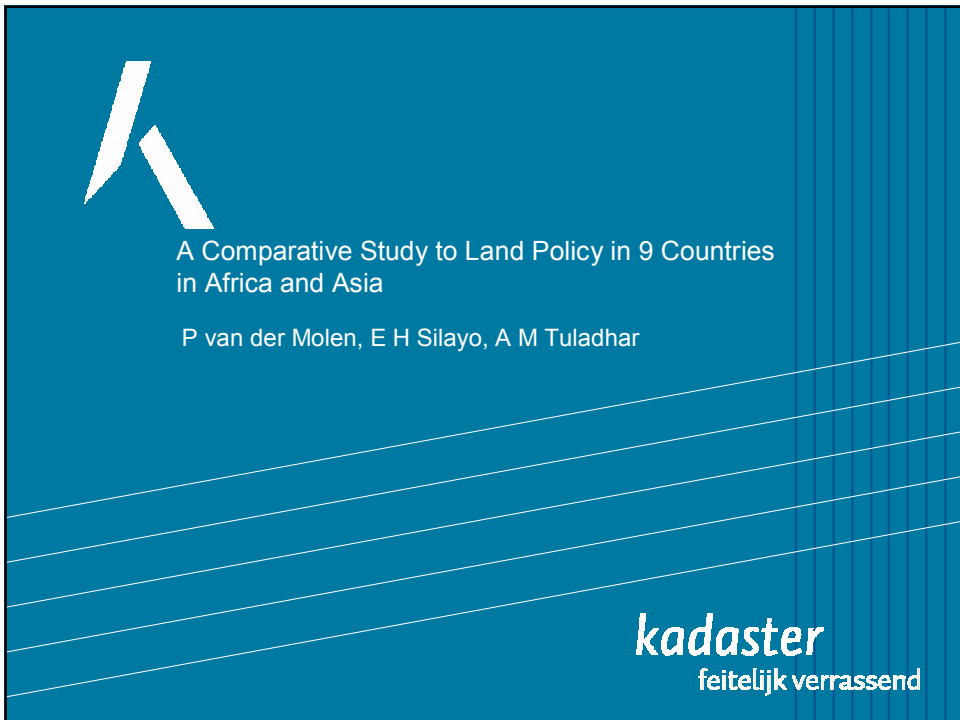# A Comparative Study to Land Policy in 9 Countries in Africa and Asia

P van der Molen, E H Silayo, A M Tuladhar

kadaster
feitelijk verrassend

What is Land Policy?

- Land Policy consist of the whole complex of legal and soci-economic prescriptions that dictate how the land and the benefits from the land are to be allocated (UN/ECE Land Adm Guidelines 1996)
- Land Policy is the rules governing access to and the distribution of thwe benefits from one of the economy's main assets: land (WB 2003)

kadaster

Why is a land policy needed (WB 2003)?

- Land is a key asset for the rural poor
- Land provides a foundation for economic activity and the functioning of market- and non-market institutions
- Allocation of land and it's benefits influences economic growth and poverty eradication
- Control of land is a major source of political and economic power, and might empower the poor
- Systematic distortions of land and ethnicity leads to conflict and violence
- Existence of multiple market-imperfections

kadaster

Effect of a good land policy (WB 2003)

- Economic growth: investments, credit, and productivity
- Poverty eradication: subsistence farming, market surplus, status
- Governance: basic democracy, decentralization, no conflicts, accountability
- Environmental sustainability: effective land use, inclusion of externalities, state land management

kadaster

Content of a good land policy

- Increase of property rights and legal security
- Market interventions for both sales- and rental markets
- Reduction of transaction costs in the land market
- Reducing the scope of bureaucratic interventions
- Improving the climate for private investments
- Strengthening existing (local) institutions
- Ensure effective land use and bringing in line with social needs
- Help landless people through land redistribution

kadaster

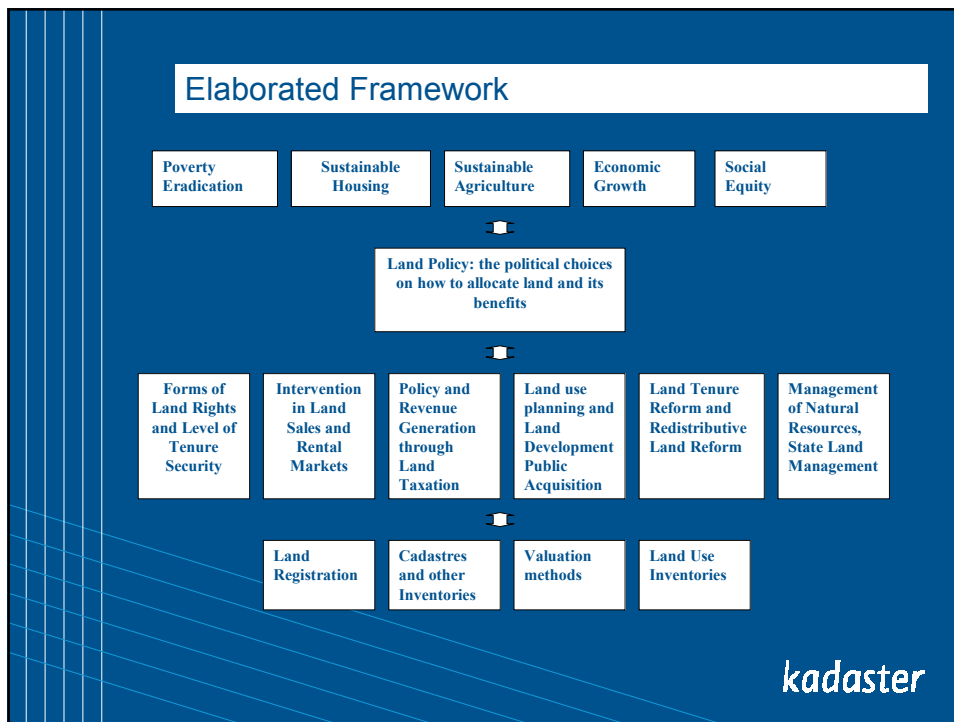## No isolated land policy (WB 2003)

- Integration in broader development policy
- Both short term improvements and structural adjustments
- Policy dialogue
- Backed by local capacity
- No patent recipees

kadaster

Framework

| POLICY OBJECTIVES |
| LAND POLICY |
| LAND POLICY INSTRUMENTS |
| SUPPORTIVE LAND TOOLS |

kadaster

Elaborated Framework

Poverty Eradication	Sustainable Housing	Sustainable Agriculture	Economic Growth	Social Equity

Land Policy: the political choices on how to allocate land and its benefits

Forms of Land Rights and Level of Tenure Security	Intervention in Land Sales and Rental Markets	Policy and Revenue Generation through Land Taxation	Land use planning and Land Development Public Acquisition	Land Tenure Reform and Redistributive Land Reform	Management of Natural Resources, State Land Management

Land Registration	Cadastres and other Inventories	Valuation methods	Land Use Inventories

kadaster

Ideal land policy composition

- Chapter 1: Objectives at state level and an analysis regardign the role of land
- Chapter 2: Political and ideological choices on allocation
- Chapter 3: Regulations for land tenure and security
- Chapter 4: Interventions in land sales and rental markets
- Chapter 5: Fiscal measures on land taxation and strategic use
- Chapter 6: Mechanisms for land use planning, implementation and maintenance
- Chapter 7: Methods of land reform in its variety
- Chapter 8: Regulations for management of natural resources (including state lands)
- Chapter 9: Requirements to land administration systems

kadaster

Comparative study (E.H. Silayo, ITC, 2007)

- Rwanda: National Land Policy 2005
- Namibia: National Land Policy 1998
- Kenya: National Land Policy, the Formulation Process 2007
- Malawi: National Land Policy 2002
- Swaziland: Draft National Land Policy 2004
- Tanzania: National Land Policy 1997
- Zambia: Draft Land Administration and Management Policy 2006
- Uganda: Draft National Land Policy 2007
- Cambodia: Land Policy Framework 2002

kadaster

Objectives

Objectives	Rwanda	Namibia	Kenya	Malawi	Swaziland	Tanzania	Zambia	Uganda	Cambodia
Problem Statement	√	√	√	√	√	√	√	√	√
Vision of Policy			√			√			
Mission of Policy			√			√			
Objectives of Policy	√	√	√	√	√	√	√	√	√
Process			√	√		√		√	√
Authority	√	√	√	√	√	√	√	√	√

kadaster

Political Choices

Political Choices	Rwanda	Namibia	Kenya	Malawi	Swaziland	Tanzania	Zambia	Uganda	Cambodia
Access to Land	√	√	√	√	√	√	√	√	√
Access Gender	√	√	√	√	√	√	√	√	√
Access Non Citizens		√	√	√	√	√	√	√	
Access Vulnerable Groups		√	√	√	√		√	√	√
Access Investors		√	√	√		√	√	√	

Land Tenure arrangements

Land Tenure	Rwanda	Namibia	Kenya	Malawi	Swaziland	Tanzania	Zambia	Uganda	Cambodia
Categories of Land	√	√	√	√			√	√	√
Land Tenure Types	√	√	√	√	√	√	√	√	
Level Tenure Security									
Historical Injustices		√	√						
Conflict resolution		√	√	√	√	√	√	√	√

kadaster

Land Markets

Land Markets	Rwanda	Namibia	Kenya	Malawi	Swaziland	Tanzania	Zambia	Uganda	Cambodia
Regulations		√	√	√	√		√	√	√
Speculation		√	√	√	√	√	√	√	√
Ceilings							√	√	√

Land Valuation and Taxation

Land Taxation	Rwanda	Namibia	Kenya	Malawi	Swaziland	Tanzania	Zambia	Uganda	Cambodia
Value	√	√		√	√	√	√	√	√
Taxation	√		√	√			√	√	√

Land Use Planning

Land Taxation	Rwanda	Namibia	Kenya	Malawi	Swaziland	Tanzania	Zambia	Uganda	Cambodia
Value	√	√		√	√	√	√	√	√
Taxation	√		√	√			√	√	√

Land Reform

Land Reform	Rwanda	Namibia	Kenya	Malawi	Swaziland	Tanzania	Zambia	Uganda	Cambodia
Tenure Reform	√		√			√	√	√	
Redistribution		√	√	√					
Conflict Resolution									
Authority									

Management Natural Resources

Management Resources	Rwanda	Namibia	Kenya	Malawi	Swaziland	Tanzania	Zambia	Uganda	Cambodia
Land tenure Recognition				√		√			
Common land management		√	√	√	√	√		√	
Environment	√	√	√	√		√		√	
Rangelands			√	√	√	√		√	
Military land									√

Land Administration

Land Admin	Rwanda	Namibia	Kenya	Malawi	Swaziland	Tanzania	Zambia	Uganda	Cambodia
Definition	√		√	√				√	√
Registration			√	√			√		
Registration Customary Interests	√	√	√	√		√		√	√
LIS/Cadastre	√	√	√	√	√	√	√	√	√
Survey and Mapping	√	√	√	√		√	√	√	
Decentrali-zation	√	√	√	√		√	√	√	√
PPP			√				√	√	√
Conflict resolution		√	√	√	√	√	√	√	√
Authority	√	√	√	√	√	√	√	√	√

kadaster

Conclusions

- Sound Documents
- Remarkable decisions made
- Mutual internal relationships might be elaborated
- Further definition system requiments needed

kadaster

Thank you

kadaster