



Global Trends in Land Administration

by Tony Burns

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Land Equity International



Topics

1. Land Administration Projects
2. Global Trends in Land Administration
3. Land Governance Assessment Framework (LGAF)
4. Where the Philippines Stands



LA Reform in SE Asia

Laos:
Design 1993
Pilot 1994
LTP I, II 1994 – 2009

Thailand:
Design 1982
LTP 1-4 1984-2004
Plans for computerization

Cambodia:
Design 2001
LMAP 2002 – 2009
On-going activity

Malaysia:
Qualified Titles 1960s
Pilot DCDB 1986+

Singapore:
Evolution to titles 1950s
Cadastral reform – 1990s

Indonesia:
Design 1993
LAP 1994-2001
LMPDP 2004-on-going

Japan:
~1945+

China:
New policy 1986
Pilots 2006-on-going

Taiwan:
~1945+

Philippines:
Design 2000
LAMP I 2001-2005
LAMP II 2005 on-going

Vietnam:
Pilots 1990-2005
New Laws 1993-2003
VLAP 2008- on-going

Timor Leste:
Pilots 2003 – on-going





Land Administration Reform

Benefits of Land Titling



- Secure land tenure
- Reduction in land disputes
- More efficient land markets
- Increased land values
- Broadened tax base
- Information to support better resource allocation and management
- More equitable basis for compensation



Land Administration Reform

The Land Sector and the Millennium Development Goals

Goal 1: Eradicate extreme hunger and poverty

Provide secure access to land to the worlds poor (land provides the poor with the means to grow food & generate capital)

Encourage investment in agriculture

Provide access to credit

Goal 3: Promote gender equality and empower women

Equal inheritance rights

Equal representation on titles

Equal representation in land sector policy making



Land Administration Reform

Typical Project Components

- Project management
- Policy formulation
- Land law
- Land title issuance
- Land registration
- Survey and mapping
- Land records management
- Land and property valuation and taxation
- Land information systems
- Education and training





Land Administration Reform

Characteristics of Typical Projects

- Long term
- Operates in a complex institutional setting
- High level government contact
- High public profile/interest
- Major potential fiscal/social impact
- Generates linkages to all sectors (public, private and academia)





Land Administration Reform

Common Issues Facing Land Administration Projects

- Real estate accounts for 50-75% of national wealth
- Land is a major means of accumulating wealth
- Often very strong vested interests
- Staff in the land sector are very conservative
- Built in inertia to change
- Frequently operate in weak policy/legal environment
- Reliable information very difficult to obtain



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Thailand Land Titling Project

Socio-economic studies have shown that:

- Legal title is the most significant factor in explaining differences in land prices
- Land titles are generally related to the demand and supply of credit
- The project lead to an increase in cultivated areas
- The incidence of land transactions increased for titled land
- For titled lands, there was increased use of farm inputs such as seeds and chemical fertiliser
- The value of production per unit area and the yield per unit area are higher for titled lands

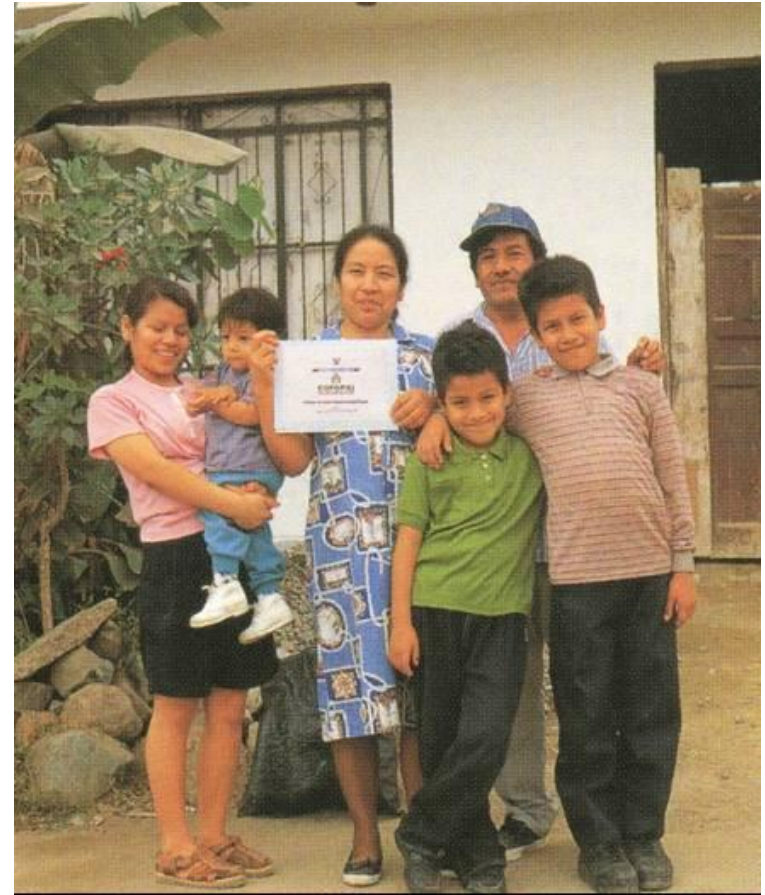




Peru Urban Property Rights Project

A socio-economic study has shown that:

- Land titling has led to an increased level of employment in households – an average of 45 hours per week
- Land titling is associated with a significant decline in the proportion of households who use their residence as a source of economic activity
- Land titles appear to reduce the household demand for child labour in a majority of households by a third





Land Administration Reform

Problems that hampered rural land titling projects:

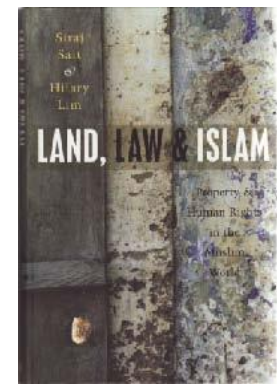
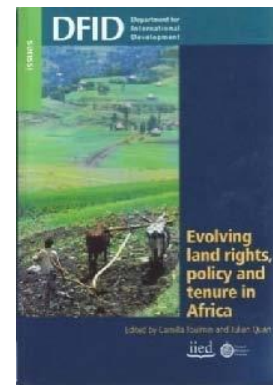
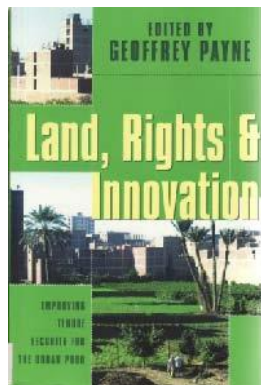
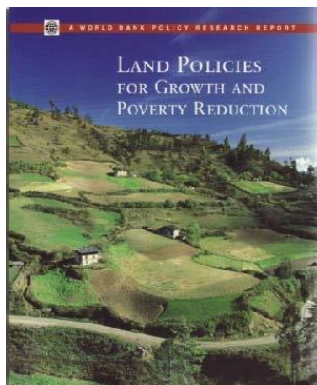
- an overall lack of political support
- conflicting bureaucratic priorities and/or infighting
- lack of institutional capacity or an unwillingness to commit adequate resources
- underestimation in the preparation phase of the complexity and/or cost of the tasks to be carried out, or other design weaknesses





Global Trends

- increased interest in land administration reform
- increasing number of agencies involved in initiatives
- increasing tension between long term and short term priorities
- increasingly complex policy environment for projects
- the exploration of alternative project arrangements





Active Land Projects (9/09)

- **World Bank – 48 Projects** (Albania, Argentina, Azerbaijan, Bangladesh, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cambodia, Cameroon, Côte d'Ivoire, Croatia, Ethiopia, Ghana, Guatemala, Guinea, Honduras, Indonesia, Kosovo, Kyrgyz Republic, Macedonia, Malawi, México, Montenegro, Nicaragua, Pakistan, Panama, Perú, Philippines, Romania, Russia, Samoa, Serbia, Tajikistan, Tanzania, Turkey, Uganda, Ukraine, Vietnam, Yemen)
- **USAID – 8 Projects** (Afghanistan, Egypt, Ethiopia, Guinea, Liberia, Sudan, Timor Leste)
- **MCC – 10 Projects** (Benín, Burkina Faso, Ghana, Lesotho, Madagascar, Mali, Mongolia, Mozambique, Namibia, Nicaragua)
- **DFID – 6 Projects** (Kenya, Mozambique, Nepal, Nigeria, Rwanda, South Africa)
- **Finland – 3 Projects** (Cambodia, Tanzania (Zanzibar), West Bank/Gaza)
- **Sida – 2 Projects** (Ethiopia, Kenya)
- **GTZ – 55 Projects** (Argentina, Benin, Bolivia, Bosnia and Herzegovina, Brasil, Cambodia, Chad, China, Colombia, Côte d'Ivoire, Croatia, Ecuador, Fiji, Ghana, Honduras, Kenya, Kosovo, Kyrgyzstan, Laos, Mali, Mauritania, Mongolia, Montenegro, Namibia, Nepal, Nicaragua, Niger, Paraguay, Peru, Philippines, South Africa, Timor Leste, Vietnam)
- **AusAID – 3 Projects** (Philippines, Solomon Islands, Vanuatu)
- **IDB – 16 Projects** (Argentina, Bahamas, Belice, Brasil Costa Rica, Dominican Republic, Ecuador, Jamaica, México, Panamá, Paraguay, Surinam, Trinidad & Tobago, Venezuela)
- **ADB – 2 Projects** (Laos, Mongolia)



Sectors

- Rural (agriculture)
- Forest, pastures and protected areas
- Urban (cadastre, planning, development, etc.)
- Coastal zone management
- Business environment (IFC and others)
- Rule of law/justice/governance
- Finance/devolution/local government finance
- Land reform/allocation
- Post-conflict/natural disaster



Interested Parties/Groups

1. Global Land Tool Network <http://www.gltm.net/>
2. Cities Alliance <http://www.citiesalliance.org/index.html>
3. Centre on Housing Rights and Evictions (COHRE) <http://www.cohre.org/index.php>
4. Food and Agriculture Organisation – Land Tenure <http://www.fao.org/nr/tenure/lt-home/en/>
5. International Federation of Surveyors (FIG) <http://www.fig.net/>
6. International Fund for Agricultural Development (IFAD) <http://www.ifad.org/pub/index.htm>
7. International Institute for Environment and Development (IIED) – Natural Resources <http://www.iied.org/natural-resources/group-publications/publications>
8. International Land Coalition (ILC) : <http://www.landcoalition.org/>
9. Landnet Americas <http://www.landnetamericas.org/>
10. Lincoln Institute of Land Policy <http://www.lincolnst.edu/aboutlincoln/>
11. UNDP Oslo Governance Centre http://www.undp.org/oslocentre/overview/land_governance.html
12. Wisconsin Land Tenure Center <http://www.nelson.wisc.edu/ltc/publications.html>
13. World Bank Land Policy Network <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTARD/0,,contentMDK:20451195~menuPK:336688~pagePK:148956~piPK:216618~theSitePK:336682,00.html>



Trends

- Emphasis shifting to ‘access to land’ rather than individual titles – “Continuum of Rights”
- Increased use of benchmarking
- Increased emphasis on land governance – LGAF, FAO Voluntary Guidelines
- Increased range of stakeholder concerns:
 - Commercial pressures on land
 - Indigenous rights
 - Protecting the commons

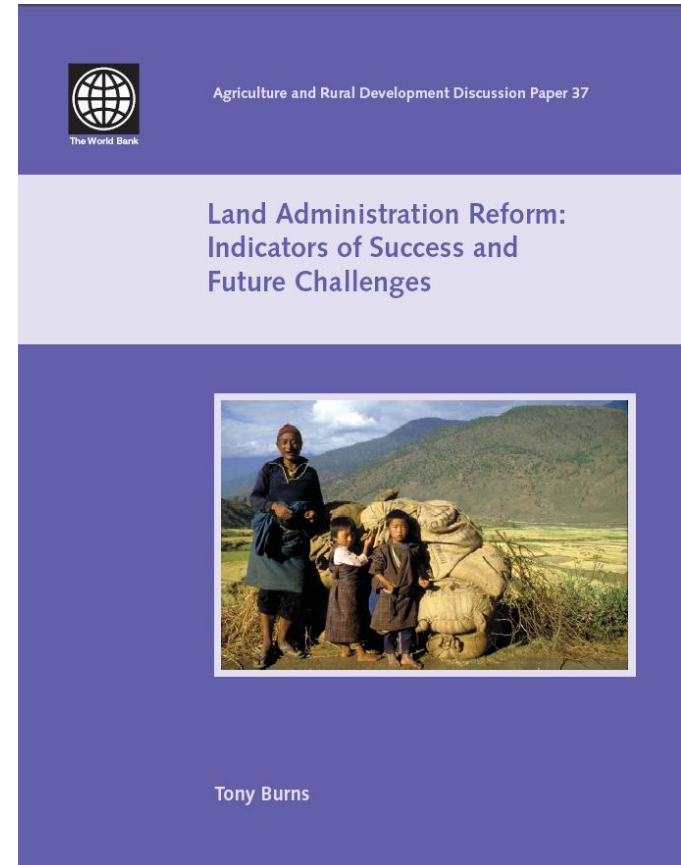


LA Comparative Study 2003

Three Phases:

1. The preparation of detailed country case studies;
2. The synthesis of the detailed country case studies into four regional papers;
3. A global synthesis of critical issues with comparisons drawn both within the regions as well as across the regions.

A systematic discussion was prepared of future challenges



<http://siteresources.worldbank.org/EXTARD/Resources/ARDDiscussionPaper37.pdf>



The Global Land Tool Network (GLTN) contributes to the implementation of pro poor land policies to achieve secure land rights for all. [Read more...](#)

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Facts

The number of people forcibly evicted to give way to dams in India alone since 1950 has been estimated at 50 million.

FIG Congress Launches the Social Tenure Domain Model



Dr. Clarissa Augustinus, Chief, Land, Tenure and Property Administration Section (LTPAS) of UN-HABITAT responding to clarifications posed by the participants during the STDM Special Event in FIG Congress, 12 April 2010, Sydney, Australia. (From L-R) Dr. Mohamed El-Sioui acting as the Chairperson of the Event, Mr. Christiaan Lemmen of ITC and FIG President Stig Enemark joined Dr. Augustinus as Resource Speakers.

A pro-poor land rights recording system - the Social Tenure Domain Model (STDM), was launched in a Special Event during the 24th International Federation of Surveyors (FIG) Congress, 11-16 April 2010 at Sydney, Australia. With the Theme 'Facing the Challenges - Building the Capacity', the Congress which was

Slum Dwellers Counter

World Slum Dweller Population is **estimated** to be: **1,165,657,681**

Events Calendar

May						
M	T	W	T	F	S	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

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Opportunities

Title	Application deadline	Info
Call for papers: 'Global Land Grabbing' International Academic Conference	October 31, 2010	
Call for applications: Training Course on Feminist Leadership, August 2010	July 09, 2010	
Call for proposals: Humane Earth Foundation	June 14, 2010	
AWOMI: Young Women Knowledge and Leadership Institute (YOWLI)	May 30, 2010	
Vacancy: Programme Officer with COHRE (Centre on Housing Rights and Evictions), Phnom Penh, Cambodia	May 29, 2010	
20th Annual Human Rights and Peoples' Diplomacy Training Program for Human Rights Defenders (Asia-Pacific Region and Australia)	May 20, 2010	
Call for papers: "Africa for Sale"	May 15, 2010	
Call for applications: Early Career Fellowships Programme, Future Agriculture Consortium	Open until filled	
Development Innovation fund for Small and Medium CBOs and NGOs (DFID)	Open until filled	
Senior Staff Associate - Climate Change, Agriculture and Food Security	Open until filled	

[Read all Opportunities](#)

Publications:

Land Tenure Security & Food Security



South Africa: Attack on housing rights activists must stop

May 12, 2010 The Centre on Housing Rights and Evictions (COHRE), an international human rights organisation based in Geneva, today wrote to the South African government expressing grave concern about reports of organized intimidation, threats and outright violence against members of Abahlali baseMjondolo (AbM).

The AbM (Shack Dwellers) Movement began in Durban, South Africa, in early 2005. Although it is

COHRE Programmes

Regional Programmes

Global Forced Evictions Programme

Litigation Programme

Right to Water

Women and Housing Rights

Housing, Land & Property Restitution

Fact Finding Missions

Global Advocacy

Housing Rights Training

COHRE news updates

COHRE NEWS:

Bulgaria: COHRE tells UN that Roma face racial discrimination in housing

23 April 2010 - The Centre on Housing Rights and Evictions (COHRE) and its partner, the Equal Opportunities Association (EOA), a Bulgarian human rights organization, this week...
[Full Story »](#)



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COHRE NEWS:

Cambodia: World Bank Inspection Panel accepts COHRE's call for full investigation into land activities

23 April 2010 - Last week, the World Bank Inspection Panel agreed to launch a full investigation into the World Bank funded Land Management and Administration Project (LMAP...
[Full Story »](#)





Why monitor Land Governance?

- Serious issue; far-reaching economic and social consequences
 - Importance of property rights for investment, poverty reduction and growth
 - Bad land governance leads to deep-rooted conflicts
 - Petty corruption can be costly (US \$ 700 mn./a in India)
 - High profile land grabs and corruption (Kenya)
- A number of factors are likely to push up land values
 - Population growth, urbanization
 - New land uses (e.g. biofuels) increase land demand
 - Payments for environmental services (REDD)



Elements of land sector governance

- How property rights to land (for groups or individuals) are defined, enforced, can be exchanged, and transformed
- The way land is managed, land use plans and regulations are prepared and implemented, and how land is taxed
- What is state land, how is it managed, acquired and disposed of
- The nature and quality of property ownership information available to the public and the ease with which it can be accessed or modified
- The way in which disputes are resolved and conflict is managed



LGAF Process

- LGAF Methodology
 - 5 broad thematic areas, 21 indicators, 80 dimensions
 - Expert investigation (legislation, statistics and data)
 - Panels score dimensions (A – D statements), justify, make recommendations
 - Supplemented by sampling (court and registry records)
 - Panel summaries -> country reports

Expert Analysis

Preliminary data gathering by experts in:

1. Land Tenure
2. Land Use / Policy
3. Public Land Management
4. Land Registry

Panels of Experts

1 – 2 day workshops gathering experts from the private and public sector on topics of:

1. Land Tenure
2. Institutional roles
3. Urban Land Use and Development
4. Rural Land Use and Land Policy
5. Land Valuation and Taxation
6. Public Land Management
7. Public Provision of Land Information



Progress in Developing LGAF

- Development of framework
- 5 pilot countries to account for diversity of situations
 - Indonesia
 - Kyrgyz Republic
 - Peru
 - Tanzania
 - Ethiopia
- Finalization of LGAF as World Bank ESW
- LGAF Implementation Manual
- Rolling out LGAF – Benin, Rwanda, Nigeria, Mozambique



Advantages of LGAF

- Potential advantages
 - Sector-wide approach focused on outcomes rather than existing institutions
 - Feed into country strategy; identify areas for more attention
 - Cross-country comparison to identify best practice
 - Assessments can be repeated at 2-3 year intervals to assess progress
- Complementary to global and regional initiatives
 - FAO's 'voluntary guidelines on responsible governance of land & NR tenure'
 - AU land policy initiative/UN-Habitat governance and transparency
 - Can provide legitimacy for first assessment and follow-up indicators
 - Provide capacity for in-depth analysis and policy/institutional adjustments



How Does the Philippines Stand?

Country	Property Indicators			Rankings	
	Procedures (number)	Time (days)	Cost (% value)	Registering Property	Ease of Doing Business Rank
Singapore	3	9	2.8	12	1
Thailand	2	2	6.3	18	18
China	3	32	3.1	21	93
Vietnam	4	67	1.2	34	104
Malaysia	5	144	2.4	66	25
Korea	7	11	6.3	67	23
Philippines	8	33	5.7	98	126
Cambodia	7	56	4.6	100	143
Indonesia	7	42	10.5	120	135
Lao PDR	9	135	4.2	148	159

Source: Doing Business 2007



How Does the Philippines Stand?

Country	Property Indicators			Rankings	
	Procedures (number)	Time (days)	Cost (% value)	Registering Property	Ease of Doing Business Rank
Thailand	2	2	1.1	6	12
Singapore	3	5	2.8	16	1
China	4	29	3.1	32	89
Vietnam	4	57	1.1	40	93
Korea	7	11	5.1	71	19
Malaysia	5	144	2.6	86	23
Indonesia	6	22	10.7	95	122
Philippines	8	33	4.3	102	144
Cambodia	7	56	4.4	116	145
Lao PDR	9	135	4.1	161	167

Source: Doing Business 2010



Why Thailand is Different

- Strong policy and legal framework
- Strong institutional framework
- Strong public confidence in land administration system
- High levels of participation



Regional Experience – Key Lessons

- Institutional Arrangements
- Legislative Framework
- Systematic Registration to Formalise Rights
- Focussing on improved service delivery:
 - Streamlining procedures
 - Ensuring that transaction costs are not a barrier for participation



DOL in Thailand

- Land Registration Department created in 1902
- At various times:
 - Separate survey and registration functions
 - Other functions part of Lands (eg Mines)
 - At various times in MA and MOI
- Single agency in MOI since 1943 for:
 - Land registration
 - Cadastral survey and mapping
 - Collection of land related fees and charges



Institutional Arrangements

- General trend for a single land administration agency:
 - all states in Australia
 - BPN in Indonesia in 1988
 - DOL in Laos since 1990, NLMA in 2006
 - MLMUPC in Cambodia in 1999
 - MONRE in Vietnam in 2002, GDLA in 2009
- Other mechanisms (MOUs, data exchange standards, OSS, etc) but limited success



Legislative Framework

- Institutional reform is the foundation for legislative framework
 - in Thailand DOL in MOI in 1943, Land Code 1954
 - attempts for 'Land Code' in the Philippines
- Long timeframe for legislation
 - Indonesia: BAL - 12 years/revise PP10/60 3 years



Legislative Framework - Asia

COUNTRY	LEGAL FRAMEWORK
Thailand	Land Code
Malaysia	Land Code
Indonesia	Land Code
Cambodia	Land Code
Laos	Land Code
Philippines	Numerous overlapping and inconsistent Acts and Decrees

COUNTRY	REGISTRATION PROCESS
Thailand	Administrative
Malaysia	Administrative
Indonesia	Administrative
Cambodia	Administrative
Laos	Administrative
Philippines	Judicial and Administrative

Source: Nettle and Ting, 2002



Legislative Framework - Thailand

- Land Code in Thailand provides clear basis for:
 - Recognition of rights in land
 - Allocation of public land
 - Systematic & sporadic registration of private rights
 - Cadastral surveys and registration of dealings
 - Administrative procedures to settle disputes and correct records
- Changes to Land Code fundamental for Land Titling Project



Systematic Registration (US\$/title)

	Armenia	Kyrgyzstan	Moldova	Indonesia	Thailand	El Salvador	Perú (urban)	Perú (rural)
Pre-Field					4.89			
1 Geodetic Network	-	-	5.66			-	0.39	
2 Cartography	0.20	-	7.08			7.05	0.24	11.26
3 Compilation of existing records	0.02	0.03	1.53			1.30		
4 Publicity Campaign	0.02	0.31	0.55			1.94	0.42	
5 Acquisition of Government equipment	0.68	0.91	-			1.50		
Field					19.32			
6 Collection of claimant information	1.00	0.30	3.77				0.23	3.62
7 Boundary investigation, survey, marking	4.57	2.09	7.64			9.67	1.61	10.50
8 Conflict Mediation	-	-	-			0.06	0.08	
Post-Field								
9 Quality control	0.12	0.14	0.94				0.05	10.00
10 Legal validation	1.00	0.15						0.56
11 Public display of field results	0.02	-					0.02	
12 Conflict Resolution	-	-						
13 Prepare land record	1.00	0.04	2.92			2.89		1.40
14 Prepare cadastral maps/plans	0.82	0.04	1.98			1.44	2.37	1.68
15 Cadastral/Registry database design	0.50	1.06	3.77					
16 Data entry	0.10	0.03	0.19					
17 Register property rights in registry	0.05	0.14	7.55					5.44
18 Issuance of titles to beneficiaries	-	0.01	0.94					1.95
19 Administration/management	3.25	5.30	1.89			3.89	7.27	9.28
20 Total per parcel cost	13.35	10.55	46.41	16.30	24.21	29.74	12.68	55.69
21 Amount paid by beneficiaries	-	-	-	-	2.55	-	-	-
Total Cost	13.35	10.55	46.41	16.30	21.66	29.74	12.68	55.69

Source: Global Study, LEI, 2003



Systematic Registration

- Legal/participatory process – takes time
- Typical costs internationally \$10-50/title
 - LAMP I experience in Philippines ~\$60+/title
- Essential to have clear rules for rights in land
- Long-term, peaceful occupation vs documents
 - experience in Indonesia
- Administrative vs judicial approach
 - experience in Philippines under LAMP I



Streamlined Procedures

'...in every country we investigated, we found that it is very nearly as difficult to stay legal as it is to become legal. Inevitably, migrants do not so much break the law as the law breaks them – and they opt out of the system.'

(de Soto 2000:21).



Streamlined Procedures

Standardized property

Property Value: US\$100,039

City: Manila

Registration Requirements Summary:

Procedure	Time to complete (days):	Cost to complete (US\$):
1 Preparation of the deed of sale and ratification by notary public	1	\$ 1,502.78
2 Obtain a certified true copy of latest tax declaration from the Assessor's Office of Manila	1	\$ 2.19
3 Payment of Documentary Stamp Tax and Capital Gains Tax at an authorized bank	1	\$ 1,500.59
4 Obtain tax clearance (or Certificate Authorizing Registration) from the Bureau of Internal Revenue	< 14	\$ 2.52
5 Obtain a tax clearance certificate of Real Estate Taxes from the Treasurer's Office of Manila	1-3	\$ 1.64
6 Payment of transfer tax at the Treasurer's Office of Manila	1	\$ 750.29
7 Apply with the Assessor's Office of Manila for the issuance of a new tax declaration over the building in the name of buyer	3	no cost
8 Apply for registration with the Register of Deeds of Manila	~10	\$ 491.54
Total	~33	\$ 4,251.55

Source: Doing Business 2010



Streamlined Procedures

Standardized property

Property Value: US\$151,442

City: Bangkok

Registration Requirements Summary:

Procedure	Time to complete (Days):	Cost to complete (US\$):
1 Obtain certified copies of companies' documents from the Ministry of Commerce	1	\$27.22
2 Parties submit application for registration at the Land Office	1	\$1,698.22
Total	2	\$1,723.44

Source: Doing Business 2010



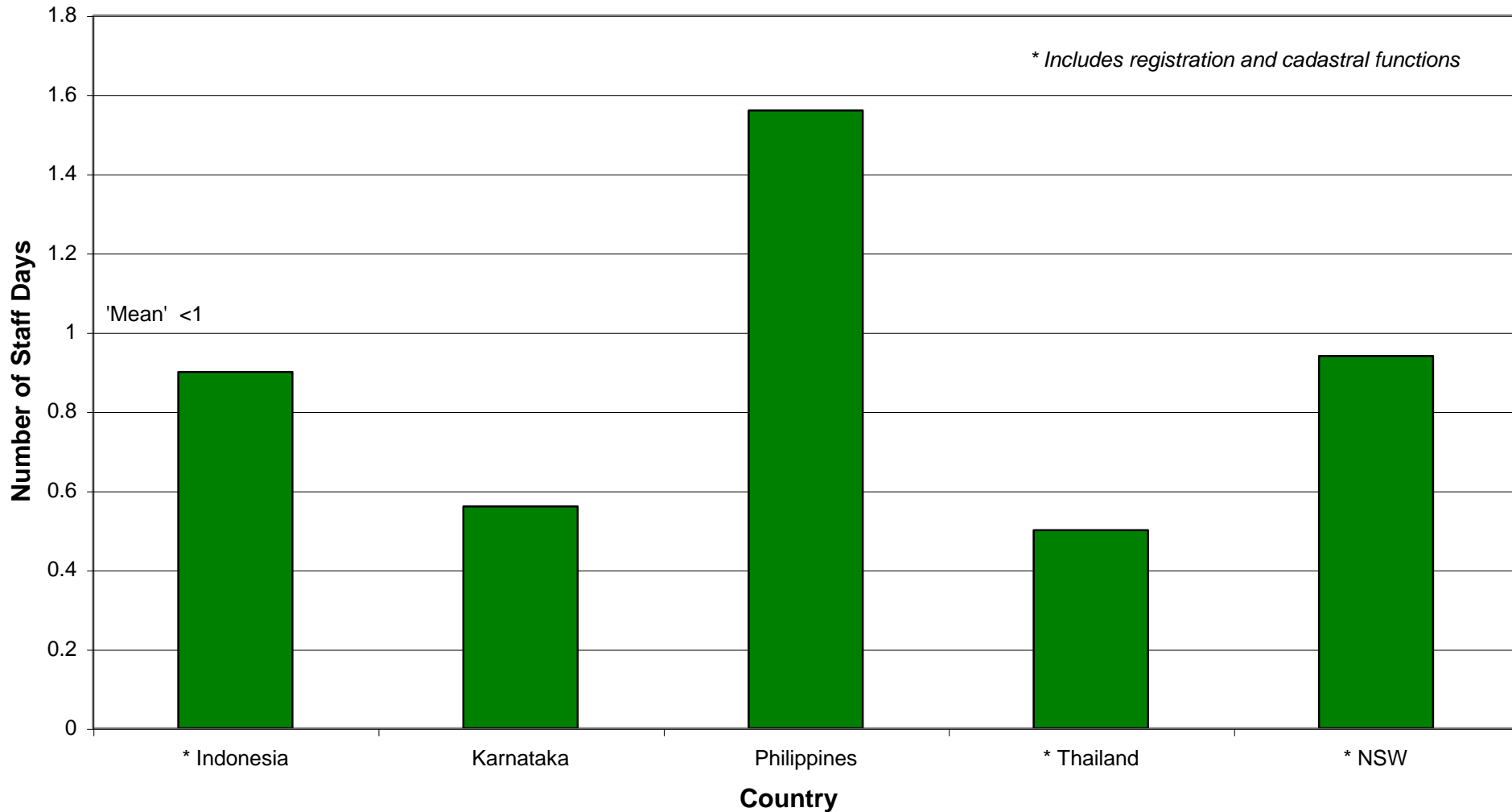
Streamlined Procedures - Thailand

- Regulation for same day registration – current experience 1-2 hours
- Registration/survey in one office with all records
- The registration process in Thailand in a ‘one-stop-shop’
 - Clear promise on time and cost
 - Processes displayed – emphasis on service delivery
 - Contract prepared in the land office
 - Fees and taxes collected for other agencies
- Manual procedures key – not computerisation



Staff Days/Registration

Number of Registration Staff Days per Registered Transaction

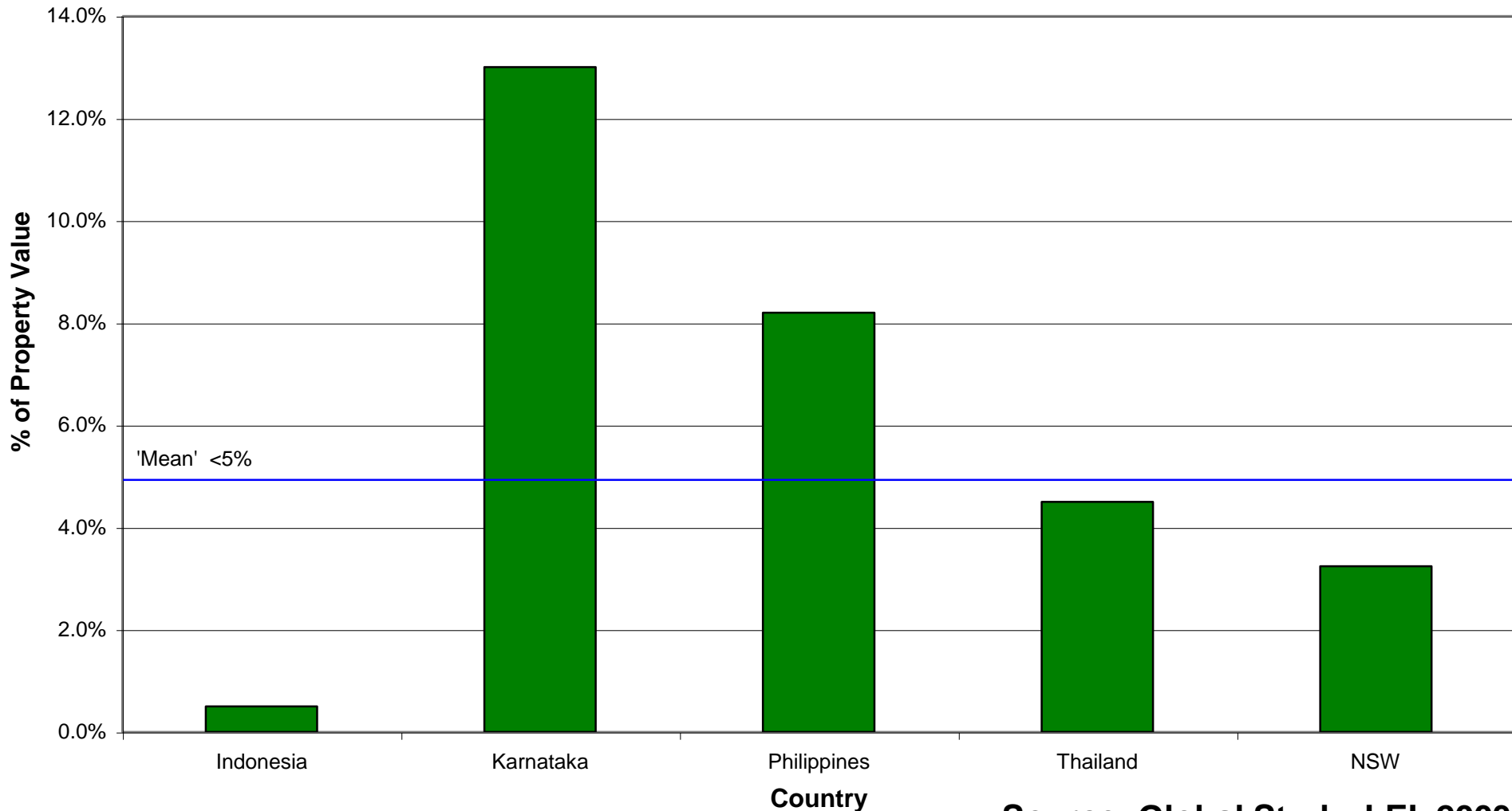


Source: Global Study, LEI, 2003



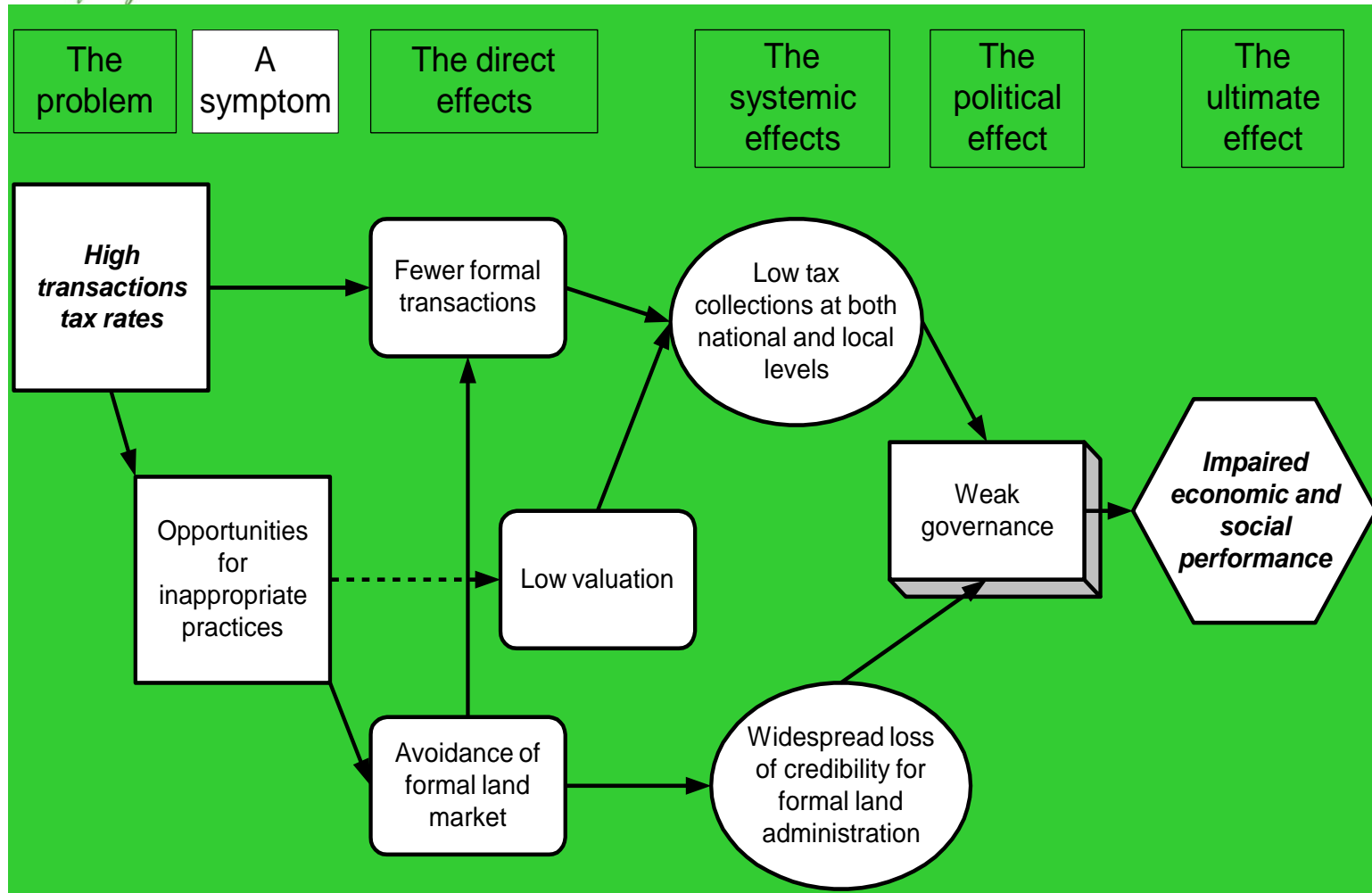
Transfer Costs as % Property Value

Transfer Cost as a Percentage of Property Value



Source: Global Study, LEI, 2003

Impact of High Tax Rates

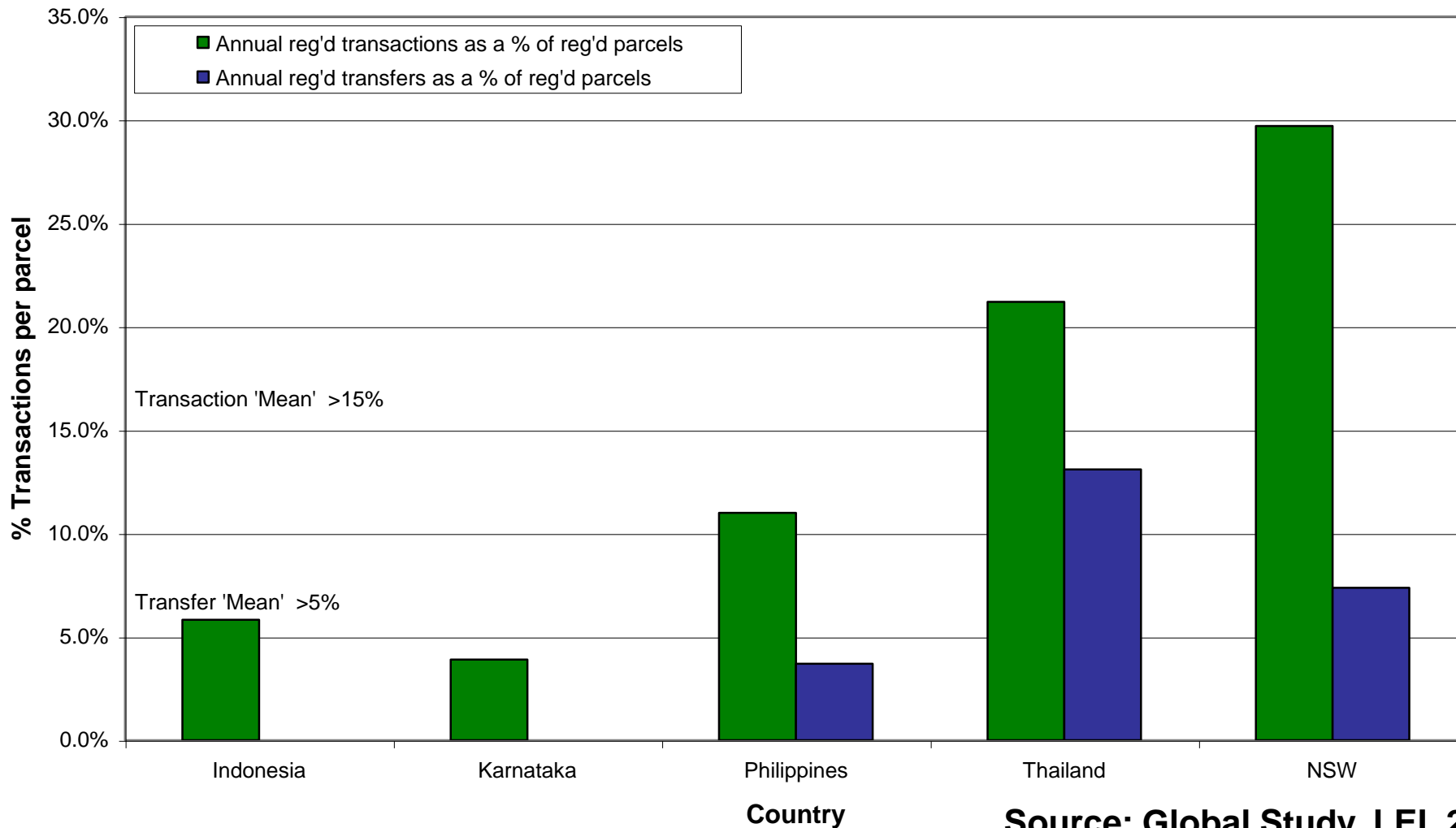


Source: Bloch, 2002



Transactions/Registered Parcel

Annual Registered Transactions and Transfers as a Percentage of Registered Parcels

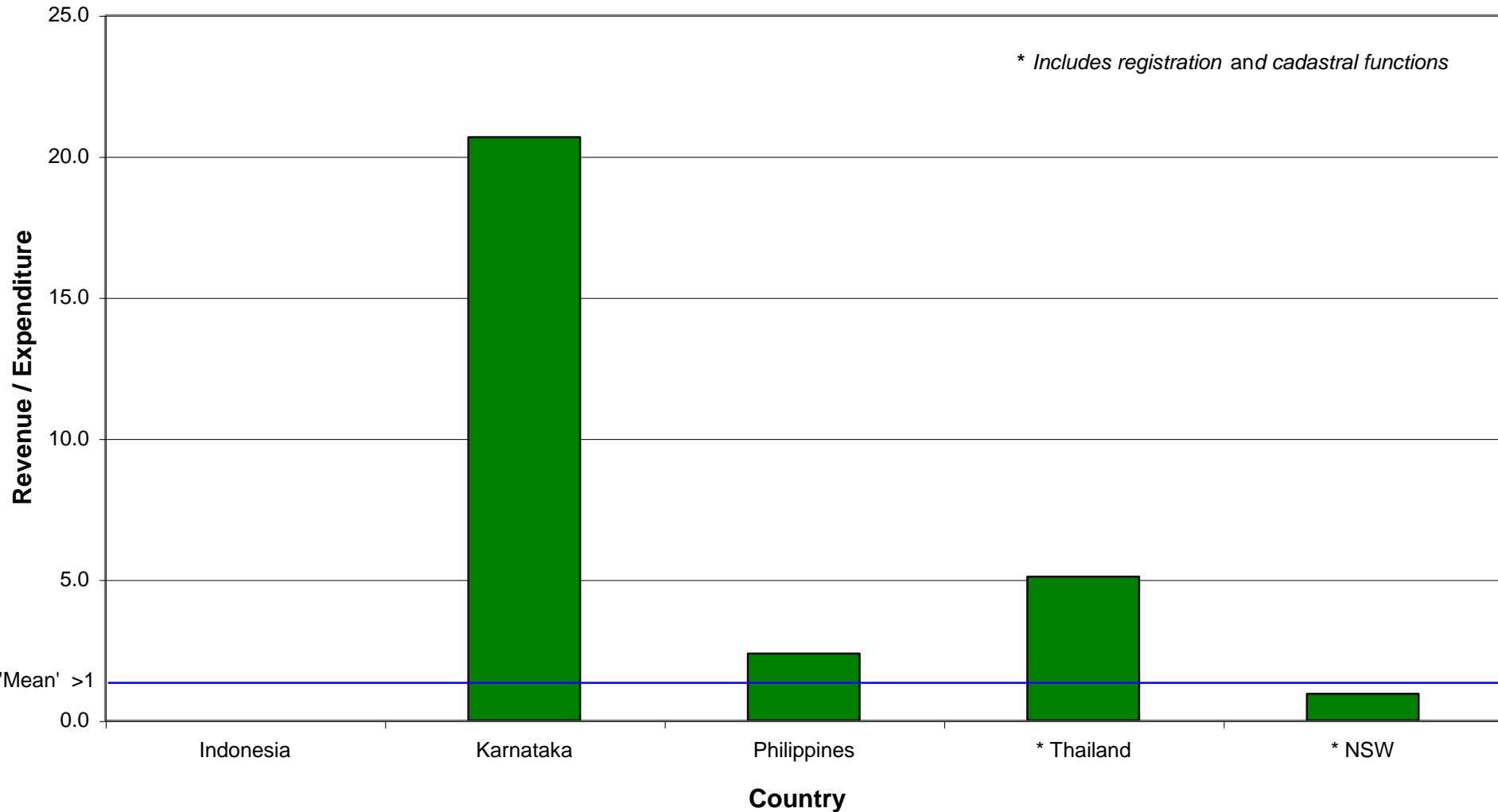


Source: Global Study, LEI, 2003



Ratio of Revenue/Expenditure

Ratio of Revenue / Expenditure



Source: Global Study, LEI, 2003



Comparison – Thailand/Philippines

	Thailand	Thailand	Philippines
Year	1985	2001	2001
no. of titles	~4.6 million	~19 million	~10 million
no. of registered transfers/month	~80,000	203,000	30,000
Revenue from transfers/month	US\$ 12 M	US\$ 31 M	US\$ 18 M

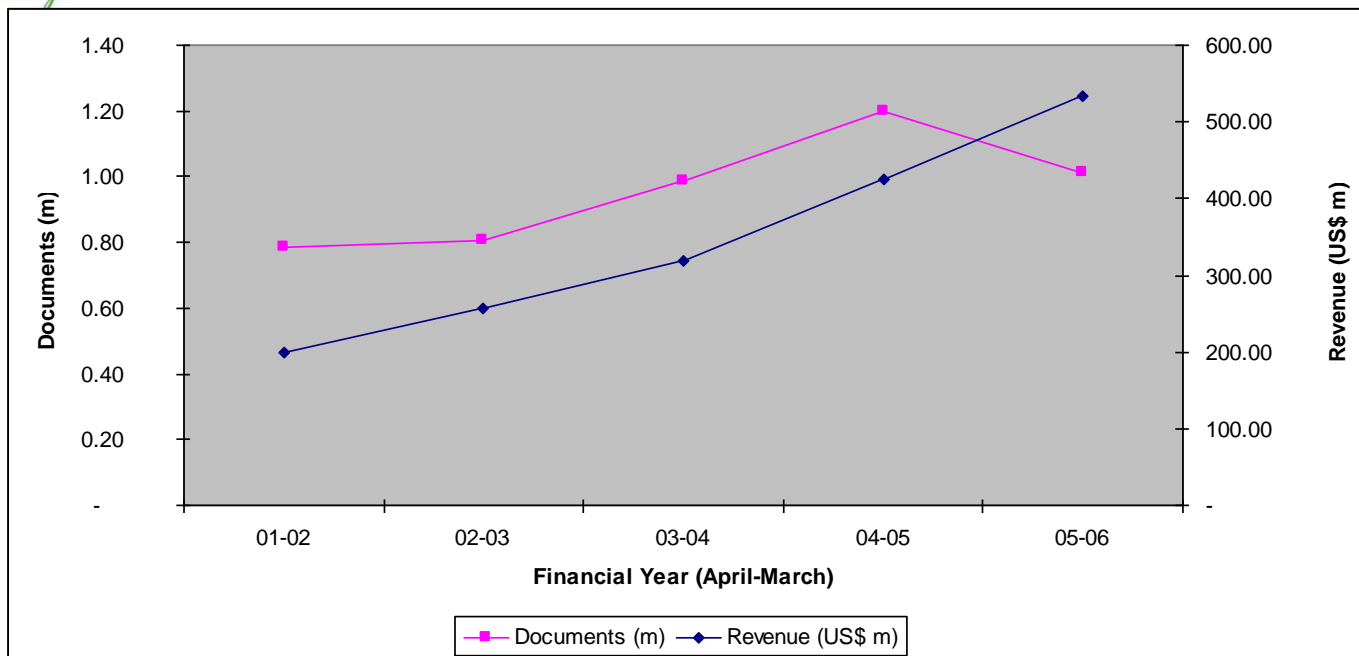
Source: Bloch, 2002



Transaction Costs

- Tax rates are important disincentives for participation
- International experience suggests benchmark for transfer costs of $< 5\%$ of property value
- High transfer costs lead to:
 - low participation
 - under-declaration of value (leading to difficulty with valuation)
 - Corruption

Registration in Karnataka



- From 1 April 2003 stamp duty reduced from 10% to 8%
- In 2003/04
 - 22.3% more documents registered
 - 24.4% more revenue collected
- Stamp duty reduced to 7.5% 1/4/06, registration fee from 2% to 1%
- Significant increase in revenue in subsequent years
- Other states bolder – Maharashtra reduced stamp duty to 5% in 7/04



Conclusion - Fees and Charges

- Other factors important – confidence, access, timeliness
- Taxes most effectively collected at registration – not as a prerequisite for registration
- Important policy implications for Philippines:
 - transaction vs annual taxes/charges
 - Revenue at national vs local levels – (IRA, LG Code)



Conclusion

‘It is important to note that there are no quick fixes to land tenure problems. Except in particularly favorable circumstances, improvements in this field can only be achieved in the long run.’

(Wachter and English 1992:17).