

Integral Land-tenure Systems

- Definition: *Integral land-tenure systems are the complementary structures and functions of national laws, land administration, housing and land-use policies, information systems, institutions and practices that ensure respect, protection and fulfillment of all elements of the human rights to adequate housing (General Comment No. 4), while also respecting, protecting and fulfilling the corresponding process rights to effective participation, information and education with corresponding freedoms of association, peaceful assembly and expression indispensable to attain and sustain secure tenure, consistent with the rights to security of person and privacy, as well as effective remedy and reparations, in case of violations (A/RES/60/147).*
- Everyone should enjoy the full benefit of an integral national land-tenure system that accommodates sufficient secure tenure choices, or options, including equitable and sufficient rental/leasehold arrangements.
- States should recognize and maintain an integral tenure system within their jurisdiction and effective control such that accommodates diverse tenure arrangements that range from formally titled freehold, traditional and collective holdings, leasehold and adverse possession with accumulated freehold rights, within constitutional and legal provisions. These coexisting tenure arrangements should be [those that are] consistent with democratic principles of effective participation, self-determination, nondiscrimination and gender equality (ICESCR, Arts. 1, 2.2, 3), giving priority to vulnerable, marginalized and needy social groups.
- States bear the over-riding obligation to maintain tenure systems with the maximum of available resources, progressive realization of the rights to adequate housing and improvement of living conditions consistent also with the principle of international cooperation and assistance (ICESCR, Art. 2.1).
- No matter the tenure arrangement in place, the rights of the dwellers/inhabitants/residents must be protected by the rule of law. Such protection includes:
 - Protection from any form of forced or arbitrary eviction;
 - Free, prior and informed consent (FPIC);
 - Fair, consensual, prior and prompt compensation or adequate resettlement in dialogue and agreement of the affected communities;
 - Safeguards against abuse by any party;
 - Recognition by, and access to markets, finance, physical planning and basic services;
 - Adequate provision of infrastructure and equipment.
- The State should ensure enjoyment of the right to adequate resettlement in the measures to protect against forced eviction and displacement. Adequate interim resettlement may include Transit Camps, Emergency Housing, Temporary Relocation Areas, etc. only as a temporary measure toward long-term relocation.

- States must respect, protect and fulfill women's right to secure tenure rights in all its dimensions
- States must put in place and maintain the necessary tools, procedures and mechanisms to recognize/realize the multiple tenure rights, deferring the decision-making power to those directly affected.
- States should develop effective measures to ensure flexibility to move from a tenure system to another without derogation of legally protected tenure security.
- The multiplicity of protected tenure arrangements (continuum of tenure options) rights should promote pro-poor, people-centered and gender-sensitive policies.
- The development and maintenance of an adequate and transparent information system are essential to ensuring equitable and timely access to data for multiple purposes, including monitoring, planning, policy formulation and resolution of disputes.
- Integral tenure systems should avoid layering, overlapping and contradictions among jurisdictions in ways that impede the effective realization of tenure security.