Scaling up Responsible Land Governance:

Fit-For-Purpose Land Administration Guiding Principles

Prof. Stig Enemark
Honorary President
Aalborg University, Denmark
Fit-for-Purpose Land Administration
The World Bank Trilogy

Stig Enemark
Part 1 - Overview

Fit-For-Purpose
Land
Administration

Christiaan Lemmen
Part 2
Providing Secure Tenure For All

Robin McLaren
Part 3
Making it Work
Fit-For-Purpose – what is it?

- **Fit-for-purpose**: The systems should be designed for serving the basic purposes such as including all land; provide secure tenure for all; and control of the use of land – rather than being guided by high tech solutions and costly/time consuming field survey procedures.

- **Flexibility**: Scale and accuracy relate to geography, density of development, and budgetary capacity; The legal and institutional framework should be designed to accommodate both legal and social tenure rights.

- **Incremental improvement**: Advanced Western style concepts may well be seen as the end target – but not as the point of entry.
Fit for purpose – why is it?

- **The cadastral gap:** Only about 40 countries in the world have well functioning land administration systems. In most developing countries less than 10 per cent of the land is included in formal systems.

- **Limitations:** Western style systems are too costly and too time consuming and capacity demanding – and they do not serve the millions of people whose tenure are predominantly social rather than legal.

- **Benefits:** A Fit-For-Purpose approach will ensure that basic and appropriate land administration systems are built within a relatively short time frame and at affordable costs ... they can then be incrementally improved over time.
Facing the Global Agenda

Trustable land information and good land administration is fundamental for:

• Responsible governance of tenure
• Managing the use of land
• Coping with climate change
• Enforcing equity and human rights
• Achieving sustainable development

Land governance to underpin the core components of the global agenda

SDGs post 2015 ...

Climate Change 2010’s
Natural disasters
Food shortage
Environmental degradation

MDGs 2000’s
Poverty alleviation
Human health, education
Global partnership

Sustainable Development 1990’s
Economic, Social, Environmental
Goal 1. End poverty in all its forms everywhere

1.1 By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than $1.25 a day.

1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.
Meeting the Global Agenda

- “There is an urgent need to build systems which can identify the way land is occupied and used and provide security of tenure and control of the use of land”.
- “When building such systems the focus should be on a *fit-for-purpose approach* that will meet the needs of society today and can be incrementally improved over time”.

[FIG /WB Declaration]

A **fit-for-purpose** approach includes the following elements:

- **Flexible** in the spatial data capture approaches to provide for varying use and occupation.
- **Inclusive** in scope to cover all tenure and all land.
- **Participatory** in approach to data capture and use to ensure community support.
- **Affordable** for the government to establish and operate, and for society to use.
- **Reliable** in terms of information that is authoritative and up-to-date.
- **Attainable** to establish the system within a short timeframe and within available resources.
- **Upgradeable** with regard to incremental improvement over time in response to social and legal needs and emerging economic opportunities.

http://www.fig.net/pub/figpub/pub60/figpub60.htm
Fit-For-Purpose Land Administration — Guiding Principles

Part 1: Understanding the FFP Approach

1. Introduction
   Background, purpose and audience of the Guide. A brief introduction to FFP and the benefits to a range of stakeholders.

2. Land Governance & Global Agenda
   How FFP approach supports the global land agenda and strong land governance.

3. Understanding the FFP Approach
   An in-depth understanding of the FFP approach describing the 3 frameworks and their corresponding principles.

Part 2: Building the FFP Frameworks

4. Spatial Framework
5. Legal & Regulatory Framework
6. Institutional Framework
   Principles Underpinning Frameworks
   Guidance on how to incrementally build the 3 inter-related frameworks using the FFP principles.

Part 3: Implementing the FFP Approach

7. Developing Capacity & Managing Change
   How to develop effective and sustainable capacity and guidance on how to manage change.

8. Adopting the FFP Approach
   Advocacy and knowledge sharing proposals to accelerate the adoption of the FFP approach.

Appendices

A. Developing ICT Infrastructure
   How to incrementally build sustainable ICT solutions for less-developed countries.

B. Delivering FFP Land Administration
   Lessons learned from countries implementing the FFP approach.
**Fit-for-Purpose Land Administration — the Concept**

- **Spatial Framework:**
  - Aerial imagery country wide
  - Participatory field adjudication
  - Incremental improvement
  - Continuum of accuracy

- **Legal Framework:**
  - Enshrine FFP approach in law
  - Secure all land rights for all
  - Human rights, gender equity
  - Continuum of tenure – STDM

- **Institutional Framework:**
  - Holistic, transparent & cost effective
  - Sustainable IT-approach
  - Ongoing capacity development
  - Continuum of services

---

**Fit-For-Purpose Land Administration**
## Fit-for-Purpose Land Administration

### Key Principles

<table>
<thead>
<tr>
<th>Spatial Framework</th>
<th>Legal Framework</th>
<th>Institutional Framework</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visible (physical) boundaries rather than fixed boundaries</td>
<td>A flexible framework designed along administrative rather than judicial lines.</td>
<td>Good land governance rather than bureaucratic barriers</td>
</tr>
<tr>
<td>Aerial / satellite imagery rather than field surveys</td>
<td>A continuum of tenure rather than just individual ownership</td>
<td>Integrated institutional framework rather than sectorial siloes</td>
</tr>
<tr>
<td>Accuracy relates to the purpose rather than technical standards</td>
<td>Flexible recordation rather than only one register</td>
<td>Flexible IT approach rather than high-end technology solutions</td>
</tr>
<tr>
<td>Demands for updating and opportunities for upgrading and ongoing improvement</td>
<td>Ensuring gender equity for land and property rights.</td>
<td>Transparent land information with easy and affordable access for all</td>
</tr>
</tbody>
</table>
Building the Spatial Framework
- a continuum of accuracy

- Visual boundaries rather than fixed boundaries
  - Visual (General) boundaries will be sufficient for most land administration purposes.

- Aerial/ satellite imageries rather than field surveys.
  - Aerial imageries are 3-5 times cheaper and less capacity demanding than field surveys.
  - Aerial imageries provide not only the framework of the parcels but also the general topography to be used for a range of land administration functions.

- Accuracy relates to the purpose rather than technical standards
  - Accuracy should be seen as a relative term related to the use of the information.

- Opportunities for updating, upgrading and improvement
  - Building the spatial framework is not a one stop process.
  - In turn, incremental improvement will establish a fully integrated land administration system.
  - This could be named as a “Continuum of Accuracy”
Using aerial imageries for participatory field adjudication

Orthophoto used as a field work map sheet with a georeferenced grid. The map shows the delineated parcel boundaries and parcel identification numbers.

Vectorised field map showing the resulting cadastral map with parcel boundaries and cadastral numbers.

Source: Zerfu Hailu, Ethiopia
Rwanda – leads the way

10 million parcels demarcated, adjudicated and registered in about five years
Unit costs were about 6 USD per parcel
Building the Legal Framework
- a continuum of tenure

- A flexible framework designed along administrative rather than judicial lines
  - The legal framework needs to be flexible and managed through administration rather than court decisions.

- A continuum of tenure rather than just freehold.
  - The STDM concept should be applied to ensure that legal as well as social tenure be secured independent of formality and technical accuracy.

- Flexible recordation rather than only one register
  - The FFP approach will require a flexible recordation system.
  - Applying the continuum of land rights will require innovative pro-poor recordation systems

- Ensuring gender equity for rights in land
  - Women make two thirds of the worlds poor.
  - Women's access to land must be seen as a universal human right.
Continuum of land rights

Social Tenure Relationship
- Use rights
- Occupancy
- Ownership
- Informal
- Customary tenure
- Common land
- Tenancy
- Hunting

Spatial Unit
- Land, housing, structure, natural resource, etc.

Party
Person/s, communities, family, groups of groups

has with

suprorted by

Supporting Documents
- Sketch, audio, video, photos, etc.

Source: UN-HABITAT, GLTN

STDM
Social Tenure Domain Model
http://www.stdm.gltn.net/
Building the Institutional Framework
- a continuum of services

- Good land governance rather than bureaucratic barriers.
  - The term “good governance” includes for government to be legitimate, transparent, accountable, and dedicated to integrity
  - Applying the FAO Guidelines on Responsible Governance of Tenure.

- Integrated institutional framework rather than sectorial siloes
  - Focusing on treating land and natural resources as a coherent whole

- Flexible IT-approach rather than high-end technology solutions
  - Clear description of mandates, work processes and responsibilities
  - Alternatives such as open source solutions should be considered.

- Transparent land information with easy and affordable access for all
  - Applying an open data policy – subject to the protection of privacy.
International soft law instrument. The Guidelines represent a global consensus on internationally accepted principles and standards for responsible practices.


Guidance for a variety of actors. Actors can determine whether their proposed actions and the actions of others constitute acceptable practices.

www.fao.org/docrep/016/i2801e/i2801e.pdf
The quest for capacity development — making it work

"Don’t start what you can’t sustain"

Provisions for ongoing updating and possible upgrading are crucial and must be established up front.

Capacity development relates to societal awareness, institutional and organisational reform, and education and training of human resources.

The way forward includes understanding and cooperation between UN-agencies, professional organisations, and national governments.

To drive and manage the change process there must be effective knowledge-sharing to ensure that lessons learned and good practice are widely implemented.
Concluding remarks

Land administration is basically about people. It is about the relation between people and places, and the policies, institutions and regulations that govern this relationship.

When building land administration systems in less developed countries - focus should be on a “fit-for-purpose approach” that will meet the needs of society today and can be incrementally improved over time.

Thank you for your attention.