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building the capacity

Enemark, Stig

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The Land Management Perspective - Building the Capacity

Professor Stig Enemark
Vice-president of FIG
Department of Development and Planning
Aalborg University, Denmark
Email: enemark@land.aau.dk

SUMMARY

Land management is the process by which the resources of land are put into good effect. Land management encompasses all activities associated with the management of land that are required to achieve sustainable development. The concept of land includes properties and natural resources and thereby encompasses the total natural and built environment. Land Administration Systems (LAS) are institutional frameworks complicated by the tasks they must perform, by national cultural, political and judicial settings, and by technology. This paper facilitates an overall understanding of the land management paradigm.

In many countries, and especially developing countries and countries in transition, the national capacity to manage land rights, restrictions and responsibilities is not well developed in terms of mature institutions and the necessary human resources and skills. In this regard, the capacity building concept offers some guidance for analysing and assessing the capacity needs and for identifying an adequate response to these needs at societal, organisational and individual levels.

The paper examines the capacity building concept and underpins the need for institutional development to facilitate the design and implementation of efficient Land Administration Models and to support good governance.

INTRODUCTION

Land administration systems are increasingly being tested against an emerging vision of a more unified model appropriate for developed economies but also capable of providing direction for transitional economies.

The new vision builds on the model developed by Dale and McLaughlin (1999) but concentrates on functions and systems delivery, in contrast to their comprehensive analysis of existing systems with a focus on land information management. The basic understanding of dealing with land rights, land value, and land use is the same, but the new vision is based on a holistic approach to LAS that aims to perform stated functions through delivery arrangements and systems. It develops holistic analysis of the functional relationship between the infrastructure of the LAS and the policy of sustainable development; it recognises land management as the policy imperative; and it parallels the development of a theory for spatial data infrastructures and demands for spatially specific information about government and private activities.

The model is based on the key understanding of land administration as an area dealing with rights, restrictions and responsibilities in land. This relates to the interaction of the three areas of land tenure, land value and land use. By including land development these four areas are called the Land Administration Functions. These functions are based on policies determining the overall objectives and they are managed on the basis of appropriate land information infrastructures providing complete and up to date information on the natural and built environment. This all sits within a country/state context of institutional arrangements that may change over time. The model is explained in more details below.

THE LAND MANAGEMENT PARADIGM

Land management is the process by which the resources of land are put into good effect (UN-ECE 1996). Land management encompasses all activities associated with the management of land and natural resources that are required to achieve sustainable development. The concept of land includes properties and natural resources and thereby encompasses the total natural and built environment.

The organisational structures for land management differ widely between countries and regions throughout the world and reflect local cultural and judicial settings. The institutional arrangements may change over time to better support the implementation of land policies and good governance. Within this country context, the land management activities may be described by the three components: Land Policies, Land Information Infrastructures, and Land Administration Functions in support of Sustainable Development. This Land Management Paradigm is presented in Figure 1 below (Enemark et al., 2005):

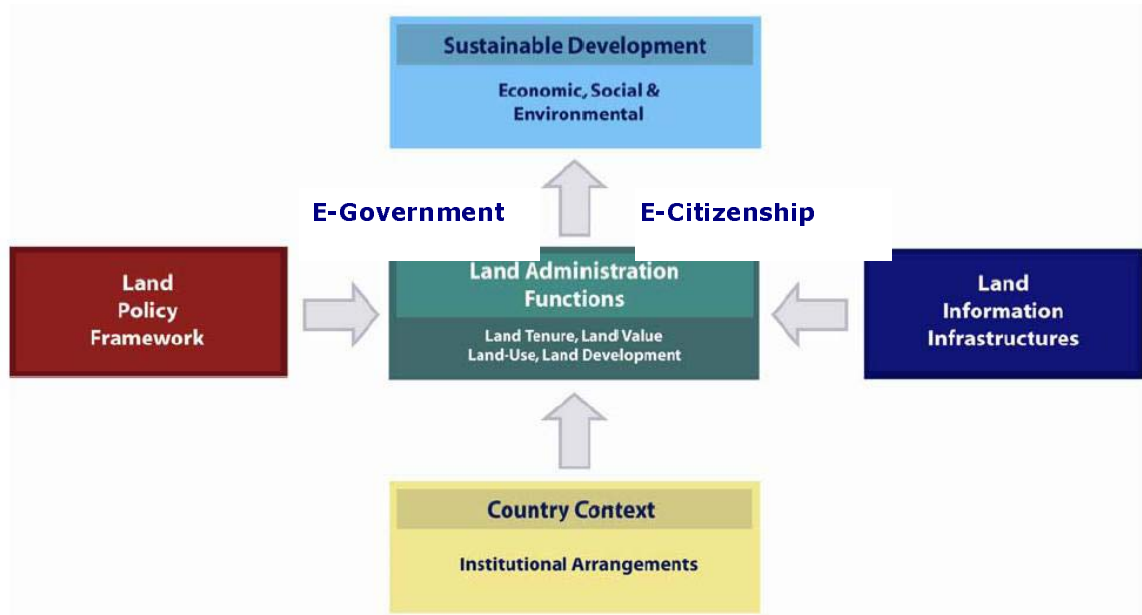


Figure 1. The Land Management Paradigm

Land policy is part of the national policy on promoting objectives including economic development, social justice and equity, and political stability. Land policies may be associated with: security of tenure; land markets (particularly land transactions and access to credit); real property taxation; sustainable management and control of land use, natural resources and the environment; the provision of land for the poor, ethnic minorities and women; and measures to prevent land speculation and to manage land disputes.

The operational component of the land management paradigm is the range of land administration functions that ensure proper management of rights, restrictions, responsibilities and risks in relation to property, land and natural resources. These functions include the areas of land tenure (securing and transferring rights in land and natural resources); land value (valuation and taxation of land and properties); land use (planning and control of the use of land and natural resources); and land development (implementing utilities, infrastructure and construction planning).

The land administration functions are based on and are facilitated by appropriate land information infrastructures that include cadastral and topographic datasets and provide access to complete and up-to-date information about the built and natural environment.

Sound land management is the operational processes of implementing land policies in comprehensive and sustainable ways. In many countries, however, there is a tendency to separate land tenure rights from land use rights. There is then no effective institutional mechanism for linking planning and land use controls with land values and the operation

of the land market. These problems are often compounded by poor administrative and management procedures that fail to deliver required services. Investment in new technology will only go a small way towards solving a much deeper problem; the failure to treat land and its resources as a coherent whole.

Modern LAS in developed economies should facilitate sustainable development - the triple bottom line of economic, social and environmental sustainability - through public participation and informed and accountable government decision-making in relation to the built and natural environments. The interface between the LA infrastructure and professions and the public will increasingly be serviced by information communication technologies designed to implement e-government and e-citizenship. These processes will be used to link systems and information to people who would then be involved in delivering sustainable development at the local level (Ting 2002). E-citizenship is mobilisation of society to engage in planning, use and allocation of resources, using technology to facilitate participatory democracy. E-government involves a government putting government information and processes on-line, and using digital systems to assist public access. E-governance is e-democracy – helping to govern society through the use of the Web.

CADASTRAL SYSTEMS

The basic building block in any land administration system is the land parcel as identified in the cadastre. The International Federation of Surveyors (FIG 1995) defined a cadastre as “a parcel based, and up-to-date land information system containing a record of interests in land (e.g. rights, restrictions and responsibilities). It usually includes a geometric description of land parcels linked to other records describing the nature of the interests, the ownership or control of those interests, and often the value of the parcel and its improvements. It may be established for fiscal purposes (e.g. valuation and equitable taxation), legal purposes (conveyancing), to assist in the management of land and land use (e.g. for planning and other administrative purposes), and enables sustainable development and environmental protection”.

However, the concept of “cadastre” is difficult to identify. It may be designed in many different ways, depending on the origin, history and cultural development of the country or jurisdiction. Basically, a cadastre is just a record that identifies the individual land parcels/properties. The purpose of this identification may be taxation (as was the original reason for establishing the European cadastres) or it may be security of land rights (as was the case in Australia). Today, most cadastral registers around the world are linked to both land valuation/taxation and to the securing of legal rights in land. Therefore it makes sense to talk about cadastral systems or cadastral infrastructures rather than just a cadastre. These systems or infrastructures include the interaction between the identification of land parcels, the registration of land rights, the valuation and taxation of land and property, and the present and possible future use of land. The role and purpose of cadastral systems is shown in Figure 2 below (Enemark, 2004).

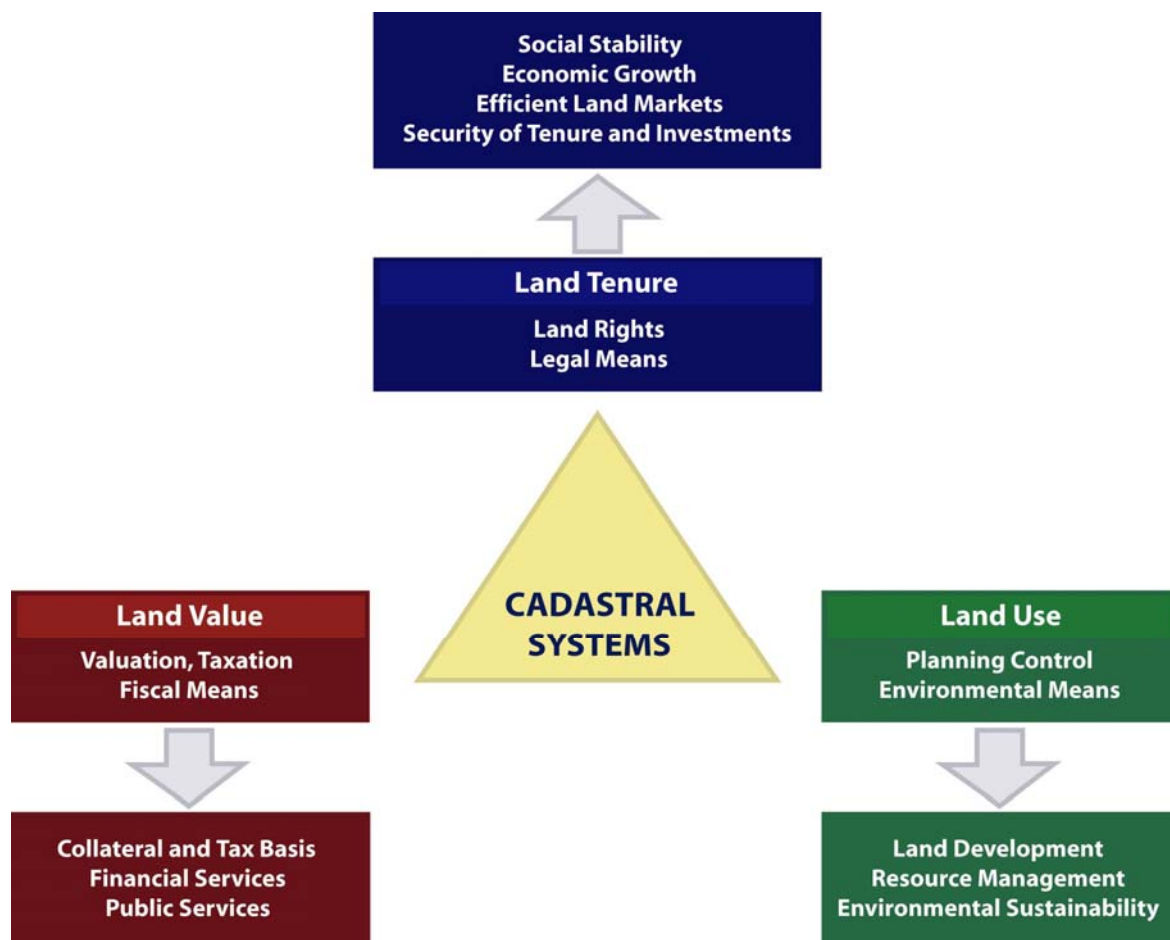


Figure 2. Cadastral systems facilitate administration of three main areas: Land Tenure, Land Value and Land Use.

Throughout the world different organisations of cadastral systems are apparent, especially with regard to the land registration component. Basically, two types of systems can be identified: the deeds system and the title system. The differences between the two concepts relate to the extent of involvement of the state, and to the cultural development and judicial setting of the country. The key difference is found in whether only the transaction is recorded (deeds systems) or the title itself is recorded and secured (title systems). Deeds systems provide a register of owners focusing on “who owns what” while title systems register properties presenting “what is owned by whom”. The cultural and judicial aspects relate to whether a country is based on Roman law (deeds systems) or Germanic or common-Anglo law (title systems). This of course also relates to the history of colonization.

Even though cadastral systems around the world are clearly different in terms of structure, processes and actors, their design is increasingly influenced by globalisation and

technology towards multipurpose cadastres (van der Molen 2003). The same influences push land rights and land use towards integrated, multifunctional information systems. Modern cadastres and land information systems also reflect urbanisation and micro-economic reform incorporating decentralisation, privatisation and quality assurance. The most significant driver is sustainable development with its demand for comprehensive information on the environmental conditions in combination with other land and property related data. As a result, the traditional surveying, mapping and land registration focus has moved away from being primarily provider-driven to now being clearly user-driven. The success of a cadastral system is a function of how well it internalises these influences and achieves these broad social, economic and environmental objectives.

LAND ADMINISTRATION SYSTEMS

LAS, and particularly their core cadastral components, are important infrastructure, which facilitate the implementation of land policies in both developed and developing countries. LAS are concerned with the social, legal, economic and technical framework within which land managers and administrators must operate (UNECE 1996). These systems support efficient land markets and are, at the same time, concerned with the administration of land as a natural resource to ensure its sustainable development. This global approach to modern land administration systems is shown in Figure 3 below.

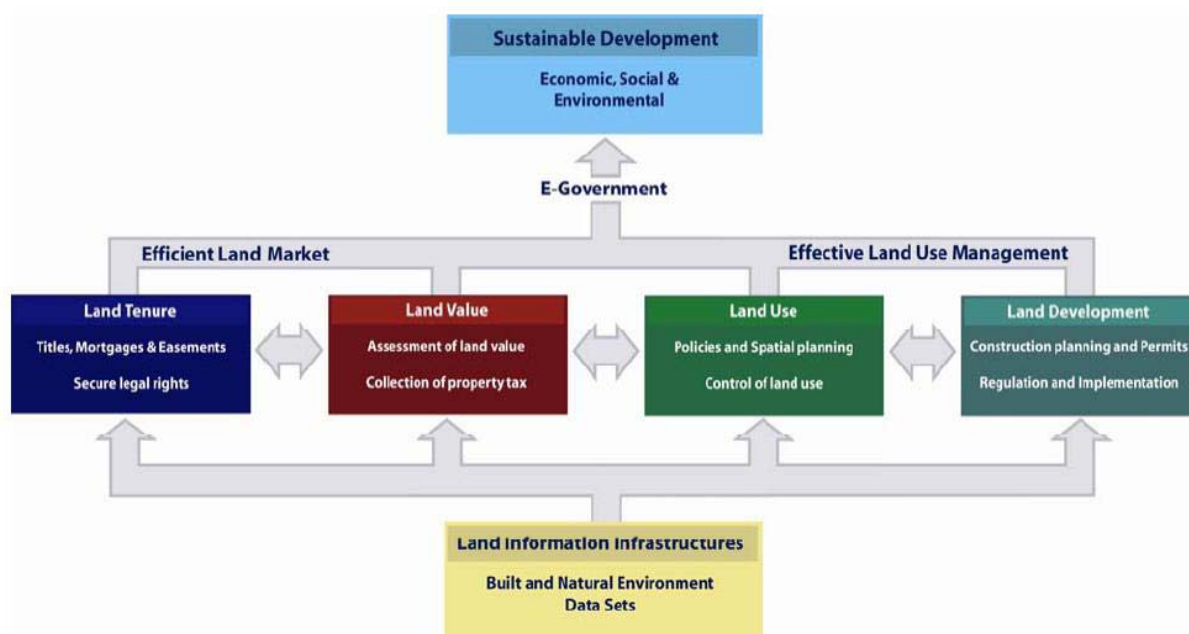


Figure 3. A Global Land Administration Perspective.

As described above, land administration comprises an extensive range of systems and processes to manage:

- **Land Tenure:** the allocation and security of rights in lands; the legal surveys to determine parcel boundaries; the transfer of property or use from one party to another through sale or lease; and the management and adjudication of doubts and disputes regarding rights and parcel 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 national, regional and local levels; the enforcement of land use regulations; and the management and adjudication of land use conflicts.
- **Land Development:** the building of new physical infrastructure; the implementation of construction planning and change of land use through planning permission and granting of permits.

These systems are interrelated. The actual economic and physical use of land and properties influence land value. Land value is also influenced by the possible future use of land as determined through zoning, land use planning regulations and permit granting processes. And the land use planning and policies will, of course, determine and regulate future land development.

The information on land and properties permeates through the system and provides the basic infrastructure for running the interrelated systems within the four interrelated areas. The land information area should be organised to combine cadastral and topographic data and thereby link the built environment (including legal land rights) with the natural environment (including environmental and natural resource issues). Land information should, this way, be organised as a spatial data infrastructure at national, regional/federal and local level based on relevant policies for data sharing, cost recovery, access to data, standards, etc.

The design of adequate systems in the area of land tenure and land value should lead to the establishment of an efficient land market capable of supporting trading in complex commodities. The design of adequate systems in the areas of land use control and land development should lead to effective land-use management. The combination of an efficient land market and effective land-use management should then form the basis for a sustainable approach to economic, social and environmental development.

A modern Land Administration System acts within the environment of adopted land policies that fulfil political objectives with regard to land issues. It also acts within an institutional framework that imposes mandates and responsibilities on the various agencies and organisations. The system is concerned with providing detailed information at the individual land parcel level. It should service the needs of both the individual and the

community at large. Benefits arise through its application in guaranteeing of ownership, security of tenure and credit; facilitating efficient land transfers and land markets; supporting management of assets; and providing basic information in processes of physical planning, land development and environmental control. The system, this way, acts as a backbone for society.

These ambitious goals will not be achieved unless there is a commitment to designing and implementing effective land administration infrastructures. These may be described as the organisations, standards, processes, information and dissemination systems and technologies required to support the allocation, transfer, dealing and use of land (UN-FIG 1999). Information and communications technology (ICT) will play an increasingly important role both in constructing the necessary infrastructure and in providing effective citizen access to information. Also, there must be a total commitment to the maintenance and upgrading of the land administration infrastructure.

INTEGRATED LAND-USE MANAGEMENT

An integrated system of Land-Use Management for Sustainable Development is shown in figure 4 below:

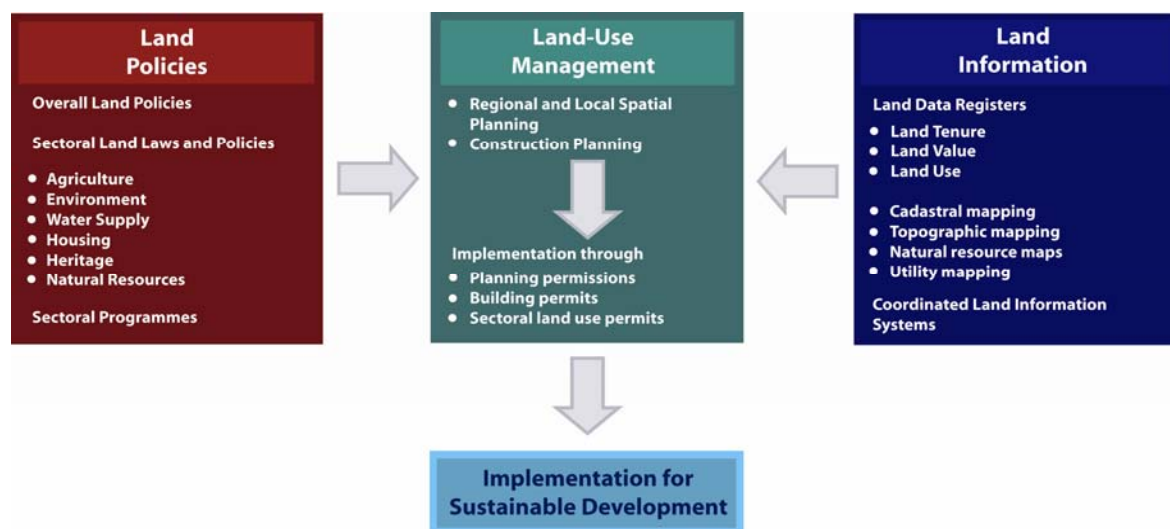


Figure 4. Integrated Land-Use Management for Sustainable Development (Enemark, 2004).

Integrated land-use management is based on land policies laid down in the overall land policy laws such as the Cadastral/Land Registration Act; and The Planning/Building Act. These laws identify the institutional principles and procedures for the areas of land and property registration, land-use planning, and land development. More specific land policies are laid down in the sectoral land laws within areas such as Agriculture, Forestry, Housing,

Natural Resources, Environmental Protection, Water supply, Heritage, etc. These laws identify the objectives within the various areas and the institutional arrangement to achieve these objectives through permit procedures etc. The various areas produce sectoral programmes that include the collection of relevant information for decision making within each area. These programmes feed into the comprehensive spatial planning carried out at national/state, regional and local level.

Furthermore, the system of comprehensive planning control is based on appropriate and updated Land Use Data Systems, such as the Cadastral Register, the Land Book, the Property Valuation Register, the Building and Dwelling Register, etc. These registers are organized to form a network of integrated subsystems connected to the cadastral and topographic maps to form a spatial information infrastructure on the natural and built environment.

In the Land-Use Management System the various sectoral interests are balanced against the overall development objectives for a given location and thereby form the basis for regulation of future land-use through planning permissions, building permits and sectoral land use permits according to the various land-use laws. These decisions are based on the relevant land use data and thereby reflect the spatial consequences for the land as the people. In principle it can then be ensured that implementation will happen in support of sustainable development.

CAPACITY BUILDING

Good governance, comprehensive land policies, and sound land administration institutions are essential components for addressing the problems related to land management and land information infrastructures. Both an efficient land market and an effective means of land-use control must be developed as the basic tools for achieving a sustainable approach. However, in many countries, and especially developing countries and countries in transition, the national capacity to manage land rights, restrictions and responsibilities is not well developed in terms of mature institutions and the necessary human resources and skills. In this regard, the capacity building concept offers some guidance for analysing and assessing the capacity needs and for identifying an adequate response to these needs at societal, organisational and individual levels.

The term capacity building is relatively new, emerging in the 1980s. It has many different meanings and interpretations depending upon who uses it and in what context. It is generally accepted that capacity building as a concept is closely related to education, training and human resource development (HRD). However, this conventional understanding has changed over recent years towards a broader and more holistic view, covering social, organisational and educational aspects.

UNDP (1998) offers this basic definition: “*Capacity can be defined as the ability of individuals and organizations or organizational units to perform functions effectively, efficiently and sustainable.*” Capacity is seen as two-dimensional:

Capacity Assessment or diagnosis is an essential basis for the formulation of coherent strategies for capacity development. This is a structured and analytical process whereby the various dimensions of capacity are assessed within a broader systems context, as well as being evaluated for specific entities and individuals within the system. Capacity assessment may be carried out in relation to donor projects e.g. in land administration, or it may be carried out as an in-country activity of self-assessment.

Capacity Development is a concept that is broader than HRD since it includes an emphasis on the overall system, environment and context within which individuals, organisations and societies operate and interact. Even if the focus of concern is on a specific capacity with an organization to perform a particular function, there must nevertheless always be a consideration of the overall policy environment and the coherence of specific actions with macro-level conditions. Capacity development does not, of course, imply that there is no capacity in existence; it also includes retaining and strengthening existing capacities of people and organisations to perform their tasks.

The more complete definition offered by the UNDP and also the OECD for capacity development is “... *the process by which individuals, groups, organisations, institutions and societies increase their abilities to: perform core functions, solve problems, and define and achieve objectives; to understand and deal with their development needs in a broader context and in a sustainable manner.*” This definition is generally accepted and adopted by various donors. Capacity development in society can, in this regard, be addressed at three levels as outlined by UNDP:

- *The broader system/societal level.*
The highest level within which capacity initiatives may be considered is the system or enabling environment level. For development initiatives that are national in context, the system would cover the entire country or society and all subcomponents that are involved. For initiatives at a sectoral level, the system would include only those components that are relevant.
- *The entity/organisational level.*
An entity may be a formal organisation such as government or one of its departments or agencies, a private sector operation, or an informal organisation such as a community based or volunteer organisation. At this level, successful approaches to capacity building include the role of the entity within the system, and the interaction with other entities, stakeholders, and clients.
- *The group of people/individual level.*
This level addresses the need for individuals to function efficiently and effectively within the entity and within the broader system. HRD is about assessing the capacity needs of people and addressing the gaps through adequate measures of education and training and continuing professional development (CPD) activities.

However, capacity building is not a linear process. Whatever the entry point is and whatever the issue currently in focus is, there may be a need to zoom in or out in order to look at the conditions and consequences at the upper or lower level(s). Capacity building should be seen as a comprehensive methodology aimed at providing a sustainable outcome through assessing and addressing a whole range of relevant issues and their interrelationships.

Taking the above approach, capacity is seen as a development outcome in itself and distinct from other program outcomes such as building technical and professional competence in certain fields through HRD activities. Measures such as education and training become a means to an end while the end itself is the capacity to achieve the identified development objectives over time - such as to establish and maintain national land administration infrastructures for sustainable development (Enemark and Williamson, 2004).

INSTITUTIONAL DEVELOPMENT IN LAND MANAGEMENT

The Land management activities rely on some form of land administration infrastructure that permits the complex range of rights, restrictions and responsibilities in land to be identified, mapped and managed as a basis for policy implementation. In this context there is a whole range of capacity building and HRD principles and options to be considered. Institutional development in Land Management implies adoption of long-term strategic actions. This includes the need to:

- Establish a strategic approach to donor projects and ensure that capacity building measures are addressed up front – not as an add-on.
- Develop in-country self assessment procedures to identify the capacity needs and thereby argue for the necessary measures of capacity development in terms of policies, legal framework, institutional infrastructures, and human resources and skills.
- Promote the creation and adoption of a comprehensive policy on land development and establish a holistic approach to land management that combines the land administration/cadastre/land registration function with the topographic mapping function
- Establish a clear split of duties and responsibilities between national and local government (decentralisation). Ensure that the principles of good governance apply when dealing with rights, regulations and responsibilities with regard to land resources and land development.
- Promote the understanding of land management as highly interdisciplinary that includes a whole range of policy measures such as social, economic, environmental, judicial, and organisational.
- Promote the need for an interdisciplinary approach to ‘surveying education’ that combines both technical and social science and links the areas of measurement

science and land management through a strong emphasis on spatial information management.

- Establish strong professional bodies such as a national institution of surveyors who are responsible for the development and control of professional standards and ethics, enhancement of professional competence, and interaction with governmental agencies to develop the optimal conditions and services.
- Promote the need for CPD to maintain and develop professional skills and promote the interaction between education, research and professional practice.

Adoption of a comprehensive policy on land management is crucial since this will drive the legislative reform which in turn results in institutional reform and finally implementation with all its technical and human resource requirements. A good overall approach is to look at the four steps that constitute good strategic management: Where are we now; where do we want to be; how do we get there; and how do we stay there. This approach is in line with the broad capacity building concept which aims to assess, develop and sustain as shown in the diagram below:

Capacity Assessment	Capacity Development	Sustainability
<ul style="list-style-type: none"> • Are the policies on land management clearly expressed? • Is the legal framework sufficient and adequate? • Are the institutions adequate and are the responsibilities clearly expressed? • Are the guiding principles for good management well expressed? • Are the human resources and skills adequate and are the relevant education and training opportunities available? 	<ul style="list-style-type: none"> • Adoption of an overall land policy • Design of a legal framework addressing the rights, restrictions and responsibilities in land. • Implementation of an organisational framework with clearly expressed duties and responsibilities • Adoption of clearly expressed guiding principles for good governance. • Establishment of adequate and sufficient educational options at all levels. 	<ul style="list-style-type: none"> • Instigation of a self-monitoring culture in which all parties, national and local government, NGOs, professionals and citizens, review and discuss progress and suggest any appropriate changes. • Lessons learnt need to be fed back into the process for continuous improvement. • Implementation of adequate requirements and options for activities of Continuing Professional Development (CPD).

FINAL REMARKS

The objective of this paper is to build an overall understanding of the Land Management Paradigm and the need for institutional development to establish sustainable national concepts in this area. This includes creation and adoption of a comprehensive policy on land development, and a holistic approach to land management that combines the land administration/cadastral/land registration function with the topographic mapping function

The debate should be aware of the global trends in this area while still recognising that the design of such systems will always be unique due to the different geographic and cultural preconditions and needs of each respective country. This calls for increased international co-operation.

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BIOGRAPHICAL NOTES

Stig Enemark is Professor in Land Management and Problem Based Learning at Aalborg University, Denmark, where he was Head of the School of Surveying and Planning 1991-2005. He is Master of Science in Surveying, Planning and Land Management and he obtained his license for cadastral surveying in 1970. He worked for ten years as a consultant surveyor in private practice. He is the President of the Danish Association of Chartered Surveyors and he is Vice-President of the International Federation of Surveyors (FIG) 2005-2008. He was Chairman of FIG Commission 2 (Professional Education) 1994-98, and he is an Honorary Member of FIG. He was acting as the Danish delegate to the Council of European Geodetic Surveyors (CLGE) 1997-2005. His teaching and research are concerned with land administration systems, land management and spatial planning, and related educational and capacity building activities. Another research area is within Problem Based Learning and the interaction between education, research and professional practice. He has undertaken consultancies for the World Bank and the European Union especially in Eastern Europe and Sub Saharan Africa. He has more than 200 publications to his credit, and he has presented invited papers to more than 50 international conferences. For further information see <http://www.land.aau.dk/~enemark>

CONTACTS

Professor Stig Enemark
Department of Development and Planning
Aalborg University, 11 Fibigerstrede
DK 9220 Aalborg, Denmark
Tel +45 9635 8344; Fax +45 9815 6541
Email: enemark@land.aau.dk
Web: www.land.aau.dk/~enemark