REPORT 5/2023

TEACHING ESSENTIALS FOR RESPONSIBLE LAND ADMINISTRATION

SUMMARY AND GUIDANCE FOR EDUCATION, RESEARCH, AND CAPACITY DEVELOPMENT

A WORLD IN WHICH EVERYONE ENJOYS SECURE LAND RIGHTS

UN-HABITAT

GLTN
GLOBAL LAND TOOL NETWORK

REPORT 5/2023

TEACHING ESSENTIALS FOR RESPONSIBLE LAND ADMINISTRATION:
SUMMARY AND GUIDANCE FOR EDUCATION, RESEARCH, AND CAPACITY DEVELOPMENT

HS Number: HS/053/22E

United Nations Human Settlements Programme (UN-Habitat)
P.O. Box 30030, Nairobi 00100, Kenya
Tel.: +254 20 762 3120
www.unhabitat.org

DISCLAIMER

The designations employed and the presentation of the material in this report do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning delimitation of its frontiers or boundaries, or regarding its economic system or degree of development. The analysis and recommendations of this guide do not necessarily reflect the views of the United Nations Human Settlements Programme or its governing bodies.

ACKNOWLEDGEMENTS

Author: Stig Enemark
Task manager: Jean du Plessis
Authors of modules in the *Teaching essentials for responsible land management*: Grenville Barnes, Jean Du Plessis, Stig Enemark, David Mitchell, Asad Muhammed, Agnes Mwasumbi, Siraj Sait, Dimo Todorovski, Jaap Zevenbergen
Reviewers: David Mitchell and Uchendu Eugene Chigbu. The original authors of the six modules reviewed the summaries of their modules.
Management support: Eric Gachoka
Editor and layout: Paul Mundy
All photos by Stig Enemark unless otherwise indicated
Strategic partners: RMIT University, University of East London, University of Florida, University of the West Indies, University of Twente, Aalborg University, Ardhi University, Technical University of Munich, NELGA (Network of Excellence in Land Governance in Africa) and UN-Habitat.

THE GLOBAL LAND TOOL NETWORK

The Global Land Tool Network (GLTN) is a multi-sectoral alliance of international partners committed to increasing access to land and tenure security for all, with a focus on the poor, women and youth. The Network's partners include international rural and urban civil society organizations, research and training institutions, bilateral and multilateral organizations, and international professional bodies.

For more information visit *www.gltn.net* and *www.unhabitat.org*.

TEACHING ESSENTIALS FOR RESPONSIBLE LAND ADMINISTRATION

SUMMARY AND GUIDANCE FOR EDUCATION, RESEARCH, AND CAPACITY DEVELOPMENT

Stig Enemark

UN-HABITAT

GLTN
GLOBAL LAND TOOL NETWORK

CONTENTS

FIGURES

BOXES

FOREWORD

Over the last two decades, there have been extensive discussions on building land-administration systems that can ensure proper management of the key issues related to the four functions of land tenure: land value, land use, and land development. However, there is still a lack of focus on designing and maintaining such systems in developing countries, where often up to 90 percent of land and people are outside the formal systems, and which struggle with widespread poverty, urban sprawl and informal settlements, colonial legacy, and legal dualism related to statutory vs customary tenure.

These problems become even more evident when considering the 2030 Agenda for Sustainable Development, where more than half of the 17 goals are directly dependent on effective and responsible land governance and administration. There is a need to develop land tools and responsible land-administration systems that are suitable, accessible and affordable for all levels in society. The systems should include increased security of tenure for all, recognize the plurality of tenure types, and provide fit-for-purpose and age-, gender- and environment-responsive solutions within the continuum of land and property rights.

To achieve this, there is a need to create teaching and learning materials to help build the necessary knowledge and understanding, and measures to develop the skills and capacity required to build such responsible land-administration systems and to implement, maintain and improve them incrementally over time.

The Global Land Tool Network has developed the *Teaching essentials for responsible land administration* in support of incorporating responsible land administration into educational and training at the country level.

This guide provides an abridged and easily accessible version of the six modules in the *Teaching essentials*, as well as some guidance on the use and application within a range of educational, research and capacity-development activities.

Customary area, Mozambique

EXECUTIVE SUMMARY

The ***Teaching essentials for responsible land administration*** were developed by the Global Land Tool Network (GLTN) and published in 2019 as a project under GLTN's International Training and Research Cluster. The project aimed to provide a kind of structured knowledge base in support of responsible land administration. The knowledge base consists of six modules, each about 70 pages long. They are available on the GLTN e-learning platform in English and French. See *www.elearning.gltn.net* to download the full modules.

- **Module 1.** Core values and principles of responsible land administration
- **Module 2.** Land tenure security
- **Module 3.** Participatory land-use planning and management
- **Module 4.** Responsible land administration and information in practice
- **Module 5.** Land-based finance
- **Module 6.** Land policy and regulatory frameworks.

The six modules cover all the key aspects of responsible land administration to facilitate knowledge building and understanding within academia, public administration and professional practice. They draw from key literature within each of the six topics, and provide detailed references to further information. The knowledge base thus enables in-depth learning activities as well as serving as a base for investigating specific issues within a given context.

Universities and related research and training institutions play a major role in facilitating the implementation of responsible land administration. They educate future industry leaders, professionals and practitioners. Introducing the principles of responsible land administration into their education facilitates responsible decision-making in support of the 2030 Agenda for Sustainable Development.

This guide is as an abridged version of the *Teaching essentials*. It aims to support the wider use of the knowledge base and provide some practical guidance for how to use the six modules in a range of education, research, training, and capacity development activities.

This guide has four parts.

Part 1, Responsible land administration, sets the scene. It presents the overall land-governance perspective and provides an insight into the role of responsible land administration as the operational component of governing the people-to-land relationship. This role also relates to supporting the 2030 Agenda for Sustainable Development and dealing with the institutional challenges and conflicting interests between various groups in society.

Part 2, The *Teaching essentials*, provides an abridged version of the six modules. It presents the essence of each module in a compressed format. Module 1 is presented in a bit more depth due to its importance as a foundation for the other modules.

Part 3, User guidance for applying the *Teaching essentials*, gives some practical guidance on the use and application of the *Teaching essentials* in areas such as e-learning, university education, research activities, capacity development and training, and professional practice.

Part 4, Prospects and recommendations, provides an overview of some promising major conceptual developments that have appeared over recent years in the arena of land governance. Finally, it outlines a number of recommendations for applying the principles of responsible land administration at the country level.

INTRODUCTION AND BACKGROUND

This guide aims to provide an easy access and insight into the six modules of the ***Teaching essentials for responsible land administration***, available on the Global Land Tool Network (GLTN) **e-learning platform**, *https://elearning.gltn.net/*.

It first presents some introductory background information about developing this structured knowledge base. It sets the scene by giving an overview of the land governance issue and its role in supporting the 2030 Agenda for Sustainable Development. It then presents a summary of each of the six modules, aiming to provide a contextual overview and insight while still being easy to access and read. The modules are:

- **Module 1:** Core values and principles of responsible land administration.
- **Module 2:** Land tenure security,
- **Module 3.** Participatory land-use planning and management,
- **Module 4.** Responsible land administration and information in practice,
- **Module 5.** Land-based finance, and
- **Module 6:** Land policy and regulatory frameworks.

This guide then offers some practical user guidance for applying these modules in various ways, including e-learning activities, university courses, research and training activities, capacity development, and professional practice.

RATIONALE FOR DEVELOPING THE *TEACHING ESSENTIALS*

Although there is a wealth of knowledge on land-related issues and innovative land tools, most of this knowledge is not well known, is fragmented among university teachers, or is hidden within broader land or geomatics-related curricula. To redress this, there is a need to consolidate this knowledge into a university-level "knowledge base" on responsible land administration.

Partners within GLTN's International Research and Training Institutions Cluster have produced such a structured knowledge base, named the *Teaching essentials on responsible land administration*. The main aim of this resource is to support the design and teaching of responsible land administration curricula at universities and training institutions. This is supported by multilateral agencies that wish to establish twinning arrangements between academic institutions in the North and South, as well as within the South. The knowledge base is aimed explicitly at fitting within accredited academic learning approaches of undergraduate programmes in land-related topics. It is also suitable in preparing training events and programmes (Du Plessis et al. 2020).

STRUCTURE OF THE KNOWLEDGE BASE

Each module is made up of "minimum learning objects" that can, if needed, stand alone as a learning or training exercises. It is based on the following goals:

- To expose students and teachers to the **core values and tools** that make up responsible land administration.
- To include **local case studies** in lessons where possible.
- To be **fit-for-purpose**: adaptive, flexible and responsive to diverse and changing needs.
- To prepare a range of learners with the **knowledge of responsible land administration** and the ability to positively contribute to a diverse set of roles within the broad land sector.
- To empower people to act as **change agents** and be champions and implementers of reforms required.

The knowledge base stresses the **danger of blueprint solutions** such as mass land-titling, and analyses the shortcomings of conventional in-good-faith responses. Fundamental principles, such as found in the Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs), the continuum of land rights and fit-for-purpose land administration, are central to the knowledge base, as are the principles of pro-poor land recordation and gender-responsive land administration. These tools and approaches are described

in detail in GLTN/UN-Habitat (2012), FAO (2012) and Enemark et al. (2026). The learning materials include a summary of international conventions and guidelines, as well as excellent local and regional case studies that illustrate the success or failure of specific land-administration responses.

The knowledge base is built around a **conceptual framework** as shown in Figure 1. It makes a valuable contribution to tenure security, gender equity, pro-poor land administration, improved access to land, resilience and sustainable development.

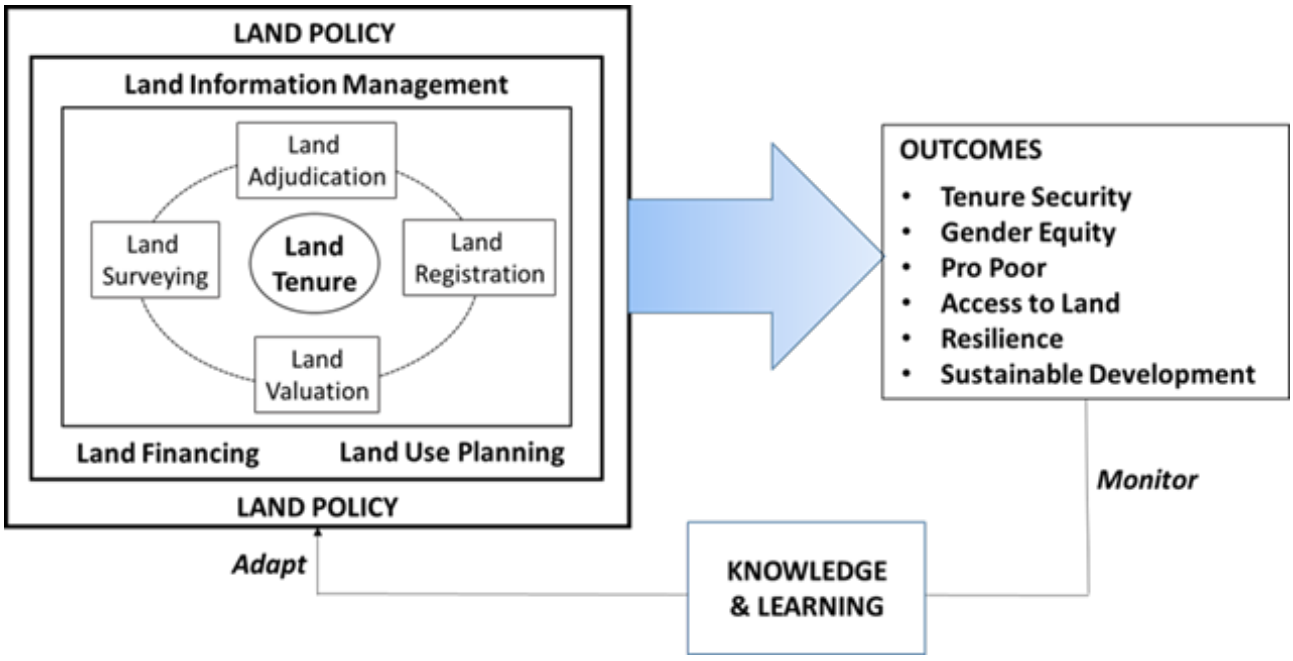
DEVELOPING THE KNOWLEDGE BASE

The project commenced in 2015, when the GLTN Secretariat engaged the University of Twente to explore the feasibility of developing university course materials in areas relevant to the work of GLTN. The general objective was to strengthen the capacity of higher education to provide quality undergraduate and postgraduate courses on the theme of pro-poor, gender-responsive land tools for tenure security along the continuum of land rights. The key outputs were an agreed concept and a draft curriculum framework, with recommendations for the next steps of the development process.

The following phase during 2016 focused on developing the learning. This process was jointly coordinated by RMIT University and the University of East London as a project of the GLTN International Research and Training Institutions Cluster. The first objective of this phase was to develop and validate with stakeholders a draft curriculum outline for a responsible land administration curriculum. This was done through a two-day expert-group meeting at the University of East London in October/November 2016.

This meeting agreed that the project would focus on developing a "structured knowledge base" consisting of six modules covering the overall themes of responsible land administration. The key subjects were identified, and assigned authors were assigned to develop the modules. The final peer-reviewed versions were uploaded to the GLTN e-learning platform in 2019 as open-source, "beta" versions. Each is a living document, with feedback, suggestions and the submission of complementary materials encouraged.

The **GLTN partners** involved in this work included the University of Twente, RMIT University, the University of East London, the University of Florida, the University of the West Indies, Aalborg University, Adhi University, the Technical University of Munich, the Namibia University of Science and Technology, the Network of



Source: Grenville Barnes

Figure 1. Conceptual framework for responsible land administration

Figure 2. The *Teaching essentials for responsible land administration* on the GLTN website.
Visit the GLTN e-learning platform *https://elearning.gltn.net/* to download the full modules in the *Teaching essentials* series.

Excellence in Land Governance in Africa, and UN-Habitat.

This guide is an **abridged version** of the *Teaching essentials*. It aims to support the wider use of the knowledge base and provide some practical user guidance for application within a range of education, research, training and capacity-development activities.

WHO IS THIS GUIDE FOR?

The main audience of this guide is **university lecturers in land administration** and related fields.

Other readers who will find this guide useful include:

- Trainers and training administrators in land administration and related fields
- Policymakers and advisors in land and related fields
- Professionals, consultants and NGO staff working on land issues
- Students and others wishing to develop their knowledge on land issues.

You may also find this guide useful if you want a quick introduction to land administration without going too much into the details.

REFERENCES

Du Plessis, J., E. Chigbu, D. Mitchell, and S. Sait. 2020. *A structured foundation for teaching and training land actors in responsible land administration.* Paper presented at the FIG Working Week, May 2020, Amsterdam. *https://www.fig.net/resources/proceedings/fig_proceedings/fig2020/papers/ts05a/TS05A_du_plessis_chigbu_et_al_10653.pdf*

Enemark, S., R. McLaren, and C. Lemmen. 2016. Fit-for-purpose land administration: Guiding principles for country level implementation. GLTN Report 2/2016, GLTN/UN-Habitat, Nairobi. *https://gltn.net/download/fit-for-purpose-land-administration-guiding-principles-for-country-implementation/*

FAO. 2012. Voluntary guidelines on the responsible governance of tenure. Rome. *https://www.fao.org/tenure/voluntary-guidelines/en/*

GLTN/UN-Habitat. 2012. Handling land: Innovative tools for land governance and secure tenure, GLTN/UN-Habitat, Nairobi. *https://unhabitat.org/handling-land-innovative-tools-for-land-governance-and-secure-tenure*

PART 1 RESPONSIBLE LAND ADMINISTRATION

Part 1 introduces responsible land administration as part of the overall concept of land governance and in support of the 2030 Global Agenda. It also looks into some of the challenges faced when implementing responsible land administration at scale.

1.1 THE LAND-GOVERNANCE PERSPECTIVE

In general terms, **land governance** is about the policies, processes, and institutions by which land, property and natural resources are managed. The term "land governance" is relatively new. It emerged in the early 2000s as an extension of the concept of **land management** to also include the aspect of governance and the political economy of land. This is important when addressing complex challenges such as poverty alleviation, climate change, rapid urbanization, food scarcity, fragility, and conflict and natural disasters. Many of these challenges have a clear land dimension, such as unequal access to land, insecurity of tenure, unsustainable land use, and weak institutions for dispute and conflict resolution.

"Land governance is about the policies, processes, and institutions by which land, property and natural resources are managed. It concerns the rules, processes and structures through which decisions are made about access to land and its use and development, the way the decisions are implemented and enforced, and the means through which competing interests in land are managed" (Palmer et al. 2009).

The term **land** relates to the natural surface of the Earth, including all physical features attached to it both above and below.

The term **governance** represents the process of governing. It is about the way in which society is managed and how the competing priorities and interests of different groups are reconciled. It includes the formal institutions of government but also informal arrangements. Governance is concerned with the processes by which citizens participate in decision-making, how government is accountable to its citizens, and how society obliges its members to regard its rules and laws. In this respect, land governance cannot be separated from governance of other sectors.

Good governance means that government is well managed, inclusive, and results in desirable outcomes. This includes features such as accountability, political stability, effectiveness, regulatory equity, and rule of law and, of course, control of corruption. This can be made operational through principles of equity, efficiency, transparency and accountability, sustainability, subsidiarity, civic engagement and security. Governance can be poor if government is incorruptible but tyrannical, or is democratic yet incompetent and ineffective (FAO 2007).

This conceptualization of key land issues and their relationships illustrates the complexity of organizing policies, institutions, processes and information for dealing with land in any society. However, it also illustrates an orderly approach represented by the seven levels shown in Box 1. It also provides an overall guidance for building, maintaining, and improving land governance systems in any society, no matter their level of development. Similarly, land governance and land management are interrelated in the sense that land governance shapes the land management activities while these activities should inform land governance. Management, then, cannot be a substitute for governance. The principles and objectives should be in common while the means of achieving them may vary.

Land governance covers all activities associated with managing land and natural resources, which are required to fulfil political and social objectives and achieve sustainable development. This relates specif-

Box 1. Key concepts and terms

Land governance is about the policies, processes, and institutions by which land, property and natural resources are managed.

Land policy determines values, objectives, and the legal framework for the management of a society's major asset – its land.

Land management includes the management of land and natural resources for achieving sustainable development.

Land administration includes the core functions of land tenure, land value, land use and land development in support of efficient land markets and effective land use management.

Spatial data infrastructure provides access to and interoperability of cadastral and other land related information on the natural and built environment.

Cadastre provides the spatial integrity of every land parcel. This parcel identification provides the link for securing land rights and planning and control of the use of land.

Land parcel is the key object for the identification of land rights and administration of land use restrictions. The land parcel simply links the system with the people.

Adapted from Williamson et al. (2010)

ically to the legal and institutional framework for the land sector. The operational component of the land management concept is the range of land administration functions, namely:

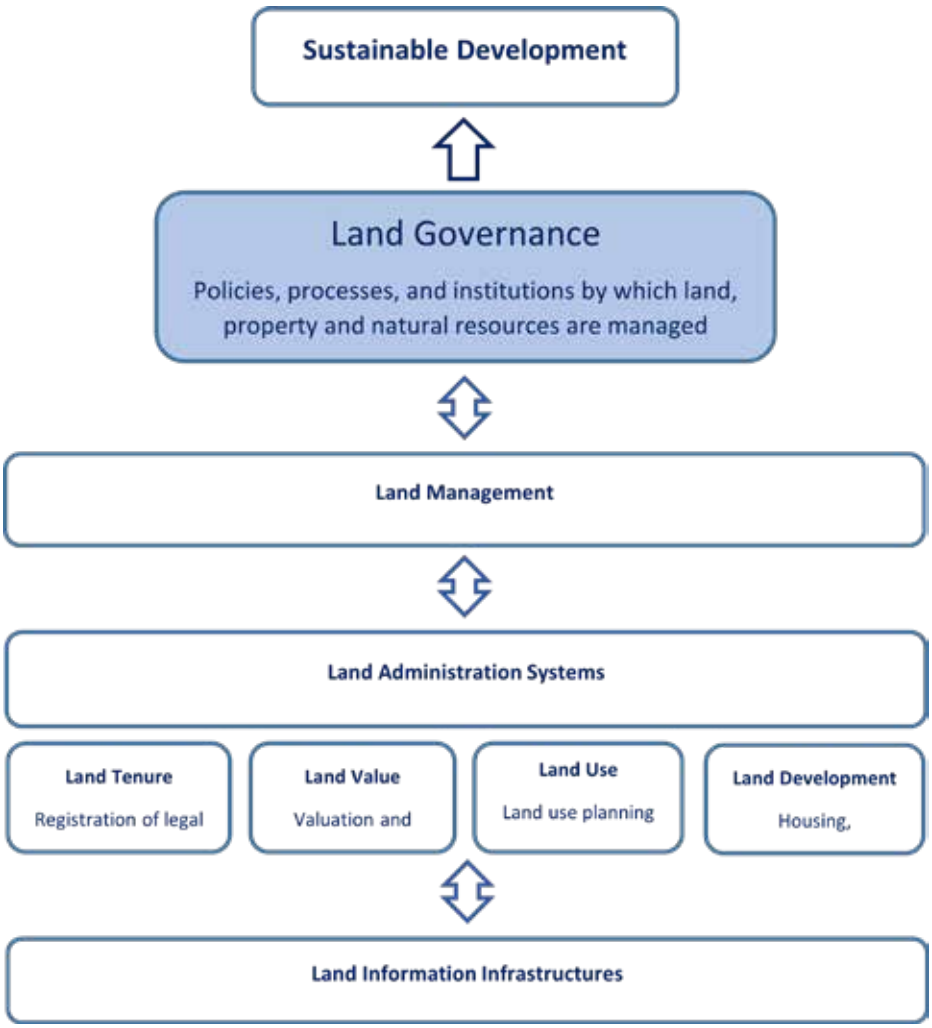
- **Land tenure,** dealing with the identification, registration, and transfer of rights in land and natural resources.
- **Land value,** dealing with the valuation and taxation of land and properties.
- **Land use,** dealing with planning and control of the use of land and natural resources
- **Land development,** dealing with implementation of urban and rural land use planning, infrastructure, utilities, and constructions works.

These four functions are essential for ensuring control and management of physical space and the economic and social outcomes emerging from it. The relationship between people and land is of fundamental importance in every society and is evident in the form of land and property rights. This relationship has evolved over time in many ways, from full state control, through communal forms of tenure, to individual land and property rights.

Land information infrastructures, as a subset of the wider spatial data infrastructure, are the datasets on the natural and built environment supporting the land administration and land management in support of good, effective and responsible land governance.

Figure 3 shows the interaction between the various levels of land governance.

All countries need to deal with the management and governance of land. In the more developed parts of the world, the systems for governing and administering land issues have evolved to an advanced level for supporting cultural and economic development. In underdeveloped or developing (mostly post-colonial) parts of the world, especially in sub-Saharan Africa, the basic systems of land registration are often still not in place. In these countries, more than 70 percent of the land and people fall outside any regular or formalized systems, which end up serving mainly the rich elites, while human rights and sustainability are often largely ignored (Enemark et al. 2014). In such regions, there is a need to improve the land governance and administration systems more generally to cope with current and future challenges in a responsible way.



Source: Enemark (2022)

Figure 3. Land governance components and their interaction

1.2 WHAT IS RESPONSIBLE LAND ADMINISTRATION?

Land-administration systems are the operational component of land governance and management.

The land-administration discipline is not new: it has evolved out of cadastre and land registration to provide information systems that focus on security of land rights. In the 1990s, land administration was referred to as "the processes of determining, recording, and disseminating information about ownership, value, and use of land when implementing land management policies" (UN-ECE 1996). The emphasis was on information management, reflecting the computerization of the land information agencies in the 1970s. This focus on information remains, but in recent years the type and quality of information needed has changed, pushing the design of land-administration systems towards an enabling infrastructure for implementing land policies in support of sustainable development. See Part 2, Lesson 2.1 for details.

Land is a finite resource in a given jurisdiction – whether a community or a country. There are a range of different stakeholders, uses and development objectives. This leads to competition and conflict over access to and the use of land (Box 2).

Such conflicting interests require effective land-governance and administration to provide secure legal rights in land and to enable control of the use of land and natural resources. When land governance is weak,

The many conflicting interests in land call for means to provide secure legal rights in land and to enable control of the use of land and natural resources. This relates specially to developing countries, where often 90 percent of the land and people are not included in the formal systems.

corruption is likely to flourish, and the systems benefit mainly the haves rather than the have-nots. The powerful can dominate the competition over scarce land resources and may illegally transfer state and common lands to themselves and their allies – or profit from land-grabbing arrangements in favour of foreign investors. Certain groups may benefit from inefficiencies and dysfunction in the prevailing land-governance and administration systems, and they may resist reforms and improvement.

By contrast, when land governance and administration are effective, they can contribute to improvements in social equity, economic development, and environmental sustainability. Benefits arise from the responsible management of land, and natural resources are better safeguarded and more equitably distributed. In cities, effective land management helps reduce social tensions and poverty whilst promoting economic growth. When good governance exists, decision-making is more transparent and participatory, the rule of law is applied equally to all, and most disputes are

Box 2. Examples of competition and conflict over land

- Disputes between neighbours over property boundaries.
- Competition over the use of the same piece of land for residential, commercial or industrial purposes.
- Urban development versus protection of nature and farmland.
- Illegal occupation by slum dwellers of public or private land.
- Government projects requiring the purchase of private or community land.
- Competition between indigenous communities or environmentalists and timber or electricity firms over the use of forested lands and water resources.
- Displacement of local communities by violent conflicts, natural disasters or climate variability.
- Competition for land between displaced people and established communities.

resolved before they degenerate into conflict (Palmer et al. 2009).

Responsible land administration incorporates the key aspect of including all land and people with the jurisdiction. This relates especially to women, youth and vulnerable groups: it ensures that legal as well as legitimate land rights are officially recognized. It is accountable and effective, founded on public and civic engagement, and based on the rule of law through transparency and control of corruption.

The aims and outcomes of responsible land administration are informed by human rights conventions and responsible land governance frameworks based on the **Universal Declaration of Human Rights** (UN 1948). Responsible land governance supports the **Sustainable Development Goals** (UN 2015) and incorporates the principles outlined in the **Voluntary Guidelines on the Responsible Governance of Tenure** (FAO 2012).

The principles of good land governance came out of research into human rights and fundamental freedom (FAO 2007). International human rights law contains aspects of good governance with respect to property, which in turn have implications for land tenure administration. Human rights and land administration are thus closely linked, so every state needs to ensure that efficient and effective land administration mechanisms are in place.

There are 13 guiding principles for responsible land administration (Box 3 and Lesson 1.2).

Responsible land administration is a qualitive term or an ideal that may be difficult to achieve (de Vries et al. 2016). Nonetheless, the principles should be embedded in national policies addressing the land issues. They should explicitly shape national land policies.

The benefits of a responsible approach come through recording and recognizing ownership and security of tenure, reducing tenure disputes, facilitating efficient formal land markets, and ensuring efficient administrative processes in valuation, land-use planning, and land development (Box 4).

Box 3. Basic principles of responsible land administration

- ☐ Respect for human rights and dignity
- ☐ Non-discrimination
- ☐ Pro-poor
- ☐ Equity and justice
- ☐ Gender responsiveness
- ☐ Holistic and sustainable
- ☐ Effective consultation and participation
- ☐ Adopting the rule of law
- ☐ Transparency
- ☐ Accountability
- ☐ Continuous improvement
- ☐ Affordability of land administration services
- ☐ Adopting systematically large-scale and scalable approaches

Box 4. The broader benefits of responsible land administration

- ☐ Support for governance and rule of law
- ☐ Alleviation of poverty
- ☐ Security of tenure
- ☐ Support for formal land markets
- ☐ Security for credit
- ☐ Support for land and property taxation
- ☐ Protection of state lands
- ☐ Improvement of land use planning
- ☐ Management of land disputes
- ☐ Development of physical infrastructures
- ☐ Management of natural resources
- ☐ Management of information and statistical data

Adapted from Williamson, et al. (2010)

1.3 SUPPORTING THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

The Sustainable Development Goals (SDGs) are a set of 17 goals and 169 targets that UN Member States are committed to use to frame their agenda and policies until 2030 (UN 2015). The goals are action-oriented, global in nature, and universally applicable. Each government sets its own national targets, guided by the global level of ambition, while considering national circumstances. The goals and targets integrate economic, social, and environmental aspects and recognize their interlinkages in achieving sustainable development in all its dimensions.

The SDGs provide a framework around which governments, especially in developing countries, can develop policies and overseas aid programmes to alleviate poverty and improve the lives of the poor. They are also a rallying point for NGOs to hold them to account. That makes them a key driver for governments to develop adequate and accountable land policies and regulatory frameworks so they can meet the goals.

Land governance and administration include both rural areas as shown at the top (Chile), and urban development as shown at the bottom (favelas, Rio de Janeiro, Brazil)

The SDGs include seven goals with targets that mention a significant land and land-governance component.

Goal 1 calls for ending poverty in all its forms everywhere, and **target 1.4** states that by 2030 all men and women will have equal rights to ownership and control over land and other forms of property.

Similarly, the land component is referred to in targets of **Goal 2** on ending hunger and **Goal 5** on gender equity.

Land and land-use planning are key components in the targets of **Goal 11** on achieving sustainable urbanization.

Land governance and management are included in targets of **Goal 13** on climate action and **Goal 15** on promoting sustainable use of land.

Finally, (land) governance is a key component in most of the targets for achieving **Goal 16** on promoting peace, justice and strong institutions.

The SDGs are a call for action by all countries to promote prosperity while respecting human rights and protecting the planet. They recognize that ending poverty must go hand-in-hand with strategies for economic growth, also address societal needs, including education, health, social protection, and job creation, all within the frame of tackling climate change, biodi-

versity loss and environmental protection. People–land relationships directly and indirectly influence all the SDGs.

The SDGs are further supported by complementary **global agendas** such as the New Urban Agenda, the Voluntary Guidelines of Responsible Governance of Tenure, the Paris Agreement on Climate Change Mitigation and Adaptation, and of course the Universal Declaration of Human Rights (Box 5).

THE ROLE OF LAND GOVERNANCE AND ADMINISTRATION IN SUPPORT OF THE GLOBAL AGENDA

Solutions to the overall global land challenges relate to alleviation of poverty, social inclusion and stability, investments and economic development, and environmental protection and natural resource management. These land challenges are embedded in the SDGs. Effective and democratized land governance play a key role in achieving this global vision.

The role of land governance directly relates to the following areas:

Security of land rights (SDG 1 and VGGTs). Secure tenure rights enable poor people to invest in their property and livelihood without the fear of eviction. Secure land rights are also the basis for the function of an efficient land market, assessment, and collection of land tax, and is seen as an incentive to use land and resources in a more sustainable manner.

Poverty reduction (SDG 1)**.** The incentives deriving from security of land rights are a key factor in poverty alleviation. While the importance of land tenure and access to land for agricultural production and for shelter has long been clear, recent research goes beyond this by emphasizing the significance of secure property rights over land as a precondition for sustainable pro-poor economic growth.

Food security (SDG 2)**.** By 2050, the world will need to feed 9 billion people. This will require an increase of 70 percent in global agricultural production (World

Levels of land use development. Rural land use areas, informal settlements (Nairobi), peri-urban areas (Lagos), dense urban areas (Mexico City), and high-rise urban development (Hong Kong).

Box 5. Selected international agreements and agendas relating to land

Sustainable Development Goals (SDGs)

The Sustainable Development Goals set goals and targets to guide UN Member States in setting policies until 2030. The 17 Goals have a total of 169 subsidiary targets.

New Urban Agenda (NUA)

The New Urban Agenda was endorsed by the United Nations General Assembly in 2016. It envisages well-planned and well-managed urbanization as a tool for sustainable development (UN-Habitat 2016).

Voluntary Guidelines of Responsible Governance of Tenure (VGGTs)

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security set out principles and internationally accepted standards for practices for the responsible governance of tenure (FAO 2012).

Paris Agreement on Climate Change Mitigation and Adaptation

The central aim of the Paris Agreement is to keep a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels. The agreement was brokered by the United Nations Framework Convention on Climate Change. Scientific work is coordinated by the Intergovernmental Panel on Climate Change.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights enshrines the rights and freedoms of all human beings. It was adopted by the United Nations General Assembly in 1948 (UN 1948).

Bank 2014). Good governance of land promotes food security at household, regional and national level. Especially for rural livelihoods, secure land rights is fundamental for access to credit and investments in long-term sustainable agricultural production.

Gender equity (SDGs 5 and 10). Despite the general progress on women´s rights, rights to land are not enjoyed equally in many parts of the world. This goes against international human rights and impacts negatively on households and the economy. According to the VGGTs, states should ensure that women and girls have equal rights and access to land independent of their civil and marital status (FAO 2012).

Investment and economic development (SDG 9)**.** The land-governance institutions, such as land registration, land valuation and taxation, and land-use planning and control, provide a basic access to credit and investments towards social and economic development.

Woman farmer, Nepal. Photo: Jean du Plessis

Sustainable land use management and urban development (SDG 11 and NUA). Land-governance institutions and connected regulations enable control of existing and future use of land as well as planning and implementation of urban development schemes.

Climate change adaptation (SDG 13 and the Intergovernmental Panel on Climate Change (IPCC))**.** This can be achieved to a large extent through sound land governance and administration by including the perspective of possible future climate change and modelling of any consequent natural disasters.

Environmental protection and natural resource management (SDG 15). Land policies and land use regulations relate to a range of different sectors, including agriculture, forestry, water supply, heritage and coastal zones. They enable sustainable control through permit procedures, etc.

Justice and responsible institutions (SDG 16). Building accountable and responsible institutions is a key objective – and a key challenge – within the land governance arena. This relates directly to SGD 16, which calls for "promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels".

Considering the central role of responsible land governance systems, it is safe to say that the SDGs will never be met without having responsible and inclusive systems in place. This applies everywhere, and especially urgently to developing countries, where the systems are often incomplete, very fragmented, and serve mainly the elite. Building comprehensive and responsible land-administration systems, covering all land and all people (rather than just improving the existing systems with limited coverage) should be a key priority in all developing countries.

1.4 KEY LAND-ADMINISTRATION CHALLENGES

Most developing countries, especially in sub-Saharan Africa, struggle to find remedies for the many land problems that cause land conflicts, reduce economic development and prevent them from reaching their true potential. Existing investments in land administration and management solutions have been piecemeal and have not delivered the required transformational changes and improvements at scale. The solutions have not helped those most in need: the poor and disadvantaged with no security of tenure. In many cases, the beneficiaries of this unsustainable management of land have been the rich, elites, and organizations involved in land grabbing. Conventional solutions are not appropriate or effective within developing countries, as they simply cannot deal with the nature and scale of the challenges. So it is time to rethink the approaches. Solutions are required that can deliver security of tenure for all, can be quickly developed, are within political expectations, and are affordable and scalable.

INSTITUTIONAL CHANGE

A key challenge relates to the issue of institutional change. Such change may be constrained by many factors: a lack of political will, a lack of financial evidence to justify change, conflicting interests between various groups in society, and vested interests of key professions and other key stakeholders.

In this regard, it is important to pay attention to the country-specific institutions as well as the role of the political economy in society.

- **Institutions** are the humanly devised constraints that structure political, economic, and social interaction. They consist of both informal constraints (sanctions, taboos, customs, traditions, and codes of conduct) and formal rules (constitutions, laws, property rights) (North 1991). Throughout history institutions have been devised by human beings to create order and reduce uncertainty in exchange. Institutions are "the rules of the game".
- **Political economy** is the study of how the economy and political systems are linked. It is about how nations organize the production and use of wealth. In short, it is about how a country is managed or governed, considering both political and economic factors.

In most developing countries, the introduction of responsible and inclusive land-governance systems is about changing these rules of the game and adjusting the political economy of the society. It is therefore not surprising that this process of change is often met by considerable resistance from various groups, interests and stakeholders.

The business model to support responsible land governance arrangements must be reflected in government policy priorities. So, for example, security of tenure projects can be justified through integration into wider policy-intervention programmes, such as climate-change mitigation and adaptation, digital transformation, building resilience, strengthening of infrastructure, and property-tax revenue generation. In this way, the projects are directly aligned with the policy priorities of government and will have a higher likelihood of obtaining funding. Security of tenure is seen as a byproduct of the programme rather than its main objective.

CAPACITY DEVELOPMENT

Capacity development is fundamental for building land-administration systems in developing countries. However: "don´t start what you can´t sustain". This phrase is particularly relevant for implementing countrywide land-administration systems. Once established, the systems must be maintained and updated from day one; otherwise, the efforts and investments in building the systems are easily wasted. The necessary capacity to manage and maintain the systems, therefore, must be developed up front to ensure efficient implementation and effective on-going maintenance and management. See Part 3 for details.

KEY CHALLENGES

The key challenges ahead relate to implementing responsible and countrywide land-governance infrastructures and providing secure land rights at scale. It is necessary to address institutional issues and other challenges in the political economy in each country. This is especially the case in developing countries, where the systems often suffer from a colonial legacy and legal dualism.

Technology development and the push from the Agenda for Sustainable Development, including the recent developments of the United Nations Committee of Experts on Global Geospatial Information Management such as the Interactive Geographic Information Framework (IGIF) (UN-GGIM 2018) and the Framework for Effective Land Administration (FELA) (UN-GGIM 2020), are potentially powerful drivers for change in terms of providing the spatial and geographic information frameworks. Together with the recent developments from the International Federation of Surveyors such as the Land Administration Domain Model (LADM) (Lemmen and van Oosterom 2013) and the Fit-For-Purpose Land Administration (FFPLA) approach (Enemark et al. 2014), these tools are bringing many countries a significant step forward.

A major challenge remains, especially in developing countries, in building appropriate and inclusive legal and institutional frameworks, and in managing and maintaining sustainable land-governance concepts. The global land community has a key role to play in this regard. This guide, and the *Teaching essentials*, support this process by providing the knowledge and understanding needed for education, training and capacity development.

This guide aims to support this process of building responsible land-administration systems through providing access to the knowledge and understanding underpinning the necessary education, training, and capacity-development activities.

Zacatecas, Mexico

KEY REFERENCES

De Vries, W., R. Bennett, and J. Zevenbergen. 2016. Toward responsible land administration. Pp. 1–30 in: Zevenbergen, J., W. De Vries, and R. Bennett (eds). Advances in responsible land administration. CRC Press, Boca Raton.

Enemark, S. 2022. Responsible land governance and secure land rights in support of the 2030 Global Agenda. Keynote address, FIG Congress, Warsaw, September 2022. *https://www.fig.net/resources/proceedings/fig_proceedings/fig2022/papers/ks03/KS03_enemark_11558.pdf*

Enemark, S., K. Clifford Bell, C. Lemmen, and R. McLaren. 2014. Fit-for-purpose land administration. International Federation of Surveyors. *https://www.fig.net/pub/figpub/pub60/Figpub60.pdf*

Enemark, S., R. McLaren, and C. Lemmen. 2016. Fit-for-purpose land administration guiding principles for country level implementation, GLTN Report 2/2016. GLTN/UN-Habitat, Nairobi. *https://gltn.net/download/fit-for-purpose-land-administration-guiding-principles-for-country-implementation/*

FAO. 2007. Good governance in land tenure and administration. FAO Land Tenure Studies 9. Rome. *https://www.fao.org/publications/card/en/c/ec5fd-5dc-4254-501d-b8bb-4cb8c5ac7e52/*

FAO. 2012. Voluntary guidelines on the responsible governance of tenure. Rome. *https://www.fao.org/tenure/voluntary-guidelines/en/*

GLTN/UN-Habitat. 2012. Handling land: Innovative tools for land governance and secure tenure. GLTN/UN-Habitat, Nairobi. *https://unhabitat.org/handling-land-innovative-tools-for-land-governance-and-secure-tenure*

Lemmen, C., and P. van Oosterom. 2013. The land administration domain model standard. 5th Land Administration Domain Model Workshop, 24–25 Sep 2013, Kuala Lumpur. *https://www.fig.net/resources/proceedings/2013/2013_ladm/01.pdf*

North, D. 1991. Institutions. Journal of Economic Perspectives 5(1): 97–112.

Palmer, D., S. Fricska, and B. Wehrmann. 2009. Towards improved land governance. Land tenure. Working paper 11, FAO, Rome. *https://www.fao.org/publications/card/en/c/fcbe4803-0641-54a3-afc4-55db45d1f449/*

UN. 1948. Universal Declaration on Human Rights. United Nations, New York. *http://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=eng*

UN. 2015. Transforming our world: The 2030 Agenda for Sustainable Development. United Nations Department of Economic and Social Affairs, New York. *https://sdgs.un.org/publications/transforming-our-world-2030-agenda-sustainable-development-17981*

UN-ECE. 1996. Land administration guidelines with special reference to countries in transition. United Nations Economic Commission for Europe, Geneva. *https://unece.org/DAM/hlm/documents/Publications/land.administration.guidelines.e.pdf*

UN-GGIM. 2018. Integrated geospatial information framework (IGIF). United Nations Committee of Experts on Global Geospatial Information Management. New York. *https://ggim.un.org/meetings/GGIM-committee/8th-Session/documents/Part%201-IGIF-Overarching-Strategic-Framework-24July2018.pdf*

UN-GGIM. 2020. Framework for effective land administration (FELA). United Nations Committee of Experts on Global Geospatial Information Management. New York. *http://ggim.un.org/meetings/GGIM-committee/10th-Session/documents/E-C.20-2020-29-Add_2-Framework-for-Effective-Land-Administration.pdf*

UN-Habitat. 2016. New urban agenda. *https://habitat3.org/the-new-urban-agenda*

Williamson, I., S. Enemark, J. Wallace, and A. Rajabifard. 2010. Land administration for sustainable development. ESRI Press Academic, Redlands, California. Chapter 5. *https://www.esri.com/en-us/industries/government/departments/land-administration/offers/e-book*

PART 2 THE *TEACHING ESSENTIALS*

The *Teaching essentials for responsible land administration* consist of six modules containing a total of 29 lessons focusing on various key aspects of responsible land administration. Each module is about 70 pages long. They are available on the GLTN e-learning platform *www.elearning.gltn.net*. See Part 3 for guidelines on how to use the *Teaching essentials* for e-learning, in university courses, in research, capacity development and professional practice.

This Part contains an abridged version of the six modules. The modules draw from key literature on each of the six topics, and citations refer to this literature. This will allow in-depth learning activities as well as serving as a base for investigating specific issues within a given context.

A key challenge in both teaching and learning about land administration is to balance the fundamentals of responsible land administration with country-specific aspects. For example, in East Africa customary land-use systems can be extremely complex. Understanding these country-specific aspects is necessary before considering how to apply responsible land-administration interventions. The land sector faces significant and complex challenges, and implementing responsible land administration principles requires great care. Effective solutions require an in-depth understanding of the tenure forms that exist. They must build on what is already there and respond to the historical, cultural and legal contexts. Blueprint solutions such as mass land-titling must be avoided, and the shortcomings of conventional in-good-faith responses must be recognized.

The fundamental principles of responsible land administration draw from international conventions and guidelines. These principles are presented in Module 1 and further unfolded within the various land-administration functions presented in Modules 2–6. The modules include some case studies, but teachers should add to these with local and regional examples to illustrate the success or failure of specific land administration responses.

Box 6. The *Teaching essentials for responsible land administration*

Module 1 Core values and principles of responsible land administration

Authors: David Mitchell (Australia), Siraj Sait (United Kingdom), Jean Du Plessis (GLTN), Agnes Mwasumbi (Kenya)

Module 2 Land tenure security

Author: Grenville Barnes (USA)

Module 3 Participatory land-use planning and management

Author: Asad Muhammed (Trinidad and Tobago)

Module 4 Responsible land administration and information in practice

Authors: Jaap Zevenbergen and Dimo Todorovski (Netherlands)

Module 5 Land-based finance

Author: Siraj Sait (United Kingdom)

Module 6 Land policy and regulatory frameworks

Author: Stig Enemark (Denmark)

MODULE 1 CORE VALUES AND PRINCIPLES OF RESPONSIBLE LAND ADMINISTRATION

This module provides an understanding of the concept of responsible land administration. It acts as the foundation for Modules 2–6.

It covers the importance of responsible land administration; its scope, objectives and principles; the different roles involved, and the importance of collaboration among different levels and organizations.

The module lists the principles and values of responsible land administration as well as its outcomes, functions and processes.

OBJECTIVE

At the end of this module, learners should be able to:

- Define the term "land administration" and discuss why security of tenure is important.
- Summarize and interpret the underlying values and principles of responsible land administration.
- Categorize and distinguish different types of land tools used to implement responsible land administration.
- Define the fit-for-purpose approach to land administration, and summarize how such fit-for-purpose systems can be built.
- Explain how land-administration systems can help record land tenure rights for all people.

Box 7. Module 1: Core values and principles of responsible land administration

Lesson 1.1 Introduction to land administration

Land, power and people; Introduction to land administration; Global drivers and challenges for land administration

Lesson 1.2 Introduction to responsible land administration

Introduction to responsible land administration; Principles of responsible land administration

Lesson 1.3 Land tools to implement responsible land-administration principles

Introduction to land tools; Land tools and responsible land administration; Implementation of land tools

Lesson 1.4 Introduction to fit-for-purpose land administration

Introduction to fit-for-purpose land administration; Building fit-for-purpose frameworks; Implementing the fit-for-purpose approach

Lesson 1.5 Recording of land-tenure rights for the poor

The importance of recording land rights for the poor; Principles and approaches of pro-poor land recordation

The lesson introduces land administration by addressing the relation between land, power, and people. It introduces the concept of land administration as the operational component of the land-management paradigm, and explains the global drivers and challenges for land administration.

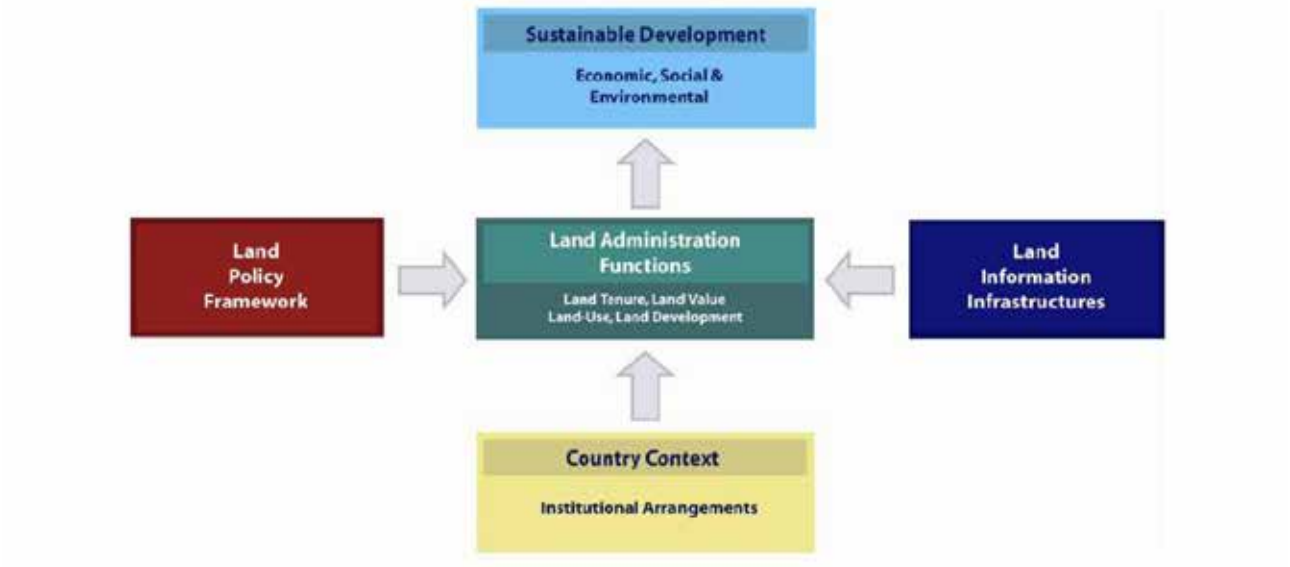
The people-to-land relationship has been changing in response to the global trends in how societies develop. **Cadastral systems** used to be being mainly a fiscal tool to support a feudalist system through tax collection. During the industrial era from the mid-1700s to the mid-1900s, the cadastral system evolved into a market tool to support land markets and transactions in land. Eventually it became an information and management tool serving a wide range of public administration functions and supporting sustainable development.

Land administration is not a new discipline. It has evolved out of the cadastre and land-registration areas, providing information systems with specific focus on security of land rights. A few decades ago land administration was seen as "the processes of determining, recording, and disseminating information about ownership, value, and use of land when implementing land management policies" (UN-ECE 1996). The emphasis was on information management, reflecting the computerization of land-information agencies in the 1970s. The focus on information remains, but in recent years the type and quality of information needed has changed. This has pushed the design of land-administration systems towards an enabling infrastructure for implementing land policies in support of sustainable development.

Central to modern land administration theory is the **land-management paradigm** (Figure 4)**,** where **land tenure, land value, land use and land development** are essential functions of organized societies. National land-policy goals of each country are delivered using land administration and management to manage its land and resources.

This paradigm illustrates that land-administration functions are influenced by the country context, institutional arrangements, and policy decisions. The operational component of the paradigm is the range of land-administration functions (land tenure, value, use and development), which ensure the proper management of rights, restrictions, responsibilities and risks in relation to property, land and natural resources.

The operational components of the paradigm are the land-administration functions:



Williamson et al. 2010

Figure 4. The land-management paradigm

- **Land tenure:** securing and transferring rights in land and natural resources
- **Land value:** valuation and taxation of land and properties
- **Land use:** planning and control of the use of land and natural resources
- **Land development:** implementation of urban and rural land-use planning, infrastructure, utilities and constructions works.

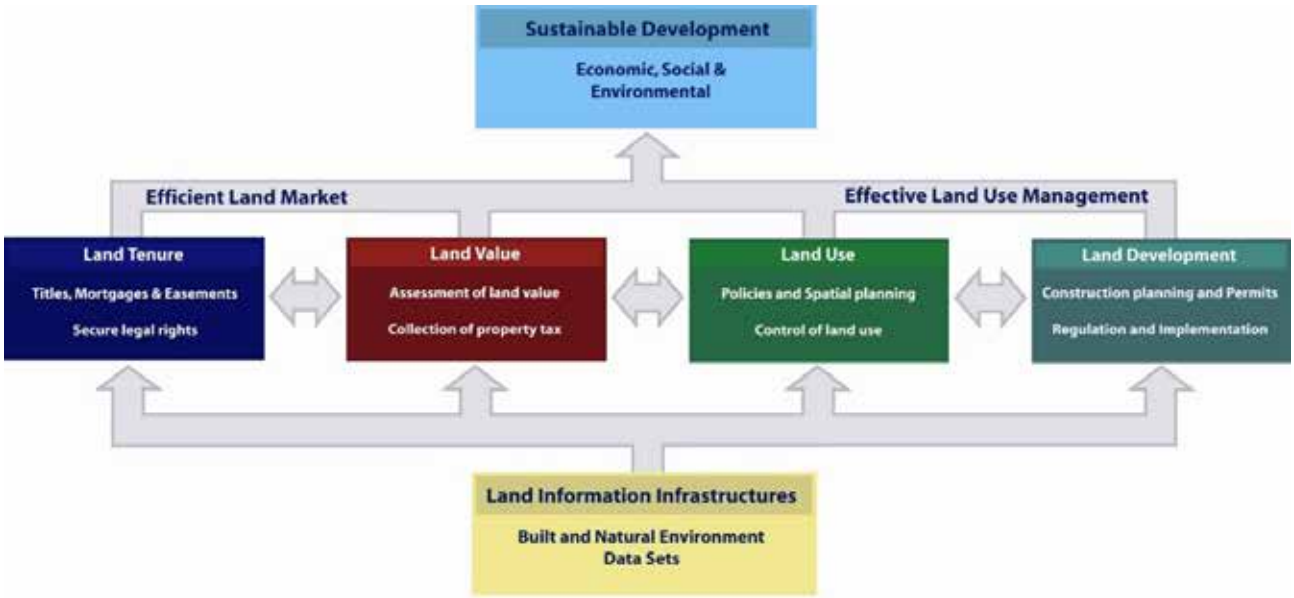
Many countries, however, tend to separate land-tenure rights from land-use opportunities. This makes it harder to link planning and land-use controls with land values and the operation of the land market. These problems are made worse by poor administration and management procedures that do not deliver the required services. For land under customary tenure, information on the relationship between land and people may be understood (but not written) by the community, who rely on the memory of the elders or the community and witnesses. In some cases, informal documents may be accepted by the community as evidence of tenure.

Whether formal or informal, the process of land administration comprises the functions shown in Figure 5.

Effective and comprehensive land-administration systems exist in only 50 (mostly OECD) countries. Further, a **security of tenure gap** exists: it has been estimated that as little as 25 percent of the world's land parcels are formally recorded in land-administration systems (McLaren, 2015). This means that most of the world's population occupy land informally, with reduced levels of security of tenure. Many people are caught in a poverty trap.

Efforts over the last half-century to establish land-administration systems in the global South have failed. Expanding formal land-administration systems to cover informal tenures can be expensive and time-consuming. Using conventional approaches, it would take many decades (and probably centuries) to achieve anywhere near full global coverage. Even then, changes such as the inheritance or sale of land are not fully processed.

In response to these challenges, "responsible" governance of tenure has been incorporated into the **Global Agenda for Sustainable Development** (UN 2014) through the **Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs)** (FAO 2012). These Voluntary Guidelines represent internationally accepted guiding principles for responsible governance of tenure. Furthermore, the concept of **fit-for-purpose land administration** (Enemark et al. 2016) provides some guiding principles for implementing responsible land administration at scale, especially in developing countries. These approaches are discussed further in the following lessons of this module.



Williamson et al. (2010)

Figure 5. A global land-administration perspective

Over the last two decades, the land administration discussion has moved:

- from **best practices** for land administration...
- to **good governance** in land administration (e.g. FAO 2007)...
- to **responsible governance** of tenure (FAO 2012)...
- and recently to **responsible land administration** (Zevenbergen et al. 2016), which includes a multi-stakeholder focus, recognizes legal as well as legitimate land rights, and has a pro-poor and gender-responsive focus.

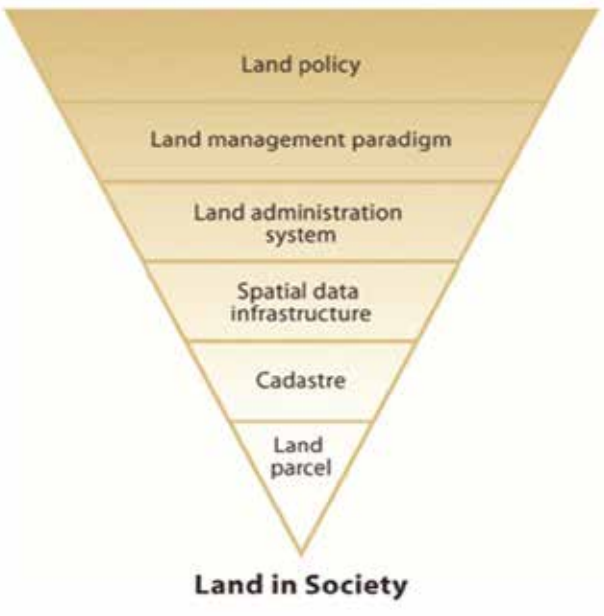
Consistent throughout has been the recognition of the need to consider the human-rights principles of universal, equal and inalienable human rights to property, adequate housing and food. As forced evictions and land grabbing are clear violations of these rights, the role of land administration is to recognize and protect land rights of all people. This is expressed in the **Voluntary Guidelines on Responsible Governance of Tenure** (VGGTs) as safeguarding legitimate rights to land (FAO 2012). This also means that all tenures must be included. Therefore, the major human rights-based objective of land administration is to recognize and protect all legitimate land tenure rights and incorporating a **continuum of land rights** (GLTN/UN-Habitat 2012a).

The global agenda has been another important driver over the last two decades, elevating the role of land administration in supporting global development goals, such as the **Millennium Development Goals** (UN 2000), the **Sustainable Development Goals** (UN 2015) and the **New Urban Agenda** (UN 2016). It has become clear that responsible land-administration systems are required to increase and promote security of tenure for all (respecting the continuum of land rights), develop fit-for-purpose and age-, gender- and environment-responsive solutions.

Responsible land administration is a response to the limitations of current approaches to land administration. A conceptual understanding of responsible land administration comes from the Sustainable Development Goals (need secure tenure for all), the VGGTs (which provide guidance on how to do this), and the need for consideration of both legal and social legitimacy of tenure.

As discussed in Lesson 1.1, the traditional aims of land administration have been to provide certainty in the legal status of land, protect security of tenure, and provide authoritative information about the ownership, value and use of land. Lesson 1.2 looks in some detail at what the global human rights and governance frameworks, VGGTs, the GLTN core values (including pro-poor land administration values) say about responsible land administration.

Figure 6 shows how the concepts in the land management paradigm fit together. The hierarchy of six levels illustrates the complex relationship between policies, institutions, processes and information for dealing with land in society. This can be used to structure the discussion on responsible land administration.



Williamson et al. (2010)

Figure 6. The hierarchy of land issues
The hierarchy forms an inverted pyramid with land policies at the top and the land parcel at the bottom, linking the system with the people. The six levels are explained in Box 1.

In each country, the land-administration system provides the institutional infrastructure for implementation of land policies and management strategies. At the core of the system is the **cadastre**. The spatial data infrastructure provides access to and interoperability of the cadastral and other land information. This lesson relates these lower levels (land administration, spatial data infrastructure, cadastre) to the functions and processes needed to achieve the aims and outcomes of responsible land administration.

The aims and outcomes of responsible land administration is informed by human-rights conventions and responsible land governance frameworks. These are international norms and values that find their roots in human rights, and then translate into what is understood to be responsible land governance. This lesson focuses on the two higher levels – land policy and the land management paradigm – and on how they provide a framework for principles of responsible land administration to be integrated into existing land-administration systems.

The principles of good land governance came out of research into human rights and fundamental freedom (FAO 2007). International human-rights law contains aspects of good governance with respect to property that have implications for good governance in land tenure and administration. From this it becomes clear that human rights and land administration are closely linked, and that every state needs to ensure that efficient and effective land administration mechanisms are in place to pursue this interaction.

Both the Sustainable Development Goals and the **New Urban Agenda** are grounded in the obligations of the international human rights framework. The New Urban Agenda is also guided by the sustainable development principles:

- Leave no one behind
- Ensure sustainable and inclusive urban economies (including promoting secure land tenure)
- Ensure environmental sustainability (UN 2016).

Item 13a of the New Urban Agenda envisages cities that incorporate the "full realization of the right to adequate housing" (UN 2016, p. 13).

Item 35 commits to promoting:

"increased security of tenure for all, recognizing the plurality of tenure types, and to developing fit-for-purpose and age-, gender- and environment-responsive solutions within the continuum of land and property rights, with particular attention to security of land tenure for women as key to their empowerment, including through effective administrative systems" (UN 2016, p. 21).

The lesson analyses various international agreements and the GLTN core values to identify the key principles of land administration. This includes supporting Sustainable Development Goals 1,2, 5, 11, 15 and 16, and the New Urban Agenda item 35. The analysis further includes the VGGTs with regard to the general principles (section 3A) and principles for implementation (section 3B), as well as the GLTN core values.

The outcome is a list of 13 guiding principles for land governance in achieving responsible land administration (Box 3 and Box 8):

The benefits of a responsible approach to land-administration processes arise through recording and providing recognition of ownership, security of tenure, reducing tenure disputes, the facilitation of efficient formal land markets, and efficient administrative processes in valuation, land-use planning, and land development. These benefits (Williamson et al. 2020) are presented in Box 4.

Box 8. Thirteen guiding principles for responsible land administration

Respect for human rights and dignity	VGGTs 3B 1
Non-discrimination	VGGTs 3B 2
Pro-poor	GLTN core value 1
Equity and justice	VGGTs 3B 3, GLTN core value 2, GLTN Strategy core value I
Gender responsiveness	VGGTs 3B 4, GLTN core value 3
Holistic and sustainable land administration	VGGTs 3B 5, GLTN core value 5
Effective consultation and participation	VGGTs 3B 6, GLTN core value 1
Rule of law	VGGTs 3B 7
Transparency	VGGTs 3B 8, GLTN Strategy core value IV
Accountability	VGGTs 3B 9
Continuous improvement	VGGTs 3B 10
Affordability of land administration services	GLTN core value 4
Adopting systematically large scale and scalable approaches	GLTN core value 6

LESSON 1.3 LAND TOOLS TO IMPLEMENT RESPONSIBLE LAND ADMINISTRATION PRINCIPLES

Land tools are an important element of responsible approaches to land governance and land administration. A land tool is:

"a way to put principles, policies and legislation into effect. The term covers a wide range of methods: from a simple checklist to use when conducting a survey, a set of software and accompanying protocols, or a broad set of guidelines and approaches. The emphasis is on practicality: users should be able to take a land tool and apply it (or adapt it) to their own situation" (GLTN/UN-Habitat 2012a, p. 8).

GLTN aims to develop stronger institutions by providing pro-poor, and gender-responsive land tools, leading to more equitable economic development, social inclusion, secure tenure, greater environmental sustainability and resilience in the face of disasters and climate change, as well as improved social stability and greater transparency (UN-Habitat 2012a).

A land tool can be seen as a practical way to solve land administration and management problems and put policies and legislation into effect. To be effective, land tools need to able to be applied by users to their own local situation in a practical way. Land tools can come in a variety of forms, for example:

- A checklist to use when evaluating land tools (e.g., the **gender evaluation criteria**)
- A set of software and accompanying protocols (e.g., the **land administration domain model** and the **social tenure domain model**)
- A broad set of guidelines and approaches (e.g., **fit-for-purpose land administration**).

A lack of suitable land tools, as well as land-governance problems, are a key cause of the failure to implement land policies at scale. GLTN partners identified 18 land tools that were most needed to provide tenure security for all at the country level and across all regions. These tools are grouped into five broad themes:

- Access to land and tenure security
- Land management and planning
- Land administration and information
- Land-based financing
- Land policy and legislation.

Several tools may be required at the same time to implement the principles of responsible land administration. They may also provide an alternative to current approaches to land administration (UN-Habitat 2012a).

GLTN has developed the concepts of the **continuum of land rights** and **fit-for-purpose land administration**. The inclusion of pro-poor, gender- and youth-responsive approaches promotes the sustainability of tenure-security responses and affirms the connections between land-tenure security and the internationally recognized human rights.

The 18 land tools cannot be developed in technical isolation. The GLTN publication *Handling land* (GLTN/Un-Habitat 2012a) identifies eight cross-cutting issues that inform land tool development:

- Capacity development
- Conflict and disaster
- Environment
- Gender
- Grassroots
- Islamic aspects
- Land governance
- Youth.

These cross-cutting aspects need to inform the development and use of land tools to make them effective.

Land issues are notoriously complex and political, and it can be difficult to develop land tools consistent with a responsible land administration approach. The tools must address the legal, technical and social considerations. A multi-disciplinary approach is needed, with inputs from a range of stakeholders, including international organizations, government, civil society, and

academic and training institutions. A further challenge is integrating the various inputs, rather than developing "silos" (UN-Habitat 2012a).

A **security of tenure gap** (Lesson 1.1) exists, where as little as 25 percent of the world's land parcels are formally recorded in land-administration systems. Therefore, most of the world's population occupies land informally with reduced levels of tenure security. Scaling up registration of customary and communal lands helps to protect the rights of local communities. People in informal settlements must also be brought into the formal land-administration system.

Unfortunately, in most countries, the capacity of the land sector to implement land tools and improve land administration is very weak. **Capacity development,** one of GLTN's cross-cutting themes, is vital for successful land tool development and implementation. Most developing countries are struggling to resolve the issues that lead to land conflicts. Existing land-administration systems are based on colonial approaches and have not delivered the required improvements at scale. New, affordable approaches are needed to deliver security of tenure for all at scale and be incrementally improved over time. The **fit-for-purpose** approach to land administration (see Lesson 1.4) has emerged to meet these simple, but challenging requirements (Enemark et al. 2016).

The key challenges confronting countries implementing the fit-for-purpose approach include:

- Creating a change in mindset and an effective change management strategy on the benefits of adopting a new approach that is not driven by state-of-the-art positioning and surveying technology.
- Revising the policy and legal framework to provide the required flexibility to allow the fit-for-purpose approach to be implemented
- The need for capacity development to build scale quickly.

Lesson 1.4 expands on these points and considers how to build the fit-for-purpose institutional, legal and policy frameworks, and how to implement the fit-for-purpose approach.

The process of developing or updating land policy will require comprehensive information about land and input from a wide range of land-management sectors. Building countrywide fit-for-purpose land-administration systems can support this process through providing the relevant information at scale. The fit-for-purpose approach can start very quickly using a low-risk entry point that requires minimal preparatory work, and applied to all land-tenure systems supporting the concept of the continuum of land rights (Enemark et al. 2016). See Module 6 for details.

Customary area, Malawi

LESSON 1.4 INTRODUCTION TO FIT-FOR-PURPOSE LAND ADMINISTRATION

This lesson introduces the concept of fit-for-purpose land administration and describes a vision for implementing it at the country level. It discusses the spatial, legal and institutional frameworks that form the fit-for-purpose approach, and describes the guidelines for building these frameworks. Finally, it describes how the principles can be implemented as a country strategy.

Calls for the adoption of responsible land administration approaches are based on the global drivers (such as urbanization and climate change) placing pressure on land-administration systems, and the inability of land administration to adequately respond to these global pressures (Lesson 1.1).

In the global South, land-administration systems were often based on a colonial legacy, focusing on formal tenures, and failing to deliver tenure security for most people in the country. Where these rights are recorded, the records can be incorrect or out of date. A result is that most people do not have legal documents for the land they occupy and lack a formal identity. They cannot legally claim their rights to land and are caught in a **security of tenure gap**. These limitations can cause conflict over land, forced eviction, impacts on livelihoods, and increased poverty.

Implementing western-style land-administration systems has not closed the security of tenure gap and has not been suitable for the local context. These systems cannot go to scale for various economic, institutional and technical reasons: a lack of institutional capacity, inappropriate laws and regulations, high costs, system complexity, inadequate maintenance, and long implementation timeframes.

"Most developing countries are struggling to find remedies for land issues that lead to land conflicts, reduce investments and economic development, and prevent countries reaching their true potential. Existing investments in land administration have been built on a legacy of approaches, have been fragmented and have not delivered the required pervasive changes and improvements at scale. New solutions are required that can deliver security of tenure for all, are affordable and can be quickly developed and incrementally improved over time. The FFP approach to land administration has emerged to meet these simple, but challenging requirements" (Enemark et al. 2016).

While conventional cadastral systems use high-accuracy field surveys of individual land parcels based on standards and regulations, the fit-for-purpose approach uses large-scale aerial or satellite imagery showing the way land is divided into spatial units (parcels and plots) for specific use and occupancy. While conventional cadastral systems use documentation of the surveyed parcel as a basis for entering rights into a land registry, the fit-for-purpose approach uses the aerial or satellite imagery in the field to identify, delineate and adjudicate the visible parcel boundaries, and the rights are determined and entered directly into a register. This is basically a participatory approach undertaken by locally trained land officers and involving all stakeholders. Furthermore, while conventional cadastral systems are highly standardized, the fit-for-purpose approach is flexible in terms of accuracy and also in relation to the variety of tenure types to be secured.

The fit-for-purpose approach focuses on the purpose of the systems such as providing security of tenure for all and managing the use of all land. The land-administration system can then be upgraded and incrementally improved over time in response to social and legal needs and emerging economic opportunities. Benefits arise by achieving a functional system covering all land and people within a short time, for relatively low and affordable costs, and supporting incremental improvement when relevant and required. This again will enable achievement of political aims and objectives in relation to economic growth, social and gender equity, and environmental sustainability.

The fit-for-purpose approach has three fundamental characteristics:

- A **focus on the purpose** and then on designing the means for achieving it as well as possible

- **Flexibility** in designing the means to meet the current constraints
- **Incremental improvement** to provide continuity.

These three characteristics inform the development of the three core components: the spatial, legal and regulatory, and institutional frameworks. Each of the core frameworks has four corresponding key principles (Box 9).

The **spatial framework** represents the way land is occupied and used. The scale and accuracy should be sufficient for securing legal rights and tenure forms across the continuum, as recognized through the legal framework. The principles advocated are for the use of visible (physical) rather than fixed boundaries, for the use of aerial or satellite imagery rather than field surveys, that the accuracy relates to the purpose rather than technical standards, and that there are opportunities for upgrading and ongoing improvement.

Legal and regulatory framework: for the fit-for-purpose approach to be implemented, the principles need to be enshrined in land laws. The legal framework should be flexible, designed along administrative rather than judicial lines. It should recognize a continuum of tenure rather than just individual ownership, use flexible approaches for recordation rather than only one register, and ensure gender equity for land and property rights.

The **institutional framework** is designed to manage and administer the rights to land and the use of land and natural resources and to deliver inclusive and accessible services. This requires reliable and up-to-date land information that is provided through the spatial framework. The institutional framework should involve good land governance rather than bureaucratic barriers, be an integrated institutional framework rather than sectorial silos, adopt a flexible ICT approach rather than high-end technology solutions, and provide transparent land information with easy and affordable access for all.

Each of these components includes the relevant flexibility to meet the actual needs of today and can be incrementally improved over time in response to societal needs and available financial resources.

Box 9. The key principles of the fit-for-purpose approach

Spatial framework	Legal and regulatory framework	Institutional framework
Visible (physical) rather than fixed boundaries	Flexible framework designed along administrative rather than judicial lines	Good land governance rather than bureaucratic barriers
Aerial/satellite imagery rather than field surveys	A continuum of tenure rather than just individual ownership	Integrated institutional framework rather than sectorial silos
Accuracy relates to the purpose rather than technical standards	Flexible recordation rather than only one register	Flexible ICT approach rather than high-end technology solutions
Demands for updating and opportunities for upgrading and ongoing improvement	Ensuring gender equity for land and property rights	Transparent land information with easy and affordable access for all

Enemark et al. (2016)

The three frameworks are interrelated (Figure 7). The dependencies between them need to be carefully coordinated to ensure that they are mutually reinforcing. Each framework must be sufficiently flexible to accommodate and serve the country's current needs within different geographical, judicial, and administrative contexts (Enemark et al. 2016).

Lesson 1.4 provides detailed guidance on building these three frameworks. The implementation includes some key components of **capacity development** and **change management** as well as **monitoring and evaluation**.

Capacity development. Implementing a countrywide fit-for-purpose land-administration system is demanding in terms of financial and human resources. Therefore, a strategy for capacity development is critical. Capacity development has three stages:

- Capacity assessment
- Creation of a capacity development strategy
- Implementation of this strategy.

Change management. It will be necessary to undertake change interventions simultaneously at several entry points to implement fit-for-purpose land administration across the whole land sector. These interventions need to occur simultaneously with the capacity development activities so that the skills and knowledge needed are developed.

Monitoring and evaluation checks ensure that the interventions are delivering the agreed objectives. It is necessary to check the effectiveness of both the capacity building and change management. Lessons must then be fed back to improve the approaches used (Enemark et al. 2016).

Implementing the fit-for-purpose approach requires all stakeholders in the land sector to make significant changes.

- **Politicians and senior civil servants** will need to be convinced that the changes are politically attractive and expedient.
- **Land professionals** will need to be convinced that they should change the way they work.
- **Citizens** will have to accept this highly participatory approach.
- **The legal profession** will have to be convinced that new forms of security of tenure are necessary.
- Further, **all stakeholders** will have to accept that the initial approach is acceptable and can be improved over time.

Enemark et al. (2016)

Figure 7. The fit-for-purpose concept

Security of tenure cannot be achieved for all people in developing countries through individual land titling. If the estimates of 70% of land being outside the land-administration system are correct, this represents a huge challenge. The land-titling process is too slow, and at current rates in many countries it would take centuries to cover the whole country with land titles.

One way to deliver improved security of tenure for the estimated 70% without formal rights is through a **continuum of land rights** approach (Figure 8) that allows people to move along the tenure-rights ladder. The continuum of land rights is a concept or metaphor for understanding and administering the rich complexity of land rights on the ground. The rights along the continuum may be documented or undocumented, formal as well as informal, for individuals and groups, including pastoralists and residents of slums and other settlements that may be legal or not legal. The rights do not lie along a single line, and they may overlap.

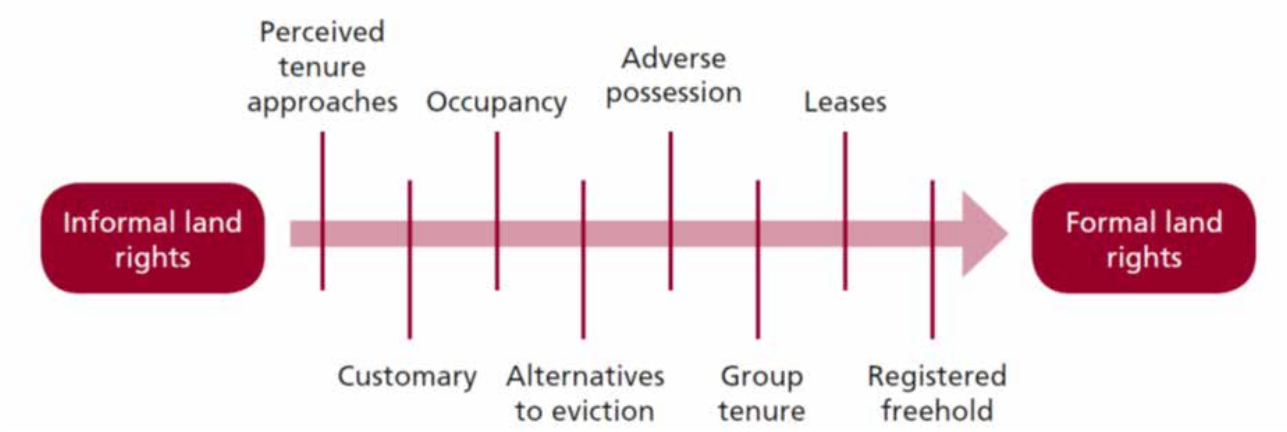
We can view land rights as lying on a continuum, and those that have less legal recognition should be recognized and provided with better forms of security and protection. Therefore, new forms of land registration will be needed to implement the continuum of land rights approach at scale. These new forms of registration have been given various names, including "progressive cadastres", "halfway", "grass root", "flexible", and "pro-poor" (Zevenbergen et al. 2013). Here we use the term **pro-poor land recordation**.

Pro-poor approaches to recordation need to be implemented step by step. Effective pro-poor recordation has a number of benefits for landholders, which include issues such as:

- Evidence of land rights including of the transaction, the land and parties involved, and the acceptance by the community
- Notice to the state and the world in general
- The creation of ranking of the different recorded land documents
- An index linked to the names of the parties, which makes access to information easier.

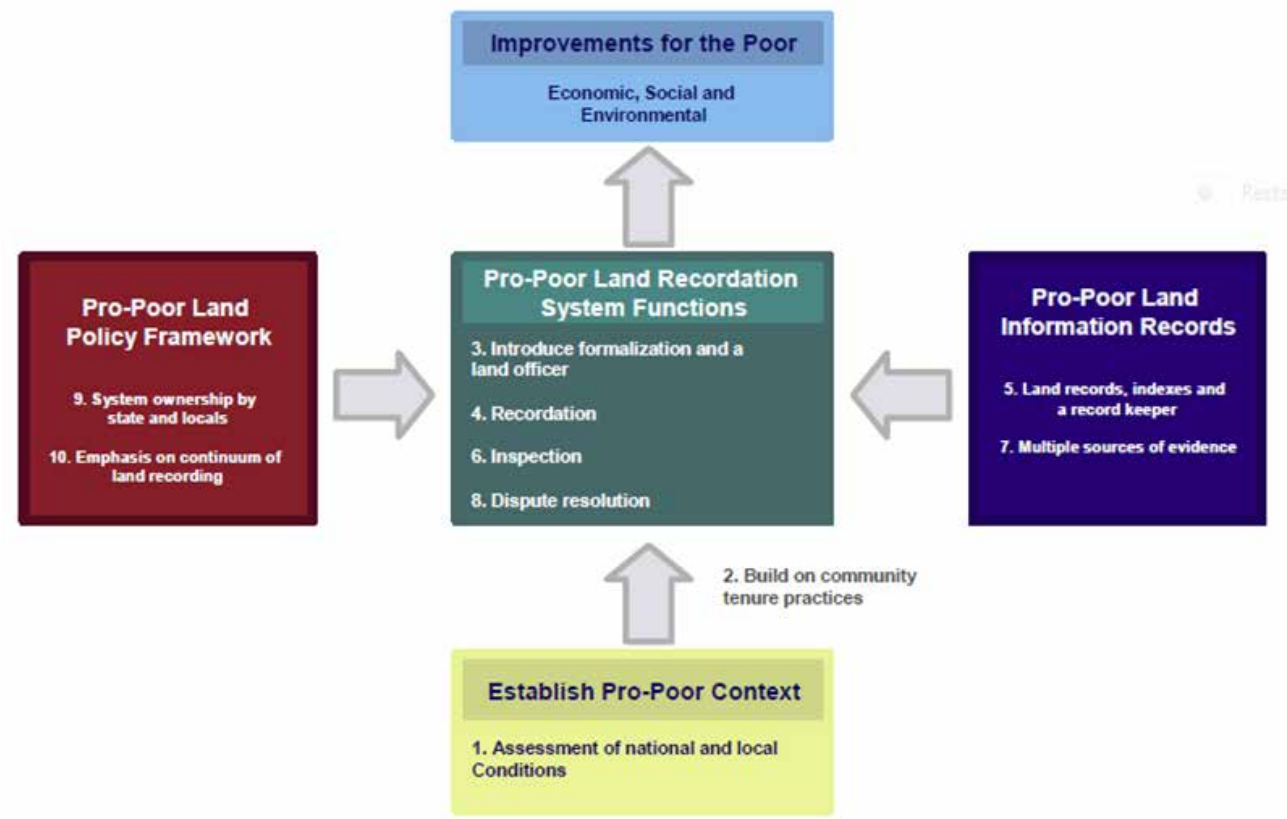
Existing conventional land-administration systems consider only conventional legal forms of evidence and are parcel-based. This means that they cover only a subset of all forms of land tenure. Globally there are many examples of informal-settlement residents, slum dwellers, families and groups living under customary tenure, indigenous people, pastoralists, refugees, etc., whose land-use rights cannot be integrated into a conventional land-administration system. Therefore, a flexible approach is needed to include different kinds of land recordation and to support the conversion of rights from one step on the tenure ladder to another.

This new form of land recordation should build on existing, local social land-tenure systems, which often include elements that can form an integral part of a pro-poor system. Community rules in identifying



GLTN/UN-Habitat (2012a, p.12)

Figure 8. The continuum of land rights



Zevenbergen et al. (2013)

Figure 9. The ten design elements of the pro-poor land recordation system

leaders should be followed. Recognized leaders know the local rules and the various land interests in the community (GLTN/UN-Habitat 2012b). Zevenbergen et al. (2013) list eight core requirements of a pro-poor land recordation system:

- Grassroots affordability
- State affordability
- Complex layered tenures
- Preventative justice
- Optimal sporadic or systematic implementation
- Flexible index map
- Transparent, inclusive, and equitable
- Co-management.

Land-administration systems support tenure security, and deliver the information needed to make land management work at scale. Without this information, it is impossible to manage urban and rural development. Gaps in information impact access to safe water, sanitation and community facilities by the poor, and contribute to unequal access to land, conflicts over land, land grabbing and the destruction of the environment. They also negatively affect the quality of life and livelihoods.

A pro-poor land recordation system is essential to address these issues. It contributes to security of tenure, particularly for the poor, and to overall land management. It also makes it possible to extend the system of land administration to cover most of a country. Figure 9 illustrates such an approach.

The pro-poor land recordation system in Figure 9 can be seen as part of Williamson et al.'s (2010) more generic vision of the land management paradigm (Figure 5). The same core elements are used as a basis for articulating the design elements of the pro-poor land recordation system. The paradigm reflects currently accepted global norms in land-administration system design. Its generic nature provides a familiar, but flexible conceptual basis for developing a pro-poor design.

Lesson 1.5 discusses the core requirements and the 10 design elements of a pro-poor land recordation system. But this is not all that is required for the implementation to be successful. Further work includes:

- Consultation with large stakeholder groups such as professional organizations and other experts, leading to the ongoing refinement of the design.
- Awareness-raising of local projects that are pro-poor in design. This is especially important when going to scale on a continuum of rights approach.
- Incorporating an understanding of political economy into the system.
- Designing approaches for tailoring the design in different contexts.
- Capacity building through increased access to funding, training, and material resources.

These further inputs can help refine the design before full-scale implementation.

Like all new systems, political will is vital for a successful and sustainable implementation of pro-poor land recordation. Land is a highly political issue. Land governance is fundamentally about power and the political economy of land. In society, the power structure is reflected in land rights, and political elites often try to capture or manipulate the land registry. This allows them to distribute land rights for their own benefit. In a country with strong land governance, a solution is to place these rights in a land-recordation system. Further, providing security of tenure for the poor requires that they do not have less access and control over the land-records office. Therefore, the system design and implementation need to be informed by political context of the community and its leaders, in relation to the poor.

Children in an informal settlement

KEY REFERENCES

See the *Teaching essentials* Module 1 for a full set of references: *https://elearning.gltn.net/*

Enemark, S., R. McLaren, and C. Lemmen. 2016. Fit-for-purpose land administration: Guiding principles for country level implementation. GLTN Report 2/2016, GLTN/UN-Habitat, Nairobi. *https://gltn.net/download/fit-for-purpose-land-administration-guiding-principles-for-country-implementation/*

FAO. 2007. Good governance in land tenure and administration. FAO Land Tenure Studies 9. Rome. *https://www.fao.org/publications/card/en/c/ec5fd-5dc-4254-501d-b8bb-4cb8c5ac7e52/*

FAO. 2012. Voluntary guidelines on the responsible governance of tenure. Rome. *https://www.fao.org/tenure/voluntary-guidelines/en/*

GLTN/UN-Habitat. 2012a. Handling land: Innovative tools for land governance and secure tenure, GLTN/UN-Habitat, Nairobi. *https://unhabitat.org/handling-land-innovative-tools-for-land-governance-and-secure-tenure*

GLTN/UN-Habitat. 2012b. Designing a land records system for the poor. Report 2/2012, UN-Habitat, Nairobi. *https://unhabitat.org/designing-a-land-records-system-for-the-poor-secure-land-and-property-rights-for-all*

McLaren, R. 2015. How big is global insecurity of tenure? GIM International, Nov. 2015. *http://www.rics.org/uk/knowledge/research/research-reports/crowdsourcing-support-of-land-administration/*

UN-ECE. 1996. Land administration guidelines with special reference to countries in transition. United Nations Economic Commission for Europe, Geneva. *https://unece.org/DAM/hlm/documents/Publications/land.administration.guidelines.e.pdf*

UN. 2000. The Millennium Development Goals. *https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_55_2.pdf*

UN. 2014. Millennium Development Goals report 2014. United Nations Department of Economic and Social Affairs, New York *http://www.un.org/en/development/desa/publications/mdg-report-2014.html*

UN. 2015. Transforming our world: The 2030 Agenda for Sustainable Development. Resolution adopted by the General Assembly on 25 September 2015, pp. 1–14.

UN. 2016. New urban agenda. UN-Habitat III Secretariat. *https://habitat3.org/the-new-urban-agenda*

Williamson, I., S. Enemark, J. Wallace, and A. Rajabifard. 2010. Land administration for sustainable development. ESRI Press Academic, Redlands, California. *https://www.esri.com/en-us/industries/government/departments/land-administration/offers/e-book*

Zevenbergen, j, W. de Vries and R. Bennett (eds). 2016. Advances in responsible land administration. CRC Press, Taylor and Francis Group. *https://www.routledge.com/Advances-in-Responsible-Land-Administration/Zevenbergen-Vries-Bennett/p/book/9780367872823*

Zevenbergen, J., C. Augustinus, D. Antonio, and R. Bennett. 2013. Pro-poor land administration: Principles for recording the land rights of the underrepresented. Land Use Policy 31: 595–604.

MODULE 2 LAND TENURE SECURITY

This module provides a fundamental understanding of the concept of land tenure, tenure security and land-registration processes. **Land tenure** is the relationship between people and the land. It controls how people acquire, hold, use and transact land rights. Land-tenure systems differ across cultures, legal systems and natural resources. To fully understand land tenure within a certain context, it is necessary to examine what rights and restrictions exist.

In many countries around the world, the land-administration system deals only with formal land rights, often subject to legislation passed during the colonial period. **Formal or statutory tenure** is where a landholder's rights are specified in the law. This enables the owners or rightsholders to rely on the law to defend his or her rights. But the poor often hold their land through **customary or informal tenure** systems which are often not recognized in law or in practice. They therefore lack the tenure security provided by the law.

OBJECTIVE

At the end of this module, learners should be able to:

- Describe customary and informal land-tenure systems with reference to specific case study examples, and statistically describe the population of society that live under customary and informal land tenure.
- Identify issues, limitations and constraints arising from customary and informal land tenure systems with reference to specific groups within society (e.g., women, youth, minorities, handicapped, indigenous communities, slum dwellers), and illustrate consequences.
- Choose and apply appropriate tools from a range of options to improve land tenure security, such as enumeration, social tenure domain model, and pro-poor land registration systems.
- Measure tenure security and be aware of current databases and efforts to acquire data on the topic.

Box 10. Module 2: Land-tenure security

Lesson 2.1 Analysing land tenure

What is land tenure? Introduction to land-tenure systems; Distinguishing tenure and property rights; Perceptions of legitimacy; Land law and land-tenure systems

Lesson 2.2 Tenure security

What is tenure security? Assessing security of tenure; Land tools for tenure security and the continuum of land rights

Lesson 2.3 Introduction to land-administration processes

Introduction to goals of land administration; Land administration processes; Spatial data infrastructure; Land-dispute resolution

Lesson 2.4 Formalizing land tenure rights

Impact of recording of rights on tenure security; Option for recording land rights; Responsible land administration and recording of land rights; Maintenance, updating and enforcement

WHAT IS LAND TENURE?

At its most fundamental level, land tenure is the relationship between humans and the land. It controls how people hold (tenure comes from the Latin *tenere*, meaning "to hold"), use and transact land rights. Land tenure systems differ across cultures, legal systems and natural resources. To fully understand land tenure within a certain context, it is necessary to examine what rights and restrictions exist.

The **bundle of rights** paradigm is a useful tool for understanding and analysing land tenure. This bundle is composed of the various rights (develop, use, mortgage, sell, subdivide, etc.) in a land parcel much like a bundle of sticks, where each stick represents a right (Figure 10).

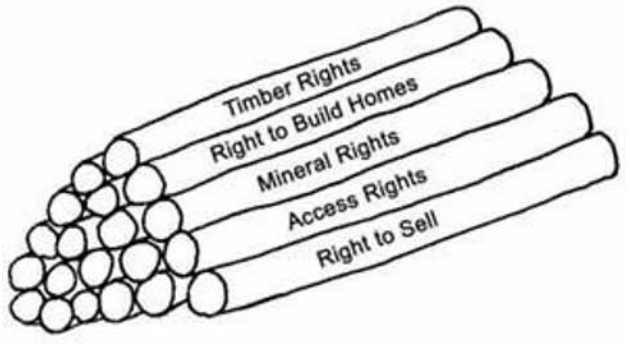
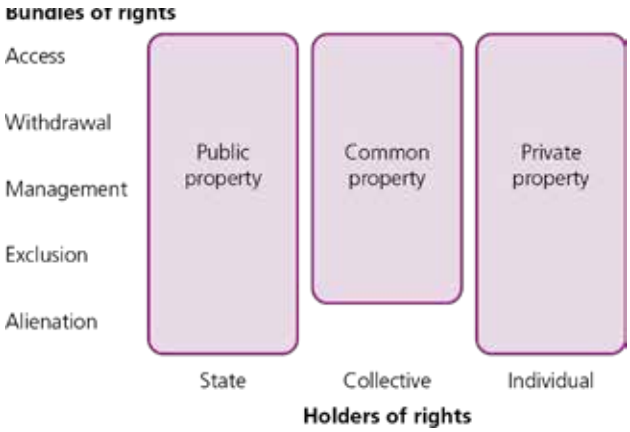


Figure 10. Conceptualizing land tenure as a bundle of rights



Meinzen-Dick (2006)

Figure 11. The tenure box

Rights may be allocated to private landholders or held back by the public (government). Typical public rights within common law systems include: the right to tax; the right to expropriate private property for public purposes (also known as **eminent domain**); and the right to control the use of private land through such mechanisms as zoning. A glossary of terminology is included in FAO (2002, p. 43) and also in Bruce (1998).

Land rights may also be classified according to regimes, such as state, private (individual), communal and open-access regimes (FAO 2002, Bromley 1991), or more simply as state, collective and individual. Furthermore, in many developing countries there is a mix of *de jure* (recognized by the formal legal system) and *de facto* (recognized on the ground but not formalized) rights.

INTRODUCTION TO LAND-TENURE SYSTEMS

It is common to separate land tenure systems into **statutory** – as defined by formal law – and **customary** tenure regimes. In many developing countries, statutory regimes were established during colonial times and often reflect Eurocentric approaches to land tenure (such as favouring private freehold tenure). Customary tenure regimes were undermined by statutory regimes during the colonial era, but they have survived and still serve as the dominant form of tenure in many countries in Africa. Traditionally, customary regimes were unwritten and communal or community-based, but these have evolved over time and today are often a mix of individual and group rights.

In the commons literature, property rights are often devolved into access, withdrawal, management, exclusion and alienation rights that represent a continuum of rights from weaker to stronger (Schlager and Ostrom 1992). Several authors (e.g., Meinzen-Dick 2006) have incorporated this classification schema into a **tenure box** as another way of understanding and analysing land tenure (Figure 11).

Note that the bundle of rights approach reveals quite different kinds of rights (the tenure box does not deal

with mortgage or subdivision rights, for example). This is because the bundle of rights focuses primarily on land rights, whereas the tenure box emerged from an analysis of common-property natural-resource rights.

DISTINGUISHING LAND TENURE AND PROPERTY RIGHTS

Land tenure and **property rights** are often used interchangeably, leading to some confusion as to the difference. Here, we use land tenure as including informal (unregistered) and oral-based customary rights. Property rights are only those rights that have been formalized and registered through the dominant legal system.

PERCEPTIONS OF LEGITIMACY

In many developing countries there is a mix of ***de jure*** (recognized by the formal legal system) and ***de facto*** (recognized on the ground but not formalized) rights. Tenure can move from *de jure* to *de facto*, for example if a piece of land is inherited, subdivided or sold, but these transactions are not officially recorded.

LAND LAW AND LAND-TENURE SYSTEMS

With regard to land law, the two dominant legal systems in the world are **English common law** and **civil law**. As the name suggests, English common law originated in England in the Middle Ages, while civil law emerged from Roman Law, which was first codified in the Institutes of Justinian in the 6th Century AD and later revived in Italy during the 11th century. Both of these systems were subsequently exported around the world during the colonial era. Figure 12 shows a map of the distribution of these legal systems.

The primary difference between common and civil law is that the former is based on custom and practice, while the latter is based on codified rules (e.g., the civil code). Common law relies on precedent, which is incorporated into written case law, while civil law judges interpret the facts of a case and apply the rules found within the relevant code. In civil law, the legally recognized land rights are specified in the civil code or a specific land code. This tends to make it difficult to acknowledge legitimate rights that cannot be framed as one of those.

Since statutory (mainly common and civil law systems) and customary law differ in their foundations and historical evolution, it is challenging to merge or accommodate both systems. The lesson discusses in some detail how these two systems can co-exist in certain countries. However, there are no obvious models for synchronizing these two systems, but some countries have found legal mechanisms to operating both statutory and customary systems (known as **legal plagiarism**).

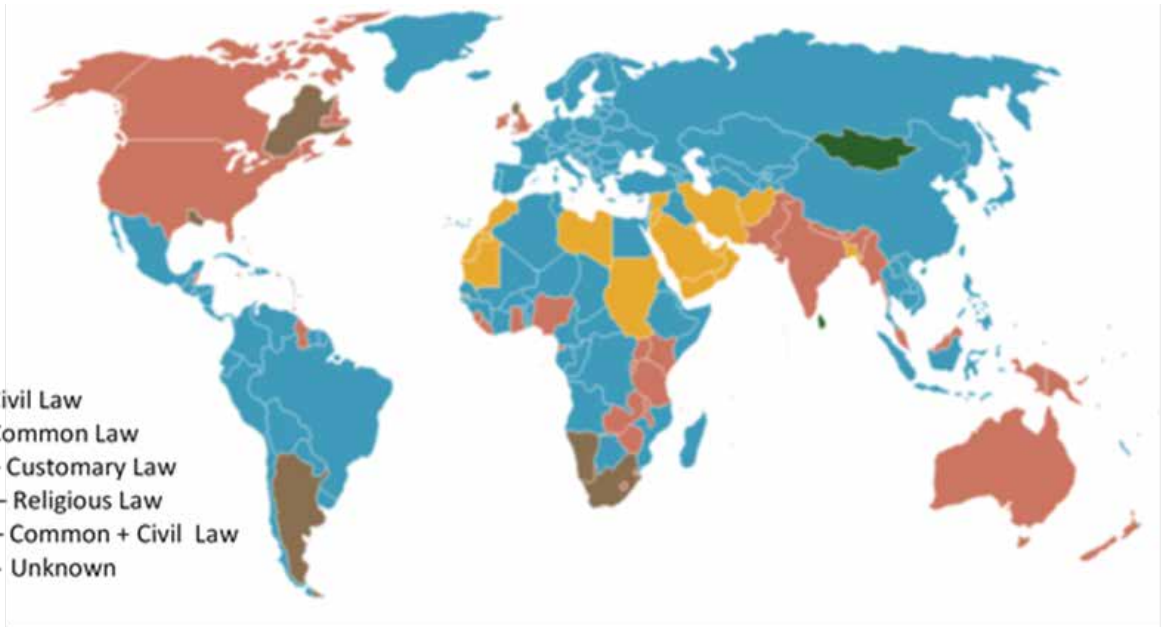


Figure 12. Legal systems across the world

LESSON 2.2 TENURE SECURITY

Tenure security has been defined in several different ways and is generally quite difficult to measure. Options for measuring this concept extend from **perceptions** of landholders all the way to **observable actions** that demonstrate their security. For example:

- I may **perceive** that my rights are secure and that if needed I could use them for certain purposes, like using it as collateral when I have an emergency in the family. Unless I actually try to use my land as collateral, this remains a perception.
- On the other hand, my neighbour may have actually acquired a loan from the bank using her land as collateral. In this case my neighbour believes she has security because her action has **proven** this to be true.

Another example of a practice-based measure of tenure security is the use of legal mechanisms to prevent eviction (UN-Habitat 2007).

In their review of literature on tenure security, Bruce and Migot-Adholla (1993, p. 252) identified three **key elements of tenure security**:

- Duration of rights
- Protection against counter claims
- The freedom to use and "dispose of" land.

This definition was echoed by Holden et al. (2013, p.7) who summarized tenure security as the "extent of protection and duration of one's land rights". The rationale behind this definition is that tenure security is greater when some individual or group has a broader bundle of rights and when those rights do not have time limits on them.

ASSESSING SECURITY OF TENURE

This lesson discusses several tools available for assessing tenure security such as:

- The World Bank´s Land Governance Assessment Framework (LGAF).
- An initiative known as Prindex, which aims to measure people`s perceptions of tenure security and create a global database
- The International Property Rights Index (IPRI)
- The Global Open Data Index (GODI)
- The International Fund for Agricultural Development (IFAD)'s Rural Sector Performance Assessments
- Landmark.

Further explanation and links are provided in Table 1 in the original Module 2 available on the GLTN e-learning platform, *www.elearning.gltn.net*.

LAND TOOLS FOR TENURE SECURITY AND THE CONTINUUM OF LAND RIGHTS

There are many forms of land tenure and property rights, ranging from formally recognized (*de jure*) rights such as associated with freehold, customary rights to land, and a range of informal (*de facto*) tenure rights (see Module 1). There is no automatic correlation between level of formality and the level of security of tenure. In many cases, informal land rights may be recognized as socially legitimate and have strong tenure security. The most appropriate and secure form of land tenure rights depends on the situation in question. Customary rights, for example, might in certain situations be more appropriate, and secure, than registered freehold. The concept of the **continuum of land rights** also helps us understand how tenure may change over time into a new form that is more secure. Implementation of the continuum of land rights concept requires that land-administration systems recognize all legitimate rights to land – not just the formal rights.

In this regard, the continuum of land rights (Figure 8) should not be seen as a prescription for analysing land tenure but rather "a tool for explaining, predicting, and visualizing how tenure systems may evolve. The two poles on that continuum need not necessarily be formal or informal…" (Barry 2015, p.34).

The policy goals of responsible land administration are to promote tenure security, gender equity, pro-poor solutions and access to land, with the aim of achieving greater resilience and sustainable development (Figure 1). Success is not measured by how many titles are registered or surveyed, but rather by the extent to which it achieves these policy goals.

FORMALISING THE INFORMAL – FIRST REGISTRATION AND-ADMINISTRATION PROCESSES

In large land-titling projects, where thousands of parcels are being formalized, mostly for the first time, a more systematic approach is used. This includes not only issuing titles but also building, or modernizing, the entire land-administration system. Using the existing system is often too expensive and time-consuming and is not designed to easily maintain the registry and cadastre over time.

Although all land titling and land-administration systems differ, the lesson presents certain common components as well as outlining the steps for the titling of individual parcels.

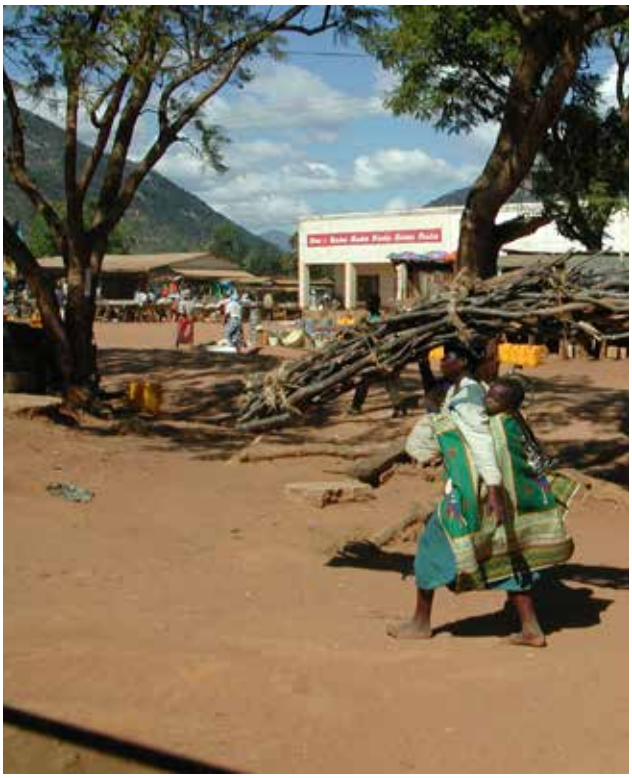
SPATIAL DATA INFRASTRUCTURE

A **national spatial data infrastructure** (NSDI) is fundamental to a land-administration system as it provides the means of integrating different sets of data and promoting collaboration amongst different agencies who manage spatial data. Underlying this integration is the use of a common coordinate system. Another important component of the NSDI is the parcel base with the spatial definition of the properties to which much of the information in a land-administration system is referenced. Essentially, it is this layer that connects people to the land and provides the important linking data element with other the land-administration databases such as cadastral-attribute data, land-registry data, and valuation and taxation data.

Although not strictly part of the land-administration system, there are a number of other layers that may be connected to it: e.g., related to buildings, physical infrastructure, land use and natural resources. To facilitate this data integration, it is advisable to have common data-exchange standards and metadata that are based on the same NSDI.

LAND-DISPUTE RESOLUTION

Conflicts may be caused by several different factors, including land scarcity, tenure insecurity, competition for valuable resources, historical grievances, and normative dissonance (e.g., conflicts between customary and statutory law) (Boudreaux and Bruce 2013). They can also be caused by encroachment of certain tenure regimes over others, such as the expansion of sedentary agriculture which blocks the historical routes of nomadic groups who depend on moving to obtain scarce resources (water). Similarly, ranchers have expanded onto forest and indigenous lands. The lesson discusses different forms of conflict-resolution mechanisms and illustrates these with case studies.



Women's rights to land are often limited.

Much of the evidence supporting the positive link between property formalization and the resulting benefit stream was produced in the wake of the Thailand Land Titling Project. This led to increases in the price and value of land, as well as a more active land market and access to credit on more favourable terms (Feder and Nishio 1998).

OPTION FOR RECORDING LAND RIGHTS

The main objective of registration systems is to provide a public depository for legal property documents and to provide public notice of ownership changes. They are also designed to answer certain key questions about land rights: What are these rights? Who holds the rights? When were they created? Where do these rights operate?

Land-registration systems are usually divided into two approaches:

- **Registration (or recordation) of deeds**, where land transactions (sales, inheritance, etc.) are recorded
- **Registration of titles**, where a record is made of the title to some particular land as vested in a particular person

Hybrid land registration systems combine these two approaches by adapting the Recording of Deeds system to look more like a Registration of Title system. The South Africa "deeds system" is one such example.

RESPONSIBLE LAND ADMINISTRATION AND RECORDING LAND RIGHTS

Conventional land administration systems have tended to cater for individual land tenures, and not more community or communal tenures. GLTN has developed tools to address these failings (see Lesson 1.5).

- The **Social Tenure Domain Model** (STDM) uses participatory methods to collect data about land, and a software package to record this information (GLTN/UN-Habitat 2012 pp. 32–4),
- **Participatory enumerations** are a way of gathering information about informal settlements by involving residents in the data-gathering process (GLTN/UN-Habitat 2012 pp. 35–6).

MAINTENANCE, UPDATING AND ENFORCEMENT

One of the biggest challenges facing the sustainability of registration and cadastral systems is the **de-formalization** of property after it has been titled. For the property registry to keep up to date, parties to transactions, such as sales and inheritances, must formally register these transactions. If this does not occur, the registry information becomes increasingly out of date to the point that it becomes an historical "snapshot" and not an accurate reflection of the current tenure situation. Therefore, it is important to encourage and ensure that all sales, transfers inheritances and subdivisions are recorded.

However, in practice this is a difficult task, and there are many examples of countries where small landholders return to the informal system to convey or subdivide their land. If this continues to occur, not only will the benefits of property formalization be lost, but the sustainability of the registry will be seriously compromised. Similarly, off-record subdivisions will reduce the currency of the cadastre until it too becomes a record of the past.

KEY REFERENCES

See the *Teaching essentials* Module 2 for a full set of references: *https://elearning.gltn.net/*

Barry M. 2015. Property Theory, Metaphors and the Continuum of Land Rights. GLTN Report 8/2015. *https://gltn.net/download/property-theory-metaphors-and-the-continuum-of-land-rights/*

Boudreaux, K. and J. Bruce. 2013. Land and conflict: Land disputes and land conflicts. USAID. *https://www.land-links.org/issue-brief/land-disputes-and-land-conflict/*

Bromley, D. 1991. Environment and economy, property rights and public policy. Blackwell Publishers. Chapters 1 and 2.

Bruce, J. 1998. Review of tenure terminology. Tenure Brief, Land Tenure Center, University of Wisconsin, Madison. *https://minds.wisconsin.edu/handle/1793/22013*

Bruce, J., and S. Migot-Adholla (eds). 1993. Searching for land tenure security in Africa. pp. 15–40. Kendall/Hun, Dubuque.

FAO. 2002. Land tenure and rural development. FAO Land Tenure Studies 3, Rome. *https://www.fao.org/3/Y4307E/y4307e00.htm*

Feder, G. and A. Nishio. 1998. The benefits of land registration and titling: Economic and social perspectives. Land Use Policy 15(1): 25–43.

GLTN/UN-Habitat. 2012. Handling land: Innovative tools for land governance and secure tenure, GLTN/UN-Habitat, Nairobi. *https://unhabitat.org/handling-land-innovative-tools-for-land-governance-and-secure-tenure*

Holden, S., K. Otsuka and K. Deininger (eds). 2013. Land tenure reform in Asia and Africa: Assessing impacts on poverty and natural resource management. Palgrave Macmillan, New York.

Meinzen-Dick. 2006. Shifting boundaries of tenure systems and security of access to common property. Paper presented at 11th Biennial Conference, International Association for the Study of Common Property, IASCP, 19–23 June 2006, Ubud, Bali.

Schlager and Ostrom. 1992. Property-rights regimes and natural resources: A conceptual analysis. Land Economics 68(3): 249–57.

UN-Habitat. 2007. How to develop a pro-poor land policy. Process, guide and lessons. UN-Habitat, Nairobi. *https://unhabitat.org/books/how-to-develop-a-pro-poor-land-policy-process-guide-and-lessons/*

MODULE 3 PARTICIPATORY LAND-USE PLANNING AND MANAGEMENT

Planning is an initial aspect of both land administration and management. This module includes critical elements of the nature and process of land-use planning as it relates to the broader objectives of responsible land administration.

This module examines the role, function and main theories of land-use planning and management at the national and local or community levels. It discusses the geospatial tools and concepts of integrated land-use management and sustainable development, including the evolution to a more participatory process and its information requirements.

OBJECTIVE

At the end of this module, learners should be able to:

- Understand the nature and elements of the land use and territorial planning process.
- Understanding the evolution of the process from a primarily technical exercise to an inclusive participatory process.
- Understand the relationship between the land-use planning and management process to issues of land tenure and land administration.

Box 11. Module 3: Participatory land-use planning and management

Lesson 3.1 Introduction to land-use planning and management

The role and functions of land-use planning; Influences on and implementation of land-use planning. Levels at which land-use planning takes place

Lesson 3.2 Considerations and control of land-use planning and management

Urbanization and land use issues; Concepts of sustainable development; Environmental inputs to land use planning

Lesson 3.3 Land-use planning for improved land management and tenure security

Land-use planning and land policy; The role of state in addressing tenure and informality in development: Mapping and data analysis; Technical inputs to land-use planning

Lesson 3.4 Managing the use of land

Improving land-use and urban planning; Typical tools and practices in rural planning; Critical urban land-use tools; Support mechanisms for land-use planning; Land development

Lesson 3.5 Towards responsible land use planning and management

Community and participatory planning; Planning for hazards and risks; Monitoring and evaluation; International policy trends in land use and urbanization

THE ROLE AND FUNCTIONS OF LAND-USE PLANNING

"Land use planning is a systematic and iterative procedure carried out in order to create an enabling environment for sustainable development of land resources which meets people's needs and demands. It assesses the physical, socio-economic, institutional, and legal potentials and constraints with respect to an optimal and sustainable use of land resources and empowers people to make decisions about how to allocate those resources" (FAO/UNEP 1999: 14).

Land-use planning is, however, more than a technical process. It has evolved to engage the affected and beneficiary populations in an increasing participatory process. UN-Habitat 2015:9 calls it an...

"integrative and participatory decision-making process that addresses competing interests and is linked to a shared vision, an overall development strategy and national, regional, and local urban policies. It functions have thus evolved from the optimal ordering and utilization of land resources toward an integral element of the overall development process."

Land-use planning has evolved from its early roots when it dealt with the impacts of rapid urbanization in European cities due to the industrial revolution. While rural planning issues remain important, the critical land-use planning issues in both North and South are now the extent and nature of urbanization, the rural-urban interface, and climate change.

Land-use planning is still largely focused on the land-use and management. There are two major components in the planning process:

- Designating appropriate use of land in particular areas
- Regulating the use of land to conform with the designations.

INFLUENCES ON AND IMPLEMENTATION OF LAND-USE PLANNING

Land-use planning was basically about optimizing the use of land resources. Its core elements are land-use designation and regulation. Different elements and types of land-use planning take place at different spatial levels and levels of government. Different complementary tools and regulatory procedures are also used at each level. However, it is possible to "lose sight of the forest while focusing on the trees". The land-use planning process is a component of the overall development process; it exists within a complex set of influences and issues. It is useful to understand the scale and magnitude of these factors while focusing on a few elements.

The lesson discusses these influences and processes in some detail, focusing on providing the **development plan**, enabling stakeholders' **participation** in the planning process, and the **development control** process.

LEVELS AT WHICH LAND-USE PLANNING TAKES PLACE

The lesson investigates the levels at which land-use planning takes place, such as the national, district and local levels. This is further divided into the supranational and transborder level, city-region or metropolitan level, city or municipal level, and the neighbourhood level. The requirements for planning and the planning tools may be different at the various levels.

LESSON 3.2 CONSIDERATIONS AND CONTROL OF LAND-USE PLANNING AND MANAGEMENT

This lesson provides an understanding of the key differences in land-use planning and territorial planning in the urban periphery in different parts of the world such as global North and South. It discusses further the core forms of **planned** versus **organic development** and identifies elements of sustainable developments in land use and territorial planning.

While settlements have been planned for centuries, much of present urban and land-use patterns have evolved in an unplanned and organic manner. Planned and unplanned settlements often co-exist in parallel. This is certainly so in the global South, but it is also true in the older parts of global North. Recognizable settlement growth types include organic growth, circular settlements, grid cities, and linear settlements.

In Europe, where much of modern land-use planning was developed, planning traditions go back to monumental and fortified cities, but there was also an organic evolution of urban form. When the process of urbanization accelerated during the industrial revolution, procedures were developed to manage and regulate the process of urbanization. This was supported by the development of property and real-estate markets and the growing material wellbeing of these societies.

In the global South, land use planning was introduced during the colonial period. It initially intended to serve narrow interests, often leaving intact parallel, unplanned settlements and traditional land-use systems. However, there were some good elements in colonial land-use and settlement planning in the South where it was implemented.

The lesson discusses some typical urban and rural planning issues in the global North and South, such as low urban density, encroachment of urban development into productive agricultural lands, and the provision of services, infrastructure and utilities.

CONCEPTS OF SUSTAINABLE DEVELOPMENT

Planning takes the concept of sustainable development into account through three elements: **social development and inclusion, sustainable economic growth,** and **environmental protection and management** (UN-Habitat 2015). The idea of **sustainable urbanization** means planning cities that are compact rather than sprawling, integrated rather than segregated, and connected rather than congested (UN-Habitat 2018).

ENVIRONMENTAL INPUTS TO LAND-USE PLANNING

Planning should take into account the natural environment. For example, building on a floodplain leaves a settlement susceptible to flooding. Planning incorporates such considerations through approaches such as the idea of **carrying capacity** (Steiner 2000). It uses **environmental impact assessments** to assess the impact of proposed uses on the natural environment, and suggests mitigation measures for potential negative impacts.

UN-Habitat (2015)

Low-density urban development (left) and urban encroachment (right).

LAND-USE PLANNING AND LAND POLICY

Land-use planning and management does not exist in isolation. It is a core component of the land-management element, along with land-resources management. Figure 13 shows its relationship to land policy (for use guidance) and land information (for technical and information inputs). The land-management component is divided into the sub-components of **land-use plans and standards** (which set what is to be achieved in both the private and public realms) and **development regulation**. The outcome is hopefully sustainable development.

The relationship between land-use planning and land administration issues is complex, especially in the global South. The land-administration system deals with land and property rights such as the recording, transfer, guaranteeing and adjudication of these rights. In the global North, these rights tend to be relatively homogeneous and codified in law, and administration and the rights to land use and development are clearly defined. In the South, property rights tend to be more complex and more difficult to administer. The relationship between use rights and property rights is not always well defined. These issues are further complicated by socio-economic issues and the extent of poverty.

Poverty affects land-use planning and tenure. The social and economic context in which land-use planning takes place impacts both the issues to be dealt with and how they are addressed, especially in the South.

High levels of poverty coupled with high costs in property markets in the South means that many people are unable to participate in the formal land and housing markets. They seek informal approaches to gain shelter, such as squatting and land invasions. Such settlements are inherently unplanned, with poor services and environmental issues. While improvement in the physical living conditions of the inhabitants of informal settlements is critical, there are also good reasons to address tenure issues.

THE ROLE OF STATE IN ADDRESSING TENURE AND INFORMALITY IN DEVELOPMENT

The state has multiple roles in addressing both informal development and tenure. As administrator of the land market and property systems, the state establishes the rules of demarcation, registration and transfer of titles, and provides means to resolve conflicts. The lesson analyses these roles and the tools used for land regularization exercises.

Enemark (2007)

Figure 13. Integrated land-use management for sustainable development

NBC News (2016)

C40 Cities (2014)

Favela in Rio de Janeiro, Brazil (left), and high-rise urban density in Seoul, South Korea (right).

MAPPING AND DATA ANALYSIS

Several tools and techniques are available for collecting geospatial data for input to the planning process, and evolving technologies are constantly enhancing them. The data-acquisition technique chosen will depend on the level of detail and nature of data needed. The lesson explains the various methods to collect data, such as "windshield surveys", interviews and questionnaires, mobile applications, aerial and satellite data, and GPS and field surveys.

TECHNICAL INPUTS TO LAND-USE PLANNING

The lesson explains the technical inputs to planning, including land-cover maps, land-cover data, land-classification maps, and site-development standards. These are combined with analyses of the demographic, social-sector, site, and services and infrastructural situations.

Informal settlement, Lagos, Nigeria

This lesson investigates the tools of land-use planning in more detail, distinguishing between urban and rural planning. It also covers land-use zoning and outlines the phases of land development, with a focus on the increase of land values and the tools for land acquisition.

IMPROVING LAND-USE AND URBAN PLANNING

Land-use planning is part of the broader framework of land management and administration. However, context-specific elements and tools are used in the global North and South with varied applications and standards. A land-use plan and regulations for development must deal not just with the present situation; it must also correct problems of the past and anticipate the needs and problems of the future.

While there are some similarities and crosscutting approaches to land-use planning in urban and rural areas, there are some salient differences.

TYPICAL TOOLS AND PRACTICES IN RURAL PLANNING

While there are settlements in rural areas that require planning for density, settlement structure, services and infrastructure, rural land-use planning contains other dimensions of land management. These include proper use and optimization of the natural properties of the soil for agriculture and the control of soil degradation, management of natural-resource exploitation, and the conservation of natural resources.

In rural areas, zoning is mainly used for protecting agricultural land from urban encroachment and less about how a non-built land use is practised. **Rural zoning** also incorporates several sectoral policies such as:

- Nature protection and management
- Agricultural policies
- Forestry policies
- Natural resource management
- Environmental protection and pollution control
- Coastal zone management.

Land consolidation is used as a key tool adjust the structure of agricultural holdings in rural areas to optimize conditions for agricultural production. A land-consolidation scheme may include a certain area where landowners allow their holdings to be restructured into larger and more convenient parcels of land that are equivalent to the value and size of their original holdings.

CRITICAL URBAN LAND-USE TOOLS

Optimum land use in an urban area would often mean the appropriate type of built development, correct development density and ensuring that there is adequate infrastructure and services. The key tool in urban land-use planning is **urban zoning**, which divides land into categories such as residential, commercial, industrial and specialized, or activities such as sports arenas, airports, ports, and power plants. Often, these categories will also have a number of sub-categories or cross-categories.

SUPPORT MECHANISMS FOR LAND-USE PLANNING

Land-use planning is a public good that is financed by the state. Various taxes can be generated on land, including capital gains tax, betterment capture, land and property tax, transaction taxes and service fees – but these are generated through the formal land market. The poor are also often willing to pay some of the costs to improve their tenure or settlement structure.

Various types of human, technical and institutional capacity are needed for land-use planning. These can be gained through formal or informal training, the provision of equipment and software, and institutional capacity development.

LAND DEVELOPMENT

Land-use planning is a means to an end, and not an end in itself. Good land-use planning attempts to achieve environmentally sustainable physical development and social and economic objectives. **Land development** refers to the processes of implementing land-use planning or development proposals for building new urban neighbourhoods, new production sites and new physical infrastructure through granting of planning permissions, building permits and other necessary permits for changing the use of land.

Land development can be seen as the actual outcome of the planning process – the result of implementing adopted land-policy measures. Development control is the obligation of public authorities to ensure that any development and construction activity is in line with adopted plans and regulations, thus contributing to a sustainable future. The key means of land-use control is through planning permissions, building permits and, to some degree, subdivision permits, e.g., for the minimum size of parcels. The important point of land-use control is that development should be allowed only when it is in line with adopted planning policies.

In more general terms, the land-development process involves converting undeveloped land into developed land, which directly affects the value of land that, in most countries, are determined by the market. The **value of land** will increase throughout the process (Williamson et al. 2010, p.196).

Finally, the lesson explains the various means available for **land acquisition** (Williamson et al. 2010, p. 199, FIG 2010, p.5):

- **By agreement**, where public authorities acquire land through private agreement
- **Land readjustment**, which repurposes former industrial or agricultural parcels
- **Expropriation or compulsory purchase** of appropriate land for the public interest against compensation
- **Land banking**, where municipalities own land that they can allocate to particular uses
- **Pre-emption rights**, where landowners offer their property for sale to the municipality first
- **Financial incentives**, which guide development through subsidies.

Village in Uganda

This final lesson of the module looks at the evolution from top-down to participatory planning processes. It also describes the key elements of climate- and hazard-resilient planning and list some methods and techniques of planning evaluation and, finally, it presents the evolving international policy agenda for land use and human settlements.

COMMUNITY AND PARTICIPATORY PLANNING

Land-use planning has evolved away from a top-down technical exercise to a more engaged process that it is better able to deliver its objectives to target communities and beneficiaries. In the global North the planning may focus on issues such as unsustainable urbanization with intracity income disparities and access to services. In the global South, land-use planning is largely influenced by high disparities in income, informal and haphazard development. In both North and South, the inevitability of urbanization and climate change and the risks of natural hazards are common trends. Land-use planning has moved away from a primarily technical process to one which places equal emphasis on "how" the process is undertaken and "who" is involved, and has a monitoring and evaluation system to verify if land-use planning is meeting its objectives.

The way in which land-use plans and policies are developed and the way regulatory decisions are made impact on both their acceptability and their effectiveness. The more inclusive the process, the more likely that it will achieve its objectives. The democratization of the planning process has also been influenced by the concept of "subsidiarity" – that is, that decisions must be taken as close as possible to where they affect people. The benefits of participatory land-use planning include:

- Participation is a right
- Participation increases local ownership of a plan
- Participation captures local knowledge and information on potential risks and opportunities
- Participation makes a plan sustainable to electoral change.

PLANNING FOR HAZARDS AND RISKS

A relatively new land-use planning component is planning for hazards and natural disasters. Historically these have been thought of as rare. However, they are now seen as elements that need to be mainstreamed into the land-use planning process. The main international framework governing disaster-risk reduction and disaster-risk management is the **Sendai Framework** (UNISDR 2015). This has the following objectives:

- Understanding disaster risk
- Strengthening disaster-risk governance to manage disaster risk
- Investing in disaster reduction for resilience

Box 12. *Tenure-responsive land-use planning*

GLTN (2021)

Tenure-responsive land-use planning is a GLTN tool for solving land-use planning and tenure-security challenges simultaneously. It enables local people to take charge of their development vision in a more participatory, gender-sensitive, and tenure responsive fashion, using practical, local processes and fit-for-purpose approaches to strengthen their knowledge, capacity, and development through land-use planning.

- Enhancing disaster preparedness for effective response, and to "build back better" in recovery, rehabilitation, and reconstruction.

The framework as adopted by the United Nations aims to substantially reduce disaster risk and losses in lives, livelihoods and health and in the economic, physical, social, cultural and environmental assets of persons, businesses, communities and countries.

Closely related to the Sendal framework is the **disaster management cycle** (UNISDR 2015). This consists of:

- Mitigation and adaptation measures for likely events
- Preparation for the eventuality of the event
- Responses to actual event
- Recovery from the event.

The goal after an event is to **build back better** to reduce the impact of subsequent events. As a consequence, the better-planned a community is, the more resilient it is to disasters.

MONITORING AND EVALUATION

Land-use planning goals are increasingly tied to broader national development targets – such as the **Sustainable Development Goals** (UN 2015). These have associated monitoring and reporting systems to measure whether the targets are being achieved. Land-use planning is a key tool for supporting several Sustainable Development Goals: Goal 1 on no poverty, Goal 2 on no hunger, Goal 5 on gender equity, Goal 11 on sustainable cities and communities, and Goal 15 on life on land.

INTERNATIONAL POLICY TRENDS IN LAND USE AND URBANIZATION

Finally, the lesson looks at the shift in thinking about land as promoted through various international conferences and agreements, such as the evolving UN-Habitat Agendas I, II and III. This evolution has been in response to increasing urbanization and migration, and a shift in the view of the state from being a provider to an enabler. The New Urban Agenda from Habitat III (2017) proposes that the form, functioning and management of the city should be inclusive of the needs of all sections of the population, including both the rich and the poor.

Participatory mapping in Uganda

KEY REFERENCES

See the *Teaching essentials* Module 3 for a full set of references: *https://elearning.gltn.net/*

Enemark, S. 2007. Integrated land-use management for sustainable development. Spatial information management toward legalizing informal urban development. FIG Commission 3 Workshop Athens, 28–31 March 2007. *https://www.fig.net/resources/monthly_articles/2007/april_2007/april_2007_enemark.pdf*

FAO/UNEP. 1999. The future of our land. Facing the challenge. Guidelines for integrated planning and sustainable management of land resources. *http://www.fao.org/3/x3810e/x3810e05.htm#n*

FIG. 2010. Hanoi declaration. Land acquisition in emerging economies. *https://www.fig.net/resources/publications/figpub/pub51/figpub51.asp*

GLTN. 2021. Tenure responsive land use planning: A practical guide for country-level intervention. GLTN Report 5/2021. *https://unhabitat.org/tenure-responsive-land-use-planning-a-practical-guide-for-country-level-intervention*

Steiner, F.R. 2000. The living landscape. An ecological approach to landscape. McGraw Hill, New York. 2nd ed.

UN. 2015. Transforming our world: The 2030 Agenda for Sustainable Development. Resolution adopted by the General Assembly on 25 September 2015, pp. 1–14.

UN-Habitat. 2015. International guidelines on urban and territorial planning. *https://unhabitat.org/international-guidelines-on-urban-and-territorial-planning*

UN-Habitat. 2018. UN-Habitat presentation by R. Van den Berg at the Caribbean Urban Forum, University of Technology, Jamaica. UN-Habitat

UNISDR. 2015. Sendai framework for disaster risk reduction 2015–2030. Pp. 7–27. *https://www.unisdr.org/we/inform/publications/43291*

Williamson, I., S. Enemark, J. Wallace, A. Rajabifard. 2010. Land administration for sustainable development. ESRI Press. Chapter 7. *https://www.esri.com/en-us/industries/government/departments/land-administration/offers/e-book*

Land-administration systems provide the infrastructure for the implementation of land polices and land-management strategies. They work as the operational component of good land governance.

In developing countries, formal land-administration systems are often not sufficient to cater for the continuum of rights: they are too cumbersome and expensive. We need innovative alternatives that involve a fit-for-purpose approach to land administration.

Social exclusion, operational challenges, insufficient or unavailable land-tenure information, conflicts and backlogs of land disputes, growing informality and tenure insecurity, and a lack of high-level administrative and political continuity… these are just few problems facing the land-administration sector. Recent breakthroughs in understanding the importance of land-tenure security for all and innovations in geo-spatial technologies make it necessary and possible to address these challenges.

OBJECTIVE

At the end of this module, learners should be able to:

- Describe how the key principles, challenges and opportunities for responsible land administration and information management outlined in earlier modules can be put into practice.
- Explain the different levels of land governance, the stakeholders and the roles they play in land administration.
- Demonstrate application of at least one innovative land-information-management tool.

Box 13. Module 4: Responsible land administration and information in practice

Lesson 4.1 Addressing principles, challenges, opportunities for land administration

Land administration principles; Land administration in practice; Transparency, monitoring and evaluation

Lesson 4.2 Introduction to public administration and organizational concepts

Introduction to public administration; Organizations; Concepts and organizational cultures

Lesson 4.3 Capacity development and monitoring change

Introduction to capacity development; Developing and implementing capacity development strategies; Monitoring change

Lesson 4.4 Tools to improve land-administration effectiveness

Modern management practices; Tools and methods to reorganize land administration; Costing and financing of land administration services

Lesson 4.5 Land information-management principles

Land information management principles and concepts; Creation, maintenance and dissemination of land information; Contemporary challenges in management of land information

LESSON 4.1 ADDRESSING PRINCIPLES, CHALLENGES AND OPPORTUNITIES FOR LAND ADMINISTRATION

This lesson provides an understanding of the land administration principles and concepts, and an awareness of land administration in practice. It further looks into the challenges and opportunities of land administration in practice, and provides some insight into the issues of transparency, monitoring and evaluation.

LAND ADMINISTRATION PRINCIPLES

There is a tight relationship between people and land, and that relationship is represented in the form of rights, interests or responsibilities to land. **Rights to land** can be divided in groups. An important distinction is between **statutory** and **customary** rights, which normally are defined either in the statutory or common law or by the customary traditions or informal use.

- Within statutory or common law, the so-called **formal** system, rights to land and the real estate are clearly described in the appropriate legislation addressing the land issues.
- **Customary** traditions (or customary law) are based on unwritten rules which find their legitimacy in tradition. These traditions can be different depending on culture, social aspects, and economic and political factors.

Next to those two groups, especially in urban- or peri-urban areas, **informal land relations** also exist. Those are often created by people settling on land to which they have no rights (neither formal nor customary). Once such settlement has taken place, people might continue to live there for a long time, or even pass their position on to others. Local authorities in different stages acknowledge this reality to some extent, and might issue e.g., certificates of comfort or residential licenses to the people in such informal areas. However, they do not hold any land rights accepted by the formal land agencies. Often such areas are called **informal settlements** or even **slums**.

In some countries, these land relation types can be found intermixed. This phenomenon is called **legal pluralism**, meaning that different types of laws regulating rights to land and property coexist and function next to beside each other.

The effect and impact of land administration depends on many contextual issues, and may be abused by powerful interests and elites to grab land and other scarce resources. However, responsible land administration can be designed to have a positive effect and impact and, thereby, promote good and transparent land governance that is participatory, accountable, fair. Examples of how this can be done are given in the book *Advances in responsible land administration* (Zevenbergen et al. 2016), which shows how to redress the limitations of conventional land-administration systems.

LAND ADMINISTRATION IN PRACTICE

Especially in developing countries, major challenges facing land-administration organizations include:

- Land policy changes where different legal systems apply between urban and rural areas, making peri-urban areas particularly complicated both in terms of understanding and policy formulation and evaluation
- Outdated and overlapping laws and regulations
- Public-sector reform
- Budget constraints
- Changing work forces
- Post-conflict/disaster issues such as loss of all land records
- Administrative procedures – lack of efficiency
- Lack of sustainability over time.

The lesson looks into the implications and opportunities for addressing these issues and offers a few case studies on implementing a fit-for-purpose approach to land administration in countries such as Rwanda and Ethiopia, as well as implementing the STDM concept in countries such as Uganda, Kenya and the small island countries of Saint Lucia and St. Vincent and the Grenadines.

Box 14. Ten principles of land-administration systems

1. **Land-administration systems** provide the infrastructure for the implementation of land policies and land management strategies in support of sustainable development.
2. **The land-management paradigm** provides a conceptual framework for understanding and innovation in land-administration systems.
3. **People and institutions.** Land-administration systems are all about the engagement of people within the unique social and institutional fabric of each country.
4. **Rights, restrictions and responsibilities.** Land-administration systems form the basis for conceptualizing rights, restrictions and responsibilities related to policies, places and people.
5. **The cadastre** is the core of land-administration systems that provide spatial integrity and unique identification of every land parcel.
6. **Land-administration systems are dynamic** in terms of reflecting the continual evolution of people–land relationships.
7. **Processes.** Land-administration systems include a set of processes that manage change.
8. **Technology** offers opportunities for improved efficiency of land-administration systems and spatial enablement in terms of land issues.
9. **Spatial data infrastructures.** Efficient and effective land-administration systems that supports sustainable development require a spatial data infrastructure to operate.
10. **Measures for success.** A successful land-administration system is measured by its ability to manage and administer land efficiently, effectively and at low cost.

Williamson et al. (2010), pp. 34–35

Land-administration systems always need to be adapted to local needs. But the ten principles presented by Williamson et al. (2010) give a good starting point (Box 14).

TRANSPARENCY, MONITORING AND EVALUATION OF LAND ADMINISTRATION

Transparency in land-administration organizations means that they act visibly, understandably and predictably. Transparent performance reduces fraud and bribery. Corruption has three main characteristics:

- **Bribery:** Abuse of discretion in favour of a third party in exchange for benefits given by the third party
- **Fraud:** Abuse of discretion for private gain without third-party involvement
- **Favouritism:** Nepotism or clientelism, including abuse of discretion for the interest of family, clan, political party, ethnic group, etc.

A range of land administration monitoring and evaluation frameworks has been developed over recent years. However, more, and more accessible data are needed to monitor progress.

- The World Bank's annual **Doing business** report provides indicators for measuring the efficiency of land-administration systems in each country through four elements: reliability, transparency, coverage, and dispute resolution (World Bank 2020).
- The **Land governance assessment framework** is a diagnostic tool to assess the status of land governance at the country level (World Bank 2012) .
- The annual **Sustainable Development Goals reports** provide information about the progress of achieving the 17 Sustainable Development Goals (UN 2015).

Land-administration organizations are part of a country's public administration. This lesson discusses the concepts of government and governance in relation to land administration.

INTRODUCTION TO PUBLIC ADMINISTRATION

Government is the group of people within a particular ministry or office with the authority to govern a country, state, or jurisdiction. Government also refers to the political direction and control exercised over the actions of the members, citizens, or inhabitants of communities. Government is necessary to the existence of civilized society. Land-administration organizations are usually part of the governmental structure of a particular country.

The concept of **governance** is broader than government. It emphasizes the processes and institutions, recognizes the importance of power and politics, and it is conceptually neutral. According to FAO, governance is the way in which society is managed and how the competing priorities and interest of different groups are reconciled. It includes the formal institutions of government but also informal arrangements. Governance is concerned with the processes by which citizens participate in decision making, how government is accountable to its citizens, and how society obliges its members to observe its rules and laws.

The concept of **land governance** concerns the rules, processes and structures through which decisions are made about access to land and its use, how the decisions are implemented and enforced, the way that competing interests in land are managed. Box 15 summarizes the effects of weak as well as the benefits of good governance.

Box 15. The effects of weak vs good governance

Weak governance leads to:	Benefits of good governance …
☐ Insecurity of tenure	☐ Protects the poor from illegitimate evictions
☐ Land conflicts	☐ Allows for just resolution of land disputes
☐ Social and political instability	☐ Brings the rule of law within the reach of the poor
☐ Erosion of ethics and standards of behaviour	☐ Reduces fraud and bribery
☐ Inequitable land distribution	☐ Allows for more equitable access to land
☐ Reduced private-sector investment	☐ Provides incentives for investment
☐ Limited local revenues	☐ Allows the state to benefit from land taxation
☐ Unsustainable natural resources management	☐ Creates incentives for landowners to use their land in a sustainable manner

Adapted from FAO (2007)

ORGANIZATIONS

In many countries, the land-administration responsibilities are under one organization or distributed among several agencies. This distribution could be among governmental and non-governmental authorities, where they may also share similar responsibilities within the same administrative territories (van Oosterom and Lemmen 2015).

The responsibility for managing these organizations differs from one country to another due to different backgrounds. Also, the organisational structures for land governance and administration differ widely between countries and regions throughout the world and reflect the cultural and judicial setting of the country and jurisdiction (Enemark et. al., 2016).

In many countries, land administration is executed by two separate agencies: the cadastre and land registration. While merging such agencies is often claimed to be more effective for data handling, in practice, staff within land agencies tend to struggle with such mergers.

CONCEPTS AND ORGANIZATIONAL CULTURES

Organizational reforms may be necessary to enable land-administration organizations to fulfil their functions efficiently. Trends include both **integration** (to make information more readily available and services more efficient) and **decentralization** (to make services more sensitive to local conditions and bring them closer to the people concerned).

The lesson discusses various aspects of organizational concepts and cultures. It uses the **fit-for-purpose** concept to explain the need for institutional and organizational change as well as capacity-development measures when implementing this concept at scale.

Woman farmer in Nepal

INTRODUCTION TO CAPACITY DEVELOPMENT

For a long time, capacity development was perceived solely as the enhancement of the knowledge and skills of individuals. More recently it is also understood in terms of organizations and the enabling environment in terms of incentives and governance. **Capacity** is defined as "the ability of people and organizations to define and achieve their objectives" and **capacity development** as "the process whereby people, organizations and society unleash, strengthen, create, adapt and maintain capacity over time". These are the definitions also adopted by GLTN in its strategy for capacity development (GLTN/UN-Habitat 2014).

Capacity development relates to three levels (FIG 2008):

- The broader **system or societal** level: the entire country, or the relevant sector in the society.
- The **entity or organizational** level: the government agency, private-sector operation or nongovernment organization.
- The **group-of-people or individual** level, which addresses the need for individuals to function efficiently and effectively within the entity and within the broader system.

DEVELOPING AND IMPLEMENTING CAPACITY-DEVELOPMENT STRATEGIES

The conceptual framework of the land-management paradigm drives land administration into a cross-sectoral and multidisciplinary approach that embraces technical, legal, managerial, political, economic,

Box 16. Capacity building in land administration

Level	Capacity-assessment issues	Capacity-development options
Societal level	☐ Policy dimension ☐ Social and institutional dimension ☐ System dimension ☐ Legal and regulatory dimension	☐ Land-policy issues ☐ Land-administration vision ☐ Land administration system ☐ Land-tenure principles ☐ Legal principles
Organizational level	☐ Cultural issues ☐ Managerial and resource issues ☐ Institutional issues and processes	☐ Institutional infrastructure ☐ Spatial data infrastructures ☐ Professional institutions
Individual level	☐ Professional competence ☐ Human-resource needs ☐ Educational resources	☐ Education and training programmes ☐ Continuing professional development programmes ☐ Virtual programmes ☐ Education and research centre

Williamson et al. (2010, p.301)

and institutional dimensions. To be effective, capacity-building measures must reflect all these dimensions and include assessment and development at all three levels: societal, organizational, and individual (Box 16).

The capacity-development strategy identifies a long-term capacity-development goal. Incremental implementation of the strategy involves intermediate goals and objectives. Change management means triggering interventions simultaneously at a number of entry points across the land sector.

MONITORING CHANGE

Reliable and robust data are needed to devise policies and interventions for land administration and achieving the Sustainable Development Goals. The lesson looks into the process of capacity development and change management for implementing the fit-for-purpose concept at scale. In this regard, the phrase "Don´t start what you can´t sustain" means capacity-development measures must be established up front when starting a project to build sustainable land-administration systems. The biggest challenge is often to ensure effective and efficient management of the systems once they are established and the donor has left.

Classroom teaching, Mzuzu University, Malawi

LESSON 4.4 TOOLS TO IMPROVE LAND-ADMINISTRATION EFFECTIVENESS

This lesson investigates modern management practices in land administration and in developing strategies for improved business and ICT performance. It also examines the concept of "costing and financing land administration services", or **COFLAS** (GLTN/UN-Habitat 2015).

MODERN MANAGEMENT PRACTICES

We can identify the following five aspects related to change in land administration (Zevenbergen et al. 2016, chapter 16):

- Changes in the status of people-to-land relations
- Changes in the conceptual and technological core characteristics of land administration
- Changing land use and land value
- Measuring the change
- Change agents.

TOOLS AND METHODS TO REORGANIZE LAND ADMINISTRATION

The lesson presents a range of tools and methods for reorganizing land administration with a focus on strategy and strategic planning.

Strategy is a course of actions involving logical combination of actors, factors, and action chosen to reach a long-term goal or vision. It is important to distinguish policy from strategy. **Policies** are general guidelines to achieve given objectives, while strategy incorporates a logical sequence of steps.

Strategic planning is a process by which an organization builds a vision of its future and develops the necessary structure, resources, procedures and operations to achieve it. The various models are displayed in diagrams with an explanatory text about the workflows, implementation and management processes, and the focus on customer satisfaction, and quality assurance and management.

COSTING AND FINANCING OF LAND-ADMINISTRATION SERVICES

The **CoFLAS** concept (GLTN/UN-Habitat 2015) is a tool to support:

- Land-sector staff in preparing proposals for land-administration system reform
- Policymakers in the land sector in assessing such proposals and in making a case for support within government and from development partners
- Key government agencies such as finance and development partners in reviewing proposals to reform the land-administration system, and in ensuring that such proposals provide value for money.

The tool includes four stages:

- **Stage 1** includes investigation of the policy, legal and institutional context for the land-administration system.
- **Stage 2** is about the review of the resource requirements and capital costs in establishing an appropriate land-administration system.
- **Stage 3** deals with a review of the options and likely costs of running a land-administration system.
- **Stage 4** includes an estimation of the likely revenue that can be generated by a land-administration system.

The COFLAS concept also looks at the generic costs of establishing a land-administration system with a broad geographic coverage. These costs include:

- Completing first registration
- Establishing a spatial framework for land administration
- Establishing the physical infrastructure to support land-administration systems
- Implementing ICT to support land-administration systems
- Capacity development
- Project management.

Box 17. *New technology and emerging trends: The state of play for land administration*

World Bank (2017)

This guide provides decision support to designers of land-administration programmes who require guidance on what new and emerging technologies could be adopted and integrated within their programmes. The guide advocates fit-for-purpose land-administration solutions, where technical solutions for the implementation of the spatial framework need to be complemented by appropriate legal and institutional frameworks (Enemark and McLaren 2018).

These are the costs that will cover the activities typically required when undertaking a major project to reform a land-administration system.

Where a government is considering options for financing the reform of the land-administration system, particularly the options of having part of land-administration services provided by private-sector suppliers or entering some sort of public–private partnership, the government needs to ensure that there is little (if any) restriction on the use of land-administration data as a fundamental dataset for existing and future needs as part of the national spatial data infrastructure and the spatial enablement of government. This would seem best implemented with the government maintaining ownership of the data and having the right to distribute the data (CoFLAS 2015).

Kathmandu, Nepal

LAND INFORMATION MANAGEMENT PRINCIPLES AND CONCEPTS

Tools to support efficient land management and administration will include establishing efficient organizations, transparent procedures for decision-making and information technology for collecting, processing, archiving and disseminating information. To be meaningful, the information needs a geographical component, which will include tools for surveying and mapping and geographical analyses in a **geographical information system** (GIS). The system must be able to produce services to the public at affordable costs, which means that land users who will benefit must feel that the fees, etc. they have to pay for the services are well worth the value the system is producing for them. This is important for pro-poor systems if improved land administration is to contribute to the eradication of poverty.

The spatial framework and the associated spatial units should be an integral part of the **national spatial data infrastructure** (NSDI). An **NSDI steering committee** should be created to ensure that technical, data and business standards can be mandated and adopted across the government institutions involved with managing geospatial information. This governance accelerates the implementation of the NSDI. The NSDI steering committee will be responsible for formulating a NSDI strategy and associated implementation plan and providing guidance and coordination to the stakeholders in implementing this strategy. A good example of a NSDI strategy is the **UK Location Strategy** (UK Government 2008). The coordination of geospatial information services from the public sector is best centralized under one authority to ensure consistency, quality and to leverage efficiencies (Enemark et al. 2016).

The **land parcel** is the basic spatial unit used for land registration/recording. Conventionally, **cadastral systems** have supplied spatial information for land administration, spatial planning, billing for cost recovery from services, etc. Given that most developing countries have very little cadastral coverage, the emphasis should be on the generation of more appropriate forms of large-scale spatial information, rather than on producing of a few accurate cadastral parcels. This is especially where people cannot afford registered rights. New approaches to spatial information are required.

CREATION, MAINTENANCE AND DISSEMINATION OF LAND INFORMATION

The **International Standards Organization** (ISO) is an international standard-setting body composed of representatives from various national standards organizations (*www.iso.org*). ISO develops and publishes international standards under predefined procedures for each family of standards. In the land-administration domain, there are several standards to support the land profession. One of these is the **ISO 19152:2012 Graphical Information – Land Administration Domain Model** (LADM) (van Oosterom and Lemmen 2015).

The **Social Tenure Domain Model** (STDM) (Lemmen 2013) is a "specialization" of the ISO-approved LADM. "Specialization" means that there are some differences, which are mostly in the terminology and in the application area. LADM development took place parallel to that of STDM as a concept and model, and the core developers of both models are the same or supportive of each other. Any form of right, responsibility or restriction in a formal system is considered as a social tenure relationship in STDM.

CONTEMPORARY CHALLENGES IN MANAGEMENT OF LAND INFORMATION

The lesson describes in more detail the five dimensions of change identified by Zevenbergen et al. (2016): change in people to land relations, change in conceptual understanding and technological possibilities, land-use change, measuring the change, and change agents.

KEY REFERENCES

See the *Teaching essentials* Module 4 for a full set of references: *https://elearning.gltn.net/*

Enemark, S., R. McLaren, and C. Lemmen. 2016. Fit-for-purpose land administration: Guiding principles for country implementation. GLTN, UN Habitat and Kadaster. *https://gltn.net/download/fit-for-purpose-land-administration-guiding-principles-for-country-implementation/*

Enemark, S., and R. McLaren. 2018. Making FFP land administration compelling and work in practice. Paper presented at the Commission 7 Annual Meeting in Bergen, Norway, 24–28 Sep 2018. FIG article of the month, October 2018. *https://www.fig.net/resources/monthly_articles/2018/enemark_mclaren_october_2018.asp*

FAO. 2007. Good governance in land tenure and administration. FAO Land Tenure Studies 9. *https://www.fao.org/publications/card/en/c/ec5fd5dc-4254-501d-b8bb-4cb8c5ac7e52/*

FAO. 2012. Voluntary Guidelines on the Responsible Governance of Tenure. FAO, Rome. *https://www.fao.org/tenure/voluntary-guidelines/en/*

FIG. 2008. Capacity assessment and land administration, by Enemark, S. and P. van der Molen. International Federation of Surveyors, FIG and FAO, p.37, FIG Publication 41, FIG Office, Copenhagen. *http://www.fig.net/resources/publications/figpub/pub41/figpub41.asp*

GLTN/UN-Habitat. 2014. GLTN capacity development strategy. *https://gltn.net/2016/10/11/the-gltn-capacity-development-strategy-2/*

GLTN/UN-Habitat. 2015. Costing and financing of land administration services (CoFLAS) in developing countries. GLTN and UN-Habitat. *https://gltn.net/download/framework-for-costing-and-financing-land-administration-services-coflas/*

Lemmen, C. 2013. The social tenure domain model - A pro-poor land tool. FIG Publication 52. *https://www.fig.net/resources/publications/figpub/pub52/figpub52.pdf*

UK Government. 2008. Place matters. The UK location strategy. *https://ggim.un.org/knowledgebase/Attachment2210.aspx*

UN. 2015. Transforming our world: The 2030 Agenda for Sustainable Development. Resolution adopted by the General Assembly on 25 September 2015, pp. 1–14.

van Oosterom, P., and C. Lemmen. 2015. The land administration domain model (LADM): Motivation, standardisation, application and further development. Land Use Policy 49: 527–34. *http://www.sciencedirect.com/science/article/pii/S0264837715003208?via%3Dihub*

Williamson, I., S. Enemark, J. Wallace, and A. Rajabifard. 2010. Land administration for sustainable development. ESRI Press Academic, Redlands, California. *https://www.esri.com/en-us/industries/government/departments/land-administration/offers/e-book*

World Bank. 2007. Land administration reform: Indicators of success and future challenges. *https://documents1.worldbank.org/curated/en/771101468160190062/pdf/418930NWP0Land-1sionPaper3701PUBLIC1.pdf*

World Bank. 2012. Land governance assessment framework. *https://www.landequity.com.au/wp-content/uploads/2019/12/The-Land-Governance-Framework.pdf*

World Bank. 2017. New technology and emerging trends: The state of play for land administration. Washington DC. *https://www.fig.net/resources/publications/world_bank/WB_2018_New_Technologies_and_Emerging_Trends.pdf*

World Bank. 2020. Doing business report 2020. *https://openknowledge.worldbank.org/server/api/core/bitstreams/75ea67f9-4bcb-5766-ada6-6963a992d64c/content*

Zevenbergen, J., W. De Vries, and R. Bennett. 2016. Advances in responsible land administration. CRC Press. Chapter 15.

MODULE 5 LAND-BASED FINANCE

One of the global core challenges in cities is about raising the revenue necessary to provide key public services and improvements in urban infrastructure and services. The challenge is particularly acute in cities in the global South. The pressure to improve services and provide essential infrastructure can increase as cities grow.

The module builds awareness of the best practices in using land-based finance and the procedures needed to implement them at a local government level. The experiences of cities across the globe that have used land-based revenues to finance capital investments provide valuable lessons. This module links the theories of local economic development, land administration and planning to practice, with a focus on aspects such as land markets, valuation processes and their impacts, responsible land-administration principles, sustainable development and human rights.

OBJECTIVE

At the end of this module, learners should be able to:

- Recognize how land-based financing is relevant to meeting the challenges of urban development and infrastructure
- How municipal authorities can leverage land for diversifying revenue streams and supporting public–private partnerships
- Assess the strengths and weaknesses of land-based financing tools in particular contexts
- Distinguish different land-valuation techniques for compensation and taxation purposes
- Evaluate the advantages and disadvantages of costing and financing of land-administration structures
- Respond to challenges facing the implementation of land-based financing to achieve sustainable and equitable urban development.

Box 18. Module 5: Land-based finance

Lesson 5.1 Introduction to land-based financing

Relevance of land-based financing; What is the rationale behind land-based financing? How is land-based financing different from land markets and capital markets?

Lesson 5.2 Models of land-based financing

Definition of land-based financing; Concepts of land-based financing; Different types of land-based financing

Lesson 5.3 Role of land valuation in land-based financing

Purposes and methods of land valuation; Valuation for taxation, sale and compensation; Valuation and its application for land-based financing instruments

Lesson 5.4 Land-based financing and responsible land administration

Challenges facing land-based financing; Relevance of responsible land administration to land-based financing; Local governments facilitation of land-based financing through responsible land administration

Lesson 5.5 Land-based financing and sustainable urban development

The development mandate for land-based financing; Land-based financing and the promotion of sustainable urban development? Partnerships: stakeholder engagement in land-based financing

LESSON 5.1 INTRODUCTION TO LAND-BASED FINANCING

This lesson introduces core concepts of land-based financing: what it is, its relevance to debates over municipal revenue, and the rationale behind its use. The third learning step focuses on the relationship of land-based financing to capital and land markets.

RELEVANCE OF LAND-BASED FINANCING

Land-based financing is a flexible set of instruments that can be adapted to various institutional and cultural contexts. It aims to enhance the availability of resources for local development through leveraging land. Improved local finances, infrastructure and service provision can have far-reaching social and economic benefits. Additionally, land-based financing not only tends to have fewer negative impacts than many other revenue tools, given the unique way it combines potential financial, economic, spatial and social benefits; it can also help establish reciprocal accountability relationships between citizens and government.

Land-based revenue and financing are important tools for stable financial frameworks and sustainable urban development at the local level. As well as supporting local expenditure, they also contribute to creating a healthy investment environment through promoting adequate infrastructure, equitable service delivery and efficient governance. In addition, effective land-based financing can contribute to an increased supply of land for all, more compact development, less sprawl and therefore a more efficient overall use of land in a city. These processes provide unique opportunities for inclusion of residents living under a plurality of land-tenure conditions along the land and property-rights continuum. Huge segments of the population are often missed due to lack of services or lack of recognized land rights. The more people are provided with security of tenure, including marginalized groups such as women and youth, the more they can become part of an inclusive urban-development process.

Even poor cities often own large swathes of poorly utilized land. These "hidden assets" are part of the public wealth, which could be managed to ramp up much-needed infrastructure investments. Many large cities across the globe have used land-based revenues to finance capital investments. However, these success stories are still relatively limited (UN-Habitat 2017).

The **instruments** of land-based financing include annual taxes on immovable property, public-land leases and sales, developer exactions, land-value sharing or capture, betterment charges, special assessments, sale of development rights and transfer taxes. Land-based financing, including **land-value capture**, has been adopted in parts of South America, Europe, and Asia. There is increasing interest in Africa and other parts of the globe to finance infrastructure and bring about more equitable urban development (Lincoln Institute 2015). GLTN/UN-Habitat (2016a) describes 21 illustrative cases from 15 countries: Afghanistan, Albania, Brazil, Canada, China (Hong Kong), Colombia, Ecuador, Egypt, India, Pakistan, Sierra Leone, Singapore, Taiwan, Tanzania and Turkey.

Urban infrastructure development and essential service provision are key priorities for local governments, with the poor being most affected by a lack of basic services for all. However, municipal authorities are often under-resourced and ill-prepared to meet the ever-growing demand for basic services and new infrastructure, and the maintenance of existing infrastructure and services. Thus, sustainable urban development is conditional on urban authorities being able to find financial resources to support sustainable urban growth.

WHAT IS THE RATIONALE BEHIND LAND-BASED FINANCING?

Land-based financing typically revolves around increasing land prices owing to urbanization and public investment, especially in rural to urban transitions. Debates exist over whether it is the landowner or society as a whole that should keep this **unearned increment** from rising land values, and how to calculate, collect and distribute these increases. The idea of **windfall capture** has been widely contested by those who support private landowners keeping the full rise in land value, while others argue that the unearned

increment is publicly generated and therefore belongs to society.

The rationale behind land-based financing is that rising land values are a form of **socially created wealth** belonging to communities, not just individuals. Landowners may not always contribute to rising land value, but often profit entirely from it. Therefore, the case for land-based financing is built on arguments of equity, fairness, efficiency, project selection and delivery, and devolution. Thus, a major argument for the use of land-based financing tools is that with the right planning, instruments and institutional support, there can be a reduction in the financial consequences of urbanisation for municipalities and society at large.

HOW IS LAND-BASED FINANCING DIFFERENT FROM LAND MARKETS AND CAPITAL MARKETS?

Land-based financing is part of **public or municipal finance**, whereby governments, particularly municipal or local authorities, raise money for capital expenditure, urban development, or key public services through land. Efficient land markets are recognized as essential for sustainable land policies and secure land rights. There is an important distinction between **formal and informal land markets**. As further discussed in Lesson 5.4, land-based financial instruments are often predicated on well-functioning land markets. However, **land-based financing** is narrower in scope in tracking and leveraging rising land values, rather than the broad spectrum of land transactions that encompass land markets.

As introduced in Module 1, a well-functioning land market that is efficient, equitable, and environmentally sound is one of the benefits of a responsible land administration approach. Some land-based financial instruments, such as public-land sales and leases, rely directly on the existence of land markets. Others rely on them to provide price signals that make land markets more efficient. While land markets aim to promote land supply and are technically open to all participants, this is not always the case. As such, land-based financial tools used for public or municipal finance often focus on specific land actors (e.g., property developers) to maximize the societal benefits from the efficient functioning of the land market.

Colombia. Photo: UN-Habitat

DEFINITION OF LAND-BASED FINANCING

"Land-based financing is a collective name given to a range of tools by which local governments [can] expand their revenue base and generate funds that will help them realize their service delivery, infrastructure development and maintenance goals […]" (GLTN/UN-Habitat 2016a: p. v).

These tools can help to manage growth in the context of local governance and sustainable urbanization.

Land refers not merely to the physical ground on which we live, but also has social, economic, and other significance. Land involves a "bundle of rights" (see Module 1), often attached to land as a physical commodity. This refers to the price of land as a commodity. Land is intrinsically related to the sociocultural, economic, political and jurisprudential aspects of society. Thus, according to this view of land rights, governments can retain the right to own land and assign private parties the right to use, develop, transfer, inherit, and benefit from it; but equally, a private party should be entitled to enjoy the rights that are granted for a specified time period as stipulated in a land-lease contract.

ADJUSTED CONCEPTS OF LAND-BASED FINANCING

The scope and objective of land-based financing is much broader than land-value capture (Berrisford and Palmer 2015). There are three main forms of land-based financing:

- **Developer exactions,** where developers may pay a single amount to negate negative impacts of the proposed development.
- **Land-value capture:** retaining a percentage of the change in overall land value after development.
- **Land-asset management**, the process of the government helping to unlock urban land values.

DIFFERENT TYPES OF LAND-BASED FINANCING

The main types of land-based finance instruments are:

Developer exactions (including impact fees). Developer exactions require the beneficiaries of a development (i.e., property developers) to compensate a municipality for the "public" or "external" costs of the new development. An **exaction** is a concept in property law where a condition for development is imposed on a parcel of land, requiring the developer to mitigate anticipated negative impacts of development.

Sale of development rights. The sale of development rights relates to the ability of municipalities to grant the right to develop upon land in exchange for fees, as opposed to the sale of land. For example, this can be introduced when a developer wishes to build on rural land not earmarked for that purpose or when a developer wants to build at a higher density than designated.

Betterment charges or levies. Betterment charges (also known as betterment levies) are one-time charges on land-value gains that are directly related to specific infrastructure improvements in a local area, and are assessed to landholders who directly benefit from improvements. Betterment taxes provide a mechanism to recover the actual or projected rise in land value resulting from public infrastructure and amenity investments under certain circumstances.

Land sale or leasing. Land sale or leasing refers to the transfer of publicly owned land to the private sector. Under a private regime, the landowner transfers the right to enjoy public benefits and the property tax costs of the benefits to the lessee. However, under a public regime, the landowner is the government and both the right to enjoy the benefit of public improvements and the costs of those benefits are passed on to the lessee as part of the lease rate.

Public–private partnerships. *"Public–private collaboration lies at the heart of land- based infrastructure finance. In fact, land-related finance may represent the*

biggest opportunity for private partnerships within the sphere of urban infrastructure investment" (Peterson 2009).

A key part of responsible land administration is the creation of clear working partnerships with private sector partners involved in projects in order to create the best outcomes.

Recurring taxes (including transfer taxes and stamp duties). Recurring taxes on land and buildings are an essential way of local governments to gain a steady annual income from land. This instrument is a tax obligation levied annually, but which can be paid in instalments throughout the year. There are three main types of recurring tax: a **tax on land**, a **tax on buildings and improvements** to the land, or a **tax of both land and permanent improvements**.

Land-value increment taxes (including acquisition and sale of excess land). There are three different types of land-value increment taxes:

- When any approval for land-use changes or density is given considering possible **market effects**
- When land is **transferred** from one party to another
- The annual **"split-rate" tax** that is paid on immovable property.

Land readjustment. While land readjustment is not normally considered as part of land-based financing, in some countries this tool has been used effectively to achieve orderly urban expansion while simultaneously financing the infrastructure to service that expansion by using the increased land values. In this sense, adding land re-adjustment processes to the discussion of land-based financing tools can be valuable, or at least its role as a project-specific, complementary mechanism to be used in support of other tools.

Where land ownership is unclear, it is difficult to determine who should pay land tax

LESSON 5.3 ROLE OF VALUATION AND LAND-BASED FINANCING

This lesson focuses on the role of land-valuation methods and procedures in relation to land-based financing. It focuses on the purpose of land valuation and how it differs from property valuation, before looking at the valuation for taxation, sale and compensation and in relation to the different land-based financing instruments.

PURPOSES AND METHODS OF LAND VALUATION

Valuation is the process of determining the monetary worth of a specified object. For land, it refers to the processes and methods by which the value of a particular parcel of land is determined. By creating objectively assessable monetary worth, valuation enables the functioning of land markets. This is critical not only to private land transfers and equity that underpins capital markets, but also for issues like housing, rents and loans that are related to property. However, in contradistinction to **property or real-estate valuation, land valuation** focuses not on the building(s) or structures on a piece of land but on the monetary worth of the land itself.

Different types of valuation methods can give different estimates of typical land values. Broadly these can be divided into **market** and **non-market approaches** (Box 19).

Box 19. Market- and non-market-based approaches to land valuation

Market-based approaches	
Comparable sales approach	Comparison of property to recent sales of similar properties to estimate value
Cost approach	Cost of buying land and constructing the building
Income approach	Capitalized annual income that could be generated by the property
Annual rental value approach	Annual rent that could be collected for leasing the property
Non-market approaches	
Area-based approach	A constant value per square metre (of land and/or floor area), dependent on zone is applied to the property
Cadastral-value approach	Average market value per square metre within the zone and land-use class is applied to the property
Formula-based approach	Area and other plot and/or building characteristics (e.g., street frontage, proximity to specific amenities) used to calculate value based on a standardized formula
Value-banding approach	Same tax for each property within a range of values

GLTN/UN-Habitat (2016a)

The method through which land values are determined for tax purposes frames the functioning of land-based finance instruments. Therefore, both the methodology and approach to land valuation can influence its accuracy – with different jurisdictions having varying approaches. There are several different types of valuation methods, which include evaluating comparable sales, conducting income analysis, assessing the cost of development, and estimating processes, alongside technology-driven valuation processes using GIS and other software. The four conventional routes used are:

- Capital market values
- Annual rental values
- Land and property characteristics
- Hybrid valuations.

The lesson explains these four routes in some detail. It also discusses the factors that may affect changes in land values. This relates to:

- **Physical features,** including aspects such as the location of a land parcel, its topography, and physical and natural infrastructure.
- **Transport features** that may have a significant impact on land values, especially in the context of land-based finance.
- **Access to public services** such as availability of essential public amenities such as public spaces, parks and playgrounds, schools, hospitals and other basic services.
- **Access to shopping and economic activity such** as shopping areas, markets, high streets, etc. that is essential to daily life, and therefore better access creates higher land values.
- **Zoning and land use** where most land price valuations see land-use as integral to determining land value in urban economics and economic geography.
- **Demand and supply** are another important factor in determining land value in cities where urbanization prompts the increasing pressure on and demand for land.

VALUATION FOR TAXATION, SALE AND COMPENSATION

Land-based financing instruments focus predominantly on taxation for **land-value capture** (GLTN/UN-Habitat 2016a). While these instruments may appear disconnected from other forms of financing, the capacity of a tax system determines whether and how a land-based-financing instrument should be implemented. The institutional context and history often frame the way valuation takes place. For example, former British colonies often use certain types of valuation procedures as compared to other countries.

The lesson also discusses the issue of the valuation of **unregistered land**. It is a major challenge for conventional valuation processes to deal with the reality that in most developing countries, the majority of land ownership is unregistered – and thus informality of tenure status and lack of access to land and land rights persist. Consequently, disadvantaged groups, often the unregistered owners of land, cannot access valuation services. Although valuation can bring economic benefits for local communities (e.g., by providing the basis for mortgages as a form of asset-backed borrowing) or allow them to climb up the property ladder and escape poverty, the challenge is how to value such land.

VALUATION AND ITS APPLICATION FOR LAND-BASED FINANCING INSTRUMENTS

Finally, the lesson investigates how each of the eight main land-based financing instruments (see Lesson 5.2) has a different function and works in different ways. For this reason, although so far valuation has been approached in a generic manner, there is a need to understand how each instrument uses different approaches to valuation.

LESSON 5.4 LAND-BASED FINANCING AND RESPONSIBLE LAND ADMINISTRATION

This lesson first discusses the challenges and limitations of land-based financing, and how they link to the other functions of land. It then focuses on the linkages between land-based financing and responsible land administration, and what local governments can do to support the implementation of land-based financing instruments.

CHALLENGES FACING LAND-BASED FINANCING

Challenges for central and local governments include the decentralization of land governance, devolution of land ownership, and the changing nature of the government's role as owners, regulators and managers of land. But context is key. In South Africa, for example, property taxation and land-value-capture programmes might help finance housing and infrastructure for the urban poor. However, the limited reach of land-management policy, regulatory systems, and unregulated land and property markets contribute to inequality, poverty, marginalization and spatial segregation. Often, municipalities do not use land-value taxes and other land-value-capture mechanisms to finance pro-poor development. Thus, use of land-value capture tools needs to overcome several challenges at political and administrative levels.

If any aspect of land is ignored, this diminishes the way municipalities can deal with the complex challenges. Land-based financing is integral to responsible land administration as it is a way of local governments implementing fair and transparent land systems that may help to improve tenure security. Revenue from land-based financing may not only fund urban infrastructure but can also have pro-poor development implications – allowing for municipalities to implement services and invest in way that otherwise would drain limited and defined resources. Land-based financing can therefore create revenue streams that enhance tenure security, land governance and sustainable land use agendas.

RELEVANCE OF RESPONSIBLE LAND ADMINISTRATION TO LAND-BASED FINANCING

As a literature review on urban infrastructure in sub-Saharan Africa (DFID 2015) notes, to properly implement land-based finance through responsible land-administration principles, it is important to understand the following:

- How local land markets function and what valuation processes are in use.
- To what extent land-based financing is already in use, and how the practices can be made more inclusive and effective.
- What the main barriers are to the implementation of land-based financing.

LOCAL GOVERNMENTS FACILITATION OF LAND-BASED FINANCING THROUGH RESPONSIBLE LAND ADMINISTRATION

The DFID analysis provides guidance on the key success factors for successful land-based financing:

- **Functioning land market with demand for land and property.** For there to be an active land- and property-development market, there needs to be an active, growing, city economy. This implies an increasing demand for residential, commercial and industrial property with an increasing ability to pay for property.
- **Planning and land use management.** Certainty associated with land-use rights, in relation to a credible infrastructure plan, is necessary if the urban land market is to prove a useful source of finance for infrastructure.
- **Control over land and enabling access to land.** If the state, either in local or national governance, is not able to regulate and manage the development of land, especially in the peri-urban fringe of cities, it will struggle to use the land-development process as a step to capture increases in land value.
- **Active developers.** The objective of land-based finance as an option for infrastructure financing is to raise finance from private sources to reduce the

burden on public sources. Therefore, reliance needs to be primarily on private or community-based developers who can access private-sector finance. In some cases, parastatal developers may have a role to play if they are able to raise capital to finance development.

Thus, **capacity building** is integral to meeting sustainability objectives. While responsible land administration can help build institutional capacity and resilience, land-based financing helps governments to fund local infrastructure and services through multi-scalar, multi-stakeholder processes in which the municipality is an integral partner.

LESSON 5.5 LAND-BASED FINANCING AND SUSTAINABLE URBAN DEVELOPMENT

This lesson explores the relationship between land-based financing and sustainable development. It highlights the mandates behind its introduction, before exploring the issue in relation to human rights, and focusing on how land-based financing can be used to facilitate sustainable development and connect to community perspectives. It concludes with how land-based financing fosters inclusiveness.

THE DEVELOPMENT MANDATE FOR LAND-BASED FINANCING

Land in the global development agenda is broadly referred to in its four dimensions: **social** (tenure security), **political** (land governance), **ecological** (sustainable land use) and the **economic** (land-based finance). Thus, generating land-based financing for pro-poor development is central to sustainable land governance in international frameworks (Box 20).

LAND-BASED FINANCING AND THE PROMOTION OF SUSTAINABLE URBAN DEVELOPMENT

As land-based financing is based on the principle that **unearned increment** via rising land values belongs to the community or society rather than the landowners, it is expected to be harnessed by the state to contribute toward inclusive and sustainable urban development. As land is vital for urban development, land-based financing serves to redistribute scarce land resources and benefits for inclusive urban development.

Socially harvesting the rising land prices as additional revenue to plan pro-poor and inclusive cities needs equitable and transparent processes and oversight and redistribution by local governments, with private partners. In Ireland, the tax shift from taxes on income, profits, transactions and capital to a universal land-value tax can be seen as a paradigm shift for local governments as redistribution is based on equity.

PARTNERSHIPS: STAKEHOLDER ENGAGEMENT IN LAND-BASED FINANCING

A prerequisite of the implementation of land-based financing instruments is the engagement of both **formal and informal stakeholders** (GLTN/UN-Habitat 2012). This ranges from government institutions, developers, and financiers through to professionals such as lawyers, notaries, surveyors and valuators. Such stakeholders provide the basis for the institutional framework upon which land-based finance instruments are dependent. Other stakeholders represent community interests, including informal leaders, residents, as well as local interest groups. Community involvement is critical in the planning stages before the implementation of land-based financing instruments as it helps to build both awareness and legitimacy.

How can land-based financing become more inclusive? While land-based financing instruments are often considered in relation to formalized systems, creating an inclusive agenda requires policies and programmes that help to recognize the links between land-tenure security, property rights and land-based financing instruments. Dealing with challenges arising

Box 20. Land-based finance in relation to the global development agenda

The key frameworks for land under the new development agenda that relate to land-based financing include the:

- **SDGs:** 2030 Agenda for Sustainable Development (UN 2015)
- **NUA**: New Urban Agenda (UN 2016)
- **VGGTs:** Voluntary Guidelines on the Responsible Governance of Tenure (FAO 2012)
- **F&G:** Framework and Guidelines on Land Policy in Africa (UN-ECA 2009)
- **LSLBI Principles:** Guiding Principles on Large-Scale Land-Based Investment in Africa (UN-ECA 2014)

Other relevant frameworks include the:

- Declaration on the Rights of Indigenous Peoples
- Pinheiro Principles
- Sendai Framework
- COP 21 Paris Agreement
- Aichi Biodiversity Targets.

None of these frameworks possess a financial mechanism to indicate how goals and principles are supposed to be resourced. Thus, land-based financing has emerged as a potential medium to translate sustainable urbanization and development concepts into action.

from customary tenure systems and non-standard titling options is vital for land-based financing to do more than simply engage with individual land rights. This raises some final principles concerning the implementation of land-based financing instruments:

- **Customary tenure systems.** Land-based financing should engage with customary tenure regimes to the fullest extent possible.
- **Women's access to land.** Markets that emerge through customary systems can help support vibrant land-market development. However, dealing with women's land rights should be a priority.
- **Intermediate tenure security**. Land-based financing should also be used to engage with intermediate forms of tenure, such as local land boards or community land trusts, which provide distinct individual and community land rights and emerge to help manage community land.
- **Gradual marketization.** Land-based financing is dependent on the development of land markets. However, this does not simply mean privatizing land, but developing the institutional capacity to help create cost-effective, productive and equitable outcomes.
- **Participatory land registration.** Land-based financing should be used in ways that help improve participation and transparency. This can help increase the legitimacy of outcomes as well as reduce administration costs.
- **Tenure formalization.** While not always the best option, tenure formalization can have benefits in some circumstances to help develop functioning credit and land markets that allow for cash transfers, technical assistance and other enforcement mechanisms that may be absent in informal systems.
- **Monitoring land titling.** Although land-based financing may be focused on financing investment, its connection with land titling is important. Recognizing the range of land rights is important, as is monitoring how they may change over time.
- **Minimizing inequality**. The purpose of land-based financing is not simply financial, and as such, dealing with inequality is important. Flexible titling options such as certificates of use, occupancy certificates, and starter titles can help deal with the fundamental problem of lack of land information with land-based financing, while also improving tenure security.

Box 21. *Leveraging land-based finance for local governments*

GLTN/UN-Habitat 2016a and b

This guide aims to expand the understanding of local leaders on taxes and fees related to land, and on the advantages of this approach, it provides a roadmap for taking an inventory of the local context. It discusses the institutional and societal challenges that must be overcome, and describes the process for developing an action plan to convert aspirations into actions.

In conclusion, while land-based financing instruments are primarily viewed as revenue strategies, they can be viewed as a vital cog in the global development agenda, with the ability to change local opportunities, livelihoods and land rights. Land-based financing has the potential to transform the approach of municipalities to responsible land administration, giving them the power and resources to create sustainable development outcomes, especially access to land. Land-based financing instruments appear to be aimed primarily at infrastructure or transport financing, but they can be harnessed for a wide range of investments from affordable housing to improving services. At a minimum, land-based financing can provide resources for not only self-financing tool implementation, but to develop capacity for responsible land administration.

KEY REFERENCES

See the *Teaching essentials* Module 5 for a full set of references: *https://elearning.gltn.net/*

Berrisford, S., and I. Palmer. 2015. Urban infrastructure in sub-Saharan Africa. Harnessing land values, housing and transport. African Centre for Cities, Cape Town.

DFID. 2015. Urban infrastructure in sub-Saharan Africa: Harnessing land values, housing and transport. Literature review on land-based finance for urban infrastructure. African Centre for Cities, Cape Town.

FAO. 2012. Voluntary Guidelines on the Responsible Governance of Tenure. *https://unhabitat.org/handling-land-innovative-tools-for-land-governance-and-secure-tenure*

GLTN/UN-Habitat. 2012. Handling land: Innovative tools for land governance and secure tenure. GLTN and UN-Habitat, Nairobi. Chapters 7, 8 and 10. *https://unhabitat.org/handling-land-innovative-tools-for-land-governance-and-secure-tenure*

GLTN/UN-Habitat. 2016a. Leveraging land: Land-based finance for local governments. A reader. GLTN and UN-Habitat, Nairobi. *https://unhabitat.org/leveraging-land-land-based-finance-for-local-governments-a-reader*

GLTN/UN-Habitat. 2016b. Leveraging land: Land-based finance for local governments. A trainer's guide. GLTN and UN-Habitat, Nairobi. *https://unhabitat.org/leveraging-land-land-based-finance-for-local-governments-a-trainers-guide*

Lincoln Institute for Land Policy. 2015. Who will pay for the urban future? Lincoln Institute for Land Policy, Cambridge, MA.

Peterson, G.E. 2009. Unlocking land values to finance urban infrastructure. Vol. 7. World Bank Publications. *https://elibrary.worldbank.org/doi/abs/10.1596/978-0-8213-7709-3*

UN. 2015. Transforming our world: The 2030 Agenda for Sustainable Development. *https://sdgs.un.org/2030agenda*

UN. 2016. New Urban Agenda. *https://habitat3.org/wp-content/uploads/NUA-English.pdf*

UN-ECA. 2009. Framework and guidelines on land policy in Africa. United Nations Economic Commission for Africa, Addis Ababa. *https://www.un.org/en/land-natural-resources-conflict/pdfs/35-EN-%20Land%20Policy%20Report_ENG%20181010pdf.pdf*

UN-ECA. 2014. Guiding principles on large-scale land-based investment in Africa. United Nations Economic Commission for Africa, Addis Ababa. *https://repository.uneca.org/handle/10855/22829*

UN-Habitat. 2017. Finance for city leaders handbook. UN-Habitat, Nairobi. *https://unhabitat.org/finance-for-city-leaders-handbook-2nd-edition*

Ger settlements at Ulaanbaatar, Mongolia

A **national land policy** is the set of aims and objectives set by governments for dealing with land issues. Land policy is part of the national policy on promoting objectives such as economic development, social justice and equity, and political stability. Land policies vary, but in most countries, they include poverty reduction, sustainable agriculture, sustainable settlement, economic development, and equity among various social groups.

Governments regulate land-related activities, including holding rights to land, supporting its economic aspects, and controlling its use and development. Administration systems surrounding these regulatory patterns facilitate the implementation of land policy in the broadest sense, and in well-organized systems, they deliver sensible land management and good governance.

Existing policies and laws on land often pursue economic productivity at the expense of other equally important values such as equity, sustainability, transparency and efficiency. Responsible approaches and initiatives that are socially acceptable are needed to shape policy design and implementation, and their impact on society should be assessed.

OBJECTIVE

At the end of this module, learners should be able to:

- Describe the nature of various land policies (Lesson 1).
- Describe the drivers for developing such policies (Lesson 2).
- Identify components to be included in land policies and land related regulations (Lesson 3).
- Assess and compare various country specific land policies and regulatory frameworks (Lesson 4).
- Explain how land policies can be enforced through sustainable land-administration systems and their regulatory and institutional frameworks (Lesson 5).

Box 22. Module 6: Land policy and regulatory frameworks

Lesson 6.1 Introduction to land policy and the regulatory framework

Defining land policy and regulatory frameworks; Understanding land governance; The nature of land policy frameworks

Lesson 6.2 Drivers for developing land policies and regulatory frameworks

The 2030 Global Agenda; Regional and national challenges: Monitoring and assessment

Lesson 6.3 Scope and components of land-policy and regulatory frameworks

Scope and components of land policies; Sectoral policies and public land management; Policymaking and regulation

Lesson 6.4 National examples of developing land policies

Land policies: the country context; National examples; The Uganda national land policy

Lesson 6.5 Interrelationships between land policies and responsible land governance

Responsible land governance; Enabling land policy processes; Assessment and capacity development

This lesson aims to provide an understanding of the nature and aim of land policies, how they can be used for implementing the principles of responsible land administration, and how land policies are developed and implemented.

DEFINING LAND POLICY AND REGULATORY FRAMEWORKS

"Land policy and governance is fundamentally about power and the political economy of land. Who benefits from the current legal, institutional and policy framework for land? How does this framework interact with traditional authorities and informal systems? What are the incentive structures for, and what are the constraints on, the diverse land stakeholders? Who has what influence on the way that decisions about land use are made? Who benefits and how? How are the decisions enforced? What recourse exists for managing grievances?" (Palmer et al. 2009, 10).

Regulatory frameworks are legal provisions used as instruments to express and implement government policies and strategies within specific areas. Within the land sector, such regulations relate to controlling the rights in land, the valuation and taxation of land and property, the planning and control of land use and natural resources, and the process of land development. The **regulatory framework for land** is the infrastructure of such regulations and institutional arrangements forming a land-administration system.

UNDERSTANDING LAND GOVERNANCE

Land governance and management covers all activities associated with the management of land and natural resources that are required to fulfil political and social objectives and achieve sustainable development. This relates specifically to the legal and institutional framework for the land sector. The operational component of the land-management concept is the range of land-administration functions that include the areas of land tenure, land value, land use, and land development. All of these are essential to ensure control and management of physical space

Box 23. National policy framework: Key areas of contents

Country context, rationale

Vision, objectives and principles

Land tenure framework

- ☐ Categories of land
- ☐ Categories of land tenure
- ☐ Access to land rights

Land administration framework

- ☐ Land surveying and mapping
- ☐ Land registration
- ☐ Land and credit markets
- ☐ Land valuation and taxation
- ☐ Land-use management framework
- ☐ Land-use planning and regulation
- ☐ Natural resources
- ☐ Environmental management
- ☐ State-land management

Institutional framework

- ☐ State, regional and local authorities
- ☐ Land boards, tribunals, land courts
- ☐ Land acquisition and compensation

Implementation framework

- ☐ Timeline, costs, monitoring, evaluation

Adapted from Ministry of Lands, Uganda (2013) (see Lesson 6.4)

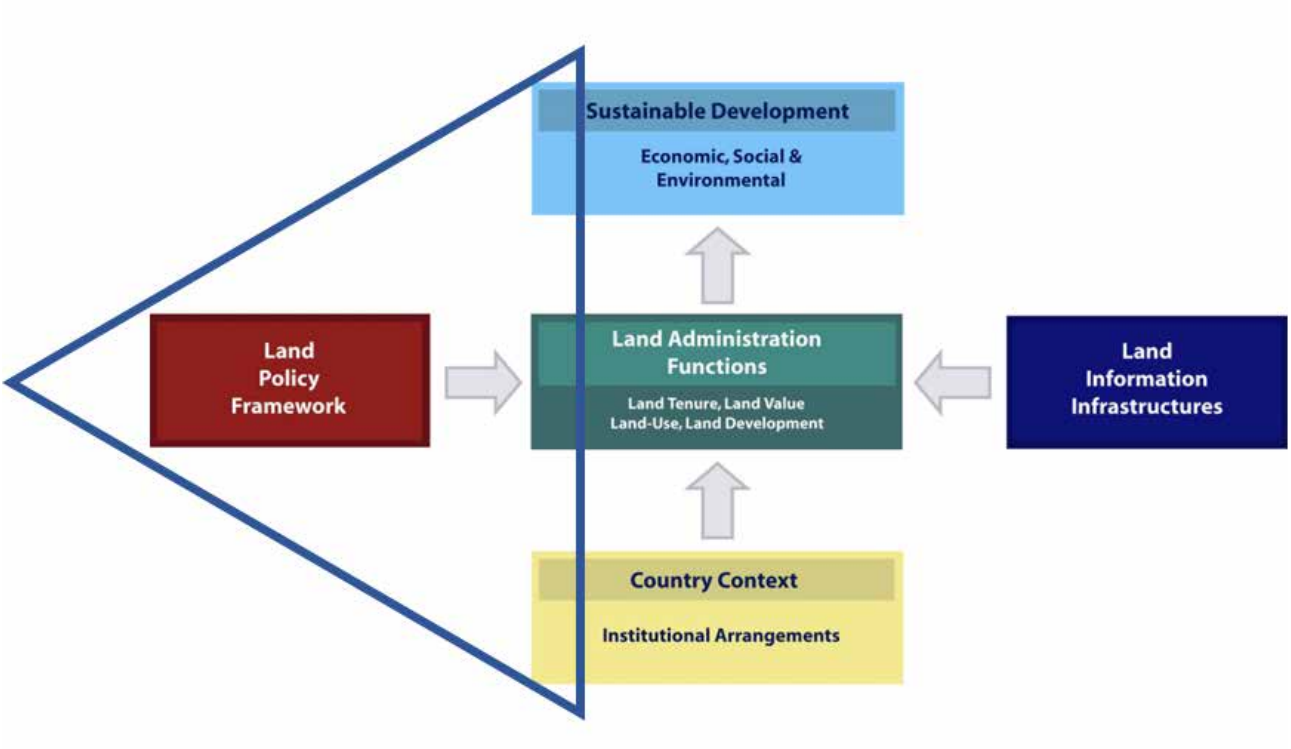


Figure 14. The land-management paradigm
The paradigm (see Module 1) has three components: land policies, land information infrastructures, and land administration functions that support sustainable development. The land policy component, as discussed in this module, is highlighted.

and the economic and social outcomes emerging from it. Palmer et al. (2009, pp. 9–10) suggest this definition:

"Land governance concerns the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed."

THE NATURE OF LAND POLICY FRAMEWORKS

A national land policy is the set of aims and objectives set by government for dealing with land issues (Williamson et al. 2010, pp. 117–18). Box 23 shows some typical and key areas of contents.

Figure 14 shows the land policy components as part of the land management paradigm as presented in Module 1.

This lesson explains the drivers for land policy development, the linkage between the drivers and land policy management and implementation, and how the global and regional drivers are monitored and assessed.

THE 2030 GLOBAL AGENDA; REGIONAL AND NATIONAL CHALLENGES

The UN Declaration on "Transforming our world: The 2030 Agenda for Sustainable Development" includes the following statement:

"We resolve, between now and 2030, to end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources. We also to create conditions for sustainable, inclusive and sustained economic growth, shared prosperity and decent work for all, taking into account different levels of national development and capacities" (UN 2015, 3).

The Sustainable Development Goals (SDGs) (Figure 15) provide a framework around which governments, especially in developing countries, can develop policies and overseas aid programmes designed to alleviate poverty and improve the lives of the poor, as well as a rallying point for NGOs to hold them to account. In other words, the SDGs are a key driver for countries throughout the world – and especially developing countries – to develop adequate and accountable land policies and regulatory frameworks for meeting the goals. This goes especially for Goal 1 on **No poverty**, Goal 3 on **Ending hunger**, Goal 5 on **Gender equity**, Goal 11 on **Sustainable cities**, Goal 15 on **Life on land**, and Goal 16 on **Peace, justice and strong institutions**.

A range of other global agreements and guidelines such as the **New Urban Agenda**, the **Voluntary Guidelines on Responsible Governance of Tenure**, the **UN Declaration on Human Rights**, and the global agenda for combatting **climate change** also act as drivers for land-policy initiatives. Furthermore, a number of regional and local challenges call for land-policy development, with poverty reduction, economic growth, social equity, and efficient land markets being the key drivers.

Figure 15. The Sustainable Development Goals

REGIONAL AND NATIONAL CHALLENGES

Next to the global drivers are a range of regional and national drivers for land-policy development. Such drivers more specifically reflect the regional and country context in terms of history, colonial legacy, economic development, post-conflict situation, etc. The lesson briefly describes such initiatives for three regions: Europe and Central Asia, Asia and Latin America. This is followed by a more comprehensive introduction to the African Region with its recent strong focus on land policy initiatives.

MONITORING AND ASSESSMENT

Monitoring and assessment are key measures for tracking progress and initiating improvement. By monitoring and documenting progress, governments can justify activities and the related costs, and thereby attract donor support towards meeting the country-specific targets. The lesson presents monitoring and assessment tools, including the yearly UN progress reports on the Sustainable Development Goals and the Land Governance Assessment Framework (World Bank 2012).

LESSON 6.3 SCOPE AND COMPONENTS OF LAND-POLICY AND REGULATORY FRAMEWORKS

This lesson describes basic land-policy concepts, and provides an understanding of the nature and role of sectoral policies and state land management, as well as the nature of policymaking and regulatory intervention.

SCOPE AND COMPONENTS OF LAND POLICIES

A **national land policy** is a political document addressing the key land issues and problems in the country. It sets policy statements for dealing with the various land issues, and more detailed strategies for achieving the goals and implementing the policies through legislative, regulatory and institutional measures and reform. The national land policy is often followed by an **implementation action plan** setting out the specific activities to be undertaken for implementing the policies, and a **timeframe** for completing these activities. Box 23 illustrates this scope using the example of Kenya (Kenya Ministry of Lands, 2009).

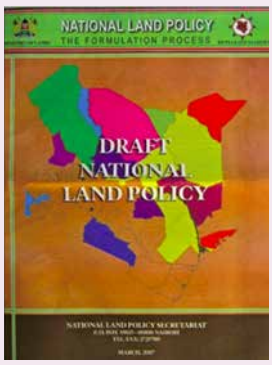
Designing a national land policy is a critical and careful process. Overall, it is expected to contribute to the improvement of four key areas:

- Economic growth, investments, access to credit, and productivity
- Poverty reduction, subsistence and status
- Governance, democracy, decentralization, accountability and transparency
- Sustainable land management.

SECTORAL POLICIES AND PUBLIC LAND MANAGEMENT

The interrelation between national and sectoral policies is especially important in supporting the devolution of power to sub-national governments, such as counties and municipalities, to increase public-sector efficiency, and to promote economic development. **Sectoral**

Box 24. Kenya's national land policy



Kenya's national land policy featured on the front page of a special edition of the *Daily Nation* newspaper in March 2007. The policy document includes:

1: Introduction. The problem; vision of the policy; mission of the policy; objectives of the policy; national land-policy formulation process

2: The land question. Country background; the origins of the land question; contemporary manifestations of the land question; land policy issues

3: The land-policy framework. Philosophy of the national land policy; constitutional issues; land-tenure issues; land-use-management issues; land-administration issues; land issues requiring special intervention

4: Institutional framework. Structural reform principles; policy framework for land-management institutions; support agencies

5: Land-policy-implementation framework. Land-reform transformation unit; capacity building; financing the land-reform programme

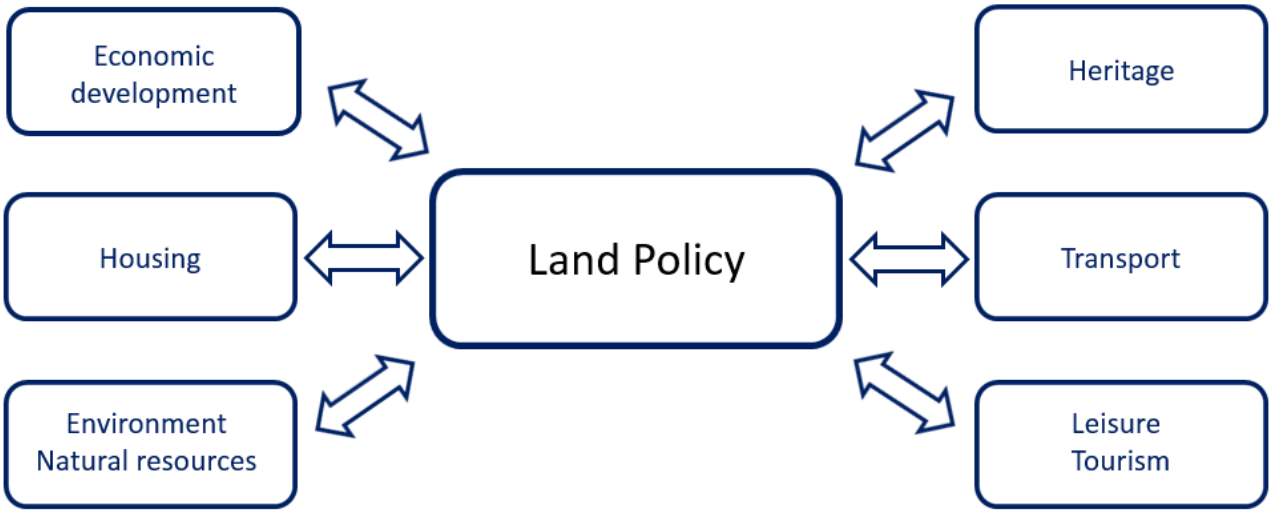


Figure 16. The interrelationship between land policy and various sectoral policies

policies vary between countries and regions, but are normally focused on providing detailed regulations within specific sectors such as economic, industrial, and commercial development, housing, environmental protection and natural resource management, heritage, transport, and leisure and tourism (Figure 16).

A comprehensive national land policy will address most of the objectives related to the sectoral policies, while the specific approaches and the detailed regulations will be contained within the sectoral policies.

State land management is a special issue.

"Generally, state-owned land and other assets are badly managed throughout the world. There is limited awareness of both the consequences of weak governance in state land management and how to improve the situation" (FAO 2007).

The lesson discusses this issue in some detail.

POLICYMAKING AND REGULATION

Finally, the lesson looks into the issues of policymaking and regulation: It presents tools such as **evidence-based policymaking,** which is based on the premise that policy decisions should be better informed by available evidence and should include rational analysis.

"The [evidence-based policymaking] concept represents a shift away from opinion-based policies being replaced by a more rigorous, rational approach the gathers, critically appraises and uses high quality research evidence to inform policymaking and professional practice" (Sutcliffe and Court 2005).

The concept of **better regulation** derives from a task force under the UK government in the late 1990s. This has become very influential globally with regard to setting new principles of good regulation (Better Regulation Task Force 1997).

The discussion on regulatory approaches is highly relevant to developing countries when trying to solve the problems of lack of tenure security through building responsible and fit-for-purpose land-administration systems.

This lesson provides an in-depth understanding of the importance of local or country-specific factors and their influence on land policy, the nature of land-policy statements, and the full context and contents of a national land policy.

LAND POLICIES: THE COUNTRY CONTEXT

Most national land policies aim at overall global goals such as "To guide the country towards efficient, sustainable and equitable use of land for prosperity and posterity" (Ministry of Lands, Kenya 2009). They also pursue the key issues of the 2030 Agenda for Sustainable Development, such as poverty reduction, food security, human rights, economic growth, social equity, environmental protection and sustainable development. However, the entry point for addressing these global goals often relates to the specific country context in terms of important political issues pushed forward by civic society and various stakeholders. Such land related-issues may include the harmonization of tenure, repossession of alienated land, addressing economic and social injustice, reversing expropriations, redistribution of land, legal pluralism, and donor support.

NATIONAL EXAMPLES

Land-policy reform is a political action and can be designed in different ways. The lesson provides some examples of national land policies from **Brazil, Cambodia** and **Malawi**, showing the issues to be addressed, the subjects to be included, and the process adopted for developing the policy.

THE UGANDA NATIONAL LAND POLICY

A full case and detailed study is presented for **Uganda** with regard to the process, the underlyin g principles, the contents of the land policy, and the process of implementation.

Government of Uganda. Ministry of Lands, Uganda

Figure 17. Land tenure in Uganda
Left: Uganda. Middle: Land tenure in Uganda is divided between Native freehold 22% (grey), Mailo 28% (yellow) and Customary 50% (green). Right: Cadastral Information Branch Centres provide local access to reliable land information.

LESSON 6.5 INTERRELATIONSHIPS BETWEEN LAND POLICIES AND RESPONSIBLE LAND GOVERNANCE

This lesson explains about the importance of land policies for enabling responsible land governance for sustainable development. It describes how land policies and regulatory frameworks can be assessed and improved.

RESPONSIBLE LAND GOVERNANCE

"Inappropriate land policies constitute a serious constraint on economic and social development in a number of respects that are of great significance for developing countries. Insecure land tenure, outdated land laws, and slow or dysfunctional land administration institutions of land administration can restrict private investment, undermine good governance, and reduce the ability of local authorities to raise taxes. Highly skewed distributions of landownership and patterns of land access that discriminate according to gender or ethnicity limit the ability of decentralized market mechanisms to put land to its best uses, shrink economic opportunities among disadvantaged groups, including the ability to use land as collateral, and foment social conflict and violence.

While the importance of land tenure and access to land for agricultural production and for shelter and housing has long been clear, recent research goes beyond this recognition by emphasizing the significance of secure property rights over land as a precondition for sustainable pro-poor economic growth" (Deininger 2004, pp. 1–2).

This perspective is based on several considerations: the investment climate, credit market access, local government revenues, accountability and transparency, and social peace.

ENABLING LAND POLICY PROCESSES

GLTN provides some guidance on enabling land policy processes:

"A lack of adequate frameworks for fiscal management of land and land based resources contributes to poor planning and land use, speculation, rapidly growing informal settlements, a lack of services and infrastructure, and a loss of land-based revenue for the government. These in turn lead to food shortages, health problems, urban planning challenges, and land disputes between individuals and groups, between citizens and the state, and between countries…

"The only sustainable way to address these issues is through development of comprehensive, integrated land policies and the connected constitutional, legal and institutional frameworks…. Coordinated mechanisms and structures need to be set up to institutionalize public consultation and access to information. Coherent linkages, harmonization and feedback are needed between the national and local levels. Innovative ways are required to ensure that laws guarantee rights to marginalized groups, such as women and children" (GLTN/UN-Habitat 2012, pp. 112–17).

GLTN points to four ways to address these challenges:

- The **Land Policy Initiative in Africa** (see Lesson 6.2)
- The **Voluntary Guidelines on Responsible Governance of Tenure** (see Lesson 6.2)
- Harmonization of **donor activities** (example of Kenya, GLTN/UN-Habitat 2012, pp. 118–20)
- **Integrated Land Policy Development** (example of the Caribbean, ibid., pp. 121–22).

Two areas in particular need further attention:

"Institutional transformation coupled with capacity development. *This is essential in assisting land institutions to respond more effectively to increasing land administration and management demands. This means enhancing the ability of individuals, institutions and systems to perform their functions and deliver efficient, cost-effective and equitable land services. That can take a long time, so a long-term commitment is needed.*

Engaging stakeholders. *Engagement with stakeholders at all levels of developing land policies helps ensure that they are informed about the issues and can express their opinions in developing policies. That will ensure that the policies are more appropriate, can help overcome resistance and difficulties, and will promote consensus, political will and a feeling of ownership for the policies. An inclusive process makes it easier to deliberate controversial issues and agree on the way forward" (GLTN/UN-Habitat 2012, p. 122).*

The lesson then looks at donor interventions in the land policy process as recommended by the EU (2004).

ASSESSMENT AND CAPACITY DEVELOPMENT

The issue of capacity assessment and development is addressed in some detail with reference to Enemark and Molen (2008) and UNDP (2009).

"When building land-administration systems in developing countries the quest for capacity development is fundamental… Measures for capacity development must be established up front when starting a project on building sustainable land-administration systems. The biggest challenge is often to ensure effective and efficient management of the systems once they are established, and the donors have left the country" (Enemark and Molen 2008).

KEY REFERENCES

See the *Teaching essentials* Module 6 for a full set of references: *https://elearning.gltn.net/*

Better Regulation Task Force, UK. 1997. Principles of good regulation. *http://webarchive.nationalarchives.gov.uk/20100407173247/http://archive.cabinetoffice.gov.uk/brc/up load/assets/www.brc.gov.uk/principlesleaflet.pdf*

Deininger, K. 2004. Land policies and land reform. World Bank, Washington DC, pp. 1–5. *http://siteresources.worldbank.org/INTISPMA/Resources/Training-Events-andMaterials/land_policies_reform.pdf*

Enemark, S. and P. v.d. Molen. 2008. Capacity assessment in land administration. FIG publication 41, pp. 9–14. *https://www.fig.net/resources/publications/figpub/pub41/figpub41_A4_web.pdf*

EU. 2004. EU land policy guidelines: Support to land policy design and land policy reform processes in developing countries.

FAO. 2007. Good governance in land tenure and administration. FAO Land Tenure Studies 9. pp. 5–20. *https://www.fao.org/publications/card/en/c/ec5fd5dc-4254-501d-b8bb-4cb8c5ac7e52/*

FAO. 2012. Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security (VGGTs).

Part 1–2, pp. 1–10. *https://unhabitat.org/handling-land-innovative-tools-for-land-governance-and-secure-tenure*

GLTN/UN-Habitat. 2012. Handling land: Innovative tools for land governance and secure tenure. pp. 115–22. *https://unhabitat.org/handling-land-innovative-tools-for-land-governance-and-secure-tenure*

Ministry of Lands, Kenya. 2009. National land policy. *http://www1.uneca.org/Portals/lpi/CrossArticle/1/Land%20Policy%20Documents/Sessional-paper-onKenya-National-Land-Policy.pdf*

Ministry of Lands, Uganda. 2013. The Uganda national land policy. *http://landportal.info/sites/default/files/the_uganda_national_land_policy-_february_2013.pdf*

Palmer, D., S. Fricska, and B. Wehrmann. 2009. Towards improved land governance. Land tenure working paper 11. FAO, Rome. *https://www.fao.org/publications/card/en/c/fcbe4803-0641-54a3-afc4-55db45d1f449/*

Sutcliffe, S., and J. Court. 2005. Evidence-based policymaking: What is it? What relevance for developing countries? Overseas Development Institute, London. *https://odi.org/en/publications/evidence-based-policymaking-what-is-it-how-does-it-work-what-relevance-for-developing-countries/*

UN. 2015. Transforming our world: The 2030 Agenda for Sustainable Development. Resolution adopted by the General Assembly on 25 September 2015.

UNDP. 2009. Capacity development: A UNDP primer. pp. 5–32. *http://www.undp.org/content/dam/aplaws/publication/en/publications/capacity-development/capacity-development-a-undp-primer/CDG_PrimerReport_final_web.pdf*

Williamson, I., S. Enemark, J. Wallace, and A. Rajabifard. 2010. Land administration for sustainable development. ESRI Press Academic, Redlands, CA. *https://www.esri.com/en-us/industries/government/departments/land-administration/offers/e-book*

World Bank. 2012. Land governance assessment framework. World Bank, Washington, DC. pp. 1–9. *https://openknowledge.worldbank.org/handle/10986/2376*

The future belongs to our children. Schoolkids, Ghana

PART 3 APPLYING THE *TEACHING ESSENTIALS*

The *Teaching essentials for responsible land administration* are designed for a range of different uses such as: e-learning, university courses, research activities, capacity development and training activities, and professional practice. They are intended especially for university-level educational institutions as a basis for courses, mini-courses, lectures or training. However, they will also be useful for a range of professional institutions and government agencies in the land sector, as well as for general professional practice.

Learners can explore Module 1 on its own, or Module 1 in combination with any or all of the other modules. Similarly, a teacher or trainer can use individual modules to support their classes, or all the modules if they wish.

Since the knowledge base comprises a range of overarching guidelines and general principles, teachers are encouraged to add local case studies. Teachers are also encouraged to complement the content with class discussions and exercises.

TERMS OF USE

You can access and use the *Teaching essentials* for free (Box 24). If you share or adapt them, you must give credit to UN-Habitat, GLTN and the module authors, in accordance with the "attribution, non-commercial share-alike" Creative Commons Licence (CC BY-NC-SA 3.0, *https://creativecommons.org/licenses/by-nc-sa/3.0/*). If you adapt them, you must license the adaptation under the same terms. You may not use or adapt the materials for commercial purposes.

Box 25. How to download the *Teaching essentials* modules

You can download the modules from the GLTN e-learning platform, *www.elearning.gltn.net*. Visit this site, then click on the link *Teaching essentials for responsible land administration*.

The *Teaching essentials* are currently available in English and French.

If you are already registered with the e-learning platform, just enter your username and password on the left side of the sign-in screen.

If you have not already registered with the e-learning platform, you will have to create an account first. This is free, easy and quick. Click on Create new account, and choose a username and password,

On the home screen of the *Teaching essentials*, you can choose the modules that you want to download.

3.1 SELF-STUDIES AND E-LEARNING

One can use the material in the *Teaching essentials* for independent study in different ways: a full study going through the six modules in turn and following the lessons step by step in the order presented or focusing on one or more individual modules. If you choose individual modules, you should study Module 1 first, as it presents an overview of the core values and principles of responsible land administration, before moving to the other module(s).

Independent study can be based on the interest and activities of the individual learner, or may be organized in a structured way as part of a continuing professional-development programme or lifelong learning activities offered by a professional organization or university to enhance the professional status and capability of their members or professionals in certain disciplines.

Continuing professional development is increasingly seen as important to ensure professional maintenance and innovation. Continuing professional development and lifelong learning are "the process by which a professional person maintains the quality and relevance of professional services throughout his/her working life." In some organizations, such the Royal Institution of Chartered Surveyors (RICS), such professional development is mandatory for maintaining membership of the institution. The RICS describes continuing professional development as

"the systematic maintenance, improvement and broadening of knowledge and skills and the development of personal qualities necessary for the execution of professional and technical duties throughout the practitioner's working life" (Kennie and Enemark 1996).

The *Teaching essentials* provide a structured knowledge base that can be used directly for self-studies, as well as for structured e-learning activities or seminars for professionals to fulfil the requirements of continuing professional development.

Box 26. Massive open online courses based on the *Teaching essentials*

GLTN, FIG and the Network of Excellence on Land Governance in Africa (NELGA) may consider developing a massive open online course, or MOOC, to facilitate the wider use of the *Teaching essentials*. This would be a free online course activity available to anyone to enrol. It could support university courses and facilitate a range of training and capacity-development activities.

Where the *Teaching essentials* are used for structured e-learning activities, the learning material should be organized using an "active learning" approach that encourages case studies and problem-solving activities. The material of the *Teaching essentials* is well-suited for adaptation to such an approach. Active learning is about engaging the students to reflect, engage, consider and understand the subjects dealt with in a lecture course or training module.

For e-learning activities, this can be achieved by adding small question-and-answer assignments and activities that address problems posed in the theoretical material on a subject. This will normally include a country-context focus and will support the e-learning process in terms of active engagement.

The *Teaching essentials* form a pool of knowledge to tap into either by individual self-studies on specific issues or for designing e-learning activities supporting professional development and innovation.

3.2 UNIVERSITY COURSES

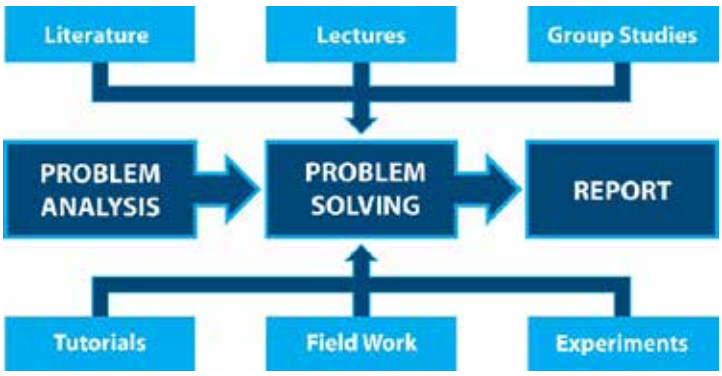
The six modules are structured in such a way that they can also be used directly as a lecture course at university level. For such specific use in academic teaching, each module could support approximately 50 hours of study load (2 points under the European Credit Transfer and Accumulation System, ECTS) at the 3rd-year university level. These would be divided into 4 or 5 lessons. Each lesson is designed to support approximately 3 hours of teacher-directed tuition within a classroom or training situation, plus around 7 hours of teacher-directed self-study. A typical study load for one module would consist of 15 hours of teacher-directed learning and 35 hours of learner-directed learning (self-study). However, this can vary from one lesson and module to another.

The *Teaching essentials* are a good starting point for many universities in developing countries to provide their students with a basic understanding of responsible land administration and governance. Using them would ensure that the issues of land administration and governance are taught with a focus on the problems faced by developing countries, rather than applying the conventional Western way of presenting the issues. See Box 27 for a suggested approach.

However, even though the *Teaching essentials* can be applied immediately as a full university course, academic staff often prefer to design their lecture courses to include the perspectives and learning approaches they find most suitable and effective. In this case, the *Teaching essentials* should be seen as a structured source of knowledge that allows for incorporation, adaptation and individual design of lecture courses to suit a specific country or professional context.

Box 27. How to apply the *Teaching essentials for responsible land administration* in university curricula

1. **Review** the current curriculum to identify issues dealing with land administration and how these issues are presented.
2. **Consider** how the curriculum can be adjusted to incorporate the principles and topics as outlined in the *Teaching essentials*.
3. **Identify** the structure and scale best suitable for including these principles and topics in the curriculum.
4. **Apply** for approval of curriculum revision by arguing the necessity of taking this approach.
5. **Develop** the lecture courses relevant for teaching the topics. The lessons within the individual modules provide some guidance, diagrams, text, and further references. The *Teaching essentials* act as a kind textbook in this regard.
6. **Share** and cooperate at a regional level – such as eastern or southern Africa – to facilitate the process of implementing the concept of responsible land administration best as possible. GLTN may provide a platform for this kind of sharing.
7. **Search** for local case studies to support the lectures and make them reflect the national and local context. FIG's Commission 2 on professional education may provide a platform for sharing this.
8. **Provide** the lecture courses in a way that engages the students in a local context and help them to understand the theory behind the concept of responsible land administration in support of the 2030 Agenda for alleviating poverty, providing secure land rights at scale, and facilitating economic growth and prosperity in the country.



Enemark (2016)

Figure 18. Principles of project-organized and problem-based learning

For courses with a specific theme that refers to only one of the Modules 2–6, we recommend that the course should be delivered in combination with the foundational Module 1, which presents an overall understanding and insight into the core values and principles of responsible land administration.

The lecturer may use the structure and contents of the modules as the basis for designing their own lecture material. This may include restructuring of the learning material to suit their own personal style of teaching. This may include a strong focus on a particular country, addressing specific country-related problems, and providing country-based examples and case studies. The *Teaching essentials* provide a basic source of knowledge that can be adapted and applied for various kinds of lecturing, while still providing a basic understanding of the subjects. The terms of use fully allow for such a restructuring.

Lecture courses may also be designed differently depending on the teaching and learning mode applied at the university or by the individual teacher. The conventional concept of lecture courses based on state-of-the-art textbooks is increasingly supported or replaced by more flexible concepts such as **blended learning** and **problem-based learning**. The focus of these newer educational concepts is merely on the learning process of the students, using a **learning to learn** approach.

Since 2020, higher education has been through a major upheaval, initially implementing emergency online or remote teaching in response to the covid-19 pandemic. This has gradually been replaced by **blended** or **hybrid** learning designed to suit the needs of the students and institutions. **Blended learning** involves a mix of face-to-face and online learning.

While blended learning is challenging to implement, it offers many benefits and, when carefully developed, provides a range of learning options that suit many student learning-styles and approaches.

Digital learning or training materials can be shared and easily adapted for use in many contexts (Mitchell et al. 2020). Regional networks of academic institutions (such as the Network of Excellence on Land Governance in Africa) can take advantage of this trend to blended learning, making it much easier to share knowledge and resources.

The lessons in the *Teaching essentials* can be shared among academic institutions, which can then work with other local or regional education institutions to add local material – such as information about policy and regulatory frameworks, institutional frameworks, and case-study material to show how responsible land administration can be adapted to the local context.

The **problem-based learning** approach changes the profile of university education from traditional classroom teaching, over guided self-learning to also include the dimension of **learning to learn** through project-organized assignments. This conceptual approach (Figure 18) combines the various kinds of learning modes into an integrative learning concept that should fit well in an interdisciplinary context such as surveying education (Enemark 2016).

Such newer kinds of teaching and learning approaches depend on the learning material to be available in an easily accessible online format. The *Teaching essentials* are a very timely contribution to meet the challenges related to providing responsible land-administration systems at scale.

3.3 RESEARCH

Next to education, research is the other fundamental component of university activities. As often stated, "teaching must be research based". This means that the teaching within a specific subject should reflect the most recent research and understanding of the professional area.

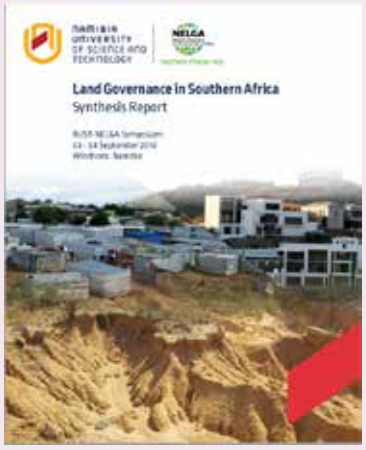
Research activities must be based on relevant theories and methods to provide new knowledge and understanding within a certain subject or area. The *Teaching essentials* provide a core understanding and a basis for knowledge within the area of responsible land administration.

A broad range of research activities can be developed to address the current and future challenges, such as providing secure land rights at scale, developing the necessary legal and institutional frameworks for the land sector, ensuring environmentally sound and resilient land-use planning and management, and developing the relevant land-policy framework for meeting the 2030 Agenda. Research into specific, illustrative cases can also valuably complement the *Teaching essentials* and be incorporated into future editions of its modules.

Such research activities may be undertaken as individual projects, group projects or in combination with other stakeholders such as government agencies or civic society organizations. The outcome may be in the form of journal articles, conference papers, case studies, research reports, etc. In the area of responsible land administration, a good entry point may be to undertake a kind of **scoping study** of the current situation to identify the core problems at country level. This kind of baseline understanding can be used to identify key research areas to analyse further and possibly improve the identified problems.

The *Teaching essentials* provide an essential basis for understanding the role of responsible land administration institutions in building social, economic, and environmental sustainability.

Box 28. *Land governance in southern Africa*



Synthesis report (Bayer et al. 2019).

A scoping study was undertaken for southern Africa by the **Namibia University of Science and Technology** as the regional hub of the Network of Excellence on Land Governance in Africa. The study covers eight countries within the region and was undertaken by universities and research institutions within each country.

The studies were based on a common framework adapted from the Land Governance Assessment Framework (World Bank 2012). The draft country reports were presented at the Land Governance Symposium in September 2019 in Windhoek, Namibia, focusing on country challenges. The outcome is presented in a synthesis report. The study identified a range of common issues, such as:

...continued

Box 28 (cont.)

- **Legal dualism** (statutory vs customary tenure) remains prevalent within the southern Africa region.
- **Land tenure systems and colonial legacy** continues to influence the land governance regime of all the countries in the region.
- **Land-related legal institutions** and regulating administration cannot keep up with pressure from rapidly changing tenure systems, the scale of urbanization and emerging land markets.
- **Ineffective redistributive land reforms** to overcome colonial injustice and give land access and tenure security to the poor have resulted in rather mixed outcomes.
- **Informal settlements**, where a significant proportion of the world's 1 billion+ slum dwellers live in the southern Africa region.
- **Encroachment of customary lands in peri-urban areas,** where customary tenure systems cannot cope with the rapid rate of change in peri-urban areas, including informal settlements.
- **Management of state and public land,** where the significant loss of state and public land seems to continue through land grabbing and corruption.
- **Gender equality,** where national laws, social customs and patriarchal tenure systems prevent many women from holding rights to land.
- **Land-related conflicts** at all levels are mushrooming and are not being resolved due to the limited efficiency of in-court solutions and out-of-court mediation and arbitration not being adopted at early stages.
- **Land-use planning and management,** where urban land management and planning are lagging behind the demands of a rapidly increasing influx of rural migrants.
- **Land information,** where countries need to formulate a strategy to quickly create integrated, fit-for-purpose land information at a national level and provide transparent ease of access to all.
- **Capacity development,** where a shortage of qualified professional staff at all administrative levels in urban and rural areas remains a major challenge to improve the quality of sustainable land governance.

These identified land governance problems call for further analysis through research as a basis for the improvement of the current legal and institutional frameworks. The problems also call for well-educated professionals to deal with the challenges and to develop adequate solutions that are suitable for the country context.

3.4 CAPACITY DEVELOPMENT AND TRAINING

In most developing countries there is a lack of capacity to deal with the land-administration domain. This goes for professionals to deal with the field work as well as for institutions to undertake the registration and administration at the national, regional and local levels. This also means that the resources for development and innovation are limited both in private practice and public administration.

There is an emerging agreement within the development community that capacity development is the engine of human resource development. Human, institutional and societal capacity remain critical for designing and implementing strategies towards achieving development objectives, including the Sustainable Development Goals.

But what exactly do we mean by capacity development? Confusion around the term seems to have grown along with its popularity. For some, capacity development can be any effort to teach someone to do something, or to do it better. For others, it may

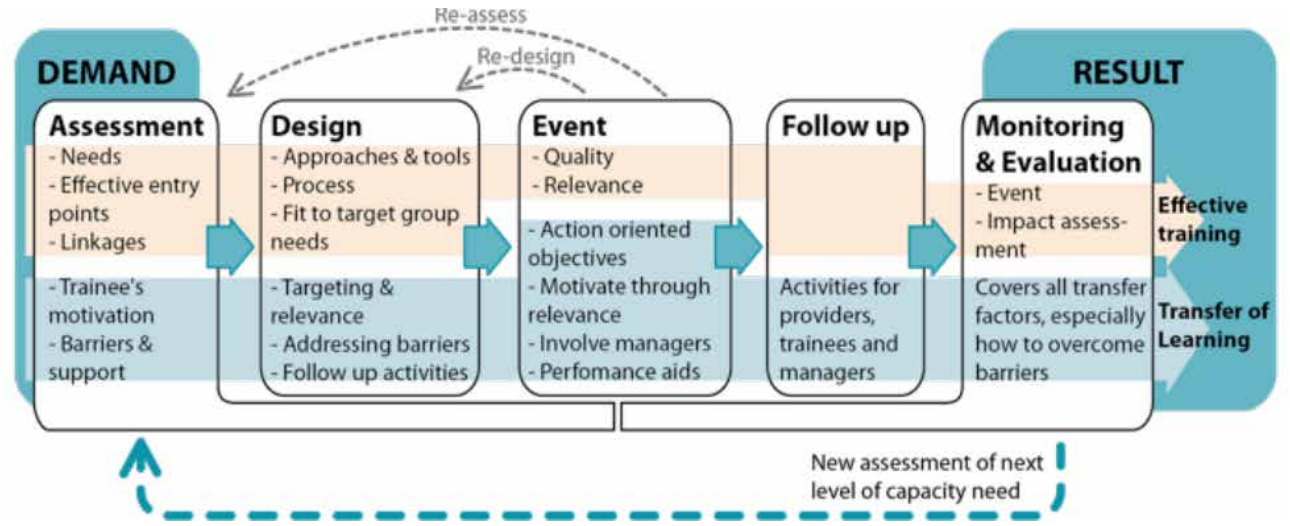


Figure 19. The capacity-development process
Although this diagram is about training, the principles apply equally to many other types of capacity development interventions.

Box 29. GLTN's capacity development strategy

GLTN/UN-Habitat (2014)

GLTN's capacity development strategy has a special focus on land-related issues and the implementation of land tools. The strategy offers a dynamic action-learning approach to capacity development that incorporates a range of methods and techniques, regular feedback, review discussion and improvement.

The GLTN strategy also explains the different types of capacity required in combination to resolve complex challenges. These have often been equated with so-called "hard" technical skills, resulting in an over-emphasis on the provision of technical training. However, the so-called "soft" capacities (organizational and adaptive capacities) are also crucially important to resolve challenges in complex human environments. Next to the capacity of individuals, the capacity of organizations is fundamental. This relates to their mandate, motivation and means in terms of finances, staff, processes and procedures.

be about creating new institutions or strengthening old ones. Some see capacity development as a focus on education and training. In contrast, others take a broader view of it as improving individual rights, access, or freedoms. In reality, capacity development contains elements of all these aspects.

Capacity exists at many levels within any human system and includes both the vertical dimensions of organizational or social structures and the horizontal levels that link groups, institutions, and communities across sectors. Achieving sustainable results calls for capacity to be considered at all levels as well as in the linkages between and across levels. This linkage between and across levels is especially relevant for the complex issue of land, which draws together stakeholders from different disciplines such as law, water, sanitation, agriculture, planning and democratic governance (Zevenbergen 2013).

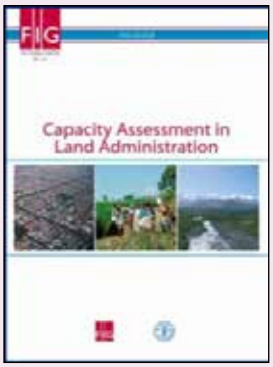
The *Teaching essentials* provide a fundamental understanding of the role of responsible land administration that is essential for designing capacity-development activities, whether these relate to providing skills of individuals or enabling organizations and institutions to cope with their (new) tasks and responsibilities.

CAPACITY DEVELOPMENT PROCESS

The capacity-development process is outlined in Figure 19 and in more detail in Module 4, Lesson 4.3.

This process has been used for designing training activities for implementing a number GLTN tools in countries such as Nepal, Kenya and Uganda. Experiences and lessons from these projects also pointed at the need for developing the *Teaching essentials*.

Box 30. *Capacity assessment in land administration*



Enemark and van der Molen (2008)

The FIG/FAO guidelines for capacity assessment in land administration serve as a logical framework for addressing each level, from land policy, policy instruments and legal framework, through mandates, business objectives, and work processes, to needed human resources and training programmes. For each level, the guidelines pose some questions to be considered based on a best-practice approach. For each level, the capacity of the system can be assessed, and possible or needed improvements can be identified and met also where limited resources are available.

Box 31. *Research and capacity development strategy for land governance in southern Africa*

Bayer et al. (2020)

This report was developed as a follow up to the NUST/NELGA scoping study on land governance in southern Africa (see Box 28). The strategy outlines a number of principles and strategic initiatives for strengthening the role of land governance within the southern Africa region. The report includes recommendations for capacity development in the region. See Part 4 for more.

Box 32. Capacity development for land reform in Malawi

Land-policy reform requires a long-term vision and commitment for implementation. In Malawi, the process was started in the mid-1990s and was expected to take between 15 and 20 years to complete. The implementation was initiated in 2001 with capacity development as a priority. At that stage, Malawi had only 26 qualified physical planners, 20 land-valuation professionals and 12 licensed land surveyors. The total deficit was around 400 professionals and 800 technicians just to fill the vacant position in the public sector. By further including the private sector, the long-term needs were more than double.

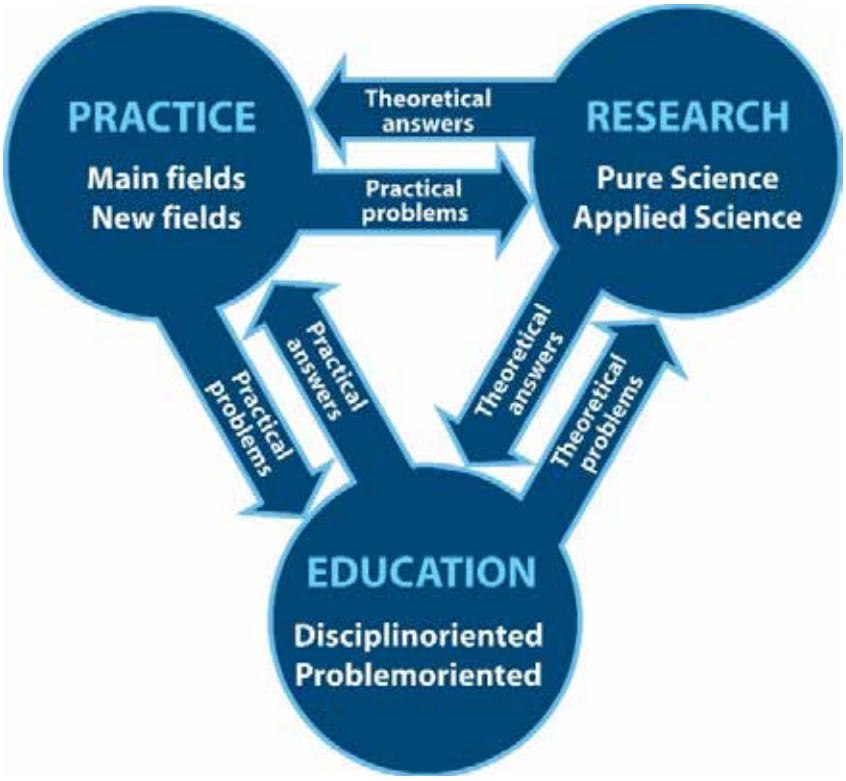
An aggressive programme to train qualified personnel was initiated by merging a diploma programme with the first half of the bachelor programme, thereby allowing existing personnel to be updated and upgraded to fulfil the overall aims of the new land policy. A special one-year certificate programme for land clerks was developed to staff each of the about 250 traditional authorities with one clerk to undertake the everyday land-related matters (Enemark and Ahene 2003).

Rural landscape, Malawi

3.5 PROFESSIONAL PRACTICE

In most developing countries, professional practice within land administration and cadastre tend to rely on conventional methods of field surveys and title registration, in spite of these approaches having been proven to not be fit-for-purpose in situations. This also relates to the lack of qualified professionals to undertake everyday assignments, and to the lack of a professional environment to develop the approaches and methods necessary to deal with land-governance challenges.

The *Teaching essentials* provide knowledge and understanding that are useful to guide the everyday work in professional practice and as a basis for professional reflection and innovation. They enable practitioners to see their everyday work in a wider perspective and reflect on the opportunities for contributing to address some of the obvious societal problems they are facing through their professional work. They also provide information on innovative tools and practices that could promote effectiveness of their work. A close interac-



Enemark (2007)

Figure 20. The interaction between education, research and professional practice

tion between professional practice and the national land agencies can provide a very useful platform for professional innovation. This also relates to the interaction between education and professional practice.

THE INTERACTION BETWEEN EDUCATION, RESEARCH, AND PROFESSIONAL PRACTICE

A successful educational system depends on a comprehensive interaction between education, research and professional practice (Figure 20).

Practice may be defined as specific fields or tasks within society that conform professional functions which are carried out by academically trained persons, such as surveyors or civil engineers. In a society of increased complexity, coupled with historical backlogs in land administration, one continually has to face new problems and new challenges in practice. The traditional way to deal with these challenges is through in-service training, professional seminars, publication of articles, etc. However, this method of development is rather slow. The answers, or even the problems themselves, may no longer be of current relevance when the solutions are found. And, at the same time, society is still developing new problems which require new solutions. The answers to the challenges are no longer found only within the profession itself.

To improve, research and education should be involved in the development process for establishing a dynamic interaction as shown in Figure 20. Research is needed to produce theoretical answers, and an interplay with education is needed to produce graduates who are capable of providing practical answers by applying new knowledge and skills when dealing with the new and unknown problems of the future.

KEY REFERENCES

Bayer, C.-T. Bayer, S. Enemark, and M. Kirk. 2019. Land governance in southern Africa: Synthesis report. NUST-NELGA Hub for Southern Africa, Windhoek. *https://nelga.org/wp-content/uploads/2022/11/NELGA-Synthesis-Report-ISBN-Print-Version.pdf*

Bayer, C.-T. Bayer, S. Enemark, and M. Kirk. 2020. Research and capacity development strategy for land governance innovation in southern Africa. NUST-NELGA Hub for Southern Africa, Windhoek. *https://www.fig.net/resources/publications/otherpub/misc/research_capacity_development-southern-africa_Strategy_2023.pdf*

ECTS. European credit transfer and accumulation system. *https://education.ec.europa.eu/education-levels/higher-education/inclusive-and-connected-higher-education/european-credit-transfer-and-accumulation-system*

Enemark, S. 2016. Applying a problem based learning approach to land management education. Working Paper 4. ILMI Publications, NUST, Windhoek.

Enemark, S. 2007. Promoting the interaction between education, research and professional practice. FIG Commission 2 – Symposium. Czech Technical University, Prague, 7–9 June 2007.

Enemark, S. and R. Ahene. 2003. Capacity building in land management: Implementing land policy reforms in Malawi. Survey Review 37(287):20–30. *https://www.researchgate.net/publication/233655146_Capacity_building_in_land_management_-_Implementing_land_policy_reforms_in_Malawi*

Enemark, S., and P. van der Molen. 2008. Capacity assessment in land administration. International Federation of Surveyors and Food and Agriculture Organization of the United Nations. *https://www.fig.net/resources/publications/figpub/pub41/figpub41_A4_web.pdf*

GLTN/UN-Habitat. 2012. Handling land: Innovative tools for land governance and secure tenure. GLTN and UN-Habitat, Nairobi. *https://unhabitat.org/handling-land-innovative-tools-for-land-governance-and-secure-tenure*

GLTN/UN-Habitat. 2014. The capacity development strategy. GLTN and UN-Habitat, Nairobi. *https://gltn.net/2016/10/11/the-gltn-capacity-development-strategy-2/*

Kennie, T., and S. Enemark. 1996. Continuing professional development. FIG publication 15. FIG Office, Copenhagen. *https://www.fig.net/resources/publications/figpub/pub15/figpub15.asp*

Mitchell, D., W. Shiu, S. Enemark, and J. Kavanagh. 2020. Blended learning in support of life-long learning for surveyors. FIG Working Week 2020, Amsterdam, 10–14 May 2020.

Palmer, D., S. Fricska, and B. Wehrmann. 2009. Towards improved land governance. Land tenure working paper 11, FAO, Rome. *https://www.fao.org/publications/card/en/c/fcbe4803-0641-54a3-afc4-55db45d1f449/*

World Bank. 2012. Land governance assessment framework.*https://elibrary.worldbank.org/doi/pdf/10.1596/978-0-8213-8758-0*

Zevenbergen, 2013. Capacity development in land. International symposium and training. FIG/GLTN/FGF, Yaounde, Cameroun, Oct. 2023. *https://www.fig.net/organisation/comm/7/library/reports/fig_fgf_international_symposium_and_training_2013_proceedings.pdf*

PART 4 PROSPECTS AND RECOMMENDATIONS

There is growing consensus that governing the people-to-land relationship lies at the heart of the Agenda for Sustainable Development. Therefore there is an urgent need, particularly in developing countries, to build fit-for-purpose and inclusive land-administration systems using a flexible and affordable approach to secure all rights in land and enable control of the use of all land. It is argued that the focus should be on building simple but complete systems that can then be improved and upgraded over time according to available financial resources.

4.1 PROSPECTS

Over recent years, promising conceptual developments have appeared within the land-governance arena. Technological innovation and the momentum of the Agenda for Sustainable Development are seen as key drivers for change in terms of providing more comprehensive and consistent spatial data infrastructures. This includes the recent developments of the United Nations Global Geospatial Information Management such as the **Integrated Geospatial Information Framework** (IGIF) (UN-GGIM 2018) and the **Framework for Effective Land Administration** (FELA) (UN-GGIM 2020). These, together with the recent FIG/GLTN-based developments such as the **land administration domain model** (LADM) (Lemmen et al. 2015) and the **fit-for-purpose land administration** (FFPLA) approach (Enemark et al. 2014, 2016, 2021) provide both tools and capacity-development opportunities for bringing many countries a significant step forward. These advances are complemented by the range of further land tools previously developed and tested by by GLTN related to gender equity, the continuum of land rights, tenure-responsive land-use planning, climate-change adaptation, and land-based financing, etc. as outlined in GLTN/UN-Habitat (2012).

The term **fit-for-purpose** (FFP) is now widely used as a label for quality government policies or interventions. The phrase is also often used in reference to any

Box 33. *Fit-for-purpose land administration: Providing secure land rights at scale*

Enemark et al. (2021)

This two-volume special issue of the journal *Land* provides an insight into the experiences and results from applying a fit-for-purpose land administration approach in various countries throughout the world. Volume 1 includes 15 articles focusing on conceptual innovations in relation to applying the approach in different contexts and settings, including conflict settings, pandemics, land-adjudication issues, private-sector financing, public–private partnerships, the application of geospatial tools, models of quality assurance, and modes of maintenance, updating and upgrading.

Volume 2 includes 13 articles on the implementation of the approach in 17 countries throughout the world.

intervention or activity that is appropriate, and of a necessary standard, for its intended use. The FFP label indicates that this approach is appropriate and of a necessary standard for various development purposes, namely to provide security of tenure for all and enable control of the use of all land, rather than blindly complying with top-end yet inappropriate technological solutions and unnecessarily rigid regulations for accuracy.

Responsible and fit-for-purpose land-administration systems are the operational component of land governance in support of the Agenda for Sustainable Development. When building such systems in developing countries, the quest for capacity development is fundamental. However, it is crucial to remember: **Don´t start what you can´t sustain**. This phrase is particularly relevant for implementing land-administration systems at the countrywide level. Once established, the systems must be maintained and updated from day one; otherwise, the efforts and investments in building the systems are easily wasted. Therefore, the necessary capacity to manage and maintain the systems have to be planed and developed upfront to ensure efficient implementation and effective, on-going maintenance and management.

4.2 RECOMMENDATIONS

Universities and related research and training institutions play a major role in facilitating the implementation of responsible land administration. They educate future industry leaders, professionals and practitioners. Introducing the principles of responsible land administration into their education facilitates responsible decision-making. This relate to a number of innovative activities as recommended below:

Curriculum development. The key role for universities is to ensure that the theme of responsible land administration is sufficiently included in their curriculum. The *Teaching essentials* provide the basis for ensuring this. They can be implemented flexibly and adapted to the lecturer´s teaching stye and reflecting the specific country context.

Increase the number of qualified professionals. This requires first an increase in enrolments in the degree programmes and, second, the availability of continuing professional development activities for employed professionals to enhance their existing skills. This can be supported by ensuring that universities also produce the relevant professional development opportunities, handbooks and manuals for professionals on topics such as responsible land administration that reflect the specific country context.

Support research and training institutions and civil society organizations. These institutions are important for addressing the people-to-land relationship in various local contexts and for building the capacity for institutional change. The institutions are also important for undertaking pilot projects and for implementing land rights and land use projects at scale.

Support regional capacity-development initiatives that centre around the Voluntary Guidelines on the Responsible Governance of Tenure and the *Teaching essentials* to more broadly strengthen capacity of local educational institutions and training organizations to develop learning materials on responsible land administration. Networks and partnerships such as the Network of Excellence on Land Governance in Africa, FIG Commission 2, GLTN and FAO can disseminate knowledge of the *Teaching essentials* materials.

Increase research capacity. It is recommended that universities develop a specific research strategy in land governance and administration. This is to ensure a focus on the topical issues of responsible land administration and to encourage research activities that address the most critical issues within the country context. Such a strategy may also include a focus on the various kinds of research activities, such academic articles, case studies and consultancies.

Increase the interaction between universities, land agencies and professional practice. This interaction is crucial for ensuring innovation and developing the land sector as a whole in support of addressing key land related issues at the national scale. The interaction is also useful for encouraging professional development at all levels. This also includes strengthening of project collaboration with industry, government, and civil society organizations.

Support the decentralization of land-administration services. Decentralization of the land administration functions will require more skilled staff to fill the current gap. Besides increasing the intake in degree programmes, there may be a need to establish short-term courses of (say) one year to provide some basic expertise for land technicians and land clerks to fill the gap of qualified staff at decentralized land-administration offices.

Develop institutional capacity. This requires a broad approach that aims not to develop knowledge in academia but to empower society in general. This requires collaboration with civil society organizations and policymakers to generate policy dialogues and improve understanding and capacity regarding land-governance matters.

It is recommended to develop a national research and capacity-development strategy for land governance as was done for southern Africa (NUST/NELGA 2020). This will make it possible to identify the way forward in building sustainable and responsible land-administration systems.

Masters of all they survey: Children in Malawi

KEY REFERENCES

Enemark, S., K. Bell, R. McLaren, and C. Lemmen. 2014. Fit-for-purpose land administration. FIG Publication 60. FIG Office, Copenhagen. *https://www.fig.net/resources/publications/figpub/pub60/figpub60.asp*

Enemark, S., R. McLaren, and C. Lemmen. 2016. Fit-for-purpose land administration: Guiding principles for country level implementation. GLTN Report 2/2016, GLTN/UN-Habitat, Nairobi. *https://gltn.net/download/fit-for-purpose-land-administration-guiding-principles-for-country-implementation/*

Enemark, S., R. McLaren, and C. Lemmen (eds). 2021. Fit-for-purpose land administration: Providing secure land rights at scale. Land Journal, special issue. 2 vols. *https://www.mdpi.com/journal/land/special_issues/FFPLA*

GLTN/UN-Habitat. 2012. Handling land: Innovative tools for land governance and secure tenure. GLTN and UN-Habitat, Nairobi. *https://unhabitat.org/handling-land-innovative-tools-for-land-governance-and-secure-tenure*

Lemmen, C., P. Oosterom, and R. Bennett. 2015. The land administration domain model. Land Use Policy 49: 535–45.

UN-ECA. 2011. Guidelines for land policy in Africa. United Nations Economic Commission for Africa, Addis Ababa. *https://landportal.org/node/35367*

UN-GGIM. 2018. Integrated geospatial information framework (IGIF). United Nations Committee of Experts on Global Geospatial Information Management. New York. *https://ggim.un.org/un-ggim-intergrated-geospatial-information-framework/*

UN-GGIM. 2020. Framework for effective land administration (FELA). United Nations Committee of Experts on Global Geospatial Information Management. New York. *https://ggim.un.org/meetings/GGIM-committee/10th-Session/documents/E-C.20-2020-29-Add_2-Framework-for-Effective-Land-Administration.pdf*

ABOUT THIS PUBLICATION

The ***Teaching Essentials for Responsible Land Administration*** is a structured knowledge base on responsible land administration, developed by the Global Land Tool Network. The knowledge base consists of six modules, each about 70 pages long, and covers all the key aspects of responsible land administration. The six modules are available in English and French on the GLTN e-learning platform, *www.elearning.gltn.net*. They are aimed primarily at universities and training institutions that offer courses on various aspects of land administration in the developing world.

The six modules are:

- Core values and principles of responsible land administration
- Land-tenure security
- Participatory land-use planning and management
- Responsible land administration and information in practice
- Land-based finance
- Land policy and regulatory frameworks.

This guide is an abridged version of the ***Teaching essentials.*** It provides an introduction to responsible land administration, a summary of each of the six modules, and guidance on how to use the modules for e-learning, university education, research activities, capacity development and training, and professional practice. It also offers recommendations for applying the principles of responsible land administration at the country level.

HS Number HS/053/22E

UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME
P.O. Box 30030, Nairobi 00100, Kenya
unhabitat-info@un.org
www.unhabitat.org

Global Land Tool Network (GLTN) Secretariat
Facilitated by UN-Habitat
P.O. Box 30030, Nairobi 00100, Kenya
Tel: +254 20 762 5199; Fax: +254 20 762 4256
E-mail: unhabitat-gltn@un.org
www.gltn.net

UN-HABITAT

GLTN
GLOBAL LAND TOOL NETWORK