Land Titling Suitability Classification Theories

Michael Barry & Rosalie Kingwill

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Structure

- Contribution
- Critical Success Factors (CSFs)
- Theory 1 Classification
- Knowledge Building / Evidence
- Illustrative Context – South Africa
- Land titles adjustment process
- Transaction & defending strategies / channels
- Theory 2: Identifying CSFs, predicting and/or explaining usage
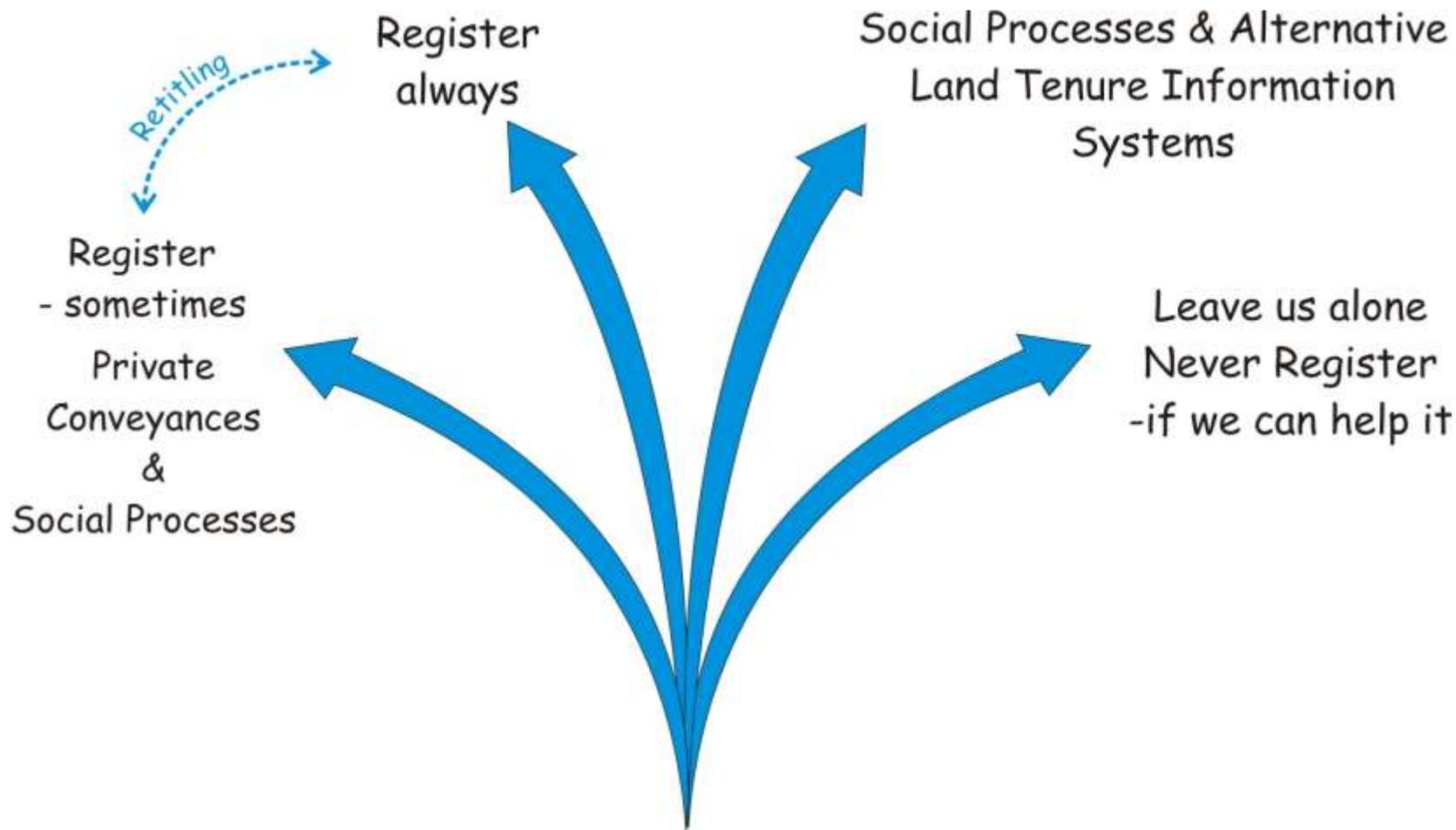- So what and then what?

Contribution

- A set of theories to analyse and predict land tenure information system usage
  - A simple discussion tool for classifying situations based on critical success factors
  - A simple, practical framework for running strategy and evaluation meetings
  - Emphasis on action!
  - Conversations/ meetings may involve politicians and other policy makers, land professionals, academics, officials, local leadership

Assumptions & Approach

- Assumption: a successful information system is one that people use. A successful registration system or any other form of Land Tenure Information System is one that people use.

- Critical Success Factor Approach - used in information systems design and implementation

- What strategies do people use or are likely to use to defend their property rights and/or transact in land?
  - Do they use the registration system? Are they likely to use it?
  - Will they/have they change(d) existing transaction strategy to use new system?
  - Why should they change? Can authorities persuade them to?

Critical Success Factors (CSFs)

- A set of enabling conditions that have a direct, serious impact on the viability of a programme or project.

- These factors must perform excellently for a project to succeed

- Identify Critical Success Factors (CSFs)

- Classify situations according to CSFs.

- Are CSFs present when contemplating titling or present in an existing titling project?

- If not, so what, and what then? What action?

Register
always

Social Processes & Alternative
Land Tenure Information
Systems

Retitling

Register
- sometimes

Private
Conveyances
&
Social Processes

Leave us alone
Never Register
-if we can help it

**Evolving Land Tenure Security Strategies
Land Tenure Information Systems**

Classification Theory

- Strong – All the Critical Success Factors present
  - Proceed with programme

- Semi-Strong – Some CSFs absent or weak, but possible to create or strengthen them.
  - Proceed but with strategies to create or strengthen CSFs. Fix now, not after the fact.

- Semi-Weak - Some CSFs present, but many absent – cannot be created
  - Programme not suited to circumstances
  - Unwise to proceed. Consider alternatives

- Weak – programme ill-suited to circumstances

Illustrative context

- Illustrative context land registration in South Africa's state subsidised housing programme
  - 4.7 million housing opportunities since 1994
  - 1.9 million registered in ownership
- Cloudy titles: Significant number of off-register transactions due to sales, house swops, gifts, inheritance, de facto family house or family resistance
- Consequences: Freeze the formal land market, freeze development plan approvals, cannot expropriate, land taxation & service delivery impacted, heirs or sellers reclaim the house
- Goal ranking in policy formulation and implementation distinctive to South Africa
  1. Deliver houses - Deliverology Driven? Indicator becomes the goal
  2. Ownership (freehold) had to be the tenure form

Knowledge Building / Evidence

- 35 plus years each of experience
- Member of working group on Registration and Surveying options in "New" South Africa post 1994
- Family titles working group
- Urban case studies in Cape Town region (17) in informal settlements, state-subsidized housing projects, land reform.
- Rural and urban case studies in Eastern Cape (3) and KwaZulu-Natal (2) included interviews with Land Titles Adjustment Commissioners and associated documents
- Research and consulting in Ghana, Nigeria, Kenya, Somaliland and The Philippines. Survey projects in Iraq, Indonesia and Zambia. Land and Engineering surveyor in South Africa
- Door-to-door – interview people in their homes, in the streets and interview key persons
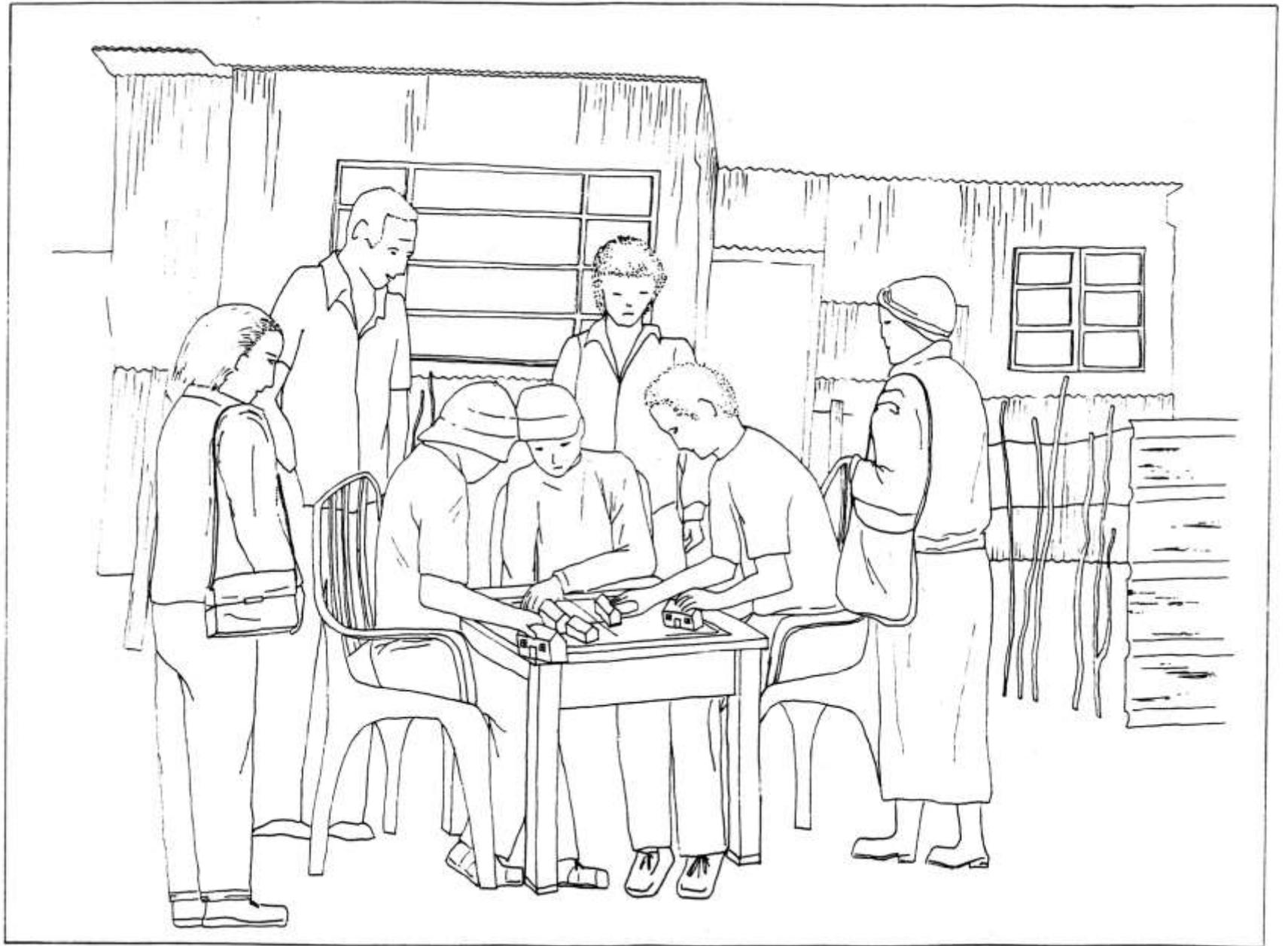
Courts do not recognise off-register transactions

Land Titles Adjustment
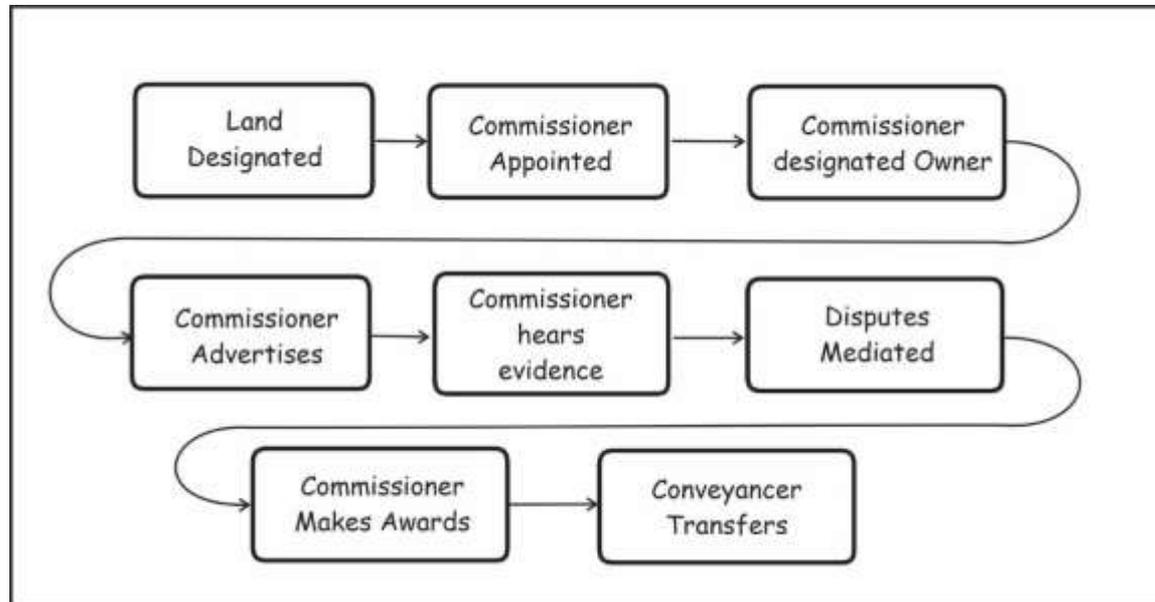
- Works well most in most cases
- Has to be done once a generation
- Contested cases can take years
- Contested - conflict within families plus chancers
- Expensive and time consuming
- Impractical – unsuited to countrywide problems

Options? Semi-Strong

- Fix after the fact? Title Adjustment?

- Avoid or mitigate the off-register problem?

- Strategies to create Critical Success Factors? Situation Specific
  - Title maintenance?
  - Financial support / subsidies?
  - Hybrid governance?
  - Street level bureaucrats?
  - NGOs. Education door-to-door, advice centres
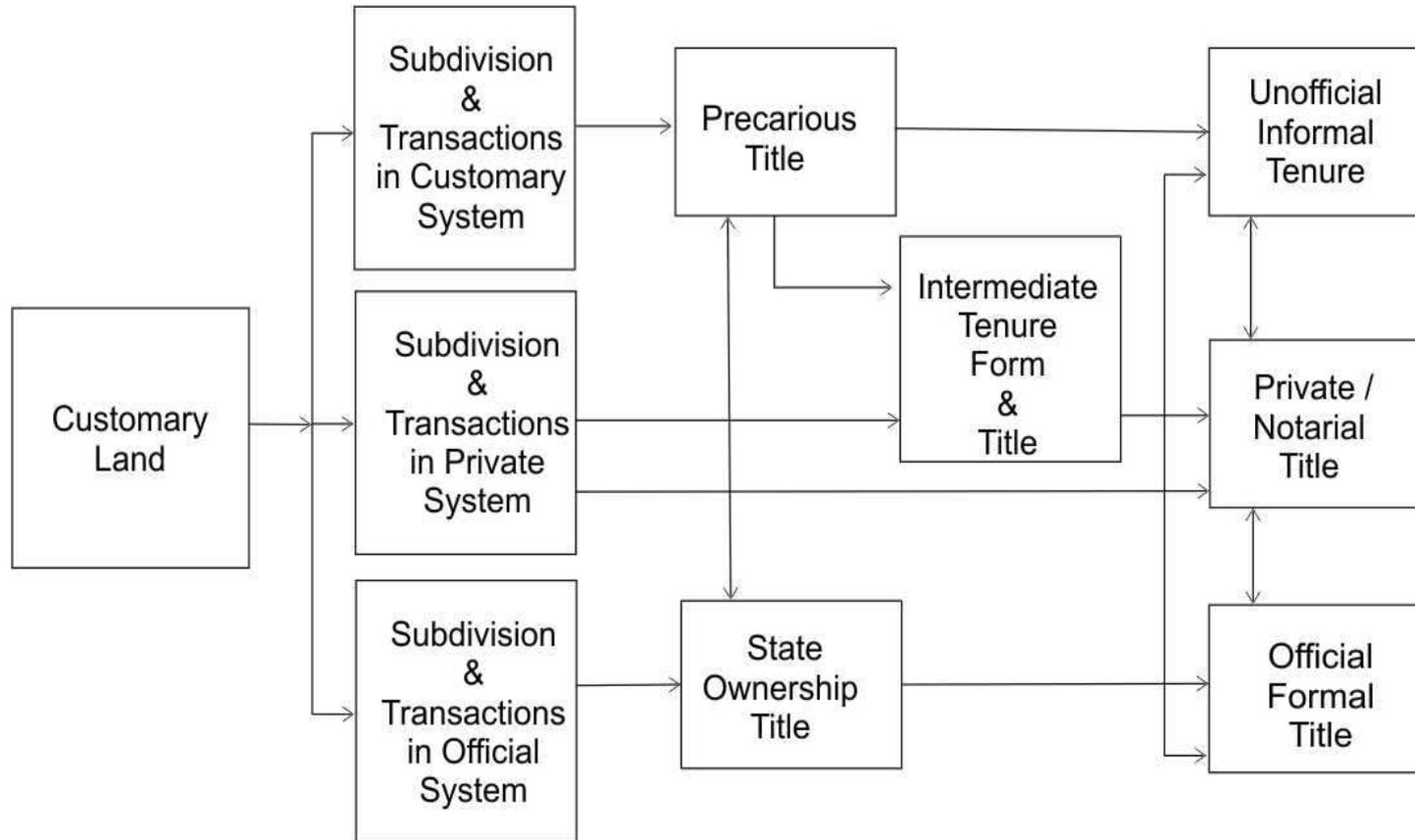
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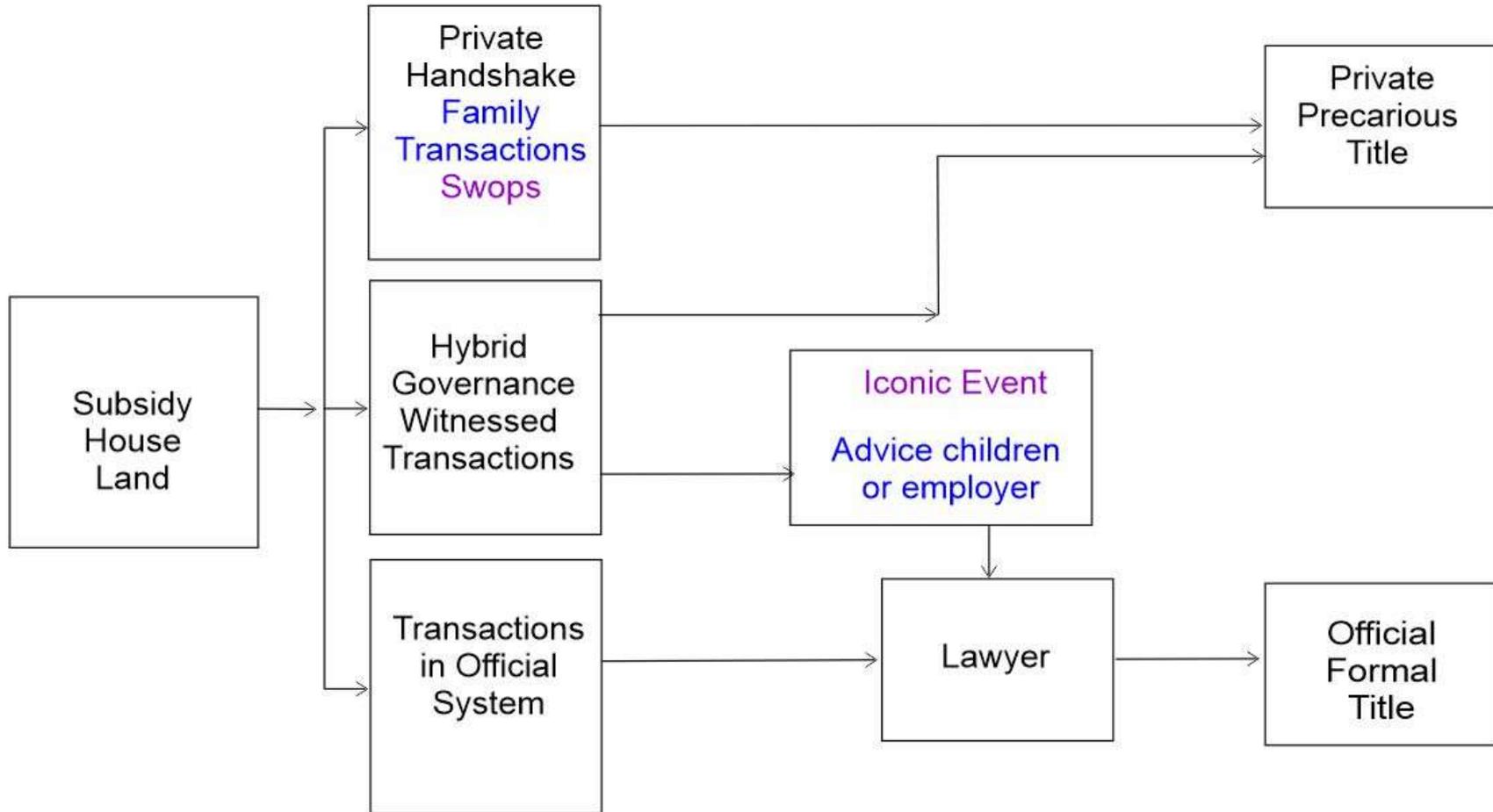
Dunoon Cape Town

Causal-Process Explanation & Prediction Model
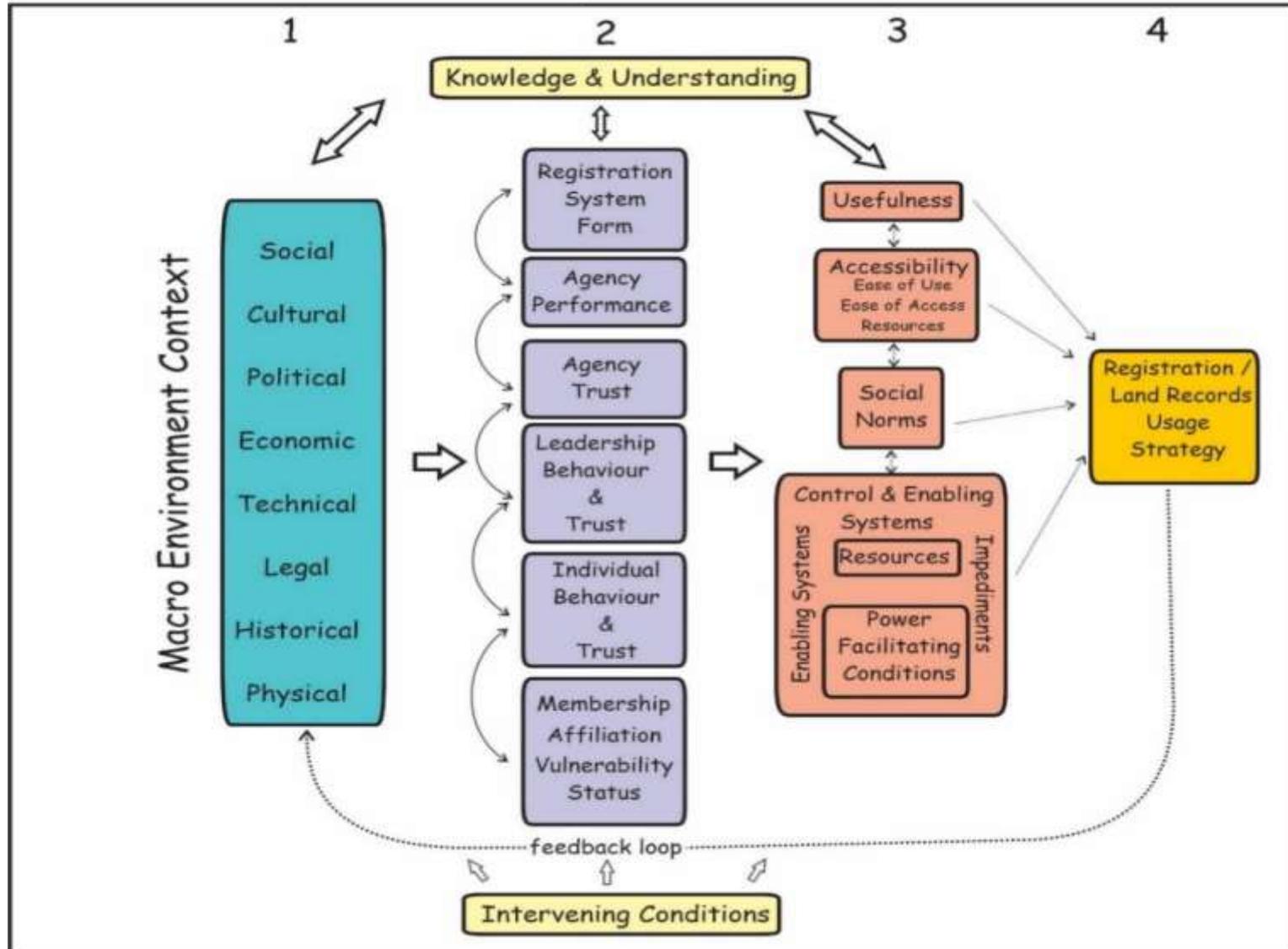
So What? What then?

- Design registration system or other form of LTIS

- Identify CSFs

- Will residents use the system? If not, what then?

- Classify as Strong or Semi-Strong to proceed or intervene

- Avoid title adjustments / regularization after the fact

- Semi-Strong – Title maintenance "things" need to be done
  - Education programmes and assistance– door-to-door?
  - Street level bureaucrat activities
  - Accessibility of official systems e.g. the right legal advice
  - Manage hybrid governance situations
  - Subsidies
  - School curriculum
  - Journalists, local politicians

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Conclusions

- Who does these "things"? Stewardship?

- Unwise to register and then just leave things

- Monitor, evaluate, take action

- Meetings: classify as strong, semi-strong etc.

- If semi-strong?

- Why, how, what do we do, paths to "success" or not?

- Can we change behaviour re longstanding transaction strategies and social norms

- Monitor, measure, evaluate. Street level officials!

- Communication. Action!

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