Decentralisation and Good Governance in Land Administration Systems

Salfarina SAMSUDIN, Malaysia, Jasmine Lay-Cheng LIM and William McCLUSKEY, United Kingdom

SUMMARY

Land administration is a complex process and often associated with decentralisation. In recent years, there has been increasing interest in the importance of decentralisation governance in land administration systems. At present, there are no standardized frameworks available to assess and compare the consequence of the systems put in place. Therefore, it has become necessary to develop a strategic assessment framework to determine the relative relationship between a decentralised land administration system and good governance that might affect the performance of the delivery of services. The purpose of this paper is to optimize the variables and extract the principles to develop a Decentralised Land Administration Governance Assessment Framework (DLAGAF). The opinions among land administration experts were evaluated through a questionnaire survey, which has highlighted the key principles and variables for assessing good decentralised land administration governance. The results derived from an Exploratory Factor Analysis (EFA) rotation indicate that the principles can be grouped as follows: sustainability principles, transparency, efficiency and effectiveness principles, responsiveness principles, clarity and simplicity principles, security and stability principles, consistency and impartiality principles. The six factors extracted showed strong validity and reliability. The findings are discussed and suggestion for future research are presented.

Decentralisation and Good Governance in Land Administration Systems, (7289)
Samsudin Salfarina (Malaysia), William McCluskey (United Kingdom)

1/11

Decentralisation and Good Governance in Land Administration Systems

Salfarina SAMSUDIN, Malaysia, Jasmine Lay-Cheng LIM and William McCLUSKEY, United Kingdom

1. INTRODUCTION

Although land administration engages with complex processes and procedures, it requires static and dynamic components to achieve sustainability (Molen 2002). According to UNECE (1996), land administration refers to a processes of determining, recording, and disseminating information on land parcels and it is particularly related to land rights, land use and the value of land. A land administration function includes four main components, namely: juridical, regulatory, fiscal, and information management (Dale and McLaughlin, 1999). It also includes categories such as: land registration, cadastral surveying and mapping, fiscal, legal, multipurpose cadastres, and land information systems (Enemark, 2003). Land administration in developing countries currently faces a number of problems, including: limited collaborations; over centralisation; poor coordination between land management institutions; and, an imbalance between national policy and local decision making (Olowu, 2002; Firman, 2004; Auzin, 2004; Enemark, 2004). Consequently, the broad issues in land administration contribute to the improper use of land resources and they create inflexible and overly comprehensive land regulatory and legal frameworks (Firman, 2004). In addition, some developments are poorly designed, poorly administered, and in the wrong location (Bennett et al., 2008). With regard to institutional arrangements, the land administration system has been controlled by different regulations, processes and standards than those governed by multiple organisations with limited collaboration (Bangsal and Lebrilla, 2008). The separation of various organisations in land management has become a major international problem, even though it is supported by new technology (Williamson et al., 2010).

Land administration has become a substantial obstacle to the development of land management activities that can deliver sustainability. Correspondingly, sustainable development can be enabled by interconnected elements that use a decentralisation approach (Enemark 2001; Robertson 2002) and good governance strategies (Enemark 2001; Torhonen 2004; Wallace 2009). However, despite the considerable growth of research on land administration, most studies have paid attention to the theoretical and conceptual studies (Barnes, 2003; Burns and Dalrymple, 2007; Enemark, 2001; Molen, 2002; Steudler, 2004; Williamson and Ting, 2001; Williamson, 2001) while very little attention has been given to empirically confirming the significant relationship between the two. In addition, there is still a lack of understanding of the need for a strategic framework for decentralised good governance. Consequently, this study attempts to propose a mechanism that can be used to determine the link between decentralisation and good governance. Therefore, this study was undertaken to develop a framework for assessing decentralised land administration governance.

2. DECENTRALISATION AND GOVERNANCE IN LAND ADMINISTRATION

2.1 DECENTRALISED LAND ADMINISTRATION SYSTEM

Land administration arrangements are commonly influenced by national culture (Dale and McLaughlin, 1999) while the institutional arrangements in land administration that are influenced by the system include decentralisation and centralisation (Williamson, 2001). Decentralisation has recently received more attention because it has been used to enhance public services in developing countries. It requires the transfer of land administration operational functions to the local or departmental level (Barnes 2003) and requires that delegation is made between governmental levels (Enemark 2004). A decentralised system reduces the need for co-ordination (Roy and Tisdell, 1998), creates more opportunities to the local people in the decision making processes (Sarker 2003), promotes participatory and encouraging sustainability (Ouedraogo 2005) offers more efficient and effective administration and management (FAO 2007), and replaces inappropriate centralisation management (Jusoh et al.,2009).

Previous studies have highlighted that there are three broad forms of decentralisation (e.g. World Bank 1983; Sarker 2003; White & Smoke 2005), which can be determined by particular functions that have been transferred from central to state authorities (Meinzen-Dick et al.,2008). Accordingly, they can be determined by the patterns of resources transferred and the stakeholder's responsibility in the decision making process. The first form of decentralisation is deconcentration, which transfers resources and decision making powers from central to local responsibility but still remains centralised (World Bank 1983). The second form of decentralisation is devolution, which is where a local stakeholder is given more independent powers over the delivery of public services. In fact, according to White and Smoke (2005), devolved administrations can have more authority in managing resources and deciding policies than decentralised administrations. The final form of decentralisation is delegation, which involves transferring resources and power from government to organisations outside the bureaucratic structures (World Bank 1983) through a business oriented or privatisation programme (Sarker 2003) but which is still indirectly controlled by central government (White and Smoke, 2005). Abdul Rashid et al. (2009) remarks that decentralisation approaches in governance concepts should involve various stakeholders, such as the government, state, market and civil society groups.

The success of decentralisation significantly relates to the background of the country setting and the capacity of local stakeholders, social institutions and political power (Sheng 2010). In addition, the good performance of decentralisation depends on willingness, transparency, participation, elite capture, corruption level, and policy coherence. Sharma (2006) advocates that instead of depending on the case background to work properly, it has to look into others factors, such as the behaviour of the policy maker in public policy and service provision. Therefore, certain circumstances must be satisfied and should be determined as a continuing process (Ouedraogo 2005). Decentralisation is likely to fail and lead to inadequate government if the local bodies do not have sufficient resources (Barnes 2003; Bevir 2009). Ouedraogo (2005) further declares that conflicts between local and central interest,

Decentralisation and Good Governance in Land Administration Systems, (7289)
Samsudin Salfarina (Malaysia), William McCluskey (United Kingdom)

3/11

corruption, exclusion and institutional disorder are recognised as a constraints and risks of decentralisation, especially in regard to land rights.

2.2 GOOD GOVERNANCE IN LAND ADMINISTRATION

Over the past few decades, the concept of governance has become prominent because sustainability requires that social, economic and environmental components should be balanced in the decision making process. Recently, the discussion about governance has continued in various disciplines, even though its definition and concept still remains debatable (Olowu 2002). Governance is generally understood as the way in which the government interacts with others in managing a country's social, economic and environmental resources (Fyfe 2004). In addition, it must be formed by multi-organisational behaviour (Olowu 2002). Good land governance and information are correlated as a necessary basis to ensure appropriate land administration systems for enabling sustainable development (Ting and Williamson, 2000). Williamson et al. (2008) believes that land administration is fundamentally about good governance and specifically refers to the concept of land governance. Jones (2010) further highlights the importance of good governance in providing an effective system of land administration and relates the need for comprehensive land registration and titling. Therefore, in improving governance in land administration, stakeholders must look into several aspects that can influence the level of performance. According to Bandeira et al. (2010), in order to evaluate a system we must commence with defining its expected results (i.e. objectives) as well as the tools (including strategy and infrastructure) that are available to reach the objectives set up. To ensure that land administration system is well managed under the governance principles, governments and non-governments have to collaborate throughout the policy process.

Land administration requires the setting of principles of good governance as a direction towards balancing social, economic and environmental issues. Accordingly, Antonio (2006), Arko-Adjei et al. (2009), Grover et al. (2007), Sewornu (2010), Zakout et al. (2006) have established the principles for good governance in land administration. For instance, Zakout et al. (2006) highlights the principles of efficiency, effectiveness, transparency, consistency, predictability, integrity, accountability, subsidiarity, autonomy, depolitization, civic engagement, public participation, equity, fairness, impartiality, legal security and rule of the law as the important good governance principles in land administration. In addition, according to Buchanan (2008; cited by Wallace 2009), the principles of good governance can be usefully clustered around three outcomes, which are: responsibility, empowerment objective legal framework. Therefore, in this research, the analytical framework to assess the performance of decentralised land administration governance is developed based on the discussion of the clusters, principles and variables that have been discussed in the literature review. Figure 1 shows the analytical framework of Decentralised Land Administration Governance Assessment Framework (DLAGAF) that is used in this empirical study.

Decentralisation and Good Governance in Land Administration Systems, (7289)   4/11
Samsudin Salfarina (Malaysia), William McCluskey (United Kingdom)

FIG Congress 2014
Engaging the Challenges – Enhancing the Relevance
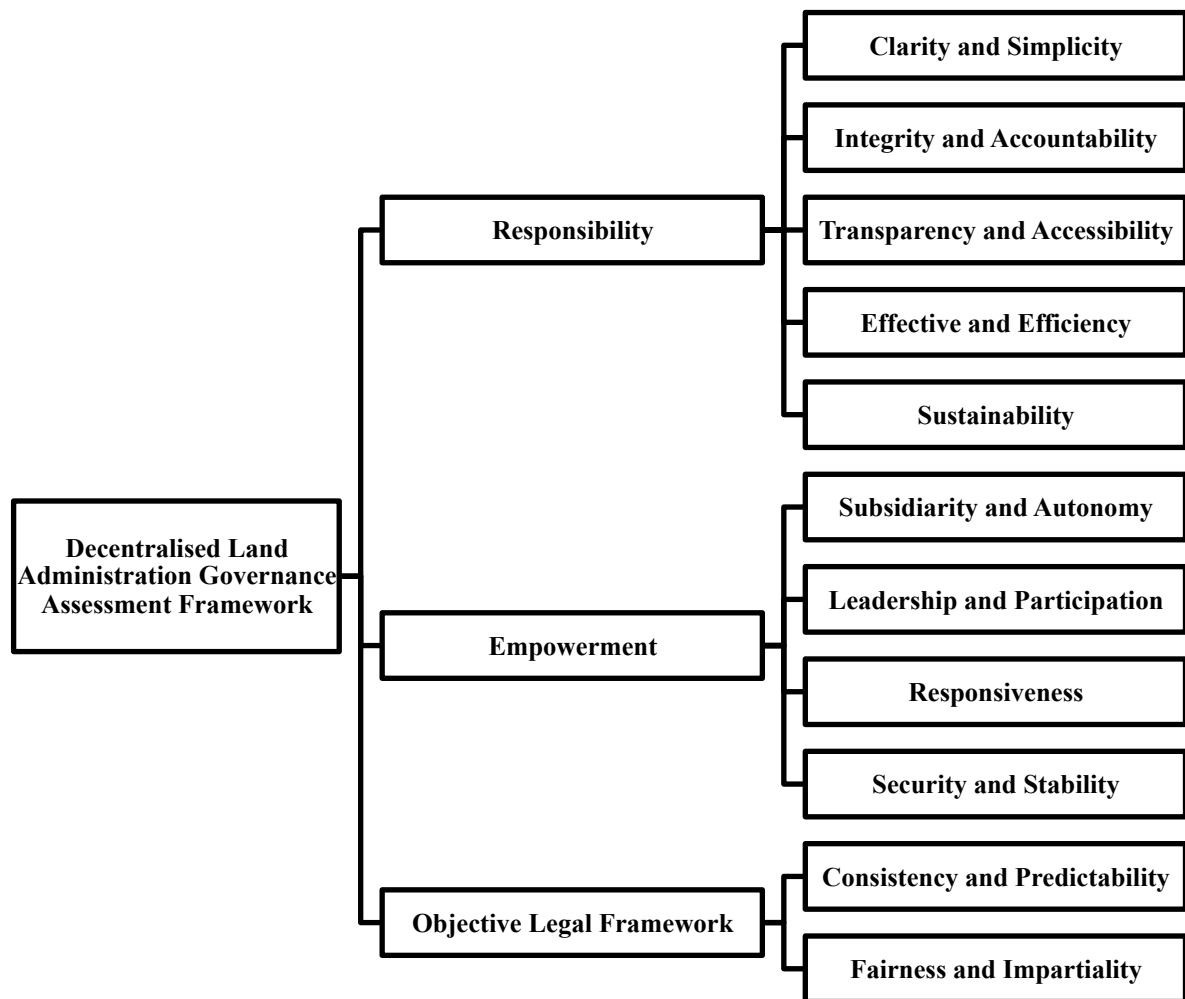Kuala Lumpur, Malaysia 16-21 June 2014

3 RESEARCH METHODOLOGY

The rational for this study is to develop a strategic, decentralised governance assessment framework for land administration systems. Consequently, it is appropriate to develop a rich understanding of how decentralisation and good governance emerges in a mandated situation. Firstly, the results from our pilot study shows that only fifty-two variables with eleven principles were produced initially. Then, data was collected through a questionnaire survey that used Likert scales, ranging from 1 (unimportant) to 5 (very important). A total of 365 questionnaires were distributed to land administration experts from several countries. In total, 205 responses were received but only 161 were valid, giving a response rate of 44.2%. Altogether, of the 161 accepted responses, 140 (87%) respondents are from developing countries while only 21 (13%) respondents are from developed countries. Exploratory Factor Analysis (EFA) was used to analyse the representative data in order to refine a framework for assessing decentralised land administration governance. The various factors that this research has considered include:
   i)   Appropriateness of sample size;
   ii) Factor model and estimation method selection;
   iii) The number of factors and evaluating model fit criteria; and,
   iv) A rotation criteria.

With an appropriate sample size within principles and variables in the three clusters, Principal Component Analysis (PCA) and Varimax with Kaiser Normalization rotation are used to perform orthogonal rotation. With an EFA, the results are able to provide a systematic assessment framework of a set of principles and variables for decentralised land administration governance.

Decentralisation and Good Governance in Land Administration Systems, (7289)   5/11
Samsudin Salfarina (Malaysia), William McCluskey (United Kingdom)

FIG Congress 2014
Engaging the Challenges – Enhancing the Relevance
Kuala Lumpur, Malaysia 16-21 June 2014

Figure 1: Analytical framework of Decentralised Land Administration Governance Assessment Framework (DLAGAF)

```
                                                            ┌─────────────────────────────┐
                                                            │    Clarity and Simplicity    │
                                                            └─────────────────────────────┘
                                                            ┌─────────────────────────────┐
                                                            │  Integrity and Accountability │
                                                            └─────────────────────────────┘
                                    ┌──────────────────┐    ┌─────────────────────────────┐
                                    │  Responsibility  │────│ Transparency and Accessibility│
                                    └──────────────────┘    └─────────────────────────────┘
                                                            ┌─────────────────────────────┐
                                                            │   Effective and Efficiency   │
                                                            └─────────────────────────────┘
                                                            ┌─────────────────────────────┐
                                                            │        Sustainability        │
                                                            └─────────────────────────────┘
                                                            ┌─────────────────────────────┐
                                                            │   Subsidiarity and Autonomy  │
                                                            └─────────────────────────────┘
   ┌────────────────────────┐                               ┌─────────────────────────────┐
   │  Decentralised Land    │     ┌──────────────────┐      │ Leadership and Participation │
   │ Administration Governance│────│   Empowerment    │──────└─────────────────────────────┘
   │ Assessment Framework   │     └──────────────────┘      ┌─────────────────────────────┐
   └────────────────────────┘                               │        Responsiveness        │
                                                            └─────────────────────────────┘
                                                            ┌─────────────────────────────┐
                                                            │     Security and Stability   │
                                                            └─────────────────────────────┘
                                    ┌──────────────────────┐┌─────────────────────────────┐
                                    │ Objective Legal      ││ Consistency and Predictability│
                                    │ Framework            │└─────────────────────────────┘
                                    └──────────────────────┘┌─────────────────────────────┐
                                                            │   Fairness and Impartiality  │
                                                            └─────────────────────────────┘
```

4 ANALYSIS AND RESULTS

The items were identified by using EFA based on two different samples (i.e. local experts and international experts), which was conducted separately by three clusters, namely responsibility, empowerment and objective legal framework. The results of the EFA showed that there were a total of six underlying factors determined appropriate to use as framework for assessing decentralised land administration governance. In the new framework, there are three principles suitable under the responsibility cluster, while a further three principles fitted under empowerment cluster and objective legal framework cluster. According to the results of the EFA, the rest principles were deleted because they were not found to be suitable to use as measurement principle for decentralised land administration, particularly in assessing good governance.

Table 1 shows that decentralised land administration governance can be assessed by three main principles in the responsibility cluster. The first principle includes a mix of eight variables between transparency, efficiency and effectiveness consideration. In the principle of sustainability, all five variables are an important part of the assessment. Lastly, the clarity and simplicity principle has five variables that are acceptable for use in the framework. Table 2 shows that the variables in the empowerment cluster are separated into two principles, which are: responsiveness, and security and stability. The responsiveness principle consists of five variables while security and stability has only four variables. Table 3 shows that the objective legal framework cluster only has one principle with five variables. The variables are tagged as consistency and impartiality principle.

Table 1: Variable in the Responsibility Cluster

Principle	Variable
Transparency, Efficiency and Effectiveness	Roles and powers of the different organisations clearly defined, understood and monitored.
	Transparency in the recruitment of administrative official.
	Transparency in the service standards and costs of service.
	Local land administration delivers faster services, accurate and timely.
	Local land administration has sufficient human and financial resources.
	Local land administration disciplines or dismisses any ineffective administrative officials and professionals.
	Local land administration answers any enquiries within reasonable period.
	Local land administration has competent leadership and administrative officials, and good performance awarded.
Sustainability	Local land administration has considerable economic conditions.
	Local land administration has considerable general social conditions.
	Local land administration has substantial environmental management protection.
	Land law and regulations successfully enforce to prevent unsustainable development.
	Local land administration yields results that lead to sustainable development.
Clarity and Simplicity	Local land administration avoids any overlaps process, excessive requirements, lengthy and confusing procedures.
	Local land administration involves short term for review and approval process and has time limited.
	Local land administration provides clear, simple and understandable rules, guidelines and procedures.
	Local land administration delivers all the required services at one geographical area.
	Local land administration offers uncomplicated appeal mechanisms and solves timely.

Table 2: Variable in the Empowerment Cluster

Principle	Variable
Locally Responsive	Land administration provides sufficient mechanisms to enable client advice and report misconduct.
	Land administration provides service points that accessible to citizens who live far from the administrative office.
	Land administration conducts client surveys to measure satisfaction level.
	Land administration improves access to land information remotely using internet technology.
	Land administration serves services according to the needs of different land user categories.
Security and Stability	Local land administration legally protects registered rights of land owner against claims of others.
	Backup systems for land registration and information allow records to be recreated if destroyed.
	Land information can be altered only by authorized administrative officials according to a law stipulated process.
	Local land administration provides security of land tenure from human conflicts and natural disasters.

Table 3: Variable in the Objective Legal Framework Cluster

Principle	Variable
Consistency and Impartiality	Local land administration system offers consistent and coherent legal framework.
	Local land administration continuously improves the services to ensure the quality of work.
	Local land administration offers affordable cost and does not require expensive services for land registration.
	Local land administration introduces of counter offices and a numbering system for client's arrival.
	Stakeholders have the same access and receive the same service independent of their political and socio economic status.

The EFA results confirmed that, out of eleven principles, only six principles are appropriate to apply in measuring decentralised land administration governance. In response to the findings of the EFA, there are three principles that have been removed from the list, which are: integrity and accountability principle, leadership and participation principle, and subsidiarity and autonomy principle. Hence, the results found that not all of the variables discussed in theoretical framework are significant to apply within decentralised land administration. It can be seen that only thirty-two variables are accepted as important indicators to measure the system, while another twenty variables are exempted. To conclude, although good governance indicators are not necessarily suitable within a decentralised system, they should be considered in order to improve the system.

Decentralisation and Good Governance in Land Administration Systems, (7289)
Samsudin Salfarina (Malaysia), William McCluskey (United Kingdom)

8/11

FIG Congress 2014
Engaging the Challenges – Enhancing the Relevance
Kuala Lumpur, Malaysia 16-21 June 2014

5 CONCLUSION

This paper set out to shine an increasingly focused light on the role of the local land administration in performing better governance. Among practitioners, there is a growing sense of urgency that local land administration must be made to function more effectively in support of sustainable development. This requires a better understanding of the complex interrelations that define decentralised governance systems. I believe that the strategic assessment framework outlined here is a good starting point to provide an overview of how to assess the current decentralised land administration governance. The resulting thirty-two variables with six principles are recommended as a mechanism to examine the relationship between decentralised land administration institutional arrangements and good governance performance.

REFERENCES

Abdul Rashid, A., Jusoh, H. & Jalaluddin, A.M., 2009. The role of efficient urban governance in managing national development. In *International Conference On Development 2009*. Gombak, pp. 1–35.

Antonio, D., 2006. Instituting good governance in the land administration system: the Philippines' perspective M.-P. Törhönen, ed. *Land Reform*, (2), pp.73–83.

Arko-Adjei, A. et al., 2009. Customary Tenure Institutions and Good Governance. *International Federation of Surveyors*, (September 2010), pp.1–20.

Bandeira, P., Sumpsi, J.M. & Falconi, C., 2010. Land Use Policy Evaluating land administration systems : A comparative method with an application to Peru and Honduras. *Land Use Policy*, 27, pp.351–363.

Bangsal, N. & Lebrilla, M.L., 2008. *Land Administration System: Functional and Efficiency Implications*,

Barnes, G., 2003. Lessons learned: an evaluation of land administration initiatives in Latin America over the past two decades. *Land Use Policy*, 20, pp.367–374.

Bell, K.C., 2007. Good Governance in Land Administration. In *FIG Working Week*. Hong Kong: FIG, pp. 1–20.

Bennett, R., Wallace, J. & Williamson, I., 2008. Organising land information for sustainable land administration. *Land Use Policy*, 25(1), pp.126–138.

Bevir, M., 2009. *Key Concepts in Governance*, University of California, Berkeley: SAGE Publications Ltd.

Burns, A. & Dalrymple, K., 2007. Land Administration Core Comparisons. In *FIG Working Week 2007*. Hong Kong SAR, pp. 1–16.

Dale, P.F. & McLaughlin, J.D., 1999. *Land Administration*, New York: Oxford University Press.

Enemark, S., 2004. Building Land Information Policies. In *UN, FIG, PC IDEA Inter-regional Special Forum on The Building of Land Information Policies in the Americas*. Aguascalientes: FIG.

Enemark, S., 2001. Land administration infrastructures for sustainable development. *Property Management*, 19(5), pp.366–383.

Decentralisation and Good Governance in Land Administration Systems, (7289)
Samsudin Salfarina (Malaysia), William McCluskey (United Kingdom)

9/11

FIG Congress 2014
Engaging the Challenges – Enhancing the Relevance
Kuala Lumpur, Malaysia 16-21 June 2014

Firman, T., 2004. Major issues in Indonesia's urban land development. *Land Use Policy*, 21(4), pp.347–355.

Fyfe, T., 2004. Alternative service delivery - responding to global pressures. *International Review of Administrative Sciences*, 70(4), pp.637–644.

Grover, R. et al., 2007. *Good governance in land tenure Good governance in land tenure and*, Rome: Food and Agriculture Organization of the United Nations.

Jones, D.S., 2010. Land registration and administrative reform in Southeast Asian States : progress and constraints. *International Public Management Review*, 11(1), pp.67–89.

Jusoh, H., Malek, J.A. & Rashid, A.A., 2009. The Role of Efficient Urban Governance in Managing Kuala Lumpur City-Region Development. *Asian Social Science*, 5(8), pp.14–32.

Meinzen-dick, R., Gregorio, M. Di & Dohrn, S., 2008. Decentralisation, pro-poor land policies, and democratic governance. , (80).

Molen, P. Van Der, 2002. The dynamic aspect of land administration : an often-forgotten component in system design. *Computers, Environment and Urban Systems*, 26, pp.361–381.

Olowu, D., 2002. Governance in developing countries: The challenge of multi-level governance. In *Seventh International Seminar on GIS in Developing Countries*. Enschede, The Netherlands: GIS Development.

Ouedraogo, H.M.G., 2005. Decentralisation: An Enabling Policy for Local Land Management. In *UNDP-ILC-CAPRI Workshop Proceeding, Land Rights for African Development*. pp. 24–26.

Robertson, W.A., 2002. Anticipating the further development of cadastral systems. *Computers,Environment and Urban Systems*, 26, pp.383–402.

Roy, K.C. & Tisdell, C.A., 1998. Good governance in sustainable development : the impact of institutions. *International Journal of Social Economics*, 25(6), pp.1310–1325.

Sarker, A.E., 2003. The illusion of decentralisation: evidence from Bangladesh. *International Journal of Public Sector Management*, 16(7), pp.523–548.

Sewornu, R.E., 2010. The Role Of good Governance In Improving Women's access Right To Land. *International Journal of Sustainable Development*, 1(5), pp.37–53.

Sharma, C.K., 2006. Decentralisation Dilemma: Measuring The Degree And Evaluating The Outcomes. *The Indian Journal of Political Science*, (1), pp.49–64.

Sheng, Y.K., 2010. Good Urban Governance in Southeast Asia. *Environment and Urbanization Asia*, 1(2), pp.131–147.

Steudler, D., 2004. *A Framework for the Evaluation of Land Administration Systems*. The University of Melbourne.

Ting, L. & Williamson, I., 2000. Spatial Data Infrastuctures and Good Governance: Frameworks For Land Administration Reform To Support. In *4th Global Spatial Data Infrastructure Conference*. Cape Town, pp. 1–13.

Torhonen, M.-P., 2004. Sustainable land tenure and land registration in developing countries , including a historical comparison with an industrialised country. *Computers, Environment and Urban Systems*, 28, pp.545–586.

UNECE, 1996. *Land Administration Guidelines: With Special Reference to Countries in Transition*, New York and Geneva: United Nations Publication.

Decentralisation and Good Governance in Land Administration Systems, (7289)   10/11
Samsudin Salfarina (Malaysia), William McCluskey (United Kingdom)

FIG Congress 2014
Engaging the Challenges – Enhancing the Relevance
Kuala Lumpur, Malaysia 16-21 June 2014

Wallace, J., 2009. Land Acquisition in Developing Economies. In *7th FIG Regional Conference*. Hanoi: FIG.

White, R. & Smoke, P., 2005. East Asia Decentralizes. In *East Asia Decentralizes: Making Local Government Work*. Washington DC: The International Bank for Reconstruction and Development / The World Bank, pp. 1–24.

Williamson, I. et al., 2010. *Land Administration for Sustainable Development*, California: ESRI Press Aademic.

Williamson, I., 2001. Re-engineering land administration systems for sustainable development - from rhetoric to reality increasingly. *International Journal of Applied Earth Observations and Geoinformation*, 3(3), pp.278–289.

Williamson, I. et al., 2008. Understanding Land Administration Systems. In *International Seminar on Land Administration Trends and Issues in Asia and The Pacific Region*. Kuala Lumpur, pp. 1–11.

Williamson, I. & Ting, L.L., 2001. Land administration and cadastral trends - a framework for re-engineering. *Computers, Environment and Urban Systems*, 25(4-5), pp.339–366.

World Bank, 1983. *World Development Report 1983*, Washington DC: Oxford University Press.

Zakout, W., Wehrmann, B. & Torhonen, M.-P., 2006. *Good Governance in Land Administration Principles and Good Practices*, Washington.

BIOGRAPHICAL NOTES

CONTACTS
Salfarina Samsudin
Faculty of Geoinformation and Real Estate
Universiti Teknologi Malaysia
81310 UTM Skudai
Johor Bahru
Johor, MALAYSIA
Email: salfarina_utm@yahoo.com.my

Decentralisation and Good Governance in Land Administration Systems, (7289)
Samsudin Salfarina (Malaysia), William McCluskey (United Kingdom)

11/11

FIG Congress 2014
Engaging the Challenges – Enhancing the Relevance
Kuala Lumpur, Malaysia 16-21 June 2014