

Benchmarking for Regional Best Practice -Comparative Evaluation of Land Administration Systems in Namibia, South Africa and Zimbabwe

Dorman CHIMHAMHIWA, South Africa

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SUMMARY

Recording of land use rights, ownership and value is important for sustainable economic and national development. All investment in a country is in one way or another tied to land. Formal land administration systems, complimented by extensive mapping and documentation, were first introduced in southern Africa by settlers. As part of the establishment, methods and processes were designed to map and record land rights in mainly freehold and leasehold areas. Although of late, the introduction of innovative land recording approaches in customary and informal settlements have been applauded, documented evidence still suggests that most land administration systems in the region are plagued with multiple performance problems. Their failure to expedite support land market development and changing customer requirements as well as lack of ability to serve multitude tenure regimes, have emerged as major hurdles.

The modern African economy advocated for through the New Partnership for African Development (NEPAD) and regional economic groupings such as Common Market for Eastern and Southern Africa (COMESA) and Southern African Development Community (SADC), demands efficient systems and services which support multi million dollar business decisions instantaneously. Land administration systems will form a critical pillar of such ambitious programmes. Are they up to the task?

This paper challenges current process delivery and workflow management approaches that deliver current land administration services in southern Africa. While acknowledging the uniqueness of the land administration industry in each country, it presents a comparative evaluation of land administration processes in Namibia, South Africa and Zimbabwe; three neighbouring countries, which belong to the SADC regional economic group. The results provide insight to land administration system reform and lesson learning.

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1. INTRODUCTION

The modern African economy advocated for through initiatives like the New Partnership for African Development (NEPAD), Common Market for Eastern and Southern Africa (COMESA) and Southern African Development Community (SADC), demands the use of efficient and effective systems which support multi billion dollar business decisions expeditely. Innovative policies on Trade, Investment, Education, the Environment, Agriculture and Land will form critical pillars that support such ambitious programmes. Are these pillars up to the task?

This paper contributes to the Land Policy discussion by exploring current land administration systems in Namibia, Zimbabwe and South Africa. The paper is part of ongoing research on the subject. The central argument presented is that; contemporary land administration systems in Southern Africa are improperly integrated, insensitive to customers and plagued with multiple delivery problems. Their failure to adapt to a multitude of land tenure systems, support changing customer requirements and promote land market development (in some tenures), come under the spotlight.

While the uniqueness of land administration in each country is acknowledged and that each country is at a different stage of development, the paper proposes for the establishment of regional land administration best practices. Benchmarking, a concept that provides guidance on identifying, understanding, comparing and adapting one's own practices and processes with others, is used to accomplish such an endeavour. By adopting a benchmarking for best practice approach, the paper challenges current land administration systems to step beyond territorialism and work on creating models of excellence. The proposed approach will enable comparative evaluation of policies, systems and processes between countries and across land tenures. It could as well be used to provide guidance on regional land policy evolution, reform and lesson learning.

2. SOME CHALLENGES FACED BY LAND ADMINISTRATION SYSTEMS IN SOUTHERN AFRICA

Land administration systems reflect in principle, the social relationships between people concerning land as recognized by a community or state (van der Molen, 2005). They are a

dynamic reflection of the human kind to land relationship. This section discusses some efficiency related challenges faced by contemporary land administration systems in the region.

Most countries in Southern African are characterized by multiple land tenure systems, which include freehold, leasehold, customary and informal. Freehold and customary are the most dominant, with freehold being prevalent in mostly urban and commercial farming areas. Freehold is considered to be the highest form of land ownership constructed on the western notion of property where land is viewed as a commodity which can be bought, sold, leased, inherited or used for the storage and safe keeping of wealth (Brazenor et al, 1999). Customary tenure on the other hand is the oldest mode of land ownership commonly found in communal areas. Customary tenure is often viewed as a common legacy system (Boydell & Small, 2001) heavily dependent on the culture and norms of a society (Van Asperen & Mulolwa, 2006).

The extent of land held under each tenure varies from country to country due to history, law, geography, government and economic situation. It also changes with time as a result of land reform and land tenure reform. The separation of land by tenure has resulted in the creation of “tenure specific land administration systems,” which are administered by separate institutions with different business cultures. Such scenarios ultimately lead to “isolated land based systems” and disintegrated land information infrastructures, characterized by inefficiencies and lack of adaptability.

In a report entitled “Doing business” by the World Bank (2005), the efficiency of land administration systems is viewed as a critical component for removing obstacles to economic growth. Efficiency is in this case measured in terms of; number of procedures necessary to register a property right, time it takes for all necessary procedures to be completed and the registration costs expressed as a percentage of the value of the property. A World Bank (2003) study revealed that land registration in Africa takes 15 -18 months on average while realistically, two to seven years is not uncommon. A similar study of parcel subdivisions done in Zimbabwe (Chimhamhiwa & Lemmen, 2001), realised that the top 6% of requests take 9.25 months to be processed by 8 different entities involved in subdividing urban land. Such metrics reflect the disappointing reality tied to the performance of land administration systems in Africa.

Land administration is not an end in itself. So there is a need to regularly check the delivery of land administration systems against their intended goal – that of facilitating land policy implementation. Evaluation of performance could be done against self, but more importantly against those in the same business. While we agree that every country requires its own individual land administration strategy, we go one step further to propose an additional component - a common framework that regional land administration systems could use to compare policies on land, business operations and learn from one another. By comparing systems, benchmarks are set and these can be used to create best practices. Best practice will then be important for improving operations at local levels, across borders and across land tenures. Such thinking is driven by the fact that regional systems tend to exhibit common features, which become more evident when neighbouring countries are considered.

3. BENCHMARKING AND BEST PRACTICES IN LAND ADMINISTRATION

Benchmarking is referred to as the continuous process of measuring products, services and practices against the toughest competitor or those companies recognized as industry leaders (David T. Kearns, CEO Xerox Corp). Camp (1989), defines benchmarking as the search for industry best practices that lead to superior performance. Two categories of benchmarking are usually identified; comparative and process benchmarking (Stuedler et al, 1997).

Best practice is a management idea which asserts that there is a technique, method, process, activity, incentive or reward that is more effective at delivering a particular outcome than any other technique, method, process, etc (Wikipedia, 2006). It embraces the notion that certain approaches can be used to get things done, in a manner that assures high quality results, and that consistency is achieved every time the approach is followed. Benchmarking for best practice provides models of excellence, breaks organisations out of the business as usual mentality and creates the motivation and methodologies for strategic action (DoD, 2002). Best practices should therefore be an integral part of any modern and innovative land administration system. The practical questions that regional best practices must address include but are not limited to;

- which country has the best resource use model for land registration?
- what are the ideal process steps for survey examination?
- what can country X learn from the communal land registration procedures of country Y?
- which land administration system has the best sequenced subdivision process?
- which system is more customer responsive?

While it would have been ideal to benchmark Namibia, South Africa and Zimbabwe against the world's best, realistically this would yield minimum benefits as the land administration systems of these case countries and the world's best are very different. A regional approach is therefore adopted first with options to benchmark against the world's best left open for future investigations.

In the search for a regional best practice framework, the following documents will be reviewed; Handbook on Best Practices, Security of Tenure and Access to Land (UN Habitat, 2003), Cadastre 2014, (Stuedler et al, 1998) FIG Cadastral Template (FIG, 2004) and Best Practices for Land Administration Systems in Developing Countries (Williamson, 2000). Field visits will compliment the study.

This paper does not attempt to give a comprehensive review of all aspects covered but it presents a starting point that could be built on. Its examination of the Southern African reality is limited to specific issues affecting the three case countries; namely Namibia, Zimbabwe and South Africa.

4. PROFILES OF CASE COUNTRIES

Zimbabwe, Namibia and South Africa share a common history of colonial occupation. South Africa was colonized first before the settlers moved northwards into Zimbabwe and westwards into Namibia. In all 3 countries, the arrival of the settlers led to the creation a dual land tenure system dominated by freehold and customary. At independence, the democratic governments in all 3 countries instituted land reform initiatives to redress land ownership imbalances.

South Africa, Namibia and Zimbabwe are all members of the SADC, a regional integration arrangement made up of 15 countries. The vision of SADC is to create economic convergence of all member countries. Such a vision would need the support of relevant policies; including policies on land. South Africa, with a population of 44 million is the economic giant of the block. It boasts an open and market oriented economic system and it is ranked first (1st) on Technology index in Africa and 3rd on the Growth Competitiveness Index (World Economic Forum, 2004). On the same survey; Namibia is ranked 5th on both Technology and Growth Competitiveness while Zimbabwe is positioned on 9th on Technology and 22nd on Growth Competitiveness. Of the three, South Africa is the largest in geographical extent covering, 1 221 040km² while Namibia covers 825 418 Km² and Zimbabwe 390 580 km². The economies of Namibia and South Africa are closely tied together and their performance has been remarkable. On the contrary, present day Zimbabwe has been experiencing negative economic growth since 2000 and a hyper inflationary environment, the highest in the world. All countries have established land administration systems to support the different tenure systems. The extent of statutory (freehold/leasehold); state owned; and customary tenure is: 41:16:42 in Zimbabwe, 44:13:43 in Namibia and 72:14:14 in South Africa (UNECA, 2003).

5. COMPARATIVE ANALYSIS: SOME RESULTS

As mentioned earlier, this paper is part of an ongoing research. In this section some results which mainly cover cadastral surveying and land registration issues on freehold tenured areas are presented on pages 5 and 6. Additionally, some striking similarities in the land administration systems between the 3 countries are highlighted below:-

- Land surveyors registered in South Africa can practice in Namibia. South African Land Surveyors can also practice in Zimbabwe after passing the law examination.
- In 1996, South African Land surveyors were contracted by the department of the Surveyor General in Zimbabwe to do survey examination and approval.
- Some South African individuals can secure funding through banks to buy property in Namibia.
- There are glaring similarities in cadastral surveying legislation between Zimbabwe, Namibia, South Africa and Botswana. The Botswana Government adopted the South African Sectional

Titles Act, 1986 (Act 95 of 1986) and the Deeds Registries Act, 1937 (Act 47 of 1937), with adaptations to suit local circumstances.

	Namibia	Zimbabwe	South Africa	Comments
Coverage of land tenures	Documented rights are limited to freehold and leasehold areas. Registers of informal settlements are kept by some municipalities. Communal areas: not recorded as yet but some pilot studies have been carried out (since 2005).	Documented rights are limited to freehold and leasehold. Current land reform has blurred ownership rights in commercial farms. Communal areas are not recorded.	Documented rights are limited to freehold, leasehold and communal lands owned by community trusts. Traditional areas not recorded yet but new Communal Land Rights Act (CLARA, 2004) has been passed by parliament. Baseline study is currently underway (2006).	Best practices should seek to document all land within the country irrespective of tenure. Relevant and innovative approaches should be devised for recording communal and informal land tenures.
Time taken to Register a Deed (days)	7	30	10	Response time is a good indicator of how well a process is running. Best practices should aim at achieving the shortest possible response cycles.
Parties Involved in the registration of a deed and the number of steps involved	4: Coveyancer, Municipality, Receiver of Revenue, Registry of Deeds. Number of steps : 14	5 : Coveyancer, Local Authority, Registry of Deeds, Surveyor General, ZIMRA. Number of steps : 15	4: Conveyancer, Local Authority, SARS, Deeds Registry. Number of steps : 8	The more the number of entities involved in a process, the more likely the time it will take to complete. Best practice must strive to create "one stop shopping" which will aid process delivery.
Private Sector Involvement in Land administration	Land Surveyors , Land use Planners and Valuers	Land Surveyors , Land use Planners and Valuers	Land Surveyors , Land use Planners and Valuers	Private sector is generally more efficient than public sector. Their use in processes is important but they must be well linked to promote process crossover. Best

				practices should ensure inter organisational processes are well joined. Technology can play a big part in this regard.
Registration of key Land Administration Professionals	Survey Council of Namibia (SURCON), Professional Council of Planners Professional body for Valuers	Council of Land Surveyors Institute of Rural and Urban Planners	South African Council for Town and Regional Planners SA Council for the Property Valuers PLATO	Competent professionals are expected to deliver professional services. The responsibility for the correctness of their work rests with them.
Decentralization of Survey and Deeds Operations	1 Surveyor General Office Windhoek 2 Deeds office: Rehoboth and Windhoek New office opened in Oshakati to register flexible tenure.	2 Surveyor General Offices: Harare and Bulawayo. 2 Deeds Offices: Harare and Bulawayo	5 Surveyor General Offices 9 Deeds Offices	Decentralization enables customers to easily access land administration services.
Rejection Rate of lodged Deeds		40% (2001)	26% (2005)	Higher rejection rates means either work submitted is inferior or the quality management framework has to be reviewed. Best practices should aim for 0% rejection.
Computerization of Survey and deeds office	Cadastral map : manual Deeds: Partially computerized.	Cadastral map : manual Deeds: Partially computerized.	Cadastral map : digital Deeds: digital - database with 6.6 million land parcels and over 116 million property related records.	Digital data promotes improved access and faster processing. Best practice should strive to create digital databases and provide online access to business partners and the public.

6. CONCLUSION

The paper has demonstrated that a comparative study can be useful to compare systems, guide reform, for learning and most of all, to create best practises. A more comprehensive framework is expected as the study progresses.

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CONTACTS

Dorman Chimhamhiwa
Centre for Environment, Agriculture and Development
University of KwaZulu Natal, Pietermaritzburg, South Africa
P. Bag X 01, Scottsville 3209,
Pietermaritzburg
SOUTH AFRICA
Tel: + 27 33 260 5719
Fax: + 27 33 260 6118
Email: chimhamhiwa@ukzn.ac.za
Website: www.cead.org.za