



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
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TOWARDS A CURRICULUM ON RESPONSIBLE LAND ADMINISTRATION

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Abstract

Global challenges affecting and informing modern land administration systems include poverty reduction, and the challenges related to food and water insecurity, the growth of informal settlements and slums, climate change and natural disasters. However, land administration must adapt to support these global challenges in a way that is consistent with the international goals and instruments. This is the basis for the emerging concept of Responsible Land Administration. The outcome of the inception phase of this project and discussions at an Expert Group Meeting were agreement on the need for the development of a structured knowledge and learning base on Responsible Land Administration to support the strategic objectives of the capacity development strategy of the Global Land Tool Network (GLTN). The focus of this structured knowledge and learning base is on the emerging concept of Responsible Land Administration and this paper has outlined the proposed aims and structure of the knowledge and learning base, as well as the next steps for implementation.

Key Words: land administration, knowledge sharing, SDGs, New Urban Agenda, Voluntary Guidelines.

Introduction

Global challenges affecting and informing modern land administration systems include poverty reduction, and the challenges related to food and water insecurity, the growth of informal settlements and slums, climate change, natural disasters and urbanization. More than half of the world's population already lives in urban areas, with projections for another 2.5 billion people by 2050. While urbanisation can have economic benefit through promoting growth and development, the size of the urban change poses huge challenges with the risk of leaving the poor and vulnerable behind. Urbanization is often accompanied by unplanned and under-resourced urban development, leading to land and housing shortages, rising costs of land for housing, and limitations in the availability of suitable land for housing. Low-income households that need to be near the city centre occupy land that is not in demand, but which is marginal or prone to hazards such as low-lying sites along rivers, on floodplains, and areas at risk of landslides, or beside railway lines, canal banks and roadsides. This among others, result in development of informal settlements, often poorly built housing, infrastructure and services. These issues are compounded by insecure land tenure and the threat of eviction. Rising land values associated with urbanisation means land is more sought after, which further undermines security of tenure for those without formal titles.

The international community has responded with the Sustainable Development Goals (SDGs), the New Urban Agenda, informed by international human rights treaties and the Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs). The SDGs and related targets recognize that ending poverty requires strategies that build economic growth, while addressing education, health, and social protection, climate change and environmental protection. While the SDGs are not legally binding, governments have the primary responsibility for review of the progress made in implementing the 17 Goals. This will require quality, accessible and timely data collection.



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The New Urban Agenda (NUA) will guide responses to the challenges from urbanisation for the next 20 years. The NUA commits UN member states to “promote increased security of tenure for all, recognizing the plurality of tenure types, and to develop 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” (United Nations, 2016, Para. 35).

In addition to these international initiatives, the right to property is a human rights obligation. The right to property is contained in the major international human rights treaties, including Article 17 of the Universal Declaration of Human Rights (UDHR). The right to adequate housing in international instruments also generally includes security of tenure as a key component (UNCESR 1991, para 8 (a), Gilbert 2013, Thiele 2013, van der Molen, 2017).

Effective land administration systems support poverty alleviation, security of tenure, management of land disputes, inclusive planning, and environmental protection. However, land administration must adapt to support these global challenges in a way that is consistent with the international goals and instruments. In low- and middle- income countries it has been estimated that 70% land rights are not recorded - especially for the more vulnerable, including women, the elderly, youth, poor, displaced peoples, indigenous communities, and ethnic minorities. Scaling up land administration systems to include this majority of households is a central challenge.

As such, these groups and their relation to land needs special attention and this proposed course focuses on the policy and legal frameworks and the land tools that help protect them. This is the essence of ‘Responsible’ Land Administration. Recent use of the term ‘responsible’ in relation to land administration and land governance involves incorporating innovations with an understanding of the possible ethical and societal implications, supporting socioeconomic development, poverty eradication, and food insecurity (Zevenbergen et al 2016, CFS and FAO 2012). A recent book “Advances in Responsible Land Administration” (Zevenbergen et al 2016) aimed to redress the limitations of conventional land administration research and provides a foundation for this knowledge base. While ‘Responsible’ land administration is a qualitative term or an ideal that may be difficult to achieve, we seek to build on this work by proposing 11 key principles for implementation of responsible land administration based on in turn, the VGGTs, the GLTN core principles, the International Guidelines on Urban and Territorial Planning, Advances in Responsible Land Administration, and the Fit-For-Purpose Land Administration Guiding Principles. These 11 principles are secure land rights for all, non-discriminatory, equitable, gender sensitive, inclusive and participatory, rule of law, transparency, accountable, affordable, scalable, and sustainable land administration. LGAF indicators and VGGTs also inform what the international development community see as ‘responsible’ governance and how this translates to responsible land administration. More discussion is needed to reach agreement on a definition of responsible land administration and the respective indicators.

In this paper, we conceptualize responsible land administration as a nested system that is framed by land policy, custom and land law (according to the rule of law, and the international development agenda). This framework shapes and defines processes such as land information a management, land financing and



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land use planning which in turn contribute to the everyday function of land administration. These functions include those required to formalize property (adjudication, surveying and registration) as well as land valuation or assessment which form the basis for land taxation. At the core of our conceptual framework we recognize that land tenure forms the foundation of the human-land relationship, of which land administration is one part.

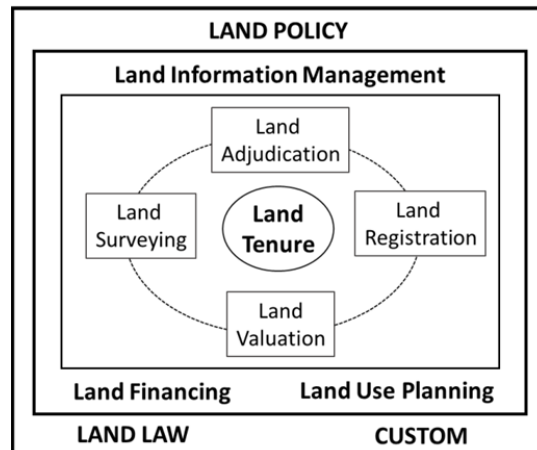


Figure 1 Conceptual Framework for Responsible Land Administration in the Context of the Rule of law, and the International Development Agenda

Improved management of urbanization and urban growth and changes in rural populations will be the responsibility of many stakeholders, including local governments, the private sector, civil society, communities and customary land groups. Decisions made by all these stakeholders about future land use will define the way urban growth occurs. In many countries, local governments cannot do this alone. Partnerships will be required to support decisions about housing and the provision of infrastructure. More effective management of urban growth will require urban and rural authorities to adopt a coordinated approach that involves the effective urban and territorial planning and control, and gender-responsive, pro-poor and fit-for purpose land administration. This approach is about acknowledging informal development is the prevailing form of development, and seeking incremental improvements.

Instruments and approaches to support responsible governance of tenure and responsible land administration include the VGGTs, a realization of the continuum of land rights, and land tools such as the Social Tenure Domain Model, participatory enumeration, and Participatory and Inclusive Land Readjustment (PILaR) and land sharing models, anti-forced eviction strategies, as well as comprehensive land use planning, citywide strategic planning, and multiple means of land value capture. These aim to improve urban governance and inclusion in the process of city growth and densification, and to improve the supply of serviced urban land through a negotiated process.

Improving the capacity of higher education institutions to teach principles of responsible land administration and land governance will be needed to achieve the goals of the New Urban Agenda. The objective of this project is to develop a structured knowledge and learning base that will enhance learning and capacity development within the land administration arena. We believe it is important to keep in mind



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the desired social, environmental and economic outcomes (see Fig. 2) of responsible land administration and that learning efforts in this area should remain linked to these outcomes. Finally, we recognize that land tenure and administration are dynamic and learning and knowledge should lead to the accumulation of evidence on the efficacy of current land policies and processes so that land administration is adapted to promote these positive outcomes.

The following sections discuss the rationale and early phases of this project.

Phase 1 – inception and feasibility

Although there is considerable knowledge on land related issues and innovative land tools, most of this knowledge is partly unknown or hidden within broader land related curricula. Further, existing land administration programs are largely based on traditional approaches to land administration, with many strongly informed by colonial regulatory frameworks. To redress this, a need was identified to consolidate this knowledge in the form of university ‘teaching essentials for responsible land administration’. This is supported, along with the desire of multi-lateral agencies to establish twinning arrangements between North-South academic institutions. This work is specifically aimed at fitting within the accredited academic learning approaches of undergraduate or postgraduate programs in land related topics.

In this way the knowledge developed makes a valuable contribution to the Strategic Objective 1 of the GLTN capacity development strategy: “Key capacity developers (national and international level universities, training institutes and others) have moved from conventional technical training curricula to include also pro-poor, gendered, multidisciplinary approaches” (GLTN/UN Habitat, 2014). In line with the GLTN focus on strengthening land policy, improving global knowledge, and strengthening capacity of partners, the GLTN Secretariat engaged the University of Twente (ITC) to explore the feasibility of the design and development of a set of higher education modules on responsible land administration. The general objective was to strengthen the capacity of higher education and other relevant networks or institutions globally, including in developing countries, to provide quality undergraduate and post-graduate courses on the theme of pro-poor, gender responsive land tools for tenure security along the continuum of land rights.

The main inputs during the feasibility and inception phase were from ITC, the Technical University of Munich (TUM), the GLTN secretariat, the East African Land Administration Network (EALAN) and UN-Habitat. Guided by the project’s general objective, a framework with overall approach was developed. The general approach for exploring the feasibility of the design and to develop a curriculum for GLTN was to make an inventory of existing elements, to assess the needs and to define objectives and strategies in relation to the four following aspects: students, content of teaching, teaching approaches and teachers / institutions. The methods used for the data collection were a literature review, a survey and an expert consultation (held from the 1st to the 4th of December in Enschede, Netherlands). A final report was prepared by ITC which included a brief outline of a draft curriculum and recommendations for next phase/s of curriculum development process, indicative budgets, and timeframes. The main output was a curriculum design entitled “Teaching Essentials for Responsible Land Administration” with a course title



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“Responsible Land Administration 101” comprising 6 recommended modules, finalised in the first quarter of 2016. A final report was prepared by ITC which included a brief outline of a draft curriculum and recommendations for next phase/s of curriculum development process, indicative budgets, and timeframes. This report envisages a flexible curriculum provided online for the use of higher education institutions who can choose to include all or part of the curriculum in their existing program.

Phase 2 – Development of a Structured Knowledge Base

The preliminary work in phase 1 formed the basis for the next stage of development, which was coordinated by RMIT University and University of East London under Project 2 of the GLTN Research and Training Cluster. This project aims to develop detailed outlines for each of the 6 Modules, and commence development of full curricula. Based on the original design by ITC expanded outlines for each Module were developed and discussed at an Expert Group Meeting in late October and early November 2016. This EGM was organized by GLTN partners UN-Habitat, the University of East London and RMIT University. Held at the University of East London, it was attended by 20 experts from various countries and academic and professional disciplines within the land sector. At the EGM it was agreed that this project focus on developing a "Knowledge base" to support the development of a responsible land administration across a variety of contexts. We see this knowledge and learning base as supporting a continuum of needs from a self-learner (with instructions on how to use the material) at one end, to an academic who customises the knowledge and learning base to fit into part of an existing undergraduate or postgraduate program (with instructions to designers on how to use the material) at the other end. The ultimate aim is to strengthen the capacity of higher education, and the quality of undergraduate and post-graduate learning on the theme of responsible land administration and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs).

The potential users include any land-related academic program and self-study courses with potential for certification. The outcome of discussions of this EGM fed into an expanded draft curriculum outline that will form the basis for the development of a structured knowledge base.

The structured knowledge and learning base is to be arranged under the following topical areas and modules:

1. Core values of responsible land administration
2. Access to land and tenure security
3. Participatory Land-Use Planning and Management
4. Responsible land administration and information in practice
5. Land-based financing
6. Land policy and regulatory frameworks

It represents an attempt to organise the content of the knowledge and learning base into modules and lessons that include guidance on the learning steps, key literature, and links for further study. The structured knowledge and learning base on responsible land administration also will also illustrate local



and regional diversity through the inclusion of practical local examples and case studies in each of the Modules.

Structure of the knowledge base

It is widely recognised that much of the existing information and knowledge on land tenure and administration is scattered across numerous disciplines, sources and formats. The structured knowledge and learning base will draw on existing literature (articles, reports, etc), case studies, short videos, GLTN tools and several voluntary guidelines (VGs) associated with governance and responsible land administration. Drawing on these sources we will develop learning objects that are relevant to an issue, aspect or process within RLA. The structured knowledge and learning base is made up of these learning objects, but organized in specific modules. The knowledge and learning base will be designed with the flexibility to support a continuum of formats of learning that range between the following:

A. Knowledge and learning base adapted to be embedded by a course in an existing undergraduate or postgraduate program. Users customise the material in the knowledge and learning base into their own programmes. Responsibility for the adaptation and the eventual programme would be with the body customising the material.

B. Guidance to support a self-directed learner. These learners would have access to a self-contained module that could be taken as a whole or in parts without the need for customisation. This could be in the form of a MOOC (massive open on-line course), independent study module in a university, part of dissertation preparation programmes in a university, or continuing professional development for a professional body.

Knowledge-Learning Continuum

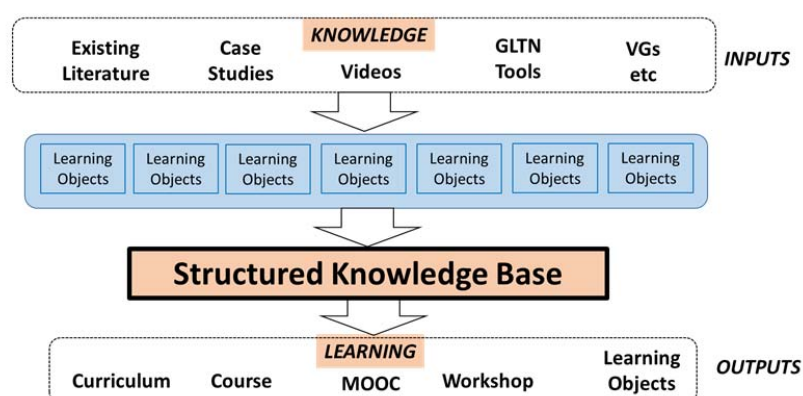


Figure 2 Structured Knowledge and Learning Base



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As illustrated in Figure 2, inputs including the Students' experiences, country background, International agreements and declarations, the Land Portal, and Journal Articles will inform the development of a series of learning objects. Each Module within the structured knowledge and learning base will therefore be comprised of "minimum learning objects" that can (if needed) stand alone as a learning exercise.

The structured knowledge and learning base then underpins courses in undergraduate or postgraduate programs, blended learning programs, online tutored courses, face-to-face training, and online professional development. The learning could be accredited by the body customising the material and lead to an award by that body. The knowledge and learning base will be made available through a portal through which the documentation could be accessed. The material is intended to be open source with minimal copyright restrictions beyond requiring users to acknowledge the source.

Goals for the development of the structured knowledge and learning base include:

- Exposing students and teachers to the core values and tools making up responsible land administration
- Involving local case studies in lessons where possible
- Adaptive, flexible and responsive to diverse and changing needs - fit-for-purpose (FFP)
- preparing a range of learners with the knowledge of responsible land administration and the ability to positively contribute in a range of roles within the broad land sector
- Empowering people to act as change agents and be champions and implementers of any needed reforms.

A challenge will be to balance the fundamentals of responsible land administration with country-specific aspects of land administration. The knowledge and learning base will also be developed on the awareness that the challenges facing the land sector are significant and complex. There are no quick solutions, and that the effect and impact of land administration depends on many contextual issues in different cases. Effective solutions involve going deeper into the actual tenure forms in existence, with solutions building on what are already there and in response to particular historical, cultural, legal etc. context. Key principles such as found in the VGGTs, and the continuum of land rights, and fit-for-purpose land administration will be central to the knowledge base, as will the principles of pro-poor land recordation and gender-responsive land administration. Learning objects will include knowledge of international conventions and guidelines, as well as good local and regional case studies that illustrate the importance of responsible approaches to land administration.



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Curriculum structure and teaching materials

The entire knowledge and learning base will comprise approximately 300 hours of study load - (12 ECTS₁), which represents between 15% and 25% of one year of many undergraduate programs. Each Module is designed to support a curriculum of approximately 50 hours of study load (2 ECTS). A typical study load will be generally divided into 15 hours teacher-directed learning, and 35 hours learner-directed learning (self-study). However this can vary for each lesson. Each lesson is then designed to support approximately 3 hours of teacher-directed tuition within the classroom or training session.

The knowledge and learning base includes a nested design that allows selection by the designer, teacher or learner, of parts or the whole of the knowledge and learning base as needed. The knowledge and learning base will be in the form of pdf document for each Module (or Lesson) and containing the learning text with instructions to designers as to how they might use the material. Each module will be structured around learning resources that support approximately 10 hours of teacher-directed tuition within the classroom or training session. The breakup of teaching approach may vary per module but a typical structure may be in the form of pdf document containing the learning text, recommended reading material, suggestions for assessment and instructions for designers as to how they might adapt the material for various uses. The Modules will be framed as a series of issues or questions - the idea of leading with questions/issues in each section. The local context will be provided through case studies and guidance on how the students can be challenged to adapt this to their own contexts.

Peer review and development of the knowledge base

The learning materials in each Module will be developed by experts and peer reviewed by GLTN, members of the advisory committee and various partners.

The learning materials in each Module will be developed by experts selected for their expertise in the relevant area. They will develop the draft outline for their particular module into a fully structured knowledge and learning base comprising learning objects. Each Module author will firstly develop an expanded outline for the Module for review, then the full structured knowledge and learning base for that module, to peer review another module, amend their Module based on peer review, and develop a final report to feed into our GLTN reporting.

To support them in this work they will be provide detailed guidance on how to develop the knowledge and learning base and the structure and outputs expected. Peer review will be undertaken by the project team at RMIT University, the University of East London and the GLTN Secretariat, as well as being distributed to the GLTN clusters for comment.

Conclusions

¹ The course load system used in Europe, but also for example in Ethiopia, where 1 ECTS = 28 hours of study load (lectures, exercises and self-studies). For more information about the international standard ECTS for the credit transfer and accumulation system: http://ec.europa.eu/education/ects/ects_en.htm



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The outcome of the inception phase and discussions at an Expert Group Meeting were agreement on the development of a structured knowledge and learning base to support the strategic objectives of the GLTN capacity development strategy. The theme of this structured knowledge and learning base is on the emerging concept of Responsible Land Administration and this paper has outlined the proposed aims and structure of the knowledge and learning base, as well as the next steps for implementation.

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