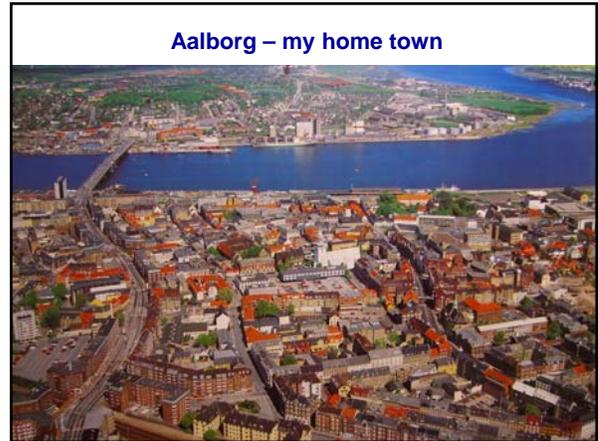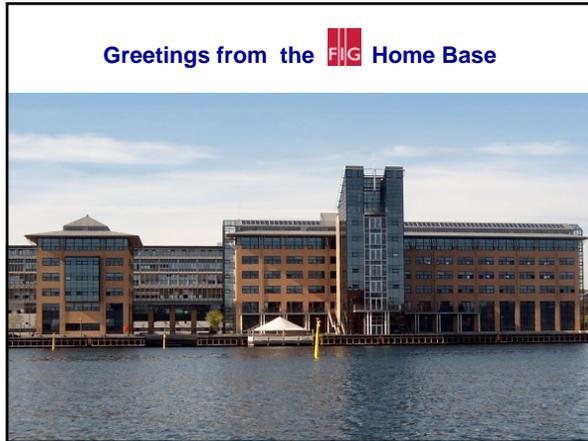**Land Administration Systems**

Managing Rights, Restrictions, and Responsibilities in Land

Prof. Stig Enemark

FIG President
Aalborg University, Denmark

MAP WORLD FORUM
HYDERABAD, INDIA, 10 – 13 FEBRUARY 2009

Greetings from Copenhagen

Greetings from the FIG Home Base

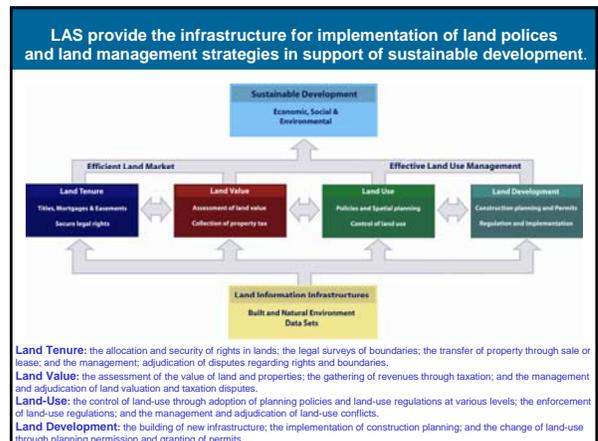---

Aalborg – my home town
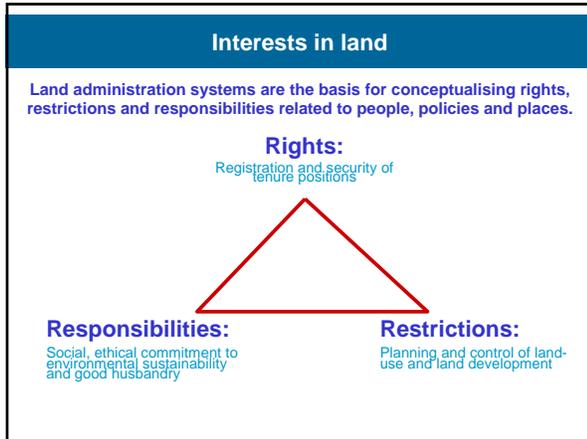

Outline of Presentation

Land Administration Systems
• Rights – Restrictions – Responsibilities
• Spatially Enabled Government

The Global Challenges
• The Millennium Development Goals
• The Role of FIG and the Global Surveying Community

LAS provide the infrastructure for implementation of land polices and land management strategies in support of sustainable development.

Land Tenure: the allocation and security of rights in lands; the legal surveys of boundaries; the transfer of property through sale or lease; and the management; adjudication of disputes regarding rights and boundaries.
Land Value: the assessment of the value of land and properties; the gathering of revenues through taxation; and the management and adjudication of land valuation and taxation disputes.
Land-Use: the control of land-use through adoption of planning policies and land-use regulations at various levels; the enforcement of land-use regulations; and the management and adjudication of land-use conflicts.
Land Development: the building of new infrastructure; the implementation of construction planning; and the change of land-use through planning permission and granting of permits.

Interests in land

Land administration systems are the basis for conceptualising rights, restrictions and responsibilities related to people, policies and places.

Rights:
Registration and security of tenure positions

Responsibilities:
Social, ethical commitment to environmental sustainability and good husbandry

Restrictions:
Planning and control of land-use and land development

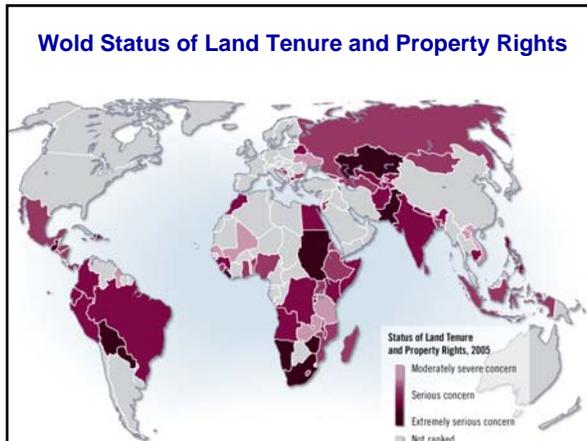## The increasing role of property rights

"Civilised living in market Economies is not simply due to greater prosperity but to the order that formalised property rights bring"
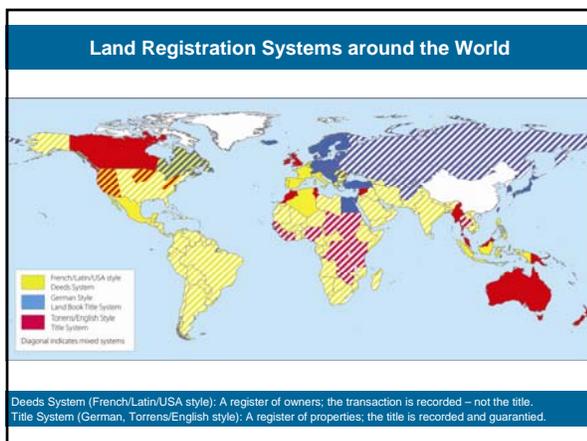
Hernando de Soto – 1993

Continuum of rights (GLTN-agenda)

From: illegal or informal rights

To: legal or formal rights

Wold Status of Land Tenure and Property Rights

Status of Land Tenure and Property Rights, 2005

Moderately severe concern

Serious concern

Extremely serious concern

Not ranked

What is a good property system ?

- People in general can participate in the land market; widespread ownership; everybody can make transactions and have access to registration
- The infrastructure supporting transactions must be simple, fast, cheap, reliable, and free of corruption.
- The system provides safety for housing and business, and for capital formation

Only 25-30 countries in the world apply to these criteria.

Land Registration Systems around the World

French/Latin/USA style
Deeds System
German Style
Land Book Title System
Torrens/English Style
Title System
Diagonal indicates mixed systems

Deeds System (French/Latin/USA style): A register of owners; the transaction is recorded – not the title.
Title System (German, Torrens/English style): A register of properties; the title is recorded and guarantied.

## A worldwide Comparison of Cadastral Systems

www.cadastraltemplate.org
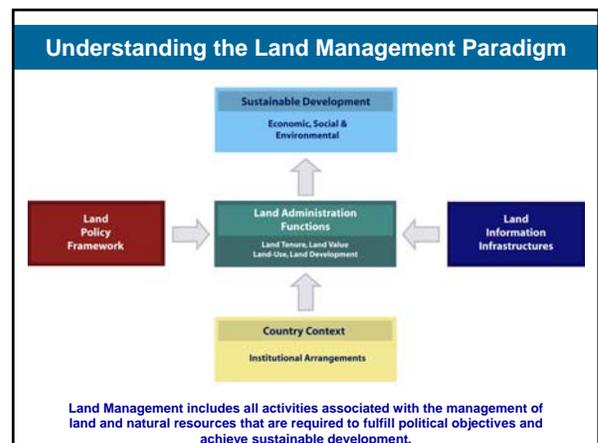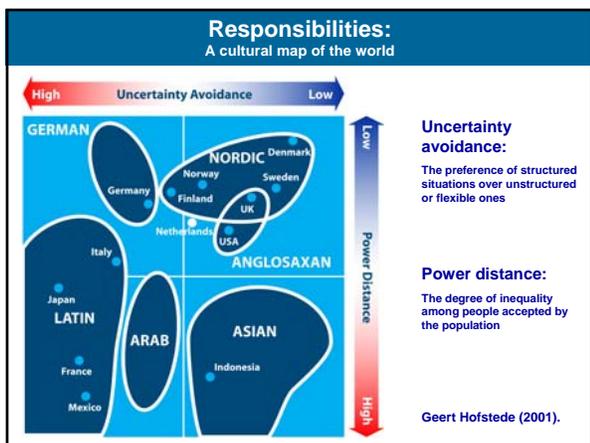
Property Restrictions
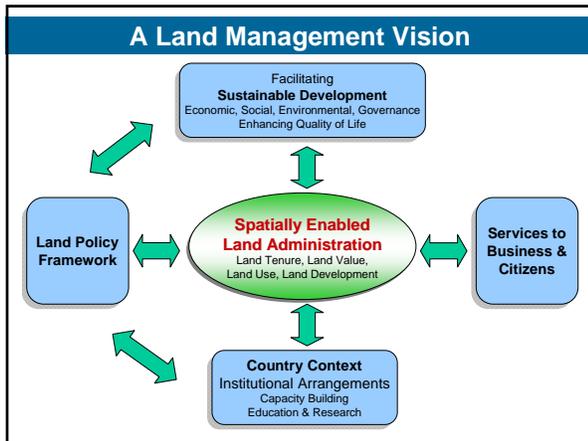### - two conflicting approaches

- **The free market approach** (current debate in the US)
  - Land owners should be obligated to no one and should have complete domain over their land.
  - The role og government to take over, restrict, or even regulate its use should be non-existent or highly limited.
  - Planning restrictions should only be imposed after compensation for lost land development opportunities
- **The central planning approach** (European perspective)
  - The role of democratic government include planning and regulating land systematically for public good purposes.
  - A move **from** every kind of land use being allowed unless it was forbidden **to** every change of land use is forbidden unless it is permitted and consistent with adopted planning regulations and restrictions.

Integrated land-use management
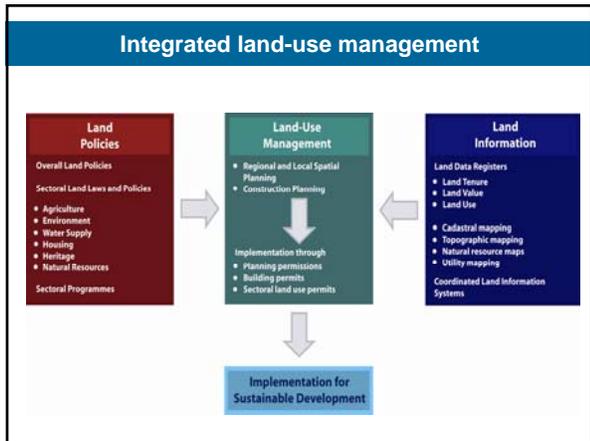
Three core principles

Decentralisation of planning responsibilities
- Local representative democracy responsible for local needs
- Combining responsibility for decision making with accountability for economic, social and environmental consequences.
- Providing monitoring and enforcement procedures

Comprehensive planning
- Combining aims and objectives, land-use structure planning, and land use regulations into one comprehensive planning document covering the total jurisdiction

Public participation
- Providing awareness and understanding of the need for plannir planning regulations in respond to local needs.
- Legitimising local political decision making

Responsibilities:
A cultural map of the world

Uncertainty avoidance:
The preference of structured situations over unstructured or flexible ones

Power distance:
The degree of inequality among people accepted by the population

Geert Hofstede (2001).

Understanding the Land Management Paradigm

Land Management includes all activities associated with the management of land and natural resources that are required to fulfill political objectives and achieve sustainable development.

A Land Management Vision

Facilitating
Sustainable Development
Economic, Social, Environmental, Governance
Enhancing Quality of Life

Land Policy Framework

Spatially Enabled Land Administration
Land Tenure, Land Value, Land Use, Land Development

Services to Business & Citizens

Country Context
Institutional Arrangements
Capacity Building
Education & Research

Spatially Enabled Government

- A spatially enabled government organises its business and processes around "place" based technologies, as distinct from using maps, visuals, and web-enablement.

- Identification of "the place" in ways that are understandable by non-technical people (Google Earth)

- Capacity of businesses and citizens to manipulate the information should be organised through the use of service oriented IT- architecture.

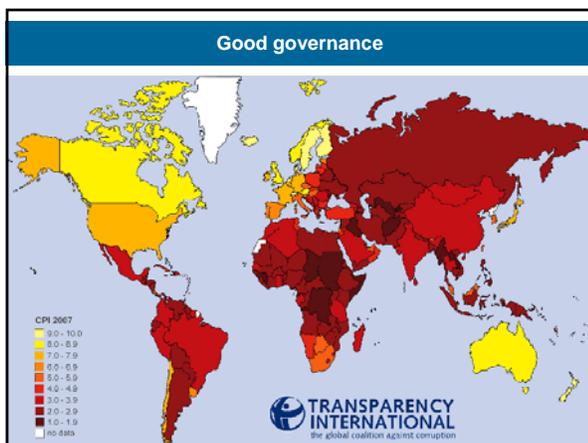- The technical core of Spatially Enabling Government is the spatially enabled cadastre.

Significance of the Cadastre

Cadastral engines...

1. **Multipurpose Cadastre** (German style)

2. **Title or deeds tenure style Cadastres** (Torrens/English style)

3. **Taxation driven cadastre** (French/Latin/ USA style)

SDI Mapping agencies and other data providers

Parcels Properties Buildings Roads

Land management paradigm

Tenure

Value

Use

Development

Integrated of functions

Spatially enabled government

Incorporating:

Land policy

Spatially enabled LAS

Services to business and public

Country context

Better decision making

Sustainable development
- Economic
- Environmental
- Social
- Governance

Good Governance is:

- **Sustainable and locally responsive:** It balances the economic, social, and environmental needs of present and future generations, and locates its service provision at the closest level to citizens.
- **Legitimate and equitable:** It has been endorsed by society through democratic processes and deals fairly and impartially with individuals and groups providing non-discriminatory access to services.
- **Efficient, effective and competent:** It formulates policy and implements it efficiently by delivering services of high quality
- **Transparent, accountable and predictable:** It is open and demonstrates stewardship by responding to questioning and providing decisions in accordance with rules and regulations.
- **Participatory and providing security and stability:** It enables citizens to participate in government and provides security of livelihoods, freedom from crime and intolerance.
- **Dedicated to integrity:** Officials perform their duties without bribe and give independent advice and judgements, and respects confidentiality. There is a clear separation between private interests of officials and politicians and the affairs of government.

Adapted from FAO, 2007

Good governance

CPI 2007
9.0 - 10.0
8.0 - 8.9
7.0 - 7.9
6.0 - 6.9
5.0 - 5.9
4.0 - 4.9
3.0 - 3.9
2.0 - 2.9
1.0 - 1.9
no data

TRANSPARENCY INTERNATIONAL
the global coalition against corruption

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Global Partnerships in Land Management

FIG

Is strongly committed to the MDGs and the UN-Habitat agenda on the GLTN

The UN Millennium Development Goals

Goal 1: Eradicate extreme poverty and hunger
Goal 2: Achieve universal primary education
Goal 3: Promote gender equality and empower women
Goal 4: Reduce child mortality
Goal 5: Improve maternal health
Goal 6: Combat HIV/AIDS, malaria and other diseases
Goal 7: Ensure environmental sustainability

Goal 8: Develop a Global Partnership for Development

The framework includes 18 targets and
48 indicators enabling the ongoing
monitoring of annual progress

Gross Domestic Product

North America

Western Europe

Japan and South Korea

Per capita in PPP US dollars
- More than 25 000
- 20 000 to 25 000
- 15 000 to 20 000
- 10 000 to 15 000
- 7 000 to 10 000
- 4 000 to 7 000
- 2 000 to 4 000
- Less than 2 000

Value
☐ This square represents 100 billions US dollars
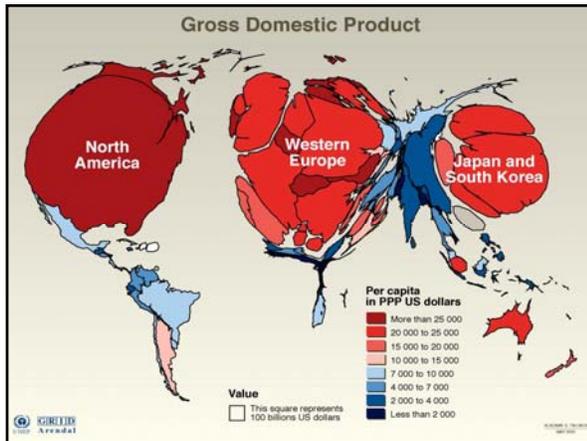
Urban population growth

	RURAL 63%	URBAN 37%
1970		

	RURAL 53%	URBAN 47%
2000		
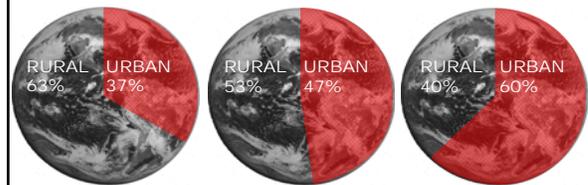
	RURAL 40%	URBAN 60%
2030		

2007:	Total world population :	6.5 billion
	Total urban population:	3.3 billion
	Total slum dwellers:	1.1 billion

Mega cities of the world 2015

Moscow, New York, Paris, Istanbul, Beijing, Tokyo, Los Angeles, Karachi, Delhi, Dhaka, Shanghai, Osaka-Kobe, Cairo, Calcutta, Metro Manila, Mexico City, Bombay, Lagos, Jakarta, Rio de Janeiro, São Paulo, Buenos Aires

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Hong Kong

Kibera, Nairobi, 250 ha, 1 mill+ people

Northern Ghana

It is all about:

People, **human rights, engagement and dignity**

Politics, **land policies and good governance**

Places, **shelter, land rights, and natural resources**

and **P**ower, **decentralisation and empowerment**

F|G Global Partnership with

- **FAO,** projects on capacity building, good governance, land economics, etc… .

- **UN-HABITAT,** partner in the GLTN network, projects on informal settlement, informal development, gendered land tools, etc.…

- **World Bank,** joint conference on Land Governance in support of the MDGs

98 FIG Member Associations from 80 Countries
28 affiliates, 34 corporate, 15 correspondents, 80 academic members

tool by ammap.com

Member associations
Affiliates
Corporate members
Correspondents
Academic members

FIG Members

The International Federation of Surveyors
Organizational Structure

Annual General Assembly
98 member associations (80 countries)

FIG Office

Council
President and 4 Vice-Presidents

ACCO
Advisory Committee
of Commission Officers

Com1 Practice | **Com2** Education | **Com3** Spat.Inf.Ma | **Com4** Hydrography | **Com5** Posit.&Ma | **Com6** Eng.Surveys | **Com7** Cad&Land | **Com8** Spat.Plan.&Dev. | **Com9** Valuation | **Com10** Quantity Surv.

Chairman, vice-chairs, national delegates, work plan, working groups, seminars etc

www.FIG.net

The Role of FIG

- Professional Development
  - Global forum for professional discussions and interactions
  - Conferences, symposia, commission working groups, …..
- Institutional Development
  - Institutional support for educational and professional development at national and international level
- Global Development
  - Cooperation with international NGO´s such as the UN agencies, World Bank, and sister organisations
  - Joint activities and common policy-making to reduce poverty and enforce sustainable development

FIG publications

WWW.FIG.NET

The Role of FIG

FIG this way, intend to play a strong role in building the capacity to design, build and manage national surveying and land administration systems that facilitates sustainable Land Governance.

Thank you
for your attention