior research fellow at the Mercatus Center where she is a lead researcher for Enterprise Africa which investigates, analyzes and reports on enterprise based solutions to poverty in Africa. She's also a member of the working group on property rights on the U.N.'s commission on legal empowerment of the poor.

Finally, we have Ted Baumann who's the director of international housing programs at Habitat for Humanity International. Thank you for joining us. He's supports the strategic development of Habitat's housing and human settlement programs outside the United States and Canada.

He is from South Africa and previously worked as the executive director at Utshani Fund and lectured in economics at the University of Cape Town which is that hardship post in Cape Town. Actually, it's my favorite city in the world, a beautiful place. He is the owner of Bay Research and Consultancy Services.

Once they've finished their introductory remarks, we will open it - open it up for questions and answers from the audience. Let's just go in that order. Thank you.

SANJAK: Welcome and thanks for joining us here at MCC this morning despite the rain. I want to congratulate Habitat for recognizing the importance of removing land tenure insecurity as an obstacle to improving the livelihoods of poor people, particularly the urban poor. If you have not read this booklet yet, I highly recommend it – it is timely and well-done.

At MCC we share many of the views that Habitat puts forward. More generally, MCC programs are focused in rural areas. We have 10 land projects and five of them have urban elements. All of them except one include priority to land rights and access in rural areas.

What I want to go through briefly is some of the parallels of how secure tenure matters for rural dwellers because I think the logic of why it matters is pretty similar in those areas but it plays out differently. In places like Benin, Uganda and Nicaragua, evidence shows that the lack of secure and efficient access reduces incentives to increase production and productivity of farmland. In Mozambique, we had very interesting discussions with lawyers who work with commercial clients looking for land on which to build their businesses. And they found that their clients' start-up costs can be 60 – 90 % higher because of all the run-around that they had to go through to try to identify whether the land could be acquired with secure, registered rights of use.

And, in places like Ghana and Burkina Faso where customary rights are still very strong and are not well harmonized with the statutory property rights system, we see that this situation, combining with demographic pressure, economic changes and environmental changes, creates a proliferation of land conflicts ... in Ghana, 70 percent of all civil court cases are said to be related to land disputes from rural areas. And in Burkina Faso, it is becoming a common reality that people face loss of cattle and crops and even face human injury and sometimes death due to disputes over land access.

So basically, the same logic applies to why secure tenure matters in rural areas as in urban areas.

I want to spend just a little bit on MCC's program. I want to start with our selection process. MCC now has a land rights and access indicator, as many of you might know, included as part of the criteria to be eligible for assistance, a couple of years ago. And we did that partly because it is a policy area that motivates sustainable natural resource management but it also an important signal of political will for undertaking reforms to land tenure. And I think de Soto was very right in saying that while need to take a bottom up approach wherein the people whose tenure will be affected are actively engaged and the way they see tenure security incorporated into formal law, we also need a top-down element in a strong political champion for difficult reform. Reforms that are transformational are not always easy. For example, Lesotho engaged with us to adopt a proposed married persons equality bill – that gives

women the right to own property -- as a condition of entering into a compact with MCC. And that was a hard choice but they did it with some real political champion's motivation.

I want to also point out a couple of things about our program. Our projects are often very large and what I would call strategically comprehensive. They reflect a very strategic package of interventions from the way our counterparts have put forward proposals and what I have been able to help shape. They're not meant to complete the full reforms needed – which is surely a long-term endeavor but they're meant to really make a significant change in the dynamic while at the same time helping particular people that face particular land tenure constraints and have an opportunity to improve their livelihoods.

Let me give three points on how these projects are strategically packaged. First, one way is that most of our projects include interventions to address issues in three arenas: law and policy, institutions and information, and in particular people. Our counterparts analyze what are the particular problems in our legal and procedural framework for secure and efficient land access, what changes can be made to the institutions that provide services and information related to transactions in land and secure tenure. And since these are part of a longer term solution track, they also ask where are our people most in need for and have the most opportunity to benefit from registration of rights and secure tenure. This is the kind of change that will start the process and keep the process on the right track.

Another way that our counterparts have been strategic is in selecting where geographically they will make these interventions. One key lesson learned from the past is that securing land tenure is often not the only factor needed to allow people to improve their livelihoods – if there is no credit available, a title will not have impact on access to credit, for example, and farmers might also need technical assistance with farming and must have market opportunities to sell their produce.

So what we've done -- what our counterparts have done really is to be strategic in where they're picking to prioritize implementation, identifying places where opportunity and needed are present. For example, in Mozambique, the districts that will benefit from land registration will overlap with districts where the water and sanitation investments will be made. In Benin and Burkina Faso, criteria were used to select communities where the economic, social and demographic trends suggest that the pay-off for reform will be realized. And Nicaragua and Madagascar, the land program is being implemented in 2 ...or in Madagascar 5 regions where MCC is also supporting at that same time complementary investments in agriculture, finance and/or roads, for example.

And finally our programs are strategic in that they are quite varied despite a first appearance of all being the same because we tend, as I mentioned, to include similar buckets of intervention. There's rural and urban. They are for men and women. They are for the poor and non-poor as well – investors need secure and efficient access to land also to bring in the investment that drives opportunity. So we customize the solution package to the particular economic, social, demographic dynamic at play.

I just want to end by saying that good governance of land really does rest on a hidden infrastructure of rules and administrative procedures and of information and services regarding enforcement and transfer of land rights that underline many aspects of economic growth and poverty reduction.

Since its raining and we are talking in the context of housing, I will say that an effective system of property rights, it's kind of like plumbing. If it's not leaking, we don't see it or feel it – like Mr. Terwilliger said, we here in the developed world take secure and efficient access to land for granted. People around most of the world, however, feel the impacts of insecure tenure every day in real ways. Thank you.

BOUDREAUX: I'd also like to extend my sincere congratulations to Habitat for Humanity for (inaudible) an absolutely terrific report and such an important topic to be discussing and focusing on. So congratulations both to MCC for focusing on this and making it a centerpiece of many of the compacts along with our country partners. But also congratulations to Habitat for Humanity for playing a leading role in this in the private sector.

Jolyne had asked me to comment on why it is that tenure security matters to the poor and maybe to focus just a little bit on why it matters especially for poor women. And so what I'm going to say is going echo a little bit what's already been said but I hope that you'll bear with me through a little bit of repetition. I think a little bit of repetition is not a bad thing in a topic like this.

I would say that - that tenure security matters because without that tenure security the framework that you need in the developing world both for economic growth and for human flourishing is simply defective. You simply do not get the kind of economic growth and you simply do not get the opportunities for human flourishing that exist when you do have a relatively strong and robust property rights regime and especially when you have security of tenure.

So what did I - I was able to contribute to at the commission on legal empowerment and support, suggest that without secure rights to property you have a whole series of problems within a society. And these problems would break down in the following sorts of ways.

So, not prioritizing necessarily but just to sum up, you tend to have less trade and you tend to have more limited trade and more limited opportunities for entrepreneurship because it's these property rights that provide a basis for broad-based exchange in a society. So no property, very tough to do trading, very tough to be involved in large-scale even medium-scale entrepreneurship. Entrepreneurship tends to be focused at the smaller end of the scale, more informal trading, more informal entrepreneurship.

But as Jolyne mentioned and some of the other speakers have already mentioned, without the secure tenure, without the robust property rights, we do see people investing less in improving their property. You see them investing less in the kind of capital they need to improve productivity for whatever source of business activities they're engaged in.

Very important, I think the CLEP Report focuses on the role that insecure property rights, insecure tenure and the relationship between that and misuse, abuse, poor stewardship of natural resources. So lack of security over tenure oftentimes leads to misuse and abuse of very important natural resources.

In addition, if you have tenure and security you oftentimes have problems of displaced persons, people who are forcibly evicted, people who are thrown off land. And what does that lead to? That leads to a whole myriad of problems in the developing world surrounding displaced persons but also surrounding problems of growing urbanization, significant problems, say, in Africa today.

And then finally, the CLEP Report focuses on the fact that people who don't have tenure security are simply less able to defend themselves. They don't have a dominion - a dominion where they are - they're in charge. And they're subject then to degradation both from the public sector and from the private sector. So to promote a sense of human flourishing, a sense of dominion, it's important to have tenure security.

All of these outcomes, in addition, lead to a problem - I'm not sure it's been mentioned so far but or maybe mentioned tendentially and that's the problem of violent conflict. If you look especially around Africa, many of the violent conflicts around the continent are linked in some way, some how to problems related to property and insecure rights over property. So whether it's conflict between (inaudible) and farmers in Sudan or whether it's conflict related to control of oil resources in other parts of Africa, insecure tenure over property is driving conflict in too many places.

And, indeed, for too many of the world's poor their rights over the few assets they do control are insecure, they're property is liable on an almost daily basis to appropriation, to theft or to destruction. So I think from a - if you take one recent, relatively recent example, if you were to think about Zimbabwe's unfortunate experience with Operation Murambatsvina where the Mugabi government alleged - was allegedly reacting to property and economic informality in the country but really was reacting to political opposition expressed by people in the voting place. You can see how furious tenure and security can be for the poor - for the poor in those (inaudible) countries.

So what happened? The government says we're not happy with economic insecurity, we're not happy having informal settlements built in the country. We're going to go in and clean it up and the result was bulldozing of literally hundreds of thousands of homes. Destruction of who knows, countless numbers of home-based industry, lives destroyed, livelihoods destroyed.

This kind of insecurity makes it, I think for us in the developed world, hard to imaging how you would actually live a life facing that kind of insecurity. And yet people around the world are living with that kind of insecurity on a daily basis. And they're living with that kind of insecurity on a daily basis because governments are failing to protect and enforce rights to secure tenure among other things.

(inaudible) we mention this is a complicated issue. It surely is that. Secure tenure is a necessary but not a sufficient condition for economic growth.

And I'd also like to point out that the kind of problems related to insecure tenure that you see, say, for example in Operation Murambatsvina where the government itself is not protecting the security that people should have over their property, creates a kind of a vicious circle. So especially with relation to housing problems or housing stock, if you have insecure tenure who is going to invest in building more housing stock for the poor?

The poor themselves are not going to invest in taking care of their housing stock because they have no security over that particular stock. So you get this very difficult cycle where housing is needed but housing isn't built because there's no security and no incentive to invest in the profit of building for the poor and so urban (inaudible) settlements withstand around the world.

Very quickly, some of the other speakers have talked about the - the especially important role that tenure security has for women and I'd just like to echo some of that. It's absolutely the case that this is a vital issue for women in the developing world. It's especially vital for rural women who, in an area like Africa, are doing by far the majority of the agricultural work, producing the majority of the food stock, taking care of and supporting their families and their children.

And yet for rural women in Africa especially, insecurity means that they can be forced off their land, the land that they're working, the land that's supporting them and their children and leaving them with very few alternatives for support. This insecurity can take some of the following kinds of form. It can take the form of property grabbing by relatives when a husband dies, when the male head of the household dies. It's not uncommon. In many communities for women to literally be forced off their field, forced out of their home and the husband's family would take control of that property leaving women with very few and very difficult choices to make about how they're going to support themselves.

It can also take the form of insecurity for women of a denial of de jure legal rights to inherit property (inaudible) habitat (inaudible). It's very important to look when you may have rights de jure on the books to inherit property but oftentimes the (inaudible) denies those rights to inherit.

It can also take the form of denying women rights to property settlement at divorce. Finally, as has already been mentioned, it can take the form of failure to jointly title property in the name of both husband and wife. Or it can take the form of, say in Rwanda, only jointly titling under (inaudible), only titling those husbands and wives who've been married in a formal civil ceremony.

And if most of (inaudible) getting married in a customary marriage, this is leaving an awful lot of women very vulnerable and exposing women to difficulties that make living a life in poverty all that - all that more difficult.

So recognizing, I think we have to recognize there is a very difficult problem facing those of us who think that secure rights to property and tenure security are important, it's a very difficult problem that we have to face and continue to work on. And that is, how we bring the sorts of rules and norms that make property more secure. How we bring those sorts of rules and norms effectively into environments where customary principles and norms may still be creating themselves from insecurity.

So Jolyne's exactly right or perhaps it was Ambassador Danilovich rather who said this, there may be a lack of political willness. That's a very important issue in many countries. But there's also still this continuing problem with customs, principles and norms and how those principles and norms clash with statutory goals and principles that countries either may have acceded to or that would like to accede to.

And so we'll continue to be working on that - that front to try to figure out how can we leap the gap or close the gap between the legal reality, the property reality that people face on the ground in the developing world and the de jure sorts of norms that we'd like to see in place.

But I do think there are some things that can be done difficult though they may be in order to promote greater tenure security. Certainly education's a very important component. Simply telling people, what are your rights, what you have a right to upon divorce for women, what you have a right to expect vis a vie your governor.

Some other issues that are quite important. Well, the first one that I would point to is - is encouraging governments through friendly pressure to actually enforce their existing legal commitments, commitments that are contained in conventions such as CEDAW, the convention on the elimination of discrimination against women. But also enforce commitments that they've made at the national level in both inheritance and succession law and really giving some strong meaning to those sorts of laws.

Also providing less (inaudible) to a means to secure your life. So providing perhaps certificates of use. (inaudible) is an appropriate others have less costly means to both identify, catalog and recognize rights. It's also extremely important to improve access to the justice system for women and for the poor to lower transactions costs, to decentralize services whether its registries or other offices that are dealing with property.

And then finally, providing meaningful local level dispute resolution surrounding property issues, not centralizing that dispute resolution.

So to close, I would say why - why tenure security, why is this an important issue? It's an important issue. It's actually an essential issue. If we're really concerned and we take seriously the challenge of addressing the needs of, take Paul Collier's Bottom Billion, the bottom billion people of the world. But also it's important to us, the rest of the 5 billion people in the world, if what we hope in the future is to experience less conflict, more cooperation and more and more expansive economic opportunity around the world.

Thanks.

(APPLAUSE)

BAUMANN: Thanks, Karol. I'd just really like to start by pointing to an example of the successes that we can enjoy if we focus on secure tenure. I was recently in the city of Tulear in Madagascar where the city government in alliance with U.N. Habitat and also working with Habitat for Humanity is starting a (inaudible) project that will eventually provide houses for most of the people living in Tulear's (inaudible) actually.

But the starting point for the entire project is the regularization of tenure for (inaudible). In walking through these slum areas, I noticed that some of the houses already looked pretty well done, that they obviously had been renovated and improved by their owners. And asked some of the people, "Well, what accounts for the fact that some of these houses are so much better than the others"? They said, "Oh, well, those people have a piece of paper." They were the people who somehow or another had managed to secure some form of legalization of title.

And without anybody coming in and offering them anything they had managed to improve their houses to a standard that would be (inaudible) just about anybody. So these things do work. They do happen. It's not just theory.

I think what I'd like to - I'd like to make four points about secure tenure sort of from a big picture perspective, something that we're really beginning to talk about within Habitat for Humanity. The first is that I think it's important to understand the causes of insecure tenure from a global perspective and to realize that a lot of the societies that we're working in, a lot of the societies where the MCC has - is working with government, our societies that are going through first touches(ph) that Western society in particular went through quite a long time ago and that they're having to compress(ph) these issues or these processes until they're convinced it's local theatre(ph).

But having to grapple with the question of, why should we regularize (inaudible), why should we recognize the right to people to have property in certain forms and then having to do it in a very sort of very up and get it done fashion. And it could be recognized that the underlying cause of any insecure tenure systems is default political will. But really what it is, it's the (inaudible) the incentives are not there actually to get the tenure system regularized.

So my second point is that if we look at the incentives for governments and power-holders in society to work to secure tenure systems that they benefit everybody, we can then understand what we can do to push those incentives in the direction of positive change. But a critical thing is that in any given - you know any given country is to understand who's for and who's against reform of tenure in this society and why are they for it and why are they against it.

Because in many cases, the transition from informal to formal tenure systems, one of the reasons why people often resist or cling to informal systems because lots of things have built up around it, lots of patterns in economic

influence, political influence, et cetera. But I think the critical point is that we need to understand those things wherever we work.

Hence that the third general point is that we need to try to present a vision of secure tenure change - tenure change particularly in urban context where it's not a zero-sum game where those who currently enjoy whatever advantages they have you know within the (inaudible) system are not necessarily going to lose if people, particularly urban slum dwellers receive secure tenure. But there are benefits to be had for everybody in urban context in particular if secure tenure is expanded on a system to regularize and the people have the benefits that come with secure tenure.

In many cases, the biggest problem is that the lack of political will I think originates in the fear that it will be a zero-sum bill(ph), that those who have control over land either formally or informally are going to lose something if the same rights are extended to somebody. And the critical thing is to make the case effectively why it's good for everybody - for everybody in the city to have a safe and secure place to stay.

But in order to do that, I think the absolutely critical thing is that when we do concrete development work such as the sort of work that we do in Habitat for Humanity actually going into rural and urban environments and helping people to construct houses, that we actually do this with the conscious intent of providing an example that can then be leveraged for larger towns. In other words, the work that we do and organizations similar to us do, needs to be leaked to the opposite strategy that says, look, there's a better way of doing things. We're not here just to build the houses, we're here to help you build better systems that can actually benefit everybody.

So that the work we do is leveraged by making it a conscious example of a better way of doing things. And I think that the goal ultimately should be to try to convince governments, particularly the Chile(ph) government, that they should want to do the things that we do. In other words, they should want to see the kind of change that we're trying to achieve through our house construction efforts. They should want to see where this thing's expanded because they have real benefit (inaudible).

But I do think it's important that we understand that there are forces both for and against reform of tenure in most urban environments and the simple thing is to disentangle who's for and against and why and to make sure that everybody understands that it is possible to reform tenure without it being a zero-sum (inaudible). Because if we don't do that, unfortunately, we do face the rear-guard resistance from most who hold power and who benefit from insecure tenure systems.

So I think in the long run, if we combine our direct intervention efforts with an appropriate advocacy strategy that points out the positives to everybody, then I think we can have a large (inaudible).

(APPLAUSE)

MCLEAN: Thank you, Jolyne, Karol and Ted for your opening remarks. We do have some time for some questions and this is a rare opportunity where you get multiple people, experts on this particular issue, gathered together in one place.

So let's start over here. Is there any questions on the left-side of the room, my left? Anyone? Go ahead.

If you could state your name and then - and then your question. And wait for the microphone, (Christine) will have the microphone. Thank you.

(HURELL): Hi. My name is (Isabel Hurell) with (inaudible). And I guess my question's for anyone on the panel. And all of you reported before then that a change in the legal (inaudible). But in many of these cultures, we're really like deeply you know rooted in the culture that's actually automatically give land rights to men (inaudible) Karol was talking about. I guess my question is, one thing is law and the other thing is what people practice, what people do. So I'm - and to me it means more a change of mindset, a change of culture. So what do you feel (inaudible)?

BOUDREAUX: Yes. That's a very - it's a very important and a very tricky question, (Isabel). I think there are a couple of possible strategies. One is education starting by explaining benefits that flow to families and to communities when women have more secure rights to property. There's also the issue of explaining that in most countries, and I'm not sure if your country is one of them but a vast majority of countries have actually signed (inaudible) that create legal obligations to protect these kinds of rights.

But I can't emphasize enough how important Ted's point was about understanding who's supplying and who's demanding institutional reform. And if there's a way to identify who's going to lose as a result of giving women more secure rights, then those people have - they have to be spoken to. They have to be talked to and they have to - they have to at some point agree that this really a win-win change for a community.

So I would - I guess my short answer is it probably be a lot of talking, a lot of stakeholders participatory negotiations to identify who can we move the community forward and (inaudible) benefits of those who stand to lose if the status were changing and those who stand to gain by the status quo changing.

SANJAK: I very much agree with Karol's answer. I think I very much agree with Karol's answer. I would just add that where I've seen - I would add first though I think those are important. The law enables so (inaudible) is important particularly in regard to the (inaudible) in many of these countries. Where I think countries succeed in changing their laws to really empower women, they have done broad, complicated process with the right actors involved in that. (inaudible) complicated process, very broad, very inclusive to come up with a policy first and now they're working toward a legal (inaudible). And after that, we implement the regulations and then the - the practice side of it.

The practice side is I think what Karol and Ted said that you know really figuring out the controversial, how to make it a win-win and (inaudible). We needed a good example where Benin has very different customary systems around the country some of which are more willing and more ready to adapt and adopt changes and some (inaudible). But they're starting to get some (inaudible) going maybe it can build up. And the importance in implementing it and working with (inaudible) in education not just for women but also for men.

So figuring out how to get that calculus right is I think part and parcel of the problem (inaudible).

BAUMANN: The only thing I would add as duly noted, law is - is an enabling factor and it's a necessary but not sufficient factor to make these kind of change. Ultimately, the powers of a relationship (inaudible) people and one of the important things is to help the people who need the change to happen, to be organized in a positive, non-threatening way, to speak with a voice that can actually be - be heard.

I think we've seen in many parts of the world where particularly urban slum dwellers have managed to achieve a real change, it often starts with grass roots organizing amongst particularly women in - in - in communities to come together to reclaim the (inaudible) to be able to say that this is what we would prefer. This is what we'd like to see happening in our society irrespective of what the culture and the (inaudible) may be.

But there's typically the attachment to tradition and culture is usually a lot shallower than it often appears because it does benefit some people and not others. But a critical thing is to help people to be able to speak in an effective way which means that they're able to demonstrate what they could do if they had the rights that they're asking for.

MCLEAN: Let me put Jolyne on the spot and just ask her on - in terms of Millennium Challenge appropriation, what kind of investments and what's the - the cross-section of countries that MCC is working with? (inaudible).

SANJAK: We have 10 projects that are mainly are in Africa but so we have in West Africa we have a comprehensive land project that works in both rural and urban areas (inaudible). We have a project in Burkina Faso that is just starting that is rural and very comprehensive in industry (inaudible) Ambassador Danilovich mentioned that in that case we're working with the justices and the (inaudible) because land process (inaudible) important so we're trying to enter this vocal effective (inaudible) working with the justice system itself.

We also have a project in Mali which is interesting also in regard to women's rights. In Mali, the major investment is your (inaudible) agricultural scheme but we're helping the government to privatize and allocate the parcels of land to people right now who relatively unoccupied place in Mali until newcomers to come in and we want this to be fair and transparent. In that context another interesting thing because we often talk about women who the - they secure tenure but access to that for women is also usually a problem. So we have set that program up to ensure that women get those market gardens which is an important for their sustenance as well as livelihood and are getting trained so they can compete where the more commercial parcels.

We have a project in Madagascar, Mozambique, Lesotho - Lesotho is a completely urban, very urban project. The others are rural. We have a project in Mongolia which is urban and peri-urban. We have a project in Nicaragua.

And I think some other interesting things is MCC takes an approach that I really love which I haven't seen continue at places that across the board when we're looking at investments in roads or agriculture, we pay attention to property rights and so if there's resettlement we have a high standard for ensuring that people are not disenfranchised when the road building happens.

As the ambassador said, we work with the government of El Salvador to say, look, so the people can take advantage of these agriculture and road investments, why don't you deal with then tenure along the corridors of these roadways so their better placed and also as a safeguard. So we have (inaudible).

MCLEAN: That's good. What's the ballpark (inaudible) funding that MCC provide?

SANJAK: It's \$278 million in total and it ranges from I think \$10 million and - I forgot (inaudible) about it -- \$10 million in Ghana and I think Mali is around \$10 million, too. Mozambique is at \$40 million - actually it's a cumulative \$49 million. But that one is - it's land tenure and land (inaudible) sort of a comprehensive approach that is not just securing tenure.

MCLEAN: And I wanted to ask the point for Jolyne because it does seem that our countries are coming because we're relying on them to tell us what their priorities are. They've been pretty consistent in including land tenure and securing private property rights as part of their compact.

Let's go ahead and ask - pose some more questions. Go ahead.

WILSON: Good afternoon. Patrick Wilson, BIG-Africa Partnership secretariat. Cooperative and communal rights land ownerhips versus individual ownership. My question is, have you experienced the differences and if so, can you give me a pro and con for each type of ownership?

BAUMANN: I wouldn't mind taking a stab at the question. I have personal experience that in my working for Africa prior to doing Habitat and one of the things that I learned there was that it depends greatly on the nature of the society and where the society's coming from and where it's going. And also a rural versus urban (inaudible) typical issue.

In some societies communal tenure - presumptive communal residential tenure fits very well with people's expectations as to how they want to live and how they want to work together in the future, how they would like to manage their residential developments together.

In other societies this (inaudible) doesn't works so well. And I think it's critical to listen to what people tell you about what their preferences are and understand those preferences. But (inaudible) Africa we found that, generally

speaking, communal tenure didn't work very well because people had a very long experience first of all of communal tenure under a very debased system where communal tenure was manipulated by the colonial and apartheid governments so that the communal tenure systems really were not for the benefit of the communal group. They were really part of a control system. So people wanted to move away from that.

And the second thing was that the whole thrust of the economy, the urban economy (inaudible) Africa is towards an increasingly co-modified landmark that's in all the things that go with individual tenure. So I was part of some projects there for (inaudible) but didn't listen to what people were telling us and we had communal a tenure project that didn't work well.

In other places they work very well. I've seen them work reasonably well in countries like, strangely enough, Zimbabwe which even in the midst of all the terrible things that have happened there there have been some success stories where people have bought land collectively and have managed to develop land collectively because that is the way they think and the way that they prefer to operate.

So I think the critical thing is to listen to what people tell you about what they want and what they're prepared to do rather than come with a preconceived notion as to which is better because you can get tripped up in both directions.

MCLEAN: We have a few more questions. I think you had one. Go ahead. We're warming up now, aren't we?

DAVIS: At the end of the session.

MCLEAN: Yes.

DAVIS: Amy Davis. I'm with Habitat for Humanity. I wanted to ask the panelists about taxation. So with property rights we could have an (inaudible) government to be able to tax property owners. And the disincentive to - to agree on secure tenure from the informal sector because of potential taxation. I don't know if you have (inaudible).

SANJAK: That's a very good question and I think it could warrant a long discussion but I will just say a couple of quick things or maybe point out that (Joe Pike) if you want to speak to him. If you want to speak to her afterward, we have a very active discussion of that issue on our Madagascar project (inaudible).

But a couple of points I would make is first of all, one of the reasons local government especially when the services of registration of property are decentralized and done at your local level it becomes also a benefit to the community because you can have more effective collection of taxes so that you can do a better job of providing public services along with housing and those kinds of things that are important to people in those communities.

And the answer on the disincentive side, I think there's several (inaudible) proportion that people won't get their land title because they're afraid of taxation, some of that is true. I have heard (inaudible) that I have heard urban

slum dwellers say that. A lot of that tracks to bad tax policy and I'll just give the example in Latin America. A lot of the land taxes in the '80s and '90s were national taxes imposed really for political reasons of redistribution. They were not well-defined, reasonable local taxes that would come with (inaudible). So here we pay taxes because we get something for it. So I think it has a lot to do with restructuring effective tax policy and again the timing and frequency with which you enter these (inaudible) efforts.

MCLEAN: Another question (inaudible).

CARPENTER: Hi. I'm Denise Carpenter with the Commerce department. I do develop finance. I did housing for a while. And several years ago, I believe this was in South Africa, there was a group that was working with - if I've got it correctly, HIV positive or H-positive homeowners who couldn't get a mortgage, this is beyond land tenure and let's say he had a life insurance policy and he couldn't get a life insurance policy because they were HIV positive.

And they were working, they (inaudible) some money to guarantee those mortgages so that they could own a home because it was happening to children or them you know, left homeless. This is beyond land tenure. They own a home. But is there any - do you - are you working in that direction? And are you looking at issues just beyond basic land tenure but the fact that you could own a home and then lose it for other reasons, Aids you know in Africa. This was like a stumbling block that was not (inaudible).

BAUMANN: Well maybe just to give you an example of a budget that Habitat for Humanity has as I think it was Ron mentioned briefly. In Mozambique we have an orphaned and vulnerable children budget which is beginning to attract considerable attention. And really it's a two-pronged strategy and one leads to help families that are orphaned families basically the children remaining after parents have passed on to acquire basic shelter.

But an integral part of the project is also to let the local leaderships, if you like, of the villages where they live to agree to protect their tenure regardless of what happens to the family. In other words, that there is a recognition that this is an usual or new situation for those societies where you would have children living on their own and effectively what you're asking is for the community to take responsibility for protecting their rights in the absence of parents.

So it is possible to do that. I think when you move into more sort of market oriented situations as you mention in (inaudible) Africa you know I know exactly what you're talking about when you say you know that the insurance problem. Part of that is by quite frankly state intervention and insurance systems that try to control to the market failure aspect of the way the insurance system operates.

But the other thing to do is just to recognize that there is a - that there's a value in ensuring continuity of tenure for families for everybody in the society. And I think that that's primarily question of (inaudible). But again, it's

a question of demonstrating what - what you know the positive benefits are rather than just calling for change (inaudible).

MCLEAN: We have time for about two more questions. Is there - go ahead.

UNKNOWN: They're making a run now.

UNKNOWN: Particularly, (Ms. Woodson) had mentioned that she gets - she gets tenure rights poses a threat of - without it it poses a threat to mining rights or - sorry, let me just read my question that I had written down.

OK. Without tenure security, misuse and abuse of very important natural resources occur. So my question to you panel is how do you - how does a program within the MCC address that malady? And secondly and more importantly, in my country we only have about 10 percent of the (inaudible) the land itself available for free ownership, that's (inaudible). How could Habitat for Humanity, for example, build homes in my country if 90 percent of the land available is police-owned versus free-owned?

BOUDREAUX: One of the interesting things that can be done with natural resource management is to (inaudible) some control and management down to the community level. And providing communities with secured legal rights to manage resources, say, for example in Namibia where MCC is working. Namibia has a very strong, robust program to - that allows wildlife to be managed at the community level. So it's a resource, it's not land necessarily but it's a very valuable resource that's now controlled at the community level rather than at the national level or rather than the provincial level.

And creating a legal framework that gives communities rights to oversee resources and carefully steward these resources can shift incentives in ways that are quite positive and lead to improvement in the natural environment.

I spent a lot of time thinking about the way that subsurface - the different issues but I spent a lot of time thinking about the way that subsurface wealth is owned and managed in the developing world. And, by far, most subsurface wealth is owned by national governments not by individuals and if you think about the contrast between the way renewable resources are oftentimes owned in the developing world which is more and more frequently at the community level.

And you think about how that can, in many situations lessen conflict, and you compare it to the way non-renewable resources are managed and owned which is typically at the national level where lots of people are wanting to get access to the benefits that flow from those resources, I think there are probably some good lessons to be learned from looking at what a variety of countries in Africa has done to manage their very valuable renewable resources.

Finally on the lease-hold question, lease-hold can be a perfectly valid way to provide a valid form for tenure security. If you think about Hong Kong, it's a lease-hold environment, plenty of investment going on, long terms for

a lease-hold after Great Britain. It's not necessarily that the lease-hold is the problem, the problem is the government credibly committed to ensuring that those lease-holds, long-term lease-holds are secure.

SANJAK: I will just say that that answer is a great answer and I agree with it fully. Cape Town is also a lease-hold system and it's (inaudible) in economy. Our Mozambique - Mozambique has the control over all the land in the country and what we're working with the government on is exactly what Karol said, ensuring that those lease-holds are secure, that the process for expiring the lease and transferring the lease is efficient.

It's really important. It can approximate private title but it has to be efficient and it has to be secure and it has to be a sufficient duration. People need a long enough period to which mature and capitalize their investment. So lease-holds can be effective.

On the natural resource question (inaudible) specifically. I'll just say two real quick things. One is, as I mentioned, MCC incorporated a land rights and (inaudible) indicator into its selection process precisely because it is a policy that really does drive sustainable natural resources. So starting with our eligibility criteria we're asking governments to make strides in that direction of you have a land tenure policy, you can do natural resources.

It is in the context of our projects I think I'll just site maybe one or two examples. In Burkina Faso, the program will include a very substantial emphasis on community based land use planning where before going in and talking about (inaudible) and securing tenure, the communities will map out and agree upon the boundary lines where the (inaudible) in their community, where the elephant trails are, where different kinds of uses of lands are compatible with the natural environment.

They do have a problem of land degradation there and this is meant to prevent that. It's also an important element of a - of reducing conflict over because in Burkina a lot of the conflict as Karol mentioned a lot of times land conflicts about the resources that go along with the land whether their trees or water or minerals.

In Mozambique I think shows a positive example. Mozambique's land law allows customary communities to have a secured title or right to the whole of their communal land and moreover (inaudible) in the sense of that law put in place provisions for those communities to then find joint venture agreements with private companies. So eco tourism and other kinds of economic opportunities from natural resources can be win-win when the community has secure rights and can negotiate a fair contract with someone who can come in and make the investment (inaudible) the natural resources properly.

MCLEAN: One last question.

UNKNOWN: I am (inaudible) with the World Bank. Thanks a lot for very nice presentations. My question relates to one of the chapters in the book on rental markets. And I just wondered whether (inaudible) recognize (inaudi-

ble) but provided the Habitat for Humanity or MCC's been able to get any traction with providing solutions to the rental market picking up places like Nairobi where that's maybe protected now. They may be able to (inaudible).

BAUMANN: I think for our part Habitat is just beginning to develop programs that work for - in rental markets. And interestingly, one of the places where we are learning lessons is from Eastern Europe where the conversion of all of Soviet (inaudible) housing, next to the housing stock is involved developing models that can accommodate rental as part of the - as part of the approach.

More generally, the idea of social housing as defined in the Northwest European sense or the Canadian sense of sort of cooperative housing and the rental relationships have been explicit in that. We are beginning to develop approaches that involve that.

I think it's a critical point because what's clear particularly in certain sense of rapid urbanization is that individual title is not the best solution for everybody. There are a lot of people who need rentals because they are moving in and out of cities and because there's flux, economies are changing. And we need to have the rental stock just like any city in North America or Europe would have.

And so I think it is a vitally important addition to any approach to tenure that any good program needs to work to make sure those things are viable as well.

MCLEAN: Well, let me thank our panel, Jolyne and Karol and Ted, for a very, very rich discussion today. And also let me thank you, our audience, for your attendance and for your interest in this issue but also for your interest in the Millennium Challenge Corporation.

I invite you to visit our Web site often, mcc.gov, not only for land tenure issues but we have a whole range of fascinating engagements with our partner countries. And I encourage you to take a look at how we are supporting our countries to alleviate poverty around the globe.

And with that, we'd like to thank you again for coming.

(APPLAUSE)

END