

How can citizens' perceptions of land tenure security contribute to land governance reforms in the Arab region?

Insights and issues from Prindex survey results

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WORKING PAPER



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Introduction

The Arab region is undergoing rapid change – social, economic, environmental – all closely woven with questions of land. Enhancing tenure security would help capitalise on the opportunities and tackle the challenges these changes present. Land is a topic calling for attention and transparency in debates about development policy. Perceptions data can quickly shed new light on how citizens view their rights in the region to help shape a land governance agenda that meets their needs.

At the heart of land-related questions is the issue of security and stability. When citizens feel secure in their land or property rights, they invest in improving their homes, farms and small businesses. They deepen their civic ties and take pride their neighbourhoods and local environment. When citizens feel insecure, the negative social and environmental consequences ripple throughout society, contributing to underinvestment, underemployment, inequality, instability and environmental neglect.

This paper sets out new data on citizens' perceptions of land tenure security in the region collected in 2019 just before the outbreak of the Covid-19 pandemic. The results focus on three drivers of change: the increasing share of young people in the region's population; rapid urbanisation; and the expansion of women's social inclusion. Questions about land and property – who controls it, how to get it, how it can be taken away, how much it costs, how it is used – are fundamental to how these drivers of change impact the distribution of resources and opportunities in the region.

Arab countries have long, complex land tenure histories. Ancient tribal and customary practices are overlain with Ottoman, colonial and post-independence legal and administrative structures, creating many areas of potential ambiguity and poor transparency. Countries that were once part of the Ottoman Empire have registration systems dating from that era, which were subsequently developed under a myriad of colonial systems and reformed and elaborated following independence. These systems tend to establish strong authority over urbanised and arable lands. In contrast, countries that were not under the empire's control (or where that authority was nominal) developed customary systems. Some are still in place today, while others are converging, sometimes in ways which generate insecurity, with the needs of rapidly changing economic and legal systems.

In the 1950s, many Arab countries began drafting laws to create land registers and improve tenure security for their citizens. That process is still underway and is constantly evolving to adapt to current realities. The region has seen many conflicts over the last half century, events that have been significant drivers of (and have been driven by) tenure insecurity. The discovery of oil and gas and subsequent economic boom led to rapid urbanisation in the region. The resulting conversion of customary tenure to private ownership left many struggling with insecurity.

Rapid population growth, high unemployment, and a lack of affordable housing have been a challenge for many governments in the region, leading to informality and insecurity. Such pressures particularly affect young people and were factors in the Arab Spring, which achieved some changes in governance but little in the way of new jobs and housing. Instability in many countries has resulted in the destruction of infrastructure and entire neighbourhoods, leading to loss of property and displacement.

Climate change and water scarcity are another major cause of tenure insecurity in this largely arid and semi-arid region, where temperatures are rising faster than the global average. In the face of all this change, few have asked citizens how they view and feel about the security of their property rights. Land security is often studied through the normative lens of the legal framework, and rarely from the perspective of how individuals and communities understand and apply the law. The following sections present findings on citizens' perceptions of land tenure security to explore how these could shape a land research and policy agenda to respond to the enormous social, political, economic and ecological changes they are facing.

1.1. Key findings

Prindex global findings reveal that tenure insecurity is a problem in almost every country in the world. An estimated 1 in 5 adults – a billion people worldwide – perceive their rights as insecure. In the Arab region, rates of tenure insecurity are higher than the global average. Of a total adult (18+) population of approximately 214 million people in the 13 Arab countries surveyed, more than **52 million (24%)** consider it likely or very likely that they will lose their land or property against their will in the next five years. Within certain countries and sub-regions, and among certain groups, insecurity is even higher.

Figure 1 below shows the average levels of insecurity in each country surveyed. Nearly all countries in the region have levels of insecurity higher than the global average of 20%.

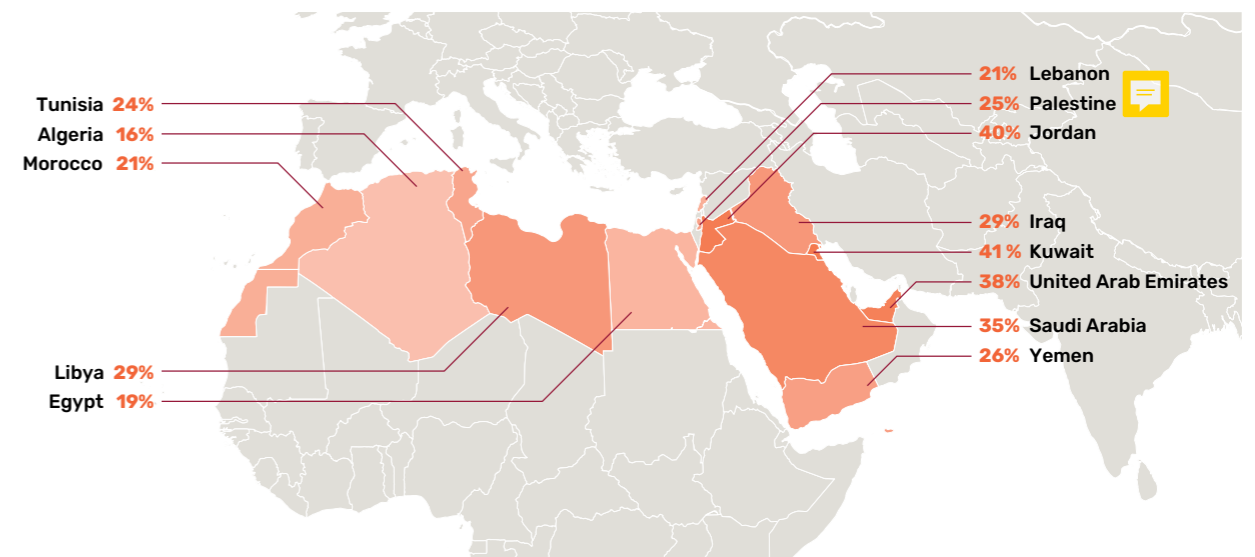
Other key findings include:

1. Younger adults aged 26–45 (27%) are three times more likely to feel insecure in their land rights than older adults aged 65+ (9%). A key driver of high insecurity rates among younger groups is the region's large young population, which creates competition for jobs and housing, as well as customary practices and inheritance norms, which favour tribal elders and older siblings.

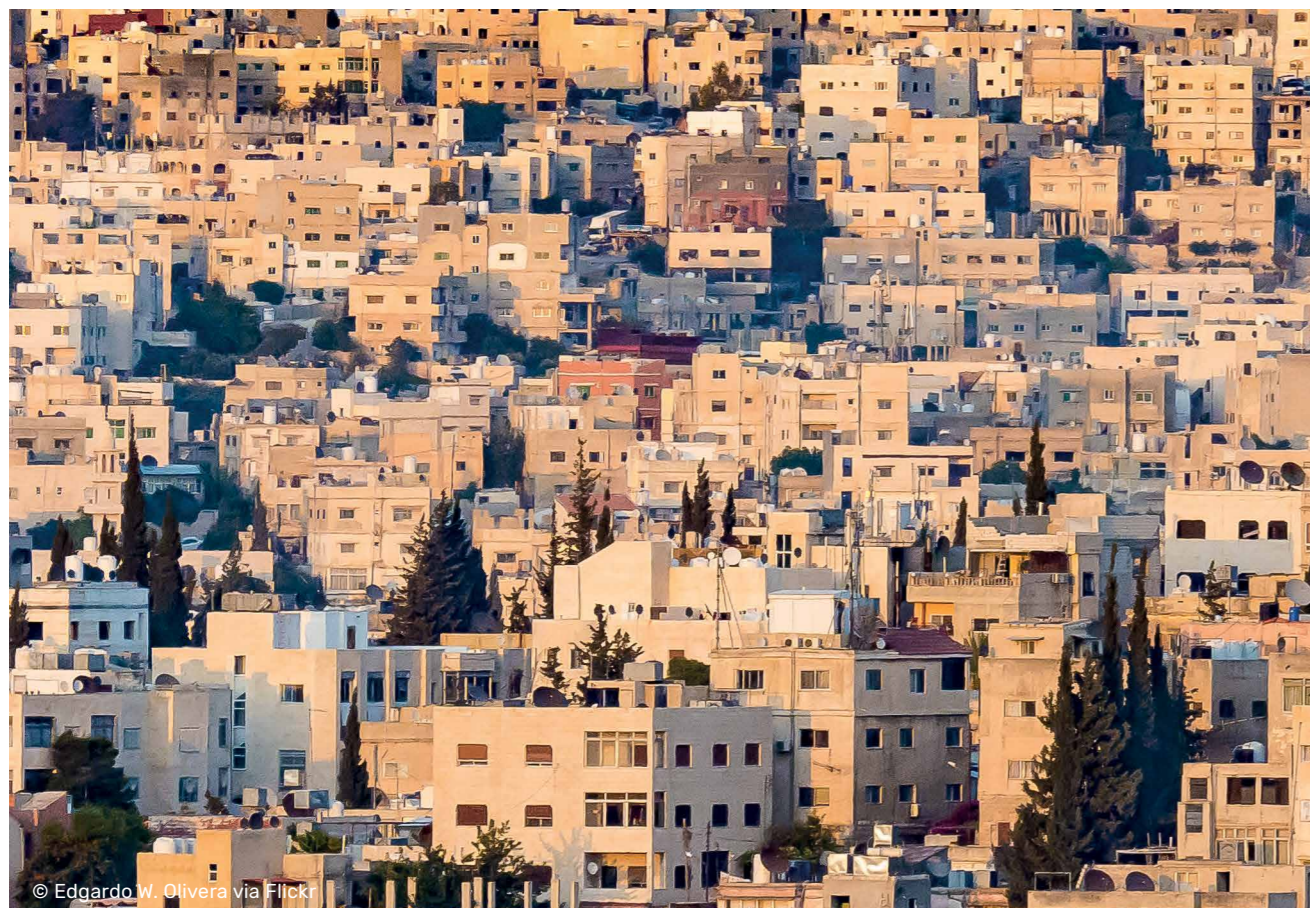
2. People living in urban areas are much more likely to feel insecure about their housing situation – in Mashreq most 1 in 2 urban renters feel insecure. This likely results from the difficulty faced by authorities of keeping pace with the enormous rate of urbanisation, a lack of affordable housing, and escalating land prices driven by market speculation.
3. Women are much more likely than men to feel insecure in the event of divorce or death of a spouse – in Egypt and Morocco, women are six times more likely to feel insecure. Drivers of this include structural gender inequalities, both norms and in law, as well as low awareness of rights among women.
4. Across the region, renters are almost four times more likely to feel insecure than owners – in some countries they are more ten times as likely (Lebanon, Egypt). Renters are more than likely to be male and single, suggesting one key driver of high rates of vulnerability among rents could be migrant workers living in precarious accommodation.

These percentages represent average levels of insecurity for each country, including all demographics and tenure arrangements – owners, renters and individuals staying with permission of the owner (often family members). It is important to note that national averages can mask structural differences between

FIGURE 1: AVERAGE LEVELS OF TENURE INSECURITY IN THE ARAB REGION BY COUNTRY



Source: Prindex (2020).



countries in terms of tenure composition and drivers of insecurity. For instance, these aggregate numbers combine both owners and renters. As will be discussed further below, renters are much more likely to feel insecure. Therefore, a higher share of renters in a country's tenure composition leads to a higher overall index of insecurity. More disaggregated measures are presented in the thematic sections below.

1.2. The Prindex global survey

In 2018 and 2019, the land and property rights index Prindex, a joint initiative of the Overseas Development Institute (ODI) and Global Land Alliance (GLA), carried out nationally representative surveys of adults in 140 countries in collaboration with the Gallup World Poll. Survey samples are representative of the national adult population as a whole and allow for disaggregation by sex, tenure type, and location (rural/urban). This approach means that owners, renters or other adult occupants of a surveyed residence are included, and that women have an equal probability of selection as men. Sub-groups vulnerable to insecurity, such as migrant and foreign workers, internally displaced people (IDPs) and refugees, are likely captured in the data in proportion to their prevalence in the general population. However, the surveys do not specifically target these groups or any others.

The surveys' core question asks randomly selected adults how likely it is they could lose the rights to their home or other property against their will within the next five years. Those who perceive this as 'likely' or 'very likely' are classified as insecure, while those who responded with 'unlikely' or 'very unlikely' are classified as secure. The result is the world's first global measure of land and property rights that is fully comparable between countries. All Prindex datasets are open access and available for download from prindex.net/data.

1.3. Methodology

This paper focuses on 13 Arabic-speaking countries in the Middle East and North Africa, in which Prindex collected data in 2018 and 2019. The main characteristics of the national samples used in this paper are shown in Table 1. For ease of presentation and analysis, these countries are grouped into three sub-regions:

- **Mashreq:** Iraq, Jordan, Lebanon, Palestine, Egypt and Yemen.
- **Gulf Cooperation Council (GCC) countries:** United Arab Emirates (UAE), Saudi Arabia and Kuwait.
- **Maghreb:** Libya, Tunisia, Algeria and Morocco.

BOX 1: A BRIEF NOTE ON PRINDEX'S METHODOLOGY

There are few perception surveys that consider the property rights of individuals within a household. Most only consider the (typically male) head of household, often overlooking the use and access rights of women. Unlike such surveys, Prindex randomly selects 18+ adults within a household as part of a nationally representative sample. In line with Sustainable Development Goal (SDG) targets 1.4.2 and 5.a.1, this allows us to assess the perceived tenure rights of owners, renters, and importantly women, in informal tenure arrangements. The survey also includes questions to identify individual, household and property characteristics associated with perceived security. These include tenure classification, age, marital status, income, household size, educational attainment, urbanicity and whether land is attached to a property or not.

Prindex is unique in that it offers an internationally comparable measure of perceived tenure security using a consistent set of survey instruments across countries. Questionnaires were localised to ensure that they could be understood unambiguously. In this paper, we have chosen to present results using descriptive cross-tabulations, as they are easy to denote graphically and lend themselves to clear and interpretable infographics. Where relevant, an asterisk (*) next to a number denotes that the difference observed is statistically significant at the 90% confidence level. However, the descriptive statistics are in no way an attempt to prove causation.

TABLE 1: SAMPLE CHARACTERISTICS OF PRINDEX NATIONAL SURVEYS IN ARAB COUNTRIES 2018-2019

	Total	Men	Women	Urban	Rural	Owner	Renter	Family-Owned	Other
Iraq	999	530	469	857	142	359	159	444	37
Jordan	1009	509	500	887	122	179	212	336	282
Lebanon	1001	519	482	876	125	363	194	417	27
Palestine	1012	397	615	1012	0	360	112	513	27
Egypt	1000	484	516	838	162	409	208	335	48
Yemen	1007	506	501	360	647	402	119	435	51
Mashreq	6028	2945	3083	4830	1198	2072	1004	2480	472
United Arab Emirates	1001	628	373	957	38	86	456	410	49
Saudi Arabia	1008	564	444	983	24	236	506	239	27
Kuwait	1001	734	267	962	25	99	691	183	28
GCC	3010	1926	1084	2902	87	421	1653	832	104
Libya	1000	728	272	728	96	457	162	346	35
Tunisia	1012	548	464	690	322	328	159	412	113
Algeria	1006	474	532	947	59	308	205	415	78
Morocco	1510	633	877	915	595	343	193	695	279
Maghreb	4528	2383	2145	3280	1072	1436	719	1868	505
Arab Region	13566	7254	6312	11012	2357	3929	3376	5180	1081

Source: Prindex (2020).

2. Themes

The following sections consider six key themes of relevance to the region that emerge from the data to explore how perceptions of tenure insecurity can inform responses to the region's change processes and contribute to ongoing national and regional discourses on land governance reforms. These themes are:

1. Constrained opportunities for young people
2. Impact of urbanisation
3. Gender inequality
4. Documentation gaps
5. Vulnerabilities of renters
6. Special needs of IDPs and refugees

In each thematic area, the paper explores how Prindex perceptions data on tenure insecurity contributes to the understanding of land governance issues, whether the new data complements or challenges existing understandings, and how our findings could help guide the future direction of policy and research agendas by national and regional actors.

2.1. Constrained opportunities for young people

The region experienced explosive population growth in the second half of the 20th century, resulting in a large youth bulge¹ just prior to the Arab Spring of 2010. Continuing large numbers of young people are expected to enter the work force over the next 15 years, with another major youth bulge approaching in 10 years, while high rates of population growth are predicted until at least 2050. These demographic changes are putting pressure on societies to provide adequate education, employment and housing for young people.

Access to secure land rights for housing, business development and agriculture forms an important part of the response to this demographic pressure. Younger working people face both economic and social challenges with regards to their access to land. On the economic side, employment and affordability create barriers to formal ownership, pushing younger people towards rental housing and informal solutions (Alshihabi & Hallaj, 2018); (Aldawodi, 2016). The trend in rising young populations means these pressures will continue to grow.

On the social side, traditional norms constrain opportunities for young people to securely hold land. This is often the case where inherited land (especially in rural areas) is held under the authority of family and tribal elders or the oldest male sibling, leaving younger siblings with little or no voice in land investment and use (IFAD, 2014). In many urban areas, a lack of job opportunities forces young people to live longer with their parents and extended families without tenure rights of their own.

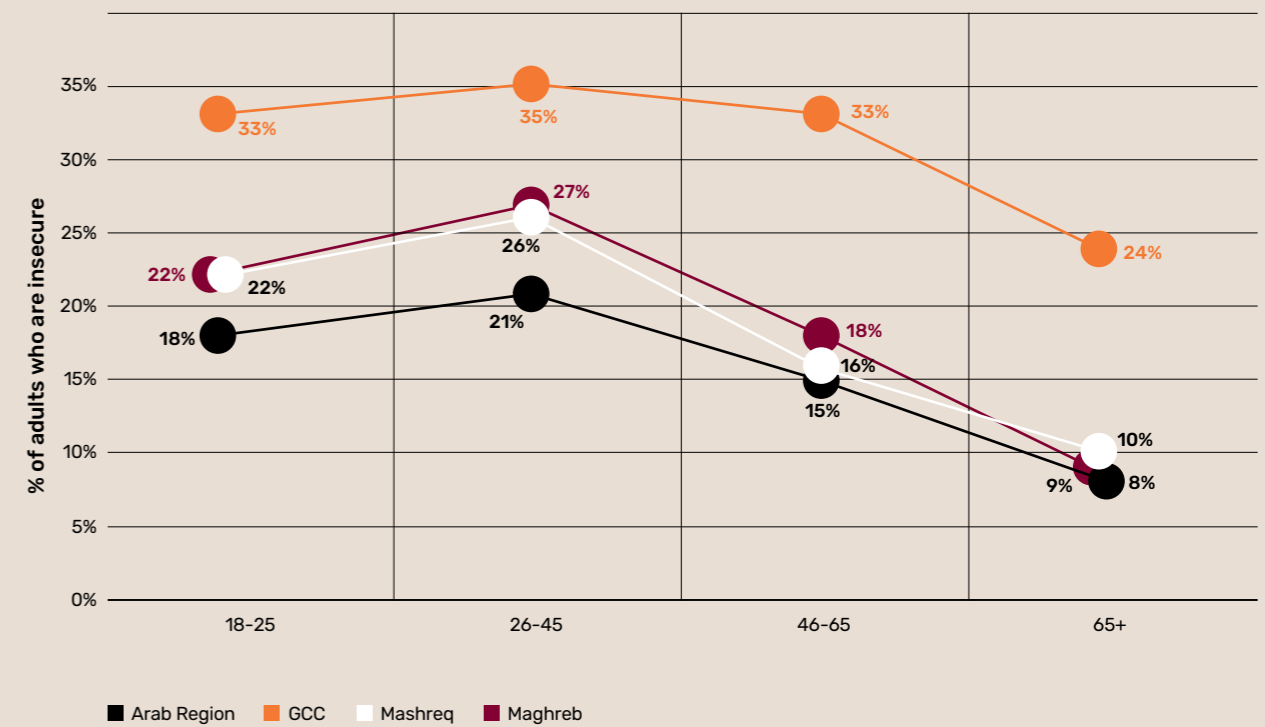
Conflict and civil unrest in the region have acutely constrained opportunities for young people to secure land. Many internally and externally displaced people are young people who have fled their home communities in hope of finding physical security and better opportunities. Lack of job opportunities and limited access to the job market due to conflicts, competition between migrant workers, refugees and host communities' youth create further obstacles that hinder accessibility of young people to secure tenure rights (Kronfol, 2011).

Perceptions of insecurity are higher among the young

In general alignment with these demographic realities, the survey results show that young people in the region feel more insecure than people in older age groups. As shown in Figure 2, the regional average of perceived insecurity is 22% among people aged 18-25, and 27% among people aged 26-45. In comparison, only 9% of those aged 65+ expressed a feeling of insecurity. The higher rates of insecurity among younger age groups likely reflect the demand-side constraints in terms of employment for these groups, and supply-side constraints in terms of affordable, secure housing. Youth bulges seem to have a long-term impact on tenure security. The generation that came to age during the youth bulge of 2005-2010 is still exhibiting insecurity 15-20 years later.

¹ A youth bulge is a demographic pattern where a large share of the population is comprised of young adults.

FIGURE 2: RATES OF TENURE INSECURITY BY AGE GROUP AND SUB-REGION



Source: Prindex (2020)

Young people's property rights security in land governance discourse and research

The relatively high levels of tenure insecurity perceived by young people in the survey results suggest linkages with inadequate housing supply, financing for land and housing, and employment for younger workers. These drivers of insecurity are connected with the challenges of urbanisation and economic diversification faced by the entire region. As discussed in the following section on urbanisation, the region faces an affordable housing shortage amid escalating urban land prices, constrained markets and friction in land administration systems – the impacts of which are felt most acutely among younger people.

Youth unemployment rates in the MENA region are the highest in the world, reaching 30% in 2017 (Kabbani, 2019). As many young people search for years before finding work, the delayed transition to economic independence affects family formation, home ownership and civic engagement and contributes to the prevalence of less secure forms of land tenure, such as renting and informal ownership.

The high rates of perceived land tenure insecurity among younger cohorts in the Arab world draw attention to the link between tenure security and a range of policies and programmes in areas such as: expansion of urban land and housing supply; regularisation and upgrading of informal settlements; affordable home ownership and strengthening rental supply; and legal protections for renters. The youth results also highlight the link with underemployment, calling for greater policy attention on construction and urban upgrading, including the expansion of public development projects, to supply jobs for young workers.

2.2. The impact of urbanisation

Urbanisation can result in insecure property rights if land supply and land governance fail to keep pace with the demand for land and housing. Insecure property rights in turn may help perpetuate suboptimal urban investment, services and governance. Both sides of the dynamic are driving the pattern of urban change in the Arab region, particularly among its largest cities like Cairo and Amman. In the Mahgreb, coastal towns and cities are experiencing the most concentrated growth, while GCC cities are divided between high-end commercial real estate and housing for wealthy nationals on the one hand, and low-cost rental accommodation for foreign workers on the other.

In many parts of the region, traditional land management systems were transformed to cope with urban growth. The urban planning ordinance and modern land registries introduced were often incompatible with traditional land management and tenure systems. Rapid urban growth, especially of the speculative type, created market conditions that further threatened the stability of traditional rural societies. Many countries were unable to balance the needs of cities with the need for sustainable agricultural land systems.

Prindex data reveal substantial perceptions of insecurity in urban areas

Prindex findings reveal substantial insecurity among urban dwellers in most countries, shown in Figure 3. This insecurity appears to be most prevalent among renters and those staying with permission. The rates of insecurity in GCC countries and Jordan, for example, appear to be driven by relatively high levels of insecurity among renters and residents staying with permission. Urban owners in contrast express relatively low rates of insecurity.

Perceptions of urban tenure insecurity and land governance agendas

The urban tenure insecurity revealed by Prindex surveys casts a spotlight on issues of land supply for affordable housing, tenure upgrading in informal areas and governance issues over land on urban fringes. The Prindex data are consistent with other data on regional trends, indicating a shortage of affordable housing,

² Land which has been distributed to urban elites and often remains vacant.

escalating land prices associated with speculative investment and mega-projects, cumbersome and expensive property registration and limited access to housing finance (Global assessment report on Disaster and Risk Reduction, 2009).

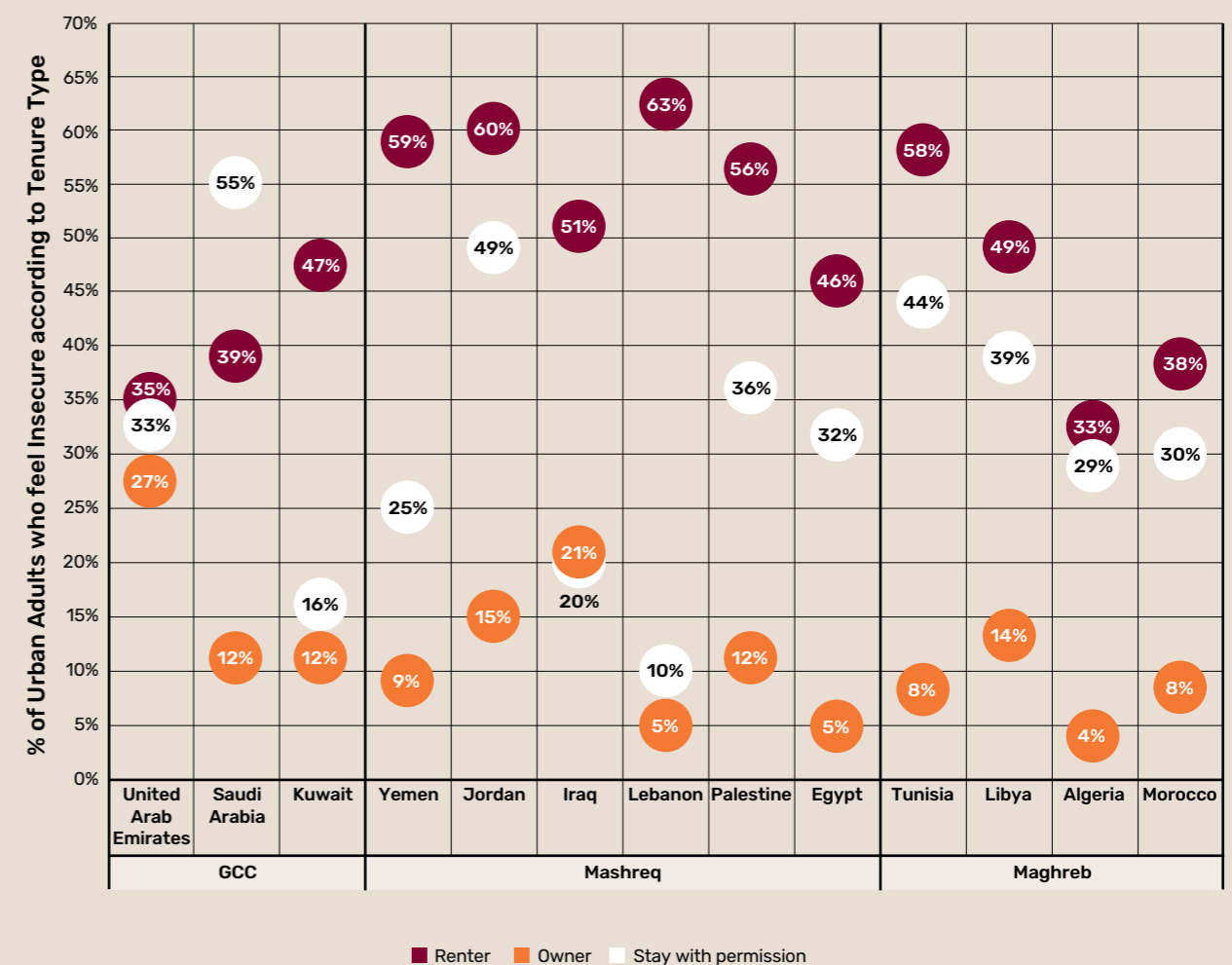
Amid rapid urbanisation, significant unused areas of state-owned land and white land² in urban centres is driving speculation on property markets and a lack of affordable housing (Alshihabi & Hallaj, 2018). In these circumstances insecure property rights are a manifestation of what Egyptian sociologist Saad Eddin Ibrahim describes as 'urbanisation without urbanism,' in which the quality of a city does not grow at the same rate as its size, generating disparities between the number of people and the availability of resources and services, such as tenure security.

Ideas that recognise diverse pathways to tenure security, including de facto security which derives out of specific local relationships and social negotiations, could form one basis for a socially inclusive, expanded version of urbanism (Ababsa, Dupret, & Denis, 2012). The Prindex results demonstrate that widespread, decentralised data gathering on perceptions of urban services, including perceptions of tenure security, could be expanded in a low-cost, participatory manner to help articulate urban needs directly to state-actors, building on lines of action emerging in some cities as, for example, in the programmes of the NGO 10tooba in Egypt.



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FIGURE 3: RATES OF INSECURITY AMONG URBAN ADULTS BY TENURE TYPE



Source: Prindex (2020)

2.3. Gender inequality

Many Arabic women live in the cultural shadow of a spouse or male family member, which can become a source of tenure insecurity if women's rights to land and property are not recognised in both law and practice. Throughout history, women's rights in the region have generally been protected under customary land tenure systems. In recent decades, constitutional norms and national laws have made some bold steps towards recognising women's rights. However, the movement towards individualisation of tenure, especially in urban areas, as well as other cultural changes in the last century, have led to situation in which women's rights are highly vulnerable; neither statutory or customary systems are fully functional to protect women's interests in land.

Statutory law tends to be applied more consistently in urban areas, while in rural areas social norms and traditions hold more sway over the exercise of rights. In both urban and rural contexts, many women lack basic awareness of their rights and are excluded from financial decision-making and decisions about household assets. In rural areas in some countries in the region, once a woman is married, she is excluded from her rights to the family's land – a norm intended to prevent the loss of land to the husband's family. In many cases of divorce, women are given a place to stay by the husband's family, but they do not typically have the right to sell or rent the marital land (Women and Land in the Muslim world, 2018).

No country in the region has a compulsory law that grants equal shares of property under marriage to both men and women; it is widely accepted that the man is responsible for protecting and ensuring family safety. This could be one explanation for why more men reported feeling insecure than women in some countries – the burden of ensuring a secure home is considered one of the man’s duties, (Women and Land in the Muslim world, 2018) while many women may not feel insecure as they are unaware of the risks.

According to ‘Women, Business and Law data 1971-2019 (Women, Business and Law, 2020). Women in the region have limited access to land whether through inheritance or marriage, even though all countries grant equal access under their constitutions. Typically, women who have access to land or own it are wealthier, educated, and have the resources to secure their rights.

Women perceive a high risk of losing land in scenarios of divorce or death of a spouse

The Prindex method is sensitive to gender differences; there is an equal probability that a woman or man will be selected in the sample. The results for the main question on likelihood of losing the property within five years tend to be very close on average between men



and women in the region, with women slightly higher in some countries and men in others. It is likely, however, that if the drivers of women’s insecurity are closely connected with major family events, the five year period is not the most relevant for women. For this reason, the survey asks about perceptions of family events with long-term or unknown horizons, specifically scenarios of spousal death and divorce. Prindex results show that women face a greater risk of being evicted from their land by members of their family or community in the long-term, whereas men may be under threat from short- or medium-term sources of insecurity. This also

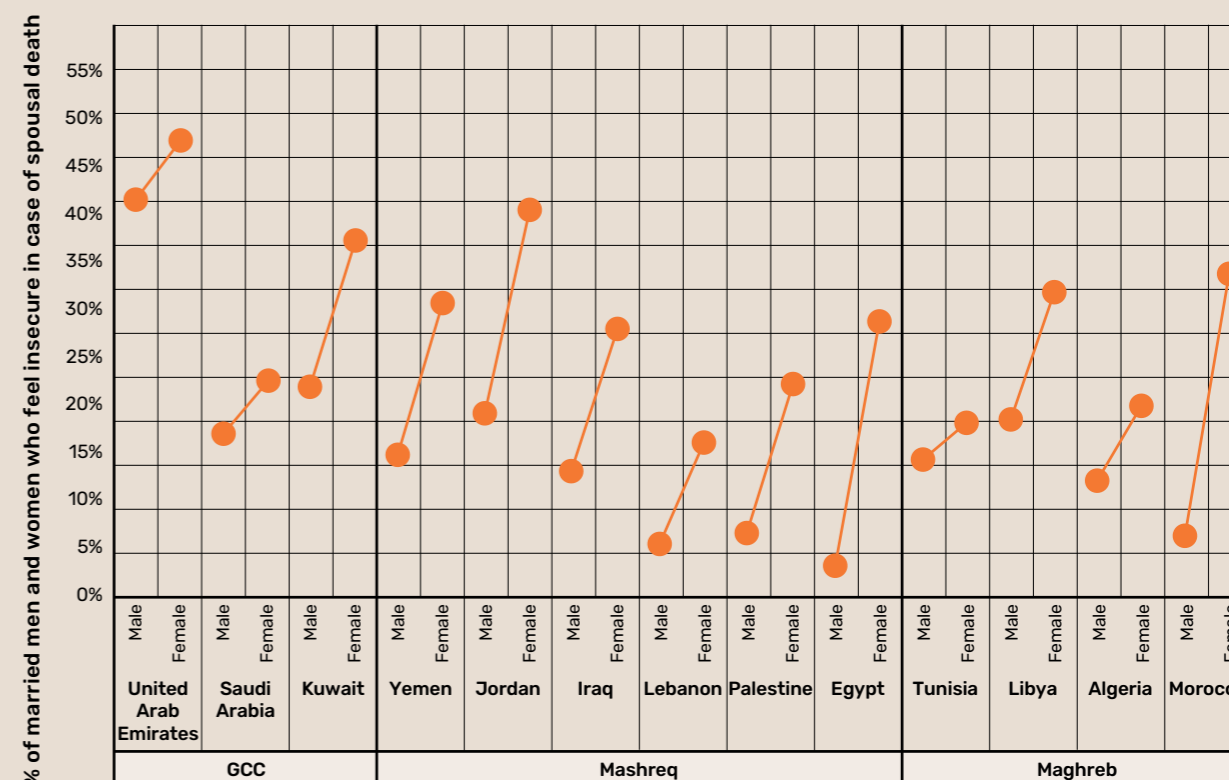
BOX 2: WOMEN AND LAND IN TUNISIA

Tunisia is considered one of the most progressive Arab countries in terms of women’s empowerment and gender equality under the law. Many rights for women are enshrined in the Tunisian constitution written in 1957 (Women’s rights in the Middle-east and North Africa, 2010). The implementation of these laws can be felt to some extent in urban areas among middle class women, but progress has stalled in rural areas where gendered social pressure is still a strong force (Norbakk, 2016). Even though women in Tunisia have access to education and jobs and can join the high ranks, they still face some social obstacles that hinder their access to housing rights (Kahlun, 2013). Biases blocking women’s access to property remains very high in rural areas, despite government intervention. Models for self-help projects were promoted early on, but were neither scalable nor replicable (Curuchet, 1986).

After the Arab Spring, the new constitution of 2014 preserved full equality for women, despite political pressure to change the clauses related to women rights. Today, men and women in Tunisia feel equally insecure about their property rights (24% vs 23%). Yet more women than men reported divorce, death of spouse or family disagreement as a source of insecurity. While the legal code still provides a wide range of protection for women, perhaps the most advanced in the Arab world, the application of these codes remains subject to social pressures, waning political interest, a disinterested judiciary, and a lack of state resources (Norbakk, 2016).

Tunisia is the first country in the region to challenge the Islamic law of inheritance and table legislation that grants men and women equal shares of inheritance. The law has been issued by parliament and awaits presidential approval (World report: Tunisia events of 2019, 2020). Different degrees of legal reform have been enacted to empower women in many Arab countries. They are often justified as a pillar of a country’s development and poverty alleviation strategies. However, these laws are not being properly implemented due to a lack of awareness and social resistance limiting women’s access to land.

FIGURE 4. PERCEPTIONS OF TENURE INSECURITY IN THE EVENT OF SPOUSAL DEATH BY GENDER



Source: Prindex (2020)

might explain why more men feel insecure than women in some countries in the region (Feyertag, et al., 2020).

When the question of perception of security is posed in terms of a hypothetical scenario of a divorce or death of a spouse, gender differences emerge. Prindex data reveal higher levels tenure insecurity among women in the case of death of spouse in comparison to men, with notable differences in some countries. More than 30% of women in Egypt feel insecure in this scenario vs less than 5% of men. In Morocco, 37% of women reported insecurity vs. only 6% of men. These high differences are worrisome, because they may translate into loss of rights for women in particularly vulnerable situations.

Figure 4 above shows the percentage of men and women who feels insecure in case of spousal death. The longer the line between the dots, the larger the gender insecurity gap. Tunisia has the smallest gap in the region, while Morocco, Yemen and Egypt have the biggest.

In the case of divorce, the data show similar gender gaps as with death of a spouse, where almost a third of women reported insecurity vs just 13% of men on average. This difference is particularly big in Egypt, where 41% of women reported feeling insecure vs only

4 % of men. This large gap is also apparent in Palestine, Jordan, Iraq and Morocco, reinforcing the vulnerability of women in the case of divorce.

These differences highlight the fragility of women’s situations in the region, where their perceived security of property rights is strongly linked to their spouse and marriage. However, the survey results do not distinguish between perceptions based on observed experience and assumptions based on a lack of awareness among women with regard to their land rights being tied to their family or spouse.

These stark gender gap findings call attention to the agenda for women’s equality and open a window into women’s situation within the home. Action in this area could be strengthened by country-level data gathered using both quantitative and qualitative approaches to probe into actual experiences of spousal death or divorce. Charting outcomes for women against legal frameworks would increase transparency and support advocacy for women’s rights in these situations. The Prindex survey does not ask about familial conflict or domestic violence. However, the high rates of tenure insecurity among women in divorce scenarios suggests that fear of losing land could be a barrier to women seeking help in abusive situations.

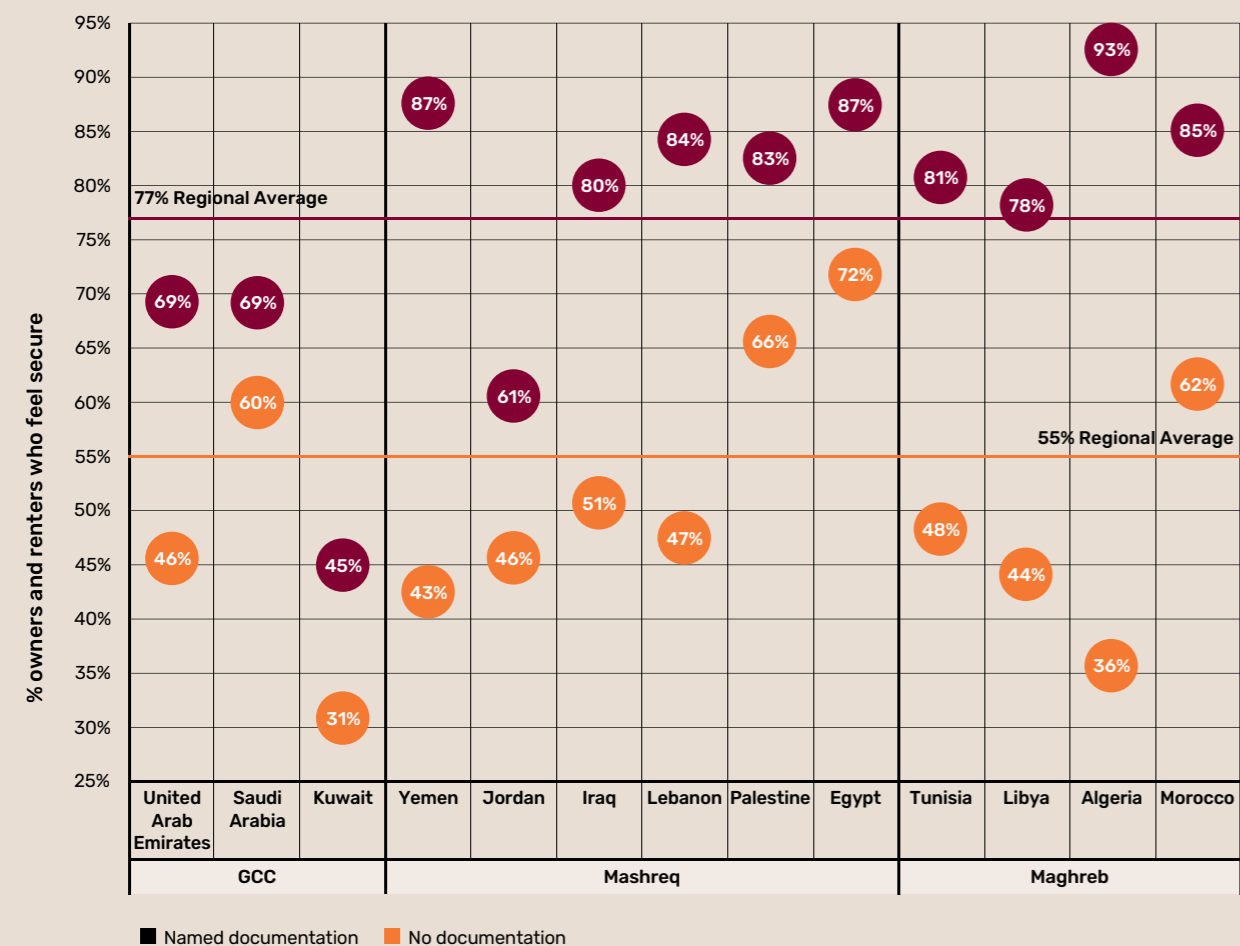
2.4. Documentation gaps

In many countries in the region, acquiring a document as legal proof of land rights is a lengthy and costly process, especially for the urban poor (Doing Business Ranking, 2020). Therefore, informal documents and paralegal tenure deeds are common, and many have no documentation at all. The prevalence of possession of documented rights differs across countries in the regional sample. In Yemen, only people in urban centres have access to documentation (Land and Transitional Justice in Yemen, 2015). In Iraq, without documentation land rights cannot be transferred from one person to another. In Jordan, land has a national ID like any citizen and the rights to any land must be registered.

Prindex regional surveys show a consistent relationship between recognised documentation ('named documentation') and perceptions of security,

and a strong relationship between the absence of documentation and perceptions of insecurity, as displayed in Figure 5. This gap is particularly notable in Algeria, where the rate of security among those with formal documentation is 90% vs less than 40% for those with no documents. The effect of documentation on perceptions of security depends on the acceptance of certain proofs within a country. For example, 88% of people who hold documentation in Egypt feel secure, yet a relatively high 70% of people with no documentation also feel secure. Informal documentation should be carefully scrutinised in such cases as the data suggests that the inability of people to access formal registration is compensated by alternative mechanisms which appear to function almost as well as formal arrangements in some circumstances.

FIGURE 5: PERCEPTIONS OF SECURITY BY DOCUMENTATION OF PROPERTY RIGHTS



Source: Prindex (2020)

These results call attention to a major agenda for land administration and land governance in the region. In many locations, multiple types of documentation that support claims to property rights exist without definitive cadastral or registration data which supports them. There is a lack of information regarding the types of informal documentation accepted by the courts in these countries.

Although some countries have robust land registration systems, in much of the region registration and cadastral systems are limited in coverage, outdated

and/or are incapable of coping with the rate of urbanisation. In many specific cases, particularly on urban fringes and in areas where customary and statutory regimes overlap, adjudication between parties remains unsettled, contributing to insecurity and sometimes conflict. Citizens' perceptions can help policymakers and communities define and target the areas and issues which can be improved through basic land administration services like cadastral mapping and registration, and those which require deeper social and legal processes to resolve claims and document durable rights.

BOX 3: URBANISATION AND DOCUMENTATION IN EGYPT

Egypt is one of the most populous countries in the Arab region with 98 million inhabitants, 43% of whom live in urban areas (Statista, 2021). Urban centres in the country are struggling with a rapid urbanisation that must accommodate a million new inhabitants every year, leaving many in informality and insecurity (Urbanet, 2019). Over the past five decades, 50 new cities have been built in Egypt, the speed of urbanisation creating informality in documentation (WorldBank, 2019).

Around 15 million people live in 1,171 residential areas considered 'informal' by the Ministry of Local Development, 60% of these settlements are in Greater Cairo (UN-Habitat, Egypt Urban Issues, 2015). The lack of housing units has been driving the expansion of informal settlements around cities like Cairo and Alexandria for decades. State policies have managed to reduce the percentage of informal settlement dwellers but not their absolute numbers, which continue to increase. Measures to meet the SDGs showed some improvement on indicators related to the eradication of poverty, but not on the development of housing (Doublet, 2012).

Egypt has five levels of documentation, from most to least secure: 1) properties registered under the Deed Law or Title Law; 2) properties with preliminary sales contracts with a registered court sanction or power of attorney; 3) properties with preliminary sales contracts without court sanction or power of attorney; 4) Old Rent properties; and 5) properties with informal documents, such as rent receipts from the state or electricity bills. Due to the long process of formal registration, many people in Egypt never reach the top level (World Bank, 2019). The current process of leasehold registration is also time consuming and costly for most of the citizens. As a result, many choose to forego the legal process of registration or use a parallel informal registration process that means living with increased insecurity (WorldBank, 2019)



2.5. Vulnerabilities of renters

The Prindex dataset finds that around 25% of people living the region are renters³, and that renting is the most prevalent tenure type in GCC countries. Many countries in the region have laws that provide varying degrees of protection for tenants against eviction, but in practice the implementation of these rules is obstructed in some countries. Tenants' rights are strongly linked with their financial capability, as well as the availability of affordable housing on the market (Aldawodi, 2016)

Around the world, renters are much more likely to feel insecure than owners. Prindex data reveals a global average insecurity gap between the two groups of 25 percentage points. However, this gap is much larger in the Arab world, averaging 33 percentage points – in some countries, renters are as much as ten times more likely to feel insecure than owners. The gap between owners and renters ranges from only a few percentage points in the UAE to more than 50 percentage points in Lebanon and Yemen. Yemen (64%), Lebanon (62%)

and Tunisia 57% are among the most insecure countries in the world for renters, even though these countries show relatively low levels of insecurity for owners.

Prindex data show that renters in the region are more likely to be male, single and live in housing without attached farmland. Renters account for most of the observed insecurity in some countries, especially those with well-developed rental markets, such as Kuwait, Saudi Arabia and the UAE. In these countries, up to 72% of all respondents reported living in individually or jointly rented accommodation. High rents are caused in many cases by rapid urbanisation (e.g. in GCC countries), where the supply of affordable housing cannot meet the rental market demand. As shown in Table 2, the primary reasons for insecurity stated by renters are external (the owner may ask them to leave) or financial issues.

Foreign workers are an important component of the population in some countries in the region, most

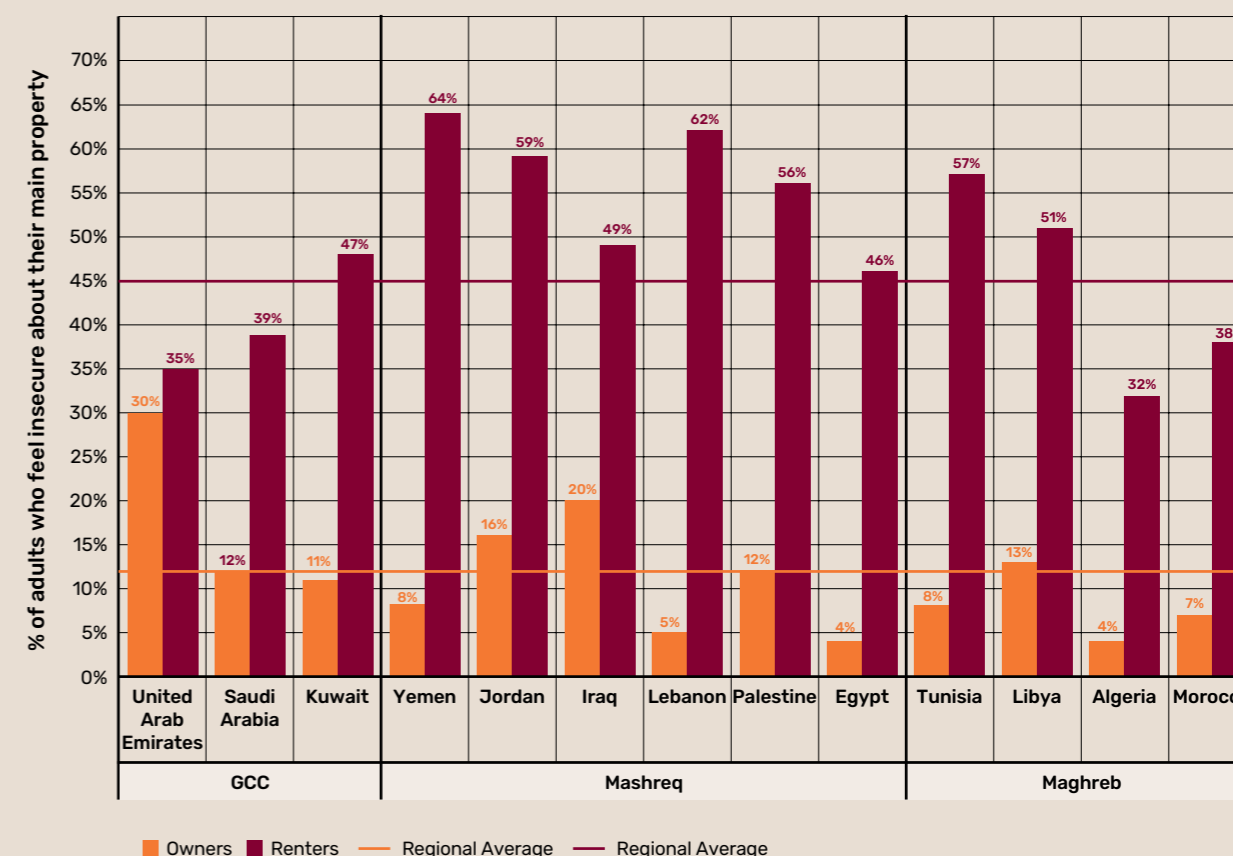
TABLE 2: REASONS RENTERS GIVE FOR FEELING INSECURE IN THEIR TENURE

	The owner or renter may ask you to leave	Disagreements with family or relatives	Death of a household member	Companies may seize this property	Lack of money or other resources	Government may seize this property	Issues with customary authorities
Algeria	56%	12%	11%	6%	49%	26%	N/A
Egypt	94%	7%	11%	1%	50%	4%	N/A
Iraq	79%	12%	26%	18%	61%	20%	20%
Jordan	61%	2%	0%	0%	19%	0%	1%
Kuwait	70%	20%	21%	27%	46%	N/A	20%
Lebanon	87%	9%	6%	0%	66%	1%	3%
Libya	91%	18%	27%	16%	65%	24%	27%
Morocco	62%	0%	1%	1%	54%	3%	0%
Palestine	87%	10%	3%	0%	61%	14%	2%
Saudi Arabia	82%	14%	19%	23%	59%	N/A	5%
Tunisia	92%	2%	0%	0%	14%	3%	0%
United Arab Emirates	64%	18%	23%	26%	50%	26%	N/A
Yemen	98%	21%	18%	5%	83%	6%	14%

Source: Prindex (2020)

³ Renters include the whole range of types of agreement; short or long term, written or verbal, direct or indirect. In other words, formal and informal agreements.

FIGURE 6: RATES OF INSECURITY BY TENURE TYPE (OWNERS, RENTERS)



Source: Prindex (2020)

notably in GCC countries where they make up over two-thirds of the employed population. (Mazzucco, 2020) In the GCC, many migrant workers are unaccompanied males living mainly in shared rented property or in dense housing arrangements provided by their employers. These housing arrangements are vulnerable in the event of job loss and due to low wages. (Working and Living Conditions of Low-Income Migrant Workers in the Hospitality and Construction Sectors, 2019). The Prindex survey is designed to capture all types of residents in proportion to their occurrence in the population, although it does not ask questions about respondents' national origin. Given the number of foreign workers in the GCC, the relatively high degree of insecurity among renters in this sub-region is likely driven by the vulnerability of this group.

younger, unmarried men in the renter cohort. In GCC countries, the insecurity of renters appears to be driven by the economic and social insecurity of the large foreign worker cohort. The land governance agenda often neglects renters, but Prindex data suggest that this population may be more vulnerable than commonly imagined, with implications for social harmony and inequality. Furthermore, the supply of rental housing is often in competition with the supply of housing for sale. When house prices go up, landlords may opt to sell their properties to earn a dividend, evicting their tenants. This can add to the vulnerability of renters in many cities where gentrification is in effect.

As noted above, the differences of insecurity between owners and renters suggest both economic and legal grounds for renters' vulnerability. Part of these differences may have to do with the prevalence of

2.6. Vulnerabilities of IDPs and refugees

One of the groups with the weakest property rights protections in the Arab world is IDPs and refugees. Currently, the region has the highest concentration of IDPs and refugees in the world. According to the World Food Program (WFP, 2020), 650,000 Syrian refugees are registered for UNHCR help in Jordan, with the majority of those living in cities and towns rather than in designated camps – in other words, they must have means to pay for rent and food. Yet, displaced people are often denied work permits, leaving them dependent on humanitarian assistance (WFP, 2020) and rendering them vulnerable tenure insecurity. According to a report on housing for Syrian refugees in Lebanon, refugees tend to move more than once within the country. The main causes of this are an inability to afford the rent and precarious living situations, including a lack of sanitation or inadequate shelter (UN-Habitat, 2018)

In Iraq, around 2 million nationals were internally displaced as of 2019, and 300,000 Syrian refugees were living in the country. Around 71% of these displaced people reside in the Kurdistan region, an area with limited financial resources (UNHCR, 2018). According to the UNHCR, 90% of Syrian refugees in neighbouring countries live in urban areas, mostly in informal settlements. It is also important to highlight that a large influx of refugees and IDPs into any host community increases demand for housing and raises market rates, affecting access to affordable housing for the local poor.

While countries undergoing conflict show rates of insecurity similar to that of the regional average, host countries have much higher rates of insecurity. Countries with ongoing conflicts⁴ such as Libya (29%), Iraq (29%), Yemen (26%), and Palestine (25%) all have rates of insecurity above the regional average of 24%. Jordan, which currently is hosting a large numbers of refugees shows an even higher rate (40%).

The land governance agenda in the region has a responsibility to address the tenure needs of IDPs and refugees. Surveys aimed directly at these groups could be useful in clarifying the types of tenure arrangements they adopt and in characterising their needs. In-depth research could be carried out on the laws that govern refugees' tenure security in the Arab region in order to identify gaps in legal protection. Efforts should also be made to consolidate information about the properties displaced people left behind for purposes of return, compensation, and restitution. A lack of civil documentation like birth and marriage certificates, often destroyed or lost due to conflict, can disenfranchise displaced people from their rights as they cannot prove their identity (UN-Habitat, Housing, Land and Property Issues in Lebanon, 2014).

4 Data could not be collected in Syria due to the ongoing conflict. An estimated six million Syrian refugees are residing in neighbouring countries.



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BOX 4: REFUGEES IN JORDAN

Jordan, a small country of 9.5 million, has roughly the same proportion of renters as Egypt (22%), but a much higher share (59%) of renters who feel insecure. A major factor behind this high level of insecurity is likely that Jordan is seen as a safe haven for three neighbouring states affected by conflict: Iraq, Syria and Palestine. An estimated 1.4 million Syrian refugees currently reside in Jordan, only around 650,000 are registered by UNHCR, and 80% live outside refugee camps in cities and rural areas (WFP, 2020). Added to that, about 66,000 registered Iraqi refugees still reside in the country (Jordan, 2020), in addition to Palestinian refugees who have been fleeing to Jordan since 1948.

These huge numbers of refugees relative to the population put pressure on the rental market, causing insecurity for both locals and refugees (Alhawarin, Assaad, & Elsayed, 2018). Many Syrian refugees who arrive in Jordan have no personal documentation to prove their identity, making it harder for them to sign formal tenancy agreements that ensure their rights against eviction (NRC, Securing Status: Syrian Refugees and the Documentation of Legal Status, Identity and Family Relationships in Jordan, 2016). Large numbers of refugees living outside refugee camps in host communities rely on diminishing financial resources, uncertain jobs, or cash assistance from the UNHCR to survive from month to month, resulting in high levels of eviction due to late rental payment. Many refugees have been displaced more than once within Jordan, either due to a lack of available work or high rental prices (NRC, 2015).

Even though Jordan has attempted to curb the refugee influx in the past few years by opening refugee camps and putting restrictions on refugees' movements within the country, those who manage to join Jordanian society, especially those with some financial assets, have imposed strains on rental markets, infrastructure and public services. Jordan was already facing financial issues before the refugee influx due to the country's limited amount of resources. For many, tenure insecurity simply equates to a lack of financial means (Global property guide, 2009).

3. Conclusions

This paper explores the relevance of Prindex survey findings for the land governance agenda in the Arab region. It finds the region has one of the highest average rates of tenure insecurity in the world – **almost 1 in 4 people feel insecure in their property rights**. Of a total adult (18+) population of approximately 214 million across the 13 countries surveyed, we estimate that more than **52 Million people** fear eviction in the next five years. This represents a crisis of governance and development ‘hiding in plain sight,’ the consequences of which include foregone investment and productivity, social vulnerability, increased risk of instability, and environmental degradation.

Thematically, the results provide useful insights into several key areas of development policy. The findings indicate higher insecurity among younger working age people and youth. This may weaken the region’s ability to capitalise on the ‘demographic dividend’ offered by its young population, which could contribute to rapid economic growth sufficient to sustainably raise living standards over the long term and provide for the rest of society as populations continue to grow into the twenty-first century.

The results are also relevant for policy discourse and actions aimed at addressing the impact of urbanisation in the region. The relatively high degrees of insecurity perceived by urban dwellers, particularly among non-owners, underline concerns about a set of structural weaknesses in housing and land tenure in the region. These include demand-side factors associated with employment and income, supply-side factors associated with the middle and lower markets segments’ capacity to provide affordable and secure



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land for housing, business and agriculture, and governance factors in terms of institutional capacity to guarantee secure rights for all groups.

Women’s rights are another area of concern for regional development policy highlighted in the survey results. The perception surveys reveal that women experience significant fear of losing land or property as a result of transitional events like the death of a spouse or divorce. Tracking women in these circumstances would be a fruitful follow-up. It would also be useful to probe into whether land tenure insecurity acts as a barrier to women seeking help from abusive relationships. These findings add to a growing body of work on women’s land rights, which shows that structural inequalities in land and property rights create barriers to women’s social and economic success, and by extension their children’s development. More data and policy attention in this area could help to unlock huge reserves of women’s potential.

Prindex surveys, which sample the general population, provide new insights into the vulnerabilities experienced by renters and non-owners in the region. Many insecure individuals in these cohorts are likely to be young men who are demographically critical to creating a productive workforce (critical for stability). In GCC countries, this group is likely comprised of many foreign workers, and in Mashreq, many are likely to be IDPs or refugees. The Prindex results shine a light on these issues, but they do not provide in-depth analysis of the situations faced by specific groups in specific locations. Further exploration is needed to understand the policy levers required to create a sense of security for renters and non-owners.

IDPs and refugees, although not directly identifiable in the sample, appear in the survey results in both origin and host countries. The relatively high rates of insecurity in countries experiencing conflict and those hosting large numbers of IDPs and refugees strongly suggest that many among these groups are experiencing acute vulnerability in insecure and temporary shelter. The findings highlight the need for more durable housing and employment options for IDPs and refugees, as well as support services, including basic civil documentation, and the maintenance of data related to eventual return, compensation and restitution.

Prindex data can be useful for governments, civil society, academics and international organisations interested in tracking the land governance agenda in the Arab region. The national indicators can track

progress towards the achievement of the SDGs, especially land and gender related goals. Tenure security can improve the standing of marginalised people, especially women, within a household or community, empowering them to be part of decision-making processes, such as household spending or deciding who will inherit land or property.

The Prindex global dataset serves as a baseline of land insecurity at a national level. Land dynamics often differ substantially between different population groups or areas within countries. To further unpack the context-specific factors influencing tenure insecurity, Prindex is undertaking deep-dives in several countries to capture localised data. Prindex’s methodology can be customised to target vulnerable groups, understand problems specific to a town, region, or other location, or explore climate and sustainable development issues impacted by land rights.

The national findings raise a number of questions that could be explored at more local levels: where are the geographic hotspots of insecurity within a country? What legal and social remedies are best suited to dealing with fears of legal dispossession? How can informal areas be brought into legally recognised regimes? How are rising prices in urban areas affecting access and tenure security for poorer groups? What is happening to women’s land and property after divorce or death of a spouse, or under situations of family conflict? What is the housing and land access situation for IDPs and refugees and how can it be made more secure? Why are renters across the region so fearful of losing their homes and what policies are most effective at reducing their vulnerabilities? Answers to these questions can contribute to more secure and inclusive land governance in the region, with all the economic and social benefits that entails.

Perceptions of security of property rights are a simple and powerful way for the voices of local populations to enter the land governance agenda in the region. The Prindex initiative exists to foster the inclusion of these voices and improve the quality of the land governance discourse to advance secure rights for all.

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

References

- Ababsa, M., Dupret, B., & Denis, E. (2012). Popular Housing and Urban Land Tenure in the Middle-East.
- Aldawodi. (2016). Issue of Housing in Iraq. Beirut.
- Alhawarin, A., Assaad, I., & Elsayed, R. (2018). Migration Shocks and Housing: Evidence from the Syrian Refugee Crisis in Jordan. Jordan.
- Alshihabi, & Hallaj, O. (2018). Tasdir al-tharwah wa ightirab al-insan: Tarikh al-khalal al-intaji fi duwal al-khalij al-'arabiyah. Beirut: Center of Arab unity studies.
- Bank, W. (2020). Women, Business and Law. Retrieved from https://wbl.worldbank.org/en/data/exploretopics/wbl_ma
- Curuchet, M. (1986). A self-help housing project in rural Tunisia in retrospective. Upsala-Sweden: Scandenavian institute for African studies.
- Doing Business Ranking. (2020). Retrieved from Rankings (doingbusiness.org)
- Doublet, A. (2012). "Secure Land Tenue? Stakes and Contradictions of Land Tilting and Upgrading Policies in the Global Middle East and Egypt. Cairo: The american university in Cairo.
- Fargues, P., Shah, N. M., & Brouwer, I. (2019). Working and Living Conditions of Low-Income Migrant Workers in the Hospitality and Construction Sectors. United Arab Emirates: Gulf research center.
- Feyertag, J., Childress, M., Langdown, I., Locke, A., Nizalov, D., & A. (2020). How Does Gender Affect the Perceived Security of Land and Property Rights? Evidence from 33 countries. Global Land Alliance.
- fragile, J. h. (2009, November 12). Global property guide. Retrieved from <https://www.globalpropertyguide.com/Middle-East/Jordan/Price-History-Archive/jordan-housing-market-remains-fragile-369>
- Freedom-House. (2010, March 03). Women's rights in the Middle-east and North Africa. Retrieved from <https://www.refworld.org/fbce582,50ffbce5d0,4b99011cc,0,FREEHOU,,TUN.html>
- Global assessment report on Disaster and Risk Reduction. (2009). Prevention Web.
- IFAD. (2014). Youth and land tenure , lessons to be learned. IFAD.
- Jordan, R. I. (2020, December 31). Relief web. Retrieved from <https://reliefweb.int/report/jordan/registered-iraqis-jordan-31-december-2020>
- Kabbani, N. (2019). Youth Employment in the Middle-East and North Africa: Revisiting and Reframing Challenges. Retrieved from Brookings: <https://www.brookings.edu/research/youth-employment-in-the-middle-east-and-north-africa-revisiting-and-reframing-the-challenge/>
- Kahlun, H. (2013). Al-Fia't almuhamasha wa el7aq fi al-sakan al-lai'q in Tunisia. Tunis: Cawtar.
- Khoury, R., Tempra, O., & Sait, S. (2018). Women and Land in the Muslim world. Nairobi: UN-Habitat.
- Kronfol, N. M. (2011). thr youth bulge and the changing demographics in the MENA region. St. Gallen: the WDA Forum.
- Mazzucco, L. J. (2020, June 30). Foreign Labour in the Gulf Amid the Covid Pandemic. Retrieved from International Policy Digest: <https://intpolicydigest.org/foreign-labour-in-the-gulf-amid-the-covid-pandemic/>
- network, H. a. (2015). Land and Transitional Justice in Yemen. Habitat international coalition.
- Norbakk, M. (2016). The women's rights champion. Tunisia's potential for furthering women's rights. Retrieved from Chr. Michelsen Institute: <https://www.cmi.no/publications/5973-the-womens-rights-champion>
- NRC, N. R. (2015). Shared Resilience For Syrian Refugees and Host Communities in Jordan. NRC.
- NRC, N. R. (2016). Securing Status: Syrian Refugees and the Documentation of Legal Status, Identity and Family Relationships in Jordan. NRC.
- (2020). Prindex comparative report. Global Land Alliance.
- Statista . (2021). Retrieved from www.statista.com/statistics/455821/urbanization-in-egypt/
- UN-Habitat. (2014). Housing, Land and Property Issues in Lebanon. Beirut: UN-Habitat.
- UN-Habitat. (2015). Egypt Urban Issues. Retrieved from <https://unhabitat.org/urban-issues>
- UN-Habitat. (2018). Housing, Land and Property Issues of Syrian Refugees in Lebanon from Homs City. Beirut- Lebanon.
- UNHCR. (2018). IRAQ REFUGEE CRISIS. Retrieved from <https://www.unrefugees.org/emergencies/iraq>
- Urbanet. (2019, October). Infographics: Urban Development in Egypt. Retrieved from Urbanet: <https://www.urbanet.info/urbanisation-and-urban-development-in-egypt/>
- Watch, H. R. (2020). World report: Tunisia events of 2019.
- WFP, W. F. (2020, October 29). World food program. Retrieved from <https://www.wfpusa.org/articles/10-facts-about-the-syrian-refugee-crisis-in-jordan/>
- WorldBank. (2019). Assessment of land governance in Egypt. Cairo: Worldbank.



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