Can we go to scale and achieve 80% global security of tenure by 2030?

Global Campaign to Eradicate Insecurity of Tenure

Can we go to scale and achieve 80% global security of tenure by 2030?


What are the Campaign Drivers?

FFP Land Administration

Key Partners Initiating Approach

- World Bank
- FIG
- GLTN
FFP Land Administration - 2014

Fit-For-Purpose Land Administration: Joint FIG / World Bank Declaration
(Stig Enemark, Keith Bell, Chrit Lemmen & Robin McLaren)

FFP Land Administration - 2016

Fit-For-Purpose Land Administration: Guiding Principles for Country Implementation
(Stig Enemark, Robin McLaren & Chrit Lemmen)
FFP Land Administration - 2016

UN-GGIM Addis Ababa Declaration – Geospatial Information Management Towards Good Land Governance for the 2030 Agenda

Affirm the importance of good land administration and management as the pillar of good governance and efficient government to address the challenges and opportunities for the 2030 Agenda specifically supporting the development of fit-for-purpose land administration and geospatial information, particularly in developing countries.

How can we make it happen?

Source: [http://www.redridinghorse.com/2013/01/10/steps-to-pass-your-test-step-9-make-it-happen_original/](http://www.redridinghorse.com/2013/01/10/steps-to-pass-your-test-step-9-make-it-happen_original/) ©KnowEdgeLtd
How can we make it happen?

Create and test country specific strategies for FFP land administration

- The FFP guidelines published by GLTN provide structured guidance to support the formulation of country specific strategies for FFP land administration.
- There is a need to quickly provide support to early adopter countries to create and test country specific strategies for FFP land administration.
- Share this best practice.

Master Class Objectives

- To share FFP land administration implementation experiences in Africa.
- What are the key opportunities for promoting and adopting the FFP approach?
- How can we overcome the main obstacles to adopting the FFP approach?
- How can we quickly provide support to early adopter countries to create and test country specific strategies for FFP land administration?
- Share best practice.
Master Class Agenda

- Introduction
- FFP Overview & Key Issues
- World Bank Perspective
- GLTN Perspective
- FIG Perspective
- Sub-Sahara Experience

Discussion on way Forward
Summary

Fit-For-Purpose Master Class
Implementing a FFP Approach in Sub-Sahara Africa

Prof. Stig Enemark
Honorary President
Aalborg University, Denmark

ANNUAL CONFERENCE ON LAND AND POVERTY
THE WORLD BANK, WASHINGTON DC, MARCH 20-24 2017
Land Administration Systems

Land Administration Systems provide the infrastructure for implementation of land policies and land management strategies in support of sustainable development.

The 2030 Agenda
17 Goals, 169 targets, and 230 indicators

https://sustainabledevelopment.un.org/?menu=1300
Focus on Africa

Fit-For-Purpose – what is it?

- **Fit-for-purpose**: The systems should be designed for managing current land issues – and not guided by high tech solutions and costly / time consuming field survey procedures.
- **Basic purposes**: Include all land; provide secure tenure for all; and control the use of land.
- **Flexibility**: Scale and accuracy relate to geography, density of development, and budgetary capacity
- **Incremental improvement**: Advanced Western style concepts may well be seen as the end target but not as the point of entry.
- **Good practice**: Rwanda leads the way with about 10 million parcels demarcated and registered in about five years - unit costs of 6 USD per parcel

“As little as possible – as much as necessary”
Meeting the Global Agenda

- “There is an urgent need to build systems which can identify the way land is occupied and used and provide security of tenure and control of the use of land”.
- “When building such systems the focus should be on a "fit-for-purpose approach" that will meet the needs of society today and can be incrementally improved over time”.

Fit-For-Purpose Land Administration
Guiding Principles for Country Implementation

http://www.fig.net/pub/figpub/pub60/figpub60.htm

## Fit-For-Purpose Land Administration

### KEY PRINCIPLES

<table>
<thead>
<tr>
<th>Spatial Framework</th>
<th>Legal Framework</th>
<th>Institutional Framework</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Visible (physical) boundaries rather than fixed boundaries</td>
<td>▪ A flexible framework designed along administrative rather than judicial lines.</td>
<td>▪ Good land governance rather than bureaucratic barriers</td>
</tr>
<tr>
<td>▪ Aerial / satellite imagery rather than field surveys</td>
<td>▪ A continuum of tenure rather than just individual ownership</td>
<td>▪ Holistic institutional framework rather than sectorial siloes</td>
</tr>
<tr>
<td>▪ Accuracy relates to the purpose rather than technical standards</td>
<td>▪ Flexible recordation rather than only one register</td>
<td>▪ Flexible IT approach rather than high-end technology solutions</td>
</tr>
<tr>
<td>▪ Demands for updating and opportunities for upgrading and ongoing improvement</td>
<td>▪ Ensuring gender equity for land and property rights.</td>
<td>▪ Transparent land information with easy and affordable access for all</td>
</tr>
</tbody>
</table>

### Building the Spatial Framework

Using aerial imageries for participatory field adjudication

Orthophoto used as a field work map sheet with a georeferenced grid. The map shows the delineated parcel boundaries and parcel identification numbers.

Vectorised field map showing the resulting cadastral map with parcel boundaries and cadastral numbers. Source: Zerfu Hailu, Ethiopia
Building the Legal Framework
Recording legal as well as legitimate tenure rights

- Recognise: tenure types to be included
- Record: collecting data on land rights as part of the building the spatial framework
- Review: assessing any outstanding claims

Building the Institutional Framework
Applying responsible land governance

- Integrated land management: Viewing land tenure, land value, land use and land development as a coherent whole.
- Holistic National Land Policy: Identifying what government wishes to achieve and what access and rights people will have.
- Decentralisation: Decisions taken closest to a local community and matching government expenditure against local priorities
- Easy accessible: Customer focused, dedicated to service delivery and supporting ongoing maintenance
Fit-For-Purpose Land Administration

**Spatial**
From: Sporadic field surveys  
To: Visible boundaries on aerial imagery covering all land

**Legal**
From: Focus on land titling  
To: Recording legal as well as legitimate land rights for all

**Institutional**
From: Serving mainly the elite  
To: Responsible land governance with equal access for all

The Way Forward

- The need for commitment and political will
- The quest for capacity development and provisions for maintenance: “Don’t start what you can’t sustain”
- Understanding and cooperation between UN-agencies, professional organisations, and national governments
- Effective knowledge-sharing to drive and manage the change process
Frequently Asked Questions - examples

- Why should less developed countries not use state of the art technology to build highly accurate land administration solutions as in developed countries?
- Is the FFP approach fully in line with the post 2015 global agenda?
- What is the difference between conventional cadastral systems and the FFP solution – and what are the benefits?
- Will citizens accept visible boundaries identified on an aerial/satellite imagery as a definition of their land unit boundaries rather than surveyed boundaries?
- Can the FFP spatial framework be used for other land administration functions apart from the recordation of land rights?
- Will it be possible to manage the variety of tenure types being provided under the continuum of land rights?
- Is gender equity sufficiently embedded in the FFP approach?
- Does the FFP approach require institutional reform to manage land holistically?
- How will a network of local land officers be established, trained and sustained?

SLAAC

Uganda
BASICS ABOUT SLAAC

Process by which existing land rights of people living in an administrative area are:
• Identified;
• Ascertained;
• Established and marked in an orderly and transparent way.

SLAAC is about who owns what parcel, where, so as to foster planning and development. To know who owns what, where is the basis for economic development, therefore better living conditions. Its success depends a lot on the speed at which data is captured and processed!

Introduction

• SLAAC TC was put in place to oversee implementation of SLAAC activities;
• SLAAC TC identified and defined critical processes;
• Developed a number of tools and secured assorted equipment to deploy during the SLAAC exercise;
• Conducted a selection exercise of the parishes;
• Data Capture Software, processes, methodology and Tablet specifications for Pre-testing developed.
Initial Targets

- A total of 800,000 parcels demarcated and registered in the rural areas;
- 100,000 parcels in the peri-urban and high value rural areas; and
- 600 Communal Land Associations

WHY PILOT?

- To cater for gradual Capacity building within the Ministry, the Local Government and Private Sector;
- Lay down standard procedures and tools;
- Allow for effective improvement of the laid down procedures and tools;
- Eventually enable a smooth roll out of the program to cover the whole country.
PILOT AREAS SO FAR

- Ntungamo
- Iganga
- Mbale
- Kibaale
- Masaka
- Soroti

FIELD PRACTICES

- Planning;
- Baseline Surveys;
- District and Sub County Mobilization;
- Training and Sensitization;
- District and Sub County Rapid Physical Planning Assessment (RaPPA);
- Participatory Adjudication and Demarcation;
- Data Capture/Land Surveying and Data Processing;
- Public Display;
- Certification/Registration;
- Updating the Cadastre Database.
Pretests - Current Status

Pre-Testing of the Data Capture Software and Other Tools (Inc Tablets etc..) to be used have been undertaken in the following Districts

<table>
<thead>
<tr>
<th>No.</th>
<th>District</th>
<th>Region</th>
<th>Category</th>
<th>Parish/Division</th>
<th>Village/Cell</th>
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</thead>
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<tr>
<td>1.</td>
<td>Jinja</td>
<td>Eastern</td>
<td>Rural</td>
<td>Buwekula</td>
<td>Mauta</td>
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<tr>
<td>2.</td>
<td>Sheema</td>
<td>Western</td>
<td>Rural</td>
<td>Kihunda</td>
<td>Nyamiko</td>
</tr>
<tr>
<td>3.</td>
<td>Jinja</td>
<td>Eastern</td>
<td>Peri-urban</td>
<td>Walukuba</td>
<td>Masese II</td>
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</tbody>
</table>

Training and Sensitization
Training and Sensitization

Pretesting - Results

• Pretests in Jinja for both Rural and Peri-urban areas have been conducted.
• A total of 210 parcels have been fully adjudicated in Mauta.
• In Masese II, 273 parcels have been adjudicated as well.
• In Nyamiko, 98 parcels were completed.
Nyamiko - Sheema

Parcels Surveyed in Mauta, Jinja - rural
Parcels Surveyed in Soweto, Jinja – Peri-urban

Parcels Surveyed in Nyamiko, Sheema - Rural
Display

- Village displays were held for 30 days in both Mauta and Nyamiko villages. The respective maps were displayed in each of the project areas, the sub county headquarters i.e. Mafubira and Kagango.

- During the display parcel data captured was availed to the community and people were asked to view and ascertain whether their personal information had been captured properly and where it hadn’t, adjustments were made after being recorded in the Display book at the office of the sub county chief.

- Adjustments were made after taking information from the display exercise as recorded in the display book after which forms were sent to the ALCs for signing and onward transmission to the DLBs
### Extracts of the Personal Data Captured

<table>
<thead>
<tr>
<th>S/No</th>
<th>COUNTY</th>
<th>BLOCK</th>
<th>PLOT No.</th>
<th>OWNER</th>
<th>AREA (Ha)</th>
<th>National ID No. (NIN)</th>
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<tr>
<td>1</td>
<td>Bomet</td>
<td>2</td>
<td>3040</td>
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<tr>
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<td>4</td>
<td>Bomet</td>
<td>2</td>
<td>4043</td>
<td>Goponi Jobo</td>
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<td></td>
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</table>

<table>
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<tr>
<th>S/No</th>
<th>COUNTY</th>
<th>BLOCK</th>
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<tbody>
<tr>
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<td>8</td>
<td>406</td>
<td>Kipropi Agot</td>
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<tr>
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<tr>
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<td>408</td>
<td>Kipropi Daniel</td>
<td>0.111</td>
<td>CMY/302/03/2017/KT14</td>
</tr>
</tbody>
</table>
SLAAC REGIONAL COVERAGE
SLAAC DISTRICT COVERAGE

Challenges:

- Instrumentation: reliable and affordable;
- Addressing the effects of planned layouts;
- Standardizing and expediting data collection, analysis and sharing norms;
- Poor cooperation of the Local leaders especially the LCs who ask for unreasonably huge favours which in turn stalls the progress of the exercise.
- Capacity at all levels of ALCs, DLBs, DLOs and Ministry to handle large volumes of SLAAC Data.
Way Forward

• Organize workshops and other interactive platforms with various stakeholders/suppliers;
• Continuous sensitization;
• Focus on efforts to speed up data capture and processing – set up dedicated teams and a Data Processing Centre (DPC)

Customary Tenure in Uganda under VGGT and MLHUD with support from FAO

• VGGT implementation in Uganda

Land Tenure issues are a global concern so Uganda is not alone in this struggle of strengthening its tenure rights.

FAO supports VGGT through four main pillars namely: awareness raising, multi stakeholder platforms, capacity development and national policies and laws

The success factors for VGGT in Uganda are political will, multi-stakeholder participation, its relevance to national policies and also consideration of the financial and human resources.
Legal frameworks alignment to the VGGT

• The guidelines seek to improve governance of tenure of land, fisheries and forests.
• They seek to do so for the benefit of all, with an emphasis on vulnerable and marginalized people (s.5 & 39 of the 1998 Land Act) with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability housing security, rural development, environmental protection and sustainable social and economic development

Tenure Systems in Uganda

• Article 237(3) provides that land shall be owned in accordance with the tenure systems
• Freehold tenure
• Mailo tenure
• Leasehold tenure
• Customary tenure

❖ Customary Tenure in Uganda

This is a traditional method of owning land. Each community in Uganda has its own system of owning, occupying, dealing in or using land within their area. In this setting, land can be owned by individuals, family, community, traditional institutions or leaders.
Customary Tenure in Uganda

In Uganda, the National Land Policy and laws provide for security of tenure (All tenure systems). Uganda has taken the guidelines of the VGGT and tailored them into the national policies.

The project has been implemented by issuance of Customary Certificates of Ownership (CCOs) on Customary Tenure in the Districts of Kasese, Nwoya and other Districts that have picked interest in CCOs. The project is intended to show people of Uganda that CCOs are legal and are equivalent to other titles like the freehold titles.

- This decentralized land management which is emphasized by Article 241(2) that spells out the fact that “in performance of its functions a district land board shall be independent of the ULC and shall be not be subject to the direction or control of any person or authority but shall take into account national and district council policy on land”

- Article 245 provides for the protection of and preservation of environment and that Parliament shall by law provide for measures intended
  - Protect and preserve the environment from abuse, pollution and degradation
  - To manage the environment for sustainable development; and
  - To promote environmental awareness
In 1998 parliament enacted the Land Act Cap 227 which provides for how the provisions of the Constitution are to be operationalised

It provides for land management institutions which include DLBs ALCs DLOs and the commissioner land registration and the office of the Recorder.

Their functions and powers in the land registration process are clearly spelt out and all this is intended to realise security of tenure.

Section 4 provides that any person, family or community holding land under customary tenure on former public land may acquire a certificate of customary ownership and the procedure for this is provided for under sections 6 & 7

Section 9 provides that any person, family, community or association holding land under customary tenure on former public land may convert the customary tenure into freehold and the procedures are provided there under

Section 15 states that a communal land association may be formed by any group of persons in accordance with this Act for any purpose connected with communal ownership and management of land, whether under customary or otherwise

Section 28 provides for conversion of leasehold into freehold in regards to the leases that were granted to a Uganda citizen out of former public land and was subsisting on the coming into force of the land Act after meeting certain conditions.

Section 43 states that any person who owns or occupies land shall utilize the land in accordance with the Forest Act, the Mining Act, the National Environmental Act, the Water Act the Uganda Wildlife Act and any other law
Guiding principles of responsible tenure governance

Recognize and respect all legitimate tenure right holders and their rights. They should take reasonable measures to identify, record and respect legitimate tenure rights holders and their rights, whether formally recorded or not; to refrain from infringement of tenure rights of others; and to meet the duties associated with tenure rights. (s. 5 functions of the ALC, S.6 procedures for application for a certificate, s. 7 functions and procedures of DLB)

Safeguard legitimate tenure rights against threats and infringements. Protect tenure rights holders against the arbitrary loss of their tenure rights, including forced evictions that are inconsistent with their existing obligations under national and international law (Article 26 of the 1995 constitution, S.8, 91 Land act, S.59 RTA, Regulation 55(1) & (2), 56)

National Land Policy

Chapter 4 of the National land policy

- States that the structure of tenure and the attributes of the bundle of rights under the four tenure systems shall be guided by the principles of good tenure system which must among others, guarantee access and security of tenure and ensure equity in distribution of land resources, eliminate discrimination in ownership and transmission of land resources and protect, preserve and conserve land based resources and other natural resources for future generations
- Promote and facilitate the enjoyment of legitimate tenure rights.
- Provide access to justice to deal with infringements of legitimate tenure rights.
- Prevent tenure disputes violent conflicts and corruption
Principles of implementation of the guidelines

1. Human dignity
2. Non-discrimination
3. Equity and justice
4. Gender equality
5. Holistic and sustainable approach
6. Consultation and participation
7. Rule of law
8. Transparency
9. Accountability
10. Continuous improvement
Aerial Photography

• Thank You
Land Administration in Tanzania

Background Information
22 March 2017

Situational Analysis

Socio-Economic Context

- Population growth (34.2 m in 2002 to 44.9 m in 2012)
- Increased pressure on land – degradation and environmental stress
- Internal migration – particularly urbanisation (30% urban), and pastoralism
- Pressure to find land for investment
- Increasing conflict over land – particularly pastoralists and agriculturalists; locals vs investors
- Pressures from other sectors – mining and energy, small scale miners and large scale mining
Situational Analysis

**STRENGTHS**
- Consensus for fundamental agreed NLP principles
- New land laws largely implement NLP
- Experience in developing streamlined procedures
- Public demand for services is evident
- Involvement of the private sector reduces risks
- Existence of Tertiary Institutions of learning
- Existence of Professional associations

**WEAKNESSES**
- Inefficient and ineffective land administration
- Institutional arrangements uncoordinated
- LA services concentrated in limited parts of Tanzania
- Shortage of staff, particularly in land disputes
- Implementation of new land laws is slow
- Key mechanisms (NLAC, VLC, tribunals, LCF, etc.) not in place
- Shortage of planned, surveyed and serviced land
- Poor enforcement of rules and planning regulations
- Dispute settlement machinery not empowered
- Lack of maps
- Tarnished image of the land sector in the eyes of the public.

**OPPORTUNITIES**
- Land is vital in food production and poverty reduction
- Land sector products have multiple uses
- COs and CCROs can be used as collateral
- Land rights stimulate investment in agriculture
- Land is a job creator
- Land markets provide bigger business for banks
- Land access by women reduces gender poverty gap
- Private sector willing to partner with public sector in land delivery
- Strong development partner interest – G8-Tanzania Land for Transparency Partnership

**THREATS**
- Massive growth of irregular settlements
- Unregulated land markets
- Limited housing/building mortgage market
- Under-funding of LAI
- Oversight of land dispute mechanisms questioned
- Increasing land conflicts and resort to violence for solution
- Lack of harmony with laws in other sectors
- Growing marginalisation of the poor

---

**Land is not readily accessible for investment – may take 7 years**

Land tenure in Tanzania is in the form of a right of occupancy and leasehold. There is no tenancy system.

Under the Land Act, there are several categories of land such as:

- **General Land**: This is the land that a right of occupancy or leasehold may be granted by the Commissioner for lands upon application and satisfaction of certain conditions.
- **Village Land**: Administrative Village land for which Certificate of Title can be granted to the subject.
- **Reserve Land**: Those areas the boundaries of conservation areas, game reserves, forest reserves and national parks.

- Only 2% of the land available in Tanzania can be commercially accessed by investors to support the national development agenda.
- Only 10% of total land is surveyed and titled for various uses in the country resulting into land conflicts and disputes.
- All cities and towns have huge and expanding unplanned settlements without basic infrastructure.
- Majority of rural persons cannot use their land to secure capital or enter into joint ventures.
Institutional Arrangements
BRN! - Urban

DAR land plot processing and titling is progressing at such a slow rate. It will take almost 1,000 years to complete the job at a rate of 1,200 plots processed per batch, each 928 days long.

Urban Land Management Process

Process time reduced by 41 days per plot and capacity increased > 500%

337,500 days (~1,000 years) → 1,080 days (~3 years) Reduced by 99.68%

BRN! - Urban

Urban land tenure regularization outcome...

1,000 years to complete regularizing land areas in Dar

2017

Availability of digitized data from satellite mapping service

2 procedures will be done in the same hour due to the mutual agreement by the investigators.

2014-2015: 359,000 plots completed

99.68% of days reduced in acquiring DAR plots

180,000 plots per year

40 days reduced from the initial timeline on each plot batch.
BRN! - Rural

**Digitising the land management process will help to deliver 10x more output with 2,117 less days**

Rural Land Management Process

...with digitized satellite image data, 2,117 days will be reduced and use of ward teams will result into 10 times outputs of village demarcations and surveys through the regularization process.

2,207 days
2 wards and 2 villages

90 days
20 wards and 20 villages

---

**How are we improving the process? The digital processing of land will deliver out comes 10x faster**

**TODAY**

1. Manual Land Classification
   - Estimated time: around 10 million parcels to classify
   - 2 people can be completed in 1,100 days

2. Procedures: land classification by CWM database
   - UPR: 1,000 parcels per year per ward
   - 6,658,000 parcels in a period of 31 years
   - 61 people needed to process

**2017**

1. Availability of digitized data: from geographic mapping,联社
   - Deploying realistic and reliable mapping to boundary points

2. Procedures: will be improved by digitalization of surveying data
   - AFR is 1,000 parcels per person per year
   - 6,658,000 parcels in 3 years
   - 10 people needed by using digital data

3. Complete regularization of rural areas in Teremba

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Land Equity International
www.landequity.com.au
A Process Approach to implementing Sierra Leone’s National Land Policy: Fit-For-Purpose and VGGT Compliant

By
Rexford A. Ahene
FAO-NRC Land Administration and Land Policy Specialist
Professor of Economics and Development Policy;
Lafayette College, Easton PA 18017.

UN-FAO VGGT

- The VGGT (Responsible governance of tenure) was incorporated as part of the global agenda through the Committee on World Food Security’s (UN-FAO, 2012)
- Placing tenure rights (formal or informal as in customary and traditional systems) in the context of human rights.
- Creating an international “soft law instrument” that represents a global consensus on accepted principles and standards for responsible practices.
- The VGGT provided the framework for analysis of land issues and the status of land governance in Sierra Leone, with clearly assigned responsibilities.
The fit-for-purpose concept

- FFP is a pragmatic approach for securing tenure rights by applying the most locally appropriate capacity building methodologies for addressing existing spatial, legal and institutional constraints.

Strategic VGGT-NLP Intervention – 2014 -2016

- Technical support provided by FAO and the German Government.

- TOR

1. First, revise and improve the draft National Land Policy;

2. Develop capacity to employ the open pro-active dialogue recommended by the VGGT to improve governance of tenure of land;

3. Develop strategies to promote implementation of FPP solutions
Yellow = Mende, Pujahun (35%)
Beige = Temne & Sherbro (29%)
Teal Green = Susu, Koranko & Kono (22%)
Pink = Limba and others, excluding Creole (14%)
The National Land Policy Process

- The process employed fully functional VGGT platforms as an important forum for inclusive discussion on tenure reforms,
  - raising awareness to improve capacity and coordination,
  - to identify emerging priorities and
  - to validate technically feasible and locally sustainable implementation options.

- November 2015, the Government of Sierra Leone passed a new National Land Policy which directly referenced or paraphrased VGGT principles in approximately 90 paragraphs;

- Sierra Leone, is as far as I know, the only country that has incorporated all the VGGT principles as “hard legal provisions” in an approved National Land Policy.

VGGT-Institutional Framework -2014

1. This includes a Multi-stakeholder Platform - comprising of approximately 100 local stakeholders for effective, inclusive and FFP dialogue (meets bi-annually);

2. An Interministerial Task Force - comprising the ministers of Agriculture, Forestry and Food security; Lands and Spatial Planning and Environment; Fisheries and Marine Resources; Justice and Constitutional Affairs; and Local Government (meets quarterly);

3. A Steering Committee which includes four civil society organizations/ networks as permanent members and Technical Working Groups composed of local and international experts to guide the selection of practical and innovative FFP solutions consistent with the VGGT principles to further improve governance of tenure of land (meets monthly).
**The Structure and Objectives of NLP:**

- **NLP Objective:**

  "To establish the foundation for designing an improved tenure system, building it and addressing immediate capacity needs".
The Two NLP foundational issues

1. **Land rights administration** – modern, accessible and protective of people’s legitimate tenure rights;
   - Clarification of tenure rights,
     - Legal reforms;
     - Governance, and
     - Institutions.
   - Protection of legitimate tenure rights
     - Legal protection;
     - Land governance reforms
     - Institutions and operational mechanisms.

The Two NLP foundational issues

2. **Secure land use rights** that promote sustainable environmental and development management
   - Land use planning policy and regulations
   - Land development management and enforcement
   - Support for lawful access and sustainable use of land and land based resources;
3. **Issues requiring Special Attention** that affect wellbeing of vulnerable individuals and groups

- Land distributional inequalities – gender equality and social equity
- Land access rights of socially vulnerable - poor, internally displaced and minorities;
- Judicious management of slums and informal settlements
- Management of disaster risk
- Protection of international borders

**Implementation Framework**

- **Land Rights Administration**
  - Clarify Tenure Rights
  - Protect Tenure Rights

- **Land Use Rights & Environmental Management**
  - Spatial Planning
  - Effective & Sustainable Utilization
FFP Implementation Framework

- A shared understanding of the centrality of land resources and their contribution to the growth and development objectives of the nation.

1. Policy – what are the policy recommendation?
2. Legal Reforms - is the legal framework adequate?
3. Governance and Institutions – who has the mandate?
4. What do you need?
5. Where do you start?

Clarifying Tenure Rights

1. What the Policy says:
   - All legitimate rights should be protected.
     - What rights do people have?
     - How can rights be ascertained?
     - Who is the right holder?
   - Create a comprehensive record of customary rights
   - Recognise informal rights
Clarifying Tenure Rights

2. Legal reforms/ Governance / institutions
   - Define people’s legitimate rights
   - Capture/define what rights can be recorded
   - Ensure inclusion of registrable tenure rights in a comprehensive land law

Process Questions:
   - What rights and interests are already protected in law and how accessible is the law?
   - Who has what responsibility (mandate)?
   - What roles and levels of people’s participation should be required?
   - What is the role of customary institutions and how should they be reshaped?

3. What is needed:
   - Capacity to meaningfully engage in inclusive dialogue;
   - Consultations, assessment, validation of findings;
   - Capacity to do as the law says (institutional, individual, public)
   - Identify how technology can support the process of clarification.

4. Where to start / Pilot
   - Participatory field research on types of legitimate tenure rights
   - Issues and options papers for future legal framework for land
   - Draft comprehensive land law
   - Prepare legal reform plan
   - Pilot adjudication mechanisms and demarcation procedures
1. What the Policy Says:

- All legitimate rights should be recorded
- Accord formal protection to customary right holders through modern land rights registration
- Accessible, affordable, registration
- Land administration should be decentralized
- Grievances mechanisms should be established

2. Legal reforms/ Governance / institutions;

- Capture / define what can be recorded, contractual arrangements, process and consequences;
- New law on registration (parcel based)
- Develop tools and strategies to help people understand how to play a role in tenure governance
- Empower institutions (Gov and Non State Actors) to deliver services;
- Increase accuracy of, transparency and access to land information
Land Rights Administration:
Protection of Tenure Rights

2. Legal reforms/ Governance / institutions;

Process Questions:
- What is reasonable to record within legitimate rights?
- What gaps exist in the current legal framework for protecting customary land rights?
- Which institutions should have the mandate to enable and enforce protection?
- Which institutions should have the mandate to address grievances and at what level? How do you harmonize existing mechanisms?
- Are there safeguards for sustainability and conflict prevention?

Land Rights Administration:
Protection of Tenure Rights

3. What is needed:
- Develop tools and strategies to help people understand how to play a role in tenure governance
- Empower institutions (Gov and Non State Actors) to deliver services
- Increase accuracy of, transparency and access to land information

Process Questions
- What capacities are required (at each level)?
- What role can technology play in protecting tenure rights (and not play)?
3. What is needed:

- Define who will have what responsibility in accordance with responsible governance principles
- Set up a land registration system
- Setup a Land Commission at national, regional and local levels

Process Questions:

- Which institutions should have the mandate to enable and enforce protection?
- Which institutions should have the mandate to address grievances and at what level? How do you harmonize existing mechanisms?
- Are there safeguards for sustainability and conflict prevention?

4. Where to start / Pilot

- Pilot affordable and transparent mechanism for registration of legitimate rights
- Assess the current process for land rights protection and pilot methodology to simplify and make the process more accessible, transparent and affordable;
- Pilot grievance redress mechanisms to increase tenure security
2.0 PLANNING LAND USE RIGHTS

1. **What the Policy says:** Section 8.0 calls for a national spatial planning system able to give general guidance on optimal development and sustainable utilization and management of land and land-based resources.

- **Reforms** - to explore alternative approaches and options that include the use of appropriate spatial planning techniques, participatory ground truthing and community mapping approaches to achieve the desired outcomes.

- The concept of planning will require additional national discussion to achieve the desired regulatory goal.

2. Governance and Institutions

- **Who has the mandate?** Under section 8.2.8, all MDAs whose operations are in one way or the other directly or indirectly related to land use in urban and rural areas;

- **Need to ensure that all policies and operations directly or indirectly related to land use are streamlined so as to capture the provisions contained in the National Land Policy**
3. What do you need?

- **Strengthen the planning systems act** with view to redefine the role of planning at national, regional, district, Chiefdom, and Village/Community levels.

- Programs to develop the capacity of physical planners and to revise the planning system;

- **shorten the learning curve**, pilot, testing and refinement of any new planning system;

- Update the technology and spatial data sets such that land use planning and management is linked to the administration of land. **SOLA Open Source Solutions**

4. Where do you start?

- Review the present Physical Planning system and prepare a more logical FFP system

- Revise existing laws to guide and provide enabling environment for spatial planning and land use management;

- Increase education and sensitization programs of the citizenry on spatial planning laws and regulations

- Develop and enforce appropriate guidelines to strengthen citizen participation in the planning process at all levels.
Conclusions

1. The VGGT stresses the different roles and shared responsibilities that actors have.

2. Solving land issues is not the task or responsibility of one actor, rather a shared effort of partnerships is needed to find solutions.

3. A precautionary approach with sufficient due diligence is needed with support from the private sector, academia and civil society groups to directly support government with FFP knowledge and information sources to institutionalize responsible land governance administration and monitoring capacity.