

Land Tenure Security: an Essential Component of Responsible Land Administration

Grenville Barnes (USA) and Stig Enemark (Denmark)

SUMMARY

In many countries around the world, the land administration system deals only with formal land rights, often subject to legislation passed during the colonial period. Formal or statutory tenure is where a landholder's rights are specified in the law. This enables the owner(s) or rightholder(s) to rely on the law to defend his or her rights. But the poor often hold their land through customary or informal tenure systems which are often not recognized in law or in practice and therefore they lack the tenure security provided by the law.

land tenure is the relationship between humans and the land. It controls how people acquire, hold, use and transact land rights. Land tenure systems differ across cultures, legal systems and natural resources. To fully understand land tenure within a certain context, it is necessary to examine what rights and restrictions exist. The 'bundle of rights' paradigm is a useful tool for understanding and analysing land tenure. Private (e.g. access, use, development, subdivision, sale) and public (expropriation, taxation, land use controls) land rights may be held as individual or common property. Historically, there has been a bias towards individual private property but in recent times the value of formalizing community land rights has been realized.

This paper describes a module on land tenure security which was part of a six-module course on Responsible Land Administration that was designed by GLTN and several of its partners. The objective is for these modules to provide a structured knowledge base that could form the basis for different educational offerings, including conventional classroom courses, MOOCs (massive open on-line courses), workshops or as on-line individualized learning objects. The Land Tenure security Module is comprised of four sub-modules dealing with: (1) defining land tenure systems within the context of property rights, legitimacy and land law; (2) land tenure security, how it is assessed and tools available for this assessment; (3) goals and processes of land administration, SDI, land

information and land dispute resolution; and (4) impact and options for recording and maintaining land rights.

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