

# Valuation and Compulsory Acquisition of Unregistered and Customary Land: How to Ensure Fairness?

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## SUMMARY

Unregistered land rights are estimated to account for more than 70% of land rights in developing countries. While international financial institutions such as the World Bank require compensation payments for recognizable rightsholders, many projects face difficulties to pay compensation to this group of people because of complex and unclear regulatory environments that often surround unregistered lands and technical difficulties to properly value such lands. The problem is further compounded if the land is customarily used due to unclear boundaries, overlapping claims and political economy issues. Many projects need to find a way creatively by navigating through national legal systems to find some space, while also applying pressure on account of noncompliance. The UN GLTN Valuation of Unregistered Land—A Practice Manual – Global Land Tool Network (gltn.net) is the first global and cross profession operational manual to try to help valuers, land professionals, clients, policy makers and acquiring authorities get to grips with this complex subject.

We will present cases where the loss of unregistered and customary lands was properly valued and fair compensation paid including for livelihood restorations by fully exploiting spaces in national laws and valuation standards. Cases include customary land acquisition in Uganda and Indonesia, and unregistered land acquisition in Sri Lanka. All cases sought to use existing spaces in national regulatory framework and valuation standards, so occupants of unregistered and customary lands receive compensations at replacement cost, including by an active stakeholder engagement and participatory impact assessments. The session will seek to collect similar examples from participants to further build a body of knowledge and contribute to improving practice on this significant development challenge.

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