



CADASTRAL REFORM FOR GOOD GOVERNANCE AND POVERTY ALLEVIATION

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ABSTRACT

Increasingly developing world governments are being re-structured to improve governance and to alleviate poverty, and this also applies to government departments associated with the registration and cadastral systems. The link between cadastral reform, good governance and poverty alleviation will be explored by reviewing some of the recent thinking in this area, and by drawing on experience with these issues in a number of countries, such as South Africa, Namibia, Mozambique and Uganda. Issues that will be addressed include, what is the link between poverty and land, and poverty alleviation and land management/administration? In regard to this, the poverty analysis approach of sustainable livelihoods will be explored, as a useful way of evaluating a land management/administration system's contribution to poverty alleviation.

INTRODUCTION

Consultants involved in cadastral reform, especially those working in Sub Saharan Africa, and other developing countries, need to be aware of other programmes operating within countries, in order to ensure that the cadastral reform being undertaken is funded by donors (bilateral and multilateral) and that their work is considered relevant. There are a range of programmes that have already affected, or will affect, the lands department of a country in one way or another, namely structural adjustment programmes, Comprehensive Development Frameworks (CDFs), Poverty Reduction Strategy Paper (PRSPs), National Strategies for Sustainable Development (NSSDs), Sector-Wide Approaches (SWAPs), Medium Term Expenditure Frameworks (MTEFs), institutional decentralisation, and human rights policies (Farrington: 2001; African Development Bank:2002). This paper will focus only on the Poverty Reduction Strategy Paper (PRSPs) approach, which emphasizes poverty alleviation, or poverty eradication, as it is also known. For the purposes of this paper good governance will be treated as a part of poverty alleviation.

Given the financial position of many Sub Saharan African governments (and other governments in the developing world), funding and/or loans from donors form a critical part of government budgets. Many countries' lands departments are using this funding, or have had funding, to build capacity and to undertake land administration. This funding is generally tied to donor covenants, and some of the key covenants are often about poverty alleviation and good governance. There is a major focus by donors on poverty alleviation, as international donors have accepted the challenge of halving poverty on the planet by 2015.

To obtain increased funding and to fulfil these covenants, the lands department needs to be able to explain how, and why, their products assist poverty alleviation and good governance. If they do not presently address poverty/governance issues, the lands department, to grow and obtain funds, needs to adapt their products and/or market new products. To do this, a better understanding of poverty alleviation and good governance is required, and how it is linked to land administration. The purpose of this paper is to make an initial start to explore these linkages.

It is not possible to make these linkages robustly by focusing only on the land administration system. Rather both the land management and land administration systems have to simultaneously be linked to be able to make it possible to relate them to poverty alleviation and governance. Based on work in progress (Fourie, van der Molen and Groot :N.D), land management and land administration have to be linked for the purposes of this analysis because 1/ conventional land administration definitions are too narrowly focused 2/ most developing countries have large scale informal settlement 3/in the developing world often land management and land administration cannot be analysed in a hierarchical fashion, or in fact separated. Instead they have to be treated as equals (Barry and Fourie: 2002). For these reasons, the term land management/administration will be used throughout the paper.

Finally, the paper focuses on attempting to identify the links between poverty alleviation/good governance and land management/administration. It does this by trying to identify and unpack a number of themes such as, what is the link between poverty and land, and between poverty alleviation and land management/administration? Given the range of definitions of poverty, which ones are more useful in the land management/administration field? In regard to this, the concept of sustainable livelihoods will be explored, as a useful way of evaluating a land management/administration system's contribution to poverty alleviation. Also, within a poverty framework, good governance will be explored in terms of the institutional frameworks associated with land management/administration systems. This analysis will be done using Uganda, Mozambique, Namibia, South Africa and other countries as a backdrop.

WHAT IS THE LINK BETWEEN POVERTY AND LAND?

Poverty linked to unequal distribution of land

While it is almost impossible to get accurate global figures of land distribution, it can be generally stated that throughout the developing world, both in rural and urban areas, there is an unequal distribution of land across the population. The United Nations Development Programme in its Poverty Report of 2000 states that pro-poor policies have had limited impact because of the failure of governments to "...squarely address the sources of inequality -such as unequal distribution of land, the most important asset of the rural poor in many low-income developing countries." (UNDP: 2000:2). Along the same lines, the World Bank states that "(i)n many countries in the developing world where land continues to be one of the main assets, the poor either lack... access to, or ownership of, land, or have very insecure rights to the land they cultivate. ...Theory, and an accumulating amount of empirical evidence, suggests that, beyond the immediate impact on lower levels of income and welfare, such lack of asset ownership..." has a range of other long term consequences for the poor. (World Bank: 2001:2-3).

From a more detailed point of view, a number of micro level studies were done in Bangladesh, related to poverty alleviation, empowerment and human well being. A wide range of factors contributing to poverty were assessed. It was found that there is a clear link between landlessness, insecure tenure and poverty. The researchers found that "land was found to be positively correlated with literacy..." as well as the food security of households (BRAC: 2002). They also found that a major cause leading to poverty related to alterations in land redistribution, linked to higher population growth and the scarcity of land (BRAC: 2002). This study clearly indicates the role that land plays in poverty, and how central it must therefore be to poverty alleviation strategies.

Definition of poverty

To be able to evaluate the success of poverty alleviation programmes, in relation to land, or anything else, first requires a definition of poverty. As poverty is multi-dimensional there are numerous ways of defining it namely, firstly as income or consumption poverty. Poverty has most commonly been assessed against income or consumption criteria. A person is poor only if his/her income level is below the defined poverty line, or if consumption falls below a stipulated minimum (Farrington, Carney, Ashley and Turton: 1999:1). One commonly used income poverty definition is subsistence on USD1 per day or less (United Nations Development Programme: 2002:1). Placing this in the context of land, as indicated in the Bangladesh example, there is a direct correlation between poverty, food security (consumption) and landlessness (BRAC: 2002).

Secondly, inequity. Poverty refers to deprivation (i.e. income, basic needs, human capabilities), whereas inequity refers to distribution within a population group. Analysis of poverty often employs indicators of inequity to demonstrate poverty (Lok-Dessallien:2002:5). A common example of inequity in regard to the cadastral system is that 99 percent of parcels in sub Saharan Africa have not been surveyed (UNCHS:1990:4) and the remaining 1 percent is generally in the hands of the elites.

Thirdly, human (under)development. Poverty is often viewed as a form of underdevelopment. Underdevelopment can refer to all groups in each community (in a uniformly poor country) or could refer to the poor and the deprived in each community (pockets of poor) (Lok-Dessallien:2002:6). Placing this in the context of land, access to land and tenure security are necessary conditions for human development (UNCHS:1996). If the majority of a country's citizens do not have access to land then there is large scale underdevelopment in that country.

Fourthly, denial of human rights. Good health, adequate nutrition, literacy, employment is the human right of all people. This concept of human poverty also includes lack of political freedom, inability to participate in decision-making, lack of personal security, inability to participate in the life of a community and threats to sustainability. Attributes of poverty are illiteracy, malnutrition among children, early death, poor health care, and access to safe water for the poor (United Nations Development Programme:2002:1-2). Here land would be necessary to enhance people's human rights by, for example, contributing to nutrition levels and giving people an asset from which they might obtain employment, such as subsistence farming etc. Also having land tenure/shelter security would improve the personal security of the poor.

A fifth poverty definition is social exclusion. This includes a range of factors such as material deprivation, and deprivation from participation, empowerment and social rights (Lok-Dessallien:2002:6). An example of this are residents of informal settlements, who are outside of the formal land tenure system and suffer material deprivation, as well as a deprivation of their social rights as citizens of the city (Fernandes and Varley:1998). Sixthly, vulnerability. Some groups may be at risk of becoming poor because of inherent vulnerabilities. Vulnerability is a function of external risks, shocks, stresses and internal defencelessness (Lok-Dessallien:2002:2). As indicated in the Bangladesh example, loss of land leads to poverty for vulnerable groups (BRAC:2002).

Seventhly, lack of basic needs. People are poor because they lack income, food, clothing and shelter (Lok-Dessallien:2002:4). A land related example here is that without land there can be no provision of shelter. Eighthly, relative or absolute poverty. "Absolute poverty refers to subsistence below minimum, socially acceptable living conditions, usually established based on nutritional requirements and other essential goods. Relative poverty compares the lowest segments of a population with upper segments, usually measured in quintiles or deciles." (Lok-Dessallien:2002:2). An example of this comes from Bangladesh where it was found that among the ultra poor, where they owned land, "...the average landholding was only 5.6 decimals.." (BRAC:2002).

Ninthly, lack of social and institutional capital, such as accountable institutions, mechanisms to enforce laws (World Bank:2001). The formal institutions of land administration in many countries only cover about 10-30 percent of the population. The poor generally lack formal land administration systems and law protecting their land rights. This definition covers both poverty and governance. Finally, livelihood unsustainability (see below).

As has been indicated, land is an important factor whichever way poverty is defined. Often Poverty Reduction Strategy Papers (PRSPs) outlining poverty in a country will use a number of these definitions simultaneously to undertake an analysis of poverty and to design poverty alleviation programmes. All these definitions of poverty can be used with differing degrees of usefulness to obtain a better understanding of land

management/administration and poverty alleviation/governance. However, I intend to explore only one of them in any detail, namely sustainable livelihoods, because it shares a number of important epistemological characteristics with cadastral reform analysis.

Definition of sustainable livelihoods

With respect to the background of the sustainable livelihoods concept, "(t)he.. concept of sustainable livelihoods (SL) has emerged over the last decade, with growing legitimization through several major international fora. The Brundtland Commission in 1987 introduced SL in terms of resource ownership and access, basic needs and livelihood security, especially in rural areas. The 1992 UN Conference on Environment and Development, in Agenda 21, noted the integrative power of the concept, which offers a way of linking socio-economic and ecological policy considerations in a cohesive policy-relevant structure.. The Social Summit linked SL explicitly to full employment, and the Beijing platform re-emphasized the importance of women's livelihoods for successful development." (United Nations Development Programme:1999). The approach has also been taken up by a number of donors such as DFID, British Aid. I will show that this approach draws in the institutional/governance aspect as well.

According to Farrington, the sustainable livelihoods concept can be defined in three ways. Firstly as a set of principles which "..specify that development activities should be people-centred, differentiated according to locally relevant criteria such as class and gender, multi-level i.e. linking local perspectives into higher level processes of policy design, conducted in partnership between public and private sectors, and sustainable." (2001:2). Secondly, it can be defined as an analytical framework which draws "..in conventional types of analyses (economic, social, institutional etc.) to identify how poor people's options and constraints can best be understood." Thirdly, it can be defined as a development objective intended to "..enhance the overall level and sustainability of livelihoods." (Farrington:2001:2).

To contextualise this, "(t)he assumption is that people pursue a range of livelihood outcomes.. by drawing on a range of assets to pursue a variety of activities. The activities they adopt and the way they reinvest in asset-building are driven in part by their own ..priorities, (and) ..are .. influenced by.. vulnerability, ..overall trends.. and seasonal variations. Options are also determined by the structures (such as the roles of government..) and processes (such as institutional, policy and cultural factors) which people face.." The assets referred to here include financial, human, natural, physical and social, including institutional, capital. "These constitute livelihood building blocks." (Farrington, Carney, Ashley and Turton:1999:2-3). This approach to poverty also draws in the institutional, and therefore governance, aspects.

Sustainable livelihoods analysis, by comparison to all the other poverty definitions above, contains all three of the most critical factors needed to be able to undertake a comparative analysis with cadastral reform. Central analytical criteria for comparisons with cadastral reform analysis are 1/physical scale (macro country level and micro parcel level), 2/multi-sectoral (e.g. includes forestry, human settlement, agricultural reform, water management, tax, etc.), and 3/time scale (longevity, over time, sustainable).

Firstly, the sustainable livelihoods approach takes into account both the macro country level policy and what happens at the micro level on the ground. The cadastral system is normally a national, or at least provincial, level system, but it is implemented at the micro level parcel by parcel. That is, this definition suits the physical scales of cadastral reform analysis.

Secondly, sustainable livelihood analysis involves multiple sectors (Farrington:2001:2). It cannot be done rigorously through one discipline or sector. Any analysis for cadastral reform purposes needs to be undertaken by a range of disciplines (e.g. land surveyors, land lawyers, social scientists, computer/GIS specialists, educationists, etc.). Also, cadastral reform generally ends up as multi-sectoral in donor programmes in that it forms part of different sectors, or components, of programmes, such as Mozambique's agricultural reform programme PROAGRI (Government of Mozambique:1997).

Thirdly, the sustainable livelihoods approach places great emphasis on interventions which promote sustainability (Farrington:2001) and not just snap shot interventions. Conventionally cadastral systems are designed for use over long time periods by generations of people, and any cadastral reform must take this into account.

Finally, it is the intention of this paper to undertake an initial exploration of what the impact would be if cadastral reform was undertaken using sustainable livelihoods analysis as one of the analytical tools. It would require undertaking a people-centred analysis of the cadastral system and proposed reforms, which would "..identify how poor people's options and constraints.." (Farrington:2001:2) were affected by any cadastral reform initiative. Such an approach could help "..to identify how to empower the poor to break existing cycles of impoverishment, by strengthening their access to capital assets, and by working at policy and institutional levels to strengthen the capacity of the public sector, ..(and).. local government..to design.." (Farrington, Carney, Ashley and Turton:1999:5) more appropriate land management/administration programmes.

WHAT IS THE LINK BETWEEN POVERTY ALLEVIATION AND LAND MANAGEMENT/ADMINISTRATION?

Poverty, land registration and tenure security

As I have argued in an earlier paper, in the developing world the poor cannot afford to use land registration systems. However, I have also argued that, while the majority of people, and especially the poor, cannot afford present land registration systems, the cadastral system and spatial information systems need to be adapted to give the poor both tenure security and access to spatial information (Fourie:2001). An appropriate Spatial Data Infrastructure, which accommodates both cadastral and non cadastral parcels, and supplies new forms of evidence for tenure security, should be created. This would fit together with the tenure security continuum advocated by Payne, who argues that "..every step along the continuum from complete illegality to formal tenure and property rights (i)s a move in the right direction, .. (and should) ..be made on an incremental basis." (1997:29,31).

To conclude, conventional approaches to land registration have often been seen as having no place in poverty alleviation programmes because of their cost and because the poor cannot afford them. I am arguing that an adapted form of the system, linked to spatial information, must play a major role in poverty alleviation. Sustainable livelihoods analysis of cadastral reform approaches would contribute enormously to ensuring that pro-poor adaptations were made in a robust fashion. Such an analysis could also make a valuable contribution to a pro-poor evaluation of present land registration systems and their linked land management/land administration systems, to assess whether, and how, reform was required.

How land management/administration systems can destroy and/or strengthen the sustainable livelihoods of the poor

Using the sustainable livelihoods approach it would be possible to establish a rigorous link between poverty alleviation and land management/administration. Such an investigation should focus on assessing the impact of cadastral reform policies on the capital of the poor with respect to:-

- Land, their access to it and tenure security, within and outside of the land registration and cadastral system;
- Their access to natural resources, within the framework of land use planning and land use controls implemented through the cadastral surveying system;
- Social capital, in terms of their de facto land tenure systems, which supplies them with a safety net, family rights, land rights for women etc. The fit between statutory law and customary/informal laws and norms would have to be carefully assessed;
- Institutional capital. Often the poor are left outside of the formal land management/administration system. "Access to institutional and social capital, i.e. accountable institutions, mechanisms to enforce existing laws... are increasingly recognized as being.. (as important as).. physical, human and natural capital. The way in which land rights are administered assumes critical importance in this respect." (World Bank:2001: 5). That is, good governance in a land management/administration system is also critical to poverty alleviation;
- Information capital, generally the poor have no access to information about land and land use, and about technical procedures relating to land. This in turn also limits good governance (e.g. transparency, accountability of officials);

Using a sustainable livelihoods analysis makes it possible to evaluate how land management/administration systems can destroy and/or strengthen the sustainable livelihoods of the poor. Drawing on Farrington, Carney, Ashley and Turton's (1999:7) generic analytical framework, it should be possible to :-

- Identify the main positive and negative impacts -including those that are difficult to quantify;
- Assess how well interventions 'fit' with livelihoods and how they can be modified to fit better;
- Establish under what conditions the poor find it difficult to participate;

Using this framework, it is possible to identify some of the obvious points of focus for an assessment of a land management/administration system. Firstly, cadastral surveying is intimately linked to land registration, and to the world of law in general. McAuslan argues that it is not good enough to develop new laws through lawyers talking to, and influencing, other lawyers, and/or developed world laws being imported into developing world countries without being adapted. Instead he argues, in terms of the school of thought termed Law and Development, that research should be undertaken to assess the social impact of laws and that "...such research could demonstrate the many ways in which legal processes can be used to distort development goals, delay the implementation of development programs and mask.. the maintenance of privilege behind the formal facade of change and legally equality." (McAuslan: 1998 and McAuslan: 1998 quoting International Legal Center:1974).

That is, drawing on McAuslan, before cadastral reform is implemented its social impact needs to be assessed, more especially as cadastral reform often accompanies reform in the land registration/land rights system in the developing world. An example of such a social impact assessment was undertaken in Namibia, when land registration and cadastral reform was under discussion (Fourie: 1998). This socio-legal research was undertaken to assess to what extent it was possible to dovetail statutory law with a variety of customary laws, by analysing existing human behaviour in relation to boundaries, marriage, death, divorce, dispute resolution and the maintenance of records etc. That is, an assessment was made of the extent to which the intervention would 'fit' with local rules and norms. The role of government at the local level and its interface with the communities in the area of land registration was also assessed. The study also included a general bias to keep the system affordable for the poor, but no specific analysis was undertaken in terms of the sustainable livelihoods approach.

A sustainable livelihoods approach would have gone beyond this people centred and pro-poor social impact assessment by also:-

- Assessing "(h)ow poor people's options and constraints.." (Farrington:2001:2) would be impacted by the design of the new land registration and cadastral reform system;
- Evaluating how it would "...enhance the overall level and sustainability of livelihoods." (Farrington:2001:2), and suggesting alterations to policy and regulatory framework design, to improve the fit between the cadastral reform intervention and sustainable livelihoods;
- Identifying whether it would have enhanced their asset base specifically;
- Keeping the focus on the poor. Because of the multiple stakeholders involved in cadastral reform, the needs of the poor are often left out, or downscaled;
- Assessing what poor users can pay, and are prepared to pay, for land titling, the transfer of a registered right and/or spatial information;
- Undertaking a rigorous assessment of how far land registration services have to be decentralised to be useful to the poor;

I am arguing that a sustainable livelihoods approach both includes, and can go beyond, a social impact assessment used in regard to law, land registration and cadastral reform, and that it fits well with the Law and Development approach advocated by McAuslan (1998).

Secondly, a common problem found in the developing world, where there is a centralised system of land registration and very little cadastral coverage, is that when land is titled it is often found that the land is already occupied, often by the poor. However, because the occupants have no evidence of their rights held by the land registration system, they lose their land rights, as well as their access to natural resources. In this situation, if the country level land registration system had been evaluated using a sustainable livelihoods approach, and especially the adjudication and titling procedures, it would have been quickly established that the livelihoods of the poor would be affected by the technical procedures associated with titling. Mozambique had a serious problem with their technical procedures undermining rural occupants' livelihoods. Consequently they have changed their adjudication and technical process and introduced an approach that enhances the livelihoods of the occupants of the land, when land titles are allocated to outsiders (Government of Mozambique:1997).

Finally, a sustainable livelihoods analysis could also make it clear that an innovative cadastral and/or spatial information system is required to enhance the livelihoods of the poor in certain situations. Drawing on work done in Uganda, and former homelands in South Africa, it could be argued that under certain conditions, where there is no land registration (cadastral) and spatial information system, the livelihoods of the poor are at greater risk. In rural areas where customary tenure has broken down, there is often no land use control and de facto tenure rights are not always respected. There are also few dispute resolution mechanisms.

In this situation an appropriate land registration, cadastral and spatial information system, could give tenure security, improved land use/natural resources management and supply evidence for dispute resolution. This could make a direct contribution to the sustainability of the livelihoods of the rural poor, by securing some of their most important assets, namely the land and/or natural resources.

An appropriate land registration/cadastral and spatial information system could also make a direct contribution to good governance in that local authorities need funds. To acquire funds they have to be able to bill for services and for taxes, especially from the businesses and investors in their areas. They cannot bill unless they have spatial information, which is usually supplied by the cadastre. This is not to say that conventional cadastres and spatial information systems are appropriate, rather that adapted forms are required, such as the one being implemented in Uganda (Government of Uganda:1998).

That is, using a sustainable livelihoods' analysis of a cadastral system quickly establishes that there are many aspects of the systems that can cause problems to poor people's livelihoods. It also shows however, that innovative cadastral/spatial information systems could have a major role to play in improving the assets, and therefore livelihoods' options, of the poor. These are only some of the initial findings using this approach, and this issue will be explored further in additional papers.

POVERTY ALLEVIATION, GOOD GOVERNANCE AND LAND MANAGEMENT/ ADMINISTRATION

What is governance and how does it relate to poverty alleviation?

The concept of good governance has recently come into regular use. I have shown above that a lack of good governance is often treated as part and parcel of poverty and its definition. In addition to this, good governance is generally linked to concepts and terms such as democracy, civil society, popular participation, empowerment and human rights. In the last decade it has been closely associated with public sector reform. In 1989 governance was defined by the World Bank as "the exercise of political power to manage a nation's affairs. The Bank took this further in 1991 when it defined three aspects of governance namely:-

- The form of political regime;
- The process by which authority is exercised in the management of a country's economic and social resources;
- The capacity of government to design, formulate and implement policies and discharge functions" (World Bank: 1991);

In 1999 the World Bank took this even further and argued that "...good governance now focuses on accountability, transparency, corruption, participatory government and legal and judicial reform." It also noted that "(t)he absence of good governance has proved to be particularly damaging to the 'corrective intervention' role of government. Programs for poverty alleviation.. have been undermined by a lack of public accountability, corruption, and lack of participation of beneficiaries." (www.afdb.org/projects/policies/pdf/governance/pdf).

Good governance and land management/administration

While there are a few exceptions (e.g. Indonesia), too few cadastral reform projects include a rigorous institutional/governance analysis. In 2001 the World Bank noted that "...even though the returns to economic activity by the poor and the governance environment are key elements of poverty reduction strategies, land has rarely been considered in debates about good governance." This is despite the fact that "...(a)ccess to institutional.. capital, i.e. accountable institutions, mechanisms to enforce existing laws.. are increasingly recognized as being.. (as important as).. physical, human and natural capital. The way in which land rights are administered assumes critical importance in this respect." (World Bank:2001:5).

I have shown above how the analysis of poverty alleviation and good governance can be usefully linked to land management/administration systems evaluation through the use of a sustainable livelihoods approach. This approach also supplies a useful framework for the analysis of the institutional aspects that are integral to land registration/cadastral and spatial information systems (e.g multiple institutions involved, levels of government etc.). Because of the paucity in research, it is not possible to draw directly from sustainable livelihoods analyses of these systems. However, reference is made to a comparative example for illustrative purposes.

That is, an example from the forest sector is used to show how sustainable livelihoods analysis can usefully identify land related

institutional/governance issues that undermine the livelihoods of the poor. Based on my experience in Indonesia, where the forest and land sectors overlap (a common phenomenon in many developing countries), I would argue that lessons could be learned in the land management/administration field from the findings of studies such as Hobley and Shields (2001), undertaken in the forest sector.

Hobley and Shields show that using a sustainable livelihoods approach in the forest sector makes it possible to identify key constraints, to improving forest-based livelihoods, which are present in the institutional environment. This environment relates particularly to "the relationships between and within the forest department, the forest users and the political (or enabling) environment." In their analysis they examine the relationship between these different agencies and the development of livelihood assets. "They argue that, unless there is fundamental internal change within the main delivery organisation there will be little or no change in their external relationships with forest users, and thus no sustained change in access or influence over key livelihood assets.".. "Even relatively small process changes, that affect the relationship between user and frontline staff, provide fundamental challenges to existing power bases and, in turn, these confrontations cannot be won simply through changing some of the forest planning processes." (Hobley and Shields:2001).

Drawing from observations of cadastral reform in a number of countries, it can be concluded that, if similar studies were undertaken in the land registration and cadastral fields, it is likely that similar findings would result. It would be found that the multiple institutions in the land industry, and their often poorly coordinated relationships, often impact negatively on the livelihoods of the poor, as does the unwillingness of many land industries/agencies to undertake large scale change when it comes to the adoption of pro-poor strategies. It would also probably be found that power relationships are entangled with land allocation/titling, which can make simple technical process changes unproductive.

While it is possible at a general level to usefully draw on studies of other sectors, a full evaluation should be undertaken to establish the details of just how a registration/cadastre related institutional and regulatory framework constrains the livelihoods of the poor, and what particular form this took.

CONCLUSION

This paper has been an attempt to start thinking about how some of the most important issues on the world stage, namely poverty and governance, are related to the land industry. It has been an attempt at trying to think 'outside of the box,' and in a rigorous fashion. Superficial understandings are not going to help in the creation of the appropriate new technical and legal tools and products which are required. It has also been an attempt to better position the land industry in the debate around poverty alleviation and good governance for them to access funding, more especially as the land industry is critical for the alleviation of poverty and good governance.

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