

Underpinning Sustainable Land Administration Systems for Managing the Urban and Rural Environment

Prof. Stig Enemark
Head of School of Surveying and Planning
Aalborg, University, Denmark

2nd FIG REGIONAL CONFERENCE
MARRAKECH, MOROCCO, 2 - 5 DECEMBER 2003

Denmark in Europe



Wonderful Copenhagen



The Surveyors House - the FIG home base



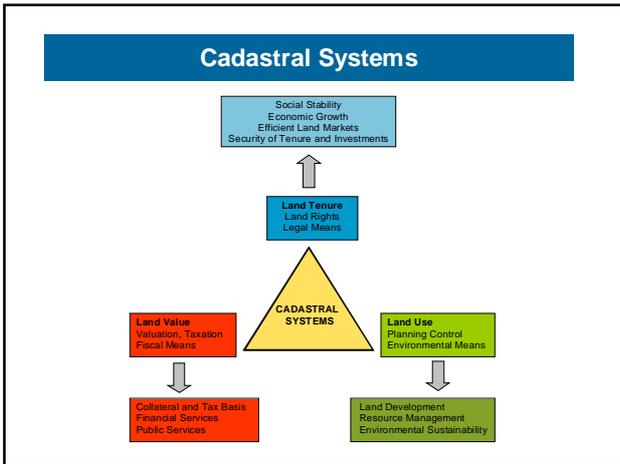
Contents

- Cadastral Systems
 - Land Administration Systems
 - Land Management
 - A Conceptual Approach
 - The FIG Agenda
 - Facing the Challenges
- Educational - Professional - Institutional

Development and Sustainability

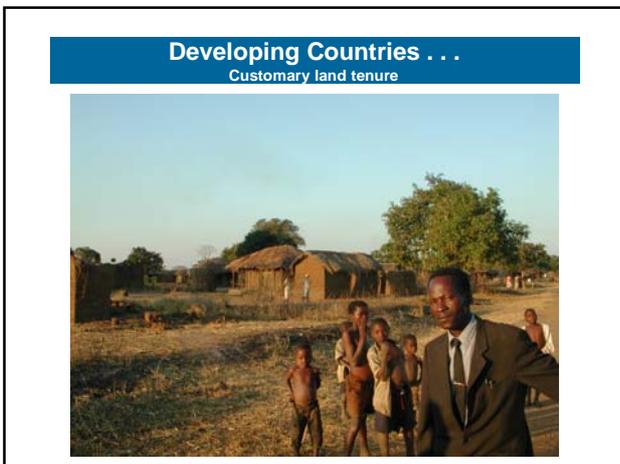
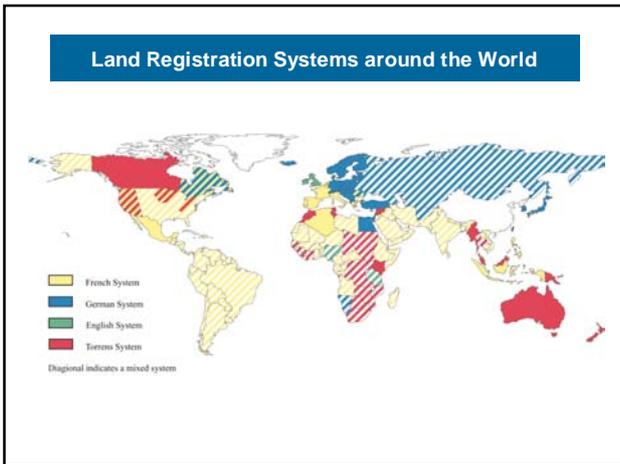
**”Civilised living in market economies
is not simply due to greater prosperity
but to the order that formalised
property rights bring”**

Hernando de Soto - 1993



Deeds/Title Registration . . .

System	Deeds System	Title system
Content	Who owns what	What is owned by whom
Register	A register of owners	A register of properties
Legal effect	Registration of the transaction The title is not guaranteed	Registration of the title Guaranteed by the state
Actors	Notaries/Registrars	Lawyers/Surveyors
Role of the Cadastre	Taxation purposes	Identification purposes
Boundaries	Sketch for the deed	German and Torrens: Fixed English: General

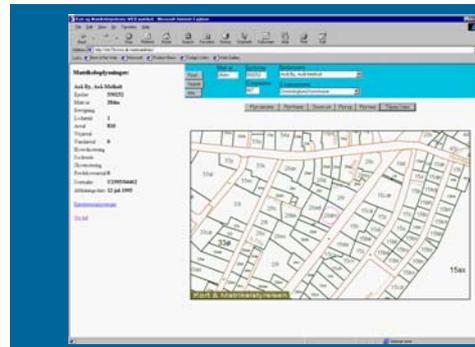


- ### Comparing Land Registration Systems
- Parameters for comparison:
- **Property Definition**
 - Where and how is it defined
 - Legal/economic/physical concept
 - **Property Determination**
 - General/fixed boundaries
 - determination process
 - **Property Formation**
 - Process, institutions and actors - who does what
 - Role of the surveyors
 - **Property Transfer**
 - Process, institutions and actors - who does what
 - legal consequences

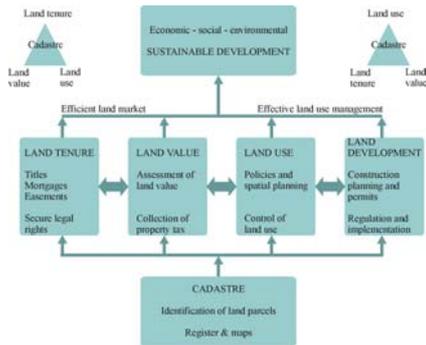
Evolution of Western Land Administration Systems

	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.

The Web-Cadastre



Land Administration Systems



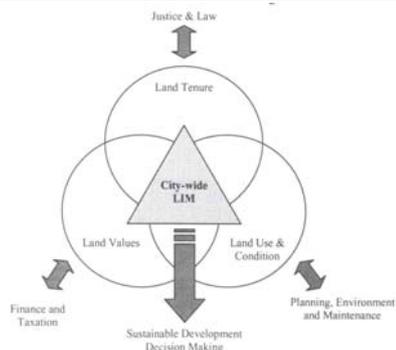
Land Administration Systems

- A Framework of must include:

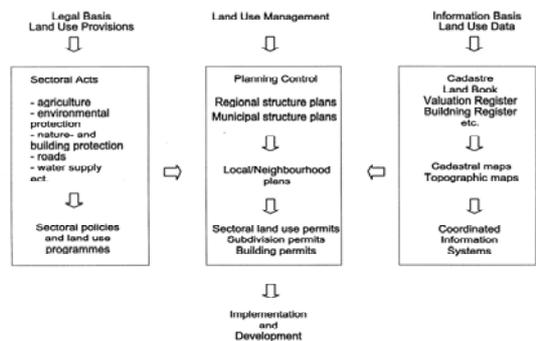
- Define and distinguish between different legal forms of land tenure
- Define how to establish and secure legal rights in land
- Establish administrative systems and clear responsibilities for
 - land transfer
 - property formation
 - mortgage and forced sales
- Coordinate legislation for
 - planning, land use, land value, land registration

- Specify the administrative role of the agencies and actors involved

Land Information Management



The Land Management Concept



Spatial Data Infrastructures

- provides mechanisms for sharing geo-referenced information

- Conceptual mechanisms
 - design of organizational concepts for data sharing and custodianship
- Political mechanisms
 - provision of an effective institutional framework and the distribution of power between the governmental levels.
 - policies for access to data
- Economic mechanisms
 - cost recovery policies
 - strategies for distribution and maintenance

- considerable benefits flow from a well developed Spatial Data Infrastructure

Spatial Data Infrastructure



A Conceptual Approach

Overall Land Policy

- Determining values and objectives in relation to land as a legal, economic, and physical object

1. Cadastral Systems

- Registers for identifying and securing land rights
- Basis for sound Land Administration

2. Land Administration Systems

- Systems for administration of land tenure, land value and land use
- Basis for sound Land Management

3. Land Management

- Process, institutions and actors - who does what
- Basis for economic, social, environmental sustainability

THE DANISH WAY

AN INTERNATIONAL PUBLICATION SERIES ON SURVEYING, CADASTRE AND LAND MANAGEMENT IN DENMARK

- | | | | |
|---|--|----|---|
| 1 | Land Administration in Denmark
Stig Enemark - 11 pages | 6 | The Surveying Profession in Denmark
Stig Enemark - 12 pages |
| 2 | Spatial Planning in Denmark
Stig Enemark - 9 pages | 7 | Land and Environmental Management in Denmark
Stig Enemark - 12 pages |
| 3 | The Land Market in Denmark
Jens Nielsen - 11 pages | 8 | Property Valuation and Taxation in Denmark
Jens Nielsen - 10 pages |
| 4 | The Surveyors' Tribunal
Jens Nielsen - 12 pages | 9 | Spatial Information Management in Denmark
Hanne Brande Lærke - 15 pages |
| 5 | Code of Surveying Practice
DLS - 5 pages | 10 | Topographic Mapping in Denmark
Søren Rasmussen Nielsen - 13 pages |

The publications are available at:
www.dls.org/danishway
Publications in print can be obtained from:
The Danish Association of Chartered Surveyors
Lindbergs Allé 4, DK-1202 Frederiksberg, Denmark
Phone: +45 3890 1070 Fax: +45 3894 1272
E-mail: dl@dl.dk

The FIG Agenda



The FIG Statement on the Cadastre (1995) established a standard. The concepts were explained, settled, and made operational according to the specific conditions in different parts of the world.

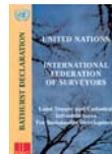


The FIG statement points at the importance of the cadastral systems as a basic land information systems in support of sustainable development.

The FIG Agenda



The Bogor Declaration (1996) was a result of a joint UN/FIG initiative. The objective was to develop a document setting out the desirable requirements and options for cadastral systems of developing countries in the Asian and Pacific region and to some extent globally. The declaration includes a clear vision: "...to develop modern cadastral infrastructures that facilitate efficient land and property markets, protect the land rights of all, and support long term sustainable development and land management".



The Bathurst Declaration (1999) was a follow-up joint UN/FIG initiative. The key conclusion reads: *The Bathurst Declaration on Land Registration for Sustainable Development calls for a commitment to provide effective security of tenure and access to property for all men and women, including indigenous peoples and those living in poverty or other disadvantaged groups. Sustainable development is not attainable without sound land administration.*

The FIG Agenda



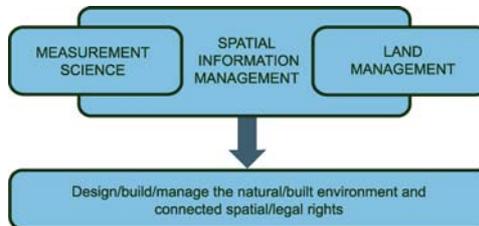
Cadastre 2014 presents a vision for the future cadastral systems aiming to fulfil the multipurpose role based on modern information technology. The vision is presented in six statements for development of the cadastral systems over the next ten years. Each statement is explained in details.



The FIG publication Series also includes a number of publications addressing educational, professional, and institutional issues of global relevance, such as Continuing Professional Development, Ethical Principles, Business Matters for Professionals, Standardisation, and Mutual Recognition of Professional Qualifications.

www.FIG.net

The Educational Challenge



THE EDUCATIONAL PROFILE OF THE FUTURE

The Professional Challenge

- Professional structures must reflect the new land management paradigm
- National associations will have to develop structures that accommodate a modern interdisciplinary profile.
- This includes adoption of ethical principles and model codes of professional conduct suitable for performing this modern role.

The Capacity Building Challenge

Where a donor project is established to create land administration infrastructures in developing or transition countries, it is critical that capacity building is a main steam component that is addressed up front, not as an add-on.

In fact, such projects should be dealt with as capacity building projects in themselves for building institutional capacity to meet the medium and long term needs.

The Institutional Challenge ...

- Institutions are "the rules of the game"
- Property right is such an institution in society - the cadastre is a facilitator to make it work
- Another institutional challenge is to establish a suitable balance between national policy making and local decision making

...The Institutional Challenge

UNRCCA, New York, January 2001 :

"Understanding the value of integrating land administration and topographic mapping programs within the context of a wider national strategy for spatial data infrastructure."

UN/FIG Workshop, Aguascalientes, Mexico
October 2004

Final Remarks



- In developing countries the debate should move from "whether this is desirable" to "what is the most appropriate land administration system to serve the needs of an individual country or jurisdiction".
- Organisations such as FIG, UN, WB should recognize the increasing demand for sustainable land administration infrastructures.
- This includes some educational, professional, capacity building, and institutional challenges to be met at the threshold of the third millennium.
- This calls for increased international co-operation. FIG is prepared to invest in such cooperative efforts.