

Person, Parcel, Power. An extended model for land registration

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SUMMARY

Several authors in land registration have overemphasized the process of recording land interests at the expense of the process of classifying these interests. For instance, Nichols defines land registration as “the process of recording legally recognized interests (ownership and/or use) in land”. Her definition takes “legally recognized rights” as a starting point and thereby reduces the role of the State to a mere administrator of already established rights. Similarly, Henssen’s classical Man-Parcel-Right diagram does not foreground the State as a relevant factor. Arguably, classifying land interests and the State’s role in the classification process have received less attention because classification by the State takes place before land registration. This model of objective, straightforward land registration is at odds with current processes in the domain of land registration. Nowadays, many different State and non-State actors are involved in the process of classification and are influencing the process of registration. Advances in geo-ICT are facilitating this greater involvement as shown by initiatives like OpenCadastralMap, MapMyRights, CommunityLandRights and crowd-sourced cadastral mapping initiatives, in general. The international acceptance of the Continuum of Land Rights also undermines the monopoly of the State in the definition and classification of land rights. In this paper, we present a model of land registration that makes explicit the various classifiers (State, non-State, local, global), their classifying approaches, their rationales and the tensions between them. The model extends Henssens’ classical diagram with the variable State (or Authority or Power). With this extended model we can better understand the legality and/or legitimacy of a land registration system and the authority of the classifier and administrator of the system.