

Transparency in Land Administration & Pro Poor land tools



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ITC an Associated Institution of the
UNITED NATIONS
UNIVERSITY



GLOBAL
LAND
TOOL
NETWORK



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Land Administration (LA):

- a processes of recording and disseminating information about land rights, value and use of land & its associated resources
- such processes include the determination (“adjudication”) of rights and other attributes of land, survey and description of the same and their detailed documentation



Land Administration (LA):

- 'normal' setup
 - land registration, parcel maps, cadastre, ..
 - involves (highly trained) 'land professionals': (property) lawyers, land surveyors, real-estate economists, ..
 - set of public and private institutions: Land Registry, Cadastre Agency, licensed surveyors, notaries, ..
 - complex, not cheap, not very quick
 - often only covering part of the country and serving part of the society



Land Administration (LA):

- in theory brings as benefits:
 - increases security to (current) land right holder, increases access to credit, facilitates rights transfer, ..
- in practice
 - impact limited to part of society; the 'elite'
 - creates bureaucracy, not always brings benefits
 - opens doors for corruption
 - used to push those outside of it (informal, customary, ..) from the land and give to the 'elite' (e.g. concessions, upmarket developments, taking compensation, speculation, ..)



Example from Burkina Faso



- In 1987 a parcel in capital is assigned to a 54 year old Burkinian living in Ivory Coast
 - He builds minimal house, pays taxes and receives 'attribution certificate' (1996)
- In 2004 he sees a splendid villa on it
 - He manages to locate the owner who build 'by error' on his land
 - The owner is a woman who is in charge of one department of the city administration, married to a retired military.
 - In 1998 she received a 'provisional attribution paper' of the same parcel

Example from Burkina Faso



- She claims she could not locate the earlier owner after trying.
- She promises to raise problem with mayor for an alternative solution (read other parcel for him). Nothing happens.
- After elections he finally contacts (new) mayor himself, and finds out the land has been 'withdrawn' without him knowing of it (even though he paid taxes and build house).

Example from Burkina Faso

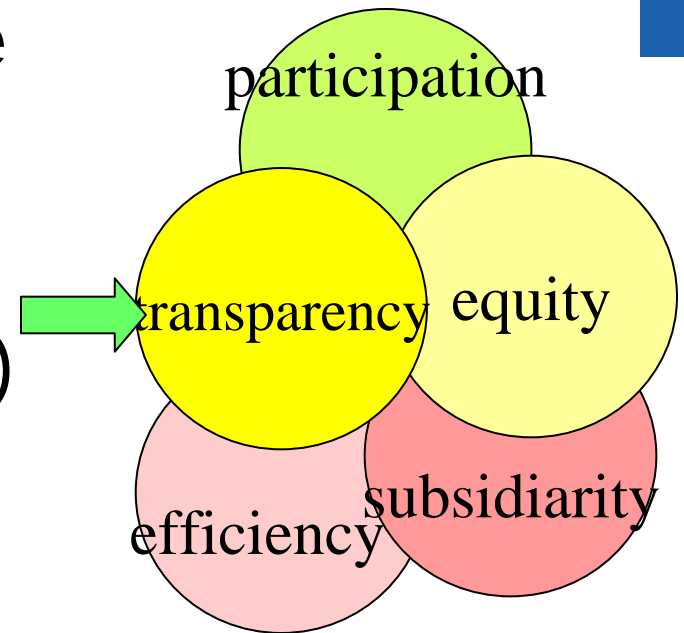


- There was an official statement in governmental daily newspaper Sidwaya in November 1997, with 550 parcels listed, and not a data of assigning or name of assignee.
- He still hopes for a new parcel, but unlikely to be in same attractive area.
- His 'formal' right (not finalized) was withdrawn via a bureaucratic procedure to benefit someone from the elite.

Transparency in Land Administration



- Example drawn from regional training on transparency in LA in Africa (one)
- Transparency is seen as entry point to deal with Land Governance
- Part of a capacity building exercise on this in Africa (to be repeated in S-E Asia)



Capacity Building agenda

- Large demand for skills in Land Administration in Africa, incl. competencies to strengthen transparency
- UN-HABITAT and ITC + Regional Partners (KNUST, PoN, ARU, ENDA) joint venture to enhance capacity for *Transparency in Land Administration*, in GLTN framework



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Capacity Building programme

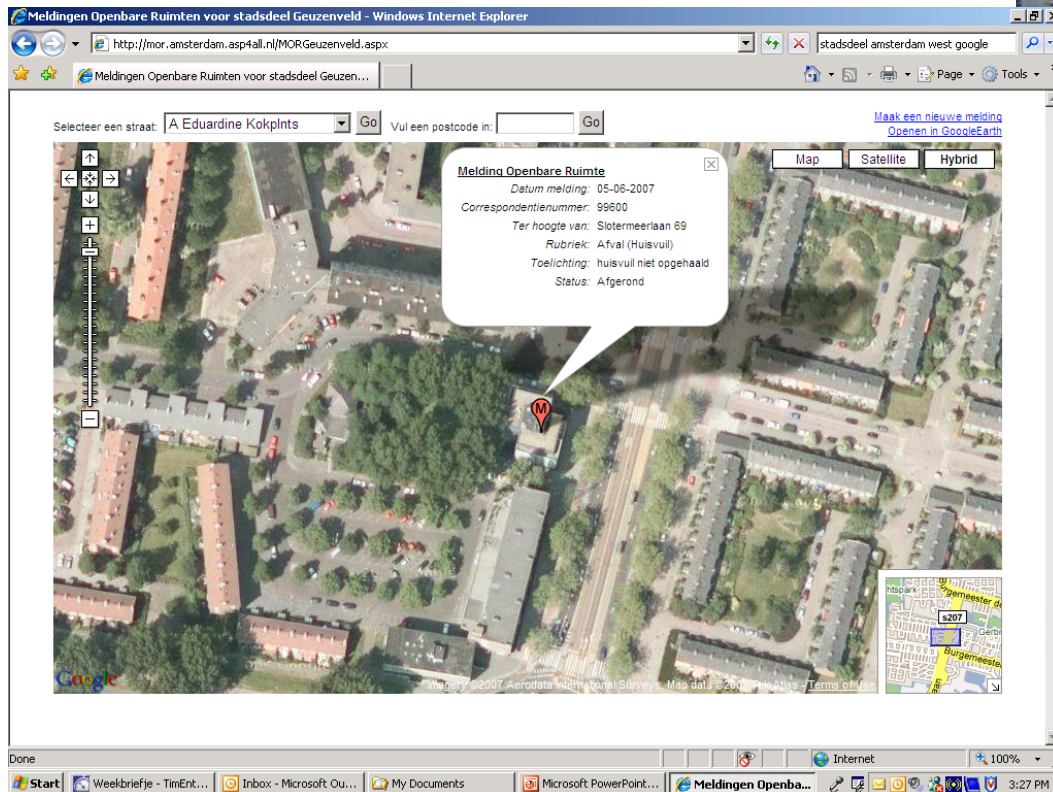
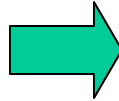
- EGM, Jan. 2007, Nairobi
- Develop knowledge and skills + stimulate thinking on actions
- Target group: upstream change agents
- Three-day curriculum
- Four African regions
- Case Studies and action planning



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What is the solution?

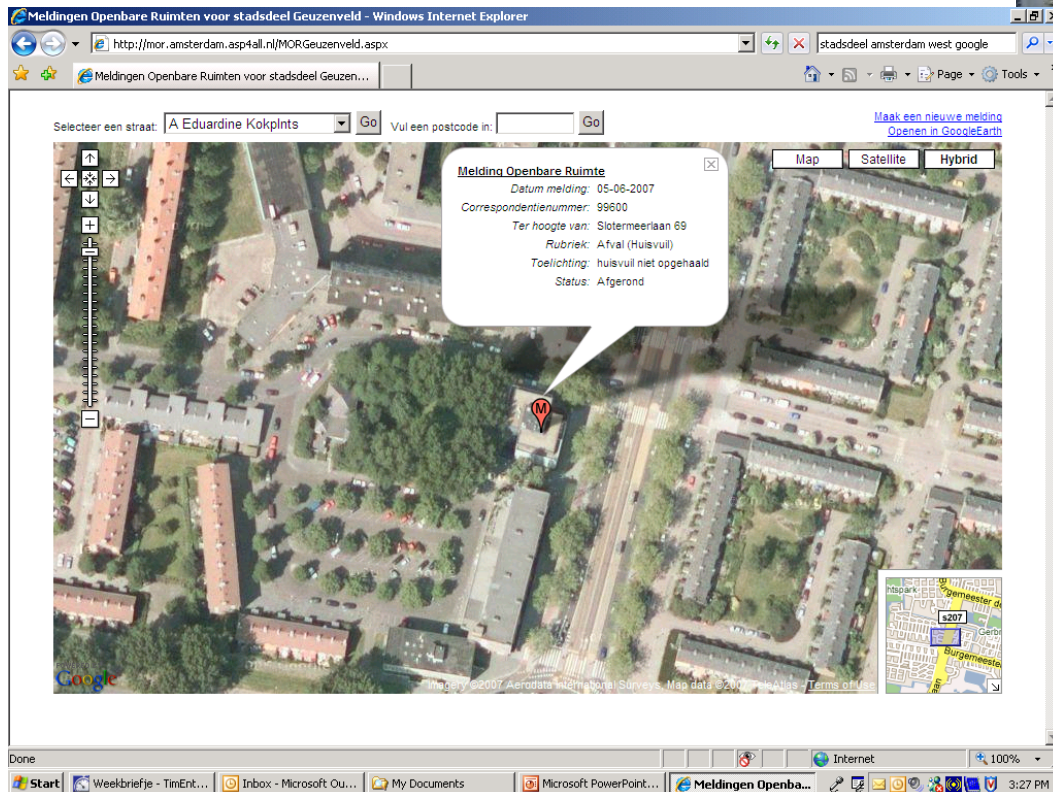
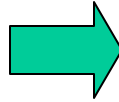
This
or
That



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What is the solution?

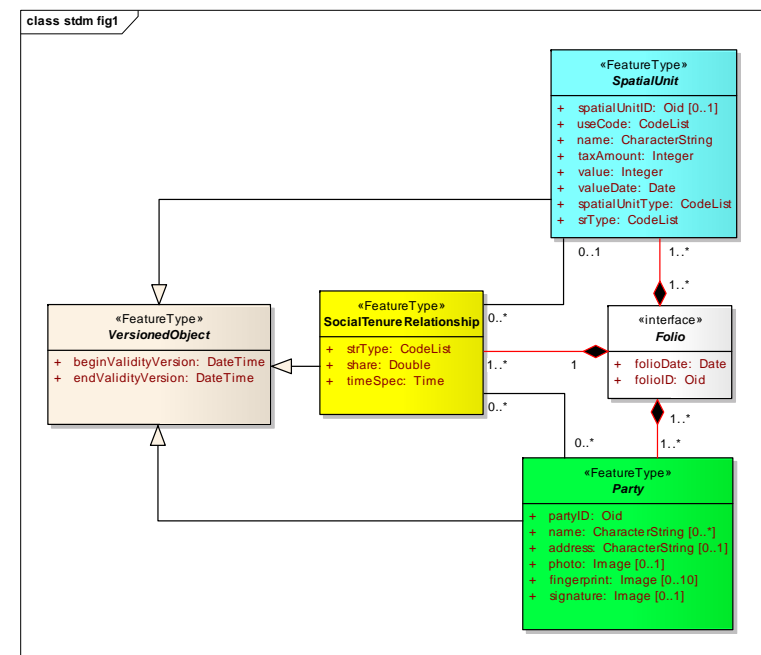
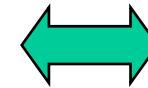
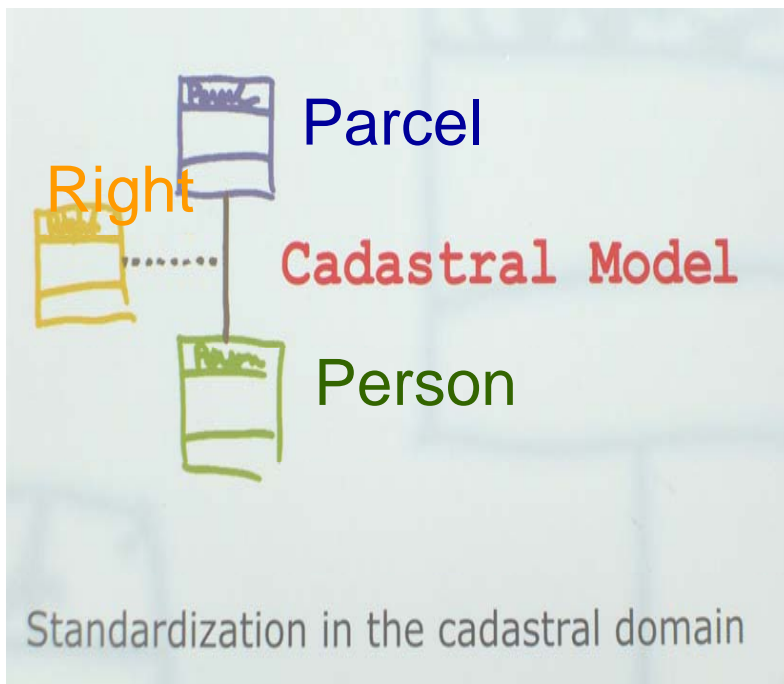
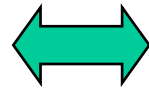
This
or
That



Or both combined ?

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The Social Tenure Domain Model



STDM - broaden the scope of land administration



- pro poor land tool
- land information management framework that would integrate formal, informal, and customary land systems and integrating administrative and spatial components
- facilitate recording all forms of land rights, all types of rights holders and all kinds of land and property objects / spatial units regardless of the level of formality

Range of Party/Person - Types



- Group with non-defined membership
- Group
- Group of groups
- Natural Person
- Company
- Municipality
- Co-operatives
- Married couple
- Ministry
- Etc << can be extended

Social Tenure (Right) - Continuum



- Ownership
 - Apartment - Right
 - Co-operations
 - Occupation
 - Tenancy
 - Possession
 - Miri - Milk - Waqf
 - Restriction Types
 - State Property
 - Etc << can be extended
- Non-formal and informal rights
 - Customary Types
 - Indigenous Rights
 - Tenancy
 - Possession
 - (Certificate of) Comfort
 - Disagreement
 - Overlap
 - Uncontrolled Privatisation
 - Conflict situations
 - Etc << can be extended

(Social) Credit Right - 'Continuum'

"where"



- Micro Credit
- Group Loan
- Individual Loan
- Loan on a Constructed Residence
- Mortgage
- Etc << can be extended
- Risks: people cannot pay!

Spatial Units



- Parcel
 - Apartment
 - Building
 - Etc << can be extended
- One Point - inside polygon
 - One point - street axes
 - Set of Lines
 - Polygon (low accuracy)
 - Polygon (high accuracy)
 - 3D Volume
 - Etc << can be extended
- Different ways of acquiring



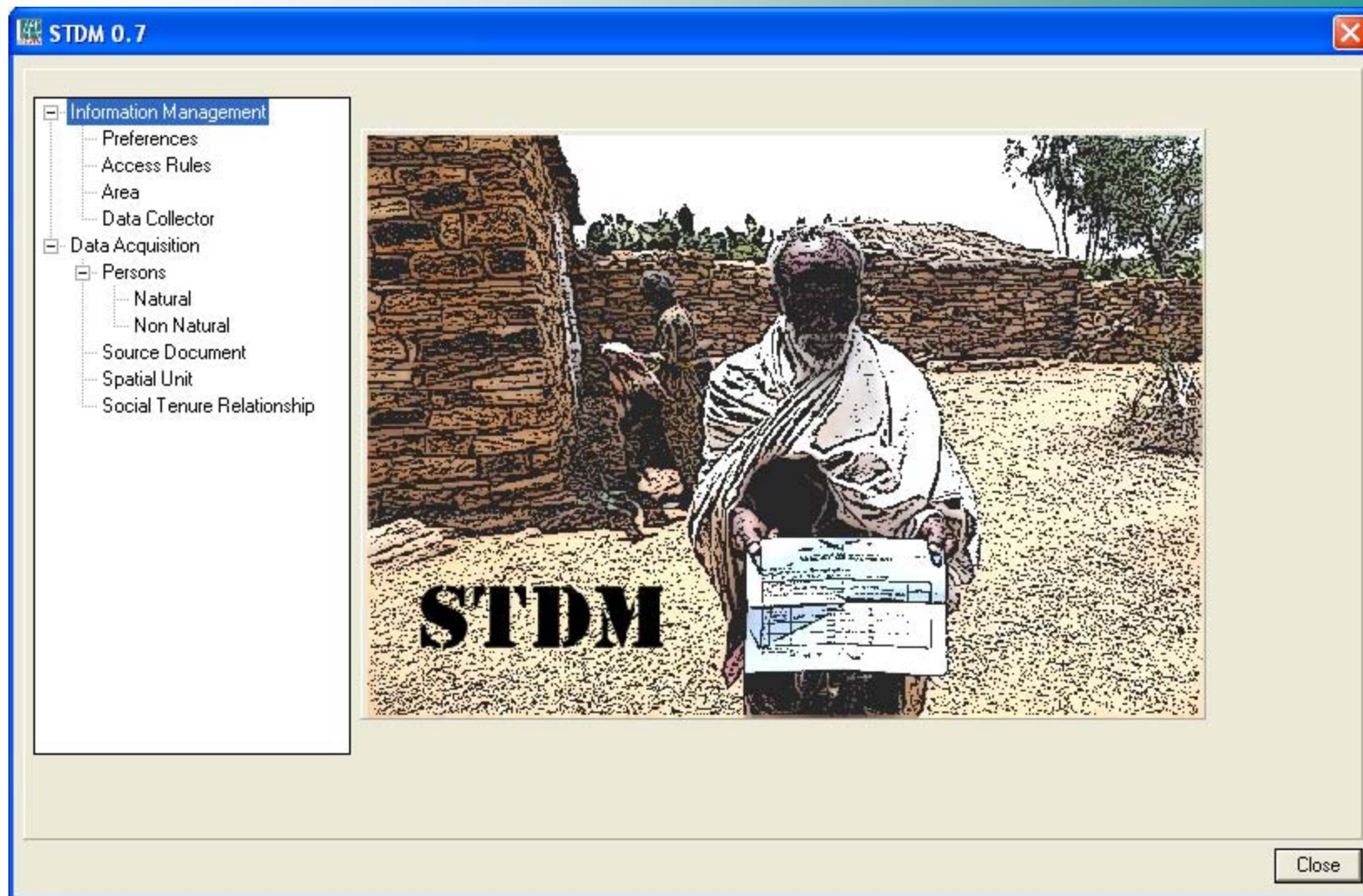
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STDM - from concept to implementation



- Conceptual, Functional and Technical Design
- Prototype
 - Internally tested and reviewed
 - External testing planned: rural (Ethiopia next month) and later urban
- Institutional embedding and contextualisation up next