Building Fit-For-Purpose Land Administration Systems

Providing Secure Tenure for All

Christiaan Lemmen – Kadaster International

Fit-for-Purpose Land Administration
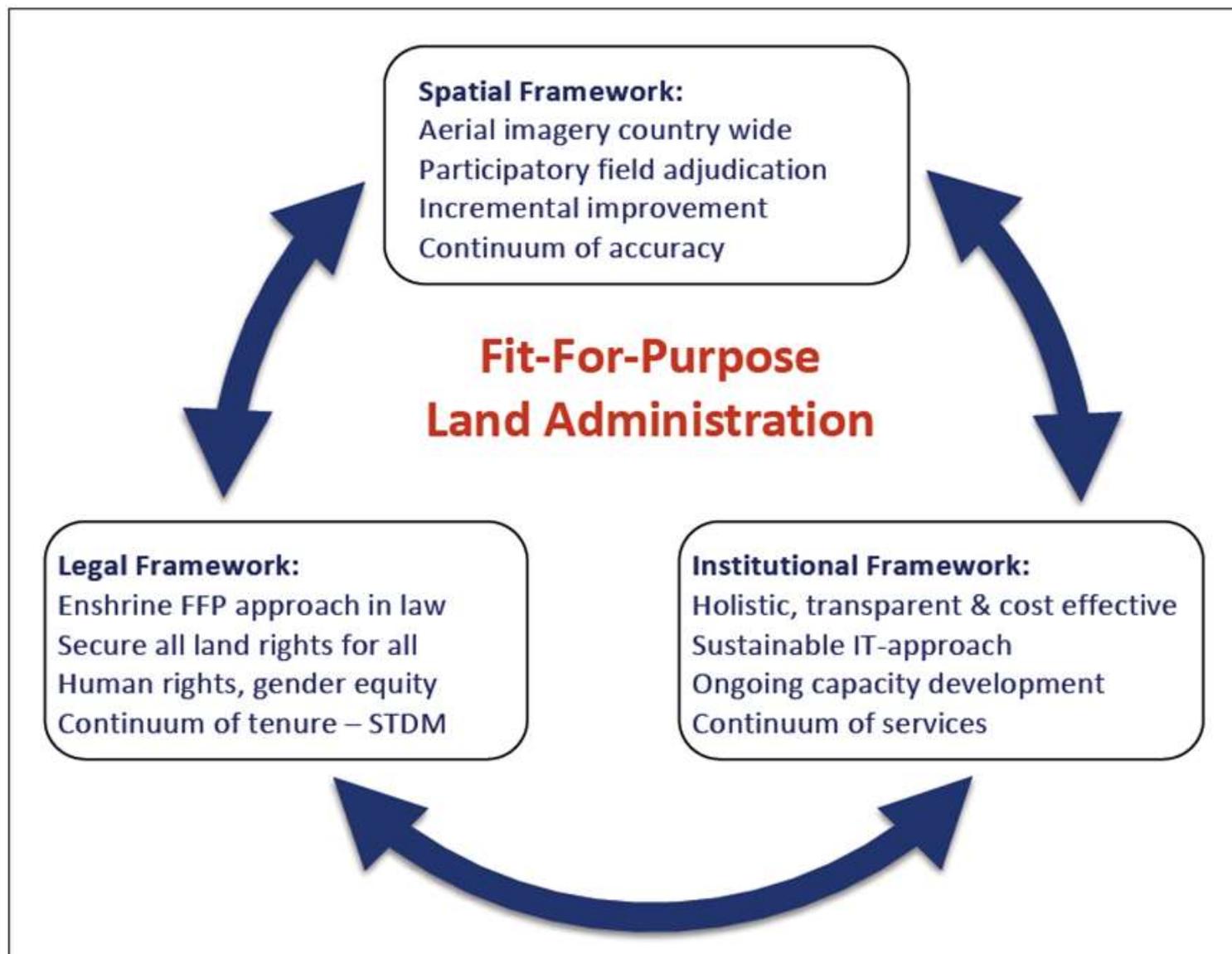# The World Bank Trilogy

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 Land Administration – the Concept

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

Fit-For-Purpose Land Administration

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

Continuum of land rights

Slums

Customary Lands

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 on-going 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

KEY PRINCIPLES		
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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

Perceived tenure approaches   Occupancy   Adverse possession   Leases

Informal land rights →→→ Formal land rights

Customary   Anti evictions   Group tenure   Registered freehold

'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
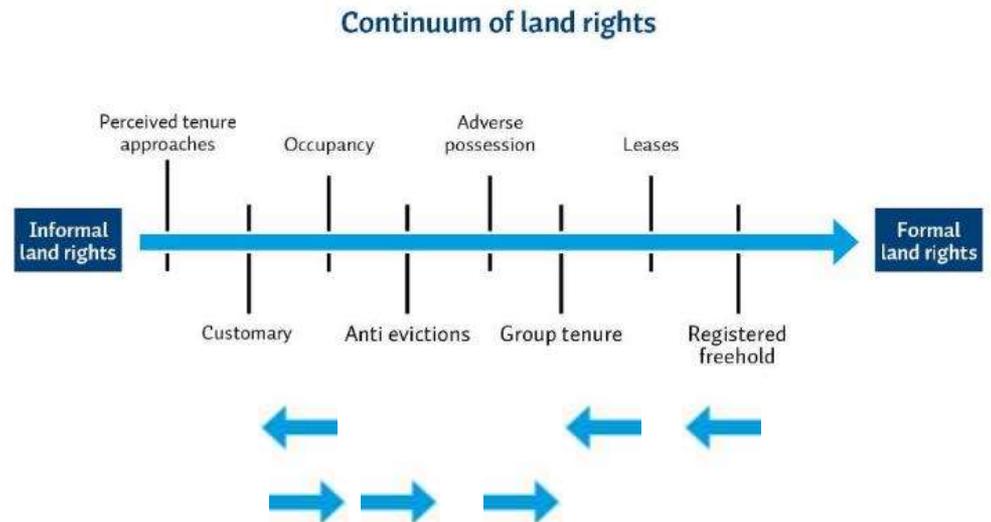
Building the Legal Framework

- The legal framework needs to be flexible and managed through administration rather than court decisions
- The **STDM** concept should be applied to ensure that legal as well as social tenure be secured independent of formality and technical accuracy
- The FFP approach will require a flexible recordation system
- Applying the continuum of land rights will require innovative pro-poor recordation systems
- Women make two thirds of the worlds poor
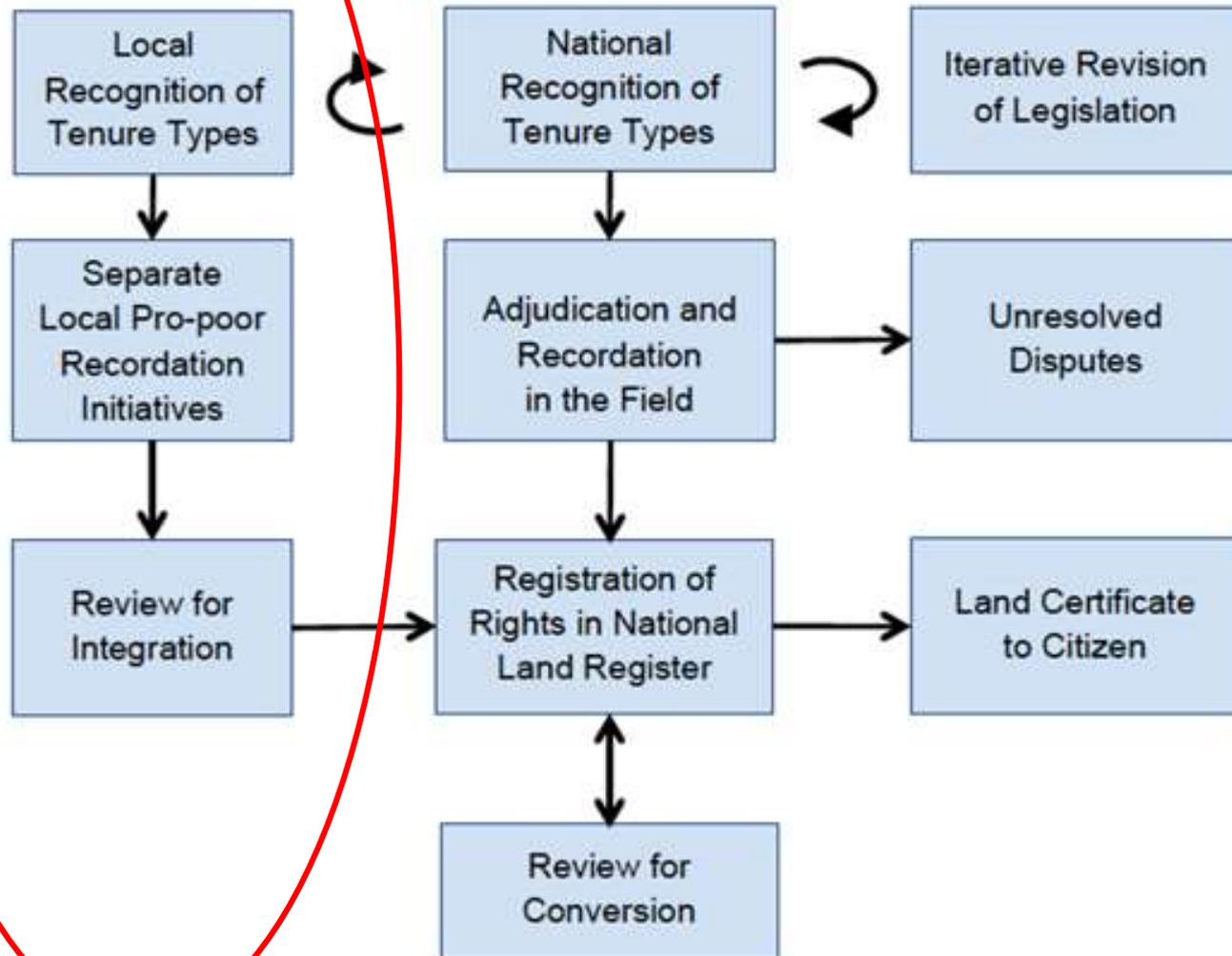- Women's access to land must be seen as a universal human right
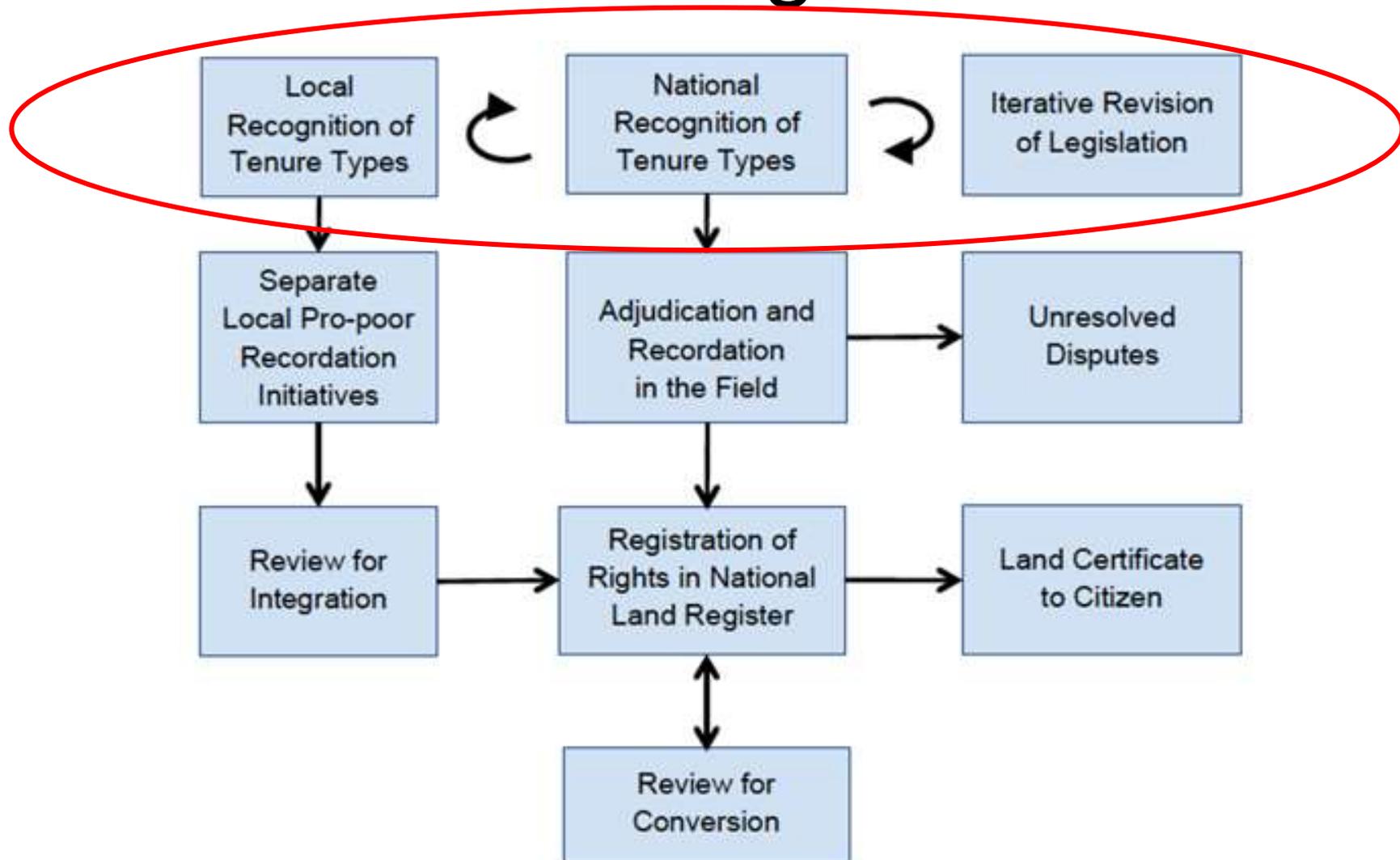
FFP Process
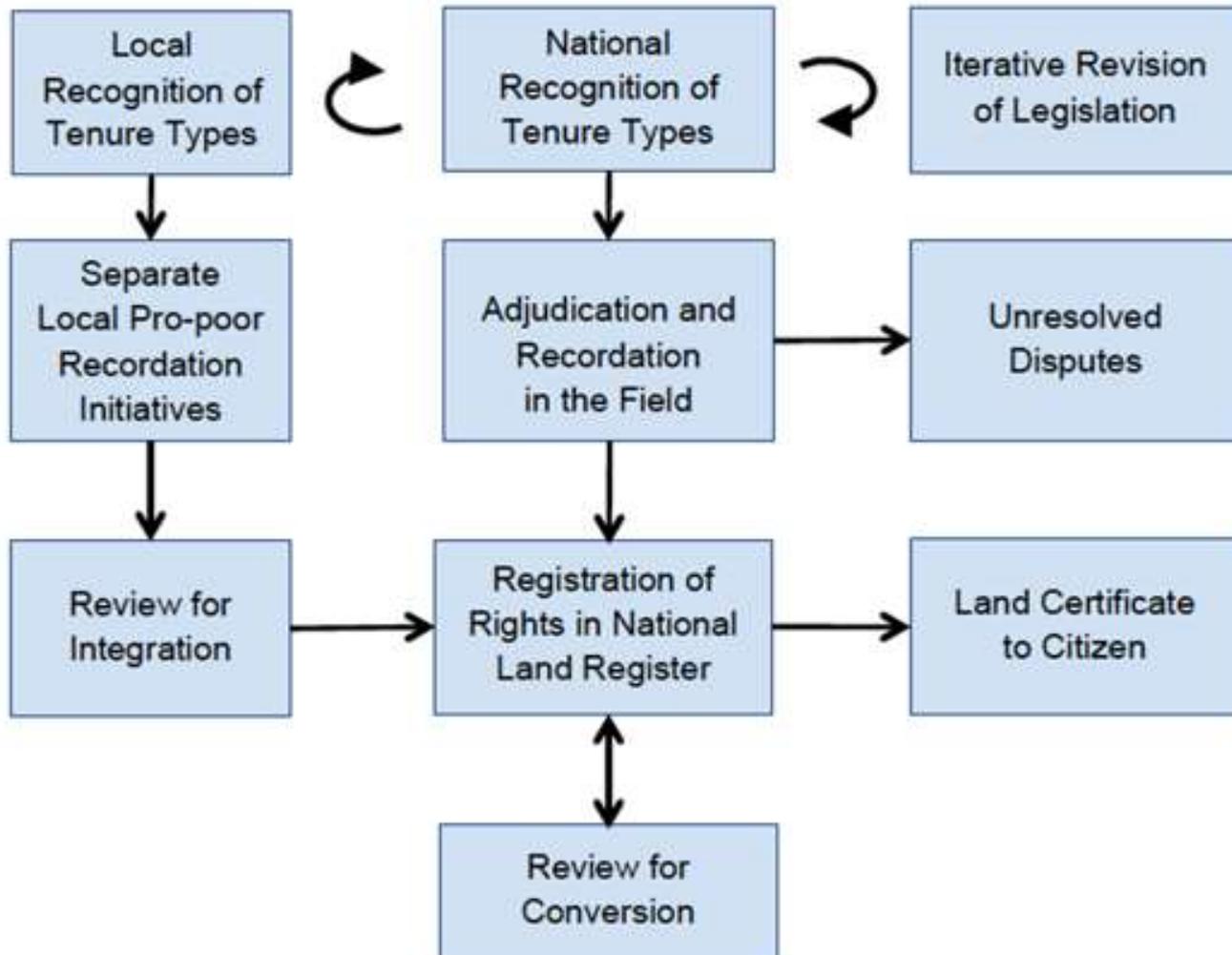
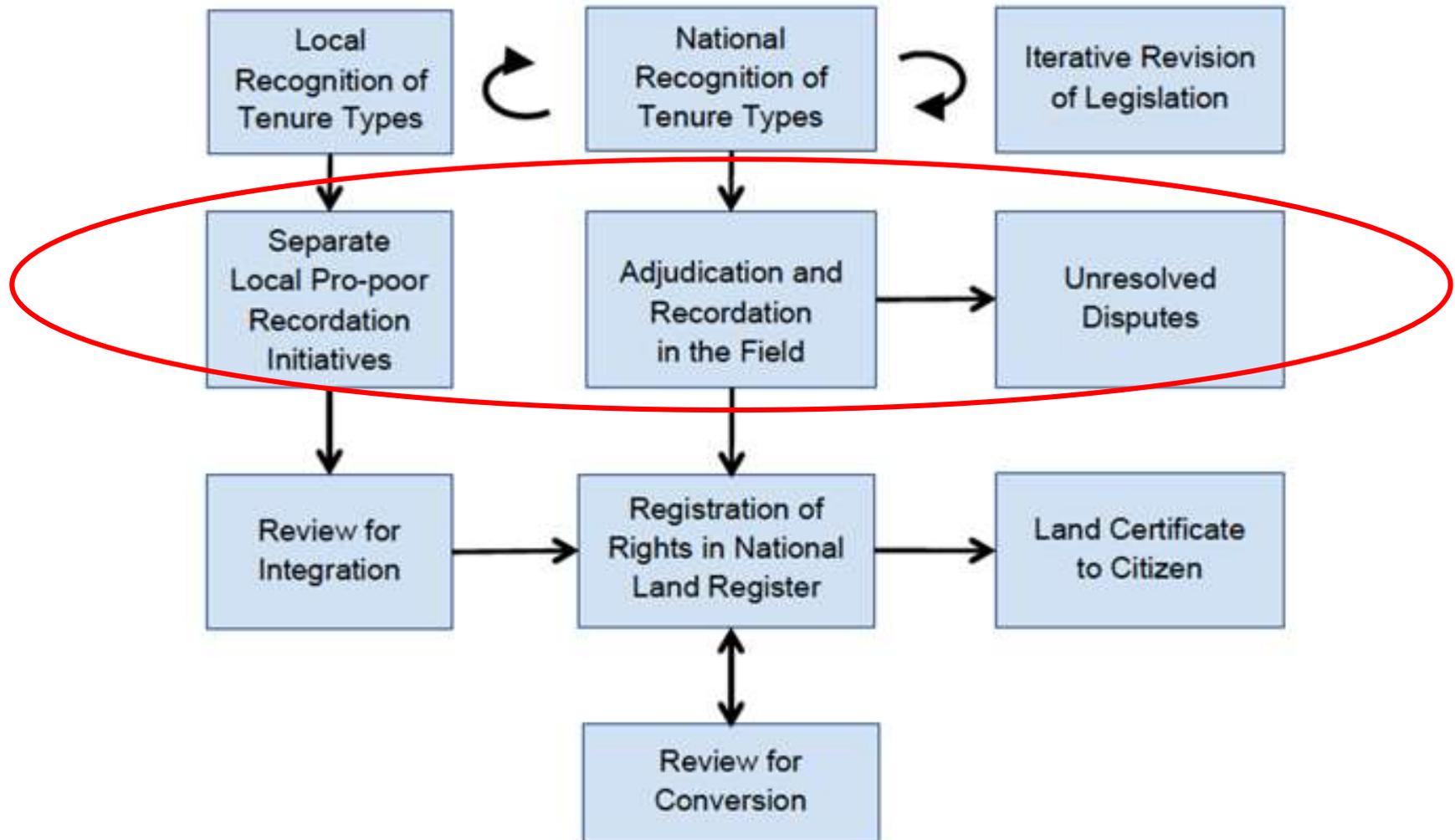# FFP Process - Building a National Land Recordation System
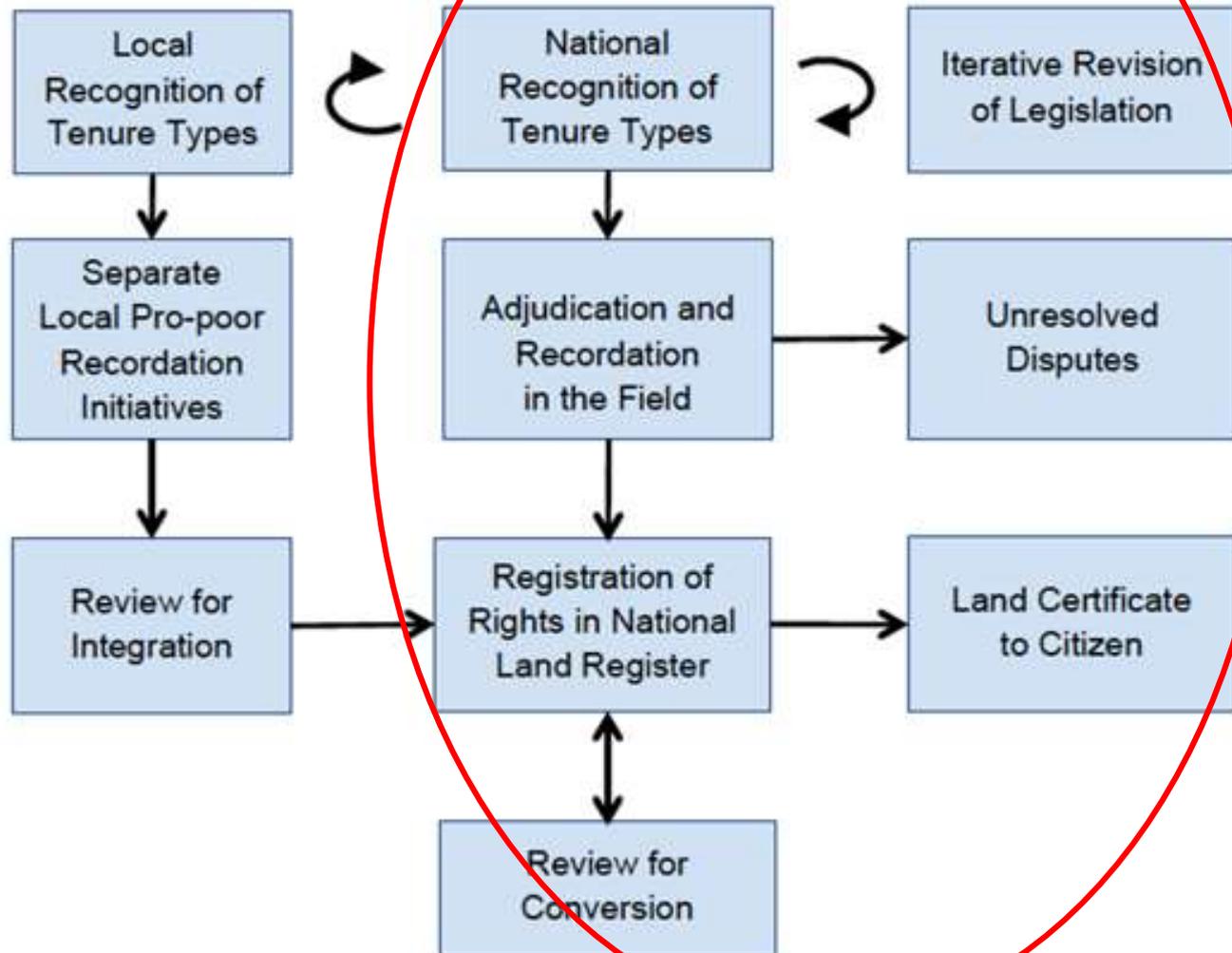
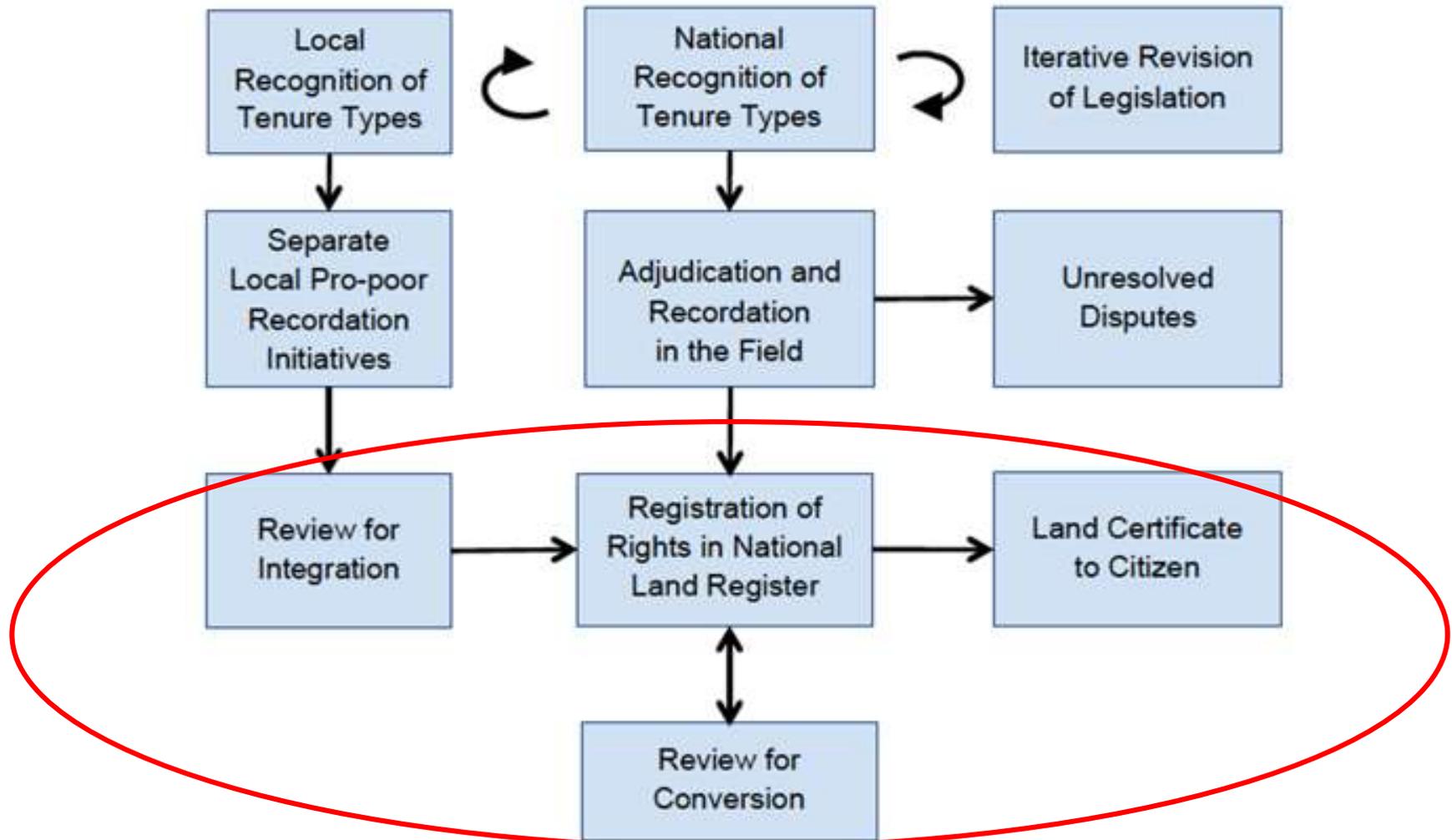# FFP Process - Pro-Poor Land Recordation Initiatives

Recognising, Recording, Reviewing Land Rights

Recognising, Recording, Reviewing Land Rights

Recognising, Recording, Reviewing Land Rights

Legal/Legitimate

	Legitimate	**Non-legitimate**
Legal	Law followed in letter and spirit; usually documented via titles	Law followed in letter but not in spirit; titles gotten via unethical processes
Extra-legal	Societal and/or historical accepted access to land; no (official) documents	Criminal land access

Source: Laarakker/Zevenbergen

National Tenure Atlas
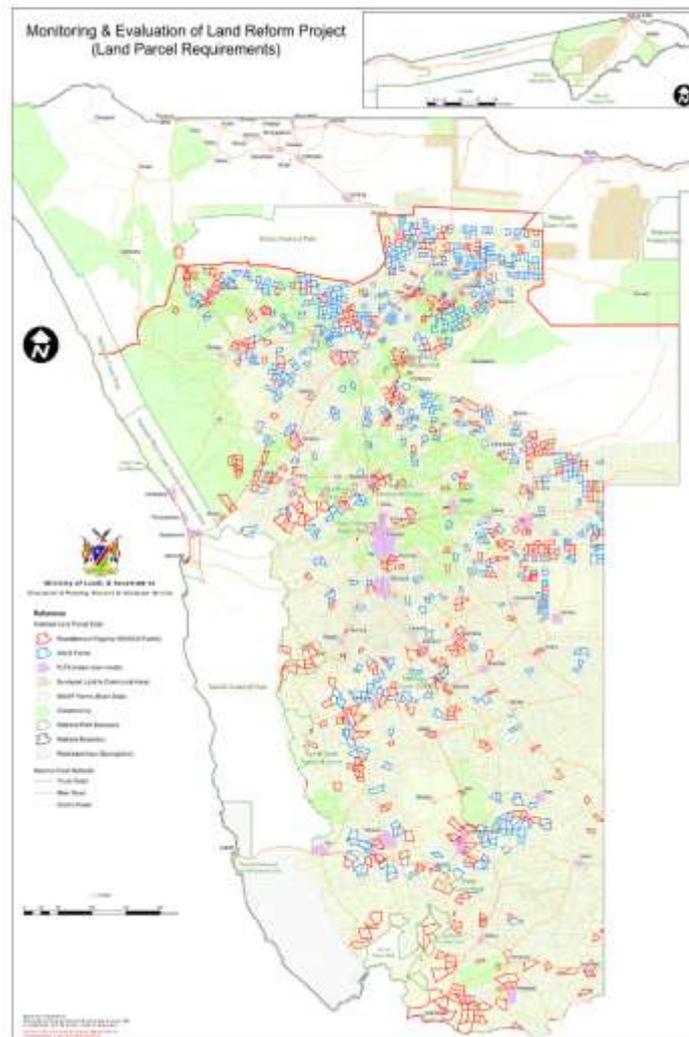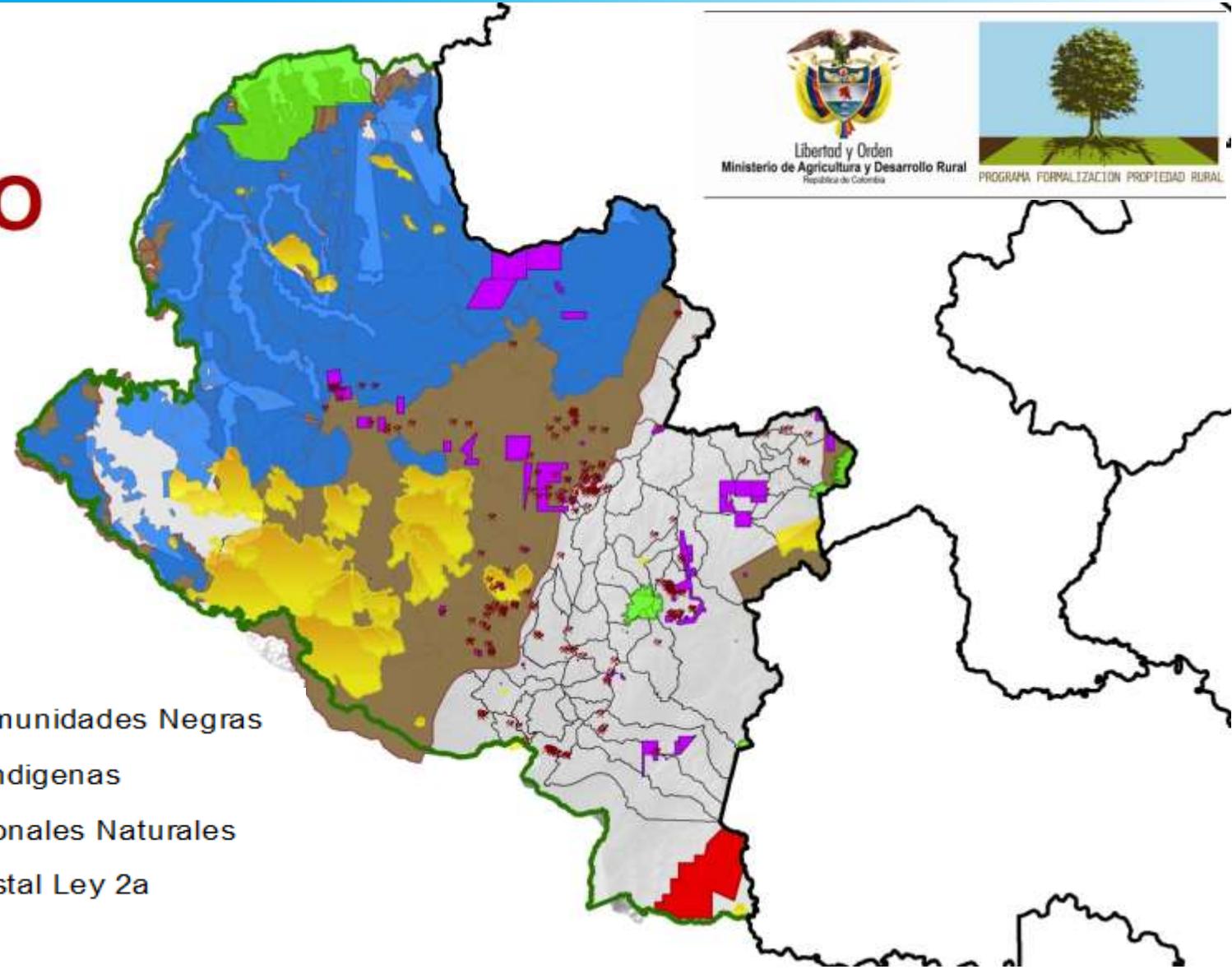

Source: Ministry of Lands and Resettlement, Namibia

Source: Mathilde Molendijk

NARIÑO

Territorios Comunidades Negras

Resguardos Indigenas

Parques Nacionales Naturales

Reserva Forestal Ley 2a

Source: IGAC

UPRA — Unidad de Planificación Rural Agropecuario

Municipios con Falsa Tradición > 25%

Predios Sin Matricula Inmobiliaria

Predios con Mejoras Registradas en Catastro

Predios sin Interrelación Catastro-Registro

Área Condicionada y Sin Restricciones para Formalización de la Propiedad Privada

U

Zonas Potenciales a Priorizar

Se Excluyen zonas de Macroregiones UAEGRTD

Priorización
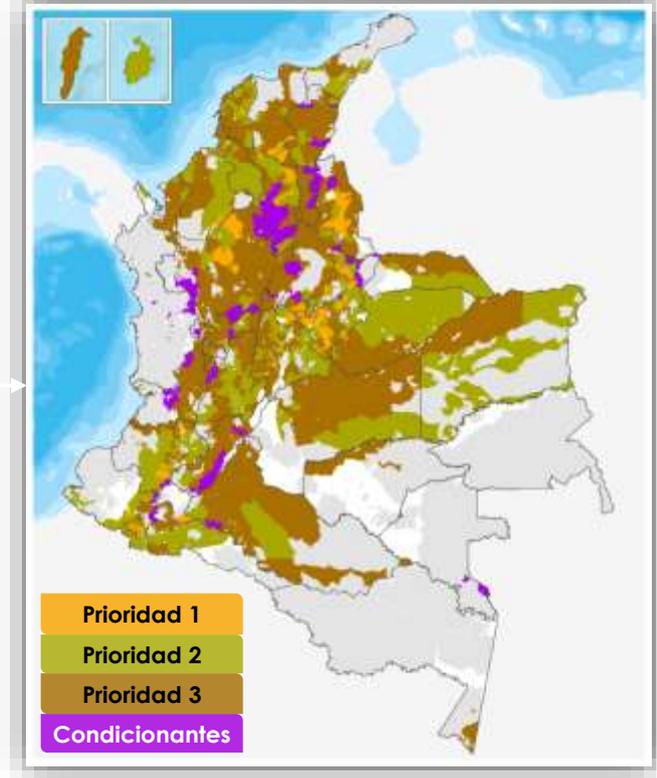
Prioridad 1
Prioridad 2
Prioridad 3
Condicionantes

Source: IGAC

Distribution of Community Land Tenure - Mexico

- Over **30 000 communities** covering **52% of area** of Mexico
- Operated for over **80 years**
- Affects the rights of over **5 million people**
- **Community level** documentation of land transactions
- Extensive **pro-poor** statutory registry system
- Most successful **land reform** in Latin America

Source: Grenville Barnes

Distribution of Community Land Tenure

A Variety of Continuums

Continuum of land rights
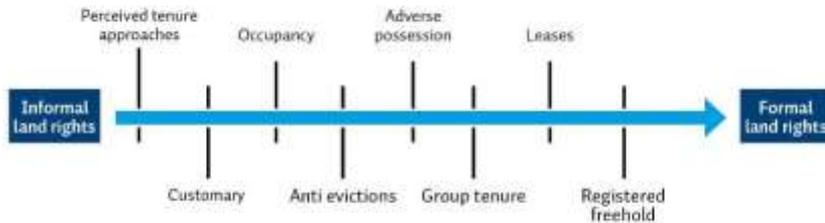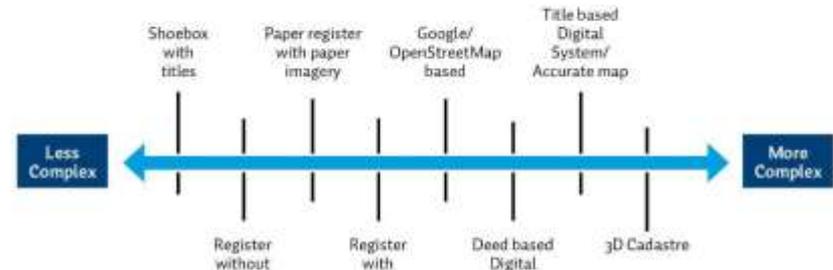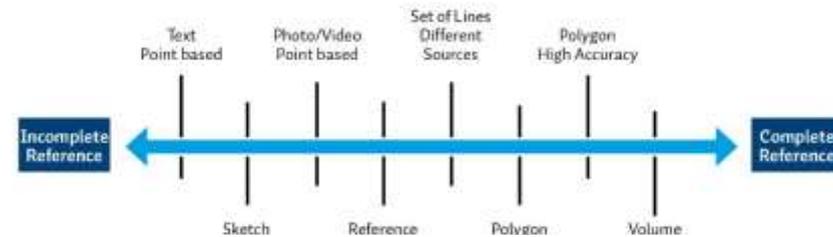
Informal land rights → Formal land rights

Above line: Perceived tenure approaches, Occupancy, Adverse possession, Leases
Below line: Customary, Anti evictions, Group tenure, Registered freehold

Land recordation

Less Complex → More Complex

Above line: Shoebox with titles, Paper register with paper imagery, Google/OpenStreetMap based, Title based Digital System/Accurate map
Below line: Register without..., Register with..., Deed based Digital System, 3D Cadastre

Representation of rightholders

Group → Individual

Above line: Group non-defined Membership, Religious, Local Government/Ministry, Married
Below line: Group, Community, Coöperative, Individual/

Continuum of Accuracy

Incomplete Reference → Complete Reference

Above line: Text Point based, Photo/Video Point based, Set of Lines Different Sources, Polygon High Accuracy
Below line: Sketch, Reference, Polygon, Volume

Representations of spatial units

Incomplete Reference → Complete Reference

Above line: Text Point based, Photo/Video Point based, Set of Lines Different Sources, Polygon High Accuracy
Below line: Sketch Point Based, Reference to Street Axis, Polygon Low Accuracy, Volume

Acquisition methods

Inaccurate Reference → Accurate Reference

Above line: Tape/Plane table, Handheld GPS, Satelite Imagery, Total Station
Below line: Legacy Maps Old Images, Google Maps OpenStreetMap MS Virtual Earth, Aerial Camera UAV, GPS/CORS

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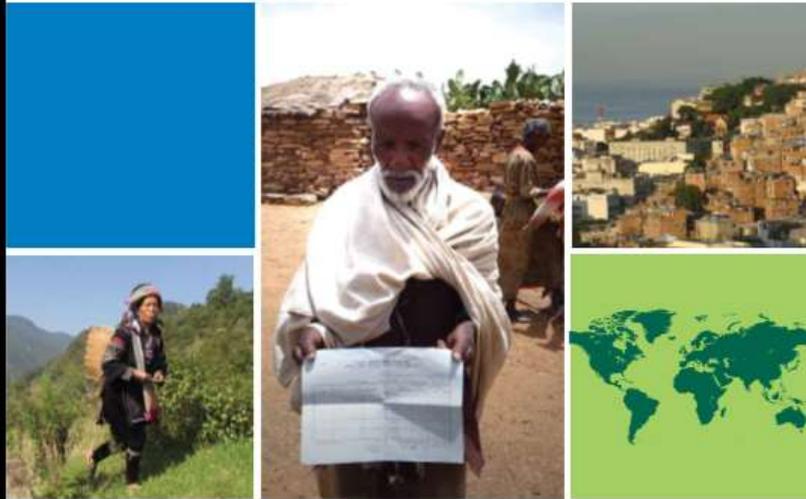Sketch, Audio, Video
Scanned Documents,
Photo's, etc.

STDM

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

DESIGNING A LAND RECORDS SYSTEM FOR THE POOR

SECURE LAND AND PROPERTY RIGHTS FOR ALL

UN◉HABITAT
FOR A BETTER URBAN FUTURE

UNIVERSITY OF TWENTE.
ITC

GLTN
GLOBAL LAND TOOL NETWORK

Information and Communication Technology

ICT is not just about technology –

– it's about the ways in which information and technology are used to deliver better services and enhance trust and confidence in land administration and government
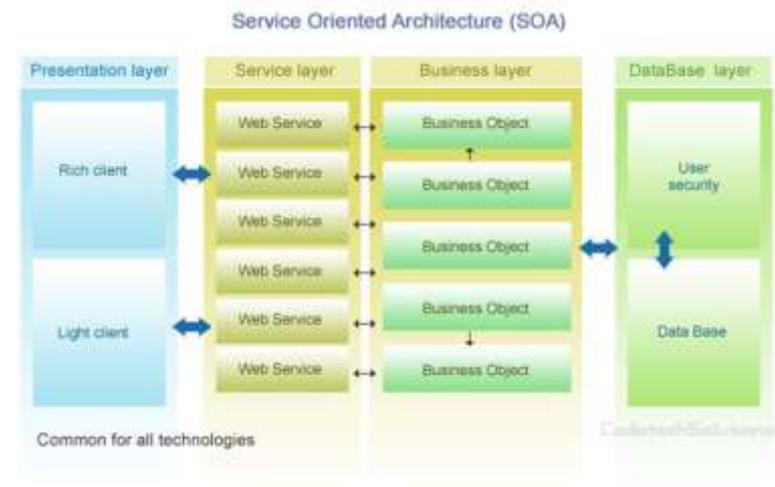
LAND ADMINISTRATION
ISO 19152:2012

Information and Communication Technology

Adopting an effective, scalable supporting ICT infrastructure is considered to be crucial for the implementation of the FFP approach

ICT Principles for FFP

- ICT Principles for FFP
- Governance & Management of ICT
- Technical Platforms and Standards
- Key Strategic Decisions

Service Oriented Architecture (SOA)

Thanks!