LAND POLICY AND LAND ADMINISTRATION

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Best Practices for Land Tenure and Natural Resource Governance in Africa

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Institutional Aspects of Land & Resource Tenure

- Economic
- Political
- Legal
- Social
Land Tenure and Property Rights

- Land as an asset
- Mixture of social, economic, political, and legal institutional factors
- Bundle of land rights
  - Location, time, use, people
Land Policy

• EU definition: “An official statement by a government of its intentions and plans regarding the conservation, use, and allocation of land, but does not have the force of law”

• Expresses political choices concerning the distribution of power and interests in land between the state and its citizens

• Determines rights of access to and use of land related resources
Objectives of Land Policy

- Assurance (Security)
- Production (Investment)
- Distributional (Equity)
- Environmental (Sustainability)
- Aesthetic (Beauty)
- Cultural (Identity)
The Importance of Land Policy

- Enhances tenure security and determines mechanism for distribution of land rights
- Promotes social stability (clarifies government goals/objectives)
- Basis for economic development (expectations and predictability)
- Sustainable land use and sound land management
- Development of legislation, regulations, and institutions (guidance, implementation, monitoring)
Land Legislation

- International Treaties
- Regional Agreements
- National Constitutions
- National Laws
  - Statutory Law
  - Customary Law
  - Religious Laws (Sharia)
- Harmonization-simplification
- Legislative Drafting
- Regulations
- Legal Practitioners
- Access
- Modernization (E-Commerce, E-Conveyancing, Digital Signatures)

“Act of making or enacting laws, usually by a legislature or other governing body”
‘THE PROCESS OF DETERMINING, RECORDING AND DISSEMINATING INFORMATION ABOUT OWNERSHIP, VALUE AND USE OF LAND, WHEN IMPLEMENTING LAND MANAGEMENT POLICIES’ (UN/ECE, 1996).
Land and land administration

• Land as a resource
• Cadastres and land registration
• Land management and land reform
• Land administration
• The benefits of a good land administration system
• Institutional issues
• The role of computerization
The Legal Framework

- The legal status of land and real property
- Land tenure
- Deeds registration and title registration
- Adjudication of title to land
- Boundaries
- Cadastral surveying
- Land parcel information
Financial Matters

- Value and the valuation of land
- Taxing land and property
- Central valuation agencies
- Land and property markets
- Costs and benefits of land administration
- Financing and sources of funding
- Marketing land registry and cadastral data
Land-use Planning

- The role of the cadastre in physical planning
- Land-use planning in urban centres
- Land consolidation and reallocation
- Environmental monitoring and geographic information systems
Institutional Arrangements

- Land policy
- Land administration activities
- Land information management
- Organization and management
Technical Matters

• Control surveys

• Cadastral surveying and mapping

• Electronic data processing for land administration
Spatial Data

- Spatial data is key to property rights but also to many other development needs
- Collect once – use many times
- Use various modes of spatial data tools and gathering approaches

- Blending scales and accuracies is acceptable in data poor environments
- Spatial data has considerable value but must be maintained
- Maintenance requires good governance
- Emerging economies must look to partnerships with private sector to develop and sustain spatial data
Land Administration Challenges

- Policies require ongoing political will, planning, and long-term investment
- Inadequate data quality and missing data
- Insufficient financing for responsible government entities
- Lack of trained personnel
- Institutional complexities, lack of institutional will, and personal/institutional corruption
- Outdated legal framework
- Lack of technical standards and ability to share information
- High costs of maintaining software, equipment, and systems
- Development of systems that integrate the diverse tenure forms (formal, customary)
- Lack of public understanding of rights and responsibilities
Procedures for Introducing a Land Administration System

- The determination of user needs
- The creation of new administrative and organizational structures
- The preparation of new legislation
- The adjudication and determination of rights in land
- The surveying of land and property boundaries
- The management of land information
- The establishment of financial management procedures
- Developing awareness in the user community
Thank you!