

Land Administration, Land Governance Institutions, and COVID-19

Introduction

In the six months since the coronavirus began its global spread, more than 15 million people have been diagnosed with COVID-19 and more than 600,000 have perished. Governments around the world have instituted lockdowns and shut down businesses. Entire industries have been devastated, notably travel, hospitality, and entertainment in the formal sector, and day labor and street and market vendors in the [informal sector](#). Overall, hundreds of millions of people worldwide have lost their livelihoods.

These facts are well known. But less documented are the various implications of the COVID-19 pandemic on the land and property rights of billions of people around the world. This series of briefs, inspired by and sourced heavily from the Land Portal and Cadasta's [Leveraging Technology to Accelerate Land Administration During COVID-19 and Beyond](#) webinar and discussion series as well as LANDac's online hub on [Land Governance and the COVID-19 Pandemic](#), spotlights a selection of these challenges, and provides suggestions for how they may be addressed.

The Challenge

Crises disrupt society at many different levels and in many different ways, and a high level of uncertainty exists about how this situation will continue to develop. Where lockdown measures under the COVID-19 pandemic led to the closing of land administration services and land governance institutions (e.g. in [Kenya](#) and [Uganda](#)), land rights may come under pressure. The impact of COVID-19 on land administration and land governance institutions will vary across locality, region and context, but several preliminary challenges surfaced, including:

- **Loss of assets and land access, and growing inequality:** Poor people in both rural and urban areas are at risk of losing their land and properties, putting pressure on land administration and land governance systems which may already be working at partial capacity due to COVID-19 related shutdowns. In informal urban settings, the close density and risk for disease transmission may be used as justification for forced [evictions](#). The loss of employment and informal life support systems in urban settings have caused a move [out of the cities](#), putting pressure on rural land. This might lead to squeezing out the poorest segments of the population through distress sales. Moreover, it remains uncertain what will happen to people's bargaining power in local land markets and within households or extended families when their livelihood gets undermined or as pressures on land increase in the places where they live.
- **Lack of due diligence in land-based investments:** While the [global economic crisis anticipated](#) as a result of the pandemic might limit investment possibilities of major players, it may also offer a [window of opportunity](#) for both large-scale and smaller-scale investors to invest in land. We may see an increase in predatory capitalism and [governments may be tempted to attract investments](#) to finance the recovery from the crisis without observing the [necessary due diligence](#). These investments may result in the acquisition of land to the detriment of vulnerable populations and those without preexisting land documentation.
- **Lack of due diligence in the establishment of emergency infrastructure:** The urgent need for new clinics, [testing centers](#), [quarantine units](#), [hospitals](#), morgues, and [burial sites](#) during pandemics means that land must be quickly acquired or repurposed by government and humanitarian actors. In this rush, [best practices](#) for adequate consultation with local communities, as well as the verification of the underlying land rights and due process for expropriation and adequate compensation are often not followed, potentially leading to resistance and violence against these facilities and their workers.
- **Withdrawal of funding:** As governments focus on the healthcare crisis, there is a [widely shared concern](#) that this shift will strip funding from land administration services and land governance institutions, without a well-thought through strategy for how to keep these services operating. This deprioritization might reverse any progress that has been made so far in improving the capacity of land institutions. There are similar worries about donor commitment to land governance programs as the (expected) global economic crisis reduces GDPs and with that budgets for international development.

- **Reduced quality of land governance services:** It remains to be seen whether public land administration services will be restored to their pre-pandemic levels. Limitations in funding and capacity may limit the role of land governance actors in curtailing irregular land acquisition and enhancing tenure security, whereas lockdown measures create obstacles to verification and validation of land transfers. [Preliminary evidence](#) also suggests that land administration programs and informational campaigns are delayed or have come to a halt under several countries' lockdown measures, and have greatly reduced the opportunities for community-based organizations to provide support to local communities. This may especially negatively affect women's ability to register and own land.
- **Restricted civic space and regulatory rollbacks:** The worrying scenario here is that civic space, currently restricted under states of emergency and lockdowns (e.g. [here](#) and [here](#)), will not be restored to its pre-pandemic level and remains restricted for a long time. Preliminary evidence so far also points towards regulatory rollbacks (e.g. in [Brazil](#) and [Indonesia](#), but also with regards to [mining](#)) and limited access to justice due to court closures (e.g. in [Iraq](#)), threatening land rights as existing regulations are unwound. The effects may be widespread and cause irreversible grabbing of land, water, and forests and the [eviction](#) of vulnerable communities such as IDPs, refugees, and those living in informal settlements.
- **Locally trusted actors:** Ensure that locally trusted actors, whether community leaders, civil society organizations, or customary authorities, are present on the ground to monitor and validate land transactions.
- **Agenda-setting:** We need to ensure that equitable and sustainable land governance remains a priority on the agenda of donors and (inter)national organizations, emphasizing how well-functioning land governance institutions can help build national and local resilience, and will be essential in our response to and recovery from the COVID-19 pandemic.

RECOMMENDATIONS

- To fully grasp the challenges and the impact of the crisis we need to systematically gather and monitor data and do so over a longer period of time.
- Make land rights due diligence a requirement for all funding of projects (humanitarian, development, or private sector) which rely on access to land and natural resources.
- Invest in equitable and accessible mechanisms for resolving land disputes, also under lockdown measures.

Early Responses and Key Considerations

- **ICT-based land administration:** The COVID-19 pandemic reveals the vulnerability of paper-based land administration systems and [makes a case for ICT-based](#) and [fit-for-purpose](#) land administration. While the use of technology can definitely strengthen land administration services and land governance institutions, it is not a panacea—a digital divide, digital illiteracy and the use of technology to [benefit those who can work the \(digital\) system](#) are important concerns that we need to (continue to) take into account.

