

# Land Registration

an instrument for

# Fighting Poverty

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for



# “The mystery of capital”

Hernando De

Soto

- “ People in developing countries own assets in defective forms: houses, but not clear titles; crops, but not deeds; businesses, but not statutes of incorporations. Without formal representations, assets are dead capital”.
- “Poor countries are poor not because they lack assets, but because they lack the property systems needed to transform their assets into capital”



# International law

- The Universal Declaration on Human Rights (1948) - Article 17  
“everyone has the right to property and no one shall arbitrarily be deprived of it”
- The African Charter on Human and Peoples Rights (1981) - Article 14  
“the right of property shall be guaranteed, upon which only may be encroached in the interest of the public need”



# the UN SDG'S



## SUSTAINABLE DEVELOPMENT GOALS



# UN SDG 1



## Target 1.4

Equal rights to ownership, basic services and economic resources

# UN SDG- indicators

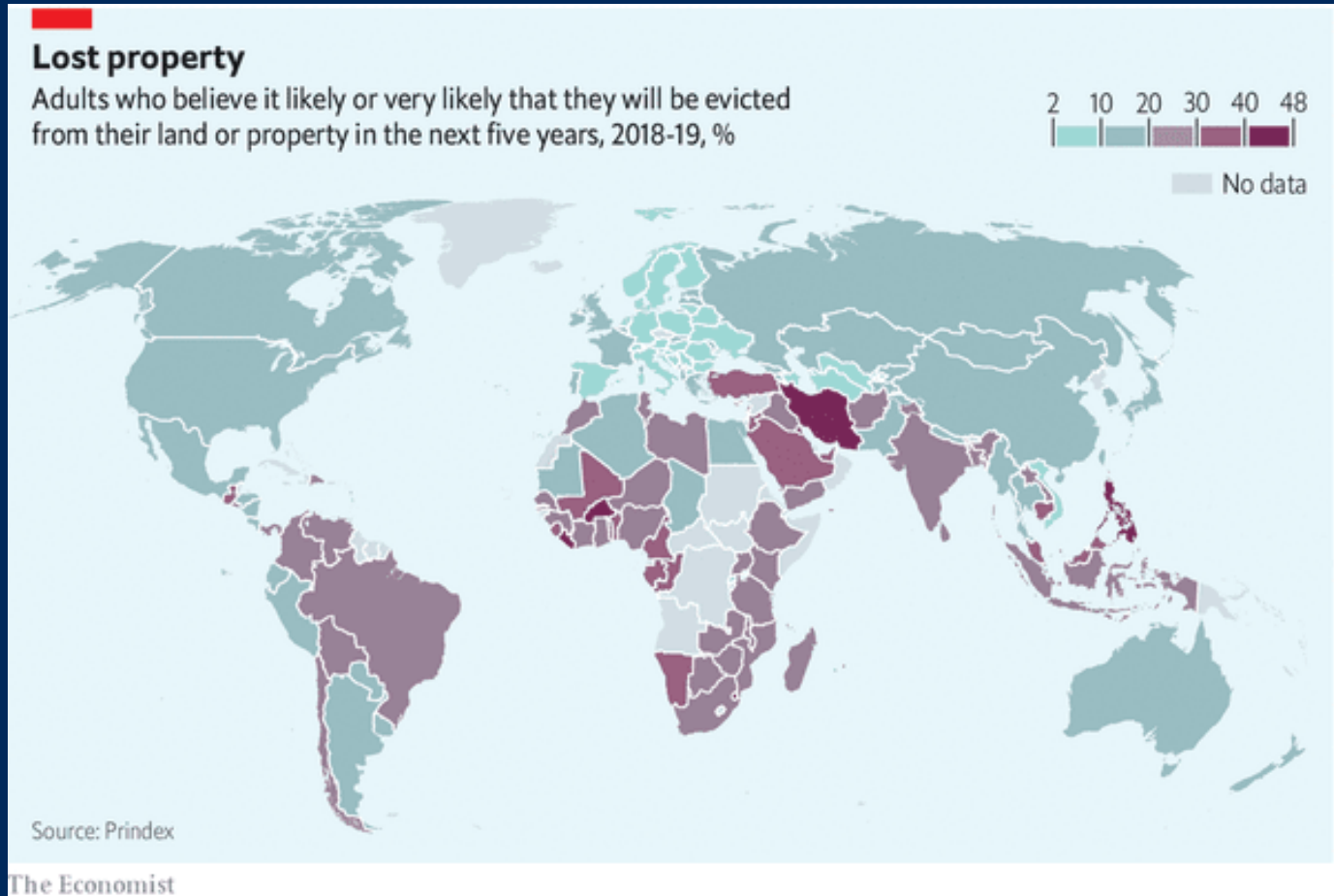
## Secure tenure rights to land

**Definition:** Indicator 1.4.2 is the “proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure”.

**Goal:** By 2030 “ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property”.



# Reality



# Some figures

- the total value of informally owned real estate > 10.000.000.000.000€
- 30% of the world population disposes of formal titles (World Bank wants it to be 70% by 2030)
- Some 20% of all countries and around 5% of the African ones have mapped and registered private property in the capital cities





# The role of LR

- a legal activity in the field of private law
- rules relations between citizen concerning RE
- guarantees and secures
- “Rights in rem”- get effect not only between parties, but “Erga omnes”
- 3 elements
  - **who** owns the asset
  - to **what** legal extension
  - **where** is it situated



# land registration - sustainability

- economic
  - environmental
  - social
- 
- helps creating a sustainable society



# Economic

- transformation of land into a liquid asset
- effects
  - trust
  - collateral value, leading to greater credit supply
  - enhanced cost and allocative efficiency in resource use
  - greater investment incentives
- final result: **wealth creation**



# Environment

- ecologically responsible agriculture
  - less deforestation
  - efficient land use
  - planning opportunities
- 
- final result: sustainable use of the planet



# Social

- increased accountability
- sustainable relationships between citizen
- security of tenure
- protection of the more vulnerable
- gender issues
- possibilities for redistribution of wealth and land consolidation
  - final result: **sustainable and fair society**



But that is still reality too!



# A lot remains to be done

- only 30% of the world population disposes of security of tenure ( 70% by 2030???? )
- a lot of efforts ended up without lasting results
  - updating the system often fails  
( too costly- paper records- deceased title holders.....)
  - too weak local approaches
  - too weak national agencies



# Why attempts were not successful

- national and local authorities & elites
  - land grabbing & misuse
  - the heritage of colonialism
  - loopholes in legislation ( the “Chief problem”)
  - illegal & forced evictions
- consultants and NGO’S
  - good faith but too little professional knowledge
  - own interest - keep things running...
- the “De Soto model” simplifies too much





# Hopeful for the future

- try to document more than prove
- use new and cheaper technologies
- participated mapping
- constant updating
- a strong legal framework remains a must
- down/upside movements helped by distributed ledger technology and social media`
- internationalisation?- role for UN, World Bank.....?



thank you!

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