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# **Land Policy and Administration**

**Presenter: Jill Urban-Karr**

**Property Rights and Resource Governance**

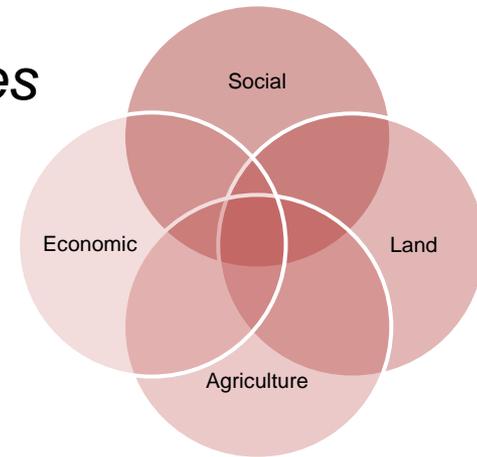
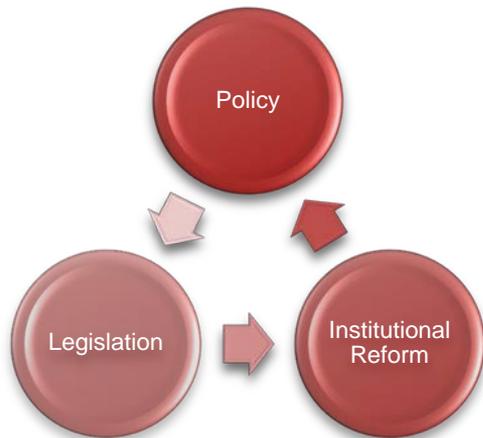
**Issues and Best Practices**

**Washington, DC**

**October 2012**

# Land Policy

*“Land policy lies at the heart of economic and social life and environmental issues in all countries.”*

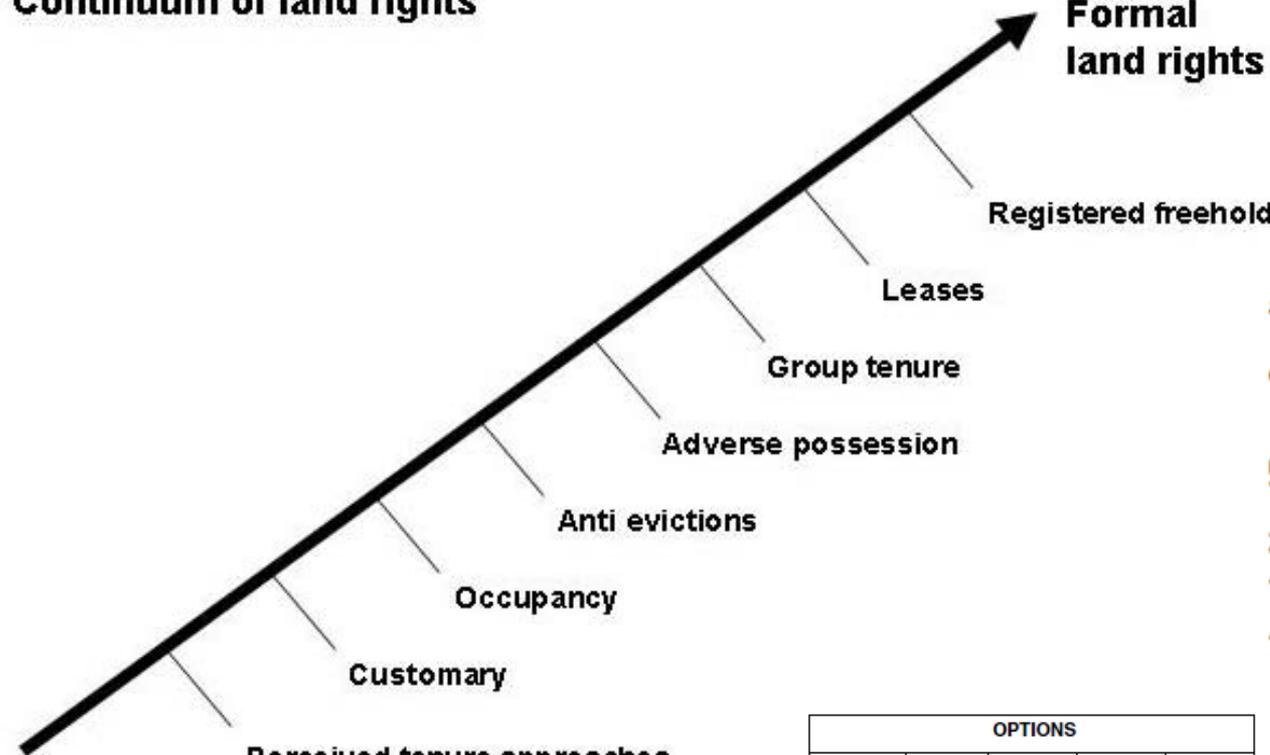


*Guide – Inform – “soft”*

*“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.” - EU*

# Continuum of Land Rights

Continuum of land rights

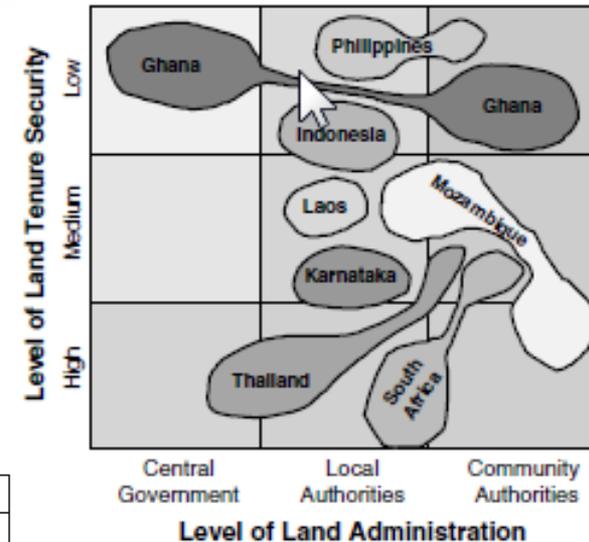


**Informal land rights**

**Perceived tenure approaches**

- political statements
- service delivery without legal tenures

OPTIONS				
	Sketch map	Ortho photo	Map from photo	Field survey diagram
CRITERIA				
Accuracy	L	H	H	H
Simplicity	H	L	L	L
Cost	L	H	H	H
Efficiency	H	L	L	L
Utility	L	H	M-L	L
Flexibility	H	M	L	L



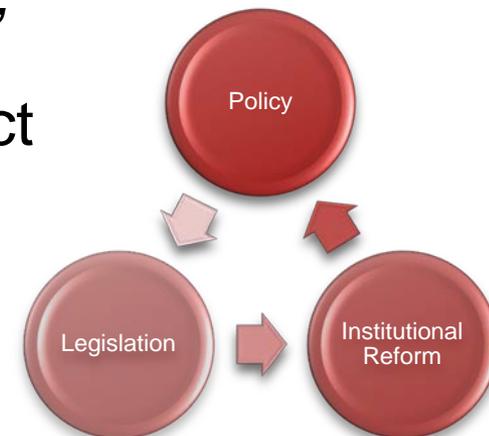
# Land Policy – Jamaica Example

- July 1996. Land Policy

*“ recognizes the finite nature of Country’s land resources and the need to correct decades of indiscriminate use and poor development practices.*

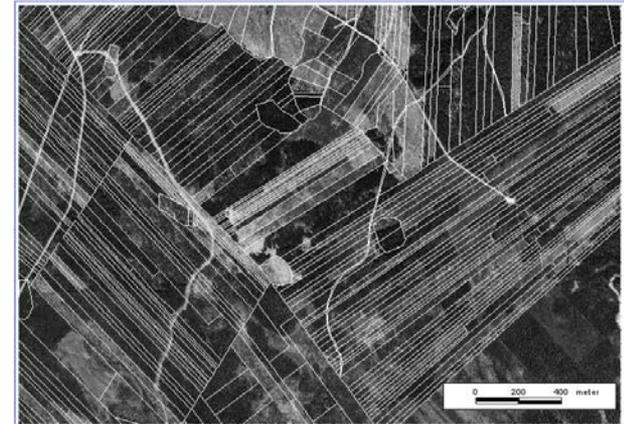
*The policy aims to complement socio-economic development plans and programmes including poverty eradication, whilst challenging and seeking to remove inefficient, onerous and outdated legal, administrative, management and other barriers.”*

- 1999 – Public Sector Modernization Project
- 2001 – National Land Agency



# Land Policy

- Customary Tenure Forms (Pastoralists, ethnic, religious groups)
- Land redistribution
- Land consolidation
- Land divestment
- Land acquisition
- Increased Agricultural Productivity
- Protection for disadvantaged groups



# Land Policy

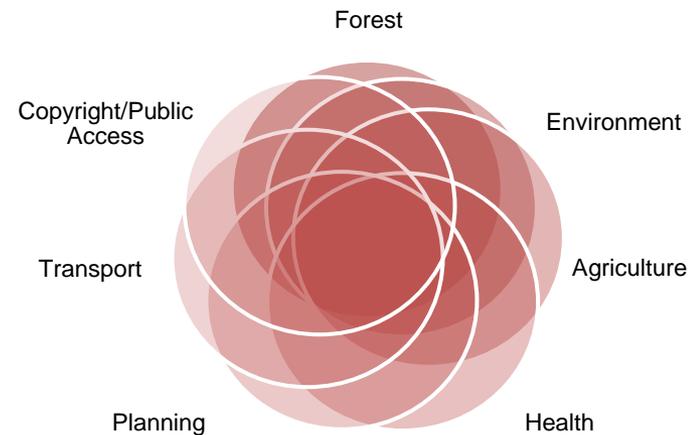
- Decentralization of services
- Improved Service Delivery
- Improved Food Security
- Post conflict
- Protection of Commons
- Peri urban/Urban – Housing/Shelter
- Biodiversity Protection
- Resource Management/protection
- Increased Investment



# Land Legislation

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

*“Act of making or enacting laws, usually by a legislature or other governing body”*



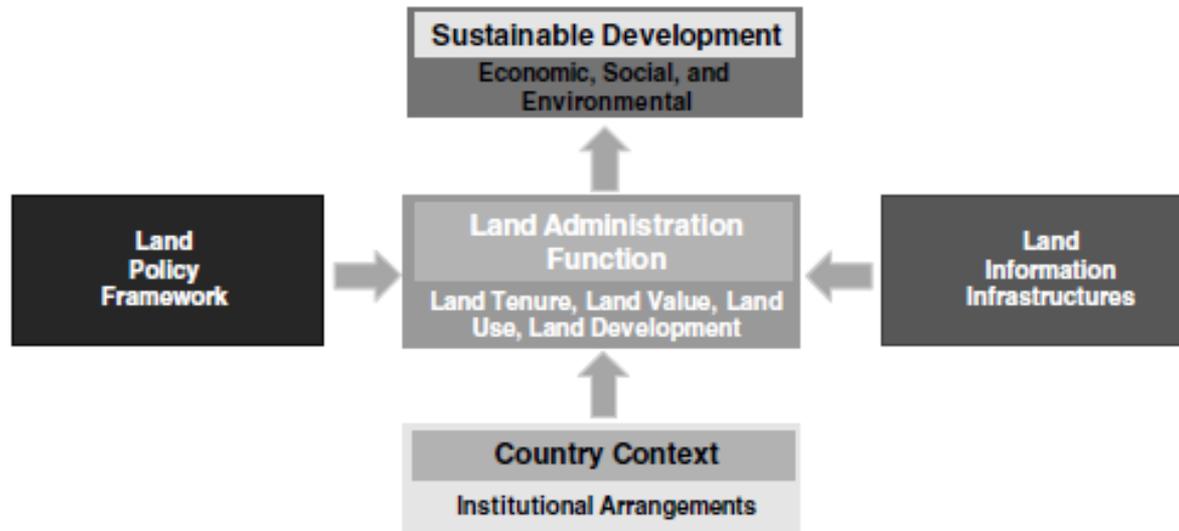
# Land Administration – Definition

**‘THE PROCESS OF DETERMINING, RECORDING AND DISSEMINATING INFORMATION ABOUT OWNERSHIP, VALUE AND USE OF LAND, WHEN IMPLEMENTING LAND MANAGEMENT POLICIES’ (UN/ECE,1996).**



# Land Administration

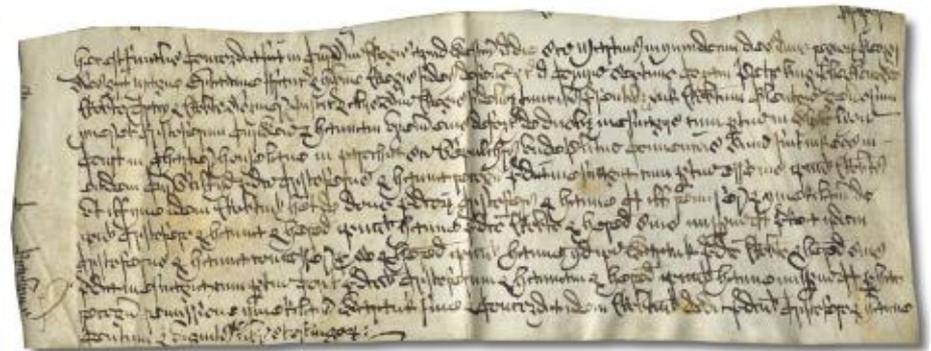
- Acts as a basis for sustainable development
- Sustain stability & economic development by recognizing all property rights that promote internal confidence between its people, its commercial enterprises and its government,
- Property rights are a major source of national wealth



# Land Administration

- States that prosper promote widespread and secured ownership of property rights as a foundation of agricultural, social and economic policy,
- Protect rights of disadvantaged groups (particularly as value of land increases).

*“ This is the judgement of sober men Will be this long desired Registry Upon whose fond none can be cheated when They trade or trust on that security Which if it pass as it is now fitted The just are double blessed, the knaves outwitted”*



Andrew Yarranton 'A Plain Dealer's Prayer for a Registry' 1660 England

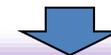
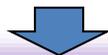
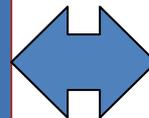
# Land Administration: Good Governance Challenges

## Customary

- Recognition
- Capacity
- Migration
- Transparency/Doc
- Equity/Abuse
- Authority Figure recognition/disputes
- Boundaries

## Statutory

- Centralization
- Lack skilled/well paid pers.
- Barriers to entry high
- Data/Standards/Complete
- Power Elite
- Institutional competition/complexity
- Outdated land legislation
- Lack of maintenance/funding



**Private Sector** *Value added products | Professional organizations | Services*

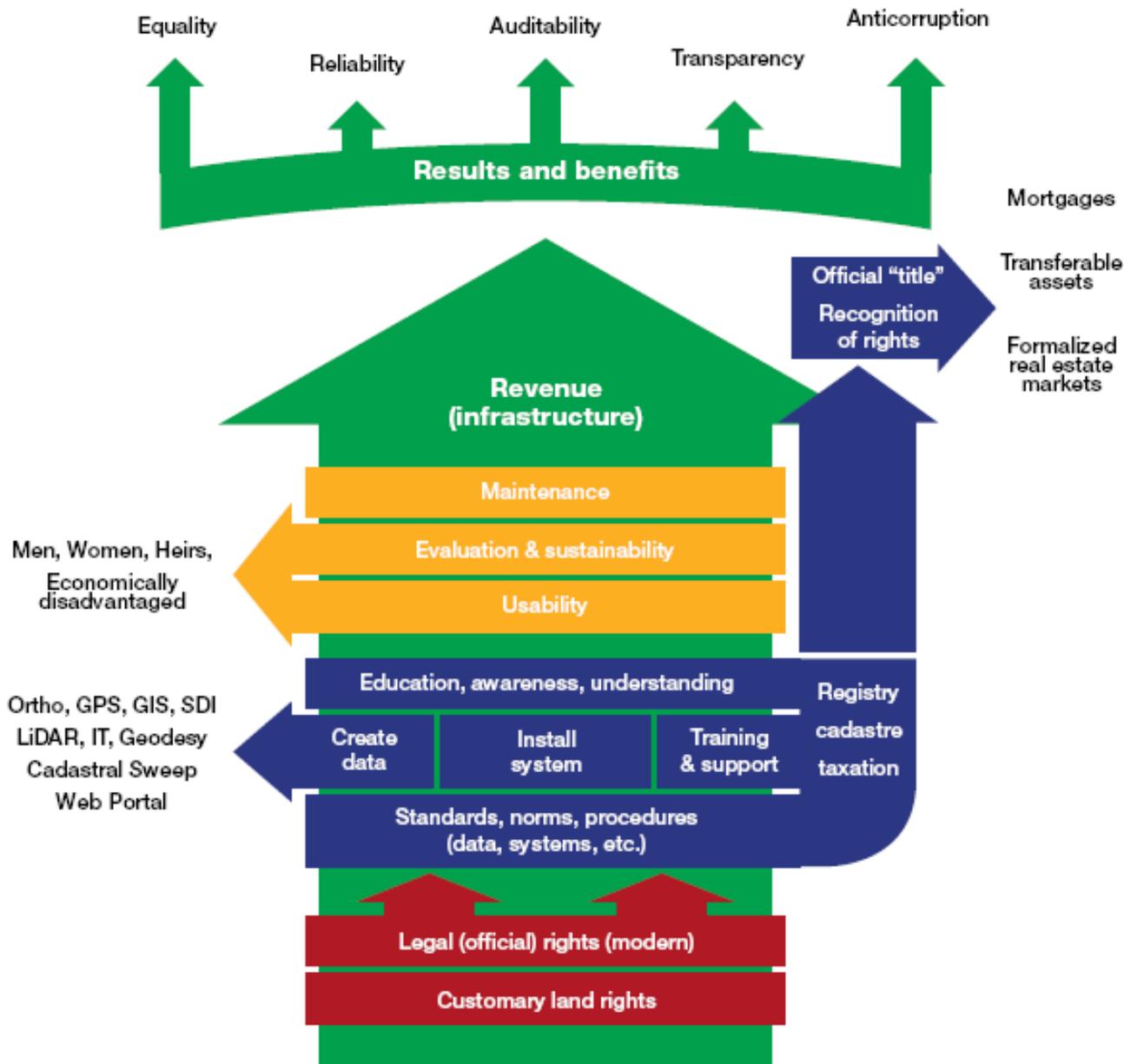
# Land Administration – Challenges for Women

- Disadvantaged groups may include women, single males, heirs, and the poor - with women often being completely “left out” of the land administration process.
- Considerations to assure inclusion/participation:
  - Civil registration of marriages, births
  - Creation of joint titling “forms” and incentives to encourage joint titling
  - Specific effort to identify and record women’s rights during systematic registration/data collection
  - Education and awareness

# Land Administration

- Access/Delivery of Service
- Understandable Procedure for Recognizing Rights
- Effective, Equitable, Secure Documentation of Rights
- Protection against Infringement of Rights by Others
- A Public Record of these Rights so Others Know
- Records Complete and Incontrovertible Proof
- Convenient Methods for Transferring
- Effective Procedures for Preserving the Written Record

# Land Administration – The Perfect World



# Land in the News

## Cambodian soldiers accused of land rights abuse in Prey Trolach forest

Sections of community forest allegedly bulldozed despite prime minister Hun Sen forcibly speaking out against land seizures

Mark Tran

guardian.co.uk, Friday 3 August 2012 13.35 BST

The CHRISTIAN SCIENCE  
MONITOR

## Uganda election: Politics and land rights collide in the country's oil-rich east

The  
Economist

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**The surge in land deals**

### When others are grabbing their land

Evidence is piling up against acquisitions of farmland in poor countries

May 5th 2011 | from the print edition

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# Possible Interventions

- Develop and maintain a land policy
- Modernize/simplify/harmonize legislation
- Public Sector Modernization
- Capacity Building – Statutory and Customary
- Develop private sector capacity – surveyors, lawyers, realtors, assessors etc.
- More inclusive and flexible approach to Customary Tenure forms
- Rights based approach → move incrementally along the continuum of tenure
- Flexible cadastral systems
- Spatial Information → key to land administration - NSDI