Land Tenure Security

An Essential Component of Responsible Land Administration

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SUMMARY

In many countries around the world, the land administration system deals only with formal land rights, often subject to legislation passed during the colonial period. Formal or statutory tenure is where a landholder's rights are specified in the law. This enables the owner(s) or rightholder(s) to rely on the law to defend his or her rights. But the poor often hold their land through customary or informal tenure systems which are often not recognized in law or in practice and therefore they lack the tenure security provided by the law.

Land tenure is the relationship between humans and the land. It controls how people acquire, hold, use and transact land rights. Land tenure systems differ across cultures, legal systems and natural resources. To fully understand land tenure within a certain context, it is necessary to examine what rights and restrictions exist. The 'bundle of rights' paradigm is a useful tool for understanding and analysing land tenure. Private (e.g. access, use, development, subdivision, sale) and public (expropriation, taxation, land use controls) land rights may be held as individual or common property. Historically, there has been a bias towards individual private property but in recent times the value of formalizing community land rights has been realized.

This paper describes a module on land tenure security which was part of a six-module course on Responsible Land Administration that was designed by GLTN and several of its partners. The objective is for these modules to provide a structured knowledge base that could form the basis for different educational offerings, including conventional classroom courses, MOOCs (massive open on-line courses), workshops or as on-line individualized learning objects. The Land Tenure security Module is comprised of four sub-modules dealing with: (1) defining land tenure systems within the context of property rights, legitimacy and land law; (2) land tenure security, how it is assessed and tools available for this assessment; (3) goals and processes of land administration, SDI, land information and land dispute resolution; and (4) impact and options for recording and maintaining land rights.

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1. INTRODUCTION

Land tenure is the relationship between humans and the land. It controls how people acquire, hold, use and transact land rights. Land tenure systems differ across cultures, legal systems and natural resources. To fully understand land tenure within a certain context, it is necessary to examine what rights and restrictions exist.

Informality is a phenomenon that has become common around large cities in developing countries. UN-Habitat estimates that one third of all city inhabitants in the developing world live in an informal situation. People who live in 'slums', 'favelas', 'pueblos jovenes', 'shanty towns', or 'squatter settlements' not only live in inadequate housing with little or no tenure security but also lack basic public infrastructure and services (see Figure 1). Tenure security may also be compromised if legal and planning requirements have not been met during the development phase.

Figure 1. Examples of Informal Settlement

Property formalization typically involves acquiring a land title and registering that title, or some other document (e.g. deed) in a public registry. If their rights to the land are threatened, unregistered landholders find themselves in a weak position, without support from government agencies or the courts. Threats may come from many sources; government projects, large developers or local elites may claim a right to the same land. Vulnerability to disasters can also impact tenure security, since hurricanes, floods and other disasters often destroy boundaries and land records. Even improperly designed property formalisation projects can lead to landholders, such as women, losing their land rights.

Tenure security has been linked to increased investment and land values on rural and urban land, decreases in deforestation , more active land markets, access to credit, and poverty

alleviation (Galiani and Schargrodsky 2010). It is therefore a central goal of any National Land Policy, see Enemark (2019).

This paper describes a module on Land Tenure Security as authored by Grenville Barnes. This module is part of a six-module course on Responsible Land Administration that was designed by GLTN and several of its partners and available at https://elearning.gltn.net/. The objective is for these modules to provide a structured knowledge base that could form the basis for different educational offerings, including conventional classroom courses, MOOCs (massive open on-line courses), workshops or as on-line individualized learning objects. This module 2 on Land Tenure Security Module is comprised of four sub-modules dealing with:

1. Defining land tenure systems within the context of property rights, legitimacy and land law;
2. Land tenure security, how it is assessed and tools available for this assessment;
3. Goals and processes of land administration, SDI, land information and land dispute resolution; and
4. Impact and options for recording and maintaining land rights.

An overview of the full contents (52 pages) is provide din Annex 1.

2. ANALYSING LAND TENURE AND SYSTEMS OF LAW

At its most fundamental level, land tenure is the relationship between humans and the land. It controls how people hold (tenure comes from the Latin 'tenere' meaning to hold), use and transact land rights. Land tenure systems differ across cultures, legal systems and natural resources. To fully understand land tenure within a certain context, it is necessary to examine what rights and restrictions exist. The 'bundle of rights' paradigm is a useful tool for understanding and analysing land tenure. This bundle is composed of the various rights (develop, use, mortgage, sell, subdivide, etc.) in a land parcel much like a bundle of sticks, where each stick represents a right, as shown in Figure 2 below.

Rights may be allocated to private landholders or held back by the public (government). Typical public rights within common law systems include: the right to tax; the right to expropriate private property for public purposes (also known as eminent domain); and the right to control the use of private land through such mechanisms as zoning.

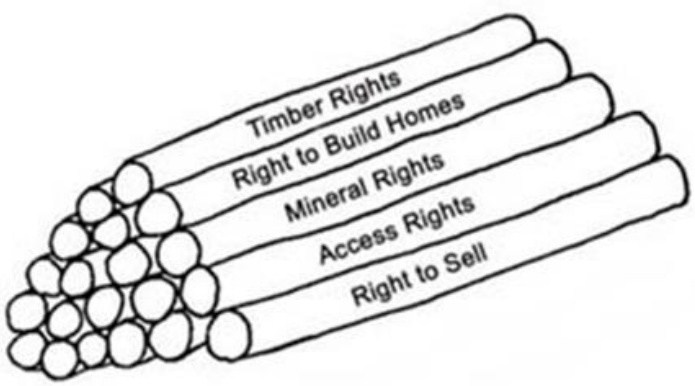

Figure 2. Conceptualizing Land Tenure as a Bundle of Rights

2.1 Land tenure systems

It is common to separate land tenure systems into statutory – as defined by formal law – and customary tenure regimes. In many developing countries statutory tenure regimes were established during colonial times and often reflect Eurocentric approaches to land tenure (such as favouring private freehold tenure). Customary tenure regimes were undermined by statutory regimes during the colonial era, but they have survived and still serve as the dominant form of tenure in many countries in Africa. Traditionally, customary regimes were unwritten and communal or community-based, but these have evolved over time and today are often a mix of individual and group rights. Religious land tenure regimes, where land tenure is defined through a religious system (like Islam), is receiving increasing attention and it is estimated that 20% of the global population is impacted in some form by Islamic land principles (Sait 2010).

Land rights may also be classified according to regimes, such as state, private (individual), communal and open access regimes (FAO 2002; Bromley 1991), or more simply as state, collective and individual. In the commons literature, property rights are often devolved into access, withdrawal, management, exclusion and alienation rights that represent a continuum of rights from weaker to stronger (Schlager and Ostrom 1992). Several authors (e.g. Meinzen-Dick 2006) have incorporated this classification schema into a “tenure box” as another way of understanding and analyzing land tenure (see Figure 3).

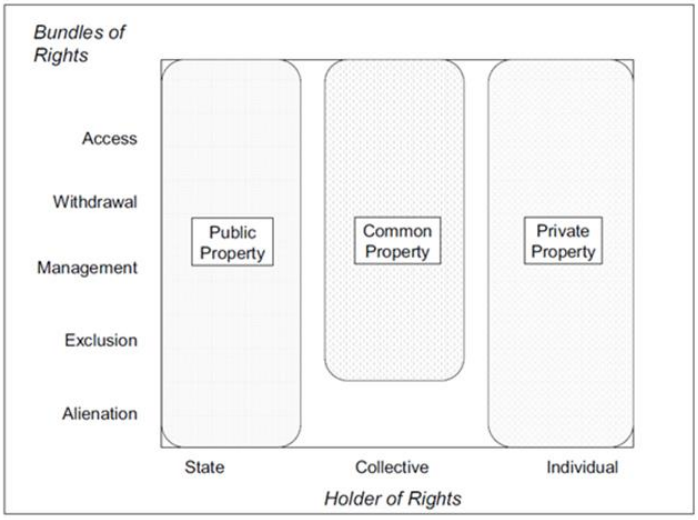

Figure 3. The Tenure Box.

Note that the bundle of rights approach reveals quite different kinds of rights (e.g. tenure box does not deal with mortgage or subdivision rights). This is because the bundle of rights focuses primarily on land rights, whereas the tenure box emerged from an analysis of common property natural resource rights.

In many developing countries there is a mix of de jure (recognized by the formal legal system) and de facto (recognized on the ground but not formalized) rights. Take for example a parcel of land that in 1950 was titled in the name of A. When A became too old to farm his land, he gave the land to his four sons (B, C, D and E) and his daughter (F). B later subdivided his portion of the land into two parcels and sold these to G and H (See Figure 5). None of these transactions was formally registered and the subdivision was not surveyed. However, on the ground the de facto rights and boundaries between each of these land holdings, as shown on the right side of Figure 5, are undisputed and recognized by all parties. The de jure record still shows A as the owner (see left side of Figure 5), but he passed away more than 40 years ago. Which is more legitimate – the de jure or the de facto rights? Would E or H be able to rely on the legal system to protect their rights? How can the de jure system be updated to show the current de facto land tenure situation?

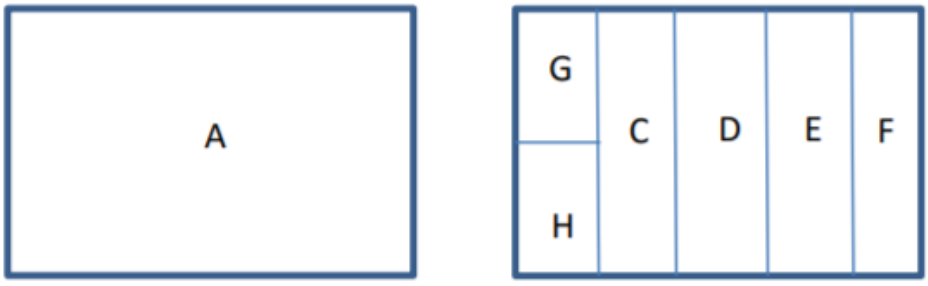

Figure 4. Comparison of de jure (left) and de facto (right) tenure status

In addition to illustrating how de facto and de jure rights can differ, this case also shows that registered land can unravel and become informal once more (see Barnes and Griffith-Charles 2007).

2.2 Systems of law

The two dominant legal systems in the world are English common law and civil law. As the name suggests, English common law originated in England in the Middle Ages while civil law emerged from Roman Law which was first codified in the Institutes of Justinian in the 6th Century AD and later revived in Italy during the 11th Century. Both of these systems were subsequently exported around the world during the colonization era. See Figure 6 below for a map showing the distribution of these legal systems. Although countries in Africa are not labelled as customary, in many of these countries customary law exists alongside the legal system shown in this map. This is also true for countries shown as being under Religious Law. There are a number of countries (especially in Africa) which practice legal pluralism, mixing common or civil law with customary or religious law. This complexity is not reflected in the map in Figure 5.

The primary difference between common and civil law is that the former is based on custom and practice while the latter is based on codified rules (e.g civil code). Common law relies on precedent which is incorporated into written case law, while civil law judges interpret the facts of a case and apply the rules found within the relevant code. In Civil law the legally recognized land rights are specified in the Civil code or a specific land code and this tends to make it difficult to acknowledge legitimate rights that cannot be 'framed' as one of those.

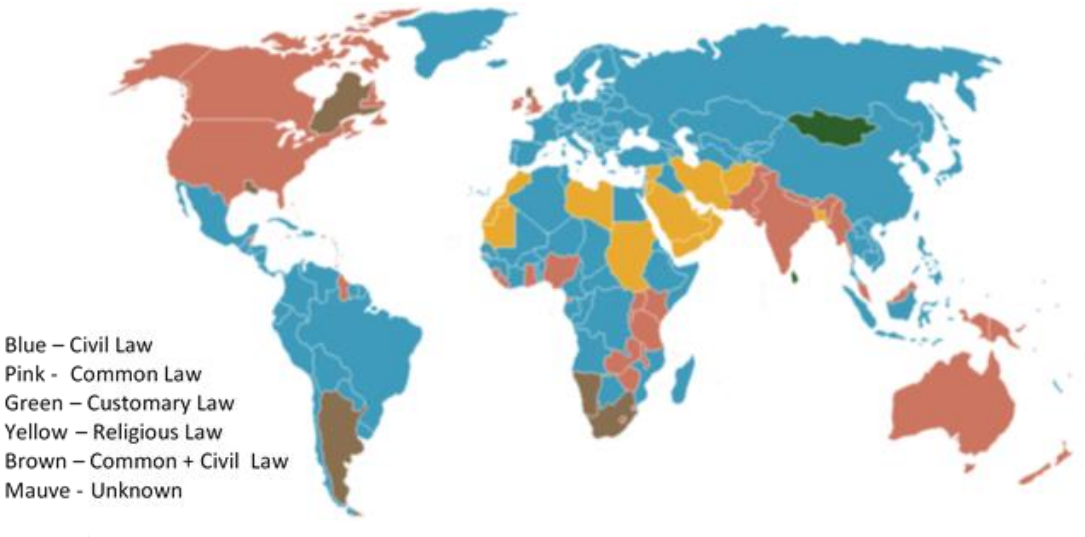

Figure 5. Legal systems across the world
http://commons.wikimedia.org/wiki/Image:LegalSystemsOfTheWorldMap.png

Since statutory (mainly common and civil law systems) and customary law differ in their foundations and historical evolution, how are these two systems able to co-exist in certain

countries? There do not seem to be any obvious models for synchronizing these two systems as evidenced by the following:

> *Many of their [countries which have obtained independence in the past 50 years] constitutions preserve a role for customary law or recognize the inevitability of legal pluralism in the state. But few have found a functional and effective way of implementing legal pluralism… or defining the relationships between the pluralistic institutions (Pimentel 2011).*

In contemplating this question it is useful to first identify some of the key differences between the two systems within land and property matters. One key difference is the way in which land is inherited or dealt with in the case of divorce. Usually, women have equal rights in statutory law, whereas under customary law inheritance and divorce often work in favour of men. There is a more fundamental difference as regards the concept of land and property. Under many customary systems, land is not seen as a commodity to be sold on the open market, but rather as a space that belongs to multiple generations of a family. Customary tenure also accommodates overlapping rights held by different people for different purposes (e.g. grazing, collection of firewood and wild plants), whereas most statutory systems are not designed to deal with such complexities. Finally, customary systems tend to exhibit more diversity and may differ from one community to the next, whereas statutory systems are designed for application at the national level with little regional distinction.

3. TENURE SECURITY

Tenure security has been defined in several different ways and is generally quite difficult to measure. Options for measuring this concept extend from perceptions of landholders all the way to observable actions that demonstrate their security. I may perceive that my rights are secure and that if needed I could use them for certain purposes, like using it as collateral when I have an emergency in the family. Unless I actually try to use my land as collateral, this remains a perception. On the other hand, my neighbour may have actually acquired a loan from the bank using her land as collateral. In this case my neighbour believes she has security because her action has proven this to be true. Another example of a practice-based measure of tenure security is the use of legal mechanisms to prevent eviction (UN Habitat 2007).

In their review of literature on tenure security, Bruce and Migot-Adholla (1993: 252) identified three key elements of tenure security: (i) duration of rights, (ii) protection against counter claims, and (iii) the freedom to use and 'dispose of' land. This definition was echoed by Holden et al (2013, p.7) who summarized tenure security as the "extent of protection and duration of one's land rights". The rationale behind this definition is that tenure security is greater when some individual or group has a broader bundle of rights and when those rights do not have time limits on them.

But can we infer that someone who meets these conditions automatically has tenure security? What if the legal system or land tenure system restricts the size and duration of land rights? Perhaps there are different levels of security? There is no simple answer to these questions and the historical belief that all we needed to do was give everyone individual freehold title has not proven to be an effective or viable solution.

Tenure security is also included in the UN's Sustainable Development Goals (SDGs) . One of the 17 SDGs is the elimination of poverty: more specifically "Goal 1 calls for an end to poverty in all its manifestations by 2030." All of these factors are seen as bridges to addressing food security, enhancing productivity, alleviating poverty and ultimately facilitating sustainable development." One of the indicators (1.4.2) for the poverty alleviation goal is the "proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure." There are currently efforts under way to collect additional data to support the SDGs.

However, there is little argument that tenure security is a necessary and desirable condition in the quest for sustainable development. At the 2016 Habitat III meeting in Quito the UN General Assembly highlighted tenure security in the following declaration:

"We commit ourselves to promoting, at the appropriate level of government, including subnational and local government, increased security of tenure for all, recognizing the plurality of tenure types, and to developing fit-for-purpose and age-, gender- and environment-responsive solutions within the continuum of land and property rights, with particular attention to security of land tenure for women as key to their empowerment, including through effective administrative systems."

The following arguments are generally made to justify the need for tenure security:

a) it motivates landholders to invest in their land and housing, or, alternatively, it removes the disincentives (like others may have a claim on the land) from such investments;
b) it protects urban dwellers from forced evictions
c) it provides the security (and collateral) necessary to access credit from banks and other lending institutions (this is just one factor in a lending decision);
d) it has been shown to increase the land value;
e) it has been related to increases in production on the land;
f) it can stimulate the land market.

Lack of tenure security can, of course, block these potential benefits and act as a poverty trap. It also makes landholders more vulnerable to losing their land through elite capture, expanding land claims by ranchers, increases in biofuel markets and a host of other economic factors that change the value of land. In post-disaster situations it may also block the most vulnerable and needy from receiving external aid. Following Hurricane Ivan in Grenada, an aid agency offered to build a number of new houses for the most vulnerable families (Barnes and Riverstone 2007). Unfortunately, this was impossible because those families did not have secure tenure to the land they occupied, or else they were renting from the actual landholder.

3.1 Assessing security of tenure

When land rights that are perceived to be, and/or are in practice, continuous, legitimate, clear, respected by third parties, and capable of delivering benefits, it means that there is tenure security (Barnes et al 2017). But how do we measure tenure security? This challenge is not new and it is worth reviewing what others have done and are doing to measure tenure security.

The World Bank's Land Governance Assessment Framework (LGAF) is a good example of recent efforts to measure tenure security in a comprehensive manner (The World Bank Group, 2012). The LGAF uses a series of indicators to monitor the legal framework, policies, and practices regarding land governance. The indicators consider the existence and content of legislation, the extent to which land rights and land tenure restrictions are justified as well as the existence of unbiased dispute resolution mechanisms. LGAF has completed reports on 25 countries, with ongoing work in 16 other countries.

A new initiative known as Prindex aims to measure peoples perceptions of "tenure security" and create a global database (Land Alliance 2016). PRINDEX has tested its methodology in 14 states in India and carried out pilot studies in 9 countries (see below). Currently, data is publicly available for Brazil, Colombia, Egypt, Greece, Indonesia, Nigeria, Peru and Tanzania. Initial analyses by the authors have been presented as shown below in Figure 6.

Next to LGAF and PRINDEX, there are other databases providing information on tenure security such as The International Property Rights Index (IPRI), The Global Open Data Index (GODI), The International Fund for Agricultural development (IFAD, and Landmark.

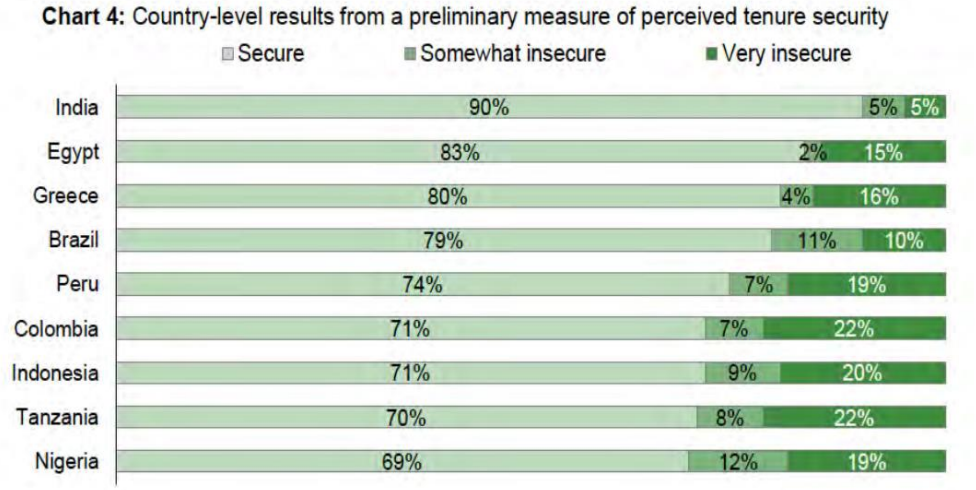

Figure 6. Summary of PRINDEX results from pilot countries (Childress, 2017)

In spite of these efforts, UN-Habitat/GLTN summarized the status of tenure security indicators as follows:

> *Despite very many indicators being proposed by different stakeholders, piloted and used in different contexts, globally comparable datasets on key tenure issues, such as measures of tenure security and the distribution of access to land do not exist. Where data is collected, indicator definitions and methodologies vary greatly. Furthermore, geographical and temporal coverage is usually limited (GLTN 2017)*

This is evident from the indicators listed in Table I where the data and coverage varies significantly, both in terms of countries covered as well as the focus (individual registered parcels vs communal or indigenous land).

3.2 Teure security and the continuum of land rights

Transforming informal land tenure into formal property rights is not a simple process nor is there one solution. Instead of viewing the formalization process as one that takes informal rights to full freehold rights, an incremental or laddered approach has been proposed. This approach may begin with the granting of rights of occupation (the lowest rung on the ladder, but one up from no legal recognition), and may progress up the ladder by expanding the bundle of rights. Spatially, this may begin with the rights being spatially referenced to a single point (such as the location of the household structure), but as a settlement becomes more regularized (so as to accommodate access for emergency vehicles, for example) these rights may be referenced to

the whole structure and ultimately to a land parcel. An example of viewing urban land tenure evolution along such a continuum of land rights is shown for Angola in Figure 8 below (taken from du Plessis et al 2016). Other examples include the Certificates of Comfort given to squatters in Trinidad and Tobago

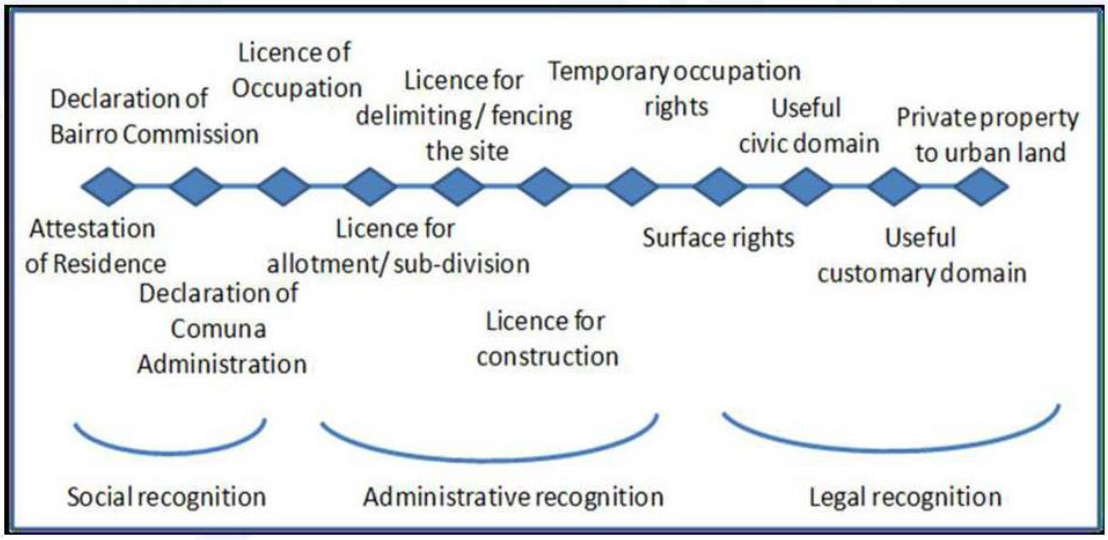

Figure 7. Continuum of Urban land Rights in Angola

The continuum of land rights (see Module 1) was developed with urban and peri-urban land in mind. While it is less pertinent to rural land rights, it is useful to also conceive of rural land rights as being on a continuum. However, the progression towards individual title may not necessarily apply and tenure may be more secure through group titles. However, as suggested by the discussion of natural resource rights above (see Figure 4), the continuum of rights may progress from simple access rights to withdrawal to management to exclusion and ultimately to alienation rights. In many Latin American countries peasant and indigenous communities are granted group titles, but with certain restrictions. Typically these titles do not allow for mortgaging, prescription (aka adverse possession), subdivision and alienation which means they are not freehold-type rights that can be freely traded within a land market. However, they may constitute property rights that are equally or even more secure than freehold.

The continuum of land rights is not a prescription for analysing land tenure but "a tool for explaining, predicting and visualizing how tenure systems may evolve. The two poles on that continuum need not necessarily be formal or informal…" (Barry 2015, p.34)

5. THE IMPACT OF PROPERTY FORMALISATION

Much of the evidence supporting the positive link between property formalization and the resulting benefit stream was produced in the wake of the Thailand Land Titling Project. Analysis of the impact of titling in Thailand demonstrated that it led to increases in the price and value of land, as well as a more active land market and access to credit on more favourable terms (Feder et al 1988; Feder and Nishio 1998).

Impacts of formalizing or titling land rights have not been universally positive, especially in the context of Sub-Saharan Africa (Platteau 1996). Studies in Africa and Latin America have raised questions about the linkages between land titling and increases in land transactions (Stanfield et al, 1990; IIED/FAO, 2007), land investments (Migot-Adholla et al, 1994), or credit availability and use. A recent study of the Rwanda Land Tenure Regularization Program (LTR) found that the perceived high costs of registering transactions and the physical inaccessibility of registry services tenure security was diminishing tenure security (Simbizi 2016). Analysis of the impacts of titling in Peru showed differing effects on tenure security of title beneficiaries; those with lower tenure security prior to titling (based on what type of documentation they possessed) benefited more from formal titles (Fort 2009).

Until recently, much of the analysis on the effect of property formalization from titling was focused on farmers and agricultural production. Very little was focused on assessing impacts in urban or rural areas dominated by forests and pastures. The danger with generalizing the experience with agricultural land to apply to all land is that it tends to favor individualization, whereas group or communal tenure may be more applicable.

4.1 Registration systems

The main objective of registration systems is to provide a public depository for legal property documents and to provide public notice of ownership changes. It is also designed to answer certain key questions about land rights: What are these rights? Who holds the rights? When were they created? Where do these rights operate?

In the English speaking world, land registration systems are usually divided into 'Registration (or recordation) of Deeds' (ROD) and 'Registration of Titles' (ROT). Simpson (1976, p.105) summarized the differences between these two systems as follows (quoting Hogg 1920):

> *By deed registration – or registration of deeds – is meant primarily a system under which instruments are recorded merely as such, and not with special reference to the land they purport to affect. By title registration – or registration of title – is meant primarily a system under which a record is made of the title to some particular land as vested in some particular person for the time being, or of instruments as affecting some particular land.*

Outside of the countries influenced by Britain, one will typically encounter a system that is a mix of the principles included in these two systems.

4.1.1 Registration of Deeds (ROD) System

In a ROD system, the first document that creates a property unit is often called a title. All further transfers of the property are done by means of a deed which is designed to answer the questions raised in the last paragraph. The rights may be described as 'fee simple' in an English common law system, which infers certain rights (see section on land tenure). Who holds the rights is described by the names of the grantor (seller) and grantee (buyer). When the transfer takes place

is usually defined by a precise date and time stamp when the document enters the registry and when it is actually registered. Finally, the spatial definition of where the rights exist is either done by reference to a surveyor's plan or diagram, or through a description in the deed which may be done via a worded statement (metes and bounds) or through the inclusion of a plan on the deed itself.

In a ROD system good title to a parcel of land is proved by doing a retrospective search through all the deeds that have transferred the property since it was fist created. This is known as a "chain of title". Where there is an active land market, the number of deeds relevant to a chain of title search can become significant. For this reason, some systems have shortened the chain and only require a minimum of 30 (e.g. Florida in the US) or 40 years. Retrospective searches have also been significantly simplified through computerization of both indices and records. Some ROD systems have also implemented a tract index which reflects the transactions on each parcel.

4.1.2 Registration of Title (ROT) System

A ROT system, on the other hand, registers title directly and does not require any retrospective search through historical documents (except for the first registration of a parcel). ROT systems have taken over from ROD systems in many countries around the world, most notably in the UK, Caribbean, Canada and Australia. In several countries (e.g. Trinidad and Tobago) the two systems still co-exist.

Perhaps the most well-known ROT system is the Torrens System which was first initiated in S. Australia in 1858 by Sir Robert Torrens. Drawing on his customs official experience with tracking freight on ships, and also possibly profiting from the debates in England at that time (Simpson 1976), Torrens established a registration system based on the following principles:

- Curtain principle which avoids the need to search back into historical records.
- Mirror principle which requires that title be reflected directly in a register.
- Insurance principle through which the state would guarantee the veracity of the rights recorded in the register making title indefeasible.

Originally, the register was composed of Certificates of Title where each parcel (and Certificate) appeared as a page in the register. Digital databases have changed this but it is still useful to conceptualize the system in this way. Two other fundamental characteristics of the Torrens System were compulsory registration – transactions had to be registered – and the requirement that parcel boundaries be based on a field survey. Interestingly, the so-called Torrens system introduced in the US did not make registration compulsory. As a result of this, as well as the many counter claims which drained the assurance fund for guaranteeing title, led to the failure of the system in almost all of the 21 states in which it was introduced.

The Certificate of Title shows the name of the first registered land owner and is updated whenever the property is transferred. This means title can be established by just looking for the last name on the relevant page in the register. Other secondary rights, like mortgages and liens,

are also documented on the register so that it is not necessary to refer to other documents to determine the tenure status of a property.

There are a number of ROT systems in western Europe (e.g. Germany) which differ slightly from the Torrens system. However, they still make use of a register as the central document. In Germany this is known as the Grundbuch (land register) and, unlike the Torrens system, the information reflected on this register is abstracted from the document of conveyance. In this kind of register, four sections are assigned to (a) the identification of the parties (grantor/grantee), (b) identification of the land parcel, and (c) description of secondary rights (e.g. easements, leases) associated with the parcel, and (d) charges or encumbrances (e.g. mortgage, lien) on the parcel (Simpson 1976). The Grundbuch is linked to an accurate cadastral map through a unique parcel identifier. Using this cadastral foundation, the Germans also added soils and land use information to this system, making it one of the first multipurpose cadastres.

See Williamson et al (2010), pages 341-342 for a broad comparison of ROD and ROT.

4.1.3 Hybrid system

There are also registration systems that have been adapted from ROD to a system that looks more like a ROT system. The South African "deeds system" is one such example. The current deed on a property carries forward the up to date title information so that long retrospective searches are not required. Essentially, all that is required is to look at the latest deed. Limited retrospective searches can be done either by owner name or by parcel number, but this information is available to attorneys (conveyancers) who may need to do this. Private conveyancers are responsible for assuring that the correct information is carried forward to the current deed together with all attached rights.

4.2 Maintenance, updating and enforcement

One of the biggest challenges facing the sustainability of registration and cadastral systems is the 'de-formalization' of property after it has been titled. For the property registry to keep up to date, parties to transactions, such as sales and inheritances, must formally register these transactions. If this does not occur, the registry information becomes increasingly out of date to the point that it becomes an historical "snapshot" and not an accurate reflection of the current tenure situation. There is a broad misconception that once a parcel is titled it will remain 'formal.' However, we have observed numerous cases in several countries where small land holders return to the informal system to convey and subdivide their land. If this continues to occur not only will the benefits of property formalization be lost, but the sustainability of the registry will be seriously compromised. Similarly, off-record subdivisions will reduce the currency of the cadastre until it too becomes a record of the past.

In a study of St Lucia in the Caribbean 20 years after a land titling project we found that 28% of the registered de jure owners were no longer on the land (Barnes and Griffith-Charles 2007). In almost all of these cases, the land was titled (and registered) in the name of a deceased person, but the occupants had some familial relationship with this person. Some were even able to

support this claim with a copy of a will or letter of administration of the deceased estate. In a handful of cases the occupant was leasing the land from the owner, but none of these leases were formally registered even though they were for longer than the two year minimum required for registration.

Why do people not register property transactions? We investigated three possible reasons by asking people in St. Lucia about their perceptions with respect to three aspects of registration: (a) transaction costs in the registry, (b) the accuracy of the registry information, (c) the advantages and disadvantages of the registry system (Griffith Charles 2005). The general perception amongst landholders was that the cost of formalizing (registering) a transaction (e.g. sale) in the registry was much higher than the actual cost (most by $100 - $3000). We suspected that, if land owners lost confidence in the land registry because it was not accurate or current, then they would be less likely to register transactions. However, the large majority (82%) of landholders indicated that they had a high level of confidence in the data contained in the registry. Even though they expressed this positive view, the question did not address their knowledge of the actual accuracy of the system. In fact only 25% of the respondents had ever visited the registry. When landholders were asked to identify the primary advantages of formalizing property, they pointed to tenure security, proof of ownership and the prevention of problems and conflicts (Griffith Charles 2005).

Family land across the Caribbean (including in St Lucia) is another example of titled land transforming into informality. In this case the titleholder is often a great grandparent who passed away many years ago. In the subsequent generations the land was just divided amongst the children until today where you may find that 4-5 generations of children have valid claims to a piece of the family land. However, the registry documents still show the land as one undivided parcel of land in the name of the great grandfather

This are just two of many examples commonly encountered in developing countries that illustrate the failure of land titling systems to maintain up to date information due to off-register transactions.

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Annex 1. Module 2. Land Tenure Security
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