

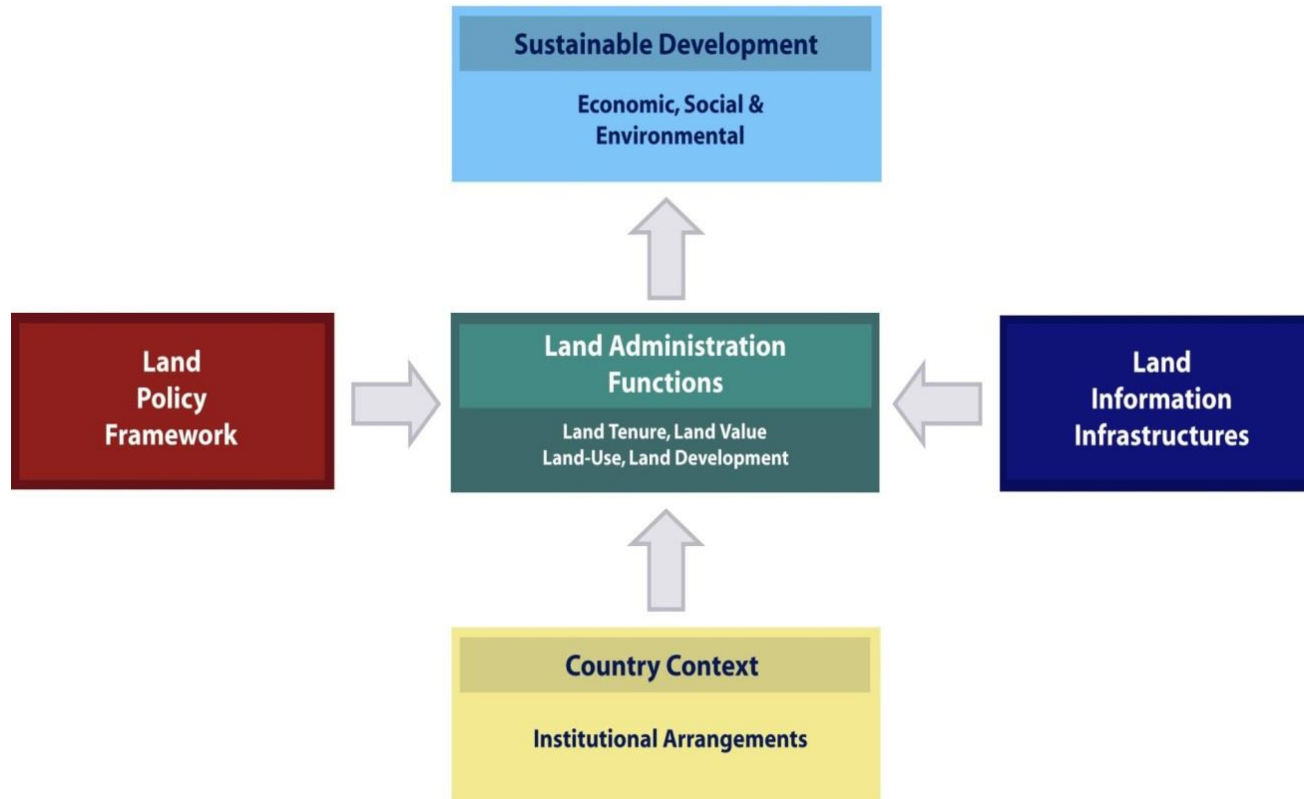
Sustainable Land Governance in support of the Global agenda

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Windhoek, Namibia, 3 March 2016

Land Governance



The land management paradigm

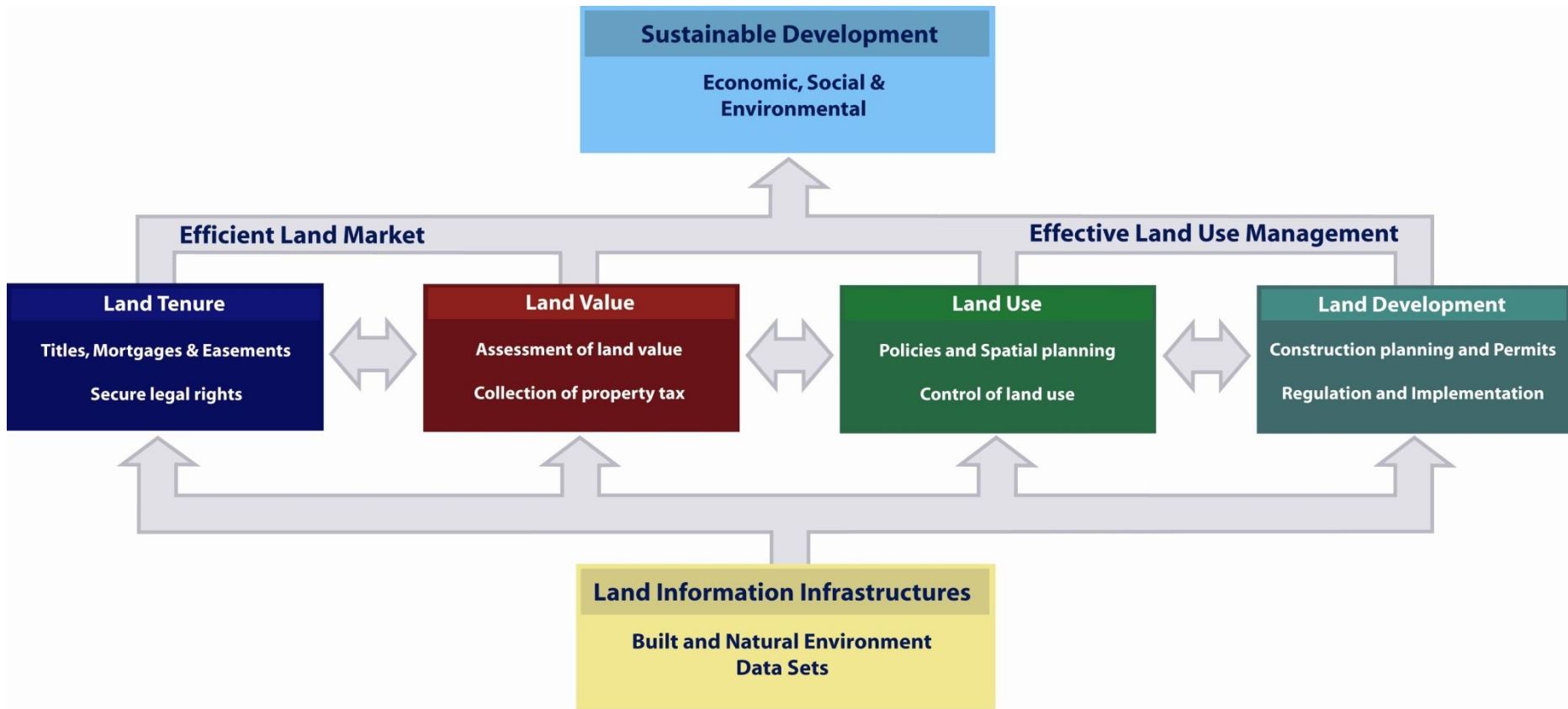
Land governance is about the policies, processes and institutions by which land, property and natural resources are managed.

This includes decisions on access to land; land rights; land use; land development.

Land governance is about determining & implementing sustainable land policies.


Land Administration Systems

Land Administration Systems provide the infrastructure for implementation of land polices and land management strategies in support of sustainable development.



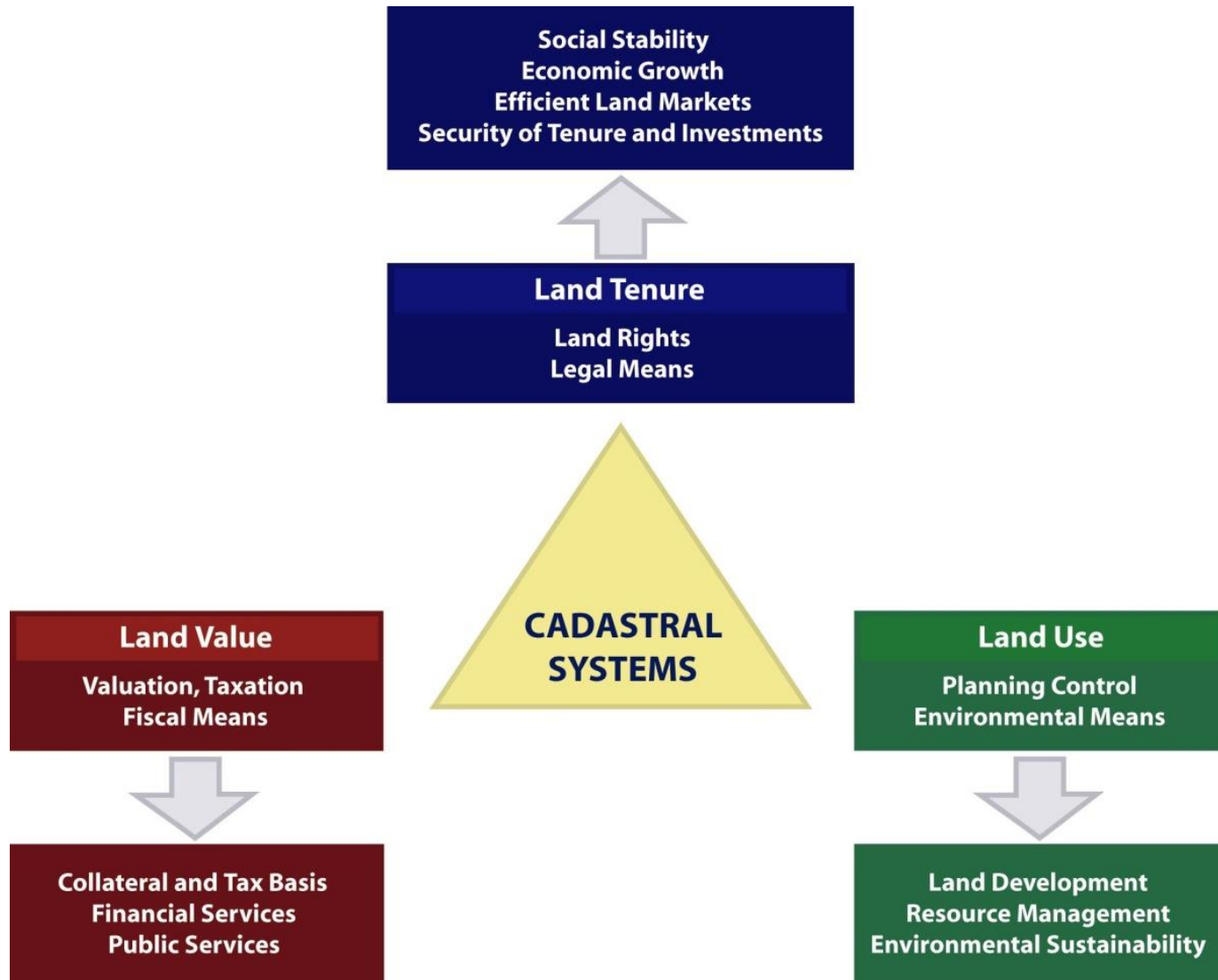
- Land Tenure:** Allocation and security of rights in lands; legal surveys of boundaries; transfer of property;
- Land Value:** Assessment of the value of land and properties; gathering of revenues through taxation;
- Land-Use:** Control of land-use through adoption of planning policies and land-use regulations at various levels;
- Land Develop:** Building of new infrastructure; implementation of construction works and the change of land-use

Benefits to Society

<ul style="list-style-type: none"> • Support for governance and the rule of law 		<ul style="list-style-type: none"> • Protection of state lands
<ul style="list-style-type: none"> • Alleviation of poverty 		<ul style="list-style-type: none"> • Management of land disputes
<ul style="list-style-type: none"> • Security of tenure 		<ul style="list-style-type: none"> • Improvement of land planning
<ul style="list-style-type: none"> • Support for formal land markets 		<ul style="list-style-type: none"> • Development of infrastructure
<ul style="list-style-type: none"> • Security of credit 		<ul style="list-style-type: none"> • Management of resources and environment
<ul style="list-style-type: none"> • Support for land and property taxation 		<ul style="list-style-type: none"> • Management of land information and statistics

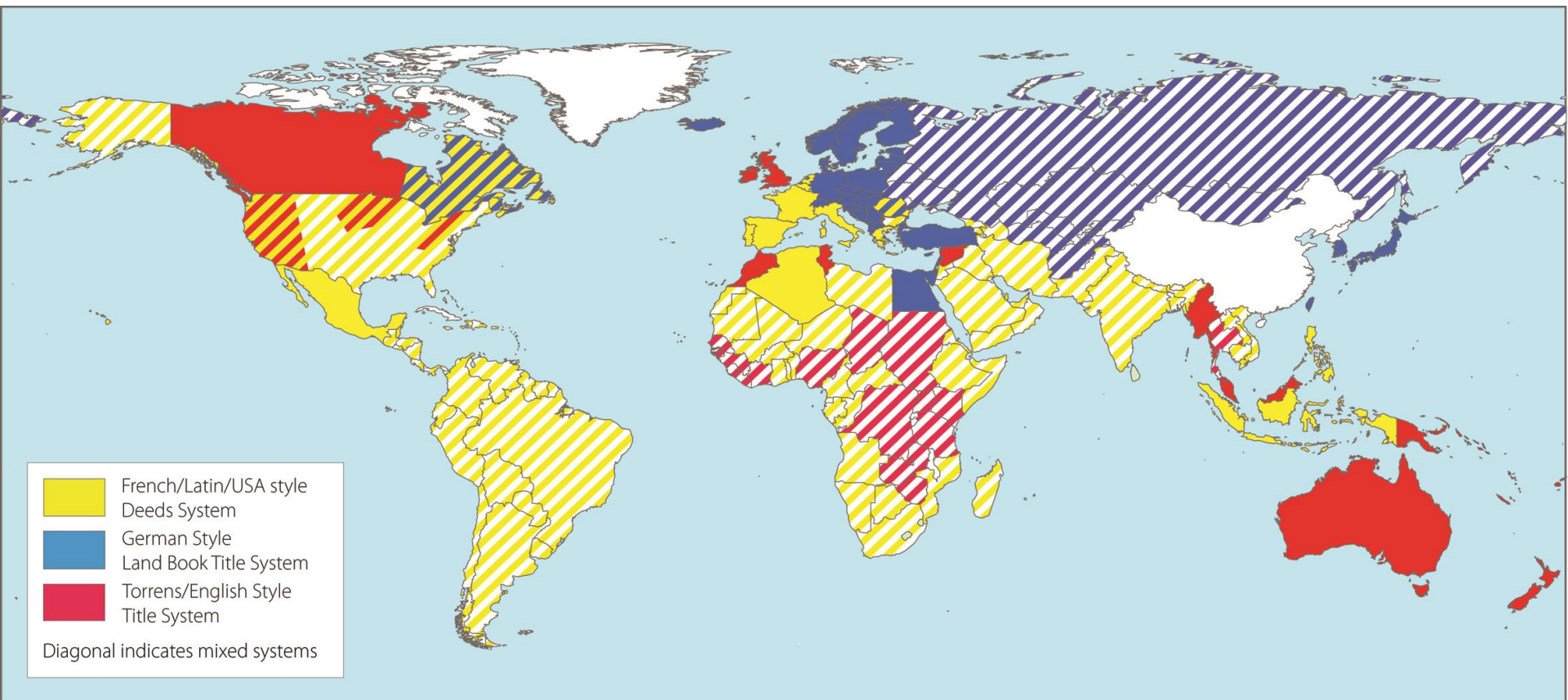
Williamson, Enemark, Wallace, Rajabifard,
ESRI Press, 2010, 500 pages.

Cadastral Systems



The concept of the multipurpose cadastre

Land Registration Systems around the World



Deeds System (French/Latin/USA style): A register of owners; the transaction is recorded – not the title.

Title System (German, Torrens/English style): A register of properties; the title is recorded and guaranteed

Responsible Governance of Tenure

Figure 5 PERCENTAGE OF PEOPLE WHO REPORTED PAYING BRIBES IN THE PREVIOUS 12 MONTHS, BY SERVICE



Source: Transparency International Global Corruption Barometer 2012. Percentages are weighted and calculated for respondents who reported paying bribes for the services listed. Colours indicate that there is a significant difference between the services.

VOLUNTARY GUIDELINES ON THE
**Responsible
Governance of Tenure**
OF LAND, FISHERIES AND FORESTS IN
THE CONTEXT OF NATIONAL FOOD SECURITY



- **International soft law instrument.**
The Guidelines represent a global consensus on internationally accepted principles and standards for responsible practices.
- **Human rights based approach.**
The Guidelines place tenure rights in the context of human rights.
- **Guidance for a variety of actors.**
Actors can determine whether their proposed actions and the actions of others constitute acceptable practices.

Facing the Global Agenda

SDGs post 2015 ...

Climate Change 2010's

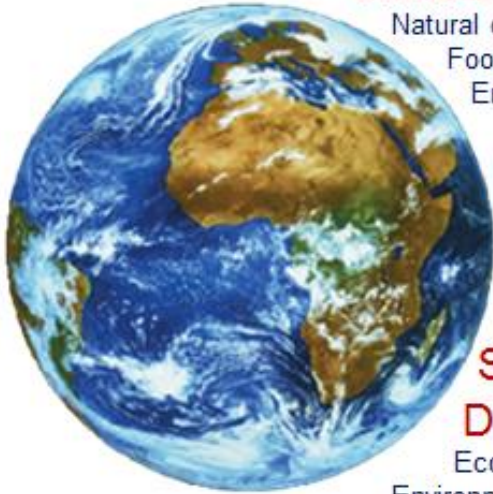
Natural disasters
Food shortage
Environmental degradation

MDGs 2000's

Poverty alleviation
Human health, education
Global partnership

Sustainable Development 1990's

Economic, Social,
Environmental



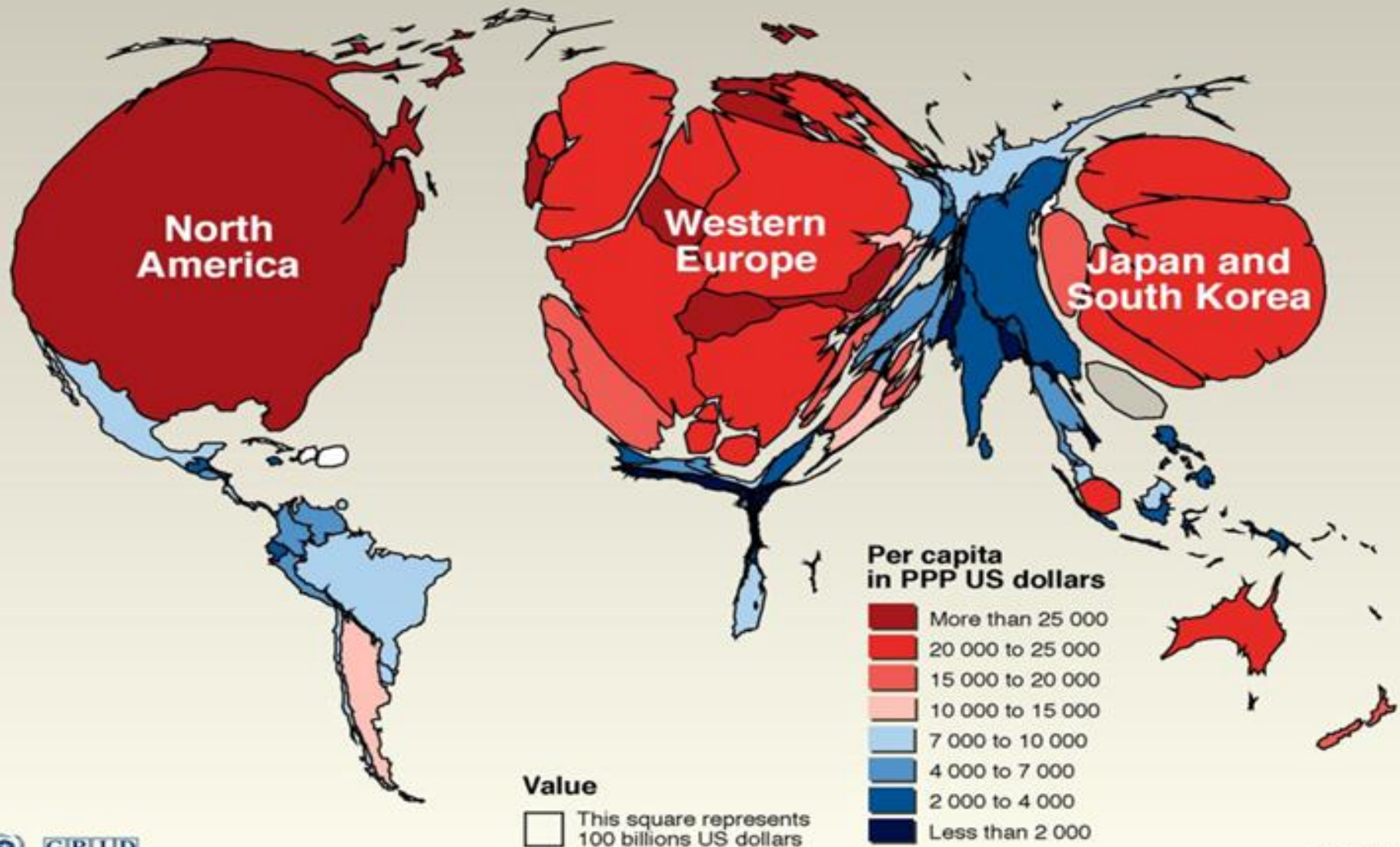
Land governance to underpin the core components of the global agenda

Trustable land information and good land administration is fundamental for:

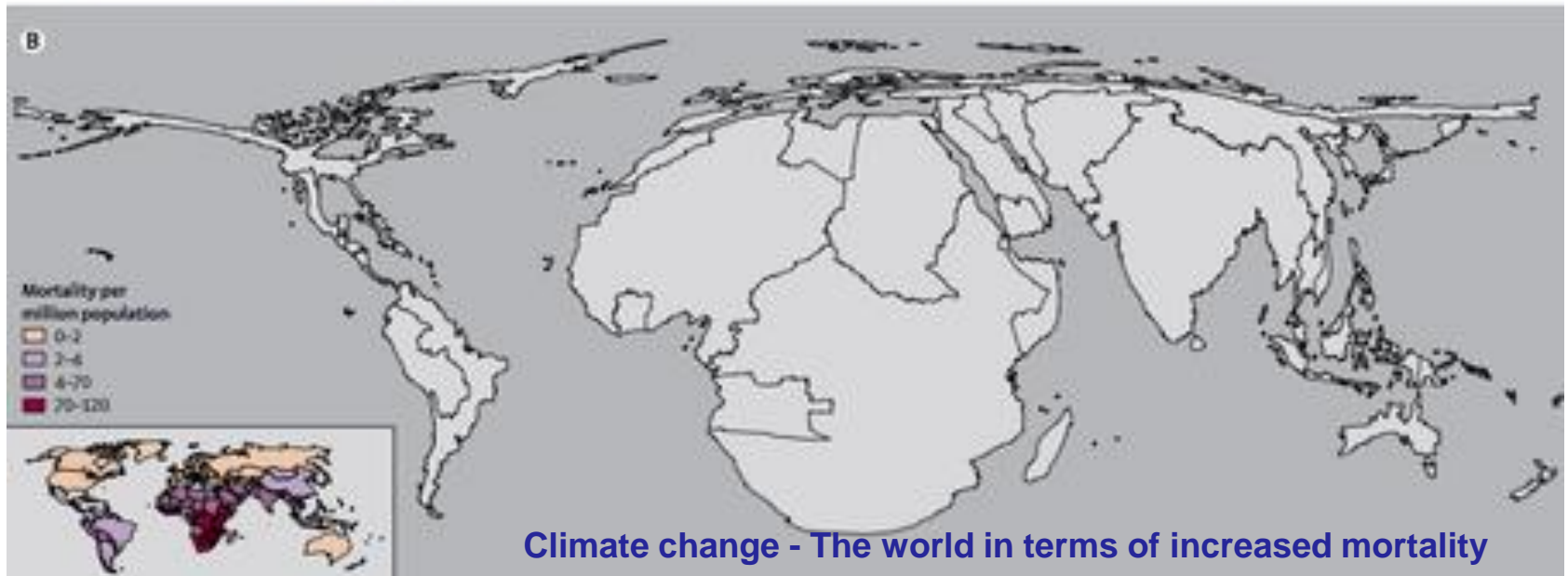
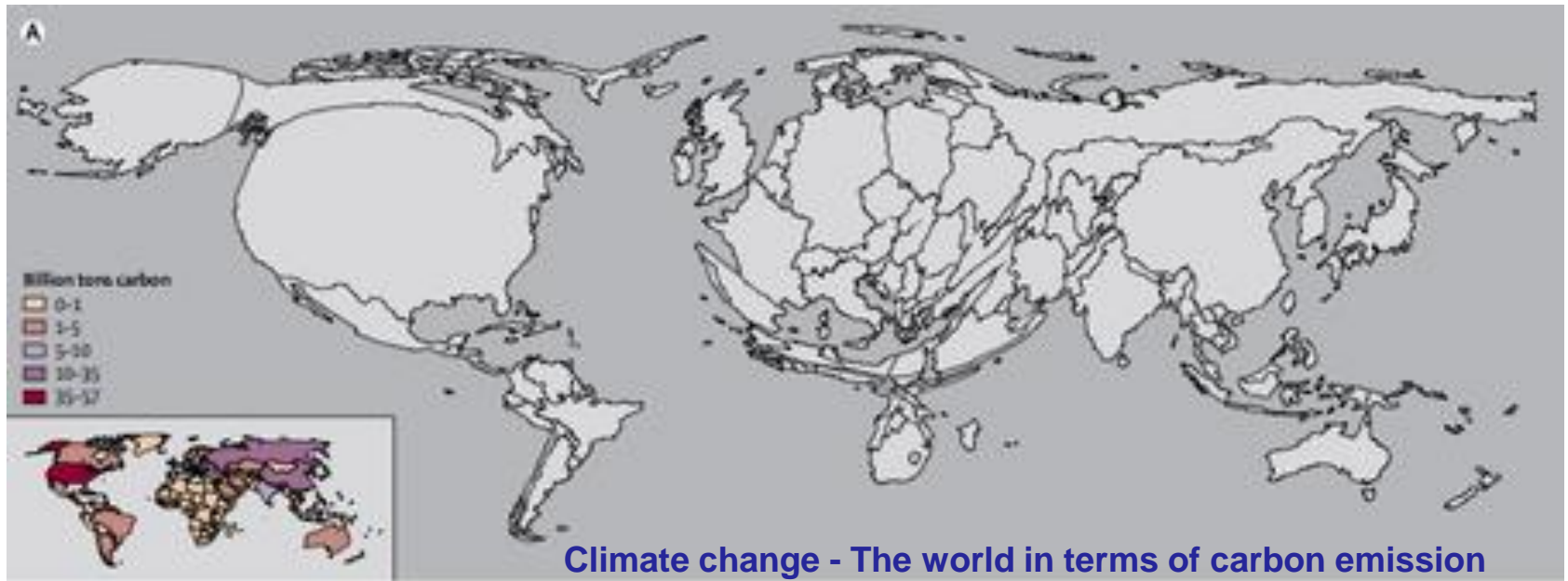
- Responsible governance of tenure
- Managing the use of land
- Coping with climate change
- Enforcing equity and human rights
- Achieving sustainable development

Poverty Reduction

Gross Domestic Product



Global Level Impact of Climate Change



The MDGs: Monitoring Progress

The Millennium Development Goals Report 2014



8 Goals
18 Targets
48 Indicators



Goal 1 Eradicate extreme poverty and hunger

LGAF, Land
Governance
Assessment
framework

WB Doing
Business

Corruption
Perception
Index

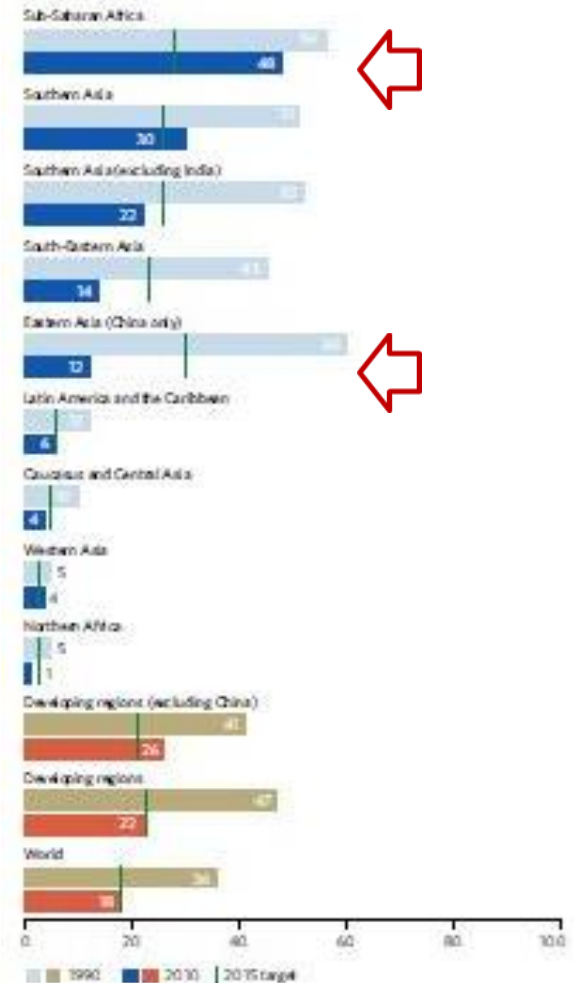
“The monitoring experience of the MDGs has shown that data will play a central role in advancing the new development agenda. We need sustainable data to empower people and support sustainable development. There is a call for a data revolution”

TARGET 1.A

Halve, between 1990 and 2015, the proportion of people whose income is less than \$1 a day

The extreme poverty rate has been halved, but major challenges remain

Proportion of people living on less than \$1.25 a day, 1990 and 2010 (Percentage)



The Post 2015 Agenda

17 Goals, 169 targets, and a wide range of indicators





- GOAL 1** **End poverty** in all its forms everywhere
- GOAL 2** **Zero hunger**; achieve food security and improved nutrition and promote sustainable agriculture
- GOAL 3** **Good Health and well being**; ensure healthy lives and promote well-being for all at all ages
- GOAL 4** **Quality education**; ensure inclusive and equitable quality education and lifelong learning for all
- GOAL 5** **Gender equality** and empower all women and girls
- GOAL 6** **Clean water and sanitation**; availability and sustainable management of water and sanitation for all
- GOAL 7** **Affordable and clean energy**; access to affordable, reliable, sustainable and modern energy for all
- GOAL 8** **Decent work and economic growth**; sustained, inclusive economic growth, full and productive employment and decent work for all
- GOAL 9** **Industry, innovation and infrastructure**; resilient infrastructure, inclusive and sustainable industrialization and innovation
- GOAL 10** **Reduced inequality** within and among countries
- GOAL 11** **Sustainable cities and communities**; make cities and human settlements inclusive, safe, resilient and sustainable
- GOAL 12** **Responsible consumption and production**; sustainable consumption and production patterns
- GOAL 13** **Climate action**; combat climate change and its impacts
- GOAL 14** **Life below water**; conserved and sustainably use the oceans, seas and marine resources for sustainable development
- GOAL 15** **Life on land**; protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and biodiversity loss
- GOAL 16** **Peace, justice and strong institutions**; peaceful, inclusive societies for sustainable development, access to justice for all and effective, accountable and inclusive institutions at all levels
- GOAL 17** **Partnerships for the goals**; Strengthen the means of implementation and revitalize the global partnership for sustainable development



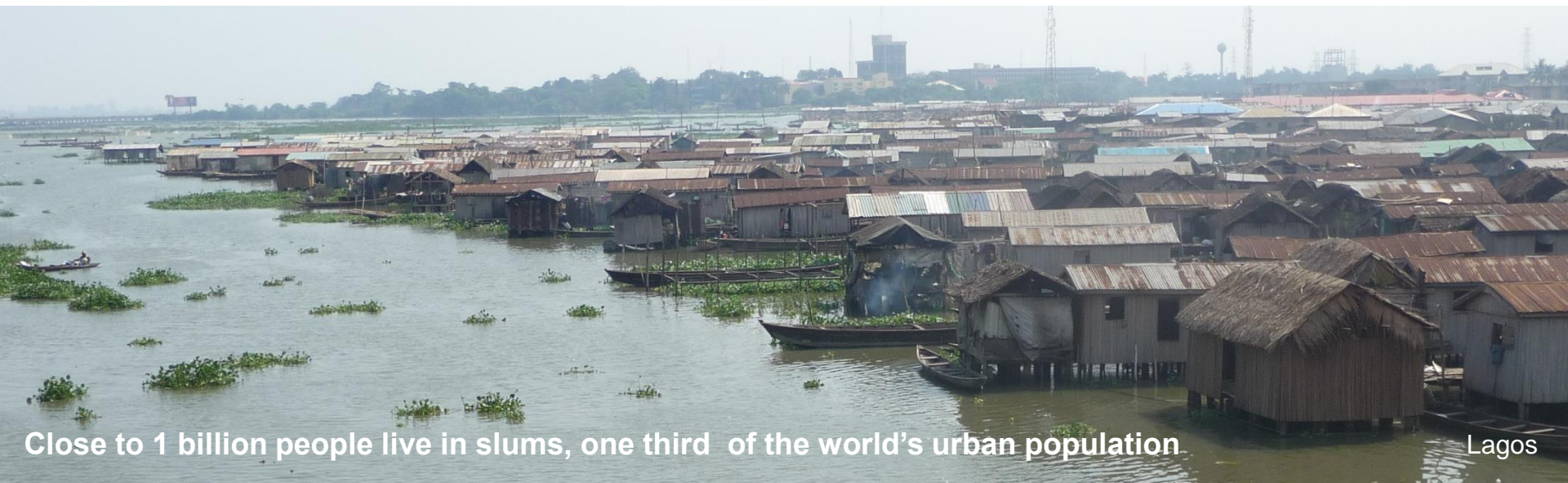
Goal 1. End poverty in all its forms everywhere

- 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

Rapid Urban Growth

	1950	1975	2007	2025	2050
World Urban Population (million)	737	1,518	3,294	4,584	6,398
Percentage	29.1%	37.3%	49.4%	57.2%	69.6%
More Developed Region (million)	427	702	916	995	1,071
Less Developed Region (million)	310	817	2,382	3,590	5,327

Source: World Urbanization prospects, UN, 2008



Close to 1 billion people live in slums, one third of the world's urban population

Lagos

Land Administration and Human Rights

- The Human Rights Declaration 1948 can be regarded as a “Global Code of Ethics” being promoted and enforced through political commitment and societal institutions.
- The Declaration states a range of general human rights such as Art 1. All human being are born free and equal, and Art 3: The right to life, liberty and security
- Land Administration and planning systems are highly instrumental in this regard – especially in developing countries.
- Of special interest to land and property is the human rights to own things (Art. 17) and the right of food and adequate housing for all (Art 25). This cannot be achieved or enforced without well functioning land administration systems.
- Land professionals must reflect the human rights perspective when managing the people to land relationship.



Meeting the Global Agenda

- Only about 40 countries in the world have well functioning land administration systems.
- About 75 percent of the world's population do not have access to formal systems to register and safeguard their land rights.
- “There is an urgent need to build systems which can identify the way land is occupied and used and accordingly provide for secure land rights and control of land-use”.
- “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.

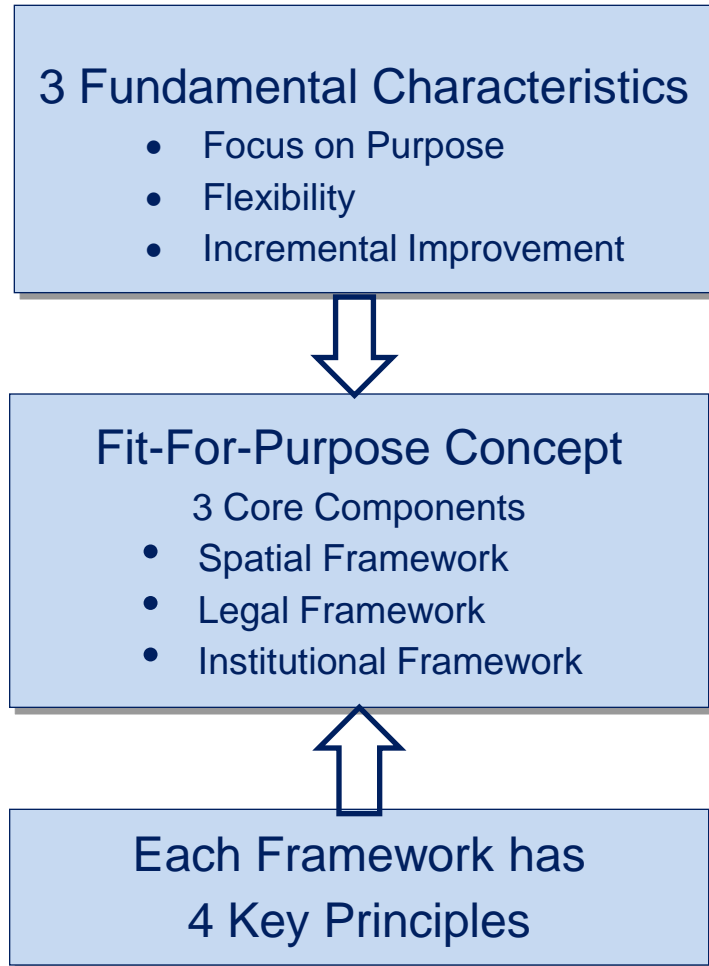
FIG/WB, 2014

Fit-For-Purpose – what is it ?

- **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 5 USD per parcel



Fit-For-Purpose Approach



■ **Focus on Purpose:**

Focusing firstly on the “what” in terms of the end outcome and then designing the “how” to be the most “fit” for achieving the purpose.

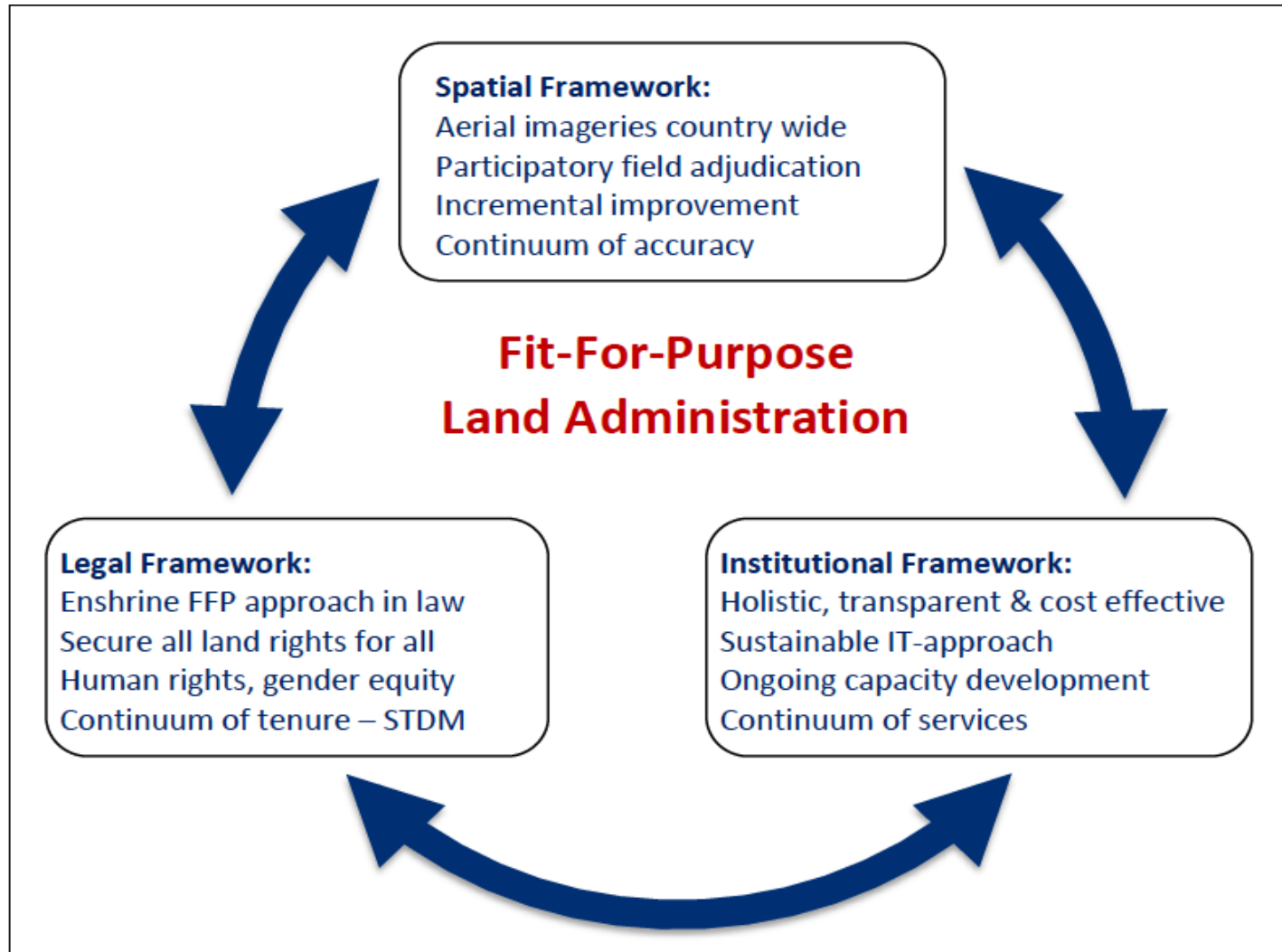
■ **Flexibility:**

It is about flexibility in terms of demands for accuracy; for recording of a range of different tenure types, and for shaping the legal and institutional framework to best accommodate societal needs.

■ **Incremental improvement:**

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 ... and the systems can then be incrementally improved over time..

Fit-for-Purpose Land Administration – the Concept



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

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.



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.



Guiding Principles for Building Country Specific Land Administration Solutions.

<http://gltn.net/index.php/resources/publications/publications-list/download/2-gltn-documents/2234-fit-for-purpose-land-administration-guiding-principles>

A REPORT PREPARED FOR THE GLOBAL LAND TOOL NETWORK (GLTN)

DRAFT VERSION 2.0 – 20 SEPT. 2015

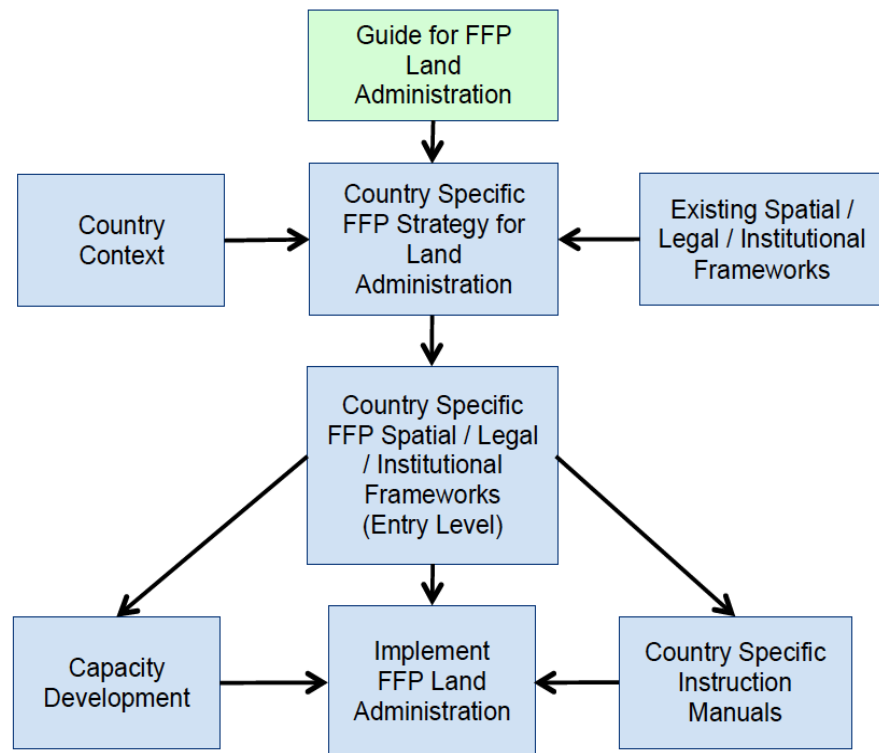
A guide for Fit-For-Purpose Land Administration

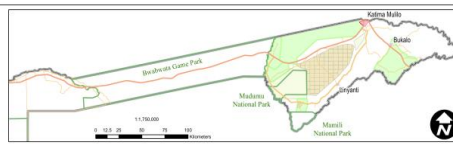


Stig Enemark
Robin McLaren
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FACILITATED BY:
UN HABITAT
FOR A BETTER URBAN FUTURE





A Namibia Land Tenure Atlas

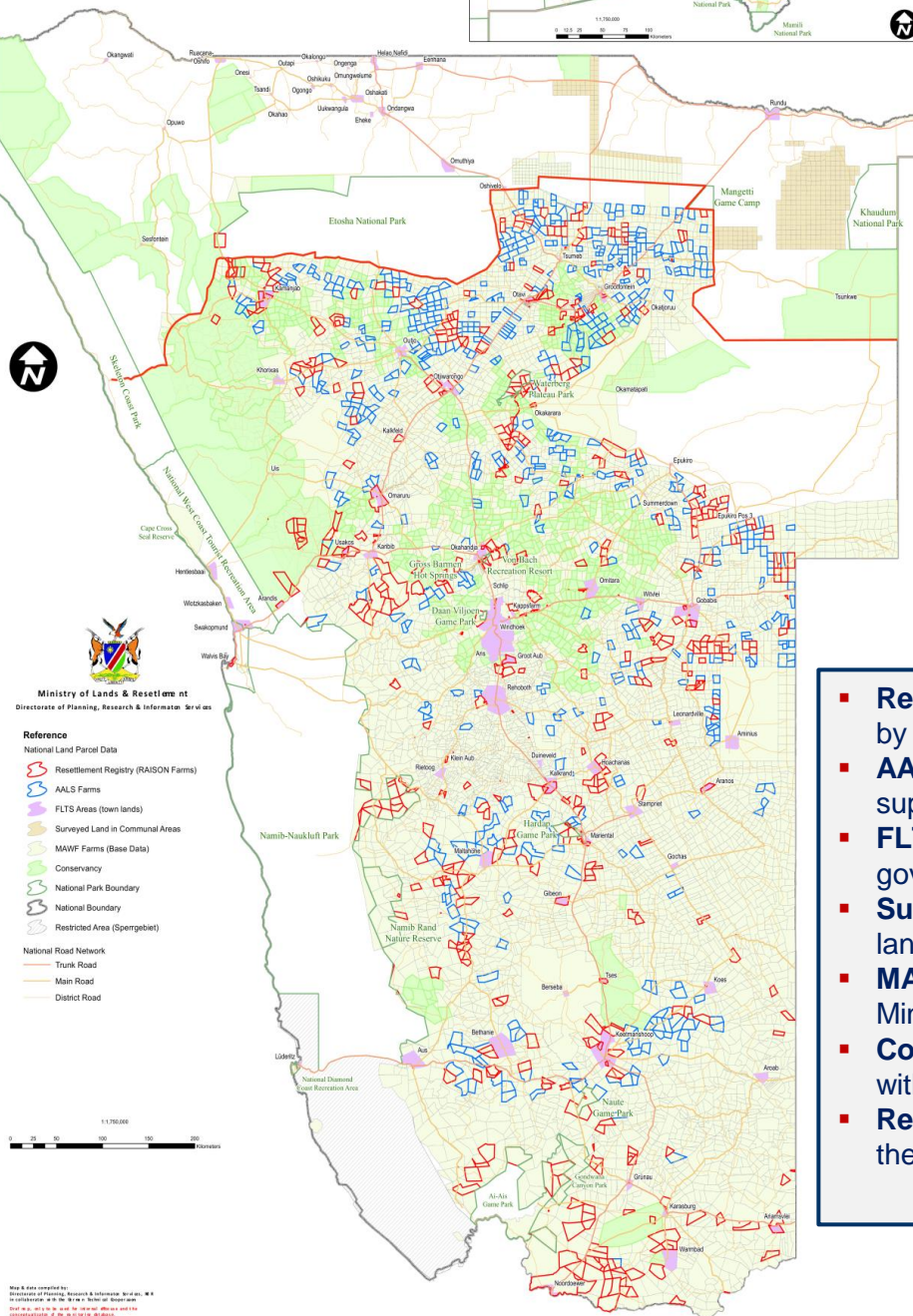
Reference

National Land Parcel Data

- Resettlement Registry (RAISON Farms)
- AALS Farms
- FLTS Areas (town lands)
- Surveyed Land in Communal Areas
- MAWF Farms (Base Data)
- Conservancy
- National Park Boundary
- National Boundary
- Restricted Area (Sperrgebiet)

National Road Network

- Trunk Road
- Main Road
- District Road



- **Resettlement Registry** is an administration of farms acquired by the government for the purpose of resettling citizens that qualify. .
- **AALS farms** are farms acquired by a Namibian citizen with financial support of the Agribank under the Affirmative Action Loan Scheme (AALS)
- **FLTS areas** are peri-urban informal settlements targeted by the government of Namibia using the new Flexible Land Tenure System (FLTS).
- **Surveyed Land in Communal Areas** contains around 250.000 communal land parcels.
- **MAWF Farms** are farms that are being operated under control of the Ministry of Water and Forests (MAWF).
- **Conservancies** are farms operated under the Conservancies Scheme, with special extra attention to the purpose of nature conservation.
- **Restricted areas** relate to diamond mining areas and thus closed to the general public.

Key message:

Meeting the Global Agenda
requires
Good Land Governance
and
Closing the Cadastral Gap

... Let's make it happen in our lifetime



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**