

Land Administration Systems: Underpinning the Human Rights Perspective

Stig Enemark (Denmark)

Key words: Land administration, Human rights

SUMMARY

Land administration systems are the operational tool for conceptualizing rights, restrictions and responsibilities (RRRs) in land. Each of the RRRs encompasses a human rights dimension that relates to the overall national land policies and should be unfolded as more than just rhetoric. This paper attempts to analyse the aspects of human rights in relation to land administration systems with a special focus on developing countries struggling to build adequate systems for governing the RRRs in land. Human rights are the rights inherent to all human beings without discrimination. The “constitution” of human rights is the Universal Declaration of Human Rights (UN, 1948) stating the universal rights of human beings based on the principle of respect for the individual – rights that can be enjoyed by everyone simple because of being alive. Of special interest in relation to land and property is the right to own things and the right of food and adequate housing for all. More generally, human rights should be seen as an ethical responsibility of government to ensure that people enjoy some basic rights as human beings. This relates to national political arrangements and standards for good governance. Land administration systems are highly instrumental in this regard. It is argued that human rights and land administration are closely linked and that every state needs to ensure that efficient and effective land administration mechanisms are in place to pursue this interaction. Land administration systems should embed a human rights perspective when managing rights, restrictions and responsibilities in land. This, in turn, imposes a huge challenge and also ethical and social responsibility on all land professionals.