

# An Analytical Framework for Examining the Impact of Social Context on Urban Land Registration Outcomes

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**Abstract** Many governments across Sub-Saharan Africa (SSA) are in the process of introducing or improving land registration and formal titling systems with an aim of achieving modern land information management in order to facilitate the development of the land market. However, empirical research in a number of developing economies continues to show mixed or inconclusive outcomes from the implementation and operations of formal land registration systems. This article argues that for land registration system to perform their land and information management aspects adequately, the social context within which they operate must be thoroughly considered. To this end, the article adopts and extends an analytical framework that incorporates elements of the concept of social capital in order to identify relevant linkages to the social context of a jurisdiction. A key finding is that to address land information deficiencies in SSA countries, there is a need first to identify and understand the complex interactions between formal and customary institutions with respect to the nature and the operations of historical and prevailing land tenure systems. The elements of the framework therefore form the pathway to empirically examine and identify factors within the social context of a jurisdiction that may affect the outcomes of the institutional arrangement for land registration regarding its real estate information aspect.

**Keywords:** social capital, land registration, institution, customary land tenure, urban, Sub Saharan Africa (SSA)

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## 1. Introduction

The role of information in the functioning of various sectors of the economy is well established [1-5]. Land information that is relevant, reliable and up-to-date is required for the real estate sector to function efficiently and contribute to economic development [6,7,8]. This information, which includes land ownership and rights, land use, location and value, is required by market participants to make informed decisions. In the formal urban real estate sector for instance, the first thing that a properly counselled purchaser or creditor of land would seek to know in any transaction is whether the person purporting to be the seller or borrower is indeed the true owner of the real estate in question. Second, they would need to know what the property in question is actually worth by considering its intrinsic qualities such as its location and improved conditions. Third, and assuming that points one and two are properly addressed, a formal process of land title transfer would be initiated and ownership of land would move from a seller to a purchaser. During this process, value is realized from the land in the form of a financial transfer that involves not only cadastral instruments (such as land title) but also financial instruments such as a mortgage against the

intrinsic value of the land (i.e. the land value). Hence, the realisation of the transferable value in land clearly points to the importance of land information in the facilitation of a well-functioning urban land and real estate market.

However, in reality, real estate markets, particularly in developing countries, are often plagued with information asymmetry. The situation is not uncommon, as shown by Akerlof [9], where sellers know more about the state of their goods than buyers. In the real estate market sellers tend to know more than the purchasers about the true ownership status of their land and any defects in their title. Equally, purchasers may also know more about market data relating to properties than the seller [7,10]. In a free real estate market, the parties to a transaction are not obliged to disclose to each other information that may impact on the value of the real estate. The possibility thus exists for parties to a transaction either to over-price or under-price real estate, depending on their individual goals and objectives. This, in turn, may lead to market inefficiencies. Hence, the availability or non-availability of information, determined by its effective management and dissemination, are important factors that may affect the structure and outcomes of the market [11,12].

One of the fundamental impediments to achieving functional real estate markets, and that has proved to be intractable in Sub-Saharan Africa (SSA), is the way land information is managed [13]. It is estimated that less than

1% of the area of Africa is covered by any form of cadastral map [14], and only 2-10% of its land area is estimated to have documented title [15,16,17]. It follows from this reality that the availability of land tenure information is limited to areas with formal documents. However, even in these areas, access to relevant information is restricted through inadequate management arrangements [18,19]. As a result of these challenges, decision-makers and market participants, including administrators, creditors, real estate professionals and service providers have to rely on questionable or incomplete data to form their opinions [14,20]. This, in turn, leads to increases in transaction costs and market inefficiencies [21], and the possible under-utilisation of the market for economic development [22,23,24]. In short, it can be said that an implication of the land information challenge is the possible curtailment of opportunities for the development of viable real estate markets, especially in urban areas where land per unit area is worth considerably more on the open market than the same unit area of rural land.

Consequently, many governments across Sub-Saharan Africa (SSA) are in the process of introducing or improving land registration and formal titling systems [29], [30]. One of the stated aims of this process is to achieve modern land information management in order to facilitate the development of the land market [8,15]. The new formal systems are often part of land reform programmes sponsored by development agencies such as the World Bank and the other bilateral and multilateral development partners [31,32,33].

It is often assumed that, because formal systems and institutions have enjoyed some positive outcomes in terms of realising wealth in developed countries, they will succeed equally well in developing economies see [34,35]. However, evidence from empirical research in a number of developing economies including those in SSA continues to show mixed or inconclusive outcomes from the implementation and operations of such systems [7,16], see [27,28]. While some studies point to positive links between land titling and access to credit [28], others show inconclusive results [36,37], or negative outcomes such as the curtailment of rights of the marginalized and vulnerable through abuse of the system by the elite [16,38,39]. Toulmin, Delville and Traoré [40], further suggest that modern land registration systems cannot easily handle multiple rights in the same piece of land. Consequently, such systems are not able to provide adequately the information needed for rational decision-making where multiple rights commonly exist [14]. In some cases the information they produce may be inconsistent with the situation on the ground [7,41], which is primarily due to their inability to capture and update subsequent transactions [42].

Various reasons have been suggested for such deficiencies in land registration. First, introduced land registration systems typically emerged out of historical accidents and are not specifically designed to bridge the gaps in real estate information [7]. Second, dysfunctional legal regimes in many developing countries make it almost impossible for such systems to operate effectively [43]. Third, unclear and often conflicting institutional mandates of the multiple agencies involved in the land

title registration process often undermine the systems and leave users confused and sometimes disappointed and disillusioned [44]. Fourth, design and operational inadequacies of the systems have been blamed for negative outcomes [45]. Fifth, the focus of land registration systems appears to have been limited to facilitating the conveyancing system to the neglect of other important considerations, such as their information management aspects [46,47].

Despite the existing knowledge of the above deficiencies, a clear roadmap for improving the outcomes and performance of urban land registration and cadastral systems continues to prove elusive.

## 1.1. The Problem

During the introduction and improvement of formal land registration and cadastral systems, little attention is typically given to examining the nature of any persisting social institutions that underpin prevailing customary land tenure practices. Yet, customary land institutions and processes continue to contribute significantly to the operation and outcomes of urban and peri-urban land and real estate markets as well as the management of information in most countries in SSA. For instance, it is estimated that 80% of the land area in SSA is under the control of the customary sector [18], and between 70% to 90% of participants in the land market rely on processes involving customary institutions to access information about land when making real estate decisions [44,48,49].

Besides the significant role of customary land institutions, the property rights allocated or alienated to market participants are socially embedded and defined by a social contract regarding access to and use of resources [50,51,52]. The social embeddedness of the land tenure arrangement means that the values and practices of particular social units may either constrain or facilitate the allocation of and access to land resources. This may in turn impact on the operation of the formal land registration and cadastral system, because only the property rights allocated within a land tenure regime are recorded in the formal system.

The diverse organisational structures underpinning customary land tenure, can themselves influence and/or define the institutional arrangement of actors, rules, principles, procedures and practices of particular societies regarding the control over, access to, and administration of land resources.

It has been suggested that, “when policy neglects history, culture and social context, huge amounts of effort and funding can be wasted on misconceived initiatives, resulting in lost opportunities, as well as frustration and fatigue” [53], p. 14. This warning is timely for many countries in SSA where formal systems such as land registration are currently being introduced or improved.

## 1.2. Objectives

This paper argues that for introduced formal systems to succeed in providing the relevant information needed for the development of a viable urban real estate market, it is essential to examine the socio-political organisational structures and social context that underpin the prevailing

customary land tenure practices. To this end, the paper develops an analytical framework that can facilitate empirical examination of the impact of socio-cultural differences underlying land tenure systems on the operations and outcomes of its urban land registration systems.

The following two (2) sections presents empirical and conceptual issues that underpin the analytical framework.

## 2. Empirical Discussions

Empirical studies have confirmed that certain tacit elements within the social context can have varying impacts on outcomes. For example, in a comparative analysis of the economic development of Nigeria and Botswana, Aworawo [54] attributed the differences in the pattern of economic development of the two countries to the contrasting social structures of the countries. In a study of the implementation of new property rights regimes in two cities in Vietnam, Hanoi in the north and Ho Chi Minh City in the south, Kim [[55], p. 6] found that the differences in local politics and culture with respect to social norms underpinning property accounted for different outcomes. In a study from Nigeria, Oyerinde [56] found that different indigenous ordering principles regarding land relationships in three relatively similar Yoruba communities, namely Abeokuta, Ibadan, and Ile-Ife, resulted in different outcomes in terms of the development, distribution, and transformation of land rights. Finally, Rakodi and Leduka [57] found in six African cities – Lusaka in Zambia, Maseru in Lesotho, Enugu in Nigeria, Kampala in Uganda, and Gaborone in Botswana – that between 50% and 70% of land for housing is accessed through ‘informal’ mechanisms, which are mostly based on indigenous norms and institutions [58].

Taken together, the studies cited above emphasise the importance of factors implicit within a social context in influencing change and outcomes. Particularly with respect to the Vietnam and Nigerian cases, it is clear that, as far as formalisation of property rights are concerned, context-specific factors, even within the same country, are capable of influencing outcomes of change. One implication of these findings is that, in order to understand differences in institutional outcomes of fundamentally similar societies, it is important to scrutinize their social environments [59]. Consequently, the examination of context-specific factors is important if transplantation of institutions or institutional development is to stand any chance of success. In this context, there is a need to focus on understanding the mechanism by which informal institutions such as customs steadily influence the operations and performance of formal institutions, most of which are located at different levels of society [60].

## 3. Conceptual Discussions

This section conceptually examines key aspects of the concept of ‘social capital’ and their significance in explaining how elements of the social context can shape institutional development and produce different outcomes.

### 3.1. Social Capital and Outcomes

The concept of social capital has gained prominence in explaining how the social context of a society can influence different outcomes. The concept describes aspects of society’s social structure that influence the performance of its institutions. However, the growing application of social capital is notorious for the diversity of its definition. For instance, although Putnam [61] attributed social capital to include features of social organisations such as trust norms and networks, Coleman [[62], p. 98] extended this definition considerably when he noted that social capital is “...a variety of different entities, with two elements in common, [namely that] they all consist of some aspect of social structures, and they facilitate certain actions of actors ...within the structure”. Bourdieu [[63], p. 249], on the other hand, pointed out that that it is “the aggregate of the actual or potential resources which are linked to ...membership in a group ...owned capital”. Finally, Katz [[64], p. 115] noted that, “relationships among individuals give rise to something valuable. This intangible value – social capital – can then be drawn upon to improve individual and collective well-being.”

The varied applications of the concept of social capital have led to some ambiguities, and therefore to criticisms. In terms of definitions, it is often unclear whether social capital is an individual or a collective concept. In its application, the distinction between the measures of the sources of social capital and the measures of its outcomes are also unclear, and often only the positive outcomes of the concept are highlighted, disregarding possible negative aspects [65,66]. However, social capital may also manifest in negative outcomes that worsen rather than improve the performance of institutions and the development process [67]. As a result of the ambiguities, the concept of social capital has been described as a ‘buzzword’, embracing “[a]lmost any form of social interaction...” [[68], p. 567]. Hence, the full utility of the concept is called into question.

On close examination of the various definitions and applications of social capital, it is noted that evidently it is often framed in terms of the structural characteristics of groups and networks of social relations, as well as the norms and rules governing these relations [66]. In order to enhance analytical and empirical clarity it is prudent to have a clear understanding of how the specific notion of the concept is applied in particular circumstances [69]. This is especially important since social capital is context-dependent [70], and therefore factors such as history, traditions, culture and value systems, which shape various social structures (e.g. those that underpin the customary land tenure systems in SSA) are important to consider [64,67].

Following from the above observations, for social capital to be useful three aspects must be examined (a) its constituent *elements*, (b) the *connections* among the elements, and (c) the *consequences* that can be attributed to these elements and their interaction [[71], p. 217] emphasis in original. Thus, two different but interrelated components of social capital are identified in the literature, namely a **structural** and a **cognitive** component. These two components encompass the constituent elements of social capital and are relevant for the purpose of the objective of this paper.

The structural and cognitive aspects of the concept are useful for understanding how socio-political organisational structures that underpin land tenure systems, such as those in SSA, influence outcomes. The structural component relates to the tangible and observable aspects of social interactions, such as roles, rules, precedents, and procedures and the cognitive component refers to intangible and qualitative factors that govern social relations, such as values, norms and customs [66,71]. It is argued in the literature that it is the interactions between these two components which define, shape or limit institutional outcomes that are either positive or negative [66,72,73].

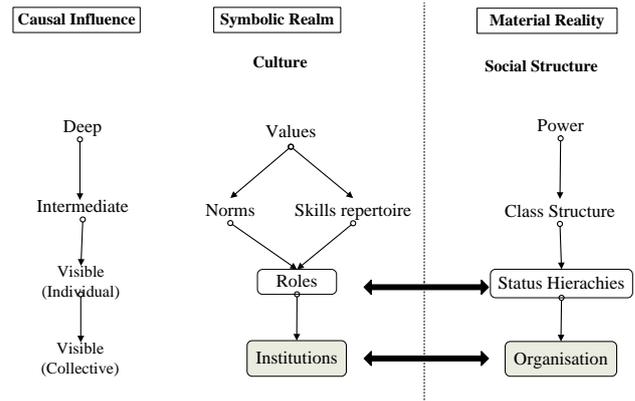
Consequently, to facilitate an empirical investigation of how the elements within the cognitive and structural components of social capital may impede or facilitate the process of institutional development and its outcomes, a clear understanding of the interdependence between the social organisation or structure of a society and its institutions is required. This is because how a society is organised in terms of the position and roles of authority figures, and the nature of the rules, customs and norms governing social relations, can have varying impacts on institutional development and outcomes.

### 3.2. Conceptual Distinction of Social Life

To facilitate the understanding of the interrelationships between social organisation or structure of a society and its institutions, a conceptual distinction of social life is necessary. The conceptual distinction is achieved by recognising that various elements of social life can be distinguished between the symbolic realm (culture) and the material reality (social structure) [74]. Both aspects of social life work together to establish the types of acceptable and unacceptable relationships that exist in a society [75].

The relevant elements of culture that underpin social relations, mutual understanding, and order include the (a) values, (b) norms, and (c) skills repertoire or body of knowledge required to exist in a society. The key elements of social structure that are observable parts of social life include (a) power structures, (b) class structure and (c) status hierarchies or positions in a society (Portes 2006). Social structure depicts the actual network of social relationships of individuals as they interact with each other according to their social roles and status within the patterns of society [76,77,78]. This distinction of social life facilitates understanding the differences that often occur between what is generally agreed to by society and what actually takes place [74], p. 237]. The distinction of social life and their interactions are depicted in in Figure 1.

The elements of the symbolic realm and material reality components of the framework shown in Figure 1 are arranged in terms of their causal influence from 'deep' to 'surface' or visible factors. The directions of the arrows in the diagram show the hypothesised causal influences of the various elements [74]. For instance, on the symbolic side of Figure 1, values influence norms and skills repertoire, whilst on the material side, power structures shape the class structure of society. The detailed causal influences of the elements of the framework and their implications are discussed in the following paragraphs.



**Figure 1** Conceptual Arrangement of Elements of Social Life (Source: Adapted from Portes [74], p. 241)

#### 3.2.1. Symbolic Realm Component

The symbolic realm component of Figure 1 shows that values are at the core of culture. Values provide general moral principles, such as what is good or desired [79]. As such, values can be inferred from everyday behaviour and they underlie the norms and the skill repertoire or the body of knowledge of a society [74,80]. Hence, values or principles are fundamental in understanding what goes in any aspect of social life and consequently they can facilitate an understanding of differences in societies.

Norms are fundamentally the rules that guide members of a society in their day-to-day activities. Norms provide the expectations that others will do what is right and reflect the cultural values of the society [74,81]. Consequently, norms are pervasive, affecting all spheres of social life [82]. A distinction can be made between legal norms, which are codified, and customary norms, which are unwritten and frequently obscure [81]. When norms are stable, generally acceptable, and internalised by the society, they can be referred to as customs or conventions [81]. Norms come together in organised forms as "roles" [74], and are at the visible level of the symbolic realm, shown in Figure 1.

Roles are the set of behaviours that are prescribed for individuals filling particular social positions [81], such as traditional rulers within African society or various types of officers within a formal organisation. The requisite skills or body of knowledge, which may vary across societies, shapes roles. Hence, the role of a chief in one traditional area may be different in another. Similarly, the role of the registrar in a land registration system can differ between different countries.

#### 3.2.2. Material Reality Component

The material realm of a society addresses the varying influences of the interests of individuals and groups with varying degrees of power. As shown in Figure 1, the key elements of social structure consist of power, social class, and status hierarchies. These elements are also arranged in hierarchical order of causal influence and correspond to the elements of the symbolic realm.

At the deep level of social structure is the power that persons possess to coerce others. Power, which is "the ability of an actor to impose his or her will despite resistance" [74], p. 239], is a basic element of social structure. For instance, elites in society who have power

over resources will usually want to maintain the status quo and will often seek to change societal values so that others will accept a given situation as appropriate [74]. Hence, power plays a critical role in the historical preservation of patterns of societal values [83].

The class structure usually reflects the power differentials in a society. Just as values are reflected in norms, different levels of power in a society are reflected in its social classes. The aggregates of social classes are determined based on the different levels of control and power over resources by persons occupying positions within the social structure of society. In addition to differences in accessibility to resources, social classes are also defined by the level of acquired expertise and ability to link up with others within the same class [74]. Hence, the class structure of society is usually reflected in areas such as property ownership, administrative and political relations, and the legal system.

The underlying nature of power differentials, reflected in the different class structures, is made visible through the status hierarchies or positions in societies. Status hierarchies are the actual positions that are occupied by authority figures and other members of a society [74].

### 3.2.3. Interdependence between Institution and Social Organisation

The double-ended arrows between the symbolic and material realms at both the individual and collective levels of Figure 1 depict the interdependence between these components of society. The interdependence is fundamental to the understanding of the conceptual interrelationship between institutions and social structure, or the organisation of a society.

At the individual level, roles on the symbolic side specify the expectations or functions of persons occupying status hierarchies or positions in a social structure. This means that deep-seated values, norms and the skills repertoire determine expectations of roles, whilst power and class structures shape status hierarchies and, hence, how roles are implemented.

The interrelationship between institutions and organisations at the collective level of the framework provides the means to define 'institutions'. At the collective level, a collection of roles come together to form institutions, whilst a group of status hierarchies or positions form organisations. Consequently, following Portes [74], p. 241, 'institutions' can be defined as representing the:

... symbolic blueprint for organisations: they are the sets of rules, written or informal, governing relationships among role occupants in social organizations like family, schools, and other major institutionally structured areas of organizational life: the polity, the economy, religion, communications and information, and leisure.

The interrelationship established by the above definition means that institutions have social structures reflected in how a society is organised (Portes 2006). The definition further shows that institutions are the rules that provide the blueprint or design by which organisations are supposed to operate. This conceptualisation implies that whilst institutional rules specify what ought to be done in a particular situation, the characteristics of an organisational structure determine what is actually done. Simply put, institutions symbolically specify how organisations are to perform.

One implication of the above conceptualisation of institutions is that it directs attention to the key areas of social context that must be examined in order to understand the factors that may impede or enhance the outcomes of institutional development. The interactions of different configurations of power and class structures that influence organisational structures and context-specific cultural elements that underpin institutions can influence the implementation of similar institutional rules.

Due to conflicting interests and influences that may arise, occupants of positions in organisations may differ in the implementation of similar institutional rules. Further, certain context-specific cultural values and norms within a society may influence the implementation of formal institutional rules by organisations, which may in turn affect institutional performance [84]. The implication of this assertions is that 'getting institutions right' goes beyond simply transplanting to other countries formal rules and regulations seen to be operating effectively in some contexts [85].

For institutional development initiatives to be effective, it is important to identify and understand what makes a particular institutional arrangement successful in one jurisdiction and fail in another [86], p. 451]. What is required is a context-specific empirical understanding of the impacts of the key elements of a jurisdiction.

## 4. The Analytical Framework

Based on the conceptual discussion, an analytical framework that can facilitate empirical examination of the impact of socio-cultural differences underlying land tenure systems on the operations and outcomes of its urban land registration systems is discussed.

### 4.1. Overview of the Analytical Framework

The analytical framework shown in Figure 2 has four components, namely (1) the institutional arrangement, (2) the institutional outcomes, (3) the market processes, and finally (4) market outcomes. These components establish, on the one hand, the link between an institutional arrangement and its outcomes and, on the other hand, market processes and outcomes. The arrows indicated in Figure 2 show the interrelationships and feedbacks between the various components. The solid blue arrows linking the various components portray the direction of causal influence. For instance, the nature of a given institutional arrangement may result in certain institutional outcomes that in turn influence market processes and ultimately market outcomes. During this process, there may be subtle reverse influences or feedbacks between the components, depicted by the broken blue arrows. The solid red arrows show the interrelationships that exist between formal and informal sectors of the social context of land administration. The solid blue arrows within the institutional arrangement component of the framework represent the internal interactions between institutional rules and organisational structures of the agencies within the formal and informal sectors. The following subsections discuss each of the components in more detail. One objective of the discussion is to identify relevant aspects that must be of interest.

## Social Context of Land Administration

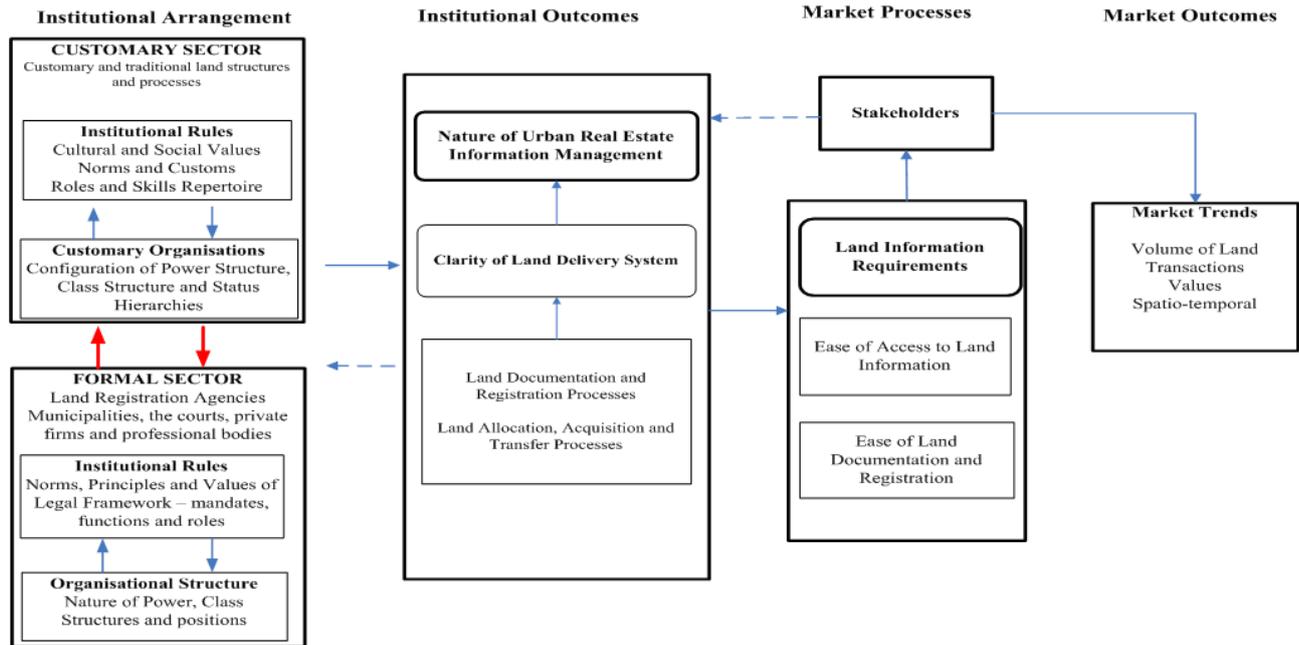


Figure 2. Analytical Framework (Source: Adapted from [91], p. 14)

## 4.2. Social Context of the Institutional Arrangement Component

The institutional arrangement component of the framework, shown in Figure 2, incorporates the conceptual distinction of institutions in order to provide greater opportunity to understand and explain why similar institutional forms may produce different outcomes even in the same country. The component directs attention to the underlying aspects of a social context (in this case of land administration) that must be examined. The key areas are (1) the characteristics of the inter-organisational relationships and (2) the internal interactions of agencies within the social context of institutional arrangement. The dynamic and complex interrelationships and interactions within the institutional arrangement component of the analytical framework can influence access to and control over land resources, and therefore have implications for any effort to implement or improve land registration systems within a social context.

### 4.2.1. Inter-organisational Relationships

The nature of inter-organisational relationships of agencies within the formal and customary sectors may have important implications for the outcomes of the operations of land registration systems. The formal and customary sectors, interact among themselves in order to achieve the overall objectives of a land administration system. The fact that there may be rules governing inter-organisational collaboration within a jurisdiction may not necessarily mean that these rules will be complied with by the organisations that exist in that jurisdiction [87]. This may result from disputes over mandates and jurisdictions between and among formal agencies and customary institutions. The result of non-compliance may significantly affect the achievement of desired objectives. Accordingly, the effectiveness and outcomes of institutional arrangements may vary, even within the same country.

Consequently, focusing attention on the nature of the institutional rules (legal, institutional and policy framework for land administration) in a given jurisdiction, and the mechanisms available for interaction between the formal and customary sectors will contribute to the identification of the distinct characteristics of the institutional arrangements, which in turn will contribute to understanding better the observed outcomes, even in the same jurisdiction.

### 4.2.3. Institutional Rules

Institutional rules provide the legal or customary framework that guides the operations of agencies. Hence, institutional rules have important implications for both formal and customary sectors of land administration in general and land registration in particular. The institutional rules that underpin formal agencies are defined by the principles that underlie the legal and policy instruments used to establish particular institutional forms such as land registration. The institutional rules set out the formal structure of organisations and define the objectives and functions of an organisation or system, based on specific principles [88].

In the customary sector, institutional rules that govern the processes of allocation and access to land are often not written. However, these rules are underpinned by context-specific social and cultural values, norms and customs, which provide the general framework for the governing of interpersonal, and land relations. Customary norms prevailing in a particular context, in addition to specifying the roles of authority figures such as tribal chiefs and heads of families, may also influence the actions of persons occupying positions in formal organisations [84,89].

The extent of conformity of formal principles to the prevailing legal and cultural context of a society may have significant implications on their effective implementation and outcomes [43,90]. De Laiglesia [91], p. 31 highlighted

the importance of social norms and customs in shaping legal norms when he argued that they create a “legal culture that can be very resilient and which policy should take into account if it is to succeed in shaping institutional outcomes” [91], p. 31]. Fitzpatrick [92] agreed with this point and noted that a change in property right regimes in developing countries can be affected by the nature of the interactions between formal state institutions and local norms. Particularly if formalisation of land rights is to be successful and able to capture relevant land information, the legal norms that underlie the process must align with the customary norms of society [39,90].

This alignment is particularly important because, as argued by Fitzpatrick [92], p. 1046], the “degradation of these norms, often in circumstances of state antagonism and illegitimacy, is at the heart of modern property rights failure in the Third World”. An implication of the above observations is that for positive institutional outcomes to be realised, there must be at best compatibility between, or at most mutual recognition of, legal and customary norms. This is because a divergence between formal legal rules and custom may lead to legal dualism, which may in turn cause legal uncertainty [93].

#### 4.2.4. Organisational Structures

Although institutional rules, as discussed above, set out the principles that underpin the institutional forms or designs, such as their formal structures and functions, the actual implementation of the rules may differ from place to place and from time to time. The implementation of the rules may differ because of the influences of the underlying deep power and class structures, which determine how persons in actual positions in formal or informal organisations perform their functions. Hence, the characteristics of the organisational arrangement can have significant impacts on how effectively or otherwise a particular legal or institutional rule would be implemented and, hence, on the subsequent institutional outcomes.

The capacity of agencies within the formal sector in terms of their level of understanding of the principles and practices of introduced systems, such as land registration, may affect the outcome of such systems. For instance, the effective performance of land registration is dependent on a solid understanding of its principles and practices by the implementing agencies. Inadequate understanding of the principles may lead to different interpretations of institutional rules, which in turn can lead to variations in the processes and procedures in different jurisdictions even within the same country.

The nature of the organisational structures that underpin land tenure arrangements may have important implications for the effectiveness of the interpretation and implementation of the customary rules. The different forms of organisational structures that underpin the customary land sector in SSA may influence access to and control over land resources. In addition, the ability of customary authorities to cope with challenges posed by rapid urbanisation, such as increased demand for urban land and rising land values, can have a significant impact on outcomes. In a situation where the traditional authorities are not able to cope with these challenges, negative practices may arise, such as speculative land purchasing or the usurpation of processes

by the elite leaving the most vulnerable members of society at risk [94].

### 4.3. Institutional Outcomes Component

The institutional outcome component of the framework, shown in Figure 2, relates to the nature of the real estate information management component of land registration systems in a particular jurisdiction. The clarity of the land delivery process (allocation, acquisition, transfer, documentation and registration of land rights) influences the ability to capture reliable, complete and up-to-date urban real estate information such as land ownership and rights, land use, location and value. In addition, the clarity may influence the operation of land market processes and outcomes.

The urban land delivery system in most countries in SSA is complex. In fact, in many countries, the delivery of urban land is mediated by a complex combination of customary, informal and formal rules and processes [57,95,96,97]. The complexity of the land delivery system in terms of the involvement of embedded social institutions is highlighted by Rakodi [98]. She points out that “[l]and delivery systems reflect complex patterns of interaction between actors in property markets ... governed by institutions or rules derived from deeper social structures, political systems and legal orders” [98], pp. 264-265]. Even in cities where statutory agencies control land, informal and customary processes continue to play important roles in the land delivery process, often due to dysfunctional formal systems [48,99].

Given the complexities governing urban land delivery systems, it stands to reason that in order to explain the nature of the urban real estate information management in a jurisdiction, it is necessary to gain a clear understanding of how customary and formal processes operate in tandem and independently either to enhance or to impede the urban land delivery process. Any impediments encountered in the land delivery process may result in fewer persons acquiring and registering their land rights, which may in turn affect the ability to capture or update required information.

A number of measures have been identified to assess the effectiveness of land administration systems. Indicators identified to measure the success of land administration reforms points to security, clarity and simplicity, timeliness, fairness and accessibility as important to improve the quality of land information systems [31]. To assess the effectiveness of tenure security in land administration, indicators such as the total number of parcels registered, the number of land transfers registered, the time taken for registration and the annual running costs are used [100]. These indicators suggest variables that are important in assessing the effectiveness of governance in land administration systems. However, to assess the clarity of the urban land delivery process, the indicators have been narrowed to an understanding of the time spent, number of steps taken, and cost involved in the acquisition, transfer and registration of land rights.

The above measures of the land delivery process can facilitate the assessment of the effectiveness of the process for the capturing, storing and disseminating land information

for market participants and other stakeholders. The assessment of the nature of the urban real estate market information management must therefore examine how administrative and customary processes that underpin the land delivery system are integrated within a social context.

#### 4.4. Market Processes and Outcomes Components

The effectiveness of urban real estate information management may affect the functioning of the processes of urban real estate market in terms of how stakeholders meet their requirements for the relevant and up-to-date land information that is required to make informed decisions. The market processes and outcome components of the framework in Figure 2 focus on how market participants react to the impact of the interactions between the formal and customary sectors in a particular context.

Given the complexities of interrelationships that occur within each social context regarding the administration and access to land, even in urban areas, there is a need to approach the assessment of market outcomes differently. In this context, Kihato [97] argued that “understanding urban land markets on the [African] continent is not so much an exercise in retrofitting existing neo-classical explanatory devices, but rather [in] analyzing these markets in their own terms and developing a new vocabulary for explaining what we see on the ground”. Consequently, following Keogh and D’Arcy [101], the market is perceived from an institutional perspective. This perspective allows the assessment of market outcomes to shift from a focus on the overall efficiency of the market to the effectiveness of the market processes that lead to specific market outcomes.

This shift in focus makes it possible to identify the relative influences of social processes on the market’s operation as well as how the market shapes customary land administration practices. Further, it allows for the information needs of the participants in the market to be identified and assessed in addition to how the requirements for information are being met. The examination therefore focuses on the interactions among the various market participants in terms of the channels available for accessing information as well as the identification of constraints [[102], p. 8]. It is expected that such an institutional approach to market analysis will provide a better prospect for gaining important insights into the structure of the market itself.

### 5. Conclusions

To address land information deficiencies in SSA countries, there is a need first to identify and understand the complex interactions between formal and customary institutions with respect to the nature and the operations of historical and prevailing land tenure systems. An analytical framework has been developed based on a conceptual discussion of the link between institutions and the social organisation of a society. The framework identified elements within the social context of a jurisdiction that could create barriers to the effective provision of relevant land information management by

urban land registration systems and, ultimately, on the effectiveness of the urban real estate market processes and outcomes. The elements of the framework form the pathway to empirically examine and identify factors within the social context of a jurisdiction that may affect the outcomes of the institutional arrangement for land registration regarding its real estate information aspect.

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