



Food and Agriculture
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KEY CONCEPTS AND FEATURES FOR RESPONSIBLE AND EFFECTIVE LAND ADMINISTRATION

Session #3 - PRINCIPLES OF EFFECTIVE LAND
ADMINISTRATION

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5 KEY principles of the VGGT:

- 1 **Recognize and respect all legitimate tenure right holders and their rights**
- 2 **Safeguard legitimate tenure rights**
- 3 **Promote and facilitate the enjoyment of legitimate tenure rights**
- 4 **Provide access to justice**
- 5 **Prevent tenure disputes, conflicts and corruption**



Core Features for Responsible & Effective Land Administration

Registration Institution to operate as an unified entity

- Agricultural and nonagricultural land, and constructions on it; public, private, municipal property should be registered in one institution and not scattered. This, would help to operate as one-stop-shop

Institution to be independent in internal decision making

- The Institution should operate as an independent, unified body which is free in internal decision making (e.g. technical and administrative matters, ICT development, etc.)

Some functions to be delegated to private sector and thus improve public-private partnerships

- Private sector is an important market player in providing cadastre and registration services



1

Recognize and respect all legitimate tenure right holders and their rights

Recognizing tenure right holders and their rights requires that right holders are **identified**.

The **laws and procedures** should have clear provisions that allow the holders and their rights to be acknowledged, and that clearly specify:

- how the **recognition process** operates
- how the holders and their rights can be **recorded**
- what recognition means **in law and in practice**

Unless resources are needed for public purposes, leave holders to peacefully occupy or use the natural resource and **refrain from infringement** of their tenure rights.

Respecting others' rights applies not only to states, but to anyone with tenure rights, plus businesses and the broader public.



2 Safeguard legitimate tenure rights

Put in place measures that stop others from threatening or infringing people's rights, either physically, legally or economically, such as:

- polluting;
- damaging or destroying the land or associated constructions or improvements;
- trespassing;
- Grabbing, taking away;
- denying owners and users access, or forcing them to leave; and
- making fraudulent claims or transactions with the rights.

How?

- **securing rights in laws;**
- **building respect for right holders and their rights in the community;**
- **recording right holders and their rights and making that information publicly available;**
- **imposing penalties for breaches or infringements of rights;**
- **establishing well resourced administrative and judicial services to implement the policies,**
- **laws and programs, together with well trained staff;**
- **improving markets in which resources can be sold or leased so that legitimate access to resources is improved;**



1. Create the policy, legal and administrative frameworks, and provide services in order to:

- specify in laws that people can buy, sell, mortgage, lease and carry out other types of transactions, including those in accordance with customary law, that suit their needs and desires;
- make the laws and processes clear, reliable, secure and fair;
- remove any unnecessary legal and procedural barriers
- treat all right holders equally and provide everyone with the same opportunities, treat all categories of tenure rights equally and fairly
- ensure that the necessary services are created, operate effectively, and are accessible and available to the whole population.

2. Establish dispute resolution systems

3. Establish or improve already existing registration systems

4. Regulate inheritance

5. Ensure that the services provided are open to all, which means that people can understand, reach and use the services, and they can afford to pay for them



Provide **mechanisms to resolve disputes over tenure rights** that are

1. accessible: people can understand what will happen; get information about services, afford costs, use the service easily
2. Effective: work in practice, be fair, rapid, with certainty, based on clear laws and procedures

But also:

- Include traditional and customary means of dispute resolution, and giving state recognition to decisions made through these means.
- Introducing low cost, streamlined tribunals to deal with small sized cases.
- Reform of the courts and their rules to speed up the processes.
- training for judges, including training tenure issues and in gender issues.
- Anti-corruption initiatives in the courts.
- Computerised case management systems within courts to make the administration of the cases better.

5 Prevent tenure disputes, conflicts and corruption by:

- **having clear strategies, policies and laws in place that set the tenure rules and procedures**
- **open, accessible registration system, planning system, valuation system,**
- **having clear, reliable and available information**
- **clear allocation of responsibilities**
- **having qualified, trained officials**
- **publicized laws, systems, services and availability of reliable information**



Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT)

SOLA specifically addresses Part 5 of the Voluntary Guidelines

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Part 5: Administration of tenure

- Records of tenure rights.
- Valuation.
- Taxation.
- Regulated spatial planning.
- Resolution of disputes.
- Transboundary matters.

SOLA Open Source Software

Land Administration



Supports registration & cadastre functions in Land Office



Supports State land administration including acquisition & disposal



Supports systematic (first time) registration

Community Tenure Recording



Tenure recording and mapping using mobile devices



Provides community access to & community processing of tenure records & mapping collected using Open Tenure



System Admin functionality for SOLA software



How SOLA facilitates the implementation of VGGT

- Addressing the Guidelines Section 17 (records of Tenure Rights) and supporting most other Guidelines Sections
- Directly improving transparency to tenure rights
- Improving service delivery
- Implementing safeguards and gender sensitive features
- Recording tenure rights across continuum of rights
- Supporting land administration processes
- Simplifying processes
- Implementing standard like LADM (ISO 19152)
- Training and utilizing local software developers in the customization of the SOLA software



TECHNICAL GUIDES

The guides apply the principles and recommendations of the VGGT to specific technical areas. 11 technical guides are currently available in English, French, Spanish, Arabic and Chinese and other languages.



For more information please visit: www.fao.org/tenure/resources

Technical Guide on Improving ways to record tenure rights reflects the internationally recognized principles and practices of the *Guidelines*

BENEFITS OF RECORDING TENURE RIGHTS:

- Improved tenure security
- Improved operation of markets
- Improved economic and social well-being
- Improved support for other administrative purposes
- Improved environmental protection and conservation
- Improved support in cases of emergencies



THE CHOICE OF REFORMING A SYSTEM OR CONVERTING TO A NEW SYSTEM

Technical Improvement ways to record tenure rights often prompts a choice between reforming the existing system or replacing it with a completely different system. Replacing an existing system with a new system should not be considered a simple technical matter

- **Options for improving the recording of rights** include leaving the existing system in place and improving it, or replacing it with a completely new system.
- **Replacing an existing system** with a new system should not be considered a simple technical matter as there are various options for a recording system
- **Different systems can produce different outcomes** for the same situation. The systems that look similar can also produce different outcomes, and systems that look different can produce similar outcomes.
- Some systems provide compensation for people who **are defrauded**.
- **A compensation fund needs to have sufficient funds** to cover all present and future claims, and can be funded by a variety of means, including a small levy on each transaction that is recorded.
- **Rather than converting from one type of system to another, many benefits can be delivered simply by better organization of records**, such as ensuring that all parcels are uniquely identified and referencing all transactions to the record for that parcel.



IMPROVING THE FOCUS ON CUSTOMERS -1

The customer is the primary reason for the registry to exist, but serving customers often gets overlooked due to day-to-day concerns with managing an office, recording transactions and keeping records up-to-date

- **Identify the full range of people and bodies who are customers**, including citizens, professionals, credit providers, other ministries and agencies, police and the courts, and people who live outside the state. Each group has special interests and needs.
- **Develop a set of service standards** that defines how services will be delivered, particularly how long it should take to provide a service. Distribute the document to customers so they understand their rights.
- **Staff should understand the service standards** so they know their duties. Provide training for staff on the standards, and introduce a system of monitoring and reporting on compliance with the standards.
- **Provide all relevant information to customers through various means**, including notice boards, websites, help lines and advertising. Customers should have access to general information, instructions on how to complete forms, and information on fees, service standards, code of conduct and ethics, and complaints and appeals options.



IMPROVING THE FOCUS ON CUSTOMERS-2

The customer is the primary reason for the registry to exist, but serving customers often gets overlooked due to day-to-day concerns with managing an office, recording transactions and keeping records up-to-date

- **Carry out customer surveys** to get the opinions of customers on the registry's performance and where improvements could be made.
- **Improve services to women** through such means as including changes to the legal framework, training for staff to provide better service to women, publication of information directed at women, providing mobile office services and reporting on gender-disaggregated data.
- **Improve services for other special groups** and vulnerable and marginalized people.
- **Incorporate good customer service** in the registry's vision, goals, strategies and business plans.
- **Re-engineer registry processes** to make them simpler, quicker and easier to understand.
- **Introduce a legal aid service at the registry** and provide contact details for professionals who can assist customers.



Where offices are located and what is inside them can have a great effect on the experience of customers and also of staff

- **Improve customers' access to offices** by using alternatives to the stand-alone registry office, including one-stop shops, multi-function service centres, mobile offices and virtual offices.
- **Improve the physical conditions of offices** and customer access by locating offices in accessible areas.
- **Separate the office** into a front office that is accessible to customers and a back office where staff work and where the public cannot enter.
- **Provide pleasant conditions** with good lighting, furniture and other facilities in the front office.
- **Enable customers to obtain information** easily by providing clear signs, information boards and publications, a reception desk and other customer-focused facilities.
- **Consider introducing other services**, such as banking and legal advice services at the registry to assist customers.
- **Help to fight corruption** through good office design by such means as separating the front and back offices, providing information and service standards, and introducing a complaints box and complaints hotline.

IMPROVING MANAGEMENT

Good management of a registry is needed to provide good services to customers

- **Improve institutional arrangements by introducing a board of management** that would oversee the direction of the registry, improve transparency and, by including external members, bring additional expertise.
- Introduce **customer councils** comprised of representatives of the registry's main customers (professionals, banks) and groups with a special focus for improving customer services (women, marginalized or vulnerable people), which can advise and represent users of the registry's services.
- Ensure a **regular programme of reporting**, beginning with an annual report, covering operations, financial matters, special initiatives and plans. Publish the reports in paper and electronic form, and conduct publicity around the publication.
- Improve planning through the introduction of **strategic and business planning**, and the creation of a unit responsible for reporting on progress.
- Improve **financial management** through the use of business accounting and planning standards, which cover future expenditure and income expectations.
- **Fight corruption** in the registry through various measures, including service standards, re-engineering of procedures, office design, institutional arrangements, staff policies, training, procedures manual and ICT

IMPROVING STAFF CAPACITY

Staff are the public face of the registry. How customers are served by staff makes a significant impression on them. Even if customers deal with the registry through the Internet, the staff are involved in the process

- Develop a **human resources policy** that brings together existing laws on staff conditions, rules, codes of conduct and other relevant documents in one place.
- Implement a **code of conduct and ethics** to guide staff in their duties, provide staff training on the code, and place the code in registry offices for the public to read.
- Carry out an **assessment of human resources** and develop a **training** strategy and programme in light of existing resources and the registry's needs. Produce an annual training programme and publicize it among staff.
- Provide training for all staff on **gender equality and people with special needs**.
- **Deliver training through various means**, such as face-to-face learning, remote learning, web-based learning, and conferences and workshops.
- **Involve the private sector** and other customers of the registry in an annual conference on the registry's activities and achievements.
- **Monitor, evaluate and report** on training, including a breakdown of the gender of participants.



IMPROVING WAYS TO ADDRESS FRAUD, MISTAKES & DISPUTES

Customers should be confident that they can rely on the registry's records

- Various types of **fraud can affect a registry**, as well as the people who are defrauded. The main effect on a registry is loss of confidence in the system.
- **Measures to reduce the risk of fraud** include security cameras, security devices in documents, working with professionals, banks and the police, and engaging with customers.
- **Mistakes** also sometimes occur in registries.
- **A staff procedure manual** is a means for reducing the risk of fraud and mistakes.
- **Standard forms** are a further way to reduce the risk of problems, particularly mistakes.
- Customers should have a way to **make complaints** and to launch appeals against decisions of the registry that is clear, quick and simple to use.
- **A compensation fund** is a way to deal with financial losses where fraud or serious mistakes occur. **Access to the compensation fund** should be available to all who suffer losses, without the need to first go to court.
- Registries can play a useful **role in resolving disputes** between people by providing expert advice.

ICT can enable customers to obtain information more easily, to carry out transactions more quickly and conveniently, and can reduce opportunities for corruption

- **Options for developing and implementing ICT solutions** include using in-house staff, local contractors, a state-owned ICT agency or international contractors.
- ICT solutions should be developed **in modules** and new modules added once the basic system is proven to function.
- Developing ICT solutions is not a one-off exercise; rather, it is **an ongoing process**.
- To make the most use of ICT solutions, paper records need to be **converted to digital form**
- All **records must be indexed** so that they can be searched, found and used.
- **Digitizing of records involves a variety of legal issues** that should be identified and addressed well in advance, such as the legal status of digital copies of paper records.
- **Benefits of ICT** to customers include greater and quicker access to information and recording of transactions, reduced opportunities for corruption, and tracking of the progress of applications.

USING INFORMATION AND COMMUNICATION TECHNOLOGY

ICT can enable customers to obtain information more easily, to carry out transactions more quickly and conveniently, and can reduce opportunities for corruption

- **Benefits of ICT** to a registry include greater efficiency, easier distribution of workload and improved quality of information.
- **Benefits of ICT** to society include a more efficient market for buying, leasing and mortgaging tenure rights, improved e-governance and spatial data environment, and better information for policy-makers.
- **There are a variety of risks** to introducing ICT solutions to a registry, including lack of adequate security measures; automating slow, paper-based processes without re-engineering them to suit a digital environment; privacy concerns due to the greater access to information; and potential loss of records if they are not safeguarded properly.
- Introducing a new system also carries **risks** with it, **particularly if contractors are involved**. A further major risk arises from the loss of qualified staff who are needed to maintain the system due to relatively low levels of registry staff salaries. Good contract management is essential, but is often forgotten in the rush to design and develop ICT systems.



IMPROVING THE POLICY AND LEGAL FRAMEWORKS

The policy and legal frameworks set the environment in which a registry operates, as well as the broader tenure environment

- Tenure rights and tenure security are relevant to a wide range of topics where good policies are important.
- **Registries have a role to play in developing policies** in their own areas of responsibility and in reflecting national policies in their operations. Registries also have a role in helping to develop other national policies related to tenure rights and tenure security.
- The **registry law should be routinely revised** and amended to reflect current good practice in customer service and registry operations, particularly in areas such as institutional structures, dealing with fraud and mistakes, and providing effective and efficient complaints mechanisms.
- Other laws might need to be amended to reflect current good practice in tenure security and registry operations.
- By-laws, regulations and instructions also need to be routinely revised and amended to reflect current good practice, particularly in the areas of customer service and current technology



FUTURE CONSIDERATIONS-1

An important shift in the administration of tenure has been towards improved management: treating users as valued customers who are paying for services, managing registries in line with strategic plans and business plans, a move to self-financing status, and the wider use of the information in recording systems across government and by the private sector

- **Customer demands:** Customers will, increasingly, want immediate access to services, particularly through the Internet and mobile devices, and demands will rise for related information (such as on local services, environment and social issues).
- **Risks to privacy:** Greater concerns about privacy arise because of the amount of information available and its accessibility.
- **Integrated solutions:** Registries will play a central role in bringing together diverse sources of information to better serve the community.
- **Open data:** Registry records, particularly maps, will be made available free of charge for the private sector to use in their businesses.
- **Partnership with the private sector:** More tools and services to improve registry operations and records will be developed by the private sector, which will partner with the registry to improve accuracy, efficiency and coverage of the system.
- **Fully digital records:** Paper records will disappear, with digital records and scanned images of old paper records replacing them.

FUTURE CONSIDERATIONS-2

An important shift in the administration of tenure has been towards improved management: treating users as valued customers who are paying for services, managing registries in line with strategic plans and business plans, a move to self-financing status, and the wider use of the information in recording systems across government and by the private sector

- **Improved quality of records:** Software, satellite and aerial images, satellite positioning and crowdsourcing will contribute to a rapid improvement in the quality of records.
- **Faster transactions:** Improved technology means that recording will occur more efficiently, with a reduction in costs for making transactions; in turn, this will expand the number of customers who use the registry, such as short-term borrowers.
- **Additional information in the records:** Registries will be able to record other types of tenure rights, such as water rights, and the information can be presented in three-dimensional form.
- **Additional e-services:** Professionals will be able to deliver services traditionally provided by the registry by connecting to the registry's system.
- **Office locations:** With greater connectivity, registry services can be provided from any location and recording of transactions can take place in dedicated "back office" centres.



THANK YOU

