

Managing Rights, Restrictions, and Responsibilities in Land

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Outline of Presentation

Land Administration Systems

- Rights – Restrictions – Responsibilities
- Spatially Enabled Government

The Global Challenges

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

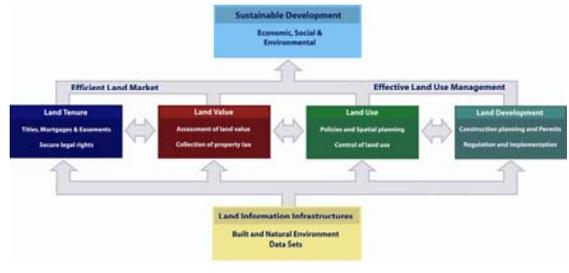
Land governance

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

This includes decisions on access to land; land rights; land use; and land development.

Land governance is about determining and implementing sustainable land policies.

Land Administration Systems

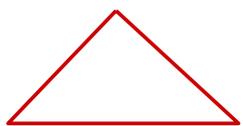


Land Administration Systems provide the infrastructure for implementation of land policies and land management strategies in support of sustainable development

Interests in land

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

Rights:
Registration and security of tenure positions



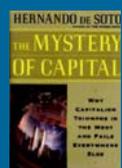
Responsibilities:
Social, ethical commitment to environmental sustainability and good husbandry

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

The increasing role of property rights

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

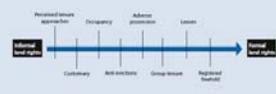
Hernando de Soto – 1993



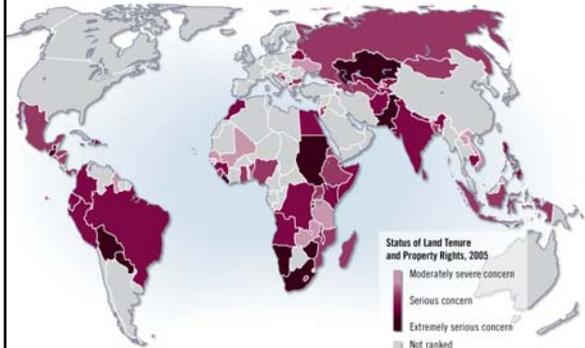
Continuum of rights (GLTN-agenda)

From: illegal or informal rights

To: legal or formal rights



World Status of Land Tenure and Property Rights

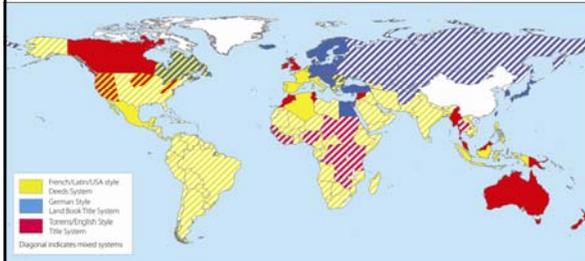


What is a good property system ?

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

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

Land Registration Systems around the World



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

A worldwide Comparison of Cadastral Systems

Cadastral Template
A Worldwide Comparison of Cadastral Systems

Cadastral country reports based on a jointly developed FIG/ISPRS template. Established under UN mandate by Resolution 4 of the 16th UNREC-AP in Okinawa, Japan in July 2003. UN endorsement for cooperation with UN/ECU WPLA, UN/ECU CDD, and PCIDEA.

Data per Country
See website: 11 Jan. 2007: 42 countries
as of: Select a Country
as of: Select a Country

Field Definitions
See website: 4 Jan. 2008: 42 countries
Select a field

II. Principles and Statistics
See website: 4 Jan. 2008: 42 countries
1:1 Cadastral Principles
2:1 Professionals
2:3 Papers
2:7 Professionals

Documents
• Guidelines for Dominant (English, Spanish, Portuguese)
• Publications
• Administrative Documents

Latest Updates
• Country report of Latvia (31 Dec. 2007)
• Country report of Norway (8 Aug. 2007)
• Country report of Nepal (18 Oct. 2006)
• Update of Latvia and Netherlands (8 Aug. 2006)
• Country report of Austria as 30th country (18 Jan. 2006)
• Country report of Latvia (28 Oct. 2005)
• Country report of Hungary (10 Jul. 2005)
• Country report of Finland (28 Apr. 2005)
• Country report of Estonia (17 Apr. 2004)
• Country report of Venezuela (19 January 2004)

The "Cadastral Template" has been developed by a research group at the Department of Geomatics of the University of Melbourne. It consisted of Prof. Ian Williamson, Dr. Abbas Rajabfar, and Daniel Steudler, supported by Prof. Stig Eriksen from Aalborg University, Denmark.

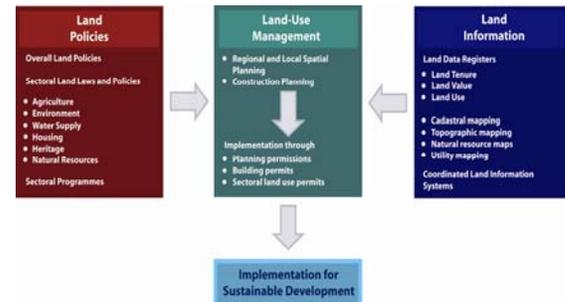
www.cadastraltemplate.org

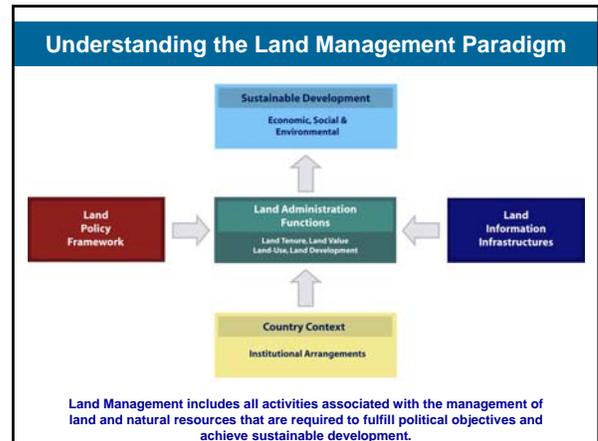
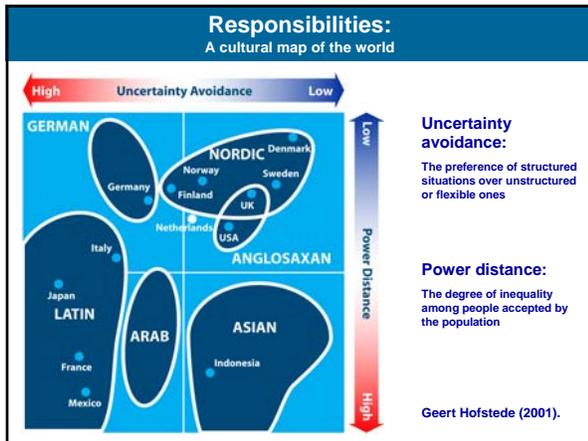
Property Restrictions

- two conflicting approaches

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

Integrated land-use management





Place matters

Everything happens somewhere

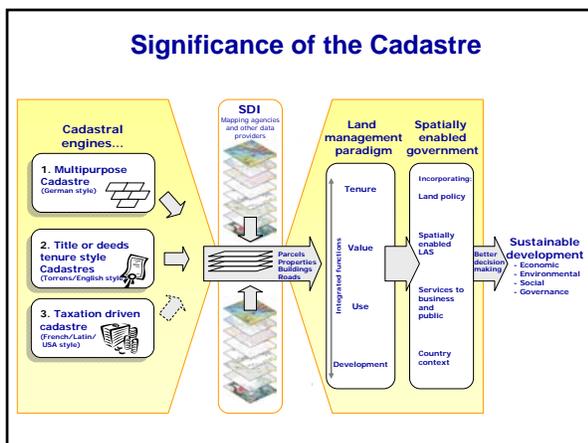
If we can understand more about the nature of “place” where things happen, and the impact on the people and assets on that location, we can plan better, manage risk better, and use our resources better.

“Heading toward spatial enabled society”

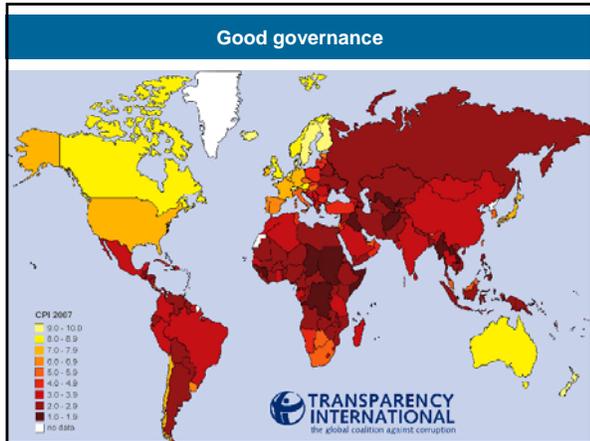
Spatially Enabled Government

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

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



- ### Good Governance is:
- **Sustainable and locally responsive:** It balances the economic, social, and environmental needs of present and future generations, and locates its service provision at the closest level to citizens.
 - **Legitimate and equitable:** It has been endorsed by society through democratic processes and deals fairly and impartially with individuals and groups providing non-discriminatory access to services.
 - **Efficient, effective and competent:** It formulates policy and implements it efficiently by delivering services of high quality
 - **Transparent, accountable and predictable:** It is open and demonstrates stewardship by responding to questioning and providing decisions in accordance with rules and regulations.
 - **Participatory and providing security and stability:** It enables citizens to participate in government and provides security of livelihoods, freedom from crime and intolerance.
 - **Dedicated to integrity:** Officials perform their duties without bribe and give independent advice and judgements, and respects confidentiality. There is a clear separation between private interests of officials and politicians and the affairs of government.
- Adapted from FAO, 2007



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The Global Challenges

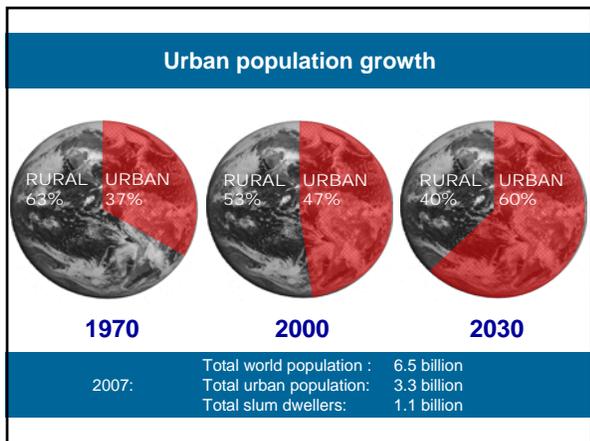
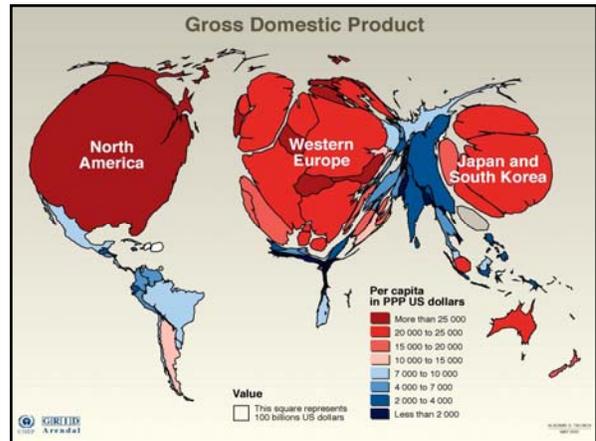
- The Millennium Development Goals
- The Role of FIG and the Global Surveying Community

The UN Millennium Development Goals

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

Goal 8: Develop a Global Partnership for Development

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



It is all about:

People, human rights, engagement and dignity
Politics, land policies and good governance
Places, shelter, land rights, and natural resources
and Power, decentralisation and empowerment



Global Partnership on Land Governance



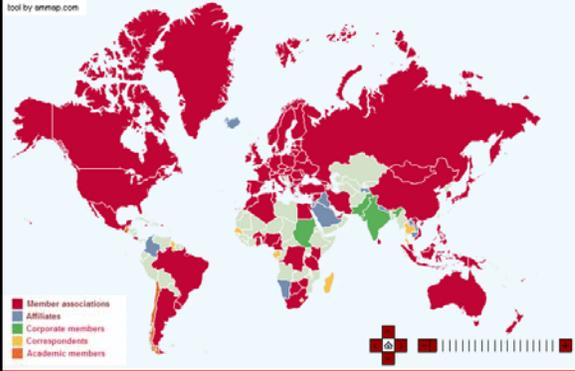
Is strongly committed to the MDGs and the UN-Habitat agenda on the GLTN

No development will take place without having a spatial dimension
 No development will happen without the footprint of the surveyor

FIG Global Partnership with

- **FAO**, projects on capacity building, good governance, land economics, etc....
- **UN-HABITAT**, partner in the GLTN network, projects on informal settlement, informal development, gendered land tools, etc....
- **World Bank**, joint conference on Land Governance in support of the MDGs, Washington, 9–10 March 2009

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



Member associations
 Affiliates
 Corporate members
 Correspondents
 Academic members

FIG Members

FIG publications



WWW.FIG.NET

The Role of FIG

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

"Taking the land policy agenda forward"

XXIV **FIG** International Congress 2010

www.fig2010.com 11 – 16 April 2010



*Facing the Challenges
- Building the Capacity*



**Thank you for
your attention**

Erasmus of Rotterdam 1467-1536