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Governance in Land Administration: Conceptual Framework

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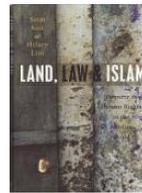
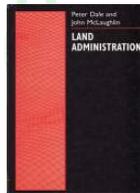
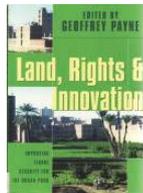
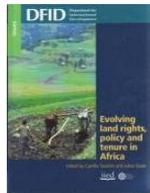
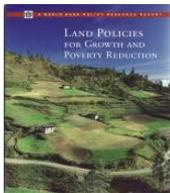
Rationale for better LA

- Secure land tenure
- Reduction in land disputes
- More efficient land markets
- Increased land values
- Broadened tax base
- Information to support better resource allocation and management
- More equitable basis for compensation



Land Administration Projects

- Currently there are more than 70 land administration projects being implemented
- Many donors involved, including NGOs
- These projects supported by key studies



Land Governance is an Issue

- Governance is an issue in the land sector:
 - High profile corruption cases in the land sector (Kenya, Indonesia, China, Tanzania, Cambodia)
 - TI survey in South Asia in 2002 – land 2nd most prone to corruption in Pakistan, 3rd in India, Bangladesh and Sri Lanka
 - FAO study on Governance in Land Sector (2007)
 - Not just a developing country issue (e.g. van der Molen 2007)
- Rents from land are large and increasing
- Ways to capture rents are manifold (land grabbing, development controls, petty corruption, etc.)
- Implications are serious, inequitable, and hurt economic performance



Why there is potential

- **Governance is no longer off the table**
 - Broad acceptance of general principles
 - Work by WB partners (FAO Guidelines, GLTN seminars)
 - Focus on accountability of institutions and officials
- **Technology as an enabler**
 - Widespread access to information (hiding difficult)
 - Reduces the cost of improving governance (paper trail, completeness)
 - Improves scope for monitoring by users (case tracking)
- **External enforcement mechanisms**
 - Global conventions
 - Scope for reinforcement through market mechanisms
 - Shift from project to program support & policy-based lending
 - Private sector standards



Governance Indicators

- **Some well established indices:**
 - Weberian Comparative Study (1970-1990)
 - Global Competitive Index (1979-2005)
 - Corruption Perception Index (1995-present)
 - World Governance Assessment (1996-2000, 2001-2006)
 - Freedom House (1972-present)
 - Afrobarometer (1999-2003)
 - Global Integrity Index (2003-2004, 2006)
 - Bertelsmann Transformation Index (2003, 2006)



Governance Indicators

- Some land indices:
 - Real estate transparency index (Jones Lang LaSalle)
 - IFAD access to land indicator
 - Doing Business Property Registration
 - International Property Rights Index (de Soto Institute)
 - Urban Governance Index (UNHabitat)
 - ILC access to common property index
 - Global Corruption Barometer (land indicator in 2008)
 - Forced evictions (COHRE)
 - Legal and Institutional Framework Index (Global Urban Observatory Group)
- Useful, but limited in ability to track changes in time or identify specific policy interventions



Study Objectives

- The study will:
- (i) establish a conceptual framework for good governance in land administration
 - (ii) apply this framework to specific country cases (Burkina Faso, Indonesia, Kyrgyz Republic, Peru, Tanzania)
 - (iii) aim to translate case study results and the conceptual framework into a set of indicators that could be regularly monitored within country and at a more global level



Current Status

- Inception study completed Dec. 2007
- Draft Conceptual Framework – 14 Jan 2008
- e-Discussion on GLTN – 21 Jan to 1 Feb 2008
- Country case coordinator workshop 16-17 Feb 2008
- Revised Conceptual Framework February -June



Conceptual Framework





Conceptual Framework

This framework is applied to six institutional levels in order to develop a framework to assess good governance in land administration:

- A. Legislation and policymaking process
- B. Land management and land use planning
- C. Management of public land
- D. Dispute resolution
- E. Registration and information services
- F. Taxation



A. Legislation and policymaking process

- I. Legally defined property rights accord with actual practice, are enforceable and can be transacted and there is broad community understanding of rights and associated processes
- II. There are clear and unambiguous institutional roles for land administration
- III. The process of formulating land policies and property rights reforms is inclusive and takes into account the interests of the full spectrum of land users



B. Land use planning and land management

- I. Restrictions on land use are justified by externalities
- II. Enforcement of land use regulations is effective, consistent, and follows clear and transparent processes
- III. Where decisions concerning land use planning and zoning meaningfully impact multiple parties, the interests of all are taken into account fairly



C. Management of public land

- I. Where land is state owned, ownership is justified by externality or public good concerns and managed in the public interest
- II. Disposition of rights to state-owned land follows clear procedures that accord with public interest and associated revenue is accounted for
- III. Acquisition of state-owned land is justified by externality or public good concerns, fairly compensates all those whose rights are interfered with, and follows clear and transparent processes



D. Dispute Resolution

I. Disputes are resolved fairly and effectively by a process that is accessible to all

- Administrative responsibilities to resolve different types of disputes are clearly defined
- Disputes are heard and resolved expeditiously
- All segments of society have access to dispute resolution mechanisms
- Decisions are made impartially and in accordance with the law
- Decisions can be appealed
- Decisions are enforced



E. Registration and information services

I. Information available to land users is reliable, sufficient, and accessible at reasonable cost

II. Service provision and maintenance of records is cost effective, consistent, and follows clear and transparent processes



F. Taxation

- I. Land taxes do not distort economic incentives or spur informality
- II. Land and property tax collection and valuation procedures are carried out efficiently, transparently, and equitably



Development of Indicators

- Conceptual framework is being finalized and will be peer-reviewed
- Indicators are being developed:
 - Policy context indicators
 - Quantitative indicators
- Methodology being developed based on:
 - Administrative data (census, registry, court, etc)
 - Customer surveys
 - Semi-structured interviews
 - Expert panels



Work Plan

- Finalize Conceptual Framework (with indicators) – end June
- Prepare draft questionnaires – mid July
- Test in Peru – July/August
- Revise methodology – September
- Data gathering Burkina Faso, Indonesia, Kyrgyz Republic and Tanzania – Oct-Nov
- Country Case Study reports – December
- Draft synthesis report – Jan-Feb 2009



Conclusion

‘It is important to note that there are no quick fixes to land tenure problems. Except in particularly favorable circumstances, improvements in this field can only be achieved in the long run.’

(Wachter and English 1992:17).