IS "CONVENTIONAL" NEVER INNOVATIVE? AN ANALYSIS OF THE DISCOURSES AROUND LAND TENURE DOCUMENTATION

BY

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BACKGROUND

❖ From the 1980's land titling programmes were strongly promoted and implemented in many developing in lieu of perceived economic benefits.

❖ Towards the late 1980s and early 1990s international organisations and researchers started evaluating and reviewing Implemented titling programmes in developing countries in order to verify if the claimed economic gains have been realized.

❖ In many developing countries land titling was found to be less successful. This gave rise to the search for alternative ways of land registration.

❖ The search for these alternative systems of land registration is endless and has given birth to new vocabulary which are used to describe and distinguish between the existing systems of land registration and the alternatives systems that are emerging.

If "X" is innovative, what is "conventional ?"

METHODOLOGY

❖ To trace the discourse on these emerging vocabulary and to map out its directions and evolutions over time; We retrieved from science libraries including ScienceDirect, Web of Science, Scopus, Google Scholar using a combination of phrases and key words namely; "land registration", "land administration", "Cadastral systems", "Conventional", "innovative" and "approach". We set the search queries to retrieve documents which have these keywords and phrases in any part of the document; from title, abstract, keywords to the body.

❖ For each document, we read through with focus on areas where these key words have been used to describe a process, system or outcome of land administration, land registration or their elements for example; the process of data capture.

❖ We intend to review 150 scientific documents, so far we have reviewed 58 Scientific articles and conference papers and theses.

❖ Explore use of terminology and context: timeline of co-occurance of words, synonyms/antonyms

❖ Meanings of "conventional:" coding into 80 open codes which were categorised into 9 themes using Atlas.ti

Timeline of the terminology: conventional / innovative

❖ Since 1990, the use of "conventional" to describe land registration and land administration processes/practices was common, but around this time was used interchangeably with "traditional" and "existing"

❖ Around this time, the antonyms of "conventional" in land administration discourses were not yet concrete. Between 1990 to 1993 the words "alternative", "un-conventional" were commonly used to contrast "conventional" practices and systems. In 1993, *Larsson* used the phrase "innovative approaches" to contrast existing deed registries.

❖ The first coupling of "Conventional" versus "Innovative" methods occurred in 1999 in the studies of Christensen et al., Fourie and Nino-Fluck and Stamm

❖ Since then researchers used them together more frequently until 2010 and 2012 when the "Conventional" versus "Innovative" vocabulary gained global attention through the publications of the World Bank and UN-Habitat on innovative land tools.

INTERPRETATIVE MEANINGS AND CHARACTERIZATION OF *CONVENTIONAL APPROACHES* (CA) IN LAND ADMINISTRATION DISCOURSES BASED ON LITERATURE

No.	Category of Interpretative Meanings (Emerging themes from open codes)	Frequency of open codes
1	CA are *inefficient* practices and systems of land administration	20
2	CA are Practices and systems of land administration that *do not reflect local tenure*	15
3	CA are *institutionalized* practices of land administration	11
4	CA are Practices and systems of land administration that *do not secure tenure*	9
5	CA are Practices and systems of land administration that *originate from Western Europe*	7
6	CA means *formal cadaster or land titling*	5
7	CA of land administration are *static practices and systems that inhibit land governance*	4
8	CA are *current or existing* practices and systems of land administration	4
9	CA are practices and systems of land administration that provide *individualized land rights*	3

What does the discourse imply for land governance

❖ Conventional approaches are increasingly projected as negative. Going forward, they may be overhauled or reengineered to make way for the so-called innovative approaches which requires time, effort and resources.

❖ The pronounced distinction between conventional and innovative approaches calls for integration when they operate in parallel. Without such integration little synergetic benefit can be realized.

❖ The innovative approaches which are relatively new will have to negotiate with the conventional approaches which are more institutionalized for acceptability.

How do these discourses materialize in concrete practices?

❖ According to (Asperen, 2014) conventional approaches/land tools may be turned into innovative tools by applying on them pro-poor principles.

❖ Bennett et al. (2013) observe that, innovative approaches may be used to support conventional approaches or operate in parallel with them.

❖ Tuladhar (2003) argues for reengineering of existing land registration and cadastral systems.

These authors (among others) prioritize innovative approaches over conventional approaches through some form of adjustment of conventional approaches.

How might these discourses materialize in concrete practices?

MSc thesis research by Fuseini (2018) in Ghana:

- Mobile mapping for land documentation (commercial enterprise)

- Innovative approaches need to adjust to institutional setting:
  area differentiation,
  types of documentation packages,
  involvement with different governance actors (depending on area, package type)
  with incremental development of process
  ~ "product" / "process innovation" (Bessant and Tidd, 2007)

- Innovative approaches also thrive on features of conventional systems:
  legal pluralism also at statutory level affords flexibility;
  financial negotiability (fees by chiefs);
  customary administration (CLS) as process facilitator;
  flexibility of "public servants" (mobile mappers with certified surveyors);
  community cohesion
  ~ **"conventional approaches" here support innovation.**
  (In this case innovative approach was first introduced from outside of context).

The crux of the story…

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Conclusion

Instead of:

"Conventional approaches" vaguely negatively (vis-à-vis innovation) conceptualizing as existing, inefficient, ineffective (tenure security) and of Western European origin

Ask:

What have these "Western European origin" practices become / what are current dynamics (in different places)?

What do these conventions do (in practice) ? How do they allow or constrain innovation ? (in different places/contexts)

Where does the innovation come from - inside the institutional context or outside or a combination thereof ?

Conclusion

Research:
Such research on "conventional approaches" through the lens of "innovation" could contribute to the currently "very little understanding of the administrative dynamics shaping the capability for (and quality of) implementation of these policies" (Pritchett et al 2013, p.3)

Practice:
Via conventional approaches towards "responsible innovation" >> North/south and south-south relations and networks? (e.g. Owen, W., Bessant, J., Heintz, M. (ed.); 2013)

Here society is reduced to its original elements, the whole fabric of art and **conventionality** *is struck rudely to pieces, and men find themselves suddenly brought back to the wants and resources of their original natures.*

Francis Parkman

Thank You

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