

# Land Tenure Issues in Economic Development

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# Introduction

- Land is the source of all material wealth. From it we get everything that we use or value, whether it be food, clothing, fuel, shelter, metal, or precious stones. We live on the land and from the land, and to the land our bodies or our ashes are committed when we die.



# Introduction

- The availability of land is the key to human existence, and its distribution and use are of vital importance (Simpson, 1976, p.1).



# Questions

- What is Sustainable Development in Land?
- How much Land does a Man needs?
- What is Tenure?



# Tenure

- Tenure- the act, manner or right of holding office or property, esp. real estate// the period of holding this.



# Seven Components to Land Tenure in Economic Development

- I. Cadastral and Land Registration Systems
- The Ownership of Land
- Planning & Development Control
- Land Markets & the Value of Land & Property



# Components

- Land Information
- Cadastral –Re-engineering
- The Way Ahead



# Cadastral & Land Registration Systems

- Land Registration System- provides a safe and certain foundation for the acquisition, enjoyment and disposal of rights in land, each right being an abstract entity to which some person or group of persons is entitled.
- Systems Land Registration are built around either private conveyance,





- Formal registration of transfers through a register of deeds, or the full registration of the title to land.
- Cadastre origins tend to lie in land and property taxation rather than in land tenure.



# Cadastrres

- Cadastre is an information system consisting of two parts:
- A series of maps or plans showing the size and location of all land parcels together with the text records that describe the attributes of the land.



# The Ownership of Land

- Humans relate to the land in formal and informal ways. They also, like those in the animal kingdom, fight over territory.
- The “bottom-up” approach- complex rights accommodating individual whims and fancies; for ex. English land laws became so complex that by 1925 its reform had become essential



# Ownership

- The “top-down” approach- clear simple but inconsistent with the wishes and aspirations of the people. For ex. The problem arise in particular at the time of inheritance when a father dies and the land must be divided between the sons.



# Ownership

- What is ownership? Ownership is the proof of which is known as “title”, is essentially a legal concept.
- What is possession? Possession is a legal concept and a matter of fact. In the case of land, possession may lie with a squatter who has barred entry to the land while ownership may lie with the person who



# Ownership

- Purchased it and whose interests may be registered with the state.
- In some jurisdiction, the peaceful occupation of land without formal legal agreement can lead to the prescription of rights by a process known as adverse possession.



# Adverse Possession

- Is a strategy that can be used to bring formal title back to land of unknown or uncertain ownership. It is a process that automatically removes uncertainty after a defined length of time.



# Planning & Development Control

- The concept of free hold might suggest that there are no restrictions on what the owner may do with a piece of land.
- Two things prevent this being so:
  1. The right of eminent domain- that the right of government to take property in the interests of the state- for instance, for rail road building or other public use.





# Planning & Development

2. The imposition of development controls, often referred to as physical planning, that deny citizens a variety of rights for reasons some of which are to do with health and safety (such as building regulations that require certain standards of construction).



# Land Markets & the Value of Land & Property

- In a free market economy, land will come to its optimum use provided that there are incentives to improve the land and thereby generate the maximum profit.
- Land markets are important for economic rather than social development. An estimated 20 per cent or more of any nation's gross domestic product comes from land, property and construction



# Planning

- (United Nations Economic Commission for Europe, 1996).
- The value of real property may be assessed in three ways”
  1. The estimated market price that would be paid if the property was were sold on the open market



# Values

2. The notional or real income that the property can generate through renting or by way of trade.
3. The cost of building construction including materials and labor that would be needed to restore a building if it were destroyed—for instance, a fire.



# Land Information

- The introduction of geographical information system (GIS) has in particular forced organizations to examine the flow of information within their organization, partly motivated by the need to share data and to treat land and property-related data in particular as a corporate resource.



# Land Information

- The land parcel – is the point of delivery or the source of information for many local authority activities.
- Registers have become open and the information can be obtained for a fee. The registers will show who owns any piece of land, but not what land a person owns.



# Information

- Information is beginning to be treated like a commodity that is bought and sold. On the one hand this creates a threat to personal privacy, while on the other hand, it opens up the opportunity to generate income.



# Cadastral Re-Engineering

- Several factors are moving cadastral systems into the provision of a more comprehensive land information service:
  1. There is the recognition that land registration systems are not ends in themselves but, rather are means to better-land management.





# Re-Engineering

2. The connections between the tenure, value and the use of the land are being recognized and so-called multi-purpose cadastres are being created.
3. There is a recognition of the need for systems to be market-driven and a service both to government and to the community



# Re-engineering

4. There is a pressure to convert to a computerized system and to exploit modern information technology
5. There is the awareness that information is a resource in its own right.



# The Way Ahead

- The key to reform lies in two areas:
  1. Improved project management leading to greater efficiency in working practices .
  2. Improved risk management in which is accepted that some make mistakes and inexactudes may occur. Where land owners through reasons of official mistakes in any way lose out, they should be compensated.



# The Way Ahead

- The key, also, is to keep things simple. Complex relationships between people and their land have grown up in many societies. Complicated overriding interests and restrictive covenants should be avoided. Although environmental controls are essential if development is to be sustainable, regulations should be kept to a minimum.



# Closing Remarks

- Land Tenure Systems should be designed to embrace both the rural and the urban sectors. What is essential is that all members of the community know and understand the systems within which the land market operates and from which they can derive security that sustainable development can become possible.



# Closing

- How much land does a man needs?

Now open to discussion

