



AND **Locate25** | **G**
THE NATIONAL GEOSPATIAL CONFERENCE



Collaboration, Innovation and Resilience: Championing a Digital Generation

Brisbane, Australia 6–10 April

A Conceptual Framework for Enhancing Legal Pluralism in Land Administration Systems

Kehinde BABALOLA

Simon HULL

Jennifer WHITTAL (presenter)

April 2025

No. 13001

08/04/2025

11:30-13:00

Land Policy and Legal Perspectives (C7)



PLATINUM SPONSORS



8-10 April 2025 in Brisbane, Australia
Presented at the FIG Working Week 2025

Why is a new conceptual framework needed?

- Failure of land administration systems:
 - Multiple legal systems not recognized as equal
 - Conflict between customary and statutory legal systems
 - Needs of actors are not met
- Reform of official state legal systems requires understanding of alternative normative legal systems

Legal pluralism occurs when two or more legal systems coexist

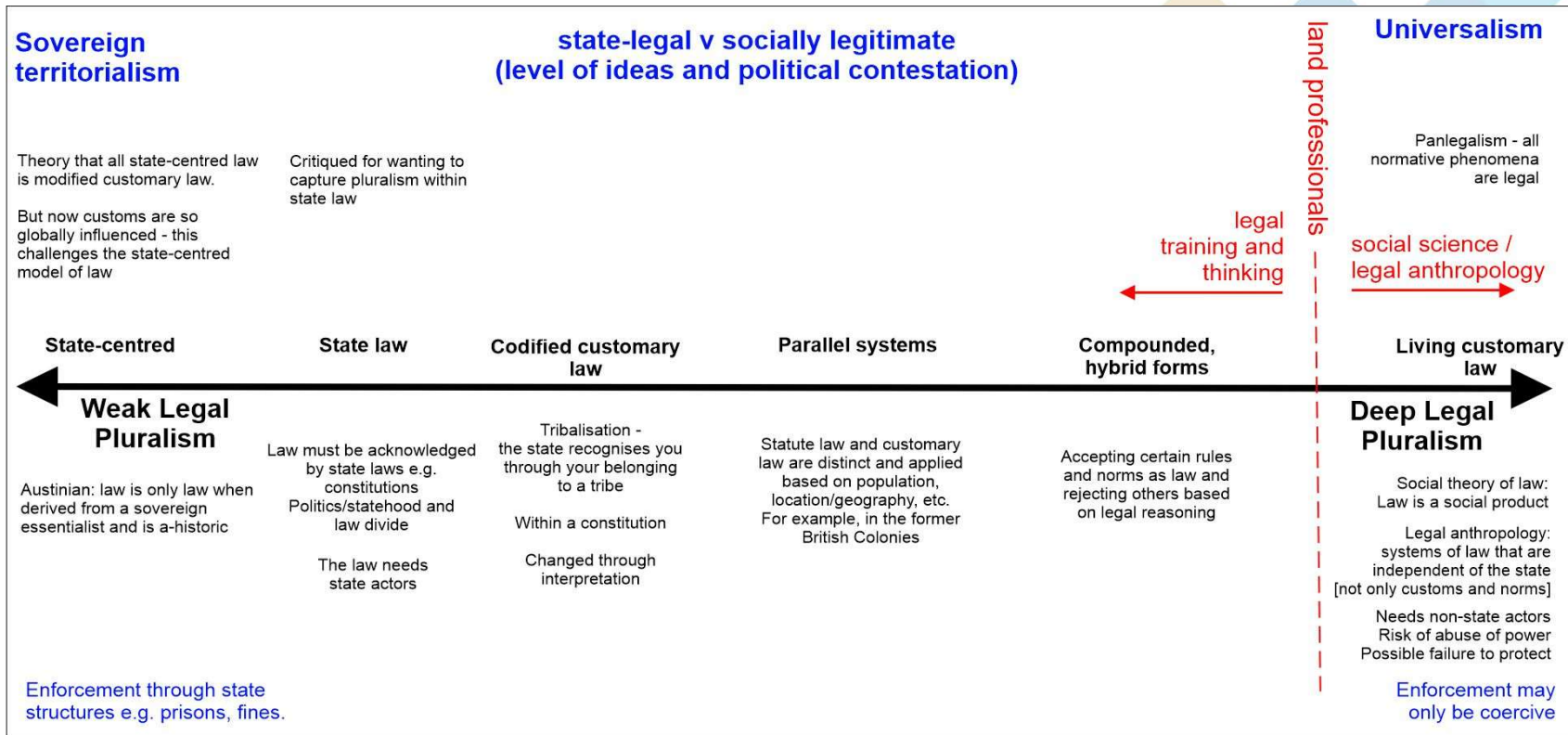
official state law

customary law

religious law

other normative legal systems

Woodman's continuum of legal pluralism



A new framework

- Supports extending or modifying land administration and management **beyond**
 - ignoring legal pluralism
 - articulation (legal recognition) or
 - adaptation (transformation)
- Gives **equal weight** to all forms of alternative normative legal systems

Methodology

- Case Study - Ekiti State, Nigeria
 - **Legal pluralist context:** sources of law are Constitution, customary law, legislation (statutes, Ordinances, decrees, bylaws, and edicts), received English law (common law), Islamic law, judicial precedents, international law, legal writings
 - **Vulnerability:** high demand for land & loss of agricultural land - impacts livelihood of the peri-urban dwellers



CASE STUDY RESULTS & CONCLUSIONS

- In prior research
 - Soft Systems Methodology – conceptual modelling of peri-urban land administration challenges
 - weakness in the organisational and institutional framework of peri-urban Ekiti State
 - ‘Inherited’ legal system dominates the ‘inherent’ land administration system
 - lacks legitimacy
 - 8 Rs of Responsible Land Management – assess land management interventions
 - LAS is dysfunctional – need to improve 4 of the 8 indicators
 - legitimacy and jurisdiction need to be improved
 -

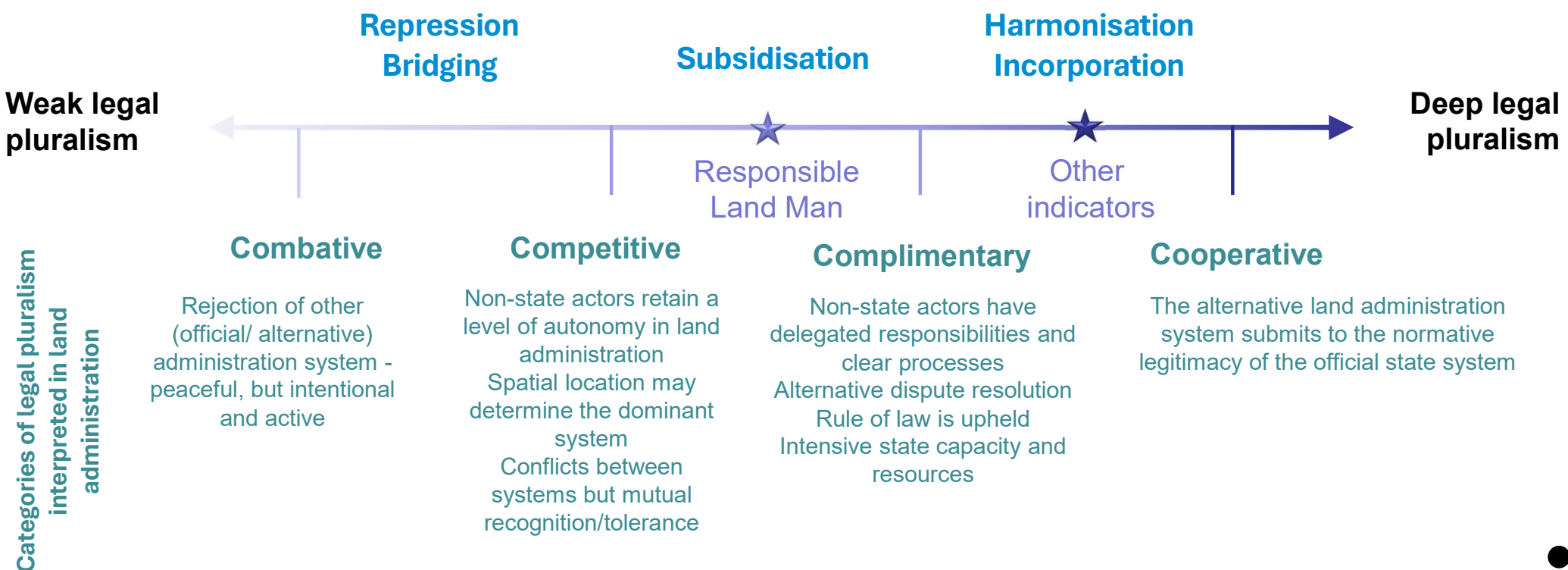
CASE STUDY RESULTS & CONCLUSIONS

- In prior research ...
 - interrogate the institutional and legal frameworks against FFPLA criteria
 - Not FFP and fails to meet the needs of peri-urban dwellers
 - Flexibility needs improvement
 - institutional isomorphism theory to understand the pressure exerted on the customary legal framework (customary courts and the Customary Court of Appeal of a State)
 - Customary court processes need to be strengthened
 - Constitutional support is required
- In this paper
 - legal pluralism lens
 - development of conceptual framework and tools

RESULTS & CONCLUSIONS – Legal pluralism model & indicators

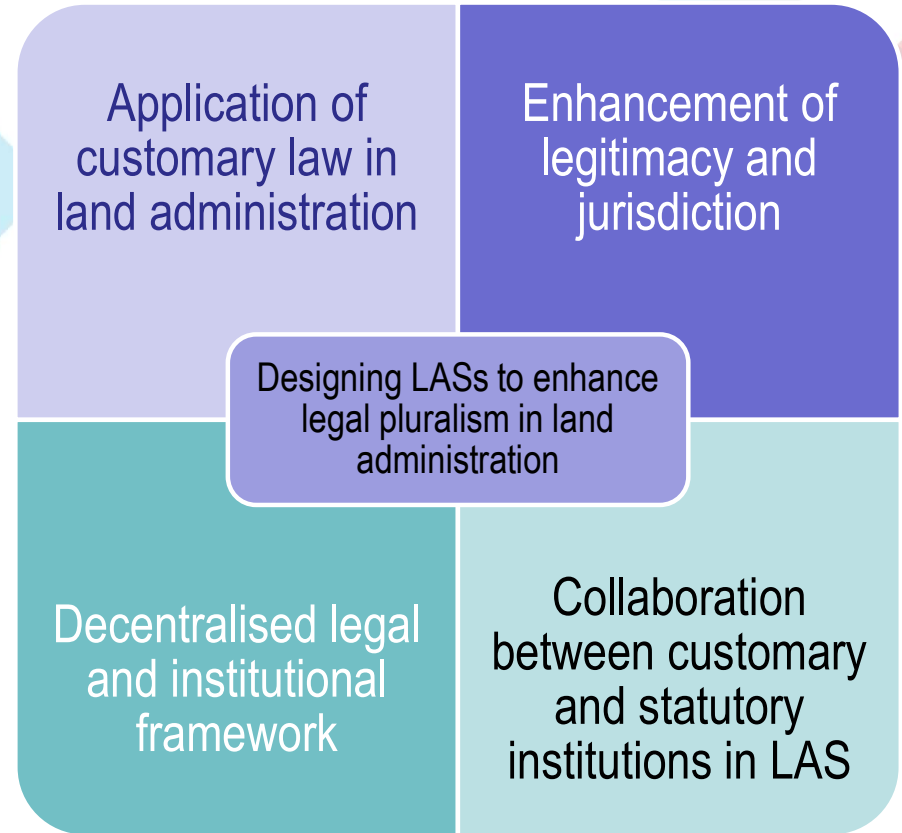


RESULTS & CONCLUSIONS – approaches to incorporating non-state actors



CONCLUSIONS – conceptual model

- Remember - a state of balance/harmony should be sought between weak and deep forms of legal pluralism
- enhancing legal pluralism requires:
 - application of customary law in land administration
 - enhancement of legitimacy and jurisdiction
 - collaboration between customary and statutory institutions
 - decentralisation of the legal and institutional frameworks
 - improvement in Responsible Land Management



Overall conclusions

- **Conceptual framework and tools** are designed for strengthening legal pluralism and thus land tenure security
 - Useful in developing world and complex contexts
 - Includes justice systems, institutions, approaches and processes
- Further supports the value of **empirical research** in theory building

The most relevant SDGs related to the presentation and theme of this session



SUSTAINABLE DEVELOPMENT GOALS

International Federation of Surveyors supports the Sustainable Development Goals

STEP 1: SELECT HERE THE THREE MOST RELEVANT SDGs
STEP 2: COPY THE SDG INTO PREVIOUS SLIDE

