

FIT-FOR-PURPOSE LAND ADMINISTRATION

GUIDING PRINCIPLES FOR COUNTRY IMPLEMENTATION



Photo © Stig Enemark

In most developing countries, and for 70 per cent of the world's population, people are excluded from participating in formal land administration systems and cannot register and safeguard their land rights. The majority of these people are the poor, women and the most vulnerable in society. Most of the existing investments in land administration have been piecemeal and have not delivered the required changes and improvements at scale. New solutions are required that can deliver security of tenure at scale, are affordable, can be quickly developed

and incrementally improved over time. The focus should be on a "fit-for-purpose" approach.

Building from the Joint 2014 FIG and World Bank publication on Fit-For-Purpose (FFP) Land Administration, this Brief presents the FFP concepts, the connected principles in developing a country-specific FFP strategy for land administration, key recommendations for building the spatial, legal and institutional frameworks and some guidance in implementing the FFP approach.

THE NEED FOR CHANGE

The FFP approach provides a new, innovative and pragmatic solution to land administration focused on developing countries, where current land administration solutions are not delivering. The solution is directly aligned with country specific needs, is affordable, is flexible to accommodate different types of land tenure, and can be upgraded when economic opportunities or social requirements arise. The FFP approach includes three fundamental characteristics. Firstly, there is a focus on the purpose before designing the means to be most “fit” for achieving it; secondly, the FFP approach requires flexibility in designing the means to meet the current constraints; and thirdly, it emphasises the perspective of incremental improvement to provide continuity.

BUILDING THE FIT-FOR-PURPOSE LAND ADMINISTRATION FRAMEWORKS

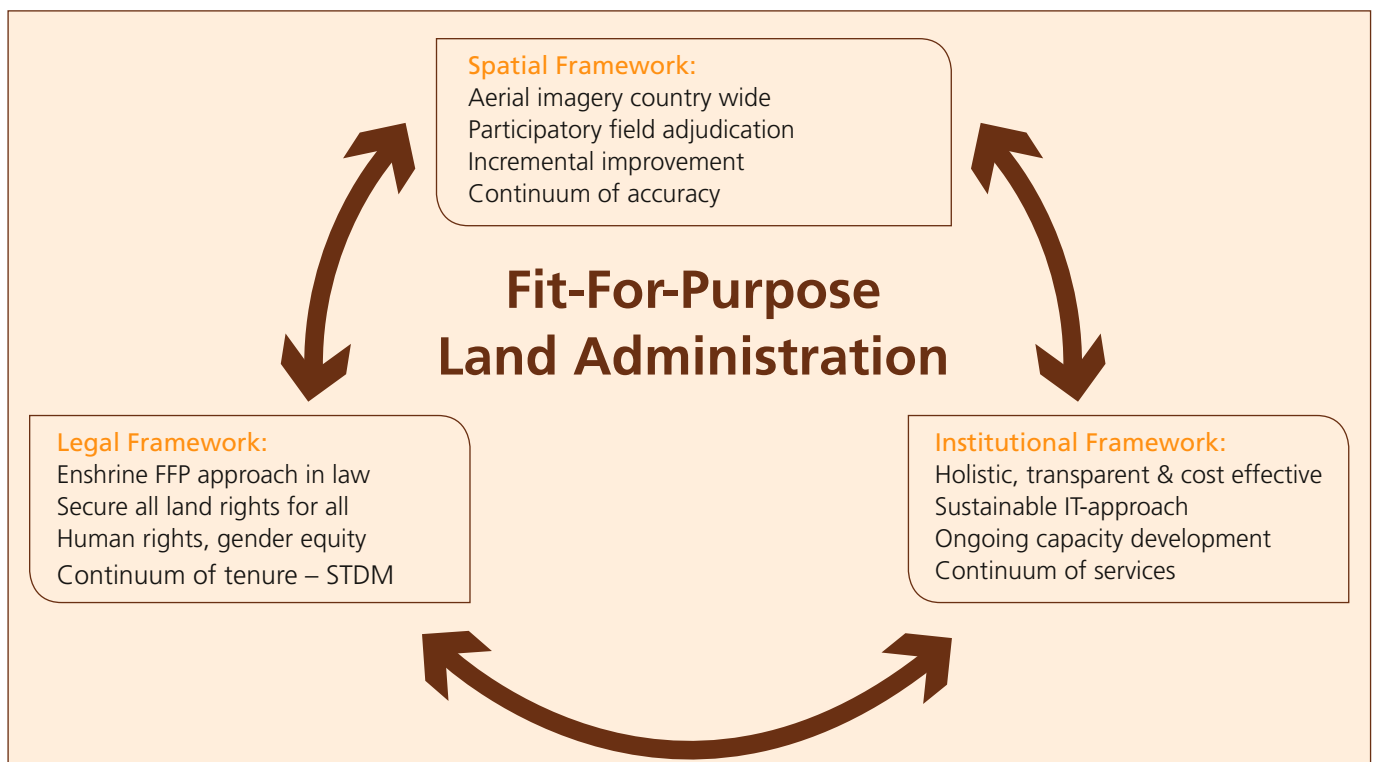
Figure 1 presents the three interrelated and mutually reinforcing core frameworks that work together to deliver the FFP approach: the spatial, the legal, and the institutional frameworks. It also highlights four key principles for each of the three frameworks that need to be established, facilitated and implemented. Each of the frameworks must be sufficiently flexible to accommodate the specific needs and context of the country.

The **spatial framework** supports recording the way land is occupied and used. It provides the basis for dealing with land administration functions that have different requirements of accuracy - security of tenure does not require accurate surveys of the boundaries. The focus should therefore be on methods that are fast, cheap, complete and reliable.

The **institutional framework** is designed to manage these rights, the use of land and natural resources and to deliver inclusive, affordable and accessible services. The framework relates to good land governance, policy frameworks, institutional arrangements, organizational structures, deploying resources locally, partnerships, distribution of responsibilities, and establishing efficient, accountable government workflows for making the systems operational.

The **legal and regulatory framework** supports the two components and defines how rights, restrictions and responsibilities in land are established and managed, taking into account the actual land tenure arrangements within the country. The FFP approach aims to provide security of tenure through recognition of all legitimate rights and by recording the corresponding evidence of rights on a national register that is publicly accessible.

FIGURE 1: FIT-FOR-PURPOSE LAND ADMINISTRATION CONCEPTS, FRAMEWORKS AND KEY PRINCIPLES



THE FFP TRANSITION PROCESS

Before	After
Limited range of tenure types supported.	Rather than exclusively focusing on individual land titling process, a continuum of land rights approach is supported.
Specifications for high accuracy surveys mandated in regulations.	Flexible regulations accommodating a range of methods to measure and record spatial unit boundaries, including visible boundaries.
Licenses restricting operators in the land sector.	A range of stakeholders can legally operate in the land sector, including locally trained land officers acting as trusted intermediaries.
Predominantly judicial only processes.	The majority of land transaction processes are administrative.
Gender inequality.	The legal framework and associated processes are gender sensitive.
Fragmented land institutions.	Land administration institutions are integrated and coordinated.
Lack of information in the delivery of land administration services.	All stakeholders have access to reliable land information within the constraints of privacy.
Insufficient capacity to sustain land administration solutions.	Capacity of stakeholders is enhanced.
Private sector excluded from participation in the land sector.	Public-Private partnerships are improved.

IMPLEMENTING THE FFP APPROACH

The implementation of the FFP approach involves significant change across all stakeholders in the land sector. Prior to full scale implementation, countries have to address at least three (3) key challenges: 1) how to change the paradigm, 2) how to revise the legal and regulatory framework quickly, and 3) how to develop capacity of stakeholders.

In implementing the FFP approach, the drivers for change should also be driven at the lower levels and at other appropriate entry points within the network of land stakeholders. There is no specific formula in implementing the FFP approach at country level. A lot will depend on the country's situation, demand, capacity and political will to change. However, the implementation process, at the minimum, will require the following steps:

- Obtaining a commitment from politicians and change agents that the country should adopt the FFP approach, develop a country-specific FFP strategy for land administration supported by most of the land stakeholders;
- Awareness and capacity building across all land stakeholders: public sector, private sector, development partners and civil society organizations (CSOs);
- Introducing reforms to the institutional and legal and regulatory frameworks;

- Designing a data acquisition programme to continuously deliver an up-to-date land-related information;
- Designing and implementing an ICT solution for FFP land administration;
- Training local land officers as trusted intermediaries;
- Learning through pilot projects across a range of regions within the country with varying situations, tenure types, land use and density;
- Rolling out the minimum viable product implementation of a national FFP land administration programme across the country that is scalable; and
- Monitoring, evaluating and incrementally improving the national FFP land administration approach and programme.



Women groups' training facilities land reforms. North Kivu, DRC. Photo © UN-Habitat

CONCLUSION

The Fit-for-Purpose approach provides opportunities for land administration systems to deliver benefits, including secure tenure rights, to a wide range of stakeholders within a relatively short time and for a relatively affordable costs in a flexible manner. While change is critical, the challenge is also significant. Multi-stakeholder engagement, change management and capacity development are key drivers for change.

GLTN partners are committed to securing land rights for all through strengthening the capacity of change agents in the land sector to adopt and implement FFP land administration policies, tools and approaches that are pro-poor, gender responsive, effective and sustainable. The FFP approach to land administration will be complemented by various tools that GLTN partners have thus far developed.

In partnership with Kadaster, other partners and key individuals, GLTN will launch a publication to further elaborate the FFP approach to land administration and will provide support to its implementation at country level.



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