



Responsible Land Governance:

Fit-For-Purpose Land Administration Guiding Principles

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Fit-for-Purpose Land Administration The World Bank Trilogy

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Part 1 - Overview



Christiaan Lemmen

Part 2

Providing Secure Tenure For All

Robin McLaren

Part 3

Making it Work



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. – rather than being guided by high tech solutions and costly/time consuming field survey procedures.
- **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.



Fit for purpose – why is it ?

- **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..



Kibera, Nairobi



Malawi

Facing 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



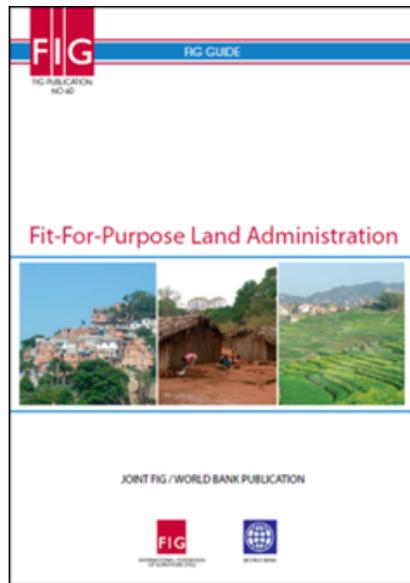
Goal 1. End poverty in all its forms everywhere

- 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

Meeting the Global Agenda

- “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>



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 Land Administration – Guiding Principles

Reference Document - Final Version - 30 Nov. 2015

Fit-For-Purpose Land Administration Guiding Principles



Stig Enemark
Robin McLaren
Christiaan Lemmen



FACILITATED BY:
UN HABITAT
FOR A BETTER URBAN FUTURE



Part 1: Understanding the FFP Approach

1. Introduction

Background, purpose and audience of the Guide. A brief introduction to FFP and the benefits to a range of stakeholders.

2. Land Governance & Global Agenda

How FFP approach supports the global land agenda and strong land governance.

3. Understanding the FFP Approach

An in-depth understanding of the FFP approach describing the 3 frameworks and their corresponding principles.

Part 2: Building the FFP Frameworks

4. Spatial Framework

5. Legal & Regulatory Framework

6. Institutional Framework

Principles Underpinning Frameworks

Guidance on how to incrementally build the 3 inter-related frameworks using the FFP principles.

Part 3: Implementing the FFP Approach

7. Developing Capacity & Managing Change

How to develop effective and sustainable capacity and guidance on how to manage change.

8. Adopting the FFP Approach

Advocacy and knowledge sharing proposals to accelerate the adoption of the FFP approach.

Appendices

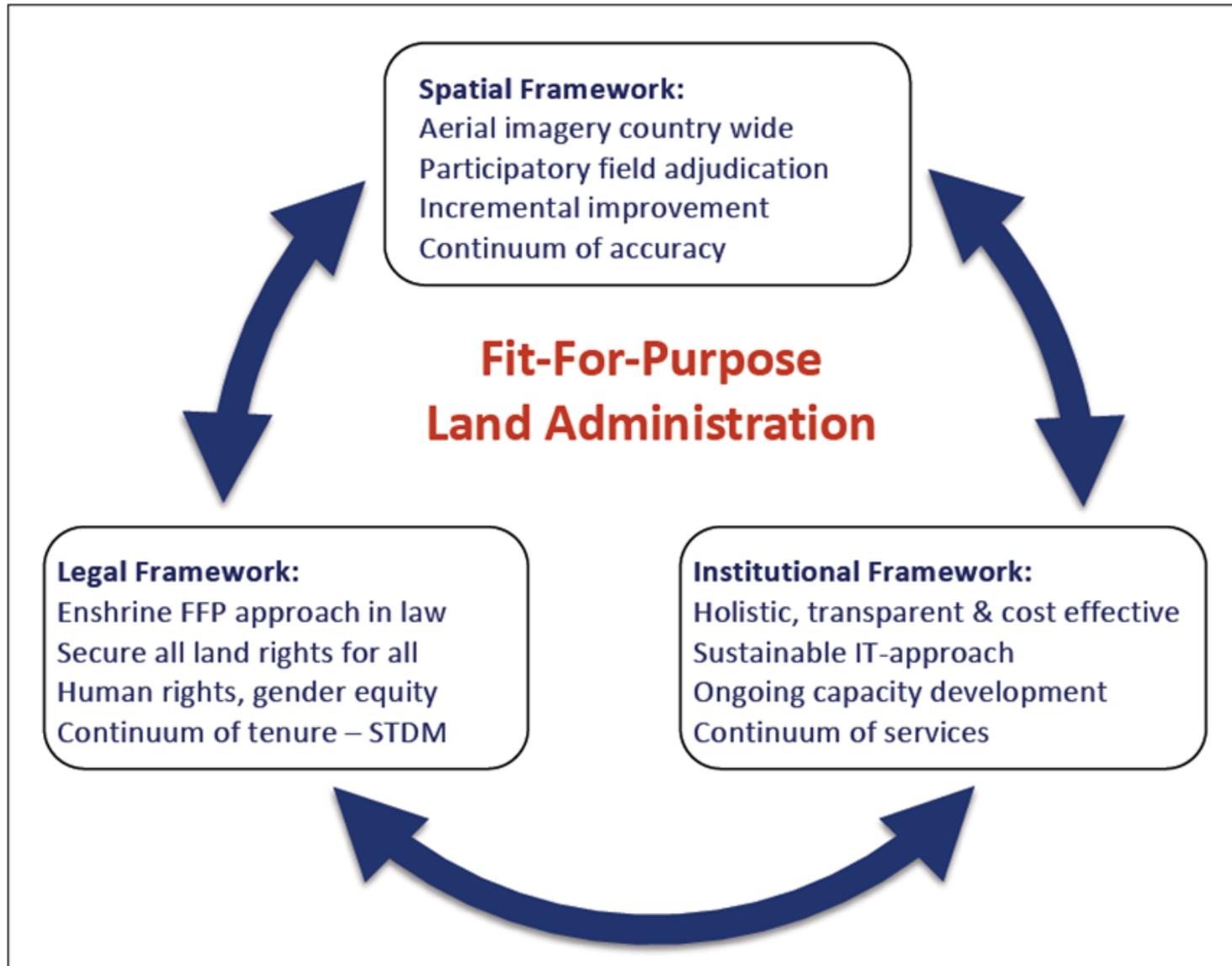
A. Developing ICT Infrastructure

How to incrementally build sustainable ICT solutions for less-developed countries.

B. Delivering FFP Land Administration

Lessons learned from countries implementing the FFP approach.

Fit-for-Purpose Land Administration – the Concept



Fit-for-Purpose Land Administration

<i>KEY PRINCIPLES</i>		
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 siloes▪ Flexible IT approach rather than high-end technology solutions▪ Transparent land information with easy and affordable access for all

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

Rwanda – leads the way



10 million parcels demarcated, adjudicated and registered in about five years
Unit costs were about 6 USD per parcel

Building the Legal Framework

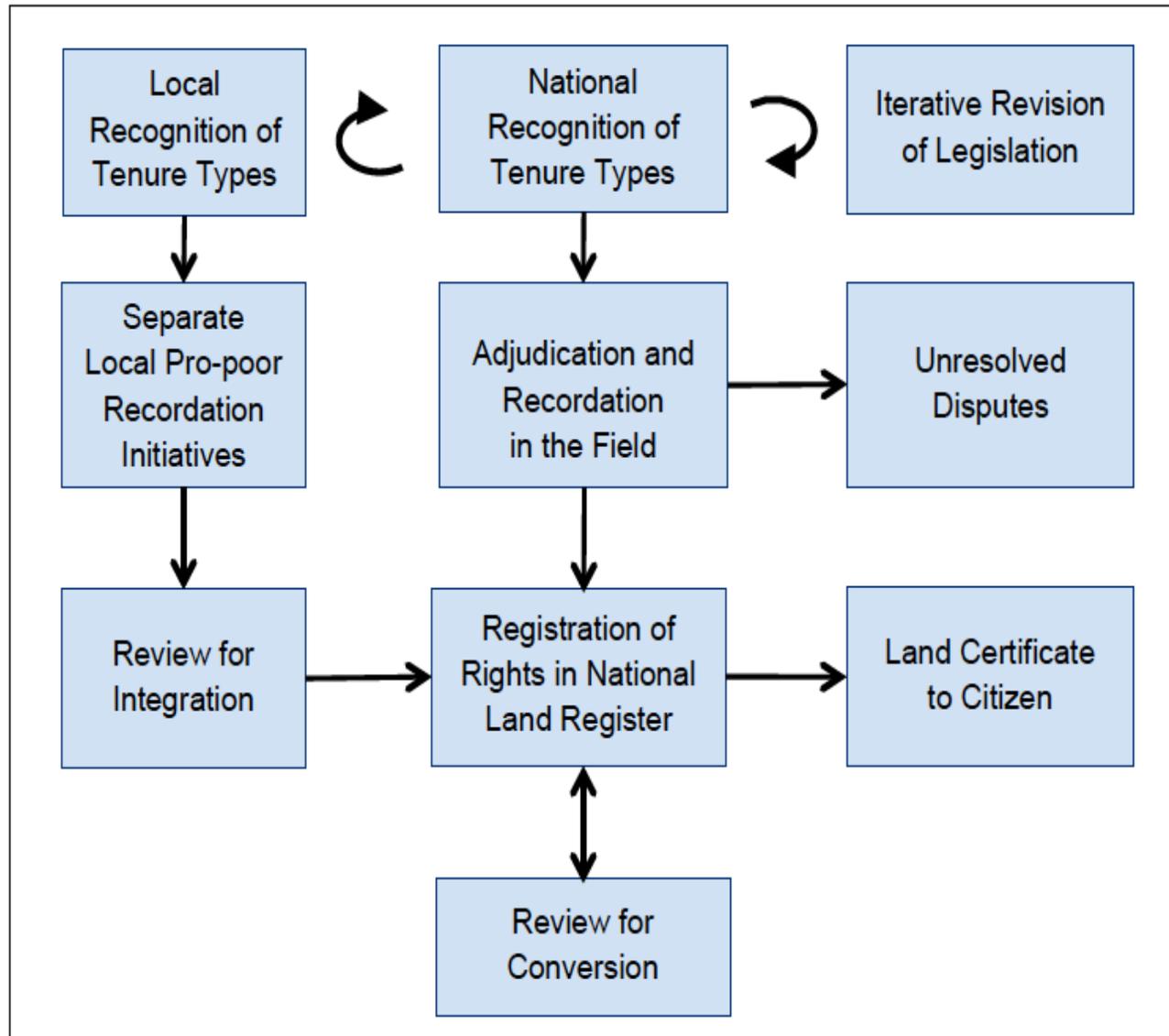
- a continuum of tenure

- 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.

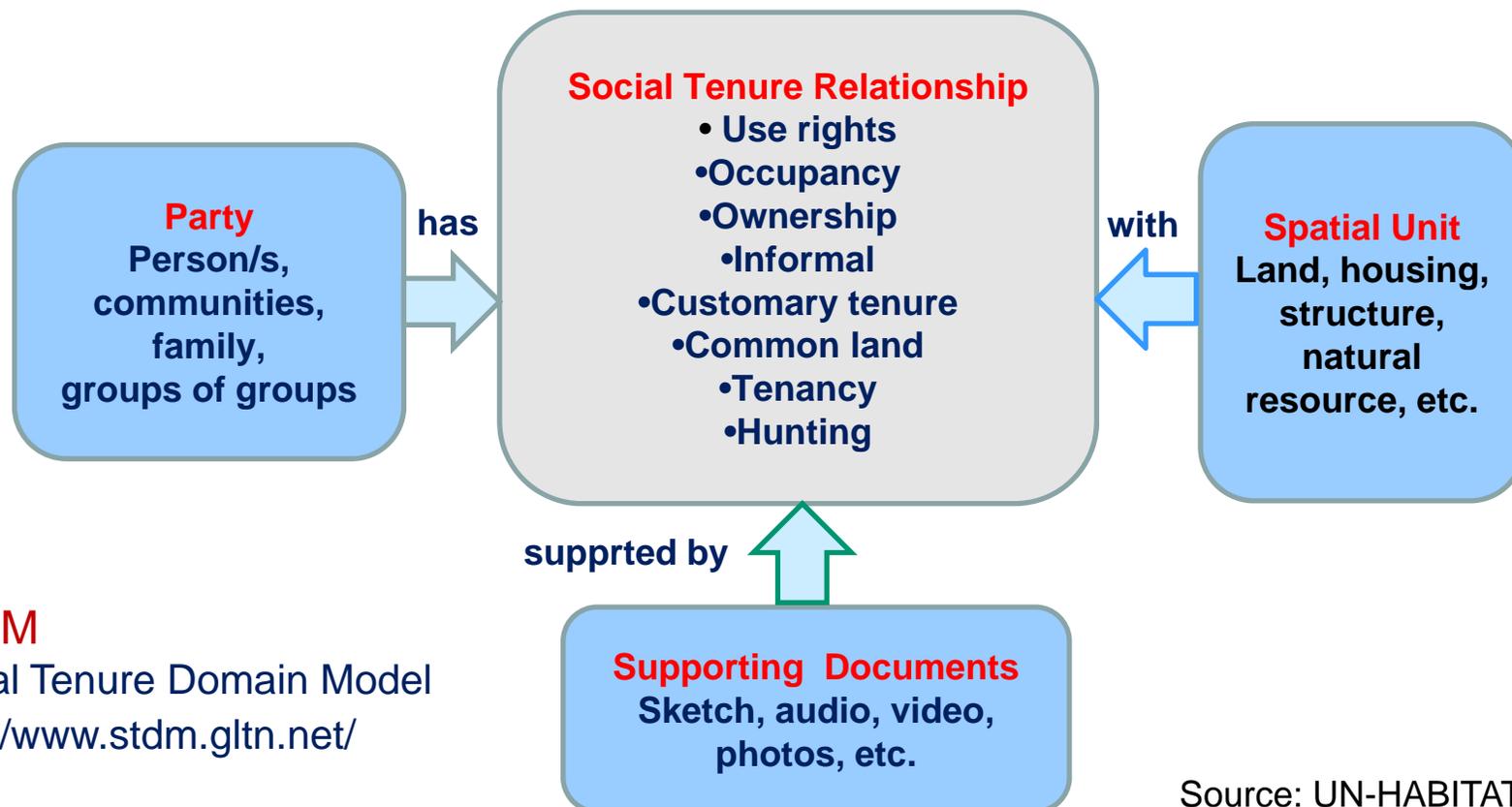
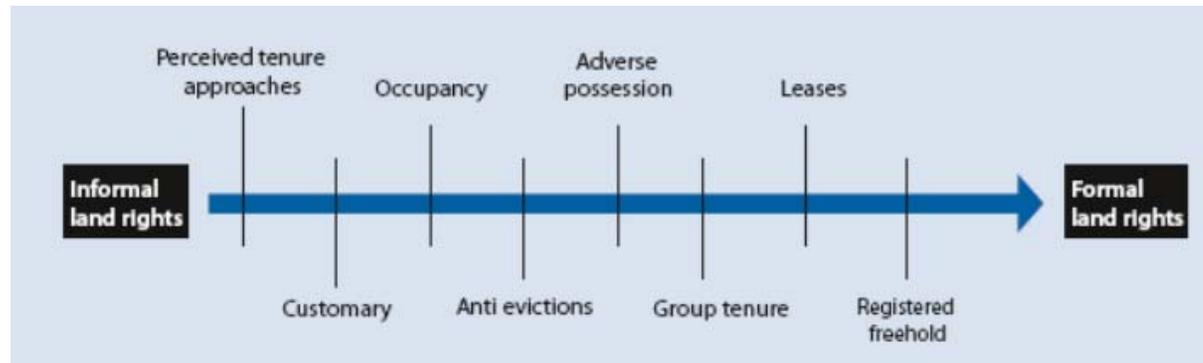
- Flexible recordation rather than only one register
 - The FFP approach will require a flexible recordation system.
 - Applying the continuum of land rights will require innovative pro-poor recordation systems
- Ensuring gender equity for rights in land
 - Women make two thirds of the worlds poor.
 - Women's access to land must be seen as a universal human right.



FFP Process for Recognising, Recording and Reviewing Land Rights



Continuum of land rights



STDM

Social Tenure Domain Model

<http://www.stdm.glt.n.net/>

Source: UN-HABITAT, GLTN

Building the Institutional Framework

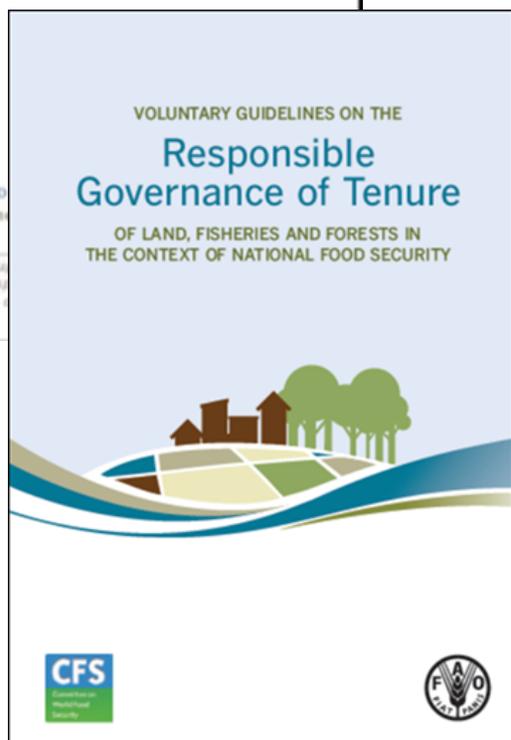
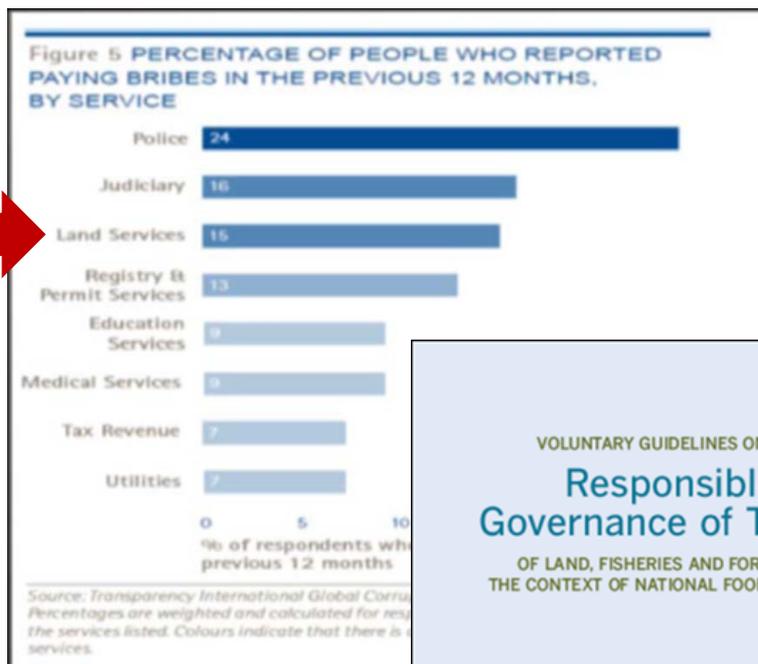
- a continuum of services

- **Good land governance rather than bureaucratic barriers.**
 - The term “good governance” includes for government to be legitimate, transparent, accountable, and dedicated to integrity
 - Applying the FAO Guidelines on Responsible Governance of Tenure.
- **Integrated 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 easy and affordable access for all**
 - Applying an open data policy – subject to the protection of privacy.



Responsible Governance of Tenure



- **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.

The quest for capacity development – making it work

”Don´t start what you can´t sustain”

Provisions for ongoing updating and possible upgrading are crucial and must be established up front.

Capacity development relates to societal awareness, institutional and organisational reform, and education and training of human resources.



The way forward includes understanding and cooperation between UN-agencies, professional organisations, and national governments

To drive and manage the change process there must be effective knowledge-sharing to ensure that lessons learned and good practice are widely implemented.

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**