Fit-For-Purpose Land Administration

Amsterdam, The Netherlands,

June 8th, 2016

Christiaan Lemmen

Kadaster International

"BUY LAND, THEY'RE NOT MAKING IT ANYMORE."

MARK TWAIN

1 NO POVERTY	2 NO HUNGER	3 GOOD HEALTH	4 QUALITY EDUCATION	5 GENDER EQUALITY	6 CLEAN WATER AND SANITATION
7 RENEWABLE ENERGY	8 GOOD JOBS AND ECONOMIC GROWTH	9 INNOVATION AND INFRASTRUCTURE	10 REDUCED INEQUALITIES	11 SUSTAINABLE CITIES AND COMMUNITIES	12 RESPONSIBLE CONSUMPTION
13 CLIMATE ACTION	14 LIFE BELOW WATER	15 LIFE ON LAND	16 PEACE AND JUSTICE	17 PARTNERSHIPS FOR THE GOALS	THE GLOBAL GOALS For Sustainable Development

SUSTAINABLE DEVELOPMENT GOALS

1 NO POVERTY

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

People

People

People to Land Relationships

People to Land Relationships

People to Land Relationships

- Formal
- Informal
- Customary
- Indigenous
- Occupation
- Land use
- Pastoralist
- Grazing, Fishing
- Overlap

- Marine
- Mining
- Forestry
- Road access
- Restrictions
- Responsibilities
- State, government
- Nature
- Water

Continuum of land rights

Perceived tenure approaches   Occupancy   Adverse possession   Leases

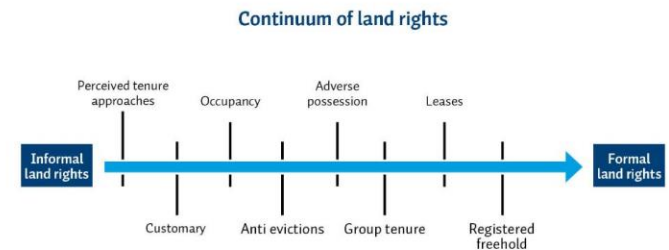Informal land rights →→→ Formal land rights

Customary   Anti evictions   Group tenure   Registered freehold
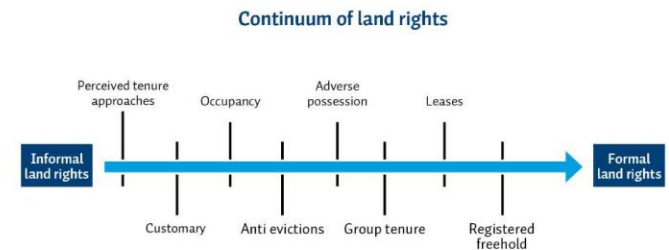
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Include All

Continuum of land rights

Informal land rights → Formal land rights

Perceived tenure approaches, Occupancy, Adverse possession, Leases

Customary, Anti evictions, Group tenure, Registered freehold

Land Administration – Data

- spatial unit type
- right type
- restriction type
- mortgage type
- party type
- identifiers
- value
- area
- geographic name
- name
- role
- date

- source
- surveys
- co-ordinates
- boundary
- topology
- levels
- dimension
- land use
- share
- transaction type
- history
- right relation
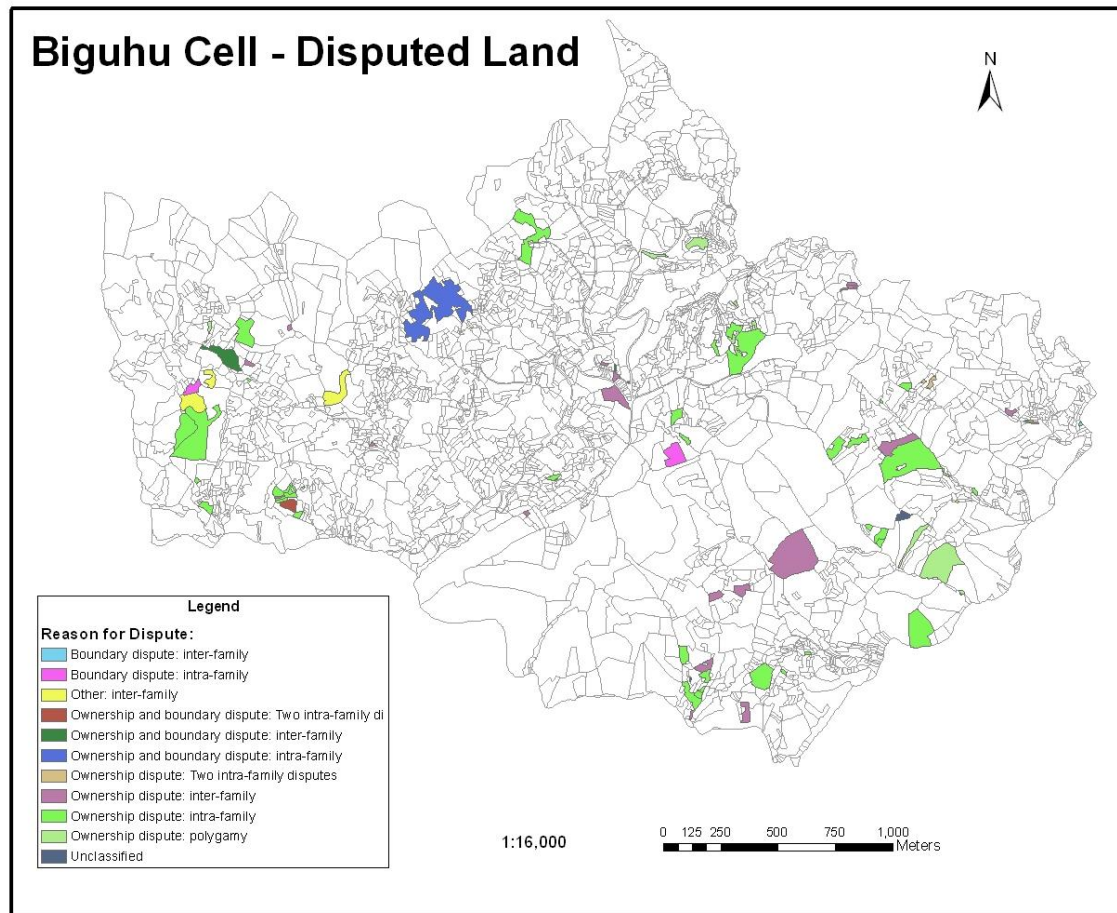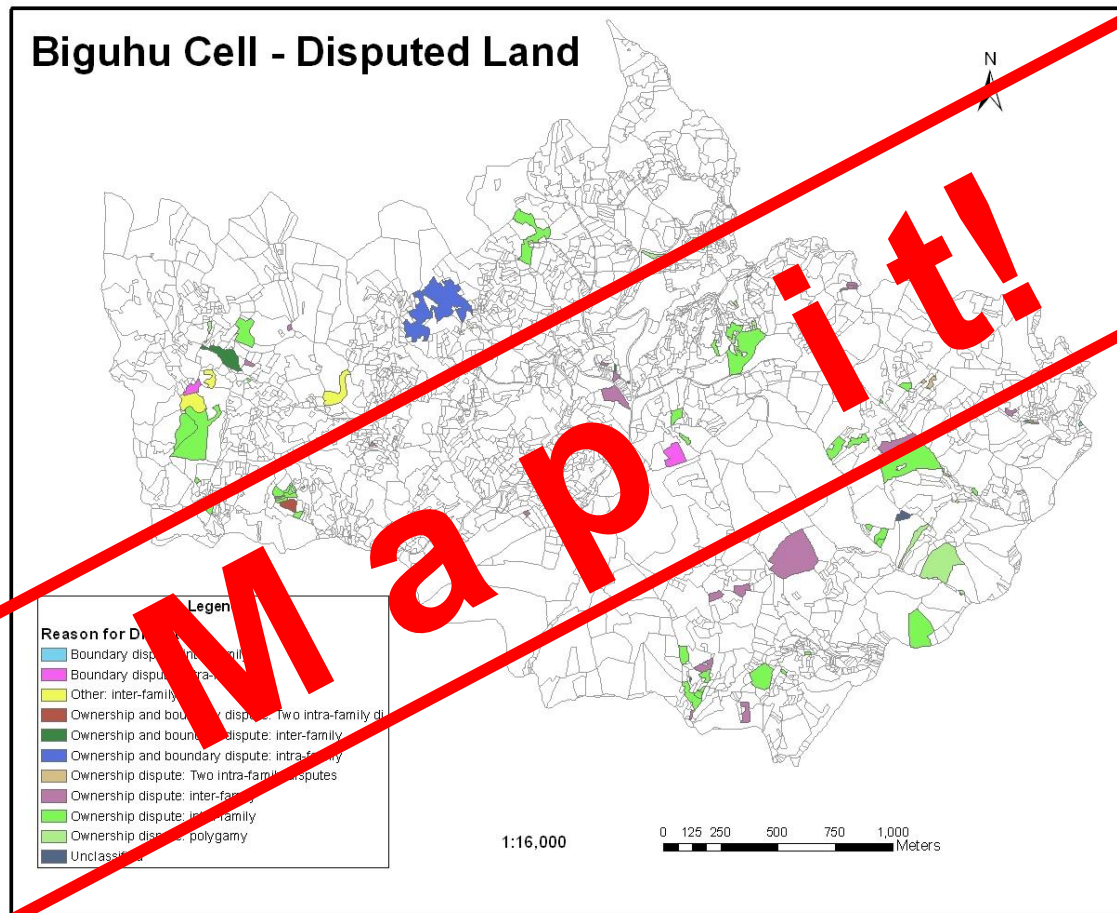
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Multiplier

Disputes

Biguhu Cell - Disputed Land

Legend

Reason for Dispute:
- Boundary dispute: inter-family
- Boundary dispute: intra-family
- Other: inter-family
- Ownership and boundary dispute: Two intra-family di
- Ownership and boundary dispute: inter-family
- Ownership and boundary dispute: intra-family
- Ownership dispute: Two intra-family disputes
- Ownership dispute: inter-family
- Ownership dispute: intra-family
- Ownership dispute: polygamy
- Unclassified

1:16,000

0 125 250   500   750   1,000
Meters

Source – NLC Rwanda

Disputes

Biguhu Cell - Disputed Land

Challenges in Land Administration

- 70% to be done
- Complex institutional setting
- Corruption / Transparency
- Automation
- Trend: decentralisation

Reference Document - Final Version - 30 Nov. 2015

Fit-For-Purpose Land Administration

Guiding Principles

Stig Enemark

Robin McLaren

Christiaan Lemmen

GLTN
GLOBAL LAND TOOL NETWORK

FACILITATED BY:
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FOR A BETTER URBAN FUTURE

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Fit For Purpose Land Administration

- **The cadastral gap:**
  Only about 40 countries in the world have well functioning land administration systems.
  In most developing countries less then 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..

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.

Denmark

Rwanda

Fit-for-Purpose Land Administration

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

Land Rights – Aspects to be Supported

- Recognise
- Record
- Review

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'Recognise'

- Recognition, classification and development of a typology in land rights on the basis of an assessment of existing *legitimate rights* at the country level
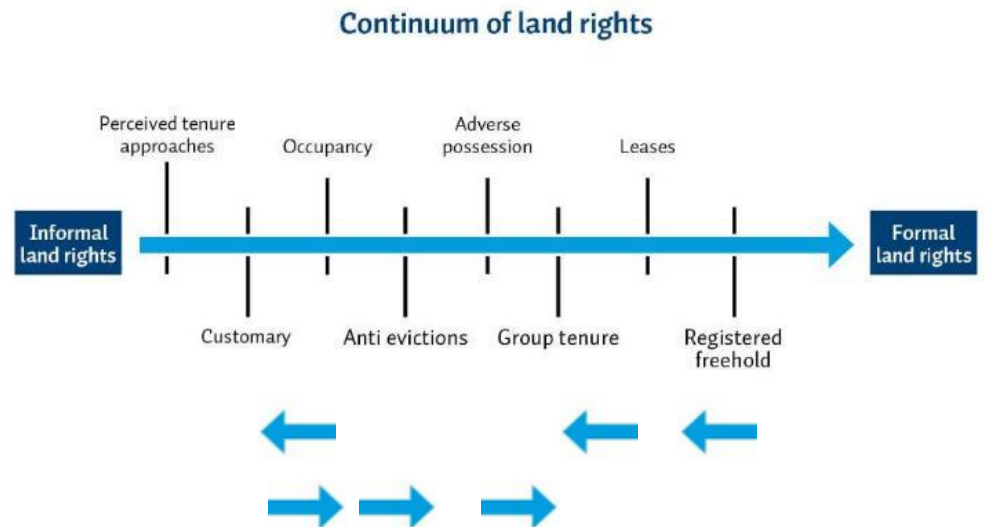
- Publication in a National Tenure Atlas

Continuum of land rights
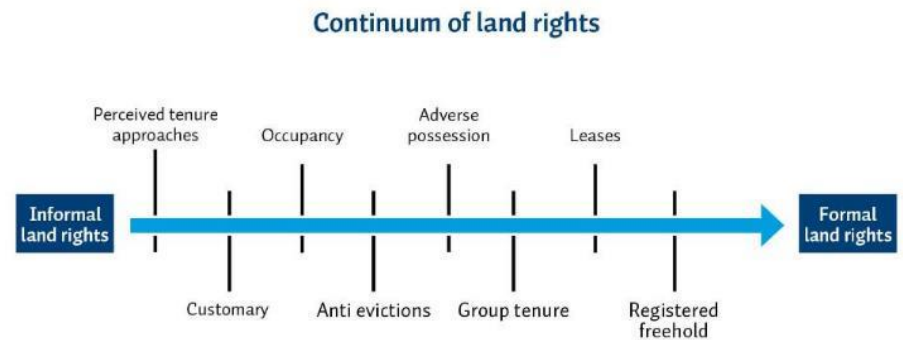
'Record'

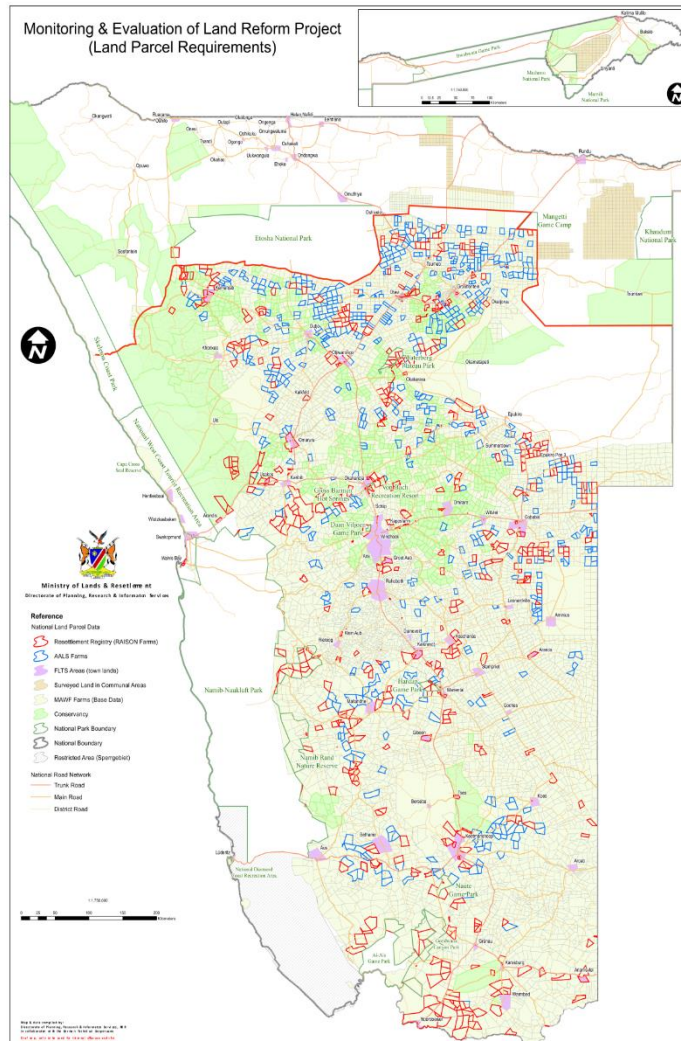- Collecting data on evidence of land rights based on FFP approaches in land administration

'Review (Conversion)'

- Assessing the evidence of rights and any possible outstanding claims and when conditions are met, the security of the rights will be increased
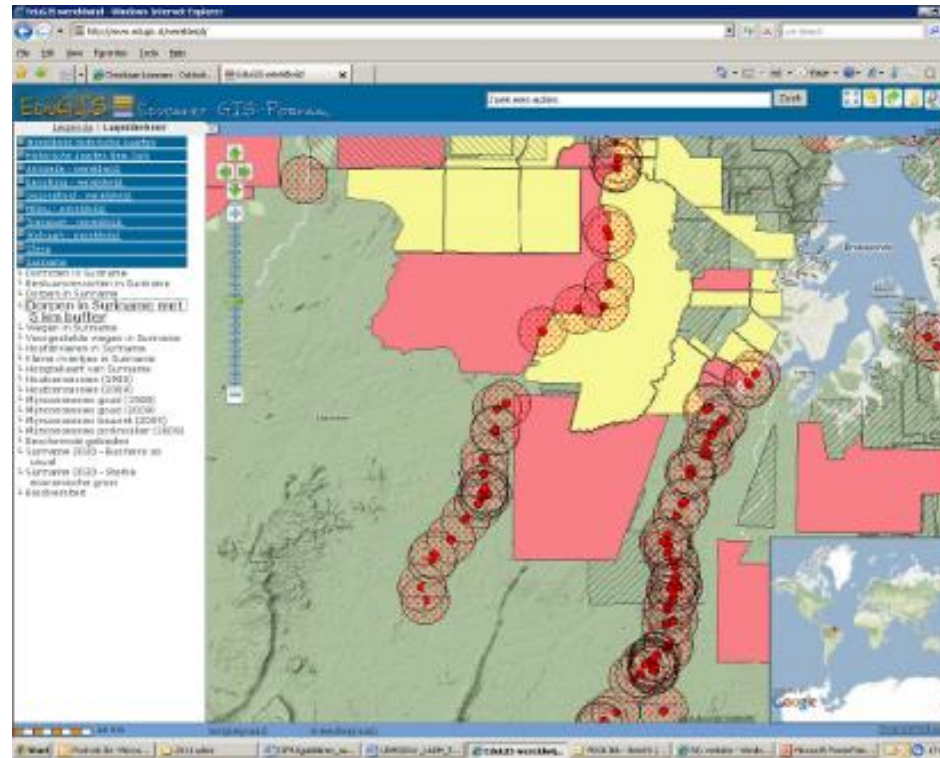
Continuum of land rights

National Tenure Atlas

Source: Ministry of Lands and Resettlement, Namibia

National Tenure Atlas

Source: Mathilde Molendijk, VU

Aerial imageries for participatory field adjudication

Source: Zerfu Hailu, Ethiopia

Source: Zerfu Hailu, Ethiopia

1
Case Rwanda

2
Case Colombia

Left Screen

Details

Party: Jaime Rodrigo Gutierrez Correa

Edited by j.moral_EsriLandInternal an hour ago

NAME
Jaime Rodrigo Gutierrez Correa

TYPE
Natural person

CREATED_USER

CREATED_DATE
May 29, 2015

LAST_EDITED_USER

LAST_EDITED_DATE
June 01, 2015

PARTY ROLE

View

New

Right Screen

Details

Party: Gilma Velez de Gutierrez

Edited by j.moral_EsriLandInternal 13 minutes ago

NAME
Gilma Velez de Gutierrez

TYPE
Natural person

CREATED_USER

CREATED_DATE
May 29, 2015

LAST_EDITED_USER
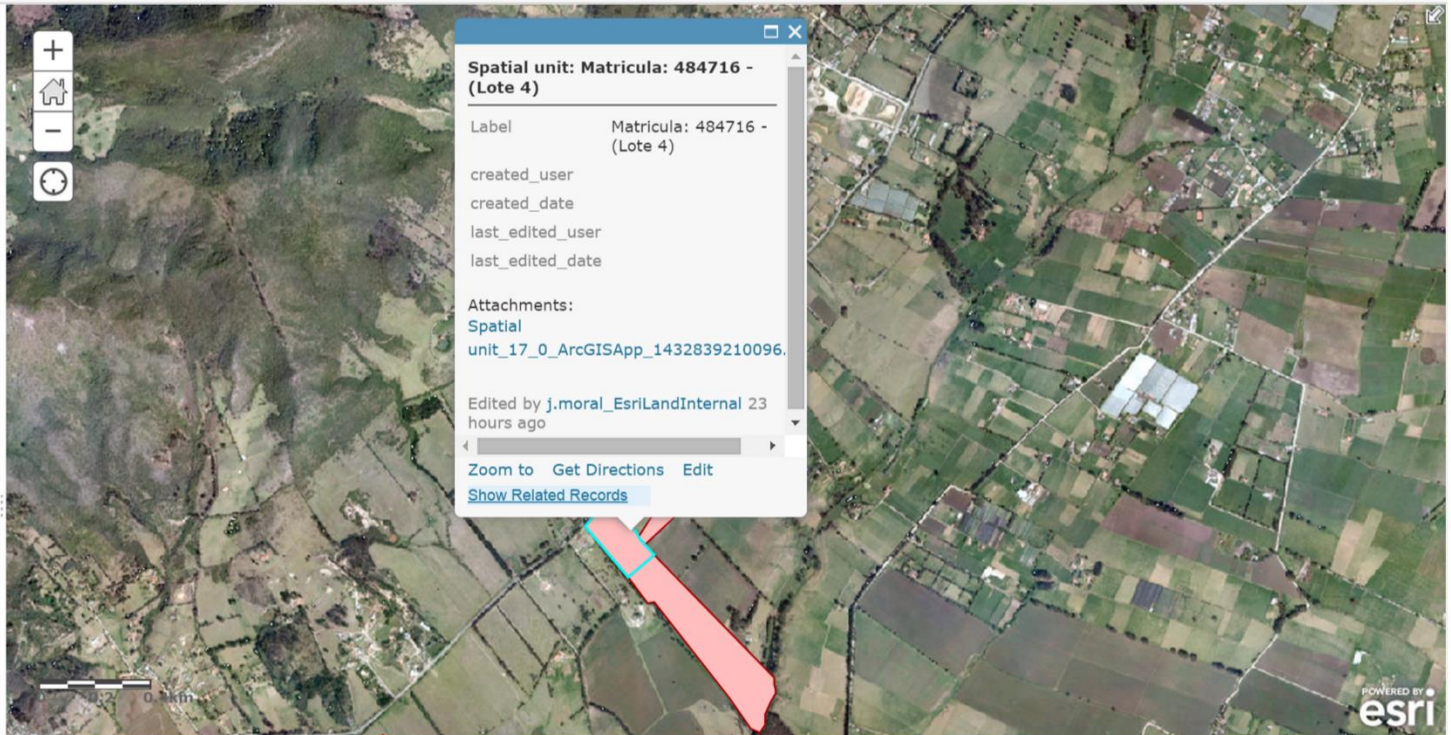
LAST_EDITED_DATE

PARTY ROLE

View

New

Details | Add ▾ | Edit | Basemap | Save ▾ | Share | Print | Directions | Measure | Bookmarks | Find address or place

About | Content | Legend

Legend

Spatial unit

Spatial source

Spatial unit: Matricula: 484716 - (Lote 4)

Label	Matricula: 484716 - (Lote 4)
created_user	
created_date	
last_edited_user	
last_edited_date	

Attachments:
Spatial unit_17_0_ArcGISApp_1432839210096.

Edited by j.moral_EsriLandInternal 23 hours ago

Zoom to   Get Directions   Edit
Show Related Records

Right (2 features)   Table Options ▾

Type	Description	created_user	created_date	last_edited_user	last_edited_date	Share	Aplly share	Share start date	Share end date
Ownership	cc: 2929545		May 29, 2015			50.00	Yes/True	December 20, 2000	
Ownership	cc: 24287907		May 29, 2015			50.00	Yes/True	November 20, 2000	

Example Case Colombia

Conventional

- 100 years
- High Costs
- Technology driven
- By Government
- Rigid

FFP

- 10 years
- Low Costs
- Demand driven
- By Citizens
- Transparent

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Your Choice?

3
Case Kenya

'Spatial enablement' improves tenure security of urban poor

Legend
- Structure owners (yellow)
- Tenants (blue)
- Relative of owners (red)
- Others (pink)
- Mission_boundary (white)
- Mbale Image (black)

Pamoja Trust
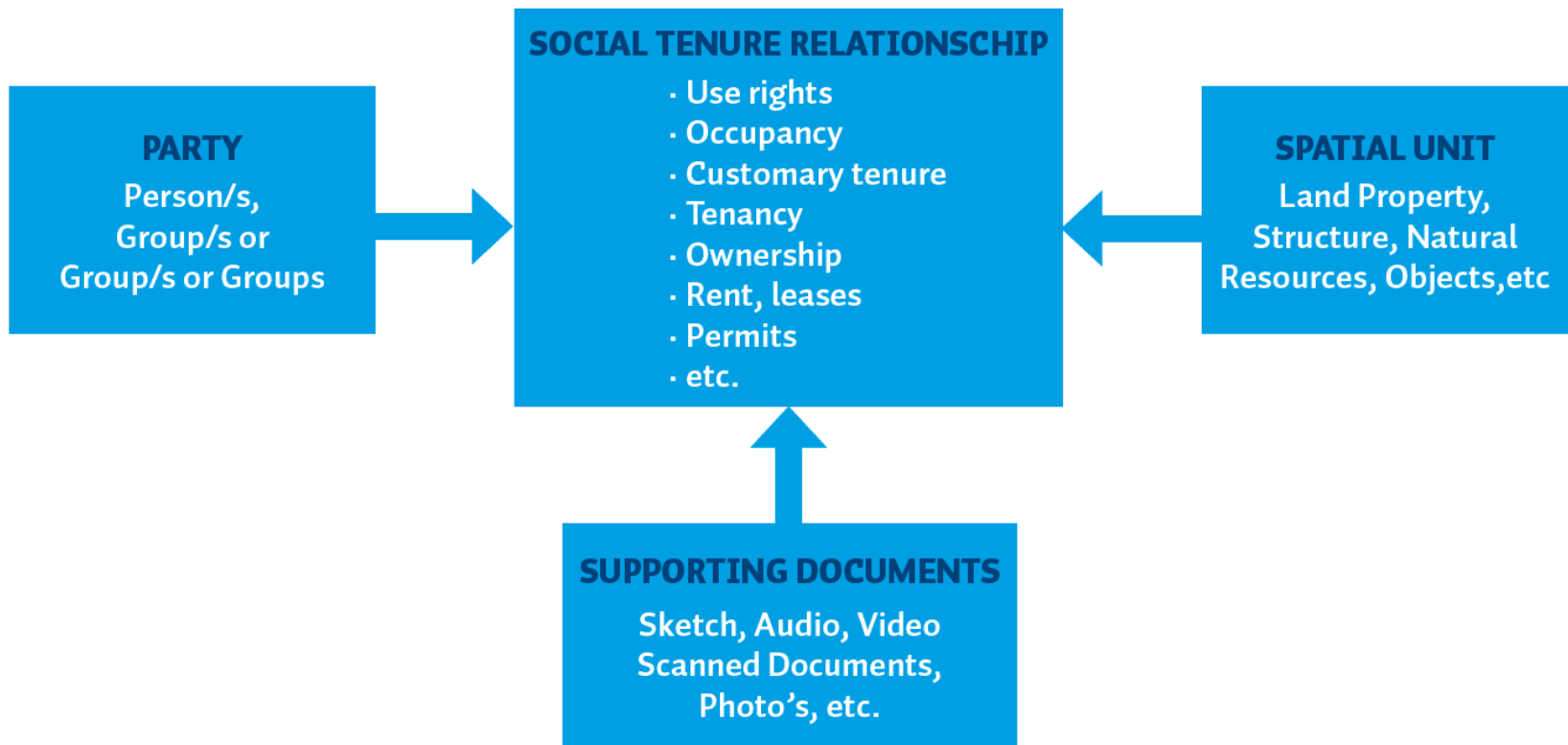Creating Voice and Space for the Urban Poor
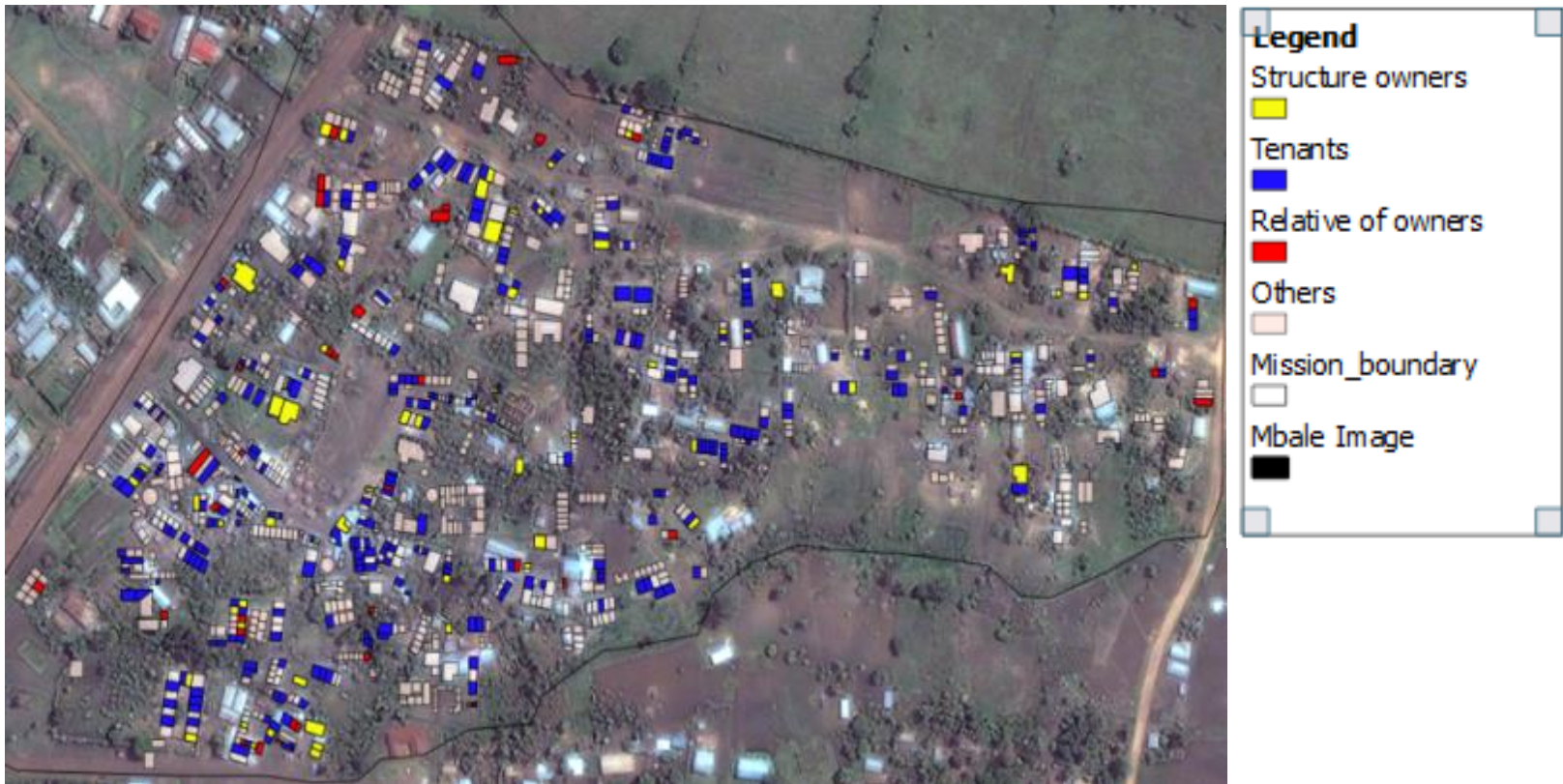
STDM: Conclusions by Users

- Captures the complex tenure situations of informal settlements
- Can be customized – resettlement, planning for service delivery or census
- Is easier, faster and more flexible than conventional surveying methods
- Allows participation of the community – data collection, verification and management: this is crucial for data quality and implementation of further plans based on the data
- Supports verifications and updates

Success and acceptance of STDM depend on political/ administrative goodwill and appreciation of community

Pamoja Trust
Creating Voice and Space for the Urban Poor

STDM Conceptual Model

SOCIAL TENURE RELATIONSCHIP

- Use rights
- Occupancy
- Customary tenure
- Tenancy
- Ownership
- Rent, leases
- Permits
- etc.

PARTY

Person/s,
Group/s or
Group/s or Groups

SPATIAL UNIT

Land Property,
Structure, Natural
Resources, Objects,etc

SUPPORTING DOCUMENTS
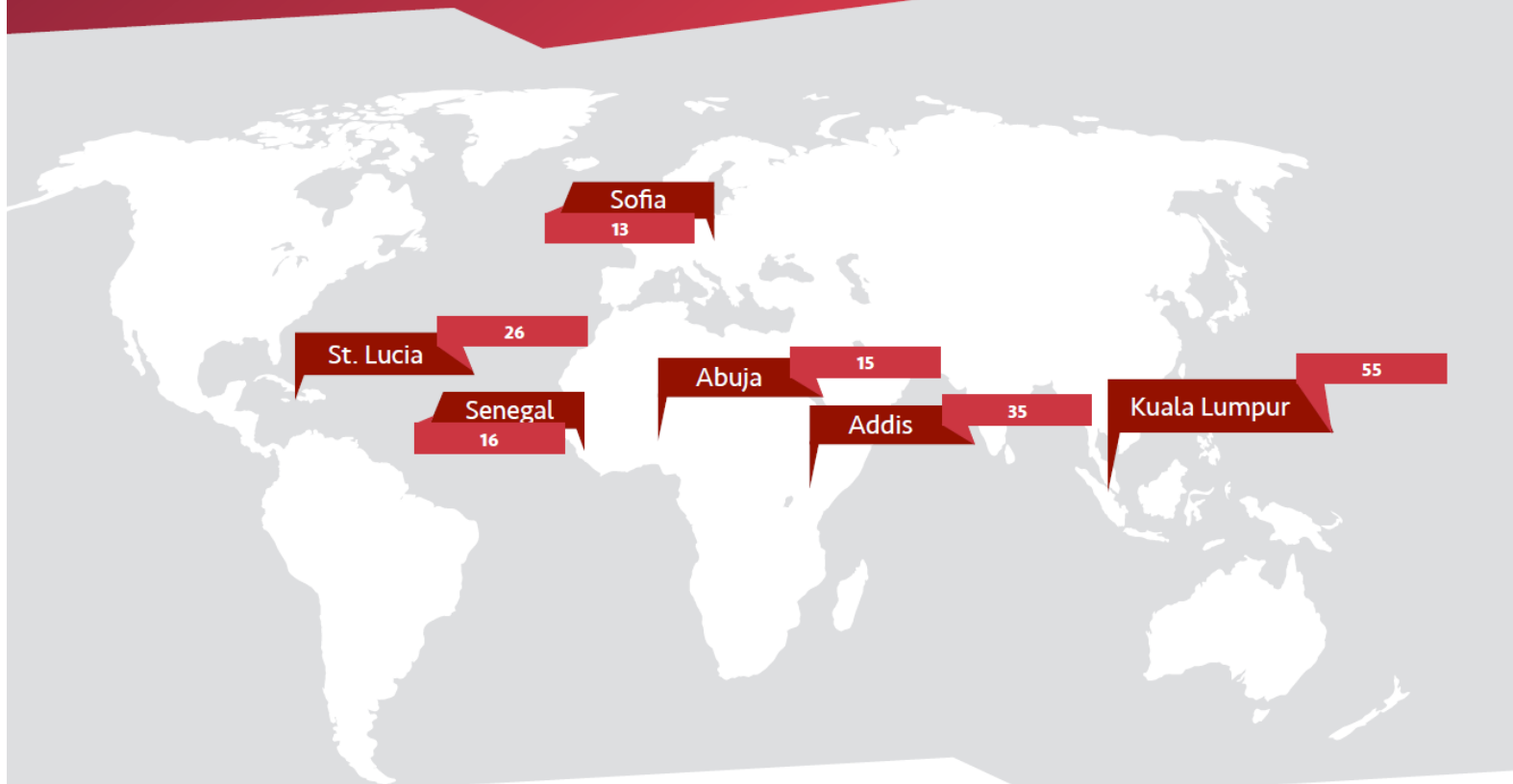
Sketch, Audio, Video
Scanned Documents,
Photo's, etc.

STDM

UN-Habitat/GLTN Social Tenure Domain Model - FIG YSN

WE OFFER 3 KINDS OF SERVICES

GOOD-CHEAP-FAST

BUT YOU CAN PICK ONLY TWO

GOOD & CHEAP WON'T BE **FAST**

FAST & GOOD WON'T BE **CHEAP**

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⬇

Fit-For-Purpose Land Administration

⬇

As little as possible – as much as necessary (for the purpose)

Fast – Cheap – and Good (enough for the purpose)

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.

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Thanks!