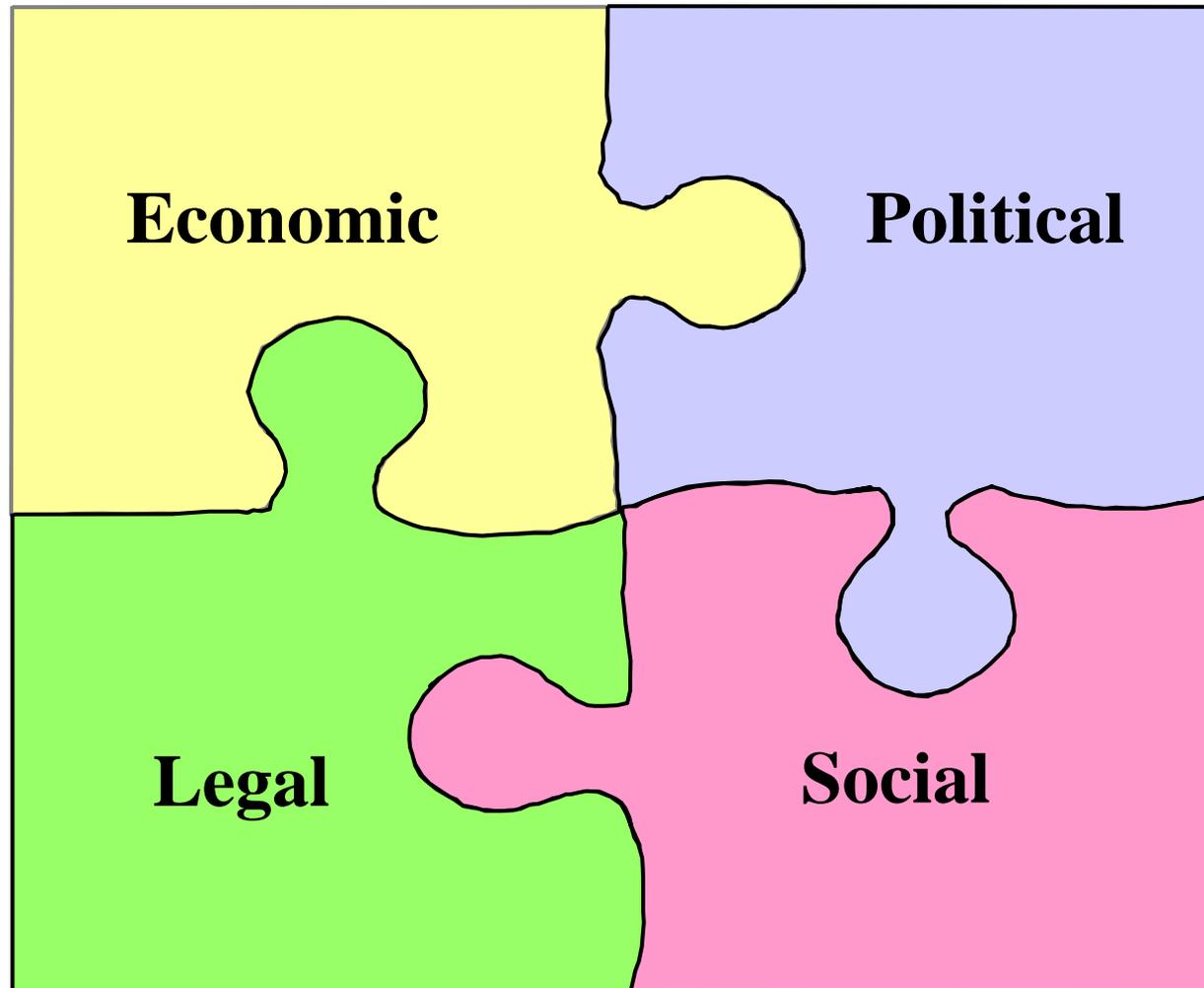# LAND POLICY AND LAND ADMINISTRATION

Mark Marquardt

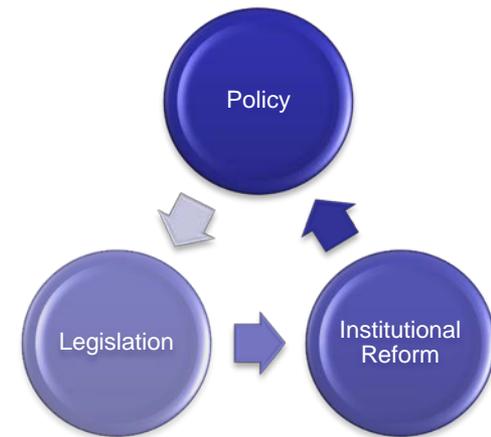**Best Practices for Land Tenure and Natural Resource Governance in Africa**

October 2012

Institutional Aspects of Land & Resource Tenure

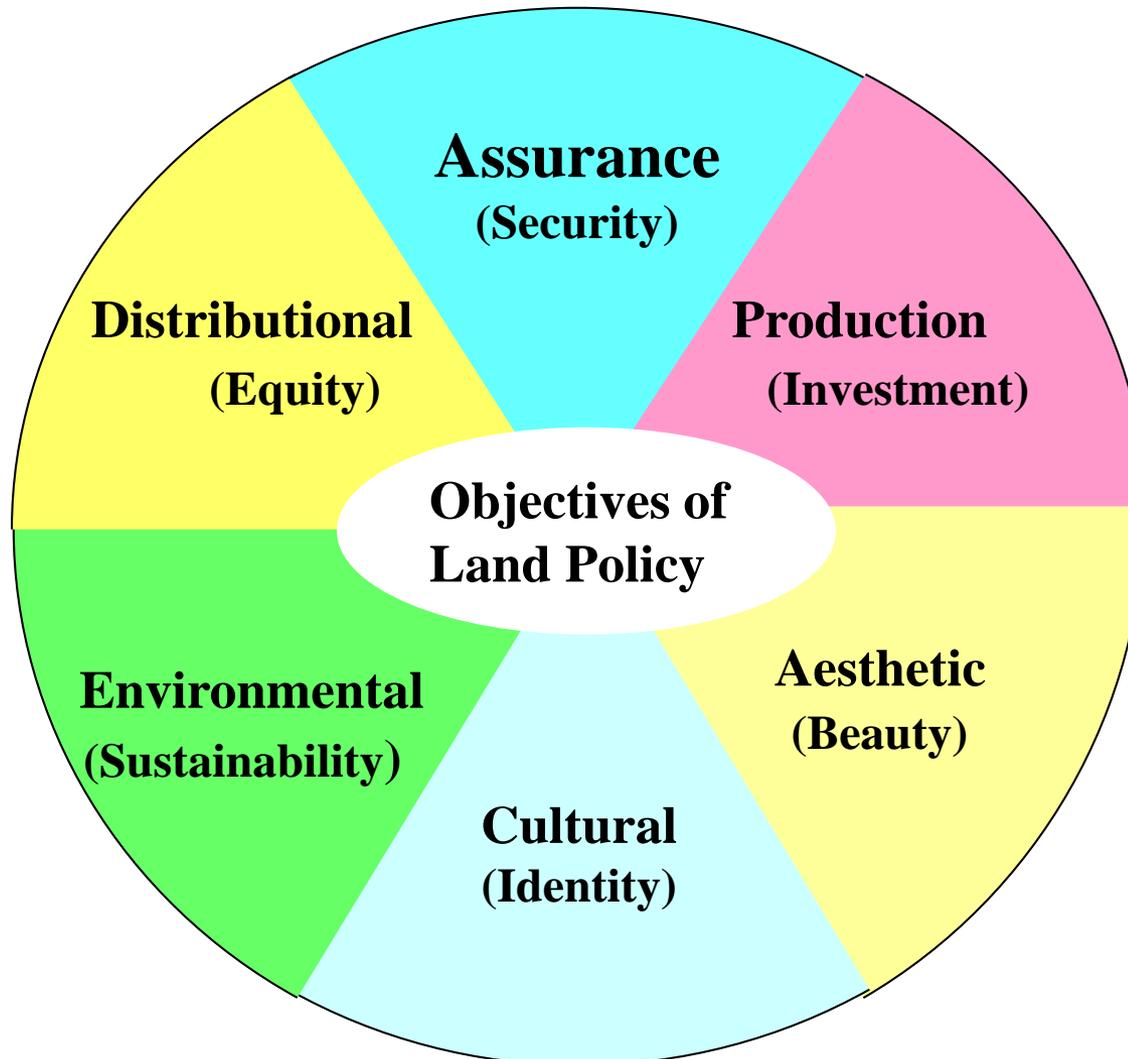# Land Tenure and Property Rights

- Land as an asset

- Mixture of social, economic, political, and legal institutional factors

- Bundle of land rights
  - Location, time, use, people

Land Policy

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

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

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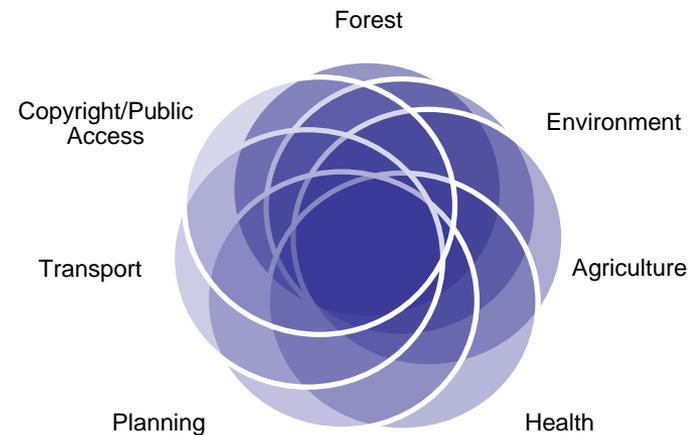
Objectives of Land Policy

The Importance of Land Policy

- Enhances tenure security and determines mechanism for distribution of land rights

- Promotes social stability (clarifies government goals/objectives)

- Basis for economic development (expectations and predictability)

- Sustainable land use and sound land management

- Development of legislation, regulations, and institutions (guidance, implementation, monitoring)

Land Legislation

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

"Act of making or enacting laws, usually by a legislature or other governing body"

Forest

Copyright/Public Access

Environment

Transport

Agriculture

Planning

Health

Land Administration – Definition

'THE PROCESS OF DETERMINING, RECORDING AND DISSEMINATING INFORMATION ABOUT OWNERSHIP, VALUE AND USE OF LAND, WHEN IMPLEMENTING LAND MANAGEMENT POLICIES' (UN/ECE,1996).
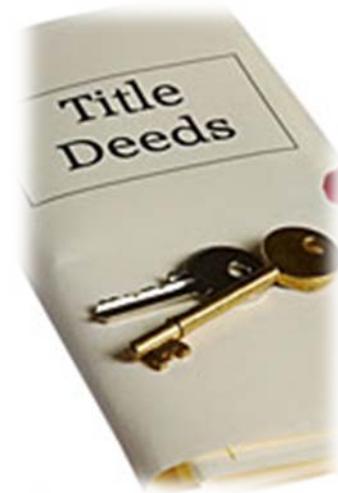
Land and land administration

- Land as a resource

- Cadastres and land registration

- Land management and land reform

- Land administration

- The benefits of a good land administration system

- Institutional issues

- The role of computerization

The Legal Framework

- The legal status of land and real property

- Land tenure

- Deeds registration and title registration

- Adjudication of title to land

- Boundaries

- Cadastral surveying

- Land parcel information

Financial Matters

- Value and the valuation of land

- Taxing land and property

- Central valuation agencies

- Land and property markets

- Costs and benefits of land administration

- Financing and sources of funding

- Marketing land registry and cadastral data

Land-use Planning

- The role of the cadastre in physical planning

- Land-use planning in urban centres

- Land consolidation and reallocation

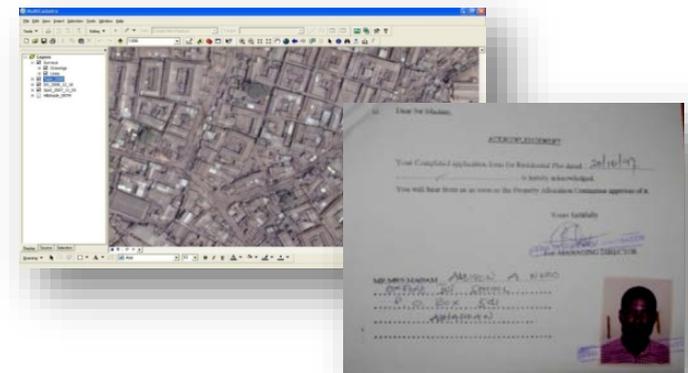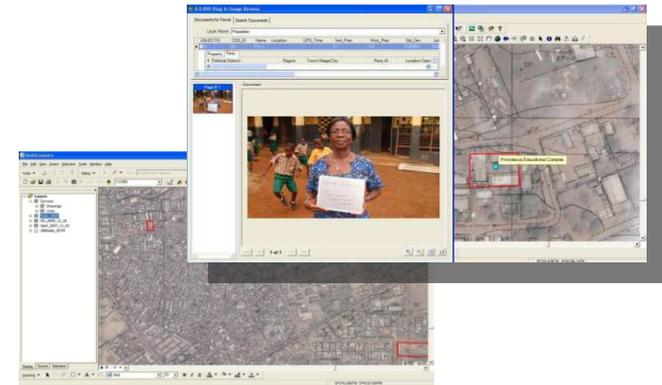- Environmental monitoring and geographic information systems

Institutional Arrangements

- Land policy

- Land administration activities

- Land information management

- Organization and management

Technical Matters

- Control surveys

- Cadastral surveying and mapping

- Electronic data processing for land administration

Spatial Data

- Spatial data is key to property rights but also to many other development needs

- Collect once – use many times

- Use various modes of spatial data tools and gathering approaches

- Blending scales and accuracies is acceptable in data poor environments

- Spatial data has considerable value but must be maintained

- Maintenance requires good governance

- Emerging economies must look to partnerships with private sector to develop and sustain spatial data

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Land Administration Challenges

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

Procedures for Introducing a Land Administration System

- The determination of user needs

- The creation of new administrative and organizational structures

- The preparation of new legislation

- The adjudication and determination of rights in land

- The surveying of land and property boundaries

- The management of land information

- The establishment of financial management procedures

- Developing awareness in the user community

Thank you!