

Report on Closing Panel Session

Rapporteur: Paul Munro-Faure

The discussion covered a wide spectrum of the issues discussed during the course of the conference and in the Bathurst Declaration.

The issue of public-private partnerships was particularly scrutinised with a clear distinction being drawn between a true partnership and simple outsourcing of functions by contracting.

A part of the issue was related to the trend for downsizing of government which it was suggested is tending to remove the capacity for government to develop longer term perspectives. The question was asked "How can the private sector and NGO's pick up this baton?"

The idea that any specific public-private partnership model was a panacea was questioned, and the success of a wide range of different models was attributed more to the existence or otherwise of appropriate high level support rather than to the specific solution adopted. Other areas discussed in this area of the debate included the responsibility, importance and challenge for professional bodies and their members in developing and enforcing appropriate self-regulation in times of deregulation. In particular, in those economies where the development of the private sector is limited, attention was drawn to the need to assist in building up the private sector to help provide the capacity for outsourcing effectively, and similarly with professional associations.

Following along this line, the importance of an appropriate code of ethics for professionals dealing with the inherent conflict between sustainable development and commercial pressures was emphasised. The point was made that it is difficult to regulate these issues in a professional body "from above" and that pressure for such developments has to be from within the body if it is to be effective. Experience shows that resolving conflicts and implementing codes of ethics is typically not a problem in rural based professional practices because they are characteristically self policing with shared codes of practice and values. FIG's experience with drawing up a code of ethics lends weight to the view that ethics are a difficult area to legislate for, with "one man's bribe being another man's agency fee".

A second area where strong views were presented was in the importance of using systems appropriate to the political, social, cultural and economic realities of the country in question. In particular the cases of the Peoples' Republic of China and of Papua New Guinea were looked at. General land titling projects of the past were criticised in the latter country as inappropriate, as the commodification of the land rights perceived to be inherent in this threatened the social and cultural structure of the whole community. More incremental approaches to this have now been adopted in Papua New Guinea. Two interesting perspectives were raised in this context. Firstly experience shows that "people don't sell the very thing that they are dependent on". Secondly, although traditional communities in practice allow transactions to take place between members of the community all of the time, the problem properly stated is far therefore more to do with how and whether to accommodate outsiders, including banks and others, without destroying the existing socio-cultural structures.

The third main group of observations and questions related to the perception that the conference and Declaration were generating a mixed message. On the one hand they appeared to be pointing towards the need for increased complexity with more and more layers in a multi-purpose cadastre. This contrasted with the clear recommendation for a very simple, basic and focused legal rights land registry function. This perception was corrected in a sense by the recognition that the concept of the multi-purpose cadastre was a creature of the pre-information technology revolution era of twenty years ago. The achievement of the same aims is now accomplishable by the use of sophisticated software to interface diverse datasets. The over-riding importance of the core, simple land registry function was emphasised in this context, as was the increasing significance of the ability to facilitate the multi-purpose use of cadastral information.

In a related issue on the development of the conference and Declaration it was observed that the "information" emphasis should have been balanced by a recognition of the importance of continued investment in the physical infrastructure, including mapping and related activities, as a critical base for getting the information right. This point was generally accepted.

Two final areas of discussion looked more broadly at the preconditions for success of a project and at how the humankind-land relationship is continuing to develop.

The first of these emphasised the points made in the Declaration and during several of the speakers' presentations that good governance and civil society are critical to the success of land administration projects.

The second responded to the need to ensure that appropriate recognition is given to the recognition of the responsibilities that attach to land as a counterpart to the rights enjoyed through ownership. It was emphasised that the historical notions of stewardship and responsibility are making a significant return in some parts of the world, and that this was a cause for some hope for the future.