

**FIG/FAO International Seminar  
State and Public Land Management  
9-10 September 2008  
Verona**

**Some concluding themes**

**Richard Grover**

# Why is public land often badly managed?

Private land is often badly managed, even land belonging to public companies with external shareholders

Possible explanations:

- There are many different types of public land rights and lack of technical ability to manage these?
- There are many different functions of public land and there is a lack of clarity of objectives?
- The public sector manages its relationships with private landowners badly?

# Examples of recent failings in public land management in UK

- Land Registry forced to amend rules after losing case in European Court of Human Rights
- Major mortgage bank (Northern Rock) failed in part due to poor state regulation
- Rural Payments Agency serious delay in paying subsidies to farmers due to failure in drawing up agricultural cadastre
- One of the two consortiums in London Underground Public Private Partnership fails
- Inland Revenue entered into sale and leaseback for its properties and the company transferred to a tax haven to avoid paying UK profits taxes

# What is state/ public land?

- Some countries have a tenure called state land, but many do not
- Concept of ownership being a bundle of rights
- State land varies in quantum of rights
- State rents land as well as owning it – can be long or short lease or license to occupy

# Private - Public Land Continuum

**State land**



**Private land**

Planning controls  
Taxation  
Environmental controls  
Land registration

State freehold but subject to private easements

Privately owned land rented by state – private owner has obligations of landlord

Private freehold but state-owned development rights, easements, restrictive covenants

Planning controls  
Competition policy  
Environmental controls  
Taxation  
Compulsory purchase  
Land registration

# A continuum of state land rights

Inalienable land

Registered freehold

Unregistered freehold

Easements and charges

Adverse possession

Long lease

Short lease

License to occupy

Encroachment

# Why there is state land

- To deliver public services that individuals cannot provide for themselves eg defence
- Investment properties to generate income from rents and charges for state or municipal budgets
- To act as custodian of common property resources on behalf of society eg environmentally or culturally sensitive sites
- To act as custodian of trust lands on behalf of a group eg indigenous people
- To be the owner of an important means of production where private ownership is unacceptable

# **Relationship between the state and private owners**

- Acquisition through compulsory purchase
- Divestment through restitution or privatisation
- Protection of public land from encroachment and land grabbing
- As a facilitator for the private sector eg land consolidation
- With the occupiers of land for which it is custodian or freeholder



# How can the management of public lands be improved?

## **Technical means:**

- Improving competence and capacity
- Clearer management objectives
- Better management systems
- Better management techniques and processes

## **Good governance in land administration:**

Legitimate  
Responsive  
Accountable  
Representative  
Transparent  
Equitable  
Consistent and impartial  
Participatory  
Dedicated to integrity

# Conclusions

- Land tenure is essentially a social phenomenon comprising “rules invented by society to regulate behaviour” (FAO 2002)
- The problems of state and public land management are not capable of being solved by technical means alone
- Solving the governance problem is a political and social issue – it is about power relationships