

Land Administration Reform

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ABSTRACT

This paper highlights the importance of improved land administration services and the impact that the lack of a good land administration system has on the socio-economic development of many countries. Drawing on extensive experience in implementing land administration reform in many countries, the paper considers the issues that can and do impact on the provision of good land administration services (particularly deficiencies in policy and legislation), the large gap that typically appears between policy/legislation and what actually happens on the ground, and the implications of attempting to implement policy/legislation without adequate funding and resources. The environment for land administration reform projects is also changing. There is increased emphasis on pro-poor policy, better land governance and the adoption of procedures and technology that are fit-for-purpose. The paper concludes with the observation that land is fundamental in any society and that the surveyor has a key role in the provision of good land administration services. The focus on improved governance and fit-for-purpose procedures and technology is as relevant to surveyors in New South Wales as it is for surveyors in the developing world.

KEYWORDS: *Land administration, land policy, land governance, institutional reform, capacity building.*

1 INTRODUCTION

In most countries, land and immovable property attached to it ('land') accounts for between half and three-quarters of national wealth. Land is a fundamental input for agriculture and is directly linked to food security. It is also a primary source of collateral in obtaining credit from formal and informal providers of finance. Fees and taxes on land are often a significant source of government revenue, particularly for local governments. Land has cultural and religious significance in many cultures, and the formal recognition of rights is often vital in ensuring that indigenous and other vulnerable groups have access to land.

Land Equity International (LEI) has been privileged to work in many countries in land administration reform and capacity building, and this paper sets out some information on some recent projects. Four surveyors (including two former Surveyor-Generals) formed LEI in 2001. The Wollongong-based consultancy specialises in land sector projects in the developing world. LEI's founders had been working on international projects since the early 1980s, initially as part of BHP Engineering and from 1999 as part of Hatch Associates. LEI focuses on the land sector, however, this covers a very wide scope. Early projects were major land titling projects, mainly in South-East Asia, where a significant part of the activity was to develop and scale up mass programs to formally recognise land rights and issue land titles or certificates. However, land sector projects now cover many different areas, including land policy and legislation development, land governance and safeguarding the interests of the

poor and vulnerable. The skills needed to work on land projects are also very broad (much broader than just surveying and mapping) and include law, IT and records management, institutional development (e.g. organisation, strategy, budgeting and planning), human resources development and management, capacity building, gender and public awareness. In implementing land projects, LEI has drawn on specialists from the private sector, government and academia.

Although this conference focuses on domestic topics of relevance to public sector and private surveyors, there is value in reviewing recent international experience and some new considerations, such as an increased emphasis on good governance, the Food and Agriculture Organization of the United Nations (FAO) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs), and recent work by the World Bank and FIG on fit-for-purpose land administration. Surveying is a very conservative profession, particularly cadastral surveying. You only need look at the way survey directions cover technology such as Global Navigation Satellite Systems (GNSS) and photogrammetry to understand this. Too often we take things for granted, and it is only when you need to explain *why* we do things the way we do, that you start to appreciate the opportunities that ever-improving technology offers. The increasing pressure by policy makers in many countries to come up with low-cost solutions that produce results in the short term adds incentive to explore options.

2 PERSPECTIVE OF THE PROBLEM

2.1 The Problem

It is very difficult to estimate how many land parcels there are in the world. However, a generally-accepted estimate is that there are about six billion land parcels (globally), of which only 1.5 billion are registered in a land administration system that accurately and reliably records the extent and location of the land parcels, as well as the rights held over the land parcels (McLaren, 2011). The land administration system in Australia, like most Organisation for Economic Co-operation and Development (OECD) countries, works so well that we take it for granted.

It is worthwhile revisiting the benefits of a good land administration system. Williamson et al. (2010) list the traditional benefits of having a good land administration system in place. These include:

- Support for governance and the rule of law.
- Poverty alleviation.
- Tenure security.
- Support for formal land markets.
- Credit security.
- Support for land and property taxation.
- State lands protection.
- Land dispute management.
- Land planning improvements.
- Infrastructure development.
- Resources and environmental management.
- Information and statistical data management.

Many of these benefit society as a whole. Others, such as poverty alleviation, tenure security and credit security, benefit individual land owners. The importance of extending the system for the formal recognition of property rights to all sectors in society in the developing world, rather than just the elite privileged few, was highlighted by de Soto (2000) – a lesson that the West learned two centuries ago. It can be difficult to appreciate the nature of these benefits.

In 1997, the author was Team Leader on the design and preparation of the World Bank-funded Peru Urban Property Rights Project (PUPRP). In the decades leading up to the end of the 20th century, Peru experienced a massive shift in population from the rural areas in the mountains to the urban areas on the coast. In 1997 (largely due to a very complicated process for urbanisation that had been and was being poorly enforced and implemented), a large proportion of urban dwellers in the major cities of Peru were classed as ‘informal settlers’ living in residences lacking formal approval on land lacking formal registration. By June 2004, the PUPRP had registered more than 1.2 million properties and issued about 920,000 titles. The project directly benefited 4.6 million Peruvians (a significant proportion of the total population at the time, which was around 27.2 million – see <https://www.inei.gob.pe/media/MenuRecursivo/Cap03001.xls>), mobilised about US\$400 million in formal credit for marginalised communities, and increased the value of formalised property by around US\$523 million (World Bank, 2004). However, by strengthening tenure, there was reduced need to protect rights by occupation, and socio-economic studies have since demonstrated that titling has resulted in a substantial increase in labour hours, a shift in labour supply (from work at home to work in the outside market), and substitution of adult for child labour (Field, 2007).

If the benefits of having a sound land administration system are so clear, why are countries with a good land administration system the exception, rather than the rule? There is great variety in the situations and contexts of countries seeking improved land administration systems.

In Africa, most countries are faced with a weak central government that often has limited authority outside the capital city. This dual tenure regime is a legacy of colonial administration – with a western model operating in areas of economic activity, various forms of customary tenure applying elsewhere, limited finances and technical resources, a general lack of reliable information, limited access to existing information, poor enforcement, and a general lack of transparency in systems and procedures.

Latin America also has a strong colonial legacy that has resulted in large inequities in the distribution of land. Significant past land reform in the region, while largely unsuccessful in addressing the inequity, has created new tenures and institutions. There is large informality in the region in both urban and rural areas.

In response to the collapse of communism, Eastern European and Central Asian countries all implemented significant changes to land administration systems. These countries frequently faced institutional issues with (typically) different agencies having responsibility for the cadastre, building registration and the recording of rights. However, most countries had basic information and skilled staff. It is perhaps not surprising that seven of the 10 countries ranked in 2015 by the World Bank Doing Business assessment as the ‘easiest’ to register property in are from these regions (Lithuania is ranked 2, Georgia 3, Estonia 4, Slovak Republic 5, Kyrgyz Republic 6, Belarus 7 and Russian Federation 8, while Australia is ranked 48 – see World Bank, 2016).

Key issues impacting on many efforts to improve land administration systems include a lack of clear land policy and ineffective legislation to put this policy into effect. The author was fortunate, in 1984, to start work on major international land projects in Thailand. Readily appreciating the quality of life available in Thailand (with a strong culture, friendly people and good food) and, as the photomapping adviser, he soon became immersed in the task of helping the Department of Lands scale up a major 20-year land titling program. What was not appreciated at the time was that the program was built on a very strong foundation. The Department of Lands had (at the time) about 14,000 staff and large headquarters in Bangkok with nearly 1,000 province, branch and district land offices throughout the country. The Department had a very strong *esprit de corps* and was (within the Ministry of Interior) the most powerful ministry. The land administration system was maintained by the Department and was (and still is) largely a manual system; but it was one of the most efficient systems in the world. By regulation, a registration had to be made on the day of application unless there was a legal requirement for further evidence, such as a cadastral survey. The Land Code of 1954 provided a very clear legal basis for a major land titling program – at least as far as the 47% of the country that was classified as non-forest. The Department had a very pragmatic approach to survey and map standards and the technical staff did as they were instructed by the land administrators. It was only when the author started to work in Indonesia and the Philippines that he started to appreciate the strong base in Thailand.

In Indonesia, the National Land Agency had only been formed in 1988 and operated as a loose coalition of previously separate organisations. It had taken 12 years to prepare the Basic Agrarian Law of 1960, and this law lacked major implementing regulations and had not been fully implemented. The Land Administration Project started in 1994 and it took three years to update the implementing Presidential Decree to facilitate systematic registration. The project was able to produce 1.87 million certificates, but this program was not scaled up as planned, and little was achieved in building capacity to maintain the land administration system and provide improved services.

In the Philippines, the institutional and legal framework was even weaker than in Indonesia. There were at least five different ways to obtain a title, two agencies that approved survey plans and the land registration system was a judicial Torrens Title system that was implemented in 1901 in the Philippines and based on the 1894 legislation in the US State of Massachusetts. Virtually all the land administration legislation in the Philippines was put in place under American colonial administration and there were many inconsistencies.

In this context it is useful to note that the ‘rule of law’ is defined by the World Justice Project as a system where the following four universal principles are upheld (World Justice Project, 2016):

1. The government and its officials and agents as well as individuals and private entities are accountable under the law.
2. The laws are clear, publicised, stable, and just; are applied evenly; and protect fundamental rights, including the security of persons and property.
3. The process by which the laws are enacted, administered, and enforced is accessible, fair, and efficient.
4. Justice is delivered timely by competent, ethical, and independent representatives and neutrals who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

Many developing countries, particularly countries where the rule of law does not apply and/or the legislative process does not work well, have developed a comprehensive statement of land policy that has been developed (typically) with broad stakeholder consultation and has been adopted in some formal manner. Countries that have developed a comprehensive land policy include Tanzania (in 1995 – see United Republic of Tanzania, 1997), Ghana (in 1999 – see Government of Ghana, 1999) and Uganda (in 2013 – see Republic of Uganda, 2013).

While important, these documents tend to focus on problems and issues with limited attention paid to key actions to address the problems and issues. Even where there is a comprehensive land policy, there can be a gap between the policy and legislation. The National Land Policy (NLP) in Tanzania was put into effect by the Land Act No.4 of 1999, the Village Land Act No. 5 of 1999 and the Courts (Land Dispute Settlement) Act No. 2 of 2002. Although the NLP highlighted issues with all rural sectors, including agriculturalist and pastoralists, the Village Land Act (specifying the rights for village land, which covers about 70 percent of mainland Tanzania), largely focuses on the interests of agriculturalists. There can also be a big gap between policy/legislation and implementation. In 2005, the European Union (EU) funded the preparation in Tanzania of the Strategic Plan for the Implementation of the Land Laws that was costed at about US\$300 million. This plan set out an ambitious scope of work that has largely not been implemented. A major reason for this was the lack of funding.

2.2 Some Country Examples

The following summaries of issues faced by governments in improving land administration systems for Romania, Tanzania and Vanuatu (i.e. three countries that LEI has recent or ongoing experience in) provide an insight into the wide variety of issues that need to be addressed.

2.2.1 Romania

Background: Romania is a republic located in South-Eastern Europe, bordering the Black Sea, between Bulgaria and Ukraine. It also borders Hungary, Serbia and Moldova. The country lies between latitudes 43° and 49° N, and longitudes 20° and 30° E. The terrain is distributed roughly equally between mountains, hills and plains. Romania has one of the largest areas of undisturbed forest in Europe, covering almost 27% of the territory. Romania has a total area of about 238,400 km² and a population of about 21.1 million. There are 42 counties and 3,181 territorial administrative units (UATs) in Romania. Of the 3,181 UATs in Romania, 320 are cities and municipalities and 2,861 are communes in rural areas (rural UATs). There are an estimated 40 million properties in Romania, 8 million in urban UATs and 32 million in rural UATs.

Overview of Land Tenure Arrangements: The land tenure arrangements in Romania have the following historical background:

- Records of transcriptions and inscriptions, regulated by the Civil Code and the Code of Civil Procedure based on rules implemented under the Ottoman administration, have existed in the former provinces Wallachia, Moldavia, Oltenia and Dobrogea, which constitutes about half of Romania.
- Land books were introduced in the second half of the 19th century under Austro-Hungarian laws in Transylvania, Banat, Crişana, Satu Mare, Maramureş and South Bucovina, which covers about half of Romania.

- During the communist period (1945-1989), most Romanian agricultural land was nationalised, and large collective and state farms were formed. Out of a total number of 3,181 UATs in Romania, 2,478 UATs are in cooperative areas, 442 UATs are in non-cooperativised areas, and in 261 UATs there is a mixture of villages that have been cooperativised and land that has not been cooperativised.
- After the revolution, an early decision was made to restitute land under a variety of laws that have evolved over time from 1991. Restitution of land started before the necessary legal basis for registration was in place. The restitution process of the agricultural and forestry land belonging to the private domain is almost complete (about 93%). A law was passed in 2013, which has the objective of completing restitution in kind or equivalent.

Key Land Sector Issues: After the revolution in 1989, Romania initiated efforts to create a national system for recording property rights. The legal framework of this new system was created by Law No. 7/1996, the Law on Cadastre and Land Registration. The implementation of the law throughout the country began in July 1999. The registration system (based on the old land books and on transcription-inscription records) is still in place in many areas in Romania, but will be replaced over time with new land books. The process of implementing Law No. 7/1996 is ongoing and has been difficult due to a lack of human and material resources and difficulty in harmonising the various related legal rules.

The National Agency for Cadastre and Land Registration (ANCPI) was formed in 2004 through the merger of the cadastre under the Ministry of Administration and Interior and the land book registers under the Ministry of Justice. At the time, ANCPI underwent substantial organisational reform, bringing the two entities together physically. In 2009, the originally autonomous and self-financing ANCPI reverted to central budget financing and government payroll restrictions, which has held back progress in implementing organisational and strategic reforms. This reversion was not easy and led to a large turnover of key staff members. Consequently, while ANCPI has managed to conduct daily operations and maintain registration relatively well, the reform agenda stalled, and training and capacity building activities were severely underfunded. Under the latest changes to Law No. 7/1996, and since the approval of Government Decision for the National Program for the Cadastre and Land Book (NPCLB) 294/2015, ANCPI has regained the ability to retain revenue and public funding for salaries and investments.

Over 8.3 million properties have been registered and entered into the new land book system, which is administered in the eTerra ICT application maintained by ANCPI. About 3.9 million of these registered properties are in urban areas and 4.4 million properties are in rural areas.

Current Initiatives to Improve Land Administration: Law No. 7/1996 on Cadastre and Land Registration, as amended by Law No. 150/2015, sets out the purpose of “registration of immovable property without charge within the integrated system of cadastre and land book, issuing the cadastral plan of immovables and opening of land books in all administrative territorial units”. Existing entries in the cadastre and land book system have largely been made on the basis of sporadic requests by individual landowners to have their land registered. This has been effective in urban areas where nearly 50% of properties have been registered, but has been a lot less effective in rural areas where only 13.7% of the estimated properties are registered.

To implement the law, ANCPI has adopted a policy of undertaking systematic registration in rural UATs in Romania. Systematic registration has commenced in 51 rural UATs and been

completed in seven UATs. This means that there are 2,810 rural UATs where systematic registration has not commenced.

A draft National Strategy for Systematic and Sporadic Registration was finalised in August 2014 by ANCPI with support from specialists from the World Bank, and a draft NPCLB was completed by ANCPI in January 2015 – again with assistance from the World Bank. The budget for the NPCLB from projected retained ANCPI revenue over the next 10 years is tight and ANCPI has only been able to plan to complete registration under the NPCLB in 320 urban UATs and in 2,017 rural UATs. ANCPI proposes to complete systematic registration in the remaining 793 rural UATs under the EU-financed project in the programmatic period 2014-2020. The NPCLB and the EU project (as planned) will complete the registration of all UATs in Romania.

2.2.2 Tanzania

Background: Tanzania, officially the United Republic of Tanzania, is bordered by Kenya and Uganda to the north; Rwanda, Burundi and the Democratic Republic of the Congo to the west; Zambia, Malawi and Mozambique to the south; and the Indian Ocean to the east. European colonialism began in mainland Tanzania during the late 19th century when Germany formed German East Africa, which gave way to British rule following World War I. The mainland was governed as Tanganyika, with the Zanzibar Archipelago remaining a separate colonial jurisdiction. Following their respective independence in 1961 and 1963, the two entities merged in April 1964 to form the United Republic of Tanzania. There is a separate land policy and legislative framework for mainland Tanzania and Zanzibar. Mainland Tanzania has an area of 947,303 km² and had a population of about 44.9 million (in 2012).

Overview of Land Tenure Arrangements: The land tenure practice in Tanganyika was that indigenous lands were treated as ‘not owned’ and titles in these lands were vested in the state, except for land alienated to settlers under documentary titles. The procedures applying under colonial administration were largely left in place for the first 35 years of independence. In 1963, freehold titles were converted to government leaseholds and, in 1969, to rights of occupancy. The Villages and Ujamaa Villages Act of 1975 changed the fundamental nature of rural tenure, where households were removed, sometimes forcibly, from individual remote homesteads to designated settlements with the objective of providing better services, including health and education. By 1979, there were about 15 million people living in 8,300 registered Ujamaa Villages.

With the land policy and legislation largely left unchanged from colonial times, the post-independence policy of villagisation leading to increasing social tension, and a growing population with increased urbanisation putting added pressure on available land, the government prepared a NLP that set out 15 fundamental principles and was passed by parliament in 1995. The NLP was put into effect by the Land Act No.4 of 1999, the Village Land Act No. 5 of 1999 and the Courts (Land Dispute Settlement) Act No. 2 of 2002. There are then three categories of land under these laws:

1. General land (about 2% of the country), which is classed as land that is neither village nor reserve land.
2. Village land (about 70% of the country), which is land within the boundaries of a registered village that is occupied by its inhabitants and falls under the jurisdiction of its respective village council to whom the Commissioner of Lands has issued a certificate of village land.

3. Reserve land (about 28% of the country), which is land reserved and governed for purposes set out in nine listed laws. The purposes include environmental protection, national parks, forest and wildlife reserves, marine parks and areas set aside for spatial planning and infrastructure development.

All land in Tanzania is public land under the trusteeship of the President. The Granted Right of Occupancy (GRO) is the main form of land holding in mainland Tanzania and is granted by the President for a period of up to 99 years over general and (in some cases) reserve land. The GRO may be traded as any other personal property through sale, lease, mortgage, etc. Village land is administered under the Village Land Act, with procedures specified to demarcate and survey village boundaries, issue certificates of village land, prepare village land use plans and to issue Certificates of Customary Right of Occupancy (CCROs). Although the Commissioner of Lands has oversight of this process, a large portion of the authority is assigned to institutions established in the villages.

Key Land Sector Issues: In recent years, the number of rural land use conflicts has increased, particularly between traditional pastoralists and traditional agriculturalists as they have expanded the scope of their activities. Urban areas have also experienced an increase in the number of disputes over land, as the urban population has expanded from 686,000 in 1967 to over 10 million in 2013. Urban land has expanded into rural land with little control and government procedures for providing urban housing. ‘Land delivery’ has failed to meet the demand. In Dar es Salaam, the major city, the number of informal residences has increased from an estimated 50,000 in 1974 to over 500,000 (or 80% of the total residences in the city) in 2013.

Both a rapidly increasing population and rapid urbanisation will place strong pressures on existing land. In 1967 the population of mainland Tanzania was 12.7 million and this grew to 44.9 million by 2012 (Burns et al., 2013). There are predictions that the population will grow to 62 million in 2020, 108 million in 2040, 137 million in 2050 and 299 million by 2100 (UN Department of Economic and Social Affairs, 2015). There has also been a rapid increase in the percentage of the population living in the urban sector. This has risen from 5.7% of the population in 1967 to 29.1% in 2012. Given the scale of the increases in population, there will be increasing pressure on land in both the urban and rural sectors.

Current Initiatives to Improve Land Administration: In April 2014, a land laboratory was added to the ‘Big Results Now!’ initiative (United Republic of Tanzania, 2015). This laboratory set out some ambitious targets. Two objectives set out in the plan included the issuance of 10 million CCROs by the end of 2016, and the survey and titling of five cities, and Dodoma, by the end of 2016. In March 2013, only 139,721 CCROs had been issued.

There are a number of development partners preparing or implementing projects to assist the government improve land administration systems:

- DFID, Sida and Danida are supporting the Land Tenure Support Program.
- USAID is funding the Feed the Future Tanzania Land Tenure Assistance activity.
- The World Bank is supporting the Private Sector Competitiveness Project, which has a land reform component and is also supporting work in the urban sector.

2.2.3 Vanuatu

Background: The Republic of Vanuatu is a South Pacific island nation lying between 13° and 21° S and 166° and 170° E, placing the archipelago 1,750 km to the east of northern Australia (Queensland), 500 km north-east of New Caledonia, south-east of the Solomon Islands and west of Fiji. It has a total land area of 12,190 km² and a population of just over 270,000.

Overview of Land Tenure Arrangements: Land tenure arrangements are governed by the Constitution 1980 (as amended in 2013), supported by a number of land-related laws. The Constitution states that “all land in the Republic of Vanuatu belongs to the indigenous custom owners and their descendants” (Article 73). Land held by customary owners and referred to as ‘customary land’ currently makes up over 95% of the total land area in Vanuatu. For those wishing to ‘acquire’ land for business, investment and other purposes, the Land Leases Act 1983 facilitates the creation, registration and management of leasehold titles, enabling a lessee to obtain a leasehold interest for a term not exceeding 75 years.

Key Land Sector Issues: Despite the existence of a seemingly sound constitutional and legislative framework post-independence, Vanuatu has continued to struggle with a range of land sector issues including:

- A lack of adherence to the spirit of the constitution, with successive governments failing to ensure that leasing arrangements are not prejudicial to Vanuatu and its citizens. Currently, approximately 10% of Vanuatu is under lease with 60% of coastal Efate leased.
- A dysfunctional leasing process, with successive Ministers abusing their powers and signing off leases on behalf of custom owners.
- Legislative failings that have given rise to confusion as to what falls under the jurisdiction of the formal legal system and what can/should be dealt with under the customary system.
- Institutional and administrative failings arising from poorly-resourced organisations, outdated practices and procedures, limited use of new technology, poorly maintained records and limited human resource capacity.
- A general lack of awareness among the citizens of Vanuatu about their rights and responsibilities regarding land matters.

Current Initiatives to Improve Land Administration: The Vanuatu Land Program (the Program) was a 5-year initiative funded by the Australian and New Zealand Governments and designed to address these issues. The Program supported a range of activities that focused on both the formal and customary land sectors, and was designed to strengthen institutions, build capacity, improve governance and improve service delivery.

In respect of customary land, the Program supported a major land reform initiative that included constitutional amendments, legislative change (including the limiting of Ministerial powers), the introduction of a more open, transparent and participatory leasing process and outreach, and public awareness workshops.

In the formal sector, efforts focused on improving the core land administration functional areas of surveying, registration and valuation, and included organisational reviews, capacity building through training and education programs, process re-engineering, digitisation of records and IT systems development and implementation.

3 CHANGING ENVIRONMENT FOR LAND PROJECTS

When designing a major land project, there is often a tension between a focus on private rights and a focus on public land. There is also often a tension in deciding whether the focus is on the urban or the rural sector. Projects in the urban sector typically have objectives focused on economic development, markets and employment, while projects in the rural sector (often concerned with agricultural production and markets) are typically concerned with aspects such as food security, environmental sustainability, forest management and customary tenure.

There is also tension between a focus on the formal and informal sectors. In many cities in the developing world there are pockets of informal settlements that have been occupied for generations. In rural areas, the formal rights systems, which often include economic land concessions, are bumping up against the rights of indigenous peoples and those traditionally reliant on access to forests, rivers and foreshores. Furthermore, there is tension between a focus on projects to formally recognise existing rights and projects that seek to redistribute land rights. The Global Land Tool Network (GLTN) has developed the concept of the 'continuum of land rights' (Figure 1), which has gained general acceptance (GLTN, 2015). About 30 years ago, when the author started working in Thailand, there was a focus on land titling – the scaling up of a participatory process to systematically register existing rights in land. Today, projects are encouraged to recognise rights along the continuum of land rights and/or seek to change the rules to broaden the scope of the tenures recognised by the formal system.

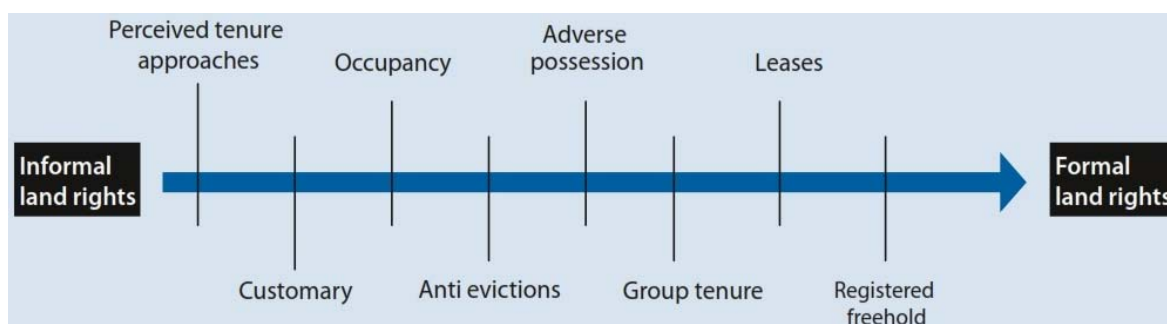


Figure 1: Continuum of land rights (UN-HABITAT, 2008).

A number of other recent developments shape how projects to improve land administration systems are designed. These developments include global development goals, an increased focus on land governance, particularly the VGGTs and the concept of fit-for-purpose land administration. These developments are briefly discussed below.

3.1 Global Development Goals

The Sustainable Development Goals (SDGs) replace the Millennium Development Goals that expired in 2015 (UN, 2016a, 2016b). The SDGs were adopted in a meeting of the Heads of State and Government and High Representatives at the United Nations Headquarters in New York in September 2015. There are 17 SDGs with 169 associated targets. The new goals and targets have come into effect on 1 January 2016 and will guide development decisions over the subsequent 15 years. The SDGs have been designed to be implemented at the country, regional and global levels.

A comprehensive range of 241 indicators has been developed to monitor progress in realising the SDGs. Six of the suggested global monitoring indicators and two of the suggested complementary national indicators have a significant focus on land (Table 1).

Table 1: Sustainable development goals with a substantial land component.

Indicator		Goal/Target	
#	Description	Goal	Target
1.4.2	Proportion of total adult population with secure tenure rights to land, with legally recognised documentation and who perceive their rights to land as secure, by sex and type of tenure.	1. End poverty in all its forms everywhere.	1.4 By 2030 ensure that all men and women, in particular the poor and vulnerable, have equal rights to economic resources, as well as access to basic services, ownership, and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services including microfinance.
5.a.1	(a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure.	5. Achieve gender equality and empower all women and girls.	5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.
5.a.2	Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control.		
11.1.1	Proportion of urban population living in slums, informal settlements or inadequate housing.	11. Make cities and human settlements inclusive, safe, resilient and sustainable.	11.1 By 2030 ensure access for all to adequate, safe and affordable housing and basic services, and upgrade slums.
16.5.1	Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by these public officials, during the previous 12 months.	16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.	16.5 Substantially reduce corruption and bribery in all its forms.
16.5.2	Proportion of businesses who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by these public officials, during the previous 12 months.		

In summary, these six indicators include:

- An indicator that seeks to ensure that the adult population has secure rights to land with legally recognized documentation and perceives their rights as secure, by sex and type of tenure.
- An indicator or indicators to assess the proportion of the total agricultural population with secure tenure, by sex, and share of women amongst owners or rights-bearers of agricultural land, by type of tenure.
- An indicator to assess the proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control
- An indicator on the percentage of the urban population living in slums or informal settlements.

- Two indicators on bribery and corruption, something that is relevant as the land sector has been highlighted as prone to corruption in many of the surveys by Transparency International.

3.2 Emphasis on Governance

The actions of government are increasingly being more open to oversight and commentary by the domestic and international community. There is increased focus on good land governance. One example of this is the Land Governance Assessment Framework (LGAF) that the author helped develop with the World Bank (Deininger et al., 2012). LGAF is a tool that cuts across the traditional institutional silos in the land sector. Using local experts, LGAF (over 3-6 months) reviews:

1. How property rights to land (for groups or individuals) are defined, enforced, can be exchanged and transformed.
2. The way land is managed, land use plans and regulations are prepared and implemented, and how land is taxed.
3. What is state land, how it is managed, acquired and disposed of.
4. The nature and quality of property ownership information available to the public and the ease with which it can be accessed or modified.
5. The way in which disputes are resolved and conflict is managed.

The LGAF assessment and report is presented in a form that provides the basis for decisions by policy makers and development partners. LGAF has been undertaken in about 40 countries and is being implemented at the sub-national level (LGAF, 2016).

To support the focus on land governance, a range of indicators have been developed. Some of these focus on land markets, such as the Global Real Estate Transparency Index covering 102 global land markets (JLL, 2016). The International Property Rights Index focuses on property rights and how well governments recognise and protect them (Property Rights Alliance, 2015). The World Bank's Doing Business indicator assesses a range of indicators on how government fosters business activity and one of these indicators is registering property (World Bank, 2016).

3.3 Voluntary Guidelines

The FAO VGGTs were officially endorsed by the UN Committee on World Food Security on 11 May 2012 (FAO, 2016). The VGGTs, which were developed by FAO through a broad global partnership of international, regional and national organisations of different types are voluntary and are not legally binding on governments. They do not replace existing laws. The guidelines outline principles and practices that governments can refer to in making laws and administering land, fishery and forest rights.

3.4 Fit-for-Purpose Land Administration

Another concept that guides the design of land projects is the concept of fit-for-purpose land administration. This concept was published by the International Federation of Surveyors (FIG) and the World Bank at the World Bank Land Conference in 2014 (Enemark et al., 2014).

In many countries, the land administration system is often inherited from colonial administrators and is controlled by special interest groups, such as lawyers and surveyors. The insistence on high standards has a serious impact on the cost of land administration services (both to government and the public) and is a factor in the lack of investment in land administration in many countries. Fit-for-purpose land administration has the following elements:

- There is flexibility in the approach to data capture.
- It is inclusive in the tenure covered.
- It is participatory in its approach to data capture.
- It is affordable for governments to establish and operate and for society to use.
- The information provided by the system is reliable.
- It can be attained in a short timeframe within available resources.
- It can be upgraded over time.

The key principles to establish a spatial framework for a fit-for-purpose land administration system are:

- Visible (physical) boundaries, rather than fixed boundaries.
- Aerial/satellite imagery, rather than field surveys.
- Accuracy relates to purpose, rather than technical standards.
- Demands for updating and opportunities for upgrading and ongoing improvement.

A Guide for Fit-For-Purpose Land Administration is being finalised by GLTN. This guide has been prepared using a pragmatic approach for land administration reform in developing countries that aims to provide security of tenure for all within a generation. This approach is a bold change from the traditional approach, which is based on building capacity to scale up existing systems and practices.

4 PROJECTS TO IMPROVE LAND ADMINISTRATION SYSTEMS

4.1 General Nature of Land Administration Projects

In considering land interventions, it is important to realise that there is a wide range of rationales for undertaking projects. These rationales include land reform, land administration reform, systematic registration, public land management, tax mapping and property tax collection, and natural resource management. In comparing different projects, it is important that these different rationales are considered. There has also been a different view in the development community of the scope of land intervention and this has changed over time.

Based on his experience in the land sector, Prof John McLaughlin of the University of New Brunswick, Canada has described four waves of land projects, which the author has found to be very useful. McLaughlin considered the first wave to be the successful introduction of western institutions and structures in Japan, Taiwan and South Korea after World War II. The second wave was implemented by USAID and others in the 1970s with a focus on land reform. Land reform was implemented with varying degrees of success in South America, Vietnam and the Philippines. The third wave (implemented from the 1980-90s) focused on land titling and was implemented in Thailand, Peru, Mexico and in Europe and Central Asia (ECA) countries as they moved from socialist to market economies. The fourth wave is the current wave, which is driven by globalisation and built around a more flexible approach to cadastres and tenures, and embodied with the principles of good governance, service delivery

and clear indicators.

There are many land interventions being implemented throughout the world as shown on the Land Governance Programme portal (<http://landgov.donorplatform.org>) that was established by development partners (DPs). As at 12 December 2015, there were 678 projects listed across 129 countries (and they were only the projects listed by major DPs). About 20 years ago, land projects were funded by the World Bank and a limited number of bilateral DPs. Now, land projects are funded by governments, multilateral and bilateral development partners, philanthropic organisations (e.g. the Ford and Gates Foundations, and the Omidyar Network), civil society organisations (CSOs), private companies and combinations of the above.

4.2 Some LEI Land Administration Projects

Summarised in this section are some of the recent and current experiences of LEI on designing and implementing land projects, focusing attention on some of the environmental factors discussed above.

4.2.1 Land Policy in Palestine

The National Land Policy Framework (NLPF) for Palestine was prepared by LEI under a World Bank contract. The work started in January 2007 and was completed in March 2008. The work involved eight individual studies on land registration, land markets, land disputes, State and municipal land, land valuation, land related fees and finance, legal and institutions, and an education needs assessment. These studies were largely completed by mid-2007 and laid the foundation for the preparation of the NLPF and draft laws. All the studies and the preparation of the NLPF were undertaken with significant stakeholder consultation. The schematic set out in Figure 2 was developed to support the formulation of the NLPF.

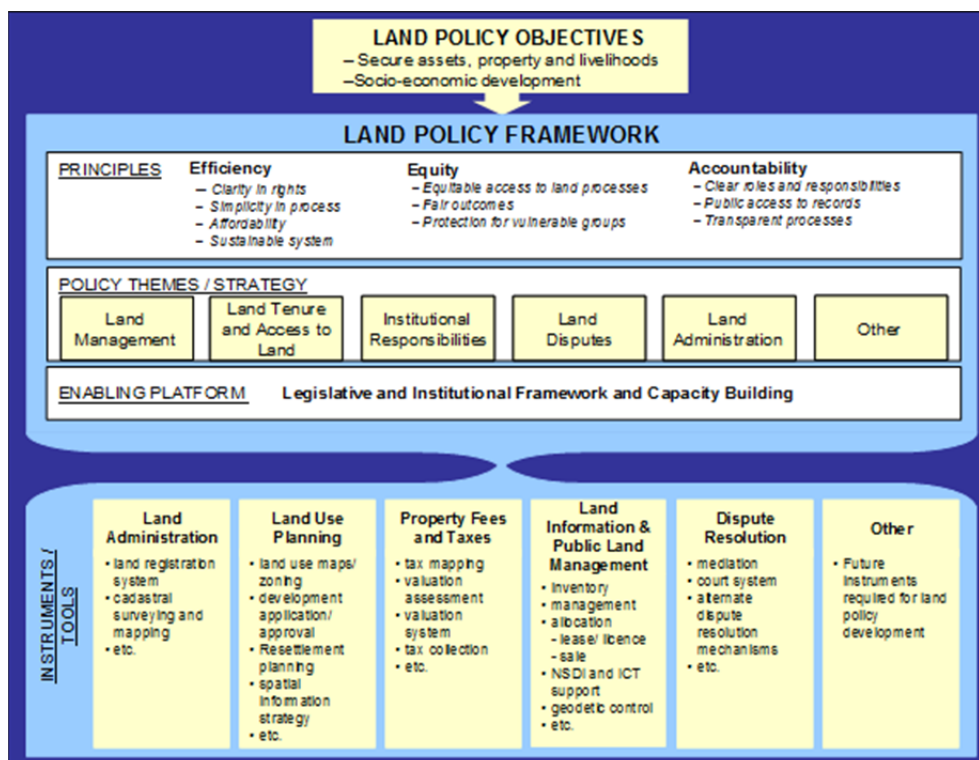


Figure 2: Land policy schematic.

The draft NLPF document was presented to key stakeholders and policy makers at workshops held in August 2007. The NLPF presents a comprehensive set of 32 policy statements covering the key aspects of land policy in Palestine:

- Land management.
- Land tenure and access to land.
- Institutional responsibilities.
- Land disputes.
- Land administration.

The policy statements were presented in a series of meetings to a council of Ministers and the text was agreed. The policy statements provided clear guidance in drafting new legislation. The NLPF was agreed by government, but has never been implemented. Late in the assignment there was a dispute between the Minister of Planning (who LEI was working for) and the Prime Minister/Minister of Finance (who administered the Palestinian Land Authority, PLA). The dispute was largely driven by the fact that the newly appointed Chairman of the PLA was unhappy with some of the provisions for more transparency in the way land was administered in Palestine. The Minister of Planning stepped back and the NLPF was never implemented.

The key lesson here is that success in implementing land administration reform requires *political will* and the clear desire of policy makers to support those seeking to implement reform.

4.2.2 Pilots for Regularisation and Formalisation in Tanzania

Tanzania has one of the highest levels of urban informality worldwide. Currently, there is a gap of at least 2.6 million urban properties that are not registered. In recent years, about 20,000 new Certificates of Right of Occupancy (CROs) have been issued annually. At this rate, it will take 65 years to register the estimated 2.6 million urban properties that are not registered. However, in practice, it will take much longer to register all urban properties in mainland Tanzania. The 2012 census reported an average annual growth of the urban population of 2.7% between 2002 and 2012. If this average continues for the next 65 years, in 2080 there will be an additional 14 million urban properties needing to be registered – purely as a result of growth in the urban population. Another important concern, other than the time required to complete registration in urban areas, is the cost of doing so. The unit cost of issuing CROs in Mwanza in western Tanzania under a recent World Bank project was about TZS 400,000 (about US\$ 250 in 2010). The cost to register 2.6 million properties at this unit cost would be about TZS 1,040 billion (about US\$ 650 million).

It also needs to be recognised that many of the existing urban properties that are not registered cannot be registered under the current process, either because the residents cannot afford the time and cost necessary for registration, or because their property would not be eligible for registration under the current procedures. There are only about 188 registered surveyors in Tanzania. Without a fundamental re-engineering of the process to ensure scalability, drawing on lower-cost fit-for-purpose approaches, realising the ambitious targets set by the government in 2014 will be virtually impossible.

A manual has been prepared to pilot a new approach to regularisation and formalisation (Figure 3) in three urban areas: Tabora, Mbalizi and Morogoro.

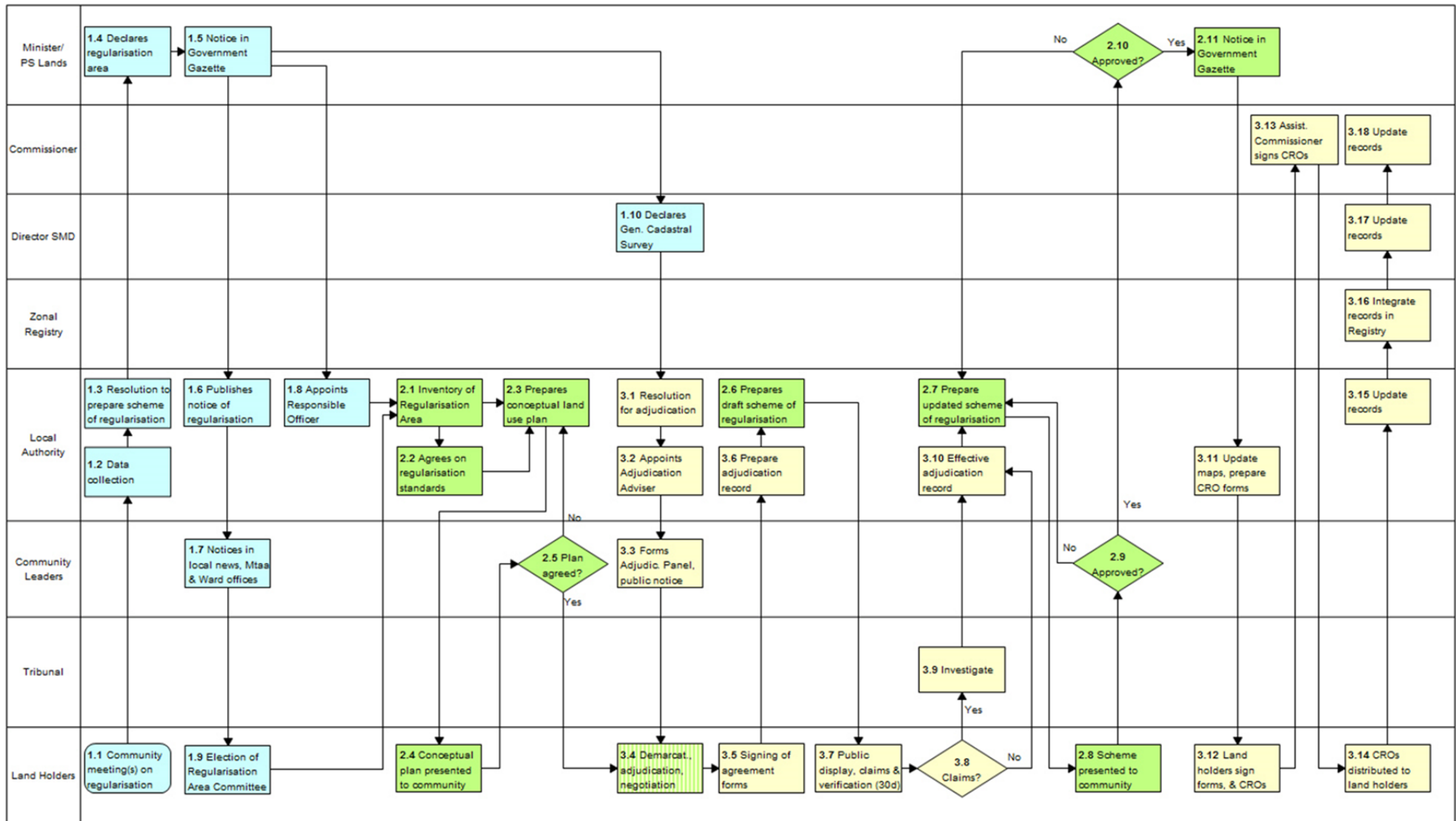


Figure 3: Process for regularisation and formalisation in Tanzania.

The process to be piloted has been developed to accord with current legislation (in consultation with key stakeholders) and seeks to pilot, test and refine a process that can in a very participatory approach prepare and approve a regularisation scheme and an adjudication record that will issue CROs at less than US\$ 10 per CRO. At the same time, a comprehensive socio-economic evaluation of the impact of regularisation and formalisation will be undertaken. The lessons from the pilots and the socio-economic evaluation will be used to identify regulatory changes and prepare a roll-out plan that can be implemented by government with support from DPs.

A key constraint in getting the new process approved has been getting the consent of the key professions of surveying and planning on the adoption of new, simplified approaches. The Land Survey Act (chapter. 324) was enacted in 1959 under colonial administration (see http://www.ardhi.go.tz/index.php?option=com_phocadownload&view=category&download=71:The%20Survey%20Act.%20Cap%20324&id=16:Survey%20and%20Mapping&Itemid=336). Despite the fact that the Act provides a good deal of flexibility in the survey methodology that might be applied, the profession is very conservative in its approach to cadastral surveying. Considerable effort was required to get the survey profession to consider the use of high-resolution satellite imagery as the map base and to adopt a practice of encouraging land holders in emplacing reference marks instead of the traditional requirement of insisting on concrete beacons.

The Town and Country (Town Planning Space Standards) Regulations of 1997 specify a minimum plot size of 400 m² and a minimum right-of-way width of 6 m. The average plot size in many informal settlements in Tanzania is less than 100 m² and the gaps between plots are frequently too narrow for vehicles. A key step in the regularisation process is the formal adoption of regularisation standards, particularly for plot size and right-of-way width. Too high a standard will lead to large-scale resettlement for which there is no funding.

The pilots were planned to commence early in 2015, but they have been delayed for a range of reasons, including the national election which was held in October 2015. However, a main factor in the delay has been the continued reluctance of surveyors to adopt a streamlined process. As the pilots have not commenced, we have not reached the stage where planners need to demonstrate flexibility in adopting flexible regularisation standards.

The key lesson here is that the professions and professional standards can be a serious impediment to the search for simplified procedures and systems.

4.2.3 Protecting Small-Holder Farmers in the Mekong

The Mekong Region Land Governance (MRLG) project aims to contribute to the design of appropriate land policies and practices in Cambodia, Lao PDR, Myanmar and Vietnam, responding to national priorities (in terms of reducing poverty, improving nutrition and increasing economic development), and supporting family farmers so that they can be secure and make good decisions on land use and land management (MRLG, 2016). The first four years of the planned 8-year project commenced in early 2014, funded by the governments of Switzerland and Germany. It is being implemented by LEI in association with Gret (Professionals for Fair Development, France).

The MRLG project is a multi-stakeholder-driven project that is very different sort of project for LEI. The project does not directly interface with government and build government capacity. It has been a challenge to negotiate standard memorandums of understanding

(MOUs) with government agencies – the traditional basis for implementing development projects. The project focuses on ‘reform actors’ (or those from civil society, government, academia and the private sector) with an interest in the land tenure security and livelihoods of traditional small-holder families, and building the capacity of reform actors to work with government to develop improved policies and legislation. The project recognises land policy is an inexorable element of nation sovereignty and identity. However, decades of international and national economic reform favouring the flow of capital across national borders, alongside recent economic crises, have resulted in new threats to land access security of smallholders.

The MRLG project has two key objectives (Figure 4):

1. To strengthen the effectiveness of reform actors.
2. To assist the development and process of more favourable policies, institutions and practices.

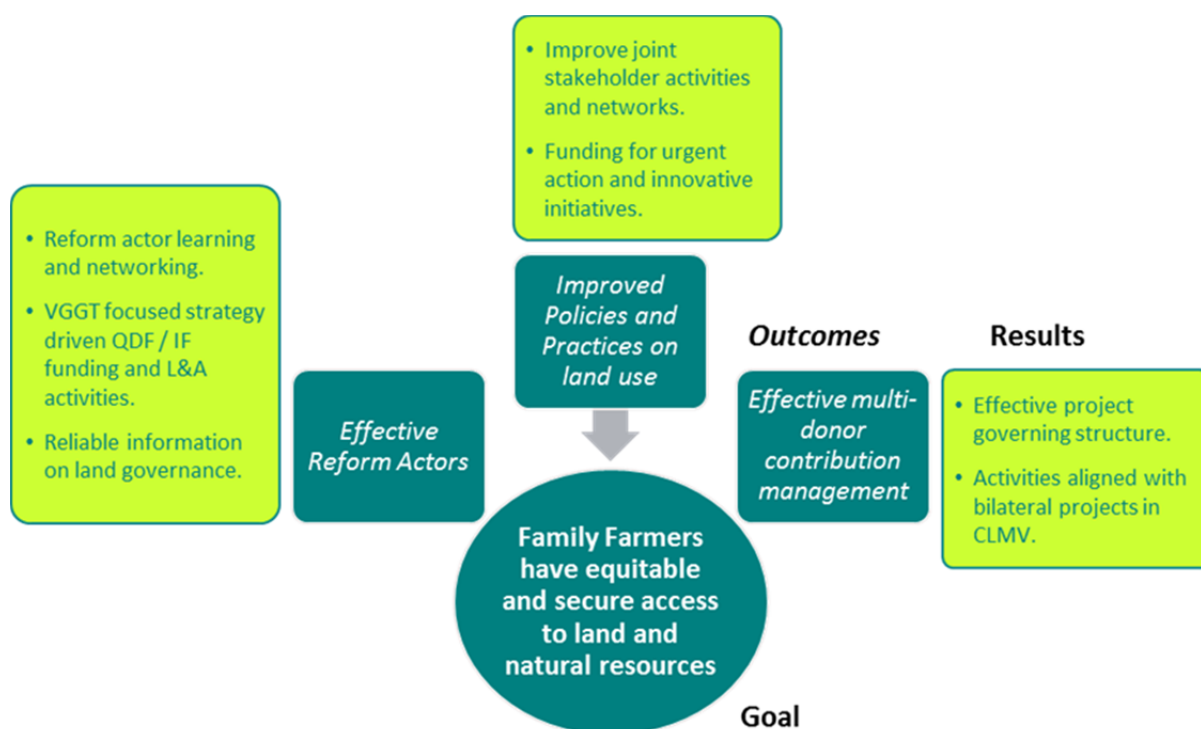


Figure 4: Objectives for the Mekong Region Land Governance (MRLG) project.

The project is funding a learning and alliance building program that supports information collection, analysis, dissemination, horizontal learning and structured learning visits, coaching and pairing, training and organisational strengthening at the national and regional levels. The project also has a grants facility that funds short-term activities contributing to improved land governance and medium-term (one to two years) pilot activities to develop and test innovative practices that might be scaled up.

Land is increasingly being recognised as a fundamental cross-cutting issue. The key lesson from this project is that governments are increasingly being encouraged to adopt policies that protect all in society and develop and implement more transparent systems and procedures.

5 CONCLUDING REMARKS

This paper has highlighted the importance of improved land administration services and the impact that the lack of a good land administration system has on the socio-economic development of many countries. There are real lessons for surveyors, particularly those working in the public sector, from what is happening in regards to land administration internationally.

First, land is increasingly being recognised as an important cross-cutting issue that needs to be managed in a more comprehensive and sustainable manner as the world faces increasing population pressure and other environmental pressures, such as climate change. Australia, like most OECD countries, does not have a land policy. We have a strong rule of law and our legislative framework is consistent and coherent. We also have the complication of being a federation with land management and administration being traditionally a state responsibility. With the recent Paris accord and increasing focus on issues such as climate change, the author believes that Australia will have a land policy in the not too distant future.

Second, the surveyor has a central role to play in land management and administration. Advances in technology are making the job of the surveyor easier, but they are also making surveying and mapping technology more readily available to a wider audience. The surveying profession can embrace this change or lose relevance. There are encouraging signs, but things could go either way.

Finally, there is much relevance in some of the topics that are prominent in international land projects. The focus on improved land governance is just as relevant in Australia as it is overseas and surveyors have an important role in land governance. The concept of fit-for-purpose land administration is also very relevant. Surveyors have, traditionally, been taught to measure things as accurately as possible and to take check measurements to ensure that their field book has all the information necessary to produce authoritative plans and titles. Too often, improving technology has only pushed the desire for improved accuracy. Often, there is a necessary balance in assessing the social and economic case for accuracy, i.e. in deciding on standards and procedures considering the purpose, rather than the technical capacity for accuracy.

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