


From Cadastre to Land Governance: the Evolving Role of Land Professionals and FIG

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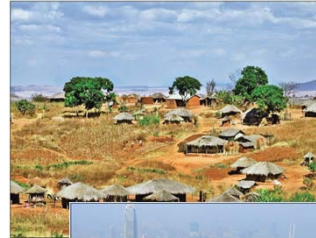
CADASTRES OF THE FUTURE
FAREWELL SYMPOSIUM FOR PAUL VAN DER MOLEN
APELDOORN, THE NETHERLANDS, 2 SEPTEMBER 2010



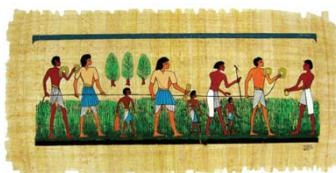
To Paul
– as we all know him

Setting the scene

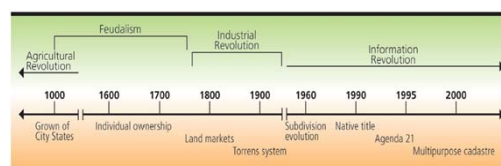
The people to land relationship is dynamic and reflects the cultural and institutional setting of the country or jurisdiction



Evolution of the land administration discipline



Tomb of Menna, Ancient Egypt, ca. 1500 BCE



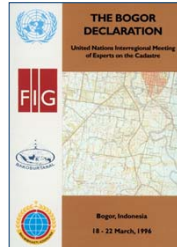
	Feudalism - 1800	Industrial revolution 1800-1950	Post-war reconstruction 1950-1980	Information revolution 1980-
Human kind to land evolution	Land as wealth	Land as a commodity	Land as a scarce resource	Land as a community scarce resource
Evolution of cadastral applications	Fiscal Cadastre Land valuation and taxation paradigm	Legal Cadastre Land market paradigm	Managerial Cadastre Land management paradigm	Multi-purpose Cadastre Sustainable development paradigm

Evolution of Western Land Administration Systems

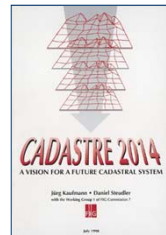
The FIG Agenda ...



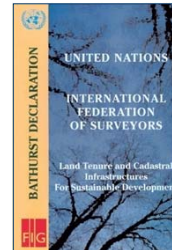
1996
FIG Statement
on the Cadastre
Concepts and
standards



1996
Bogor Declaration
FIG/UN initiative
on the role of
cadastral
infrastructures

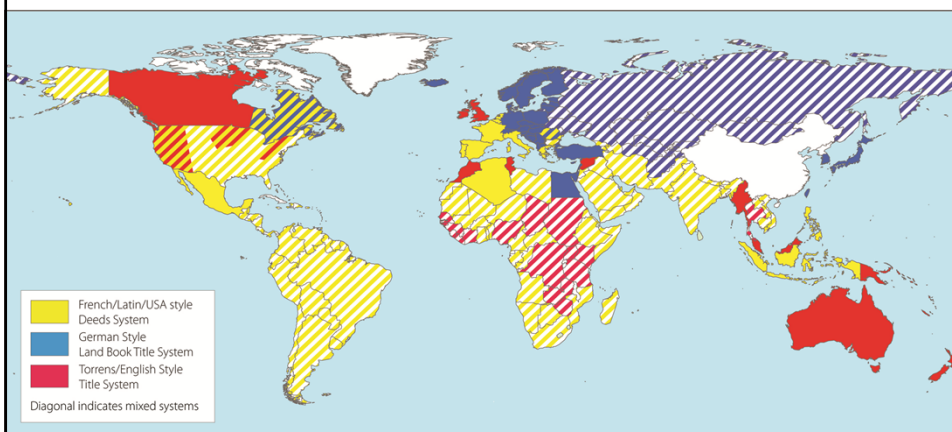


1998
Cadastre 2014
A FIG vision in six
statements for future
cadastre systems .



1999
Bathurst Declaration
FIG/UN initiative on
land administration in
support of sustainable
development

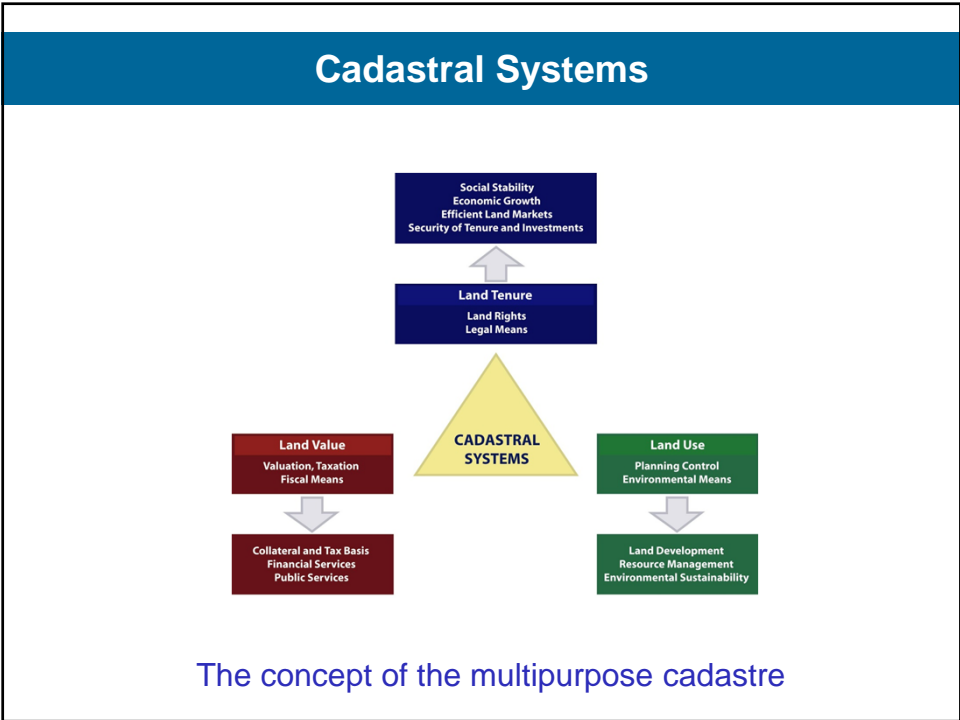
Land Registration Systems around the World



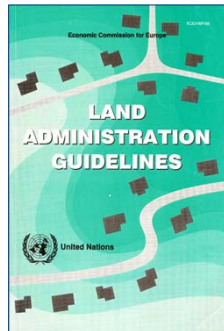
Deeds System (French/Latin/USA style): A register of owners; the transaction is recorded – not the title.
Title System (German, Torrens/English style): A register of properties; the title is recorded and guaranteed.

TABLE 2.3 – GENERAL RELATIONSHIPS BETWEEN LAND REGISTRIES AND CADASTRES		
STYLE OF SYSTEM	LAND REGISTRATION	CADASTRE
French/Latin/U.S. style	<p>Deeds system</p> <p>Registration of the transaction</p> <p>Titles are not guaranteed</p> <p>Notaries, registrars, lawyers, and insurance companies (U.S.) hold central positions</p> <p>Ministry of justice</p> <p>Interest in the deed is described in a description of metes and bounds and sometimes a sketch, which is not necessarily the same as in the cadastre</p>	<p>Land taxation purposes</p> <p>Spatial reference or map is used for taxation purposes only. It does not necessarily involve surveyors.</p> <p>Cadastral registration is (normally) a follow-up process after land registration (if at all)</p> <p>Ministry of finance or a tax authority</p>
German style	<p>Title system</p> <p>Land book maintained at local district courts</p> <p>Titles based on the cadastral identification</p> <p>Registered titles guaranteed by the state</p> <p>Neither boundaries nor areas guaranteed</p>	<p>Land and property identification</p> <p>Fixed boundaries determined by cadastral surveys carried out by licensed surveyors or government officers</p> <p>Cadastral registration is prior to land registration.</p> <p>Ministry of environment or similar</p>
Torrens/English style	<p>Title system</p> <p>Land records maintained at the land registration office</p> <p>Registered titles usually guaranteed as to ownership</p> <p>Neither boundaries nor areas guaranteed</p>	<p>Property identification is an annex to the title</p> <ul style="list-style-type: none"> Fixed boundaries determined by cadastral surveys carried out by licensed surveyors (Torrens) English system uses general boundaries identified in large-scale topographic maps <p>Cadastral registration integrated in the land registration process</p>

Williamson, Enemark, Wallace, Rajabifard, 2010



Land Administration Systems

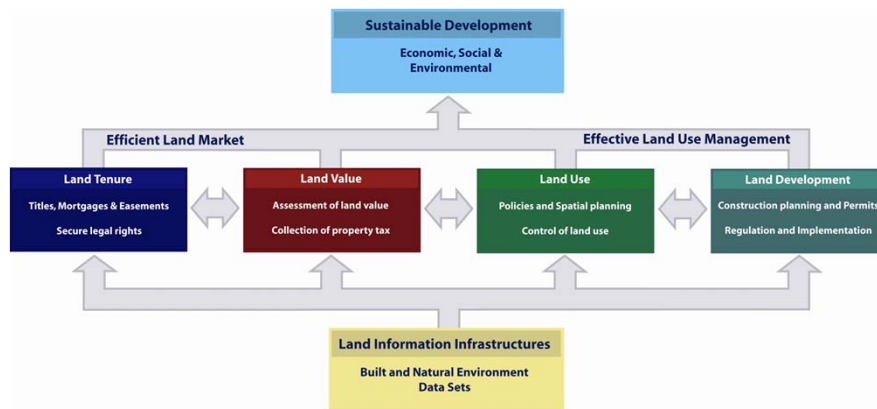


1996
Land Administration
Guidelines, UN-ECE

Land Administration is about:
“the processes of determining, recording, and disseminating information about the ownership, value, and use of land, when implementing land management policies”

The focus on information remains, but modern land administration systems should act as
“an enabling infrastructure for implementing land policies and land management strategies in support of sustainable development”

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.

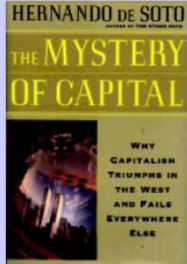
TABLE 1.1 – TRADITIONAL BENEFITS OF LAS	
Support for governance and rule of law	The formalization of processes used for land management engages the public and business, and, in turn, this engagement leads to their support for the institutions of government.
Alleviation of poverty	A primary means of alleviating poverty lies in recognizing the homes and workplaces of the poor and their agricultural land as assets worthy of protection.
Security of tenure	This is the method of protecting people's associations with land. It is the fundamental benefit of formal land administration. Ensuring security throughout the range of tenures used in a country helps provide social stability and incentives for reasonable land use. Conversion of some of the rights into property is the core process of commoditization of land needed for effective markets.
Support for formal land markets	Security and regularity in land arrangements are essential for successful, organized land markets. LAS manage the transparent processes that assist land exchange and build capital out of land.
Security for credit	International financing norms and banking practices require secure ownership of land and robust credit tenures (that is, tenures which support security interests in land) that can only exist in formal LAS.
Support for land and property taxation	Land taxation takes many forms, including tax on passive land holding, on land-based activities, and on transactions. However, all taxation systems, including personal and company taxation, benefit from national LAS.
Protection of state lands	The coherence of national LAS is dependent on its coverage of all land. Thus, management of public land is assisted by LAS.
Management of land disputes	Stability in access to land requires defined boundaries, titles, and interests. If LAS provide simple, effective processes for achieving these outcomes, land disputes are reduced. The systems also need additional dispute management processes to cover breakdown caused by administrative failure, corruption, fraud, forgery, or transaction flaws.
Improvement of land planning	Land planning is the key to land management, whether the planning is institutionalized within government or achieved by some other means. Impacts of modern rural and urban land uses affect adjoining land and beyond. These impacts need to be understood and managed by effective land planning assisted by LAS.

Williamson, Enemark, Wallace, Rajabifard, 2010

Limitations of Formal Cadastral Systems...

”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

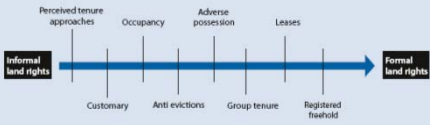


Formal land rights can be recorded in traditional cadastral systems

Continuum of rights (GLTN-agenda)

From: illegal or informal rights

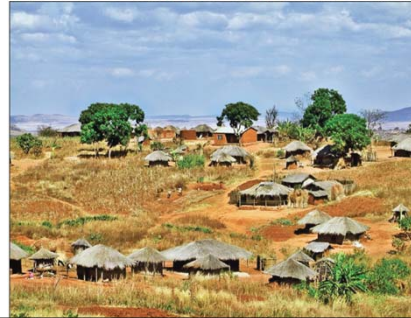
To: legal or formal rights



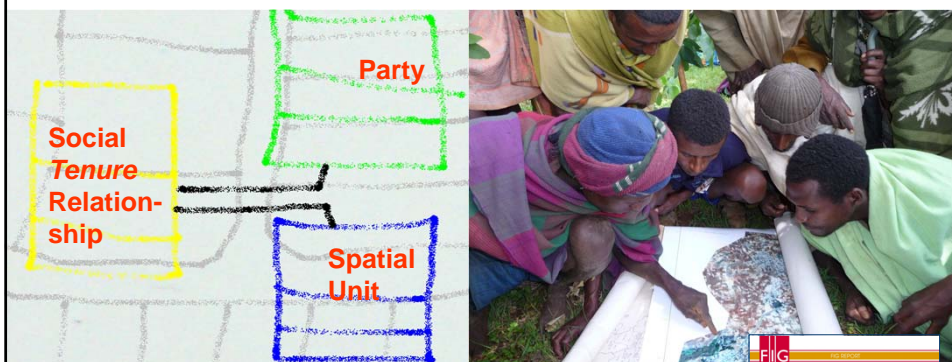
Informal rights cannot be recorded in traditional cadastral systems

...Limitations of Formal Cadastral Systems

- More than 70 per cent of the land in many developing countries are outside the formal systems of land registration and administration
- This relates especially to informal settlements and areas governed by customary tenure
- Traditional cadastral systems do not provide for security of tenure in these areas.

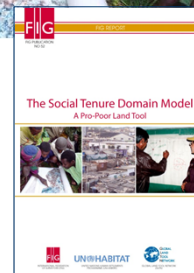


The Social Tenure Domain Model: Closing the Gap



Modeling the relation between Parties – Spatial unit – Social Tenure

Parties (“who”): Not only a (legal) person – but a range of subjects such as person, couple, groups of people, unidentified groups, authority, etc,
Spatial Unit (“where”): Not only an identified (measured) parcel – but a range of objects such land parcels, buildings, etc and identified in various ways – such as one point, street axes, photos, etc.
Social tenure (“what”): Not only ownership and formal legal rights – but also range of informal, indigenous and customary rights as well as financial issues such group loans and micro credit.



The FIG Agenda ...

2005
Aguascalientes Statement on development of land information policies in the Americas. Joint FIG/UN initiative

2006
FIG Contribution to Disaster Risk Management.

2008
Costa Rica Declaration on pro-poor CZM

2010
Land Governance in support of the MDGs. FIG/WB initiative.

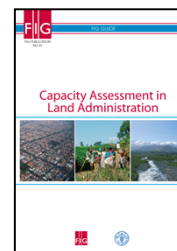
2010
Land Governance WB, GLT, FIG, FAO

The FIG Agenda from Cadastre to Land Governance

- Holding of rights to land
- Economic aspects of land
- Control of land use and development

Administering the people-land relationship through

- Land Policy
 - Land Management
 - Good Governance
- and
- Building the capacity to deal with this



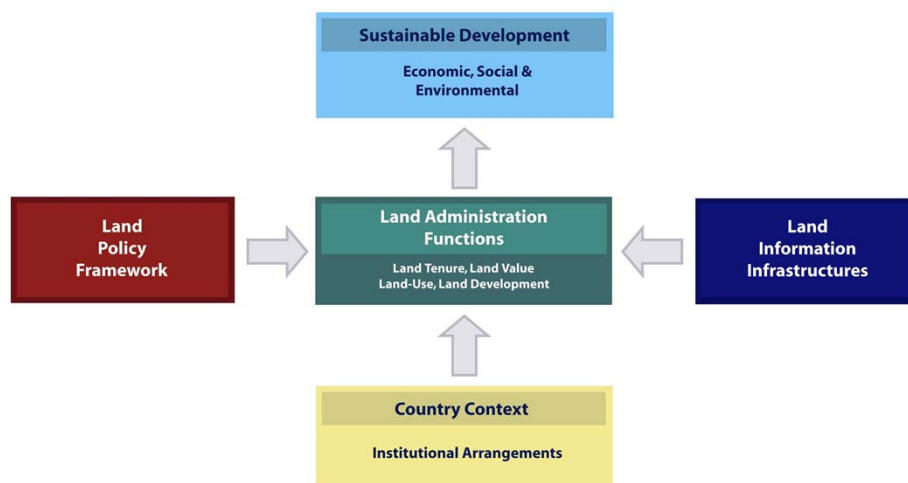
Land governance

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.

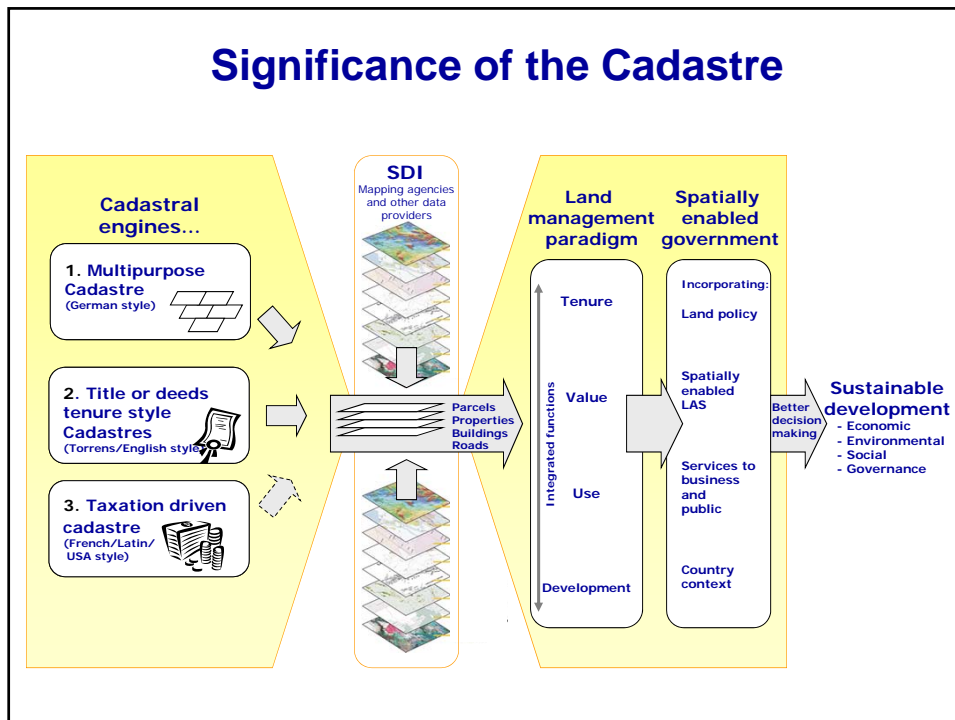
Land governance is about determining and implementing sustainable land policies.

Understanding the Land Management Paradigm



Land Management includes all activities associated with the management of land and natural resources that are required to fulfill political objectives and achieve sustainable development.

Significance of the Cadastre

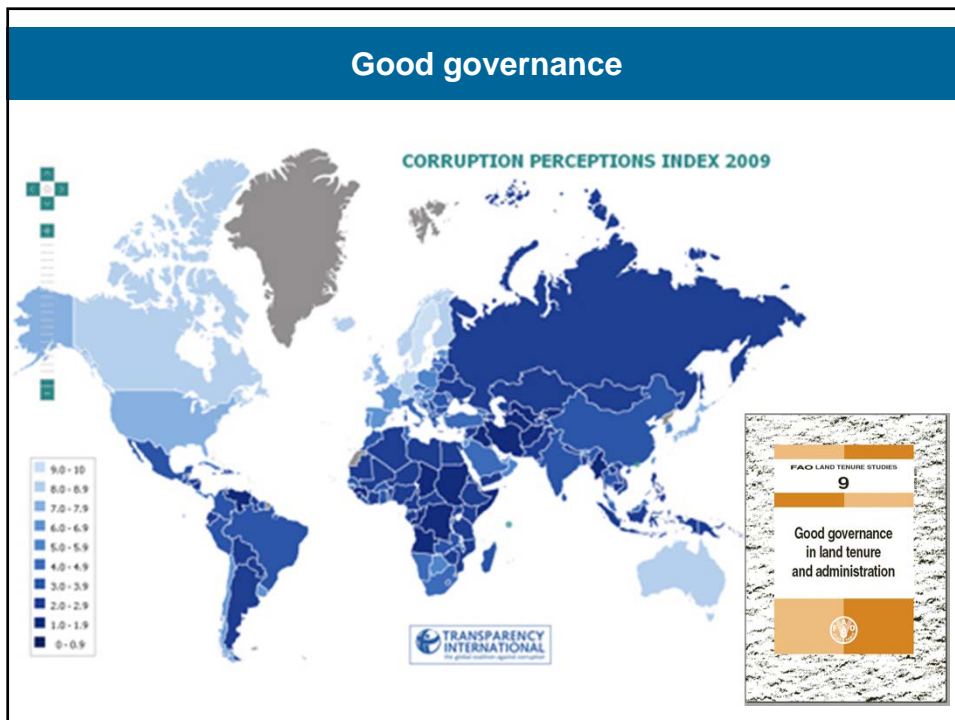
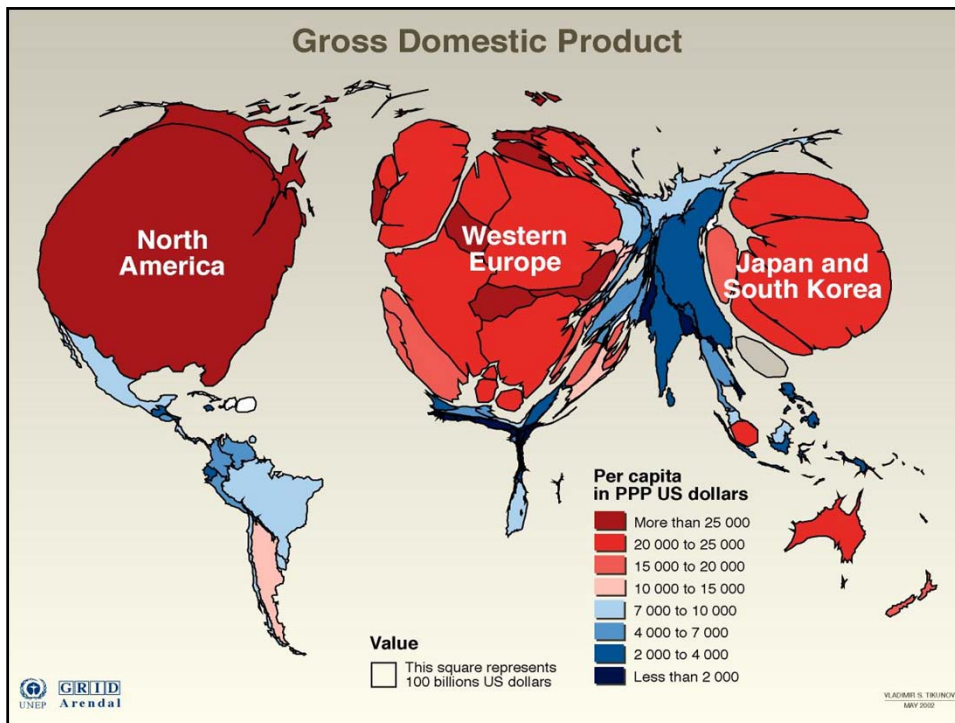


Global Partnership on Land Governance

FIG is strongly committed to the MDGs and the UN-Habitat GLTN agenda

No development will take place without having a spatial dimension

No development will happen without the footprint of the surveyor



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 big swing

- **From Measurement**

Surveyors will still be high level experts within measurement science, but due to technology development the role is changing into managing the measurements

- **To Management**

Surveyors will increasingly contribute to building sustainable societies as experts in managing land and properties

The Land Professionals

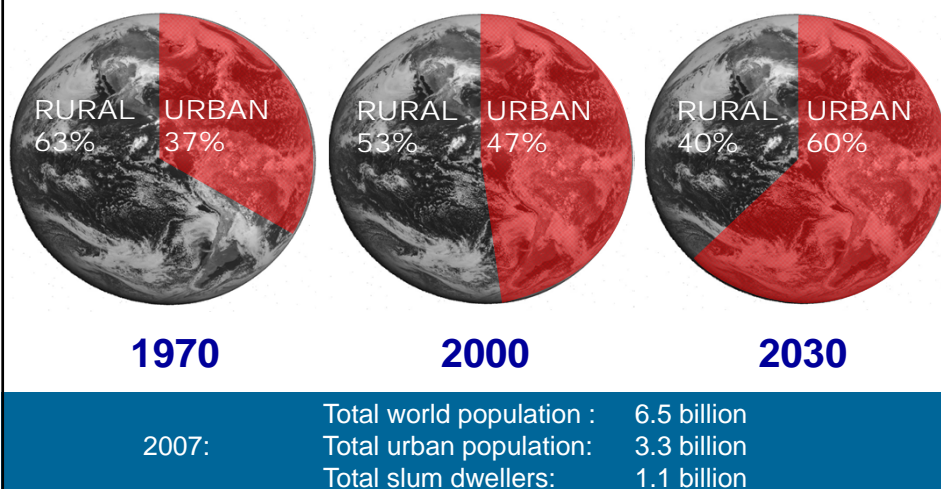
Facing the new challenges

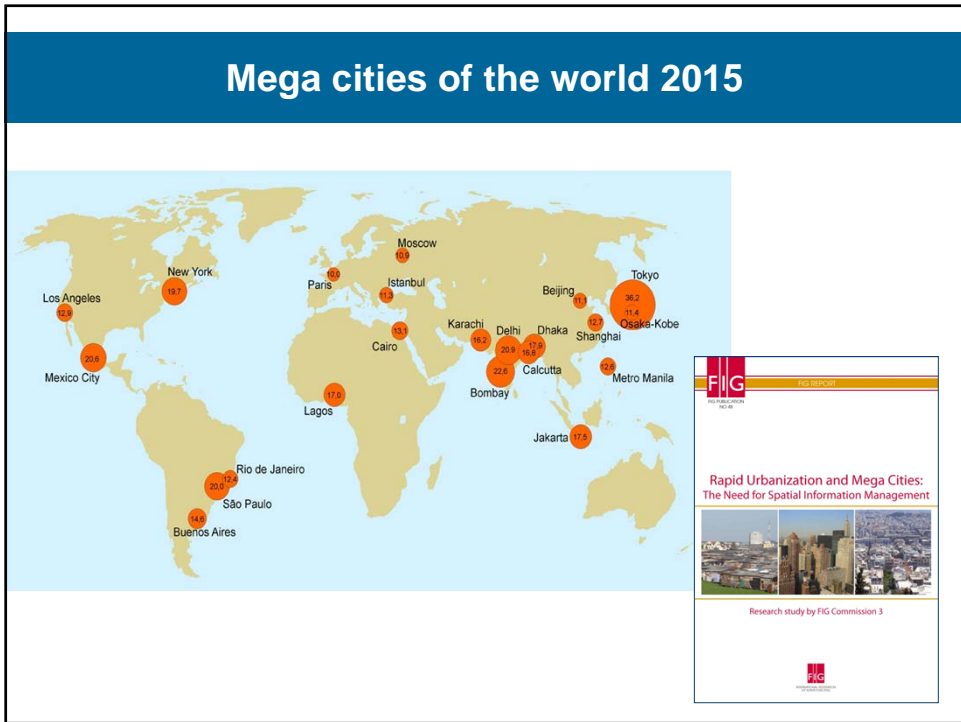
Focusing on land Governance and achieving the MDGs, also includes facing the big challenges of the new millennium:

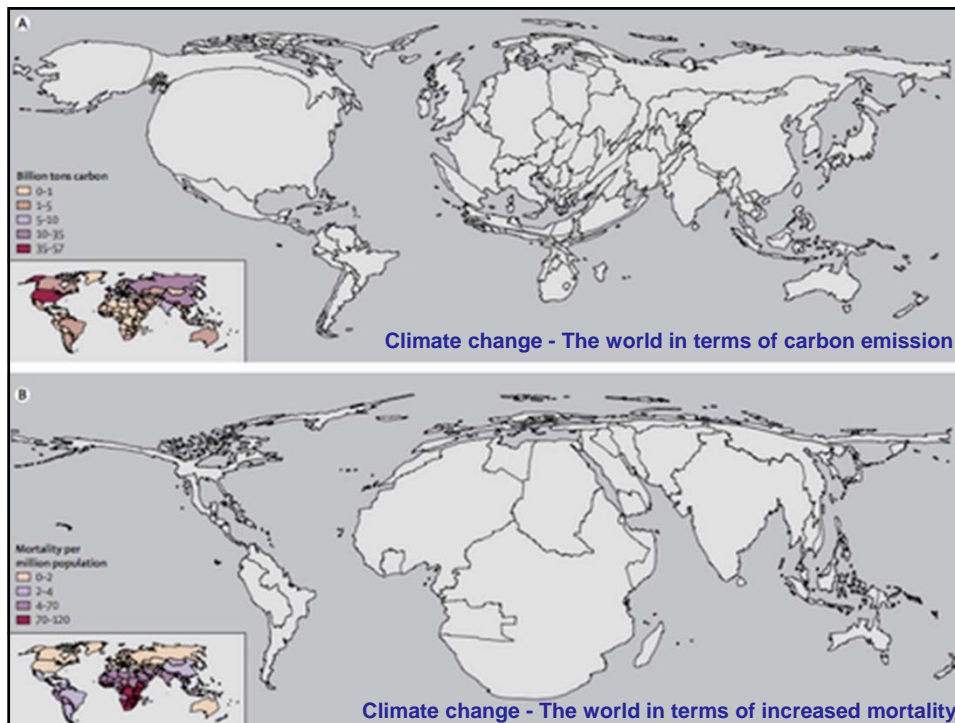
- Climate change
- Food shortage
- Energy scarcity
- Urban growth
- Environmental degradation
- Natural disasters
- Global financial crisis

**All these challenges relate to governance and management of land
Land professionals play a key role**

Urban population growth





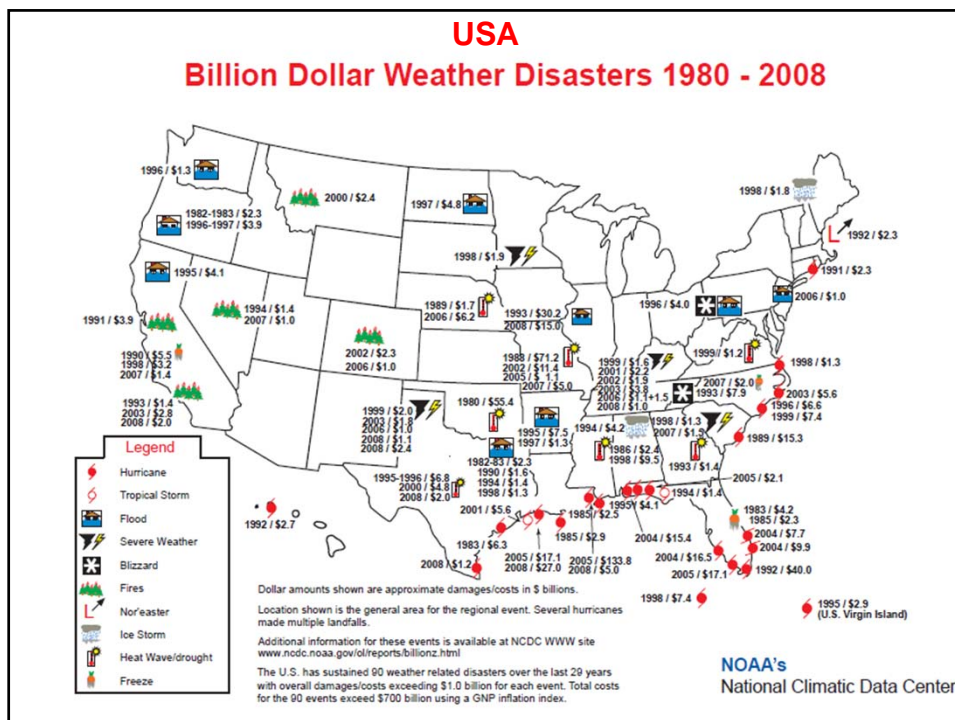


Climate Change

No matter the inequity between the developed and developing world in terms of emissions and climate consequences, there is a need to develop relevant means of adaptation to climate change both in the rich and the poorer countries.

Sustainable Land Administration Systems should serve as a basis for climate change mitigation and adaptation as well as prevention and management of natural disasters.

- Incorporating climate change into current land policies
- Adopting standards for energy use, emissions, carbon stock potential,.....
- Identifying prone areas (sea level rise, drought, flooding, fires,...)
- Controlling access to and use of land in relation to climate change and disaster risks
- Controlling building standards and emissions in relation to climate change
- Improving resilience of existing ecosystems vulnerable to climate change



Disaster risk prevention and management

- Humanitarian actors are often confronted with land issues when undertaking emergency shelter and protection activity.
- The information on the people to land relationship is crucial in the immediate post disaster situation.
- Disaster risks must be identified as area zones in the land-use plans and the land information system with the relevant risk assessment and information attached.
- Measures for disaster risk prevention and management should be integrated in the land administration systems

**Land and Natural Disasters
Guidance for practitioners**

UN-Habitat/FAO

The FIG Agenda

Flying High

- Global partnership with the UN-agencies incl. the World Bank in support of the global agenda such as the MDGs



Keeping the feet on the ground

- Professional and institutional development at regional, national, and local level in support of the needs of our member associations and individual surveyors.

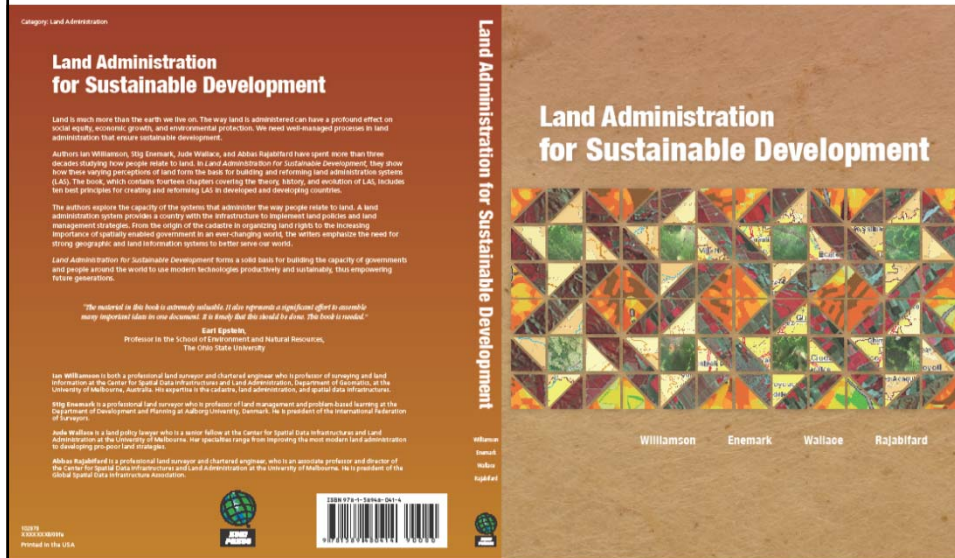


The role of FIG

FIG intend to play a strong role in building the capacity to design, build and manage Land Governance systems in response to Climate Change and in support of the Millennium Development Goals

“Building the capacity for taking the land policy agenda forward in a partnership with the UN agencies and the World Bank”

Land Administration for Sustainable Development
 Williamson, Enemark, Wallace and Rajabifard 487 pages
 Publisher - ESRI Press Academic, 2010



Thank you Paul