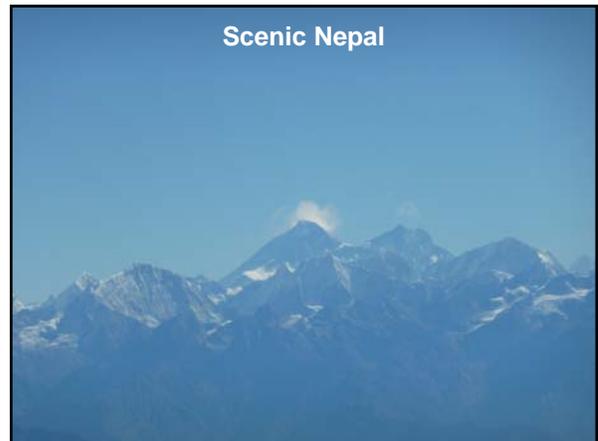


Land Administration Systems

Managing Rights, Restrictions, and Responsibilities in Land

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SURVEY DEPARTMENT
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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

LAS provide the infrastructure for implementation of land policies and land management strategies in support of sustainable development.

Land Tenure: the allocation and security of rights in lands; the legal surveys of boundaries; the transfer of property through sale or lease; and the management; adjudication of disputes regarding rights and boundaries.
Land Value: the assessment of the value of land and properties; the gathering of revenues through taxation; and the management and adjudication of land valuation and taxation disputes.
Land-Use: the control of land-use through adoption of planning policies and land-use regulations at various levels; the enforcement of land-use regulations; and the management and adjudication of land-use conflicts.
Land Development: the building of new infrastructure; the implementation of construction planning; and the change of land-use through planning permission and granting of permits.

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

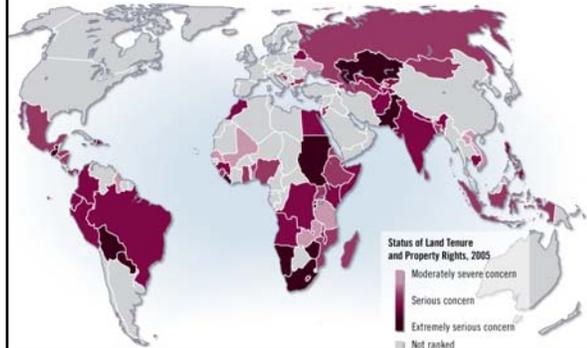
"Civilised living in market Economies is not simply due to greater prosperity but to the order that formalised property rights bring"

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

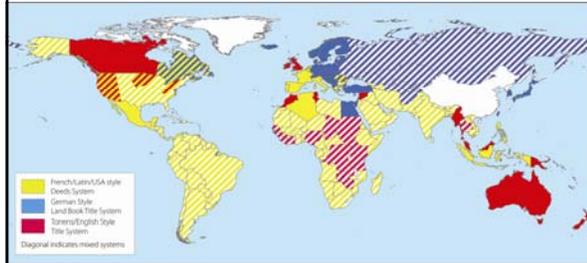


What is a good property system ?

- 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

ICGAP Working Group 9 "Cadastral"

The University of Melbourne Department of Geomatics

FIG FIG Commission 7 "Cadastral and Land Management"

Cadastral Template

A Worldwide Comparison of Cadastral Systems

Cadastral country reports based on a jointly developed FIG/ICGAP 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/ECE WPLA, UN/ECA CODE, and PCIDEA.

Data per Country
See website: 31 Dec 2007: 42 countries
as of: [Select a Country] [Select a Country]

Field Definitions

I. Data per Data Fields
See website: 4 Jan 2008: 42 countries
Select a field

II. Principles and Statistics
See website: 4 Jan 2008: 42 countries
11 Cadastral Principles
23 Parameters
27 Professionals

Documents
• Guidelines for Document (English, Spanish, Portuguese)
• Administrative Documents

Latest Updates
• Country report of China (31 Dec 2007)
• Country report of Korea (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 Jun 2006)
• Country report of Latvia (28 Oct 2005)
• Country report of Bulgaria (10 Jul 2005)
• Country report of Finland (28 Apr 2005)
• Country report of Hungary (7 Jun 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

The Cadastral System

CAD. NO.	AREA	WAY	NO. OF PARCELS
8th	826.7	0.17	1

The Cadastral register identifies the land parcels by number and area



The Cadastral map identifies the land parcels geographically

CAD. NO.	OWNER	MORTGAGE	BASEMENT
8th	DATE	DATE	DATE
826.7	DATE	DATE	DATE
	DATE	DATE	DATE
	DATE	DATE	DATE
	DATE	DATE	DATE

The Land Book secures the legal rights based on the cadastral identification



The cadastral measurements identify the position of the property boundaries

The Web-Cadastre

Map of land parcels with various data fields and search options.

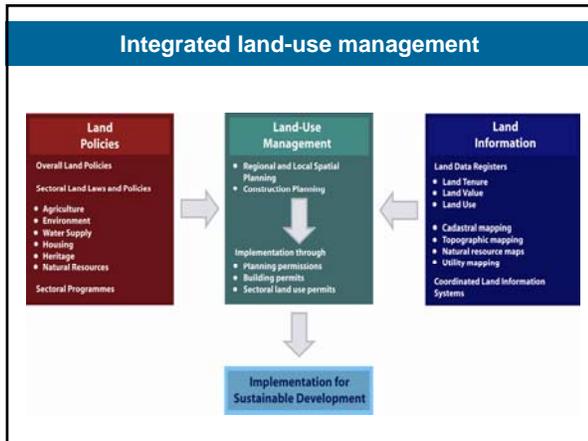
Boundary determination

- Monopoly for the Private Licensed Surveyors
 - According the Surveyors' Act
- Process
 - Comparing the cadastral information to physical conditions, fences..
 - If discrepancies: the surveyor must involve the landowners and clear up the reason
- Adverse possession
 - 20 years of possession leads to a prescriptive right: legal ownership
- Boundary disputes
 - The landowners must apply to a licensed surveyor, acting as a judge
 - Formal process involving the landowners to achieve an agreement
 - If agreement can not be reached – the case goes to court
 - Around 40 cases per year, less than 5 cases goes to court.

Property Restrictions

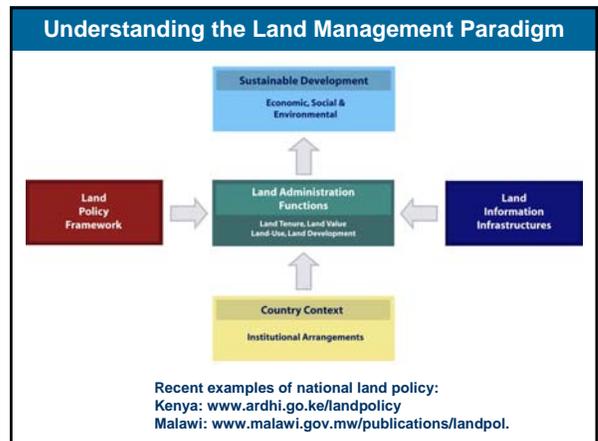
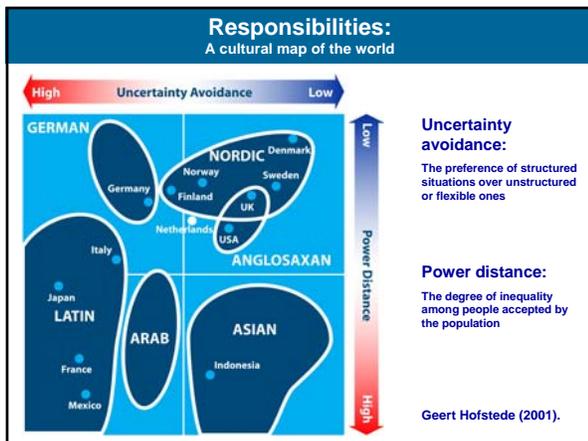
- two conflicting approaches

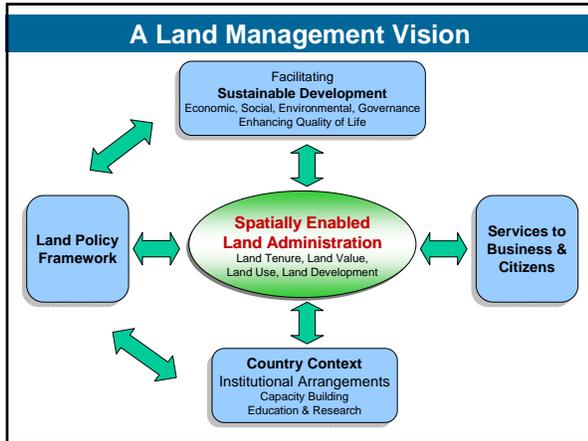
- **The free market approach** (current debate in the US)
 - Land owners should be obligated to no one and should have complete domain over their land.
 - The role of government to take over, restrict, or even regulate its use should be non-existent or highly limited.
 - Planning restrictions should 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.



Three core principles

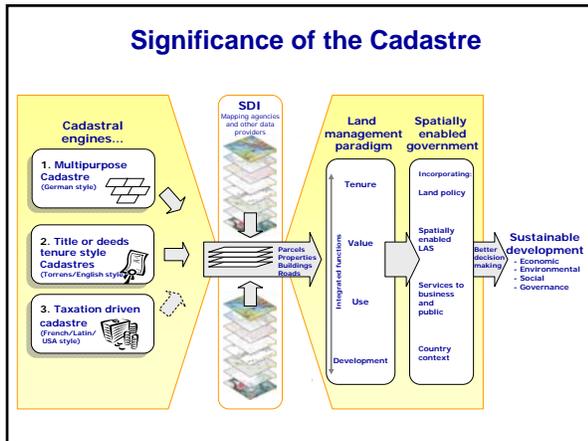
- **Decentralisation of planning responsibilities**
 - Local representative democracy responsible for local needs
 - Combining responsibility for decision making with accountability for economic, social and environmental consequences.
 - Providing monitoring and enforcement procedures
- **Comprehensive planning**
 - Combining aims and objectives, land-use structure planning, and land use regulations into one comprehensive planning document covering the total jurisdiction
- **Public participation**
 - Providing awareness and understanding of the need for planning regulations in respond to local needs.
 - Legitimising local political decision making





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.
- Identification of "the place" in ways that are understandable by non-technical people (Google Earth)
- Capacity of businesses and citizens to manipulate the information should be organised through the use of **service oriented IT- architecture**.
- The technical core of Spatially Enabling Government is the **spatially enabled cadastre**.



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- Rights – Restrictions – Responsibilities
- Spatially Enabled Government

The Global Challenges

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

Global Partnerships in Land Management

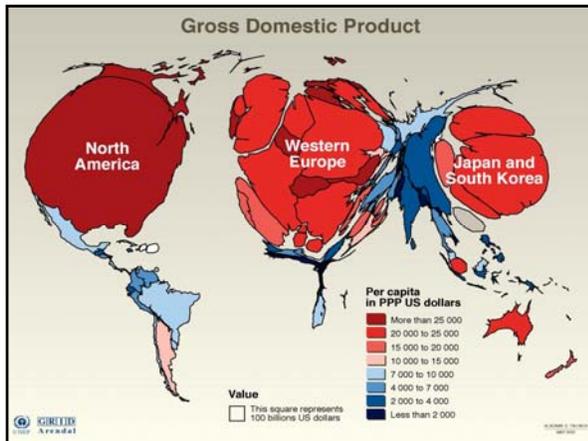
Is strongly committed to the MDGs and the UN-Habitat agenda on the GLTN

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



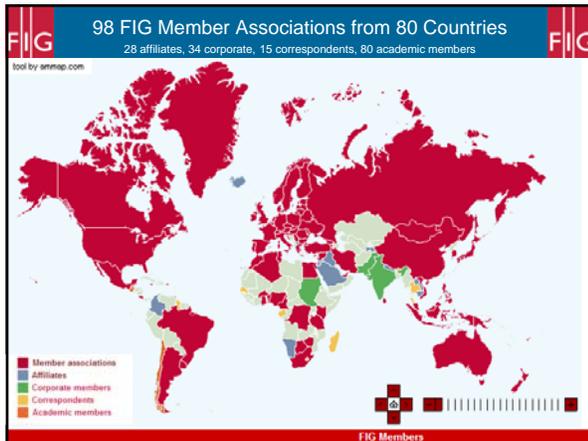
It is all about:

People, human rights, engagement and dignity

Politics, land policies and good governance

Places, shelter, land rights, and natural resources

and Power, decentralisation and empowerment



The Role of FIG

- **Professional Development**
 - Global forum for professional discussions and interactions
 - Conferences, symposia, commission working groups,
- **Institutional Development**
 - Institutional support for educational and professional development at national and international level
- **Global Development**
 - Cooperation with international NGO's such as the UN agencies, World Bank, and sister organisations
 - Joint activities and common policy-making to reduce poverty and enforce sustainable development

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

The Role of FIG

FIG this way, 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.

