

Professional Skills Needed in Formulating and Implementing National Land Policies Silayo Eugene²³

ABSTRACT

Developing countries are facing a number of challenges in search of development. Various policies and strategies have been formulated and many are already in the process of implementation in different countries. Among the policies are National Land Policies (NLP).

Because of the explosion of human population, land has continued to be scarce. It is as if it were shrinking in size. Therefore, governments have had to conceive plans to optimize its use to bring about socio-economic cum political development without lowering its quality. Such conceptions have led to the development of National Land Policies. Such policies are intended to enable the present generation to exploit the land without degrading it so that it is also available for the needs of future generations.

Those in the land sector professions have been privileged a great deal to be in a position in which, through the formulation and implementation of land policies, may facilitate and influence the way land as a resource can be used for the development of mankind. In that respect, they have a noble task to proactively tackle the challenges that mankind faces with respect to the use of land in pursuit of befitting livelihood status and prosperity. During the process of formulation of land policies, governments rely on expert advice mainly from the land sector professionals, among them: land surveyors, valuers, spatial planners, geo-information experts, as well as other professionals; including lawyers, economists, architects and sociologists so that feasible policies that are pro-poor can be produced.

This paper addresses the role that professionals can play to contribute to the formulation and implementation of National Land Policies. Critical land sector issues that the policies address are examined, knowledge-based qualities that should characterize professionals are discussed, and options for the way forward are proposed. In the process the following are addressed: innovative approaches, networking, partnerships and cooperation. Examples are drawn from National Land Policies of eight countries in Eastern and Southern Africa.

Key words: *land policy, professional skills, competence, teamwork, equitable land rights delivery*

1.0 Introduction

Land is the part of the Earth Planet that is not covered by water and includes permanent fixtures to it such as buildings, infrastructure and plants. About 71 percent²⁴ of the Earth's surface is covered with water. Therefore, only 29 percent of the Earth's surface is land on which we live and carry out most of our activities and from them derive our livelihoods. Because of the ongoing global climate change, land may be reduced by swelling ocean waters as a result of global warming effect which continues to cause melting of the polar ice caps. Islands and low lying areas of larger countries, most of which are poor, face severe threats from climate change. Examples include some Pacific islands and

Bangladesh (Daily monitor No. 325, Issue of 22 November 2007, Kampala). There is no doubt that such countries need great care in planning their land uses.

The World Trade Organisation defines a natural resource as a material source of wealth that occurs in a natural state and has economic value. Land is, therefore, a resource. This resource is one of the two most basic of all the resources available for social and economic development in a country, namely land and water. When these two resources interact, they produce other resources including arable soils, forest, pasture, wildlife habitat and marine ecosystems (Kingdom of Cambodia, 2002; and Malawi, 2002).

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²⁴ <http://csc.gallaudet.edu/soarhigh/earth/earth.html> Accessed August 2007.

Land is a limited resource in that its surface area cannot be extended, but can instead be reduced! Because of the population explosion, land has continued to be a scarce resource. By its scarcity, it has value which must be protected. The best care and protection of land is

for the current generation to use it in a way that it will continue to sustain the lives of the limitless generations yet to come. In order to maximize its use in a beneficial way, governments prepare guidelines in the form of land policies that prescribe how best land should be allocated, used and managed in sustainable ways to bring about development. Van der Molen (2005) observes that a National Land Policy is a document that reflects the way governments want to deal with the land issue in sustainable development.

To get feasible policies, land sector professionals have a duty to conduct public awareness education on various land issues including land policy formulation; transparency in land administration; land tenure systems and rights; land description and registration; access to land; land valuation and taxation; participatory aspects of land use planning and management; land conservation and environmental management; the link between land use and poverty alleviation; etc. To be able to do all these effectively, the professionals must themselves be ready to keep learning and practice teamwork spirit. Various aspects of professional skills needed in formulating and implementing National Land Policies are therefore explored.

2.0 Why are National Land Policies Made?

To answer this question reference is made to a study made by Silayo (2007) in land policy documents of eight countries in Eastern and Southern Africa and one in South East Asia. Of the eight policy documents, five have been completed and four are still in draft form. Those which have been completed and are being implemented are of the Kingdom of Cambodia (the only one outside Africa), Malawi, Namibia, Rwanda, and Tanzania. Those which are still in draft form and therefore are still in the formulation process are of Kenya, Swaziland, Uganda and Zambia. This paper examines them with the view to enhancing the quality of the discussion.

National Land Policies (NLP) are made for varied purposes. They have been or are being made with the aim to:

- a) give guidance on how best to address noted shortfalls in the existing legislation on land (Kingdom of Cambodia, 2002);
- b) address national social and economic development constraints caused by the absence of a comprehensive land policy, weak planning coordination and limited human capacity (Malawi, 2002);
- c) redress the problems of access, dispossession, discrimination, and inequitable distribution of land and land tenure that characterized the pre-independence era (Namibia, 1998);
- d) establish a framework that meets the needs and national aspirations on matters related to land for the achievement of equity, stability, poverty reduction and economic growth (Kenya, 2007);
- e) establish a framework that will guarantee safe and stable form of land tenure, and bring about a rational and planned use of land while ensuring sound land management and an efficient land administration (Rwanda, 2005);
- f) address severe economic, social and environmental pressures on land resources (Swaziland, 1993);
- g) address problems that exist concerning land tenure, land use and degradation; land value and land market, land grabbing; and conflicting statutory land measures (Tanzania, 1995);
- h) resolve complexity and ambiguity in the constitutional and legal framework relating to ownership, control, conflicts, multiple land tenure regimes, and management of land resources (Uganda, 2007); and
- i) address inefficiencies among institutions responsible for land administration (Zambia, 2006).

From the foregoing country situations, it can be noted that distribution of land related resources and rights, responsibilities and restrictions over them are fundamental to the socio-economic as well as political developments of countries. For example, the way in which the benefits of agricultural activities, forestry, fishing, mining, tourism, urban expansion, industrial and transportation are conducted and sustained are closely linked to the allocation and management of land (Kingdom of Cambodia, 2002). Governments have therefore to formulate goals for the administration, use, management and distribution of the natural resources among their citizens. Such goals are embodied into the National Land Policies. The policies provide a sound institutional framework for clarifying and documenting rights in land, managing

land resources for sustainable economic and social benefits and making provision for equitable distribution. They form the basis of formulating land laws which will enforce land tenure rights on access, use and management of land to ensure conformity with well defined, legally recognized and enforceable environments that in turn facilitate the achievement of political, social and economic goals.

3.0 Formulation and Implementation of Land Policies – The Case of Tanzania

The formulation of a National Land Policy is a long process that involves a wide cross section of stakeholders. The main player is usually the ministry responsible for land development. In Tanzania, it is currently the Ministry of Lands, Housing and Human Settlements Development.

The absence of a land policy was at the centre of a host of problems in land administration, land tenure, land use and management. The problems had been propelled by various factors that included the increase of human population, which led to increased competition for the few available planned, surveyed and serviced plots in urban areas. In the rural areas, farming encroached grazing/forest land, large livestock population raised the demand for grazing land and at times conflicted with farmers; cultivation of marginal land, and investors wished to acquire large pieces of land. Land markets were not recognized. The villagization process of the 1970s adversely affected the customary land tenure systems, resulting to many litigations which had to be attended to by the country's judicial system. Indeed the court of appeal affirmed customary tenure rights in areas affected by the villagization process and so there was need to accommodate such decisions. Therefore, there was a felt need to establish a comprehensive land policy to guide land ownership, land tenure rights, access to land, land use and management, and to resolve recurring land conflicts (URT, 1995).

The process to formulate the land policy began in 1990 when an inter Ministerial Steering Committee was formed. It drew members from (a) Ministries responsible for: Agriculture and Livestock Development; Water Energy and Mineral Resources; Tourism, Natural Resources and Environment; Lands, Housing and Urban Development; (b) Institute of Resources Assessment of the University of Dar es Salaam; National Land Use Planning Commission; National

Environment Management Council; Attorney General's Chambers; and the Planning Commission. The Committee was assigned to make recommendations for the preparation of a National Land Policy which would take into account social and economic changes that had taken place since Tanzania attained independence in 1961. The report of the Committee led to the appointment of the Presidential Commission of Inquiry into Land Matters. The Commission was required to hear complaints from the public on land matters and to make recommendations for solutions, review land laws then in force, identify the main principles that would be built into a National Land Policy and recommend a desirable land tenure structure including its institutional structure and legal framework (URT, 1994).

The Commission visited districts on Mainland Tanzania and held consultations with the public and institutions. It also solicited written memoranda from (a) land sector and related experts, (b) members of the public through the media, (c) individuals and institutions, and (d) assigned local researchers and experts to conduct studies on selected topics. Furthermore, the Commission visited three African countries and one Asian country to learn and draw relevant lessons from their experiences (URT, 1994).

After receiving the report of the Commission, the Government analyzed it and caused further studies which involved external and local experts. Then the government prepared a paper which indicated the Commission's recommendations and the position of the government. It presented its paper at a two day National Workshop on Land Policy in Arusha Township from 27th-29th August 1991. After the National Workshop, the Government received additional comments and suggestions from the public and mass media. It considered and incorporated them into the final policy document. The Parliament endorsed the National Land Policy in June 1995 (URT, 1995, and The Guardian of January 30th, 2001).

When the National Land Policy was in place, the Government prepared a programme for its implementation. The most significant and involved part was the one on the formulation of the needed process of legislation. The National Assembly enacted three new laws, namely; The Land Act No. 4 of 1999, The Village Land Act No. 5 of 1999, and The Land Disputes Courts Act No. 2 of 2002.

Regulations for each of these laws were also made (URT, 2001).

Following successful legislation of the three Acts, the Ministry of Lands, Housing and Urban Development caused a study that culminated into Strategic Plan for Implementation of the Land Laws (SPILL). The strategic plan was designed to provide a broad framework for the implementation of the new laws (URT, 2005). SPILL aims at operationalising the new laws to achieve the Government's policy goals to streamline land delivery, enhance land tenure security, encourage optimal use of land and its resources, modernize agriculture, and reduce poverty, notably in rural areas where about 80% of the population lives.

It can therefore be noted that putting in place a land policy takes five distinct phases, namely; (a) problems/ issues identification, (b) design and formulation process, (c) legislative process that culminates into land laws based on the policy framework, (d) preparation of strategic plans for implementation of the laws, and (e) the translation of the strategies into perceived development. The land sector professionals are expected to efficiently and skillfully operationalise SPILL so that the goals envisaged in the laws can be achieved.

4.0 Salient Policy Features in Land Policies

In principle, there are no two country land policy documents that are identical. This is so because each policy aspires to address specific socio-economic cum political issues whose beginnings are different from country to country. There are, however, general issues which match although again they may differ in details. In this context, the examination of National Land Policies in Eastern and Southern Africa (Silayo, 2007(a)) reveals that there are common issues which may broadly be addressed. These issues are examined against a background model prepared by the European Union.

The guidelines that the European Union has prepared for the European donor community when dealing with developing countries are examined in detail and professional skill needs identified as they constitute a yardstick for loan issuances to developing countries. The European donor community examines effectiveness of policy frameworks of countries in promoting democratic institutions at local and national levels as well as interventions built into the policy documents to suit

a range of different settings. Specifically the following issues are covered: the way the policy addresses poverty alleviation, human rights and social justice, gender equality, agricultural development, conflicts and post conflict recovery, land administration and governance, local government and decentralization, land taxation, environment and land use planning (EU, 2004).

5.0 Professional Skill Needs in Implementing Land Policies

Based on the foregoing, this section discusses the issues that are necessary for feasible NLPs and identifies, *in situ*, the professional skills needed.

(1) Public Awareness about NLP

The identification of problems/issues or the need for a policy is usually an action by the government responding to public plea. The design and the formulation process involves professional inputs. At this stage, the land sector professionals, both in public and private sector services, cooperating with counterpart professionals allied to land matters are expected to participate proactively in the consultative discussions and public debates with the view to clarifying, modifying or changing the issues elaborated in the policy proposal. Professional associations should initiate and spearhead discussions on public seminars and workshops on topical issues in the draft proposals in order to broaden and strengthen the public debate among all stakeholders. The debate should reach as many people as possible in order to build ownership of the policy among the community who are the main stakeholders. A policy that is well understood by all stakeholders becomes easy to implement.

The professionals have, therefore, to display competence in this. To do so they have to carry out research on various issues so that they can present reliable information and implementable proposals which add value to the debate and policy formulation process.

(2) Land Rights Delivery in Support of Poverty Alleviation

The majority of poor people in developing countries lives in rural areas (EU, 2004) and depends on the land for livelihoods. In Tanzania, about 80% of the total population does so. Therefore secured and increased access to land and natural resources for the landless and land-poor families is a key means

of achieving food security and broadening the economic opportunities available to them. For the urban poor, access to planned, surveyed and serviced land parcels assures them of decent shelter and access to investment credit through pledging of the parcels and buildings thereon as collaterals.

In Tanzania, absence of readily available planned, surveyed and serviced plots continues to be an outcry of those who wish to build homes in urban centres (URT, 2005). Availability of such plots supports orderly urban development.

Professionals are the actors whose job is to deliver land rights to land seekers. Acting impartially and equitably, without bias or corruptive tendencies, land rights allocation can be done expeditiously and at low-cost. By this way professionals will have contributed significantly to investment and development initiatives that will alleviate poverty.

(3) Human Rights and Social Justice

In various countries, there are groups of people who are potentially marginalized because of historical past. Such people include the indigenous minority groups such as the San in Namibia, the Watindiga and Wahadzabe in Tanzania, the Aborigines in Australia, etc. as well as orphans, widows and the landless poor. These groups may easily be forgotten as they will most likely not be represented at any discussion groups or debate. They need some representation. Professionals may take the challenge and represent the land rights of such groups at various levels of policy formulation and implementation.

(4) Attaining Gender Equality Through Public Awareness of Land Laws

Equitable access to land rights through statutory mechanism is a straight forward matter. Indeed, all the eight Eastern and Southern African land policy documents examined (Silayo, 2007(a)); express full support that women should have equal opportunity as men to access to land rights. This augurs well with paragraph 7(d) of the World Summit on Sustainable Development (Johannesburg, 2002), which reaffirmed governments' commitment to promote women's equal access to land and their full participation in decision making. Zambia (2006) goes further to propose a special 30% concession to women. Seemingly this is in conformity with the Southern African Development Community Gender Development Declaration 1997 which commits governments to have at least 30% of the positions in

political and decision making structures held by women by the year 2005. Women access to customary land rights through inheritance is, however, still a land rights issue that seems to need further attention and action.

In the past, customary tenure systems ensured that communities did not have landless people, including women, orphans and the disabled. The invasion of the Western civilization into the traditional African cultures, for instance, has undermined many of the African customary values on access and use of land. Customary land right ownerships are being transformed from communal ownerships to individual titles. Because of this change, those who were dependent on the customary practices to fend for them have to change as well. Society has to help them. Women have therefore the right to get equal opportunity to customary land rights just as men do.

The land sector professional associations are the ones closest to the land administration question. They should use that opportunity to articulate strategies to introduce the land rights issue in school curricula so that future generations do not find themselves in the present situation in which some sections of society are being denied their birth land rights mainly because of ignorance. The Government of Tanzania intends to introduce land tenure issues into school curricula and conduct special programme for public education and awareness about the new land laws (URT, 2005).

(5) Large Scale Agriculture and Land Grabbing

Large scale agriculture needs a clarified land tenure security prior to investment. Allocation of land rights tenure can only be possible through the functions of land boundary adjudication, demarcation, survey, registration and titling. Large scale investors have many options. Those who have opted to get into agriculture should be embraced and motivated to proceed with their investment intentions. Professionals can play a significant role by undertaking the necessary functions expeditiously and at low cost.

Large scale farmers can be a potential cause of troubles too. They tend to be land grabbers or hoarders, acquiring far more land than they currently need. For example, they may grab large pieces of land without due regard for the land requirements of neighbouring villagers. They may also buy up neighbouring small landholdings, usually from poor owners, thereby denying the poor possession of this resource which is their only source of pride, prosperity and security. In

the long run, such actions increase poverty, create rural landlessness and foment social unrest and lawlessness.

Professionals should advise governments (village, local and central) on how best to prevent land grabbing from happening. In places where this has already occurred, land reform approaches should be conceived as soon as possible.

To protect land rights of the rural population, majority of whom are poor, the Government of Tanzania has been undertaking Village Boundary Surveys for the purpose of titling of all the village lands. There are presently about 13,000 villages in Tanzania of which 8,104 have already been surveyed and titled (Daily News of 1st October 2007, Dar es Salaam).

(6) Conflicts and Post Conflict Recovery

Land being a scarce source of wealth is always in high demand. Historical inequalities or increased land scarcity can have far reaching impacts on social peace (World Bank, 2003, and EU, 2004). Increasing scarcity of land in the presence of high rates of population growth, possibly with a historical legacy of discrimination and highly unequal land access, implies that many historical and contemporary conflicts have their roots in struggles over land. This suggests a special role for land policy in many post conflict settings (World Bank, 2003).

The causes of land conflicts in Eastern and Southern African countries include:

- (a) Unequal access to land, usually by a few while the majority remains without land. The few include government officials in power, the very officials responsible for land delivery, the rich, the elite and others connected to these categories. Often such people grab land in both urban and/or rural areas through corrupt practices and/or unregulated land markets that operate to the disadvantage of the poor/disadvantaged landholders.
- (b) Landholders are not aware about the land policy or the laws and regulations governing land rights, land tenure, land use, land value, responsibilities, and restrictions.
- (c) Absentee landlords who control huge tracts of land.
- (d) Large scale farmers grabbing land that belongs to the minority tribes.
- (e) Improper adjudication at the time of initial registration.

- (f) Delayed or non-delivery of land services including inadequate good land governance practices.
- (g) Ethnic conflicts over land.
- (h) In the case of post-conflict areas, such as in Rwanda (2005) returning refugees find the land they previously occupied has been taken over by others.
- (i) The conventional judicial system does not seem to be doing well with regard to resolving land conflicts as court cases take too long (over 20 years!) to be resolved (URT, 1995, and URT, 2005); etc. Events in Mozambique and Ethiopia suggest that deployment of local land tribunals offers quick solutions in post conflict areas. After signing the peace agreement, the Government of Mozambique relied on informal local institutions to quickly mediate and resolve the conflicts that emerged during resettlement of its population. Similar success was also recorded in Ethiopia to resettle demobilized soldiers (World Bank, 2003). In both these examples, the success of the operations depended on the speed of the dispute resolution mechanism and subsequent resettlement.

The potential causes of land conflicts identified above may be happening in a country because of lack of guiding principles in form of land policy and laws, or the government is simply part of the problem creation! What can the professionals do to mitigate such circumstances, which can break down to national insecurity?

Land based professionals should constantly monitor, predict and analyze national trends of the occurrences of all land related conflicts as soon as they occur. This can best be done by establishing a land administration research centre whose main area of concentration will be to conduct research on land matters; monitor and predict developments. This can reveal issues that are prejudicial to national security for timely intervention.

(7) Land Administration and Good Governance

Land Administration is a process of determining, recording and disseminating information about ownership, value and use of land, when implementing land management policies (UN/ ECE, 1996). Based on van der Molen's (2006) interpretation, the functions of land administration system can be to: determine (data acquisition through the process of adjudication and cadastral

surveying), record, and disseminate (distribution or make available) information (meaningful data) about ownership (man-land relationship, title to land), value (monetary worthiness) and use of land (as zoned by physical planning). As land administration is a multidisciplinary activity, the joint efforts of social scientists, lawyers, land surveyors, process and logistic professionals, business administrators and Information Technology experts is required (van der Molen, 2006).

At the time of policy formulation and legislative processes, professionals should ensure that clauses that give discretion to land delivery officials are not included in the legislation or in the regulations. Discretionary authority held by government officials, traditional authorities or elected council members offers room for patronage and rent-seeking (EU, 2004) and thus encourage bribery, fraud and corruption. Land sector professionals ought to be in the forefront to understand, prevent and fight these vices. Furthermore, professionals should observe transparency in policy formulation and implementation; participate with local communities in policy implementation and be accountable for their advice and deeds.

For land administration to deliver the desired services successfully, all the key professionals need to cooperate and work together as a team; for instance through exchange of inter-departmental notes and programmes, holding regular meetings, focused discussions, etc. Members of the public will be able to facilitate implementation of land administration functions if they are aware about the requirements of the laws and regulations that land administration administers. The professionals could therefore work together with governments to conduct public education and awareness about land tenure rights, land use, land value, responsibilities, restrictions and legal options on resolution of disputes and conflicts. Specifically:

- a) Spatial planners should deliver development plans in time, constantly monitor and take prompt action on any land development that is contrary to plans.
- b) Land surveyors should avail suitable topographic maps needed for land use planning. They should also conceive innovative approaches to demarcating, surveying and mapping to deliver the

maps/plans needed for land registration and titling efficiently and at low cost.

- c) Valuers should make impartial and transparent property value assessments for equitable taxation.
- d) Land officers should allocate land parcels fairly, equitably and transparently to potential land developers.
- e) Information technology experts are expected to avail timely and accurate information about land right records, land development, etc; and
- f) Registrars of titles are expected to be efficient in delivery of land rights efficiently while observing principles of good land governance.

(8) Decentralization and Capacity Development

Decentralization transfers management responsibilities to district and local community authorities so that these authorities become more accountable on the management of the resources in their jurisdiction. The professionals, working with these authorities, should deliver advisory services that will enable the authorities to better manage the resources sustainably and in accordance with the directions of National Land Policies.

Silayo (2007(a)) noted that land administration, (notably in cadastral surveying and land registration), in Eastern and Southern Africa has not been able to register appreciable number of land parcels due to inadequacy or lack of capacity. Decentralization of land administration and management functions to districts and lower levels can thus be seen to demand more human, institutional and organizational capacity than what already exists. Academic institutions offering studies in land administration disciplines, such as the Ardhi University, should team up with the Government and other stakeholders to establish a comprehensive capacity building programme in the land sector.

Through their associations, land sector professionals in industry, and academia should devise strategies for professional advancement and development in a bid to improve service delivery. For example, concepts in land tenure, land administration, land use planning and management, Information Communication Technology (ICT), etc. could be included in the academic curricula for all the land sector professionals. Furthermore, during their undergraduate studies the land sector

students could be made to share these concepts through joint or common year(s) of study. This may be done so in geomatics (land surveying), real estate, land use planning and management, and ICT programmes (Silayo, 2002). This approach will improve networking and facilitate spirit of teamwork among the professionals when in both academia and industry.

(9) Land Taxation

Taxes on Land are a source of revenue to governments. The issues associated with tax collection are identification, assessment and collection (World Bank, 2003). Identification is achieved through a fiscal cadastre that contains a description of each property, a definition of its boundaries, names and addresses of land owners and the values of land parcels and improvements thereon. From this the role of the land sector professionals can be discerned:

- a) The land surveyors surveying the land parcel boundaries.
- b) The valuation surveyors determining the land and property values; and
- c) The land registrars certifying land ownership.

Valuation surveyors are the authorities in determining land and property values which constitute the basis of land and property tax. Konyimbih (1996) observes that the analysis and conclusions as to value will continue to depend on the reliability, judgment and integrity of individual valuers. Mundeme (2002) notes that due care must be exercised when compiling valuation report as the report is both a professional and a legal document. It would therefore be expected that valuation fieldwork and reports have measures built into them to ensure transparency and impartiality so that tax rates on land and properties can also be fair and equitable. But this is not always the case. Some valuation reports simply give 'opinion of value' without any indication of the calculations showing how the declared values were arrived at (Silayo, 2004). Doing so mystifies the so called 'opinion of value' used by valuation surveyors. The reliability, judgment and integrity of individual valuers need to be harmonized such as through the valuers' educational system and professional practices. The need for impartiality and transparency becomes increasingly relevant in valuations for compensation

and mortgage where property owners are known to have influenced inflation of values presented by valuers (ibid.).

(10) Protection of the Environment

Land policy has a role in preventing environmental degradation and its social and economic costs (EU, 2004). This can be done through sustainable utilization of natural resources. Using research findings (knowledge) professionals should be able to guide the policy formulation process as well as the legislative process and the formulation of strategies for implementing the laws by providing advisory services on among others:

- (a) The need to clearly define limits of ecological areas such as forest reserves, national parks, community open spaces, etc.
- (b) Governments working in collaboration with communities to set rules for the conservation of water sources, beaches, forest reserves, etc.
- (c) Governments agreeing with indigenous communities on participatory approaches and shared use of natural resources.
- (d) Governments taking action against land degradation due to soil pollution, overgrazing, deforestation, farming in wetlands, quarrying close to or within residential areas, etc.

The relevant question here may be asked thus: How often have professionals given a serious thought about environmental protection and conservation in the course of discharging their duties?

(11) Land Use and Environmental Planning

Population explosion has a number of ramifications. For example, in urban areas it causes urban sprawl resulting in many informal settlements/slums. Already in sub Saharan Africa, 72% of urban population lives in slums²⁵. Noting that people living in slums have a right to be in the city and that this recognition will begin to make slum dwellers legitimate citizens which will start to legalize their tenure, van der Molen (2006) underscores that UN-Habitat encourages innovative approaches to land management and land administration. In addition to land use planning, control and implementation of plans ahead of development as a measure to prevent growth of new slums, professionals need to ask themselves: What is the role that they should take to conceive innovations that can be implemented to upgrade the existing situations in slum areas?

²⁵ www.dfid.gov.uk/mdg/slumdwellerfactsheet.asp accessed July 2007.

- In rural areas, population explosion causes;
- (a) Devastation of forests through wanton cutting of trees for charcoal, firewood and farming,
 - (b) Depletion of wildlife; and
 - (c) Degradation of soils.

Professionals may advise governments to:

- Define protected areas and establish surveillance on encroachments.
- Collaborate with communities to establish areas for refugee settlements, where relevant.
- Empower local communities to manage natural resources with permission to have limited/controlled harvest from the resources; etc.

Land use planning and management of the environment relies on accurate information. Incorrect information can be a cause of faulty decisions which may be very costly to rectify. So improvement on efficient acquisition and timely production of geo-information is essential for land use planning purposes. The application of modern technology may be quite rewarding in this aspect.

(12) Being Proactive in Contemporary, Non-land Issues

In any country there may be many policy issues that may emerge for implementation at local, national, regional or global levels. Some of them may seem to be remote from the land sector issues. But subsequently they may, nonetheless, have connectivity with land matters. So land sector professionals should always find out, at an early stage, how they may be affected by emerging contemporary non-land issues that governments plan to have done in order to make the necessary interventions.

6.0 Attributes that Facilitate Acquisition of Skills

Based on professional inputs into the implementation of various issues in National Land Policies, some qualities are essential to facilitate acquisition of the professional skills. They include sound academic qualifications and achievements, proven work experience/competence, application of innovation, flexibility to adopt new technologies,

capacity building, belonging to professional associations, cooperation and teamwork spirit.

(1) Sound Academic Qualification

A sound academic qualification provides an entry into any profession. Many professional societies/associations demand that their members possess at least a Bachelor's Degree qualification (or its equivalent) from a recognized university/institution. This is essential for professional development and advancement of the profession.

(2) Professional Competence

Professional competence is the ability/quality of being qualified or knowledgeable to do something well in a given field of occupation/ career. Such ability is acquired through working experience got after the attainment of the basic academic qualification, and attending various forms of seminars, workshops, conferences, training, etc. It is the onus of professionals to identify themselves as knowledgeable experts in their fields of specialization. They are expected to do so through delivery of professional services. High quality services, efficiently delivered within set deadlines promote trust and professional integrity before the public.

(3) Professional Ethics

A code of ethics and professional conduct is a set of standards, rules, guidelines and values that govern and guide behaviour among professionals with the view to deterring wrong-doing and promote cooperation, honesty, integrity, responsiveness, impartiality, compliance with laws and regulations of a profession²⁶.

In the context of the foregoing conditions for professionalism, the public regards a land sector professional as a person that is trustworthy, a learned and knowledgeable person that is expected to act with integrity and in accordance with the ethical principles and adherence to the highest degree of objectivity. Based on this, many professional bodies have included in their constitutions clauses on code of ethics and admonishment for non-compliance.

Such Codes of Ethics provide the necessary framework of professional self regulation and

²⁶ www.12manage.com/description_code_of_ethics.html accessed September 2007.

behaviour when dealing with clients and colleagues within the profession. They guide professionals into attaining and improving quality of services and standardization of its products. Without adherence to the code of ethics, a profession will soon lose the trust of its clients, notably the public.

(4) Membership to Professional Associations cum Teamwork Spirit

To promote professional image and protect occurrences of unwanted individual behaviour that may tarnish the image of a profession, its members should form an association. The International Federation of Surveyors (FIG) presents four reasons for forming professional associations as being to:

- (a) unify the profession;
- (b) provide continuing professional development;
- (c) act on behalf of the profession; and
- (d) contribute to society's well being²⁶.

Through membership to professional associations, professionals acquire and share experiences on how to practice:

- i good governance through adherence to principles enshrined in their own constitution;
- ii accountability of the leaders and members;
- iii promotion of the spirit of networking so that professionals can work together, share resources;
- iv development of cohesion and unity amongst themselves;
- v promotion of transparency through supply of clear and credible information that helps members to get insights into various professional areas such as the state of the land market, the need to conduct public awareness education say about land policies, etc;
- vi enrichment and integration of ideas through group discussions and debates within their associations: The power of debates is aptly summarized by Horst (1995) who says: "Science advances when scientists disagree with each other, not when they all share the same point of view";
- vii establishment of standards of professionalism, education and code of conduct; and
- viii representation of the association in formal and informal forums; etc.

(5) Innovation

The Wikipedia dictionary²⁷ offers several definitions of this term. The one that fits well in this paper defines innovation as the process of making improvements by introducing something new. This has direct application in the implementation of land policies in various areas, including formalization of informal settlements, devising simple, reliable, cost effective and acceptable techniques for executing cadastral surveys, conceiving quick systems for land registration and titling, etc. Innovative professionals not only aim at efficient delivery of services but also have the potentials to develop their professions.

(6) Adoption of New Technologies

Many functions of the land sector disciplines, notably surveying and mapping as well as land information management, are technology driven. The use of modern technology such as Geographical Information Systems (GIS), Global Positioning System (GPS), Information Communication Technology (ICT), computerization of land records, etc. is essential to speed up data collection, processing, management and delivery of services to a wide range of users at low-cost. However, Lemmen (2006) notes that the World Bank and other international organizations see low-cost approaches as sometimes conflicting with ICT. But he quickly adds that such vision may be challenged, as low-cost approaches will probably require high technology. Land sector professionals ought to note this.

(7) Capacity Building

Capacity building may be considered as a process which includes acquisition of knowledge, skills and capability needed by an institution/community in its core activities to effectively manage change (Silayo, 2007(b)). Capacity building may be formal or informal. Formal capacity building is based on formal academic education and training, usually delivered in a class/lecture room environment. It includes education, research and various forms of training. Informal capacity building is based on human contacts and relations such as networking, partnerships and cooperation, short courses, workshops and seminars, conferences, continuing professional education, study tours, visits, consultancy services, in service training, etc.

²⁷ <http://en.wikipedia.org/wiki/Innovation>, accessed August 2007

Professionals in land administration ought to continuously keep acquiring new knowledge through formal and informal channels so that they can cope with current technological challenges brought about by science and technology, contribute to innovations and inventions, and be effective in the delivery of timely, quality services at affordable cost.

7.0 Emerging Issues

This paper has reviewed the objectives and purposes for which land policies are made, and identified the necessary phases from policy initiation to the stage when the policies are translated into what was envisioned. In the process the land sector professional skill needs for successful policy formulation to implementation phases have been outlined. The discussion on the skill needs highlights the essence and synergy of establishing, developing and strengthening professional associations. Basically, the professional associations are needed to develop the land sector professions, their members through inculcating into them qualities which include development of teamwork spirit, good governance issues, and above all serve the public more efficiently. In particular, teamwork skills need to be emphasized because land development requires multiple skills which must be harmonized to achieve common objectives and goals. Moreover, teamwork spirit motivates ethical performances. Moreover, the professions will get recognition only if they prove to community that together, they owe the community a duty of care, are competent, efficient and deliver timely services to the community they serve.

In order to outline the applications of professional skills in land policy implementations, key issues in the policies have been discussed. Various role-play engagements have been identified for the land surveyor, the valuation surveyor, the physical planner, the land registrar, the land officer and the ICT experts, among others. The discussion is crowned by a call to adopt modern technologies in the delivery of land services for effectiveness, efficiency and affordability.

8.0 Recommendations

The key stakeholders referred to in this paper include land sector and allied professionals, civil societies, members of the public, governments, and development partners. The identified

recommendations, however, focus on the needed action by the land sector professionals.

The Land Sector Professionals:

- (1) Namely and allied professionals should develop mutual cooperation and partnerships so that clear, feasible land policies can be formulated and implemented to achieve the envisioned targets.
- (2) Should involve the communities they serve in a participatory way by conducting policy awareness as they deliver services.
- (3) Are urged to form strong associations to which membership shall be compulsory for all practitioners (i.e. professionals, new graduates and technicians) in the professions, and students aspiring to join the professions so as to improve the image of the professions and that of their members (through self regulation) and to be in a position to deliver high quality services.
- (4) Should make it mandatory for all their members to participate, on an annual basis, in at least one event that leads to acquisition of new skills/knowledge in their professions. Such events include attending workshops, conferences and short courses, writing and publishing of technical papers, etc.
- (5) Should adopt modern technologies in the acquisition of data, processing and prompt delivery of information and services.
- (6) Should be in the forefront to fight corruption as it denies the poor equitable access to land, delivery of land rights and services.
- (7) Are urged to advise governments to assist weak associations to raise funds for their local and international memberships and commitments as strong professional associations are an asset to the professions and their members, governments and the general communities.
- (8) Are encouraged to urge governments to establish in-country 'Land Administration Centres' which shall undertake research and disseminate information about land policy, tenure, administration, use, planning and management issues so as to: (a) predict and prevent occurrences of land conflicts and growth of new slums, and (b) develop strategies to upgrade existing slums in urban areas, etc.

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