



GLTN

GLOBAL LAND TOOL NETWORK

“A World Which Everyone Enjoys Secure Land Rights”

FIT FOR PURPOSE LAND ADMINISTRATION
From Concepts and Practical Applications

FIG Commission 7 Annual Meeting 2019

Seoul, South Korea

5-9 August 2019

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The Global Land Tool Network

“A World Which Everyone Enjoys Secure Land Rights”

**Global
Frameworks**

Continuum of Land Rights Approach

Pro-poor, gender responsive and fit-for-purpose land policies, tools and approaches

The NETWORK

80 Partners and counting...

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SITUATION TODAY...



70%



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SECURE TENURE RIGHTS

70%



For all ?

Fit for purpose?

Within one generation?

30%



Is it feasible?

FALLING OFF THE REGISTER

- In Sub-Saharan Africa: more than 60% of urban dwellers live in informality and poverty
- Flexible tenure systems not legal
- Customary tenure systems not recognized in urban areas
- Inadequate recognition of customary, communal, secondary, group rights, etc.



Need to develop an affordable, inclusive, scalable approaches

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TENURE SECURITY FOR ALL - WHAT'S THE PROBLEM?

Time

- 10 or 1200 years of work?

Cost

- US\$ 10 or 1000 parcel?

Quality (accuracy and legal certainty)

- Cm or m?
- Formal right, informal, communal or customary rights?



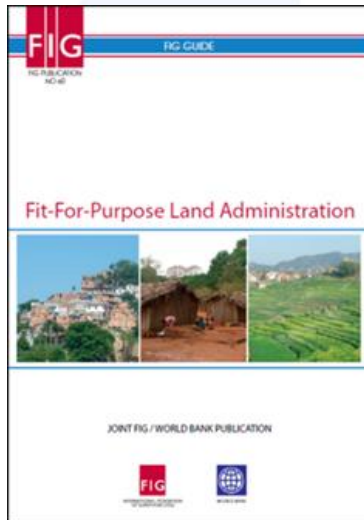
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Fit-For-Purpose Land Administration

- “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>

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FIG /WB Declaration



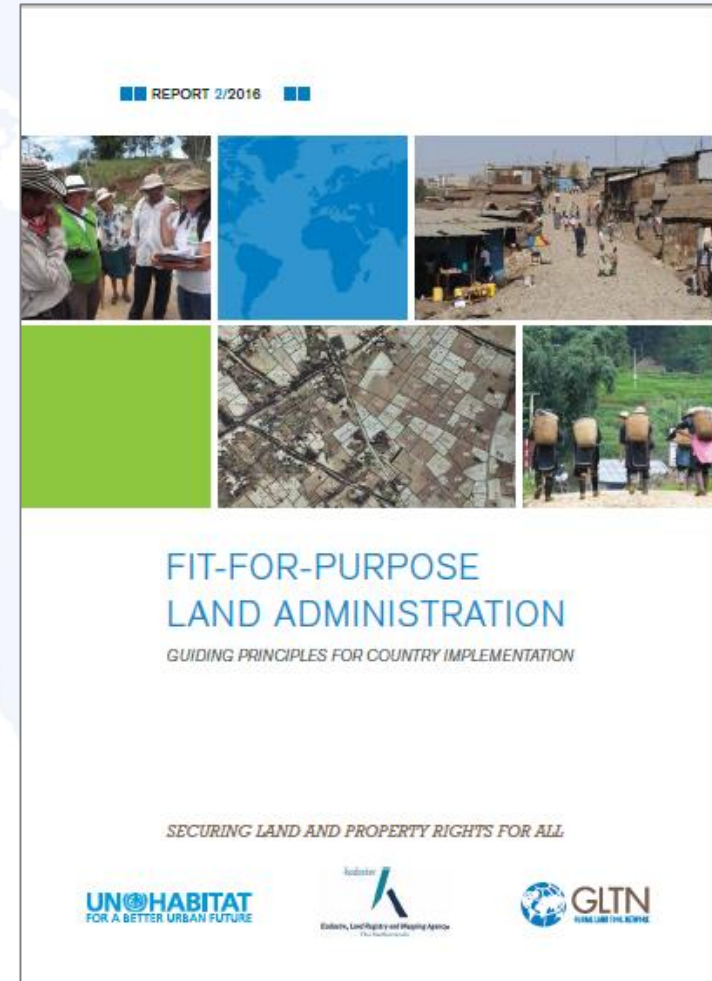
A **fit-for-purpose** approach includes the following elements:

- **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.



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.
- **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.

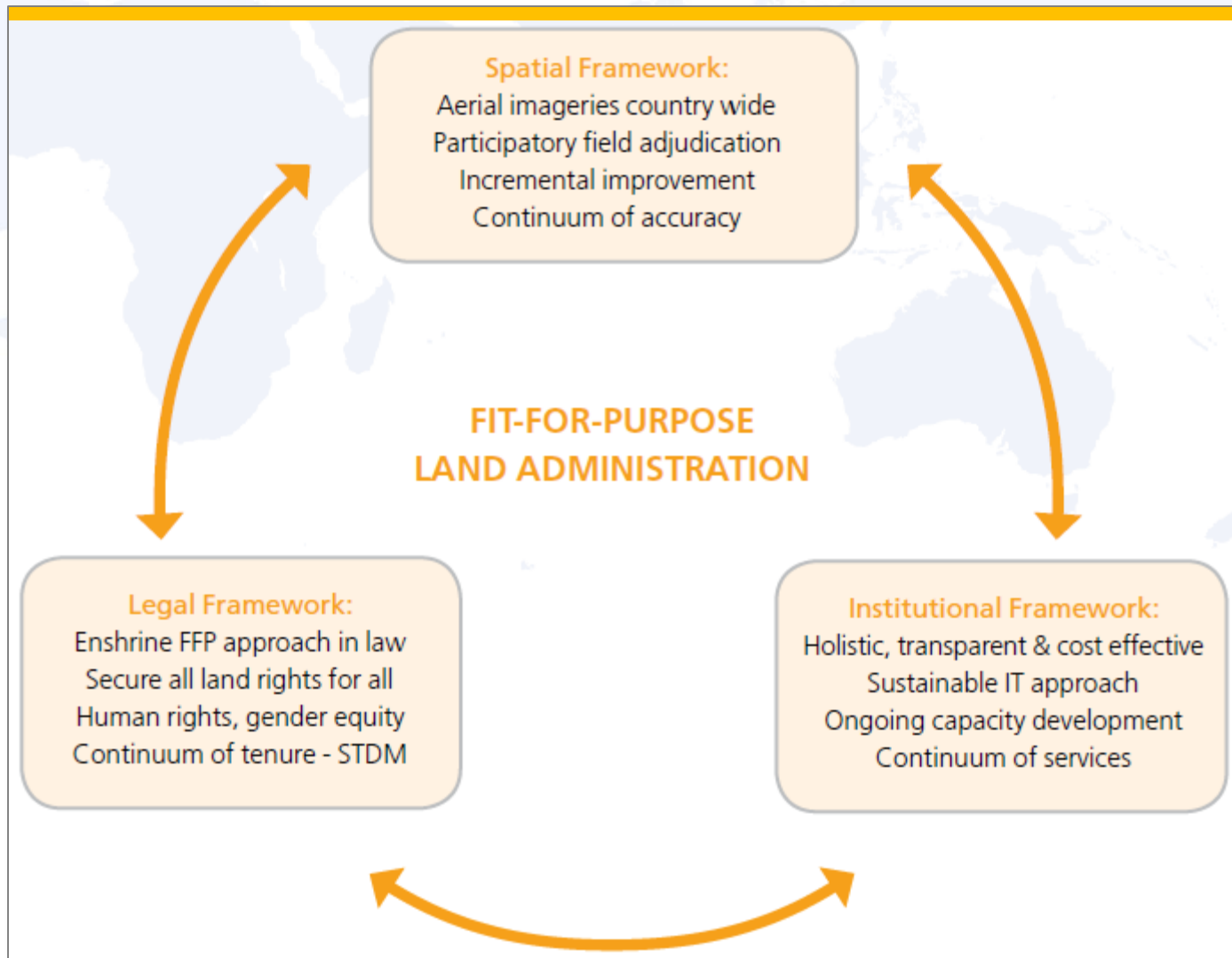


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FIT-FOR-PURPOSE: CONCEPT



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KEY PRINCIPLES

Spatial Framework	Legal Framework	Institutional Framework
<ul style="list-style-type: none">• 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.	<ul style="list-style-type: none">• 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.	<ul style="list-style-type: none">• Good land governance rather than bureaucratic barriers.• Integrated institutional framework rather than sectorial silos.• Flexible ICT approach rather than high-end technology solutions.• Transparent land information with easy and affordable access for all.

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BUILDING THE SPATIAL FRAMEWORK...



Use of aerial photographs and 'para-surveyors' in Rwanda



Visual Boundary in Uganda



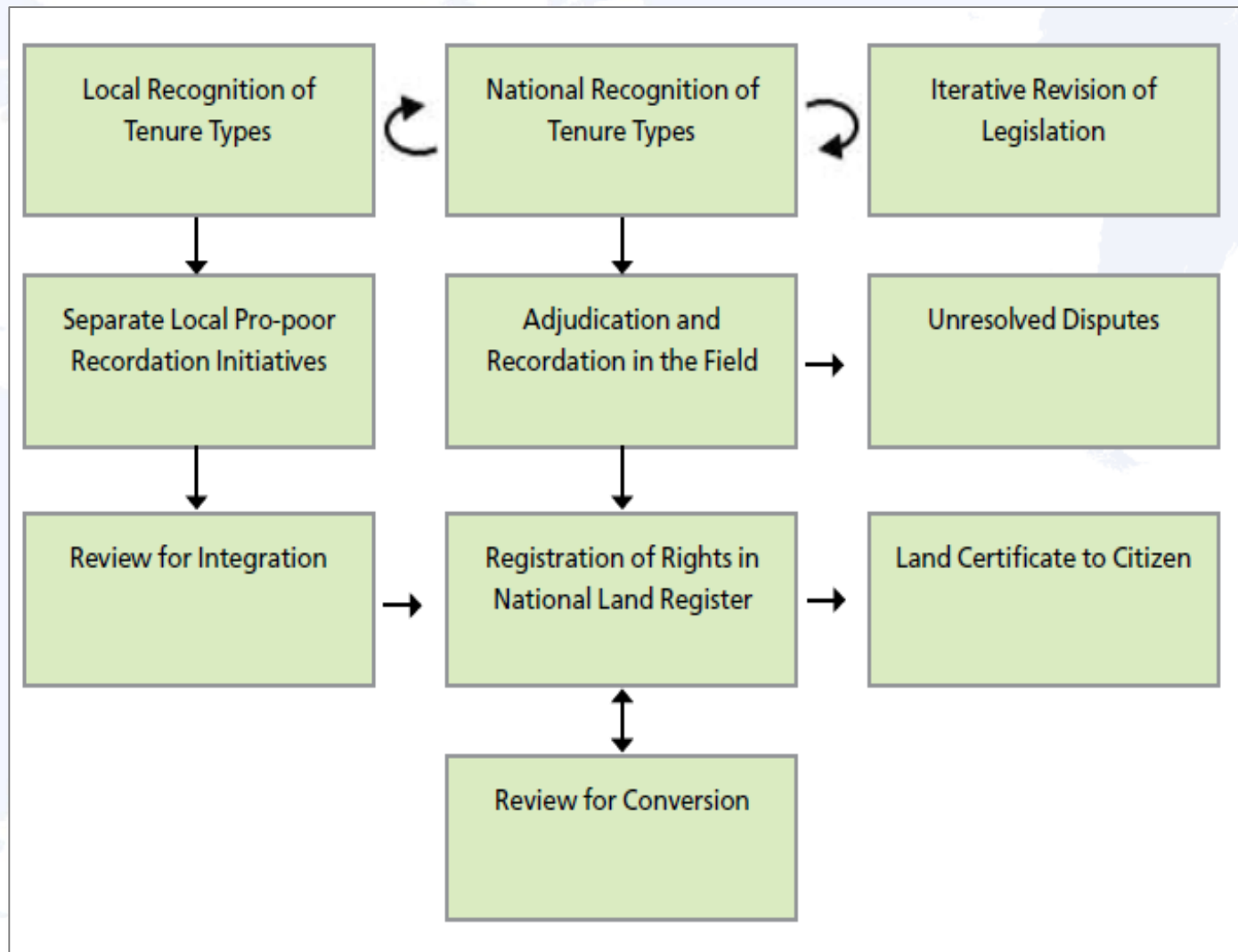
Luwanyi boundary plant

BUILDING THE LEGAL FRAMEWORK...

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



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BUILDING THE INSTITUTIONAL FRAMEWORK...

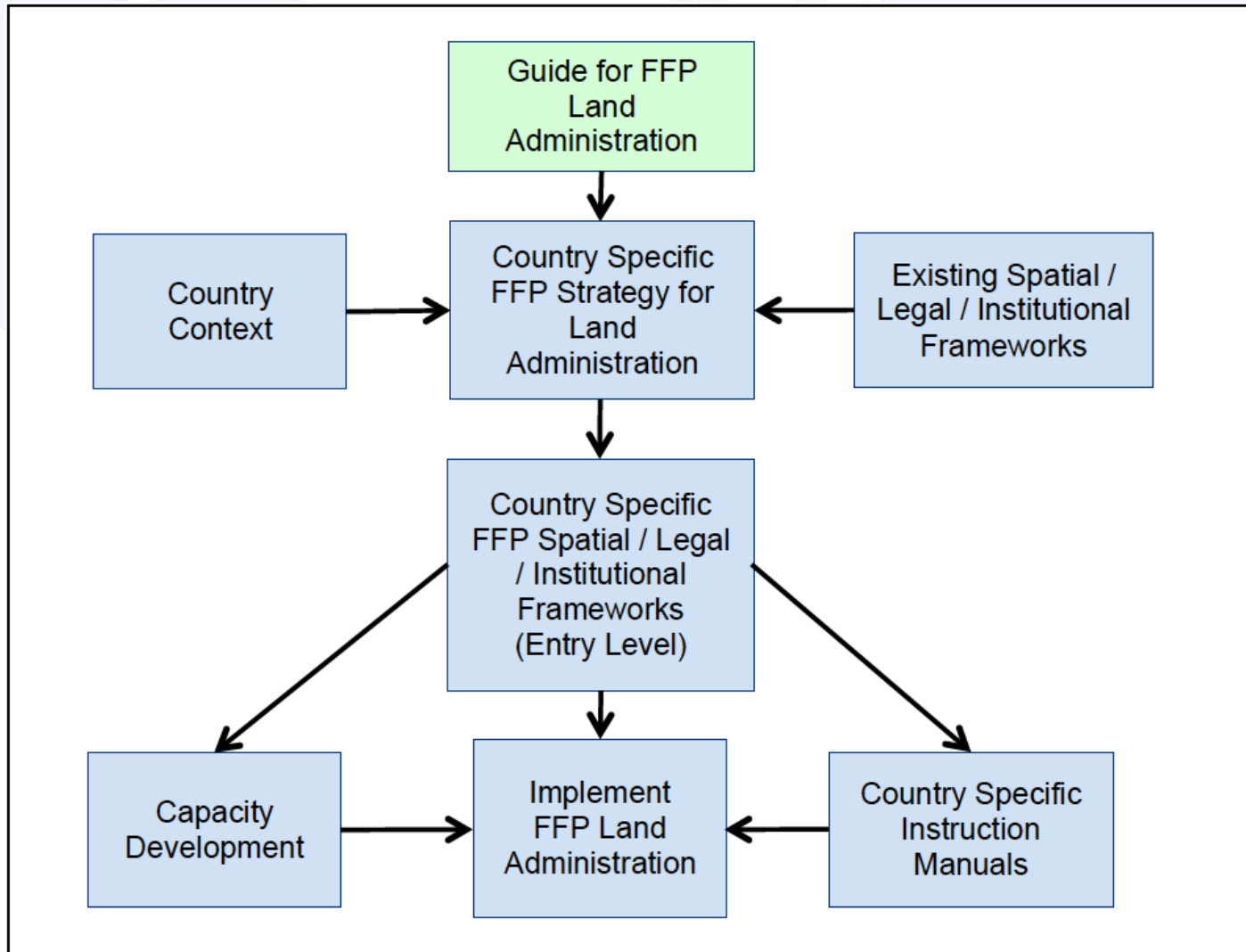
- **Good land governance rather than bureaucratic barriers**
 - The term “good governance” includes for government to be legitimate, transparent, accountable, and dedicated to integrity.
- **Flexible IT-approach rather than high–end technology solutions**
 - Clear description of mandates, work processes and responsibilities.
 - Alternatives such as open source solutions should be considered.
- **Integrated institutional framework rather than sectorial siloes**
 - Focusing on treating land and natural resources as a coherent whole.
- **Transparent land information with easy and affordable access for all**
 - Applying an open data policy that is subject to the protection of privacy.

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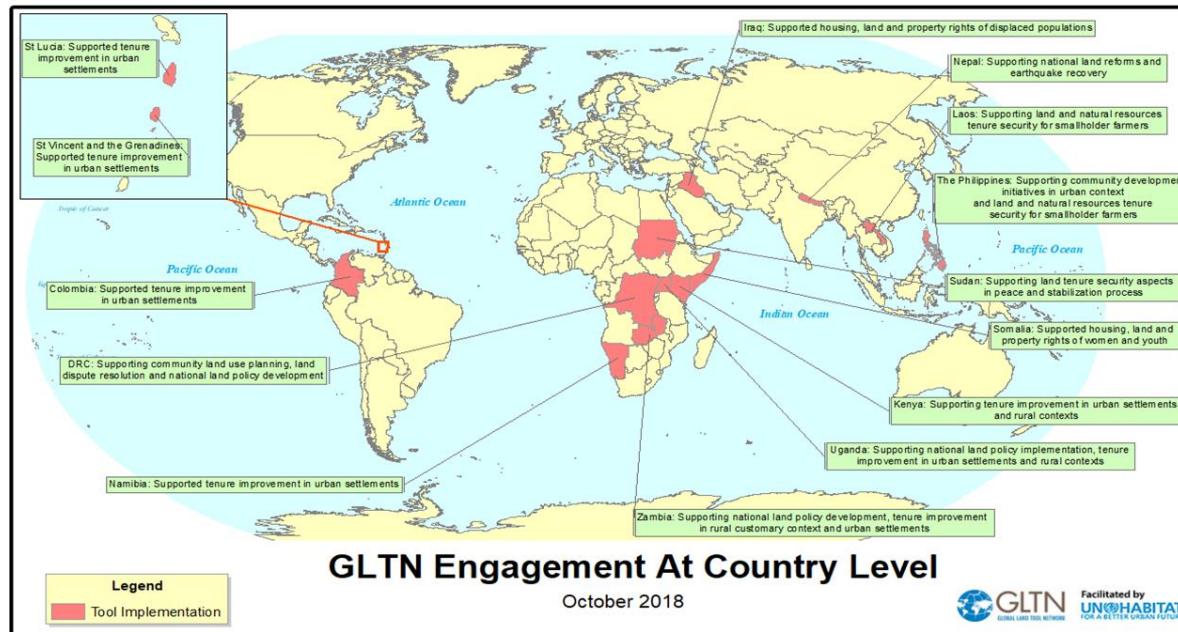


USE OF GUIDE IN IMPLEMENTING COUNTRY SPECIFIC FFP LAND ADMINISTRATION



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FFP Land Administration APPLICATIONS



RATIONALE FOR FFP LA IN NEPAL

Nepalese LAS has to undergo a thorough transformation to address:

- Allocation of land and recognition of tenure to all after the mega-earthquake in 2015
- State restructuring into a federal system (service to be provided with limited technical human resources as well as infrastructure)
- Transaction in informal markets leading to:
 - *Unsecure land tenure;*
 - *State is losing large amount of royalties*
- Poor, landless and vulnerable dwellers and peasants are in constant fear of eviction despite decades of use and possession



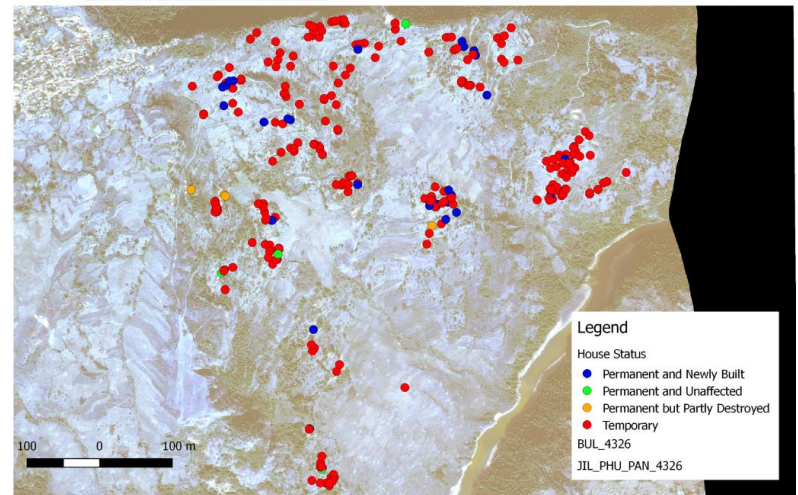
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APPROACH FOR SPATIAL FRAMEWORK...

- Use of high resolution satellite images/ UAV images
- Participatory methods
- Point cadastre as an alternative for fast and efficient record maintenance
- Open source software can be used for keeping the data e.g. Social Tenure Domain Model (STDM)



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APPROACH FOR LEGAL FRAMEWORK...

New provisions to be introduced in Draft Land Administration / Management Act (LRMA):

- Constitution of Nepal: address the inequitable access to land. Solving the problem of **landless** and **squatters**, **ex-kamaiya** and **haliya** (freed bonded laborers), **Dalits**, **equal right of woman in ancestral property** and **equal right to inheritance**, **no discrimination on the basis of gender, race or any other basis**, addressing the problem of **informality** and **ensuring access to safe and secured housing** etc.
- Many of these issues are placed under **fundamental rights**
- A provision for implementation of these rights is mandatory by making appropriate law within **three years** of promulgation of the constitution

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APPROACH FOR LEGAL FRAMEWORK (2)...

Enforce

Enforce land ceiling

Abolish

Abolish dual land ownership

Register

Register the actual tenant and ensure their rights

Register

Register the remaining genuinely occupied land and informal rights and ownership

Implement

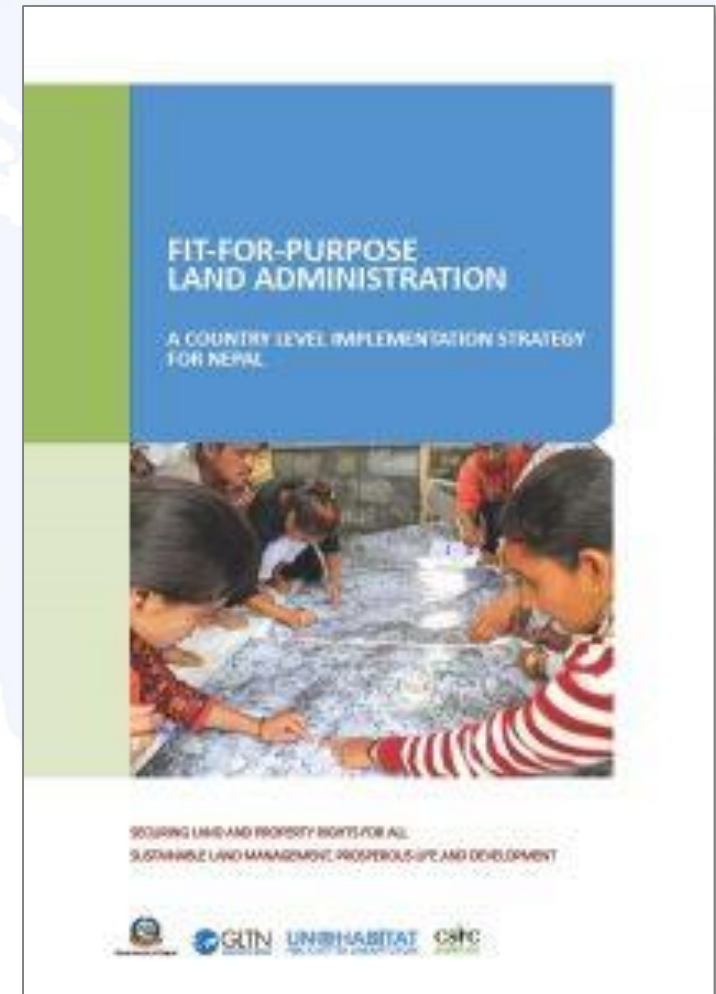
Implement appropriate land use, ensure access of landless, squatters, tillers, agro farmers

Tie up

Tie up the reform process with productivity, economic growth, employment generation, entrepreneurship development and dignified sustainable livelihood

APPROACH FOR INSTITUTIONAL FRAMEWORK...

- Local governments as implementing agencies
- Use of participatory approaches
- Capacity development
- Preparation of templates, customization of tools
- Preparation of guidelines and manuals



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LAND ADMINISTRATION ISSUES IN UGANDA

Spatial Framework	Legal Framework	Institutional Framework
<ul style="list-style-type: none">• Technical requirements too high• Lengthy process• Sporadic process• Corruption almost at all levels• Cadastral maps full of errors• Only 20% covered with cadastral surveys• 400 years required to complete entire country if current rate is maintained	<ul style="list-style-type: none">• Land laws from 1900 – Colonial Laws• Laws after independence – Mainly changed words• Land laws are outdated and inconsistent with the constitution and government policies• Justice system still too complicated and expensive for the poor• Many recent provisions not implemented	<ul style="list-style-type: none">• Mandate exists in the law but not funded and largely not constituted• Overlapping mandates especially in dispute resolution• Lack of technical capacity• Are not properly coordinated (local governments are independent by law)

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FFP LA UGANDA COUNTRY STRATEGY

To identify affordable and appropriate approaches and actions for Land Administration that will result in tenure security for all the land rights holders in Uganda

Objectives:

- Identify key requirements and priority actions for generating a consistent national spatial framework within a period of 10 years
- Identify requirements and priority actions for instituting a legal framework that supports flexible recordation of land rights.
- Identify requirements and priority actions for capacity development for land administration institutions to deliver affordable and accessible services in a transparent manner.
- Provide cost estimates for operationalising the Fit for purpose implementation strategy.



GENERAL FFP LA PRINCIPLES

- Use of locally trained staff
- Men, women and girls have equal rights and access to land and its resources independent of their civil and marital status
- The land institutions at sub county level shall be strengthened to provide transparent and accessible land related services at the local level
- The institutional framework should support easy institutional collaboration, information exchange, integrated spatial planning and implementation
- Community engagement and participation shall be promoted as a means to ensuring accountability and transparency



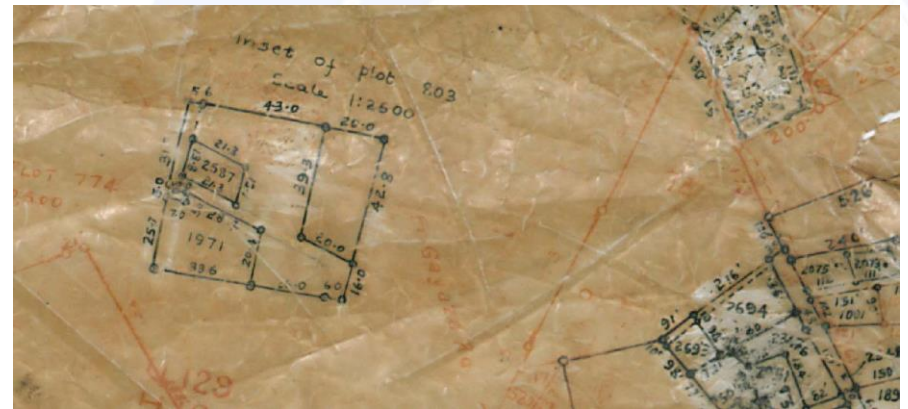
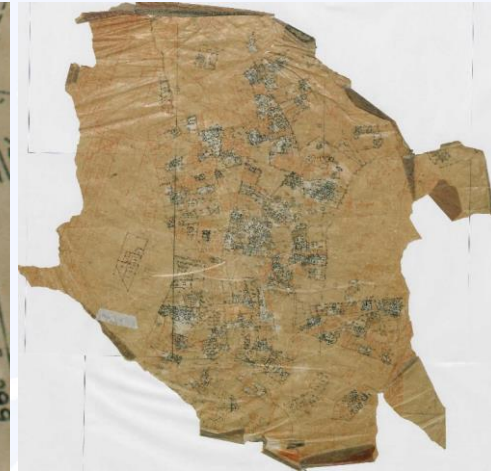
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APPROACH FOR SPATIAL FRAMEWORK

- Mapping and recordation of parcels on customary land using visual boundaries and/or low cost field observation techniques (20 million parcels in 10 years)
- Mapping and recordation of occupancy rights under Mailo and other registered land (3 million parcels in 10 years)
- Creation of spatial databases on customary land and occupancy rights (270 offices functional)
- Access to parcel boundaries through the National Land Information System (NLIS)



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APPROACH FOR LEGAL FRAMEWORK

- Review of land laws to support FFP LA
- Recordation of formal and informal rights
- Promoting use of ADR for dispute resolution
- Promoting establishment of customary databases at sub-county level
- Promoting gender equity for land and property rights

SERIAL NO. 0011257

THE REPUBLIC OF UGANDA
THE LAND ACT, CAP. 227
The Land Registration, 2006
DISTRICT LAND BOARD

OWNERS PHOTO

CERTIFICATE OF CUSTOMARY OWNERSHIP

PART I. DESCRIPTION OF LAND

1. CUSTOMARY LAND IDENTIFICATION NUMBER (CLIN)

District	County	Sub-county	Parish	Village	Plot No.
Kabale	Kabarole	Kitamba	Bushiru	Muteje	1013002000040

2. LOCATION

Plot: Kabale
County/Municipality: Kabarole
Sub-county/District/Parish: Kitamba
Parish/Village: Bushiru
Village/Zone: Muteje

3. AREA
Approximate area (hectares) or (sq. ft.):

5/1/8/2018
Date of Issue

Register's Signature

SEAL OF THE DISTRICT LAND BOARD

Registry Copy



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APPROACH FOR INSTITUTIONAL FRAMEWORK

- Commitment by national government to support institutional reforms in the land sector
- Capacity development of land institutions
- Promoting participation of Civil Society and Private Sector



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PARADIGM SHIFT



Fit-For-Purpose Land Administration

- As little as possible – as much as necessary (for the purpose)
- Fast – Cheap – and Good (enough for the purpose)

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CONCLUSION

Land administration is basically about people...



... relationship between people and places – and the policies, institutions and regulations that govern this relationship

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THANK YOU

GLTN Secretariat

UN-Habitat, P.O Box 30030, Nairobi 00100, Kenya

gltn@unhabitat.org

www.gltn.net

danilo.antonio@un.org

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