



Improving land governance & implementing the VGs:
Can the LGAF help?

NO.	NAME OF THE VILLAGE	NAME OF THE VILLAGE HEAD	NAME OF THE VILLAGE	NAME OF THE VILLAGE	NAME OF THE VILLAGE	NAME OF THE VILLAGE
1						

Why is it difficult to address land governance

- ▣ **Land as a key development issue**
- ▣ **But: Key challenges to good land governance**
 - Context dependence (no patent solution)
 - Fragmented institutions (agriculture, urban, forest, environment, local gov't...)
 - Vested interests opposing change (one of the most corrupt sectors)
 - Technical complexity (can do irrelevant things for long time)
- ▣ **Resulting difficulties to address land issues constructively**
 - Technocratic, non-sustainable & non-scalable approaches (indiv. title)
 - No broad vision & continuity of reform efforts (incl. piloting)
 - Inconsistent approaches
 - High risk & perception of being too complicated
- ▣ **To change this, we need a paradigm shift ('VG spirit')**
 - Long-term country-level reform agenda based on comprehensive assessment
 - Based on analysis & understanding by **all** relevant groups
 - Embedded in a process of continued monitoring of risks & incentives to move
 -

To allow this, countries need to know...

- ▣ **... where they want to go (vision & goals -)**
 - Create legal & institutional framework to allow secure land rights and access to land for a all (continuum), allow cost-effective enforcement & encourage investment
 - Provide reliable & complete information on land rights to allow low-cost verification, transfer, and use of land as collateral
 - Regulate agents' behavior to avoid negative externalities & allow effective public service provision
- ▣ **... where they are (assessment, good & bad practice)?**
 - Assessment in a participatory way based on *existing information* (not endless study)
 - Has to be country-specific but structured thematically
 - To allow learning from good practice elsewhere in most rapid way
- ▣ **... how to get there (roadmap) & monitor progress**
 - Consensus/negotiation among stakeholders on what priority issues are
 - Stepwise approach, using pilots on the ground to formulate policy
 - Roll out once concepts have been implemented successfully, sustainability is feasible, and long-term impact on development is proven

The 5 core LGAF areas

▣ **Legal & institutional framework**

Laws & institutions recognize existing rights and allows users to exercise them at low cost, in line with their aspiration, in ways that benefit society as a whole. Policies are clearly stated, equitable, gender sensitive, and regularly monitored.

▣ **Land use planning & taxation**

Land use planning and taxation avoid negative externalities, at reasonable cost, and support effective decentralization

▣ **Management of state land**

State land is clearly identified and managed efficiently to provide public goods; expropriation is used as a last resort for public purposes only with quick payment of fair compensation and effective appeals mechanisms; divestiture of state lands is done in a transparent way that maximizes public benefit

▣ **Public provision of land information**

Land information accessible at reasonable cost, comprehensive, current, reliable

▣ **Dispute resolution & conflict management**

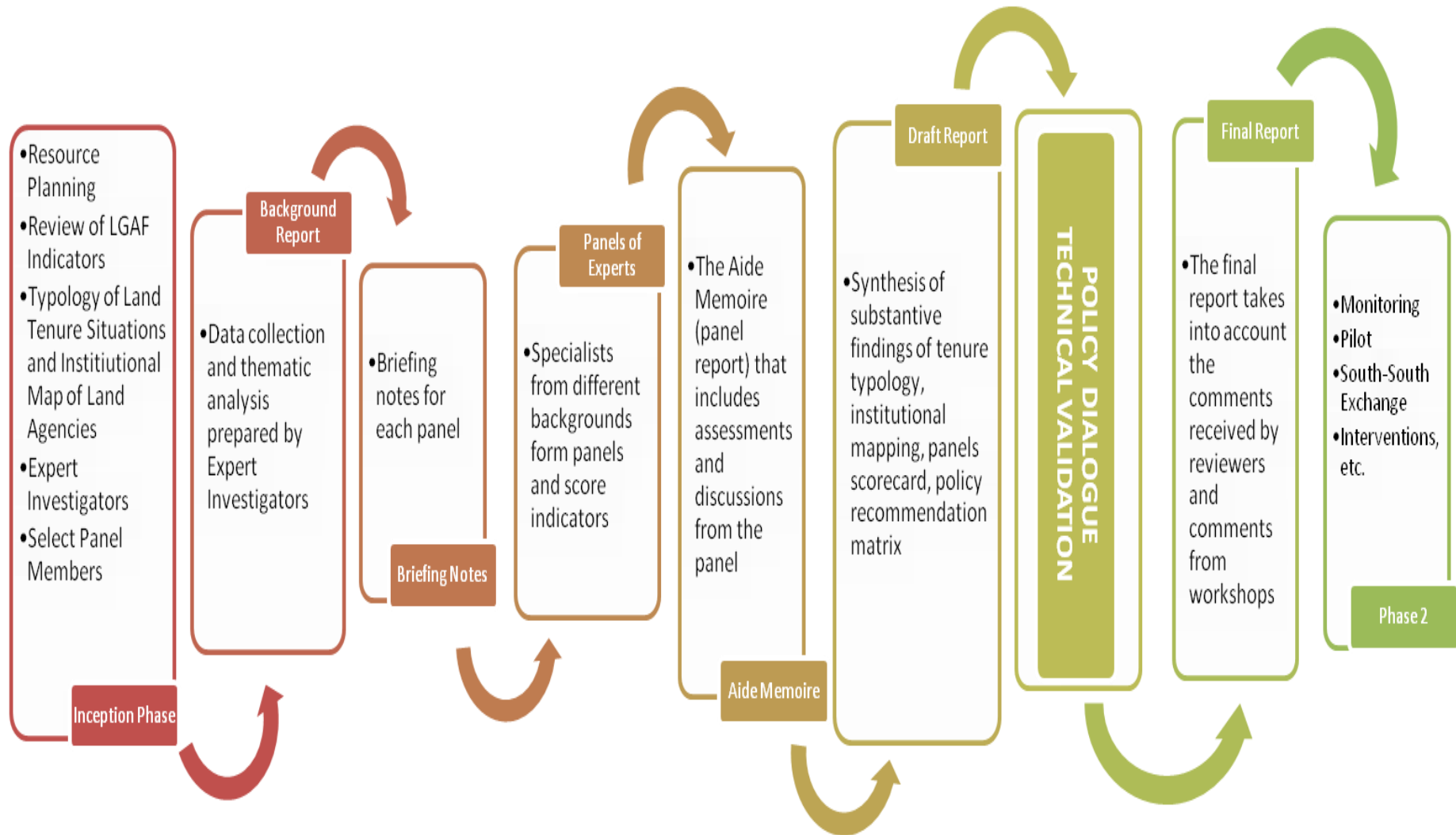
Interested parties have access to institutions that have well-defined mandates to authoritatively resolve dispute and effectively manage conflict

▣ **Modules on large scale land acquisition, forest, regularization & (hopefully soon) urban**

Methodology to make this operational

- ▣ **Key principles of LGAF application (contrast to PEFA)**
 - Local expertise/ownership: country coordinator & panels rather than of outside experts
 - Constructive rather than evaluative: Good practice virtually everywhere
 - Technical rather than political: Aims to be objective, replicable, actionable
- ▣ **Step 0: Inception & work plan preparation**
 - Adaptation of framework to local circumstances
 - Tenure typology and institutional mapping
 - Identification of expert investigators & possible panels (peer review to ensure comprehensiveness)
- ▣ **Step 1: Put together existing information**
 - Expert investigations: Summarize existing info in key areas; info on all dimensions
 - Preliminary ranking & tentative priorities
 - Circulated to panel members for
- ▣ **Step 2: Panel sessions to rank& identify priority actions**
 - 8 panels to get consensus ranking stakeholders
 - Priority recommendations & ways to monitor; peer review
- ▣ **Step 3: Disseminate results & agree on a process for follow-up**
 - Country-level validation workshop to confirm rankings & articulate policy messages
 - Policy dialogue with suggestions to get policy-maker reactions
 - Ideally, annual follow-up meetings

Methodology to make this operational



Example for LGAF dimensions with coded answers

LGI 16, Dim. I	Assessment
<p>Mapping/charting of registry records is complete.</p>	<p>A – More than 90% of records for privately held land in the registry are readily identifiable in maps held by the registry or the cadastre.</p> <p>B – Between 70% and 90% of records for privately held land in the registry are readily identifiable in maps held by the registry or the cadastre.</p> <p>C – Between 50% and 70% of records for privately held land in the registry are readily identifiable in maps held by the registry or the cadastre.</p> <p>D – Less than 50% of records for privately held land in the registry are readily identifiable in maps held by the registry or the cadastre.</p>

Comments for LGI 2 (i)

Analysis & options for improvement:

Data source/reliability:

Example for LGAF dimensions with coded answers

LGI 2, Dimension i	Assessment
<p>There is a complete recording of publicly held land.</p>	<p>A – More than 70% of public land is clearly identified on the ground and in maps.</p> <p>B – Between 50-70% of public land is clearly identified on the ground and in maps.</p> <p>C – Between 30-50% of public land is clearly identified on the ground and in maps.</p> <p>D – Less than 30% of public land is clearly identified on the ground and in maps.</p>

Comments for LGI 2 (i)

Analysis & options for improvement:

Data source/reliability:

Example for LGAF dimensions with coded answers

LGI7 Dimension iii	Assessment
<p>The public captures benefits arising from changes in permitted land use.</p>	<p>A – Mechanisms that allow the public to capture a significant share of the gains from changing land use are regularly used and applied transparently based on clear regulation.</p> <p>B – Mechanisms that allow the public to capture a significant share of the gains from changing land use are applied transparently but not always used.</p> <p>C – Mechanisms that allow the public to capture a significant share of the gains from changing land use are rarely used and applied in a discretionary manner.</p> <p>D – Mechanisms that allow the public to capture a significant share of the gains from changing land use are not used or not applied transparently.</p>

Comments for LGI2 (i)

Analysis & options for improvement:

Data source/reliability:

Implementation experience thus far

▣ **Global framework**

- Partnership by World Bank, FAO, IFAD, UN-Habitat, IFPRI
- Builds on pilot test/ESW in Peru, Kyrgyz Rep., Tanzania, Ethiopia, Indonesia
- Get local buy-in to provide basis for continued national dialogue

▣ **Initial focus on Africa & ECA**

- Georgia, Ukraine: Good practice in registry reform; highly controversial
- Nigeria (now state level), Ghana, South Africa: Input into operations
- Rwanda, Malawi, Benin: Ongoing reforms & implementation
- Madagascar, Mali, Cameroon: Civil society land observatories
- DRC, Iraq (UN Habitat): Post conflict
- Senegal, Mauritania, Gambia: Expanding coverage

▣ **A surprising amount of demand**

- Colombia, Honduras, Brazil (3 states)
- Vietnam, Philippines, Myanmar, Indonesia (1 state), India (6 states), Bangladesh
- Moldova, Romania, Croatia, Azerbaijan
- Senegal, Mauritania, Gambia, South Sudan, Sudan, Liberia

1. LEGAL & INSTITUTIONAL FRAMEWORK

GE GH NG SA BR MG MW

Recognition of a continuum of rights									
1	i	Land tenure rights recognition (rural)	A	A	A	B	A	A	B
1	ii	Land tenure rights recognition (urban)	A	A	A	B	B	C	C
1	iii	Rural group rights recognition	D	A	C	B	C	B	C
1	iv	Urban group rights recognition in informal areas		B	C	C	C	D	C
1	v	Opportunities for tenure individualization	D	B	C	C	$\frac{C}{D}$	A	C
Enforcement of Rights									
2	i	Mapping/registration of claims on communal land	D	D	D	D	D	D	D
2	ii	Registration of individual rural properties	A	D	D	A	A	D	D
2	iii	Registration of individual urban properties	A	D	D	A	A	NS	C
2	iv	Recognition of women's right in formal system	C	D	D	A	A	C	C
2	v	Condominium regime to manage common prop.	C	C	B	A	$\frac{C}{A}$	A	C
2	vi	Compensation due to land use changes	D	C	B	B	D	C	C
Mechanisms for Recognition									
3	i	Non-documentary evidence to recognize rights	B	C	C	C	C	C	B
b3	ii	Formal recognition of long-term possession	C	C	D	C	A	A	B
3	iii	Formal fees for 1st time registration low	C	C	D	D	C	D	B
3	iv	No significant informal fees for 1st time reg.	C	D	C	B	A	D	B
3	v	Housing formalization feasible & affordable	B	C	C	C	A	D	B

2. LAND USE PLANNING AND TAXATION			GE	GH	NG	SA	BR	MG	MW
7	i	Urban planning based on public input	C	B	C	B	C	B	D
7	ii	Rural planning based on public input	C	D	D	B	D	B	D
7	iii	Public capture of changes in land use	B	C	C	B	C	D	D
7	iv	Speed of land use change	C	A	D	A	C	B	A
Efficiency of Land Use Planning									
8	i	Planned development process: Largest city	C	C	D	A	D	B	A
8	ii	Planned development process: 4 next cities	C	C	D	A	D	C	C
8	iii	Planning copes with urban growth	C	C	C	C	D	C	C
8	iv	Plot size adherence	B	C	C	A	D	D	D
8	v	Plans for other uses in line with reality	A	D	D		B	B	C
Speed and Predictability of Permits									
9	i	Res. building permits affordable/transp.	A	C	C	B	C	C	C
9	ii	Time to get building permit	A	C	C	A	C	C	NS
Transparency of Valuation									
10	i	Clear process of property valuation	D	C	D	A	C	C	B
10	ii	Public availability of valuation rolls	A	C	C	A	C	B	A
Tax Collection Efficiency									
11	i	Property tax exemptions justified	A	C	B	A	A	C	A
11	ii	Completeness of tax roll	A	D	D	A	A	C	A
11	iii	Assessed property taxes are collected	A	C	C	B	B	C	D
11	iv	Taxes higher than cost of collection	C	C	D	A	NS	B	A

3. MANAGEMENT OF PUBLIC LAND			GE	GH	NG	SA	BR	MG	MW
Identification and management of public land									
12	i	Public ownership justified	A	B	C	B	B	B	B
12	ii	Complete recording of public land	C	C	C	A	A	C	B
12	iii	Management resp.for public land	A	B	C	C	B	B	C
12	iv	Institutions resourced properly	A	C	D	C	C	D	C
12	v	Public land inventory publicly accessible	B	C	C	A	A	D	C
12	vi	Key info on land concessions is public.	A	B	B	C	A	C	C
Incidence of Expropriation									
13	i	Expropriated land transferred to privates	A	A	C	A	NS	B	A
13	ii	Speed of use of expropriated land	A	D	C	A	A	A	A
Transparency of Expropriation Procedures									
14	i	Comp.for exprop of ownership	A	B	C	C	A	C	B
14	ii	Comp.for exprop of other rights	A	B	C	C	D	C	C
14	iii	Promptness of compensation	A	C	D	B	A	C	C
14	iv	Independent & accessible appeal	A	B	D	B	A	B	A
14	v	Appeal is time-bounded	A	C	C	D	D	B	C
Transparent Processes for Divestiture of State Land									
15	i	Openness of public land transactions	A	D	D	D	D	A	D
15	ii	Collection of payments for public leases	A	D	C	C	A	C	D
15	iii	Modalities of lease or sale of public land	A	D	B	C	D	D	B

4. PUBLIC PROVISION OF LAND INFORMATION			GE	GH	NG	SA	BR	MG	MW
Completeness of Registry Information									
16	i	Mapping of registry records	C	B	D	A	A	D	B
16	ii	Relevant private encumbrances	A	A	A	A	B	C	A
16	iii	Relevant public restrictions	A	C	C	C	A	C	C
16	iv	Searchability of the registry	A	C	A	A	A	C	A
16	v	Accessibility of registry records	A	A	B	A	A	A	B
16	vi	Timely response to requests	A	A	C	A	B	D	B
Reliability of Registry Records									
17	i	Registry focus on client satisfaction	A	B	D	C	B	D	B
17	ii	Cadastral/registry info up-to-date	D	B	D	A	D	C	C
Cost Effectiveness and Sustainability									
18	i	Cost to register transfer	A	C	D	C	A	D	D
18	ii	Fin. sustainability of registry	A	D	D	A	A	B	D
18	iii	Capital investment	A	C	D	A	D	C	D
Transparency									
19	i	Fee schedule public	A	C	C	A	A	B	B
19	ii	Informal payments discouraged	A	D	D	A	A	C	D

CONFLICT RESOLUTION		GE	GH	NG	SA	BR	MG	MW
Responsibility for Conflict Resolution								
20i	Access of conflict resolution	A	B	B	B	B	A	B
20ii	Informal dispute resolution recognized	B	A	A	C	A	C	C
20iii	Forum shopping	A	B	B	C	D	B	C
20iv	Possibility of appeals	B	C	C	D	C	C	C
Low Level of Pending Conflicts								
21i	Conf. res. in formal system	A	C	B			NS	B
21ii	Speed of formal resolution	A	D	D	D	D	D	D
21iii	No. of long-standing conflicts	A	D	D	D	D	C	C

Insights from country level

- ▣ **Good practice in every country - can be shared**
 - State land inventory, LUP for urban expansion, admin./comm. Boundaries
 - Recognition of rights, institutions basis for reforms
 - Institutional reform (upside down), establishment of private surveyors
- ▣ **But there are also weaknesses to be addressed**
 - Public land management non-transparent, institutions non-sustainable
 - Dualistic land ownership structures; lack of recognition of commy/forest
 - Cost of surveying; insecurity, mis-information land-related corruption
- ▣ **Common gaps where we need to push the frontier**
 - Low-cost recognition (incl. mapping) of rights (individual or communal)
 - Unaffordable cost of land transfers, institutional overlaps , fees
 - Non-transparent mechanisms to acquire land & transfer to private interests
 - Policy statements unclear; monitoring absent or non-participatory

Samples of policy recommendations

1. LEGAL AND INSTITUTIONAL FRAMEWORK (Nigeria)

Policy issue	Proposed action	Monitoring indicator
<p>The fact that more than 30 years after its passage, none of the key pieces of regulation envisaged in the Land Use Act (S. 3 and 46) has been passed, undermines land governance and effective land use in the country.</p> <p>A high degree of vertical and horizontal overlap among land institutions creates confusion, high levels of transaction costs, and undermines governance in the sector.</p>	<p>Establish National Land Commission as technical body with representation from key actors to enable the National Council of States to pass needed regulation and to monitor land system performance on a regular basis.</p> <p>Conduct and carefully evaluate pilot studies in relevant areas to provide evidence to inform drafting of key regulations for land registration & survey/mapping in at least two states within 1 year.</p> <p>Study to identify horizontal and vertical overlaps in the land system and recommend solutions.</p>	<p>Establishment of the Commission. Regulations drafted.</p> <p>Evaluation of pilots available.</p> <p>Information system and institutional arrangements to monitor key outcomes (ha of land acquisition and allocation, issuance of CoOs & ROs, leases and land transfers, boundary conflicts) based on administrative data in place and initial monitoring report produced.</p> <p>Detailed study of administrative overlaps in the land system conducted and recommendations disseminated & discussed.</p>

Samples of policy recommendations II

POLICY RECOMMENDATIONS (Georgia)		
Policy issue	Proposed action	Monitoring indic.
<p>Expensive re-surveys are required to register/transact land registered before 2006. This increases transaction costs & reduces the scope for land markets.</p> <p>High fees (50 GEL per parcel) discourage registration of low- value (agricultural) land, thus undermining completeness of the registry and posing obstacles to land market functioning.</p> <p>Lack of data on land rights and use constrains policy formulation and monitoring.</p> <p>Gender disaggregated data on land ownership and transfers are not available</p>	<ol style="list-style-type: none"> 1. Pilot & establish low-cost procedure to use existing maps as index maps 2. Based on analysis of cost & benefits, reduce fees for first registration 3. Design system & identify agency to monitor progress. Prepare design study. 4. Allow gender-based monitoring by adding relevant fields in registration software. 	<p>Increase of land registration, leases, & land transfers.</p> <p>Increase in land transactions</p> <p>System designed; reports available on a regular basis.</p> <p>Regular reports</p>

Some lessons from implementation

- ▣ **Flexibility of the tool – can be used by stakeholders**
 - Facilitates recognition of common interests among stakeholders (in Gov't & beyond)
 - Substantively: Not only for low-income countries (Brazil, India, Peru, Georgia)
 - Provides information basis that can be used by stakeholders (ILC land reporting in Rwa)
 - Process: Across cultures - with TA and peer input
- ▣ **Help focus & institutionalize ongoing efforts at country**
 - Helped establish & institutionalize constituency for reform in Nigeria
 - Inform ongoing projects, including large scale investment (Ghana)
 - Set agenda for investment climate reform even in top performers (Georgia)
- ▣ **Moved the land agenda up one level**
 - Establishment of Gov't working group with donors to follow up (Malawi)
 - Inclusion in country strategy in numerous cases, including DPL (legal reform)
 - Allowed arguments for good land governance (policy) to be made with Min of Finance etc
 - ... and generate larger support if pilots can be proven successful

Challenges for LGAF to help implement VGs

- ▣ **Disseminate results and deepen process within country**
 - Country level: through groups involved in the initial effort & others
 - Regional/global level: Link to other measures (APRM or MDGs)
 - By getting information not available in the first round due to time constraints
 - Establish basis for participatory follow-up monitoring & accountability (LGAF lite)
 - Ensure this is not a one-off effort – and that there is a continued stream of good practice
 - Use CCs as multipliers & establish regional networks
- ▣ **Bridging the ‘piloting gap’**
 - Ensure resources to support country-level LGAF recommendations are available
 - Could form one of the criteria for initiation of new LGAFs (plus local commitment)
 - If linked to rigorous evaluation, this can generate empirical evidence for key issues
- ▣ **Ensure follow-up on inclusion of land in country strategies**
 - Provides a rare opening
 - But needs to be built on at country level
 - Partners and civil society play a critical role

Conclusion

- ▣ **Land governance has to be improved at the country level**
 - Articulating a long-term vision building on work by all partners (not reinventing wheel)
 - Objectively assessing situation against best practice
 - Involving all stakeholders to prioritize next steps
 - Mechanisms for accountability (LGAF lite) rather than one-off efforts
- ▣ **Doing so requires the ‘VG spirit’**
 - Response to country demand, breaking down traditional silos
 - Sustained support from partners (rather than stop-and go)
 - Piloting and then roll-out of promising approaches
 - Embedded in periodic participatory review to minimize risks
- ▣ **The LGAF can help address these issues among all partners**
 - Developed & piloted through partnership between FAO, UN-Habitat, IFAD, WB, IFPRI
 - Has had positive results in a number of instances & generated strong demand in Bank
 - Deepening & widening the impact will require expansion of partnership & dialogue
 - It is a very good diagnostic tool to start taking things forward
 - If we manage to do this, Bank can greatly expand support for good land governance