ACHIEVING OUR GOALS THROUGH “FIT-FOR-PURPOSE” LAND ADMINISTRATION

Tehran 26 November 2018

Jean du Plessis
Land and GLTN Unit, UN-Habitat
Nairobi, Kenya
jean.duplessis@un.org
The Global Land Tool Network (GLTN) was formed in 2006 – a proactive response to pressing land challenges in both rural and urban areas, globally.

It is a growing alliance of 78 international partners working together “To contribute to poverty reduction and sustainable development through promoting secure land and property rights for all.”

We do this by developing, testing and promoting pro-poor, gender-responsive land tools that can be implemented at scale, at country level.

…and through interdisciplinary, multilevel, cross sector partnerships
WHO ARE THE PARTNERS?

From five sectors:
• International Professional Bodies
• International Research & Training Institutions
• Bi-lateral Organisations
• Multi-lateral Organisations
• Urban & Rural International Civil Society Organisations

78 Partners including:
WHAT IS A GLTN LAND TOOL?

• A land tool is *a practical way to solve a problem in land governance*, to put principles, policies, legislation into effect

• A GLTN land tool can be:
  o *a specific, ready-to-use product*
  o *an approach and process* with a set of associated implementation products

• May be a checklist; a set of evaluative criteria on a matrix; a software package and accompanying protocol; guidelines, approaches, procedures; etc.

• Can be used *in combination*, with an emphasis on practicality and capacity – users should be able to take a land tool and apply it (or adapt it) in their own situation

• Five tool development areas, eight cross-cutting themes
GLTN Tool Development – Generic Steps

- Scoping Studies
- Consultations
- Training
- Product Development
- Piloting/Testing
- Revision/Adoption/Dissemination

TOOL DEVELOPMENT
## GLTN LAND TOOLS

### ACCESS TO LAND AND TENURE SECURITY
- **Continuum of Land Rights**
- **Participatory Enumeration for Tenure Security**
- Land Record System for the Poor
- Customary Tenure

### LAND ADMINISTRATION AND INFORMATION
- **The Social Tenure Domain Model (STDM)**
- Costing and Financing of Land Administration Services (COFLAS)
- **Fit for Purpose Land Administration**
- **Transparency in land administration**

### LAND-BASED FINANCING
- Innovative Land and Property Taxation
- **Land Based Financing**
- Valuation of Unregistered Lands and Properties

### LAND MANAGEMENT AND PLANNING
- Participatory and inclusive land readjustment (PILaR)
- Citywide Slum Upgrading
- **Land Use Planning**
- City wide planning

### LAND POLICY AND LEGISLATION
- Regulatory Framework for Non-State Actors
- Pro-poor land policy development
- Land sector coordination

---

### Fit-for-purpose land administration

### Transparency in land administration

### Continuum of land rights

### STDM & Participatory Enumeration

### Land-based financing
<table>
<thead>
<tr>
<th>EIGHT CROSSCUTTING THEMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
</tr>
<tr>
<td>Youth</td>
</tr>
<tr>
<td><em>Land and Conflict</em></td>
</tr>
<tr>
<td>Land and Disaster</td>
</tr>
<tr>
<td>Land Monitoring and Indicators</td>
</tr>
<tr>
<td>Grassroots</td>
</tr>
<tr>
<td>Islamic Land Mechanism</td>
</tr>
<tr>
<td>Land Capacity Assessment</td>
</tr>
</tbody>
</table>
‘Leaving no one behind’
SECURE TENURE RIGHTS?

70 %

For all?
In what form?
Within one generation?

Is it feasible?

UN-HABITAT
FOR A BETTER URBAN FUTURE

GLOBAL LAND TOOL NETWORK
WHAT IS THE CHALLENGE?

Time
= 10 or 1,000 years of work?

Cost
= 10 or 2,000 US$ per parcel?

Accuracy
= meter or millimeter?

Legal Certainty
= Formal right, legal, legitimate or informal rights?
“Wicked land related problem situations are complex, continually changing, public policy contexts which have ethical and political dimensions and, in land contexts, they have strong emotional dimensions. In contrast to tame problem situations, where solutions based on clear objectives are possible and the critical success factors for these solutions exist or can be created, wicked problem contexts are resolved (as opposed to solved) over and over again as there is no optimum solution.”

Barry and Augustinus, UN-Habitat 2015: vii, xx
CAN WE DO IT?
‘The Fit-for-Purpose Approach’
and to the next property...
OUTCOME

2015  2020  2115
7  2  1

>1 day a property, > 100 years to build complete coverage

by government

$1000,=-/property billion investment

rigid

few titles

DOES IT FIT THE PURPOSE?

UN-HABITAT
FOR A BETTER URBAN FUTURE

GLOBAL LAND TOOL NETWORK
GOOD, CHEAP, FAST?

FFP Land Administration

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

Fast – Cheap – Good (Enough)
THE CHALLENGE BECOMES AN OPPORTUNITY

- "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".

http://www.fig.net/pub/figpub/pub60/figpub60.htm

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.
### 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>Holistic 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>

**“Fit-for-Purpose Land Administration”**
THREE CONNECTED FRAMEWORKS

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

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

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

**Fit-For-Purpose Land Administration**
Let the “Purpose” drive the policy, practice and technology!
Fit-For-Purpose – WHY?

- **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.

“From 30% of the world covered by secure tenure in 2015 to 80% in 2030”
Fit-For-Purpose – WHAT?

- **Fit-for-purpose**: The systems should be designed for managing current land issues – and not guided by high tech solutions and costly / time consuming field survey procedures.

- **Basic purposes**: Include all land; provide secure tenure for all; and control the use of land.

- **Flexibility**: Scale and accuracy relate to geography, density of development, and budgetary capacity

- **Incremental improvement**: Advanced Western style concepts may well be seen as the end target but not as the point of entry.

- **Good practice**: Rwanda leads the way with about 10 million parcels demarcated and registered in about five years - unit costs of 6 USD per parcel

“As little as possible – as much as necessary”
1. 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”
Building the Spatial Framework

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

The resulting map with connecting land right are very useful for a range of land administration functions.
Building the spatial framework

A three step process:
1. Producing the aerial imagery at scales according to topography, use, and building density.
2. The aerial imagery will be used in the field to identify, delineate and adjudicate parcel boundaries (general boundaries), which can be drawn directly on the imagery and the parcels be numbered for reference to the connected land rights.
3. The resulting boundary framework can be digitised from the imagery to create a digital cadastral map to be used as a basic layer in the land information system in combination with the satellite imagery.

Ethiopia
From aerial images to cadastral index maps
### Mapping applications for urban and rural land

<table>
<thead>
<tr>
<th>Urban and rural land</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban central</td>
<td>Large scale of 1:500 – 1:2000</td>
</tr>
<tr>
<td>High density, high value</td>
<td></td>
</tr>
<tr>
<td>Residential urban</td>
<td>Large scale 1:1000 – 1:2000</td>
</tr>
<tr>
<td>Medium density, high value</td>
<td></td>
</tr>
<tr>
<td>Peri-urban</td>
<td>Medium scale 1:2000 – 1:5000</td>
</tr>
<tr>
<td>Medium density, good value</td>
<td></td>
</tr>
<tr>
<td>Informal/slums</td>
<td>Large scale 1:500 – 1:2000</td>
</tr>
<tr>
<td>Very high density</td>
<td></td>
</tr>
<tr>
<td>Small towns, villages</td>
<td>Medium scale 1:2000</td>
</tr>
<tr>
<td>High density, low value</td>
<td></td>
</tr>
<tr>
<td>Rural agricultural</td>
<td>Medium scale 1:2000 – 1:5000</td>
</tr>
<tr>
<td>Medium density, good value</td>
<td></td>
</tr>
<tr>
<td>Rural remote, forest</td>
<td>Low scale 1:5000 – 1:10000</td>
</tr>
<tr>
<td>Low density, low value</td>
<td></td>
</tr>
<tr>
<td>Rural mountainous</td>
<td>Low scale 1:5000 – 1:50000</td>
</tr>
</tbody>
</table>
2. 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 Social Tenure Domain Model 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.
Building the Legal Framework

Recording legal as well as legitimate tenure rights

Recognise

- tenure types to be included

Record

- collecting data on land rights as part of the building the spatial framework

Review

- assessing any outstanding claims

The FFP approach should be enshrined in the land law
SOCIAL TENURE DOMAIN MODEL

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

Party
Person/s or group/s

Spatial Unit
Land, property, structure, natural resources, objects, etc.

Supporting Document
Sketch, audio, video, photos etc.

has
with
Supported by

Participatory Enumerations
3. BUILDING THE INSTITUTIONAL FRAMEWORK

- A CONTINUUM OF SERVICES

- Good and transparent land governance rather than bureaucratic barriers.
  - The term “good governance” includes for government to be legitimate, transparent, accountable, and dedicated to integrity.

- A holistic 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 access for all
  - Applying the FAO Guidelines on Responsible Governance of Tenure.
Building the Institutional Framework
Applying the principles of responsible governance of tenure

- **Integrated land management**
  Viewing land tenure, land value, land use and land development as a coherent whole.

- **Holistic National Land Policy**
  Identifying what government wishes to achieve and what access and rights people will have.

- **Decentralisation**
  Decisions taken closest to a local community and matching government expenditure against local priorities.

- **Easy accessible**
  Customer focused, dedicated to service delivery and supporting on-going maintenance. A national cadastre should still be maintained.

[www.fao.org/docrep/016/i2801e/i2801e.pdf](www.fao.org/docrep/016/i2801e/i2801e.pdf)
Guiding Principles for Country Implementation

Enemark, McLaren, Lemmen, 2016

https://gltn.net/home/download/fit-for-purpose-land-administration-guiding-principles-for-country-implementation/
A Country Specific Strategy for Implementation

- Guide for FFP Land Administration
- Country Specific FFP Strategy for Land Administration
- Existing Spatial / Legal / Institutional Frameworks
- Capacity Development
- Implement FFP Land Administration
- Country Specific Instruction Manuals

Diagram:

1. Guide for FFP Land Administration
2. Country Specific FFP Strategy for Land Administration
3. Existing Spatial / Legal / Institutional Frameworks
4. Capacity Development
5. Implement FFP Land Administration
6. Country Specific Instruction Manuals
CASES OF APPLICATION AT COUNTRY LEVEL

• **In Nepal**
  • Tools implementation
  • Support to NLP development
  • Support to FFP Strategy Development
  • Capacity development

• **In the Philippines, Kenya, Namibia and Sudan**
  • Tools implementation
  • Capacity development
  • (Potential) Support to land policy reforms

• **In Uganda**
  • Tools implementation
  • Support to NLP implementation (e.g. gender)
  • Capacity development

• **In Zambia and DRC**
  • Tools implementation
  • Support to NLP development (e.g. customary)
  • Capacity development
MAKING IT WORK:
The importance of capacity development

*It can be done*

*Do it!*

*Be ready - don’t start what you can’t sustain*

*Provision for ongoing updating & possible upgrading is crucial*
THANK YOU!