

LEARNING PRODUCT

# Lessons from Land Administration Projects:

A Review of Project  
Performance Assessments



**IEG**  
INDEPENDENT  
EVALUATION GROUP

**WORLD BANK GROUP**  
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**WHAT  
WORKS**

# Lessons from Land Administration Projects: A Review of Project Performance Assessments

**IEG Category 1 Learning Product**

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## Abbreviations

CLS	Customary land secretariats
IEG	Independent Evaluation Group
IFAD	International Fund for Agricultural Development
IFC	International Finance Corporation
PPAR	Project Performance Assessment Report
LT1	First Lao PDR Land Titling Project
LPT II	Second Lao PDR Land Titling Project
SDGs	Sustainable Development Goals

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# Overview

Land rights and the systems that administer them can vary significantly across the world and within countries (World Bank 2003). For a number of reasons, land rights may be unclear or insecure. Securing land rights plays an important role in driving economic growth and poverty reduction. In recent years there has been increasing awareness of the relevance of land tenure issues to food security, climate change, rapid urbanization, informality, and indigenous peoples' rights.

The World Bank Group has a long history of developing and implementing projects aimed at securing land rights through a variety of interventions. This note synthesizes cross-cutting findings from 14 Independent Evaluation Group assessments of land administration projects that the World Bank has supported from 1998 to 2014.

The project-level assessments reviewed for this report contain a wealth of information about how the Bank Group approached different problems related to strengthening land administration systems in diverse environments. This information is relevant to both land administration specialists and experts in other fields whose work is impacted by land tenure issues.

Some of the lessons identified by the review may be more relevant for some regions than others. Also, some of the lessons and concepts highlighted in this review are reflected in the 2012 "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests," currently promoted by the World Bank in partnership with the Food and Agriculture Organization of the United Nations and other agencies, and the 2014 "Fit-for-Purpose Land Administration" report, a joint publication of the World Bank and the International Federation of Surveyors.

## **Institutional Arrangements for Cadastre and Registry**

Two important elements of a land administration system are (1) the registry, which records the rights to land, and (2) the cadastre, which provides information on the location, boundaries, use, and values of land parcels. At the time that many of the projects, hereby examined, were prepared it was considered best practice for these tasks to be performed by the same agency. However, in many countries a dual or multi-agency model is used, reflecting historical and political realities.

A comparison of Bank Group experience across projects using different institutional structures indicates that there is no single best model for carrying out these

functions and the structure alone will not ensure that potential efficiency gains are realized. The most effective institutional model for these functions is the one that best matches the prevailing political and institutional context of the country in which it is administered. There are a number of ways in which effective arrangements for coordination and data integration across institutions can be brought about, irrespective of the particular institutional model.

## **Enhancing Tenure Security**

Land administration projects contribute to the security of tenure and transferability of property rights by strengthening land administration services. Making land tenure more secure is a process, not a single event. It is also a very context-specific concept, with no absolute standards by which security of tenure can be defined.

Interventions tended to have better results when they were sufficiently tailored to match a number of local conditions. This included having a comprehensive understanding of the underlying sources of tenure insecurity in a given context, and ensuring that projects are adequately tailored to address them. Incrementally strengthening the legal and policy framework was integral to the process, as was factoring in local capacity to implement the proposed measure and sustain project activities, and taking measures to enhance this capacity. Long-term support and political commitment was another significant factor, which had bearing on many of the other issues.

## **Social Inclusion**

Most of the projects covered by this review did not explicitly target the poor or vulnerable groups, or reflect social inclusion in their objectives. Some projects assumed that all segments of the population would benefit, either because the law does not discriminate or because the approach used was assumed to cover all eligible landholders in a given area. A few projects included specific measures in their design to address the needs of vulnerable groups, but they were not always implemented as planned and there was insufficient follow up during implementation to assess if these efforts were appropriate. There was limited reporting on social impacts across projects.

Project experience showed that social impacts need to be monitored, not assumed, even when laws and procedures are the same for all potential beneficiaries. Targeted measures to reach marginal groups need to be specifically provided for in the project's design, and monitored during implementation. There was also a need to

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better incorporate measures to address the needs of poor and vulnerable groups into longer-term land administration programs.

### **Broader Development Outcomes**

Improving the land administration system is not always sufficient to bring about some intended development outcomes. Reforms are often needed in non-land sectors. At the same time, due to their complexity, land projects are best handled as stand-alone operations rather than as part of multi-sectoral operations. Project expectations need to be set taking into account the necessary reforms and inputs across all sectors, and a realistic assessment of what can be achieved through a single land operation.

# 1. Introduction

1.1 In recent years there has been increasing awareness of the relevance of land tenure issues to food security, climate change, rapid urbanization, informality, and indigenous peoples' rights. This note synthesizes cross-cutting findings and lessons from Independent Evaluation Group (IEG) assessments<sup>1</sup> of World Bank-supported projects dealing with land administration issues.

1.2 The issues around land rights are complex and politically fraught. For a variety of reasons, land rights can be unclear, and there can be conflicting claims to same piece of land. The nature of land rights and the systems that administer them can vary significantly across the world and within countries, reflecting differences in historical evolution (World Bank 2003).<sup>2</sup> Different forms of tenure may co-exist in the same country and, sometimes within the same city, or between urban, periurban and rural areas, and there are cases in which several forms of tenure co-exist on the same plot.<sup>3</sup> Various legal systems usually exist in parallel with different forms of tenure and may be partially or wholly incompatible. Gaps, contradictions, and uncertainties in a country's land law and policy regime often contribute to conflicts. The security of land rights can also be undermined by inefficient or poorly performing land administration institutions.<sup>4</sup> (World Bank 2003).

1.3 Securing land rights plays an important role in driving economic growth and poverty reduction. Clear and secure land tenure can improve livelihoods and incomes, provide incentives for investments, and may contribute to the deepening of financial markets. Securing land and property rights is also critical to achieving the

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<sup>1</sup> Project Performance Assessment Reports (PPARS) are independent, in-depth IEG evaluations of completed World Bank projects. They draw on reviews of project documentation, country and sector literature, analysis of secondary data, interviews with key individuals (Bank staff, government, donors, civil society, and beneficiaries), and involve field visits. They are conducted a few years after the project has closed, allowing for a better assessment of the sustainability of project gains.

<sup>2</sup> Land tenure systems can be formal or informal, statutory or customary, or permanent or temporary. Some involve private ownership, while others are based on common property. A wide range of access and usage rights exist between the two poles of formal and informal land rights and systems. (IFAD 2012).

<sup>3</sup> In some countries, there is a continuum of rights to land with varying degrees of formality, resulting in overlapping and conflicting claims to the same piece of land. Some of these forms of tenure are legally recognized, others are not.

<sup>4</sup> Lack of clarity of responsibilities and infighting between institutions involved in some aspect of the land administration system, or insufficient coordination between them, can all contribute to tenure insecurity.

Sustainable Development Goals, or SDGs (see Box 1). With increasing pressure and competition for land, the need for clear and secure rights is likely to increase.

### Box 1. Sustainable Development Goals Explicitly Linked to Land Rights.<sup>5</sup>

**Goal 1.** End poverty in all its forms everywhere

Subgoal 1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance

**Goal 2.** End hunger, achieve food security and improved nutrition and promote sustainable agriculture

Subgoal 2.3 By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment

**Goal 5.** Achieve gender equality and empower all women and girls

Subgoal 5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

*Source: United Nations A/RES/70/1 - Transforming our world: the 2030 Agenda for Sustainable Development.*

## World Bank Group Support to Land Administration

1.4 The World Bank has provided support for public investments in strengthening land policies and administration systems since the 1960s and is currently the largest single financier of land administration projects, accounting for about 20 percent of bilateral and multilateral development assistance on land administration (Munoz and Bourguignon 2015). In addition to its engagement through projects, the World Bank provides policy advice and technical assistance and engages in a number of global and regional partnerships. The World Bank has also contributed to recent diagnostic tools and guidelines to help countries improve their land administration systems. The Land Governance Assessment Framework, produced in 2011 jointly by the WB and other development partners, is a diagnostic

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<sup>5</sup> There are also a number of SDG goals and sub-goals with implicit links to land-related outcomes.

instrument to assess the status of land governance at the country or sub-national level using a highly participatory and country-driven process that draws systematically on local expertise and existing evidence. The ranking is based on a comprehensive review of available conceptual and empirical material by local experts in land governance. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, produced in 2012, is the first comprehensive intergovernmental global instrument on tenure and its administration, and has been endorsed by a number of countries. It sets out principles and internationally accepted standards for responsible practices which allow government authorities, the private sector, civil society and citizens to judge whether their proposed actions and the actions of others constitute acceptable practices. The International Finance Corporation (IFC) has also played a catalytic role in land administration in many countries through its Doing Business surveys, which monitor the ease of registering a property and encourage countries to adopt reforms that make the process more transparent and efficient (World Bank 2011).

1.5 The World Bank's perspective and engagement with client countries on land tenure activities has evolved over time. While the World Bank Group does not have an official strategy for land projects, its perspective on land tenure issues is set forth in a series of policy documents: the *Land Reform Policy Paper* (1975), *The Evolution of the World Bank's Land Policy: Principles, Experience, and Future Challenges* (1999), and *Land Policies for Growth and Poverty Reduction: Policy Research Report* (2003). The 2003 policy report outlines the current guiding principles on land issues.<sup>6</sup>

1.6 The World Bank's land tenure interventions have evolved over four distinct periods. During the first period, from the early 1960s to the mid-1970s, Bank interventions focused on land demarcation and titling in specific geographic areas, usually as part of broader land settlement programs or rural development projects. During the second period, beginning in the mid-1980's, there was a recognition of the limits to the overly-centralized, multi-sector approach to rural development. The focus of land tenure interventions began to shift from securing rights in particular areas to modernizing land administration systems at the national level. These operations also began to address legal and institutional issues related to land rights. During the third period, from the 1990's to the 2000's, the Bank began to implement

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<sup>6</sup> The 2003 policy report took stock of a large volume of literature on land tenure issues and operational experience and discussed policy implications arising from them. It emphasized three principles of land tenure policy: the importance of security of tenure in improving the welfare of the poor and the incentives to invest in land improvement; the importance of land access and the transferability of rights; and the role of governments in promoting and contributing to socially desirable land allocation and use.

an increasing number of first-generation of standalone land administration projects. During this period, there was increased recognition of the importance of secure tenure rights and land markets. In Latin America, the World Bank supported land administration and land redistribution projects in several countries, largely in response to the end of social unrest in Central America. The World Bank also scaled up its support significantly to help several countries of Eastern Europe, the former Soviet Union and Southeast Asia make the transition from state ownership of property and land under command economies to private ownership under market-based economies. In the fourth period, from the 2000s to the present, land tenure re-emerged as a central tenet to development challenges and new interventions began to appear. The World Bank has continued to support both modernization of land administration systems at the national level, and has targeted help to specific problem areas, such as undocumented squatter settlements, indigenous lands, coastal marine zones, and other environmentally sensitive areas of national or global importance (World Bank 2013).

### **Scope and Composition of Projects Reviewed**

1.7 This review examines a sample of projects that, mostly, correspond to the third period of World Bank land administration interventions, noted above. The review draws on 14 PPARs that were produced by IEG between 1998 and 2014. Most of the projects included in this review are standalone land tenure operations, as opposed to multipurpose operations with a land reform component. The review is restricted to investment operations that support the strengthening of land administration systems, it does not include land redistribution projects. Nor does it cover development policy operations with policy areas that have addressed land issues. The projects reviewed closed between 1997 and 2011.

1.8 The regional distribution of the projects reviewed is as follows: eight projects in Eastern Europe and Central Asia; three projects in East Asia and the Pacific; two projects in Latin America and the Caribbean; and one project in Africa. This regional variation is important in terms of illustrating the varied context in which the projects were carried out. The projects in Europe and Central Asia responded to a major transition towards market-based economies. Most of these countries had better information and capacity than was available in other regions. The two projects sampled from Latin America and the Caribbean – Guatemala and El Salvador – emerged from peace agreements following prolonged armed conflicts in a poor fiscal environment, and had comparatively low institutional capacity and a socially divided context. The project in Africa (Ghana) addressed issues of both statutory and customary tenure. Variation in project contexts is also reflected within Regions

(for example, in Europe and Central Asia, Azerbaijan vs. Tajikistan, and in East Asia and the Pacific, Thailand vs. Lao People's Democratic Republic [PDR] and Indonesia).

## **Overarching Theory of Change**

1.9 Land administration projects aim to secure land rights through efforts such as improved recording of land rights, titling, dispute resolution, land survey and registration, valuation, support for data systems, strengthening land administration institutions, and facilitating land policy reform. Most projects combine several of these activities. A general overarching theory of change of land administration interventions, irrespective of an individual project's statement of development objectives, is that they will modernize and improve the effectiveness of the land administration system, thereby enhancing the security of tenure and increasing the transferability of land rights. This, in turn, may contribute to broader development outcomes (such as development of land markets, private sector development, agricultural productivity, and access to credit) that are often assumed to be associated with secure and transferable property rights.

## **Structure of Discussion**

1.10 The projects reviewed for this note were implemented in countries with distinct historical and cultural contexts, varied land administration systems, and different challenges constraining the effectiveness of these systems. Reflecting these differences, the specific activities supported by each project also varied. This note discusses a number of cross-cutting topics that emerged across this varied experience. Among these was the consideration of the best institutional structure to implement cadastre and registry functions. This topic was somewhat unique in that it was discussed in almost all of the project assessment reports. For this reason, it is singled out in its own section.

1.11 The review is structured as follows: The first section begins by discussing lessons learned regarding the use of different institutional structures to implement cadastre and registry functions. The second section discuss cross-cutting factors that affected project effectiveness in contributing to the process of enhancing greater tenure security. The third section reports on lessons related to the social inclusiveness of projects. The fourth section reviews factors that impacted the contribution of land administration projects to broader development outcomes. The

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fifth and final section summarizes the lessons that emerged across the previous sections.

## 2. Institutional Models

2.1 Two important elements of a land administration system, that require close coordination, are (1) the registry, which records the rights to land, and (2) the cadastre, which provides information on the location, boundaries, use, and values of land parcels. At the time that many of the projects under review were designed, it was considered best practice for these functions to be performed by the same agency.

2.2 This was the guidance provided in the World Bank's good practice guidelines (World Bank 2005). This view was also held by many in the global community of land administration experts with the thought that a single agency would increase efficiency and improve accuracy. Overhead savings could reduce fees for customers and the establishment of a seamless interface between the separate databases for cadastre and registry would allow for faster, more accurate verification of information about land use and land rights. Another potential advantage was that a single agency could enhance financial self-sufficiency by subsidizing cadastre costs with revenue generated by the registry and reducing dependence on transfers from the government budget.

2.3 However, the review of project experience indicates that there is no single best institutional arrangement for these functions. The best model is one that is best matched with the historical, political, and implementation capacities of the country at hand. In some countries, the cadastre and registry functions have historically been assigned to branches of government and it is not politically feasible to unify the two. For example, the land registry agency in Guatemala is one of the oldest autonomous government institutions in the country, the registry is under the judiciary and opposed to any action on the part of the executive branch to merge it with the cadastre agency.

2.4 Among the projects reviewed, a single-agency model was effectively used in Azerbaijan, El Salvador, Georgia, Kyrgyz Republic, Romania, and Tajikistan. The experience of other projects, however, demonstrated that merging separate land agencies into one does not, in itself, ensure that their efficiency and effectiveness will improve. In Ghana, the 2008 Lands Commission Act merged four of the six land sector agencies. This is considered one of the more significant achievements of the World Bank's land administration project. IEG's assessment of the project found that despite the change in the legal status, the agencies continued to operate as separate entities, with unconnected accounting procedures. In the short term at least, the merger led to a redeployment of staff and equipment that has not increased

## CHAPTER 2 INSTITUTIONAL MODELS

efficiency and may have lowered it. At the time of the assessment mission, much of the equipment purchased by the project was idle, partly because staff had neither the training nor the budget to use it. Similarly, during the Lao PDR Second Land Titling Project, the government created a new National Land Management Authority, ostensibly to ensure that there would be a single agency advising on land matters, overcoming the former institutional duplications and gaps, and streamlining land administration services. But this did not lead to greater efficiency because the new structure was understaffed and underfunded, and ultimately disbanded and replaced by the government.

2.5 When a cadastre and registry are handled by different agencies, it is important to ensure coordination and data integration. This can be done through developing a common technology platform, which was done successfully in projects in Bulgaria and Slovenia. In the Bulgaria Registration and Cadastre Project, a project implementation unit was established that bridged cadastre and registration services across two separate agencies and introduced a unified information technology system that permitted rapid data sharing. In Slovenia, coordination inefficiencies across separate agencies were reduced by the establishment of a project coordinating unit that was well-staffed with low turnover of personnel; the creation of a higher-level Program Council, which helped to ensure government support; and the use of digitized information technology, which helped to ensure seamless coordination between the registry and the cadastre.

2.6 Attention should also be paid to ensuring inter-agency collaboration and coordination (otherwise the investment in technology may be lost). In the Guatemala Land Administration Project, the data sharing challenge of a dual-agency system was recognized during project preparation and a common technical platform was successfully developed to support the integration of registry and cadaster databases. Notwithstanding this technical solution to integration, the two functions remained separate for political economy reasons. IEG's assessment of the project found that the information technology system was not a solution to foot-dragging by agencies concerned with defending their turf.

### Summary

2.7 Although there are a number of theoretical benefits to bringing cadastre and registry functions together under a single agency, land administration projects need to operate within political realities, which means responding to whatever structure best matches the country's political environment and implementation capacity. There are several ways in which effective arrangements for coordination and data

integration can be brought about under various institutional structures. The key is to ensure that both technology and interagency cooperation are adequately addressed. It should also be realized that the institutional structure alone will not bring about intended results.<sup>7</sup>

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<sup>7</sup> For this reason land administration projects in the Eastern European and Central Asia Region no longer consider improvements to the registry and cadastre in isolation but address it as part of broader improvements to public sector governance of land administration.

## 3. Tenure Security

3.1 Making land tenure more secure is a process, not a single event. Tenure security is a very context specific concept. There are no absolute standards by which security of tenure can be defined. It cannot be measured directly and it is partly reliant on what people perceive it to be. Tenure that is considered secure under one set of conditions may not be under different circumstances. Likewise, a measure that may enhance tenure security under one set of conditions, may not do so under other conditions. The proxies used to define and measure tenure security must also make sense within a specific local context (see Box 2).

### Box 2. Defining Land Tenure Security

“Security of tenure is the certainty that a person’s rights to land will be recognized by others and protected in cases of specific challenges. People with insecure tenure face the risk that their rights to land will be threatened by competing claims, and even lost as a result of eviction. Without security of tenure, households are significantly impaired in their ability to secure sufficient food and to enjoy sustainable rural livelihoods. Security of tenure cannot be measured directly and, to a large extent, it is what people perceive it to be. The attributes of security of tenure may change from context to context. For example, a person may have a right to use a parcel of land for a 6 month growing season, and if that person is safe from eviction during the season, the tenure is secure. By extension, tenure security can relate to the length of tenure, in the context of the time needed to recover the cost of investment. Thus the person with use rights for 6 months will not plant trees, or invest in irrigation works or take measures to prevent soil erosion as the time is too short for that person to benefit from the investment. The tenure is insecure for long-term investments even if it is secure for short-term ones. The importance of long-term security has led some to argue that full security can arise only when there is full private ownership (e.g., freehold) as, under such tenure, the time for which the rights can be held is not limited to a fixed period. It is argued that only an owner enjoys secure rights, and holders of lesser rights, such as tenants, have insecure tenure because they are dependent on the will of the owner. It is then implied that security of tenure comes only with holding transfer rights such as the rights to sell and mortgage. Equating security with transfer rights to sell and mortgage is true for some parts of the world but it is not true in many others. People in parts of the world where there are strong community-based tenure regimes may enjoy tenure security without wishing to sell their land, or without having the right to do so, or having strictly limited rights to transfer (e.g., transfers may be limited to heirs through inheritance, or sales may be restricted to members of the community).”

Source: : Food and Agriculture Organization of the United Nations 2002: 18-19, cited by IEG PPAR—Second Land Titling Project (Lao PDR)

3.2 A single project should be viewed in terms of making an incremental improvement to a larger, longer term land administration reform process. As noted, the projects reviewed for this note were implemented in countries with distinct

historical and cultural contexts, varied land administration systems, and different challenges constraining the effectiveness of these systems. They also had very different institutional capacities. Reflecting these disparities, the projects reviewed employed a varied mix of activities to strengthen administration services. Typically one or more of the following activities was supported: improved recording of land rights, dispute resolution, land survey and registration, support for data systems, strengthening land administration institutions, facilitating land policy reform. Some, but not all, also included a titling component. Some projects also included components for land use zoning and property valuation and taxation.

3.3 Across this variation, interventions tended to have better results when they were sufficiently tailored to match the local context in a number of ways, including having a comprehensive understanding of the underlying sources of tenure insecurity in a given context, and ensuring that project interventions are adequately tailored to address them. Supporting incremental upgrades to the legal and policy framework throughout project implementation, and factoring in local capacity to implement and sustain project activities in the selection of a particular technology, and taking measures to enhance this capacity were also important. Political commitment was another significant factor, which had bearing on many of the other issues.

3.4 Projects in Bulgaria, Kyrgyz Republic, Slovenia, Romania, Georgia, and Azerbaijan improved the implementation capacity, legal framework and effectiveness of land administration systems. This, in turn, provided the foundation for better functioning land markets and other outcomes. In these countries, tenure security was affected by deficiencies in land administration systems that were dysfunctional or virtually non-existent (in the case of the Kyrgyz Republic), prior to project intervention. Responsibilities were fragmented across different agencies. Records were inaccurate and the boundaries of parcels were unclear, which meant that tenure was unclear and could be disputed. By the end of several of these projects, functioning land institutions were in place, with positive marks across international proxies for the effectiveness of land administration systems (time to register, number of steps in process reduced, and so on). The institutional and technical measures were backed by supportive legal frameworks. In most cases, the land markets grew, which was considered a further indication that that confidence in tenure had improved, even though improvements to land administration alone are not responsible for land market growth. The progress made by the projects was facilitated by strong political commitment, which, in some countries (Bulgaria, Slovenia, and Romania) was enhanced by the prospect of accession to the European Union. Projects in Thailand and El Salvador also made good progress in

strengthening certain aspects of the land administration process. In Thailand, a successful systematic titling program was administered, which, in turn, contributed to a number of different development outcomes. In El Salvador, a large portion of the population already had titles, but the World Bank project enhanced the security of land rights through improvements to the land registration system. The project strengthened the legal and institutional framework, which facilitated the establishment of a new agency for cadastre and registry functions.

### **Tailoring interventions**

3.5 Interventions in other countries were less successful. The Farm Privatization Project in Tajikistan made some improvement to the land registry process, but tenure remained insecure because the limitations of the land use rights provided to farmers in the pilot areas were not addressed. In the cotton producing areas, where the project was concentrated, farmers did not have the same degree of tenure security and freedom to make their own management decisions that existed in other parts of the country.<sup>8</sup> Local government retained the right to take land away from farmers who failed to achieve cotton production quotas, even if the farmers could have made more money with other crops.<sup>9</sup> The project was designed on the basis of a land reform model that had been implemented successfully in Azerbaijan. But project design did not adequately account for the fact that the institutions and legal structure in Tajikistan, which had just emerged from five years of civil war, were much weaker than those in Azerbaijan.<sup>10</sup>

3.6 Under the Indonesia Land Management and Policy Development Project, a significant amount of titling took place, but project effectiveness was undermined by

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<sup>8</sup> In Tajikistan, farmland was government owned, but the 1996 Land Code provided farmers with land use rights for 99 years. This long-term lease was transferable through inheritance, and a sub-lease was also permitted. Presumably, long-term land use rights would provide sufficient incentives for productive farming as well as ownership rights. The project was designed as though the Land Code was broadly enforced and that the use rights granted were secure. But this proved not to be the case in the cotton growing regions, where local government had an incentive not to respect land rights.

<sup>9</sup> There were a number of vested interests controlling the cotton supply chain following the collapse of the Soviet Union which made cotton unprofitable for farmers.

<sup>10</sup> The assessment found that there was an unrealistic assumption that secure land use rights could be introduced in five years. It concluded that a more realistic approach to the local land issues would have been too focused more on securing land use rights at the central level and ensuring enforcement at the local government level.

insufficient attention to legal and regulatory reforms.<sup>11</sup> The Indonesia project was part of a series of land titling projects in the East Asia and Pacific Region whose design was modeled on an earlier project that was successfully implemented in Thailand. The assumption that the Thailand model would be successful in other countries resulted in a design that emphasized land titling and the cadastral survey. Broader issues, of reforming the regime of land rights, were treated as ancillary to land titling. Land reform issues were relegated to a series of policy studies that were not linked to reform champions and made little impact.<sup>12</sup>

3.7 The land rights context in Indonesia, however, proved to be very different from Thailand, and required further reaching reforms. Indonesia has a more complicated mix of land tenure traditions and the registration process itself does not guarantee ownership. Land legislation is much less developed, and the rights being registered are not clearly defined and understood nor are they protected by the land administration agencies or the judiciary. Project effectiveness was also hampered by the lack of progress in increasing the efficiency and transparency of the land registration process<sup>13</sup>, which may deter registering subsequent land transactions.

3.8 Similarly, in Lao PDR, the project exceeded its titling targets but tenure security was undermined by the absence of impartial and efficient enforcement of the new land titles.<sup>14</sup> The project included components for policy and regulatory reform, but they were not sufficient<sup>15</sup> and their implementation was not well supported. Capacity building efforts, aimed at improving the efficiency and transparency of the land administration institutions, also made little traction. The project assessment found that at project closure too many land transactions were still

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<sup>11</sup> The IEG project assessment noted that the project approached institutional reform incidentally and made little headway because there was little or no high-level commitment by government, and the three implementing agencies showed little or no inclination to work together on policy reform.

<sup>12</sup> Several studies were conducted on land policy, but their recommendations were not adopted and no progress was made with legal reform.

<sup>13</sup> There were no improvements in the cost of titling, which was more than double the regional average, or the time taken to register land. Uncertainty remained about the costs of registration (including the persistence of irregular side payments to officials).

<sup>14</sup> The project assessment noted concerns that the government would not always provide adequate recognition of the rights of the titled, or ensure fair compensation in the event of compulsory acquisition. Studies cited by the project assessment found "that a title does not guarantee any additional tenure security than any other type of land use document in view of compulsory acquisition practices for business and development purposes."

<sup>15</sup> The activities aimed to increase the transparency of government decisions bearing on land allocation, including concessions to domestic and foreign investors. The appraisal document could have been more specific about the need to change laws and regulations to protect the rights of titled land owners to fair compensation if their property was compulsorily purchased by the government

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conducted informally to avoid high transaction costs, threatening to make titles that had been issued obsolete. The project assessment also found that the impact on tenure security might have been greater if all land tenure types had been included. The project focused exclusively on individual freehold and did not address communal or customary rights. Weak laws precluded the project from issuing titles in these areas, but the project assessment noted that the regulatory and policy component could have emphasized the need for legal and regulatory changes to address this issue by clarifying policy, thereby allowing for land administration to encompass marginalized rural areas at a later stage.<sup>16</sup>

3.9 The effectiveness of the Guatemala Land Administration Project was limited, in part, because the nature of tenure insecurity in the region where it was piloted was insufficiently understood. The project assessment found that it was piloted in a region where lawlessness was so pervasive that even if the tenure status of peasant farmers was regularized, it would not protect them from subsequent acts of coercion intended to make them give up their land.<sup>17</sup> For tenure security to be enhanced by this type of project in that particular region it would have been important that the process of regularization be embedded into a wider program to strengthen law and order and reduce the scope for the physical coercion of property owners. This wider commitment was missing when the project was prepared. The interventions supported by the project might have achieved better results if they had been implemented in a different part of the country where the rule of law was better established and respected.

3.10 The effectiveness of the Land Administration Project in Ghana was hampered by an insufficient appreciation of political economy factors. The project attempted to harmonize customary and statutory land tenure institutions, and strengthen both customary and individual claims to land. But Chiefs refused to recognize the government's ruling that legitimized customary freehold, and, the considerable leverage of customary authorities over local government institutions hampered efforts to make land administration more responsive to users.<sup>18</sup> The assessment

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<sup>16</sup> "Weak laws and policies precluded the project from issuing titles in areas under shifting cultivation, in uplands, and in places where ethnic minorities practiced communal systems of land use. This left out a large share of the rural population and a large proportion of the rural poor" (Lao PDR PPAR).

<sup>17</sup> The project assessment noted that "Faced with extra-economic coercion and in the absence of a broader framework of law and order, it is a moot point whether farmers hold legal title or whether the characteristics of their parcels are accurately recorded" (Central America Cluster PPAR, pg. 5).

<sup>18</sup> The project assessment noted that formalizing land administration threatens the power of the chiefs to allocate, first and foremost, in their own interest, the revenues they derive from land. The project appraisal document was silent about what checks on the power of the chiefs was needed to prevent them from appropriating rents which might otherwise be treated as a public good. The net

concluded that unless government is prepared to tackle the issue of rent distribution, interventions by external development partners are unlikely to make much headway.

### **Building legal, regulatory, and institutional Policies**

3.11 The experience of the projects reviewed indicates that land administration interventions made more progress when there was a basic legal and policy framework in place before implementing project interventions, which was subsequently upgraded during project implementation. This is consistent with the literature, including the Bank's 2003 policy document, and was reflected in most of the projects implemented successfully in the Eastern Europe and Central Asia Region, where a basis already existed or was prioritized during project preparation. In Slovenia and the Kyrgyz Republic, development of a legal base for land administration, which was minimal before the project, was prioritized by both the government and the Bank. Laws were passed prior to loan approval to provide a structured legislative framework for project implementation. And laws were proactively amended as experience was gained throughout project implementation.

3.12 In contrast, the Lao PDR and Indonesia projects unsuccessfully attempted to address legal and regulatory reforms in parallel with implementing titling activities. Notwithstanding the lack of political commitment to these measures, the assessment of the Lao PDR project found, that, given the complexity of land administration institutions, a five-year project span was too short for developing a policy and regulatory framework in parallel with land titling. It concluded that work on policy and regulations should have been tackled by providing technical assistance before the operation was launched. In Guatemala, the project's pilot area was chosen, in part, because it already had a land law, so project implementation could proceed immediately. But the project assessment found that it took five years for additional critical legislation to be introduced, which left the regularization process that was supported by the project in limbo for several years.

3.13 This does not mean that projects must wait until perfect legal and policy conditions are in place, as land rights can be incrementally recognized as the legal

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effect of the project was to leave the chief's control over land unchallenged, an outcome that may, on balance, have reduced tenure security for many land users, particularly in those parts of Ghana where the traditional authorities were seeking to profit from rising land values. Customary land secretariats (CLS) were designed to formalize demarcation of customary boundaries, the allocation of plots, and the transparent collection of making fees. But chiefs are skeptical of entrusting land registration to the CLS, and most operate by the grace and favor of customary authorities.

framework evolves in a country. Some projects have made considerable progress supporting incremental improvements during implementation. This was the case in Slovenia and in the El Salvador. In the case of El Salvador, the significant progress made by the project's the legal and institutional strengthening component resulted in the establishment of a new single registry and cadastre agency. What is considered an adequate starting basis before initiating a project intervention will vary according to the specific country context and the needs of the particular types of interventions the project is supporting.

### **Local Capacity**

3.14 Attention to local capacity was important, both for effective implementation and for ensuring sustainability. A factor that contributed to the success of many of the projects implemented in the Eastern Europe and Central Asia Region was their emphasis on enhancing human resources capacity through the professionalization of land agency staff and augmenting capacity with the use of private service providers for some functions. In the Kyrgyz Republic, technical and human resources needs were comprehensively appraised and an intensive training program was included in project design. The project also made the decision to begin implementation using older technology, recognizing the existing capacity and what was realistic for local professionals to be able to use and get training in. Subsequent information technology enhancements were introduced, gradually, as the registry agency gained capacity. Romania addressed capacity needs by outsourcing some of its land administration functions to the private sector, which allowed the land agencies to focus on specific issues. In each of these cases, professionalization of the land agency staff was an important strategy for sustainability. Improving the population's confidence in the transparency and effectiveness of land agencies was seen as an important factor to encourage demand for their services.

3.15 In contrast, the limited progress at improving service standards delivered by land agencies in projects in Indonesia and Lao PDR, did little to improve their credibility as a service provider. The assessment of the Indonesia project found that some of its implementation problems stemmed from the fact that the particular limitations associated with the three implementing agencies were not sufficiently taken into account in project design. The readiness of the National Land Agency to implement the project was also over estimated. Moreover, contrary to expectations, the project did not finance technical assistance or training to private sector surveyors, nor did it establish an industry association that would be responsible for representing surveyors.

3.16 Project effectiveness can also be affected by differences in capacity across agencies, which can manifest in unevenness in the implementation of the different steps in the land regularization process. In the Guatemala Land Administration Project, differences in capacity resulted in only three percent of rural parcels being both cadastered and titled. Much more rural land was cadastered than titled.

### **Sustained Political Commitment**

3.17 Political commitment was an important factor driving both successful and unsuccessful outcomes. Political will was instrumental in overcoming implementation challenges in several of the more successful projects in the Eastern Europe and Central Asia Region, whereas insufficient commitment undermined many of the less successful examples cited previously. In Tajikistan, land reform received support from higher levels of government but this did not flow down to local government, where strong vested interests in cotton diminished support for land reform. And, unlike in neighboring Thailand, in both Lao PDR and Indonesia there was a lack of political commitment to a long-term program for land administration. This not only affected the lack of progress on the institutional reforms attempted by each project, but also threatened the sustainability of gains from the titling components. The assessments of those projects found that if the government is not willing to commit to a long-term program of land administration and to allocate the necessary budget, the benefits from land titling projects may not be achieved or sustained. The assessment of the Indonesia project found that the project underestimated the commitment of the national land agency's top management to promote policy and institutional reform at the design stage. The assessment also pointed to the need to monitor for changes in political commitment throughout project implementation.

3.18 Building an effective and sustainable land administration system is a long term process<sup>19</sup>, requiring sustained long-term commitment by the government and its development partners. For this reason programmatic lending instruments that allow for several tranches of assistance over a 15- to 20-year period have been used by many projects in the Bank's land portfolio. Many of the projects reviewed for this note were the one phase of a longer multiphase program. However, the use of programmatic instruments needs to be coupled with continuous monitoring of

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<sup>19</sup> Experience shows that it can take 10 to 20 years to build cadastre and registry institutions and develop efficient and sustainable processes of land administration. For this reason, some World Bank land administration projects have been phased operations that were funded through adaptable program loans.

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political commitment, at both the central and implementation levels of government. Land reforms can be controversial and politically sensitive, as such they are at risk of stalling or backtracking. Even when adequate political commitment is assessed upfront, the duration of an individual government administration does not typically extend for the entire duration of a land program. Monitoring of political commitment is critical to allow for timely mitigation measures.

### **Summary**

3.19 The experience of the projects reviewed illustrates that land issues are complex and the effectiveness of land reform interventions depends, in part, on their responsiveness to the specific local context. Interventions tended to have better results when they were sufficiently tailored to match a number of local conditions. This included having a comprehensive understanding of the underlying sources of tenure insecurity in a given context, and ensuring that projects are adequately tailored to address them. Incrementally strengthening the legal and policy framework was integral to the process, as was factoring in local capacity to implement the proposed measure and sustain project activities, and taking measures to enhance this capacity. Long-term support and political commitment was another significant factor, which had bearing on many of the other issues. Projects need not only mechanisms to ensure that have feedback on the local context, including changes in political commitment, but also require flexibility in terms of real time adaptation during implementation. This is key for most complex projects, but given the context-specific nature of many dimensions in this sector as well as the controversial and politically sensitive nature of reforms at risk for backtracking or stalling, it may be more critical for this sector than others.

## 4. Social Inclusion

4.1 This section discusses the extent to which projects have aimed to be socially inclusive and benefits have been shared by different segments of the population. It is important to acknowledge that this review comments on a specific subset of land administration projects. It does not represent the entirety of the World Bank's land tenure interventions. There are other projects in the World Bank land portfolio that have a more explicit focus on equity dimensions of land issues than the projects reviewed here (for example, projects that address the demarcation and registration of indigenous peoples' land or land redistribution projects, which specifically address land access for the poor). The lessons and comments in this section may not apply to those interventions. These other types of projects should be reviewed for lessons in their own right.

4.2 Most of the projects reviewed did not explicitly target the poor or vulnerable groups. Nor do they include poverty reduction among their primary objectives, though poverty reduction may have been a longer-term goal to which the project aimed to contribute. In some cases there was an implicit assumption that all segments of the population would benefit, either because the law does not discriminate or because the approach used was assumed to be scale neutral. In many of the sampled projects, a systematic approach to surveying and land regularization or titling was used which was expected to include all the population within the targeted project areas. A few projects included measures in their design to address the particular needs of a vulnerable group (typically women and ethnic minorities), recognizing that certain groups may have difficulty accessing land administration services, but in most cases there was insufficient follow-up during implementation to see if the efforts were appropriate and very little information on the actual impacts of these measures on the target group.

4.3 In spite of the fact that most projects did not explicitly target the poor, in many countries inadequate land administration systems disproportionately exclude the poor, thus to the extent that a project contributes to the reform and modernization of these systems it is expected that the poor will benefit. Nonetheless, the review found that targeted efforts are needed to ensure that the poor will have sufficient access of land administration services.

## Equal in Law does not always mean Equal in Practice

Many of the projects in the Eastern Europe and Central Asia Region did not specifically address the needs of the poor or vulnerable groups because it was assumed that there was no need to do so. Since land legislation and procedures are the same regardless of gender or social strata, they assumed all segments of the population would benefit. Not surprisingly, these projects tended not to monitor social impacts. Several of the project assessments noted that the projects' assumptions of social inclusiveness run counter to the literature and the experience of other projects in that equality before the law does not always match the reality on the ground. A cross-cutting lesson in this Region was the need for better information to improve knowledge of how land administration programs affect different groups and how the welfare of vulnerable groups might be protected and improved.<sup>20</sup>

4.4 The project in Bulgaria made some effort to address the needs of the vulnerable, by providing free legal assistance to registry and cadastre clients who needed it, but IEG's assessment found these actions were limited, and there was inconclusive evidence of their social impact. Although project monitoring and evaluation did not assess social inclusiveness, some of the beneficiary surveys carried out by the land registry in the Kyrgyz Republic indicated that women and veterans had more difficulty accessing land administration services than other groups.

4.5 The experience of the Lao PDR Second Land Titling Project (LTP II) demonstrates the importance of including specific measures in project design to address gender needs, even when a country's land laws provide women with the right to register in their name. It illustrates that progress can be made when a dedicated effort is made to ensure that vulnerable populations are served, when measures tailored to this group are included in project design, and when the project is resourced appropriately. It also points to the importance of ensuring that such measures are integrated into a land administration program in the long term (See Box 3).

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<sup>20</sup> This is consistent with the Bank's own guiding principles on land policy which state "even though most countries mandate equality before the law, in principle, the procedures used by land administration institutions often discriminate against women, either explicitly or implicitly (World Bank 2003). Other World Bank studies have also found that legislation and procedures that appear gender neutral because they do not make a distinction between the rights of men and women may, nevertheless, affect men and women in very different ways.

**Box 3. Gender Inclusiveness Under the Lao PDR Second Land Titling Project**

Legally, the Lao PDR constitution and national laws promote equality by entitling a married woman to one-half of any property acquired during marriage. During the first Lao PDR Land Titling Project (LTP I), it was discovered that land ownership was often unintentionally altered under the land titling process. Land inherited by the wife or acquired by the couple as marital property was being disproportionately titled in the husband's name because women tend to use the name of the husband when completing land-related documents such as land tax-receipts or land use certificates. A social assessment conducted between the two project phases concluded that women had not been able to participate fully in LTP I and did not fully understand their rights with respect to the land.

The second project set out to improve on this gender issue by expanding community outreach activities that were initiated under LTP I, explicitly incorporating the Lao Women Union (LWU), a local civil society organization, into the project to carry out community outreach, and providing financial support for their participation in field activities and the development of educational materials targeted to women. Attention to gender was mainstreamed throughout all of the project activities. Outreach activities were also tailored to meet women's needs (separate meetings were held for women that were timed to fit in with their schedules), and female workers were recruited in land offices to improve the services offered to female clients. These measures generated positive results. The project exceeded its target of issuing an equal number of titles to men and women, more titles were issued to women than men. The project assessment report noted that inclusiveness of women in terms of titles registered fully or partially in the women's name exceeded what has been achieved in many other Bank projects and is high by international standards.

Despite this notable progress, the project assessment found that the emphasis on protecting the women's land rights is unlikely to be sustained. In the second half of project implementation period, the LWU's ability to implement community outreach activities, a key factor contributing to the successful outcomes, were increasingly obstructed by budget cuts. Community outreach activities in general, including the gender-specific measures, were not continued beyond project closure. Nonetheless, the LTP II project's gender achievements, before the obstruction, speaks to the progress that can be made when a dedicated effort is made to ensure that vulnerable populations are served and measures tailored to this group are included in project design and are resourced appropriately.

Source: Adapted from the Lao PDR Second Titling Project PPAR.

**A Systematic Approach may not Benefit All**

4.6 When a process of systematic adjudication was used, projects sometimes assumed that both the poor and non-poor would automatically benefit from this approach. Land titling and registration may be carried out on a sporadic (based on separate, individual demands) or systematic (covering all people in a given area, typically at a lower cost than sporadic adjudication) basis. In principle, systematic adjudication is more advantageous to the poor, as it is often more costly and time

consuming to obtain title or register a land claim through a sporadic process. The poor and marginal groups may also lack the necessary information to access the land administration process. Some projects assumed that the poor would be the primary beneficiaries of the project's systematic titling campaign because many of the rich already had titles obtained on a sporadic basis.

4.7 The project experience shows that the poor may still be neglected by a systematic process. The assessment of the Indonesia Land Administration Project, which included a systematic titling component, found that the systematic approach did not bring down titling costs because there was a continued practice of making side payments to officials, resulting in higher costs than legally stipulated. This reduced demand for titles by those of lesser means. A large number of the rural poor were left out of the systematic titling program implemented under the second Lao PDR land titling project because the project made a deliberate decision to exclude areas where ethnic populations were concentrated, due to safeguards concerns.

4.8 Some projects included communication campaigns, and other mechanisms specifically aimed at removing biases against the poor and marginal groups but activities were not always carried out as planned and impacts were rarely assessed. IEG's assessment of the El Salvador and Guatemala land administration projects, found that activities intended to address the needs of the poor were not implemented as planned<sup>21</sup> and once systematic adjudication was complete, there was still a need for special measures to encourage poorer groups to register subsequent changes in landholding. The Lao PDR titling project intended to improve access to women and ethnic groups. Although the project took a number of steps to address gender, there were no specific measures for addressing the needs of ethnic minorities, and there was no monitoring or reporting on the project's impact on ethnic groups.<sup>22</sup>

### **Limitations of geography**

4.9 The geographic area covered by land administration interventions also plays a role in how inclusive a single project may be. Projects need to balance social

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<sup>21</sup> "This was manifest in the failure to organize comprehensive, targeted information campaigns, insufficient facilities for free legal advice, inadequate low-cost dispute resolution mechanisms, no reduced transaction fees for smallholders and socially deprived members of communities, and inadequate monitoring of access and utilization of services by the poor."

<sup>22</sup> The project assessment (pg. 15) noted that "the project's coverage of ethnic minorities is unclear: there is no breakdown of data by ethnic group – there are around 150 ethnic groups in Lao PDR and the non-Lao made up 45 percent of the population in the 2005 population census".

impacts with the risks and challenges related to institutional capacity and the legal and institutional changes that need to be promoted in the medium term. Many of the projects reviewed were the initial phase of a long-term program and began in areas of the country where tenure was most secure. This was done on the grounds of operational expediency, or to work out procedures in the easiest areas before moving into areas where land tenure issues are more complicated.<sup>23</sup> Poor and marginal groups are often concentrated in the areas that are left out.

4.10 In other cases, particular areas were left out due to legitimate safeguard concerns. For example, in Lao PDR, weak laws and policies precluded the project from issuing titles in areas under shifting cultivation in uplands and places where ethnic minorities practiced communal systems of land use (land laws do not recognize communal and customary rights to land). In light of this, the project made a deliberate decision to leave out areas of the country where there was a high degree of customary tenure or communal land use, out of concern that the interests of ethnic minorities living in these areas might be harmed should titling commence.

4.11 Finally, some groups may be inherently left out of land administration projects, and other types of interventions are required to meet their needs. Land administration projects are designed to strengthen land administration services, which codify existing claims to land. They are not designed to address land access or land redistribution and, thus, cannot be expected to meet the needs of the landless or land poor. The Bank supports a different type of intervention that addresses land redistribution, which is not covered by this review.<sup>24</sup>

## Summary

4.12 Project experience shows that social impacts need to be monitored, not assumed. Measures to address the needs of the poor and other vulnerable groups may need to be specifically provided for in the project's design, and the effectiveness of these measures needs to be continuously monitored, with flexibility to adapt the project in response to implementation experience. Efforts to include marginal groups also need to be incorporated into a longer-term land administration program. For example, once systematic adjudication is complete, there is a need for

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<sup>23</sup> Initial phases often focus on facilitating learning and addressing incremental complexity.

<sup>24</sup> In countries where the existing pattern of land ownership is highly unequal and there is a concentration of agricultural land that is underutilized, a case has been made for land redistribution projects that challenge the existing distribution of property, aiming to facilitate the transfer of land from the better-off to the less-well-off.

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special measures to encourage poorer groups to register subsequent changes in landholdings. Some groups, such as the landless, may be left out of land administration interventions, other interventions are required to facilitate their access to land.

## 5. Broader Development Outcomes

5.1 Regardless of their specific project development objective, most projects are justified on the grounds that improvements to the land administration system will lead to other development outcomes that are presumed to be associated with secure and transferable land rights. (Appendix B lists the project development outcomes and the discussion of project benefits from the project appraisal documents of the 14 operations reviewed). Frequent goals of the projects reviewed include: (a) stimulation of land markets, (b) development of real property markets, (c) facilitation of access to credit and the level of private investment in land, (d) greater productivity and increased incomes, (e) improved land values and (f) reduced conflicts over land. Some expected benefits were more medium or long term, such as fostering more prudent use of land and natural resources or contributing to poverty reduction.

5.2 The project assessments, in line with the broader literature, show that the link between greater tenure security (brought about by improvements in the land administration system) and corollary benefits is not automatic. Whether or not land sector improvements led to the generation of other outcomes varied according to the expected outcomes and the specific circumstances in each country. In some cases, improvements in land administration services were necessary but not sufficient to generate an expected outcome. For example, in order for secure land rights to lead to higher agricultural productivity, additional measures are required to ensure that the landholder has access to inputs and markets. In many cases, additional reforms in non-land sectors were also required to yield the expected outcome.

5.3 For example, among the projects that included a titling component, the Thailand Land Titling Program greatly enhanced access to credit, but the evidence of enhanced credit access as a result of titling and registration carried out in other projects was weak or inconclusive. In many cases, issuing documentation of clear and secure rights to land did not lead to improved access to credit because reforms were needed within the banking sector itself. There may also be a need to address the state of the court system and enforceability of legal rights of creditors. In some of the projects reviewed, titling and registration did not enhance access to credit because other types of land use documentation were widely accepted as collateral.

5.4 Outcomes can also vary by type of landholder. In Lao PDR, few villagers outside of the capital province were interested in taking advantage of bank credit. Landholders were also less likely to seek credit using residential property than farmland, for fear of losing their house. The IEG mission was told by some villagers

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that acquiring a title would make them less likely to request credit because titled land is more valuable (because inheritance rights are more secure), making them more afraid of losing their land to the bank in the event of default.

5.5 In other cases, expected outcomes materialized, but the magnitude of the project's impact was constrained by bottlenecks beyond the land sector. In Bulgaria, the project aimed to stimulate a well-functioning land market. The project assessment found that land market activity increased, but further improvements would require reducing the lengthy process of obtaining a construction permit. Investment in a building or other structure is often associated with the purchase of land. The project successfully reduced the time to register a transaction with the land registry to a one- to three-day turnaround, but the process of obtaining a construction permit involved 24 procedures and about 140 days.

5.6 When desired outcomes also require reforms in other sectors, parallel projects supporting different activities are more manageable than a single comprehensive project, particularly if each of the areas in need of reform are challenging in their own right. Reviews of the Bank's early experience with land tenure operations indicate that, due to the complexity of land issues, land administration efforts are usually best handled through a dedicated land project, as opposed to as a component of a multisector project.<sup>25</sup> (World Bank 1992)

5.7 This review found that even among stand-alone land operations, a contributing factor to the more successful operations was the targeted focus of their design. However, a lesson emerging from the assessment of the Slovenia Real Estate Registration Project, was that the inclusion of non-land activities can enhance the development impact of land administration efforts, if they fill a critical need and are within the project's implementation capacity. In that project, the addition of a housing finance and mortgage reform component, which is in the banking domain, significantly enhanced the project goal of improving the efficiency of the land market. The project team recognized that housing finance could enhance the market impact of improving the land registration, as development of financial instruments in the property market was a core need for developing the land market. The Bank also successfully gauged Slovenia's good institutional capacity. Adding a non-land component worked because there was sufficient capacity in the implementing

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<sup>25</sup> The performance of prior land reform and titling efforts carried out as a component of multisectoral operations was generally poor. Reviews of this experience found that in projects where land tenure is not the central concern, important institutional factors can easily be neglected. Land matters often proved to be among the most difficult elements of these project and the costs and complexity of the land component were severely underestimated at appraisal routinely.

agency responsible for the non-land component such that it did not overburden management of the overall project. The PPAR concluded that actions beyond the core activities of land administration should be considered only if they significantly enhance project impact and are within the project's implementation capacity.

### **Monitoring Implications**

5.8 In many cases, the link between improving land administration and other expected outcomes could not be assessed because of monitoring issues. Some projects did not attempt to measure them and made assertions based on assumptions. In other cases, evidence was complicated by attribution challenges. Since many expected outcomes are driven by more than just the security of the land rights, assessing the project's contribution is difficult and few projects were accompanied by rigorous impact evaluations that adequately consider the counterfactual.

### **Summary**

5.9 The link between improved tenure security and other expected development outcomes is not automatic. Improving the land administration system on its own may not be sufficient for reaching intended development outcomes. Additional measures and reforms of other sectors may also be needed, beyond what a single land project can achieve. Project expectations and interventions should be shaped taking into account the necessary reforms and inputs across all sectors and the institutional and legal requirements needed for desired outcomes to ensue. The new Strategic Country Diagnostics could potentially be used to provide the overall framework to develop land projects taking into account the status of other sectors, but it is too early to comment on their effectiveness. Care should be taken not to overburden a land administration project with activities that are beyond its implementation capacity. Because land is only one of several factors driving outcomes, assessment of project impacts requires greater attention to indicators that reflect the contribution of land to the overall objective in monitoring and evaluation design.

## 6. Lessons

6.1 The following cross-cutting findings and lessons can be highlighted from the earlier discussion:

6.2 **There is no single best institutional model for carrying out registry and cadastre functions, the best model is the one that best matches a particular historical, political, and institutional development context.** Project experience indicates that the institutional structure alone will not guarantee effective coordination of these functions. When cadastre and registry functions are handled by different agencies, adequate measures should be introduced to ensure technical integration and inter-agency coordination and collaboration.

6.3 **Land issues are multidimensional, complex and diverse, successful interventions respond to a number of factors that are context-specific.** Investments need to be designed to suit prevailing legal and institutional frameworks, and the technical capacity for implementation, and support incremental improvements as experience is gained. Appropriate proxies need to be factored into project design to measure contextually specific concepts such as tenure security. Interventions also need the flexibility to adapt to changes in local conditions. In addition to monitoring implementation progress, projects need feedback on changes to political commitment, or other changes in local context, and the flexibility to respond to such feedback.

6.4 **Attention to local human resources capacity is important both for effective implementation and sustainability of land administration interventions.** Interventions need to be tailored to the local capacity to implement them, and measures to enhance capacity should be factored into design when needed. Professionalization of land agency staff can be important to improving the population's confidence in the transparency and effectiveness of land agencies, which, in turn, is key to encouraging demand for the services.

6.5 **Land reforms require medium- to long-term support, which can be facilitated by programmatic lending instruments, but this needs to be coupled with continuous monitoring of political commitment, at both the central and implementation levels of government.** Land reforms can be controversial and politically sensitive. As such, they are at risk of stalling or backtracking. Even when adequate political commitment is assessed upfront, the duration of an individual government administration does not typically extend for the entire duration of a land program. Monitoring of political commitment is critical to allow for timely

mitigation measures. Taking this long-term nature into account, project expectations should be set in terms of what is realistic to achieve within a single project period.

**6.6 Improvements to land tenure alone will not always be sufficient to generate broader development outcomes; reforms beyond the land sector (for example, of judicial processes, of local government, of collateral systems, of agriculture inputs, and so on) may also be required.** Project expectations need to be shaped taking into account what is reasonable for a single operation to achieve, taking into account the reforms and inputs that may be required across different sectors, and the institutional and legal requirements needed for potential outcomes to ensue. Realistic expectations of what a single intervention can achieve within a specific context should be factored into the benefit streams of economic rates of return and monitoring and evaluation design. Assessment of project impacts also requires greater attention to developing indicators that reflect the contribution of land to the overall objective in monitoring and evaluation design.

**6.7 While some desired outcomes may also require reforms in other sectors, it is important not to overload a single project, greater coordination and appropriate expertise are needed across sectors.** Past experience shows that land administration reforms require concentrated effort that is difficult to achieve if land is not the primary focus of the project. Parallel projects supporting reforms in other sectors are more manageable than a single comprehensive project, particularly if each of the areas in need of reform is challenging in its own right. Also, the increasing recognition of the centrality of land issues to current development challenges and the complexity of these issues, suggest that appropriate resources and expertise should be made available to deal with land challenges.

**6.8 Projects cannot assume that all segments of the population will benefit from a particular land administration initiative, even when the laws and procedures are the same for all potential beneficiaries, targeted strategies are still need to reach vulnerable groups.** The social aspects of land administration projects and the needs of vulnerable groups need to be built into project design. Social impacts need to be monitored, with flexibility to adapt the project in response to implementation experience. Projects need disaggregated data to assess impact on different segments of the population.

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## Appendix A

### Project Details and PPAR Ratings

<b>Project Title</b>	<b>Project ID</b>	<b>Country</b>	<b>Approval FY</b>	<b>Closing FY</b>	<b>PPAR FY</b>	<b>Overall Outcome Rating</b>	<b>Risk to Development Outcome</b>	<b>Bank Performance</b>	<b>Borrower Performance</b>	<b>M&amp;E Quality</b>
<b>Second Land Titling</b>	P004780	Thailand	1991	1997	1998	<i>Satisfactory</i>	<i>N/A</i>	<i>Satisfactory</i>	<i>Satisfactory</i>	<i>N/A</i>
<b>Land Administration</b>	P007174	El Salvador	1996	2005	2010	<i>Satisfactory</i>	<i>Moderate</i>	<i>Moderately Satisfactory</i>	<i>Satisfactory</i>	<i>Modest</i>
<b>Agricultural Development</b>	P008415	Georgia	1997	2005	2010	<i>Satisfactory</i>	<i>Significant</i>	<i>Moderately Satisfactory</i>	<i>Moderately Unsatisfactory</i>	<i>Modest</i>
<b>General Cadastre &amp; Land Registration</b>	P034213	Romania	1998	2006	2008	<i>Satisfactory</i>	<i>Negligible to Low</i>	<i>Satisfactory</i>	<i>Moderately Satisfactory</i>	<i>Modest</i>
<b>Agricultural Development &amp; Credit</b>	P035813	Azerbaijan	1999	2006	2009	<i>Satisfactory</i>	<i>Significant</i>	<i>Satisfactory</i>	<i>Satisfactory</i>	<i>Negligible</i>

<b>Farm Privatization</b>	P040544	Azerbaijan	1997	2004	2009	<i>Satisfactory</i>	<i>Moderate</i>	<i>Satisfactory</i>	<i>Highly Satisfactory</i>	<i>Negligible</i>
<b>Land Administration</b>	P049616	Guatemala	1999	2007	2010	<i>Unsatisfactory</i>	<i>Significant</i>	<i>Moderately Unsatisfactory</i>	<i>Moderately Unsatisfactory</i>	<i>Modest</i>
<b>Farm Privatization Support</b>	P049718	Tajikistan	1999	2006	2008	<i>Moderately Satisfactory</i>	<i>Significant</i>	<i>Moderately Satisfactory</i>	<i>Satisfactory</i>	<i>Substantial</i>
<b>Land and Real Estate Registration</b>	P049719	Kyrgyz Rep	2000	2009	2010	<i>Highly Satisfactory</i>	<i>Significant</i>	<i>Satisfactory</i>	<i>Satisfactory</i>	<i>Substantial</i>
<b>Registration &amp; Cadastre</b>	P055021	Bulgaria	2001	2009	2010	<i>Satisfactory</i>	<i>Moderate</i>	<i>Satisfactory</i>	<i>Satisfactory</i>	<i>Substantial</i>
<b>Real Estate Registration Modernization</b>	P055304	Slovenia	1999	2005	2010	<i>Satisfactory</i>	<i>Moderate</i>	<i>Satisfactory</i>	<i>Satisfactory</i>	<i>Substantial</i>
<b>Land Management &amp; Policy Development</b>	P064728	Indonesia	2004	2010	2014	<i>Unsatisfactory</i>	<i>Significant</i>	<i>Moderately Unsatisfactory</i>	<i>Unsatisfactory</i>	<i>Negligible</i>
<b>Land Administration Project</b>	P071157	Ghana	2004	2011	2013	<i>Moderately Unsatisfactory</i>	<i>Moderate</i>	<i>Moderately Unsatisfactory</i>	<i>Moderately Unsatisfactory</i>	<i>Negligible</i>

<b>Second Land Titling</b>	P075006	Lao PDR	2003	2009	2014	<i>Unsatisfactory</i>	<i>High</i>	<i>Moderately Unsatisfactory</i>	<i>Unsatisfactory</i>	<i>Modest</i>
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*M&E = monitoring and evaluation; N/A=not applicable; PPAR = Project Performance Assessment Report; FY= fiscal year*

## Appendix B

### Project Development Objectives and Benefits

#### #1. Bulgaria -- Registration & Cadastre Project (P055021)

##### PDO (PPAR)

The Objective of the Bulgaria Registration and Cadastre Project (RCP) was “to improve the coverage, completeness, accuracy and responsiveness of the real property and cadastre registration systems, thereby contributing to the development of the real property market.” (from Loan Agreement.) (The Project Appraisal Document (PAD) also refers to securing tenure of real property to boost investments in housing, agriculture, commerce, manufacturing and services, and to the requirements of EU accession.)

##### Benefits (PAD)

The project is expected to benefit significantly the development of real property markets and, especially, of the agricultural land market in Bulgaria. The primary beneficiaries will be farmers, small and medium enterprises, urban and rural property owners. Ultimately the project will benefit the expansion of private business and contribute to increased business activity and economic growth.

**EU accession.** In the light of EU accession planned for 2006, the development of the real property markets is seen as a priority and is strongly supported by the Government of Bulgaria. One of the requirements of EU accession is efficient and developed factor markets. The project will contribute to improving one of the most important factor-markets, land, by introducing a parcel-based registration system and a unified cadastre, thus helping to make property rights more secure.

**Creation of Real Property markets.** The proposed project is expected to contribute significantly to more active real property markets. Work on reforms in the sector of land registration and cadastre started in 1991, when the process of land restitution was just beginning. Restitution of urban property to former owners was completed relatively quickly, while farm land restitution proved to be a more complex and slower process, continuing throughout the last decade. The result was that most of the property rights documents issued for the restituted or privatized properties were not registered in systems that gave publicity and rapid information access to those rights. Most of them are still in government agencies or commissions with difficult information access. Also they are not in common cadastre systems as they are recorded in either municipalities, commissions or central government

agencies. By the start of 2001, land restitution to former land owners was almost completed (99%), re-establishing in a model of farming characteristic of the pre-Second World War period with considerable fragmentation of land. From the legislative point of view, the prerequisites for an active land market are now in place and the market is slowly picking up, especially in the North-East grain-growing region. The project will contribute to this process by securing property rights, introducing common systems, therefore making land transactions more secure. In the long-run, this should create incentives for farmers to sell and buy land and would also help create conditions for the consolidation of plots.

**Access to credit.** In the last few years, all research and surveys carried out in the sector indicate that the major problem for those employed in agriculture is denied access to credit. In general, commercial banks do not accept agricultural land and farm property as collateral. At the same time this is the only collateral farmers can offer. As a result of the project, farmers will have secure property rights over their land. This will facilitate their access to credit, as lenders will be assured that the borrower is indeed the owner. Access to credit should lead to higher productivity and higher land prices, since farmers are expected to start investing in their land.

**Reduction in the cases of fraud.** The positive impact of the project on the real estate market will be first felt in larger towns, where property values are higher. At present, cases of fraud related to urban real estate transactions are common and a serious impediment to purchases, sales and investments. The old owner-based system of property registration makes checks difficult and slow. The linkages between the two parts of the registration system (entry courts and cadastre) are poor. The project will support the gradual introduction of the parcel-based registration system, and the creation of an effective data link and exchange between all the agencies involved. This will contribute to make transactions more secure, thereby reducing the number of court cases.

**Improvement of the registration service.** The project will help build the newly established Cadastre Agency and a unified national cadastre and property registration system. Thus, in the course of the project, the government agencies involved will provide improved standards of service, which ultimately will benefit all citizens.

## #2. Kyrgyz Republic -- Land and Real Estate Registration Project (P049719)

### PDO (PPAR)

According to the Development Credit Agreement, the Kyrgyz Republic's Land and Real Estate Registration Project's (LRERP) Development Objective was to: Support development of markets for land and real estate through the introduction of a reliable and well-functioning land and real estate registration system. The Project Appraisal Document adds a comment that the project would support "more intensive and effective use of land and real estate" However, this statement is not reflected in the text of the PAD

including in sections where reference might particularly be expected such as the Results Framework (page 25). Instead, the PAD's discussion of project outputs and outcome is restricted to LRERP's impact on the land market. The intent of the project is thus best defined by the Credit Agreement's statement of LRERP's development objective, and this will be used in the PPAR. Nevertheless, reference to productivity will be made where useful to the discussion of the project's outcome. Reference will also be made to poverty impacts and the rural sector, in line with the Bank's and Government's overall development goal of economic growth including a pro-poor and rural sector orientation.

### Benefits (PAD)

Project benefits will be increased security of tenure, simplified procedures and reduced costs for sales, lease, and mortgage transactions, and increased prices for, and investment in, land and real estate. The project will also provide benefits to the State in the form of an accurate information base for the fiscal cadastre and for land and real estate administration.

The target population is those who hold rights in land and real estate or who would like to acquire such rights. Other beneficiaries would be those wanting to make use of the information base to be developed by the project. The Social Assessment of potential beneficiaries was completed in September 1999 and reviewed at Appraisal. The major findings of the report are that: (1) the process of transactions involving real property is too complicated and confused, and there is a lack of reliable information; (2) security of tenure at present is mixed, with a share of the population unsure of the long-term security of their property rights; and (3) performance of existing Government agencies in the area of land and real estate is rated as low by the population.

## #3. Thailand -- Second Land Titling Project (P004780)

### PDO (PPAR)

The Second Land Titling Project formed part of a 20-year program launched by the government in 1984 and supported by the Bank throughout. The project's main objective was to accelerate the provision of fully-transferable title to privately owned parcels, using a process of systematic adjudication. The project also sought to complete a national cadastre and increase the accuracy of property valuation. Project components included base cadastral mapping, ground surveying (the largest single item, accounting for an estimated 53 percent of project cost), and support to land administration and valuation work, involving technical assistance and training.

### PDO (PAD)

The principal objective of the project would be to grant secure, documented tenure to rural landholders, thereby facilitating their access to institutional credit, improving investments in the land, and increasing agricultural productivity and family incomes. This objective addresses the key issues of rural poverty and underemployment and is thus consistent with the Bank's strategy for agriculture and rural development in Thailand. Secondly, the completion of an improved national cadastre would greatly assist the various RTG agencies responsible for development planning and land administration, and more accurate property valuation and tax assessments would strengthen the fiscal system and increase government revenues, particularly in urban areas.

### Benefits (PAD)

Project benefits are derived from the various 'outputs' of the project (i.e. land titles, aerial photomaps, cadastral maps) and the improved systems of land valuation and land information which can be developed from them. While they do not lend themselves to conventional rate of return (ERR) analysis, some of these benefits have been quantified. The main thesis underlying this analysis is that agriculture in Thailand has to move from the extensive to the intensive mode, and that increased security of tenure is a critical precondition for effecting the needed land and soil improvements. LTP was justified primarily on the basis of the benefits expected to arise from the issuance of title deeds, i.e. the security of tenure which would lead to: (a) increased access to institutional credit; (b) increased input use and on-farm investments; (c) higher productivity and beneficiary incomes; (d) improved land values; and (e) reduction of land conflicts. Consequently, the choice of project areas under LTP was determined by these factors.

Another positive impact of the issuance of land titles, which cannot easily be quantified, relates to those benefits associated with the dignity, security and sense of well-being derived from land ownership, especially for occupants of formerly undocumented land. By the same token, security of tenure reduces the incidence of land disputes. Finally, other benefits that are difficult to quantify concern the price and land market distortions posed by undocumented lands. Even where informal markets exist, transactions in such areas do not reflect the "true" market rate, but rather are distorted by the insecurity of boundaries, and such price distortions often bias the allocation of resources. These transactions usually have higher costs than do those for documented lands. Since the rate of issuance of land titles achieved under LTP (200,000 per year) would be more than quadrupled under the proposed project (900,000 per year), it is reasonable to assume that the incidence of the associated benefits discussed above would increase similarly.

## #4. El Salvador -- Land Administration (P007174)

### PDO (PPAR)

According to the Loan Agreement, "the objectives of the Project are to: (a) modernize the Borrower's public registries and the cadastre of real estate; and (b) establish the bases for land regularization in the Borrower's territory".

The statement of project objectives in the appraisal report is more explicit and, for that reason, is used as the template for this assessment. "The proposed project's major objectives are to regularize land registration for El Salvador's estimated 1.6 million parcels of rural and urban land and to create an efficient, streamlined, and financially self-sustaining nationwide cadastral mechanism for mapping and land registration-the new National Registry Center. Land registration would provide land owners-particularly the vast majority of smallholders who lack clear tenure-with the security that will enable them to sell or rent at fair market prices, and pass on their holdings as inheritances. Improving tenure security would also increase smallholder access to credit, raising incentives to invest and to manage land properly". The appraisal report also assigns the operation to the "Program of Targeted Interventions against poverty because, although all land will be regularized and benefits will accrue to all, of the currently unregistered parcels, more than three quarters are small".

### Benefits (PAD)

The project would enhance land security-and value-and contribute to better land use and enhanced collateral. Secure property rights achieved through a process of field adjudication and non-judicial conflict resolution are an important contributor to peace and a significant step toward creating a fluid land market. Also, because land is a store of value, land holders not currently regularized (mostly rural and poor) who obtain registered titles under the project will be able to save in land and convey to others their interest in land assets at the full market value. Finally, the establishment of a consolidated and self-financing CNR consolidating land registry and cadastre functions, able to maintain records updated, is the condition for project sustainability.

## #5. Georgia -- Agricultural Development Project (P008415)

### PDO (PPAR)

Approved in FY97, the project's strategic aim was to help deepen and diversify the sources of growth and reduce rural poverty. Co-financed by the International Fund for Agricultural Development (IFAD), the overarching project objective was to increase agricultural productivity in Georgia by supporting the development of private sector farming and agro-processing<sup>26</sup>. The specific objectives were to:

- Develop an agricultural credit system;
- Facilitate increased liquidity in land markets;
- Identify, through training, a series of studies and pilot operations, and an agricultural development and investment program

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<sup>26</sup> This was also the Credit Agreement definition, even though it lacked the "specific objectives" listed in the original PAD.

to address major constraints to increasing agricultural productivity.

In the interests of greater clarity, following the mid-term review in March 2002, the project's objectives were reworded to read: *“to remove key constraints to increasing incomes in rural areas of Georgia by increasing the access of agribusiness firms to investment credit; increasing the access of farmers to rural credit; increasing liquidity in land markets; and identifying, through a series of studies and pilot operations, an agricultural development and investment program to address other major constraints to increased agricultural productivity”*

### **Benefits (PAD)**

The primary beneficiaries of this project are expected to be private enterprises engaged in economic activities related to the rural sector, including agribusinesses, small-scale rural businesses, small-scale private farmers and rural landholders. The line of credit, which would be used primarily by agribusiness companies, is expected to result in large gains in productivity by allowing firms to upgrade their technology and providing them with operating capital. The establishment of CUs in rural areas would benefit both small farmers and small-scale rural businesses by establishing a low cost mechanism for non-collateral based lending. An estimated 46,000 farm owners who live in the project area, 36,000 urban dwellers who received small parcels of land under the land reform program, and 48,000 part-time rural residents who received small land allocations during the soviet period would be the main beneficiaries of the land registration component. With an average farm size of 0.9 hectares, most of the farm families are in the bottom half of the income strata in Georgia. Land titling would be a particularly important social safety net for older land owners, who could generate income by leasing their land, knowing that they have secure title. In the longer run, title registration is expected to increase the liquidity of the land market by reducing the cost of land transactions, thus increasing the productivity of small-scale agriculture in Georgia.

Although the project is expected to generate substantial benefits, it is not possible to measure these benefits with a conventional economic analysis. However, with the removal of financial distortions and subsidies agreed recently under the Structural Adjustment Credit, and with sub-loans to enterprises required to have a minimum financial rate of return of 15%, the project is expected to yield a rate of return higher than the opportunity cost of capital. The project would also have a positive impact on Government's revenues due to the increase in the tax base to be brought about by the land registration program and the improved incomes of both enterprises and farmers. A qualitative list of expected benefits from each of the project's sub-components is presented below.

#### **Enterprises:**

- (a) Rehabilitation of enterprises, thus increasing productivity of existing investments;

- (b) Increase in foreign investments and the creation of joint ventures leading to the transfer of technology to Georgia;
- (c) Development of a capacity to expand exports, compete in foreign markets, and enable enterprises to be more efficient and productive; and
- (d) Improvements in the revenue, management, and productivity of enterprises.

**Banks:**

- (a) Development of a capacity to evaluate and administer short-and medium-term loans to enterprises;
- (b) Improvements in the financial management of PBs;
- (c) Improvements in the quality of bank intermediation by strengthening: (i) the legal and regulatory environment in which banks operate; (ii) the capacity of the NBG to effectively regulate and supervise banks; and (iii) the institutional capability and capital base of a core group of private banks, enabling them to initiate and expand their term lending; and
- (d) Normalization of bank interest rates by introducing additional capital into the system and expanding the scope of financial intermediation to include production based enterprises.

**Credit Unions:**

- (a) Introduction of a sustainable system of providing financial services to the rural sector that has thus far been neglected by financial intermediaries;
- (b) Accelerating the rate of resource mobilization in the rural sector, thereby providing higher returns on capital to CU members, and lower costs of borrowing;
- (c) Expansion of economic activities in the rural sector along with an increase in output and productivity of small farms; and
- (d) Development of the financial management skills of CU officials.

**Land Registration:**

- (a) Introduction of a system that would facilitate the efficient sale and rent of land at fair market prices, by reducing the cost of land transactions;
- (b) Improved security of ownership rights to land and property, thereby enhancing the development of a land market, increased land rental markets, and also increased the levels of private investment in land;
- (c) Development of a more objective and equitable tax base from the records at the land registry;
- (d) Increased government tax collections without having to increase the land tax rates;
- (e) Improved access to institutional credit arising out of the ability to use land and property as collateral; and

(f) Introducing a formal, low cost method of resolving land disputes.

**Agricultural Services:**

- (a) Creation of a framework for agricultural services that can cater to the needs of small scale private farms; and
- (b) Identification of priority measures that are necessary to improve agricultural productivity and exports.

**Fiscal Impact.** If executed as planned, the fiscal outlay required from Government during project implementation is no more than the US \$0.5 million used in the initiation of the land registration component. However, over the five-year implementation period for the project, the Land Registration Component is expected to yield US \$3.6 million from registration fees and US \$0.4 million per annum from the incremental improvement in the rate of land tax collections in the two pilot areas. This would be the result of an increase in land tax collection rate from 50% to 80%. Before the IDA ten-year grace period is completed, the cost of the land registration component is expected to be fully recovered. The Credit to Enterprises and Credit Union components are expected to have a significant positive fiscal impact as a result of the spread between the IDA lending rate and on lending rates to commercial banks and CUs respectively. The Credit Union Development Component is expected to result in no fiscal outlays during the five-year implementation period of the project and a net cost to Government of about US \$1.5 million, after recovery of supplemental loans. The fiscal outlay of the Agricultural Services component of the project is zero during the five-year period of the project and US \$0.5 million net cost to Government. This cost would be more than compensated for by the Credit to Enterprises and CU components by the end of the ten year IDA grace period. Therefore, apart from the US \$0.5 million maximum fiscal exposure initially, the net fiscal impact over the term of the Credit is expected to be positive.

**#6. Romania -- General Cadastre and Land Registration Project (P034213)**

**PDO (PPAR)**

The GC-LR project design supported the objectives of the 1997 CAS, by fostering the creation of an efficient system for securing land titles and a cost effective mechanism for land transactions. By facilitating land transactions, the project sought to help consolidate economically non-viable agriculture farm units and facilitate the sustainable, efficient use of land, other natural resources and infrastructure.

The project specifically aimed to: (a) Establish an efficient system for securing land titles of real estate owners which can be expanded nationwide; (b) Create a general cadastre system which provides clear and current definition of real estate parcels which form the basis for real estate registration; and (c) Set up a simple, safe and cost effective procedure for land transactions.

**PDO (Loan Agreement)** -> Not mentioned in PPAR but wording is different from PDO in PAD/PPAR.

The objectives of the Project (known, in the Borrower's territory, as "General Cadastre and Real Estate Publicity Project") are to develop and implement the Borrower's general cadastre and land registration systems, so as to provide for secure real estate ownership rights and simple, safe and cost-effective procedures for real estate transactions.

### **Benefits (PAD)**

The project is estimated to cover about 3 million hectares of rural land and 75,000 ha of urban land. The project would offer major benefits in two ways. First, it would promote the protection of recently restored land rights and establishment of an accessible and transparent land registration system, both of which are necessary conditions for land market development. Secure land rights are fundamental to the economic transition and would provide economic benefits over the medium to long term. Second, the project would encourage private sector investment and provide easier access to credit using land and property as collateral. A large proportion of the population have received assets in the form of small land parcels or apartments. The ability to dispose of assets or derive income from them will be particularly beneficial to pensioners and city dwellers with agricultural parcels. Furthermore, the project will help in the protection of the environment through improved data on current land use. Secure property rights, which the project would support, are expected to foster prudent use of land and natural resources. The project would also support effective urban and rural planning, utilities, communications and transportation providers, which require information on land use and ownership. The target population comprises current and future real estate owners, private investors in agriculture, housing and industry, commercial banks and other users of land ownership information.

## **# 7. Azerbaijan -- Agricultural Development & Credit Project (P035813)**

### **PDO (PPAR)**

The ADCP was the first part of a three-phase Adaptable Program Loan (APL).

The overall development objective of the program as a whole was to: return Azerbaijan's farming areas to former levels of productivity under a new system characterized by private family and group farms operating in private markets. The objective of ADCP was that: private family and group farms and other private rural entrepreneurs begin to: (i) register land transactions in large numbers; (ii) use information and advisory services; and (iii) expand investment in their farms and other rural businesses; and (iv) that government capacity be built to formulate policy to improve the competitiveness of the rural economy.

**PDO (PAD)** -> Worded differently and missing point (iv) spelled out in PPAR.

Private family and group farms and other private rural entrepreneurs begin to register land transactions in large numbers, use information and advisory services, and expand investment in their farms and other rural businesses.

**PDO (Loan Agreement)** -> Not mentioned in PPAR but wording is different from PDO in PAD/PPAR.

The objective of the Program is to restore the productivity of the Borrower's farming areas under a new system characterized by private family and group farms operating in private markets.

The objectives of the Project are to: (a) assist in registering private rights to rural farm land and testing mechanisms for a unified real estate registration system encompassing urban and rural land and buildings; (b) support the creation of a self-sustainable rural financial system based on the development of LFIs; (c) establish rural information and advisory services; (d) strengthen research and veterinary services; and (e) create capacity to analyze and respond to the impact of developments in the oil sector to the agricultural sector.

#### **Benefits (PAD)**

This project will benefit the new farming community, especially family farms. Each component contributes to this end either directly or indirectly. The Real Estate Registration component will underpin the emerging land market, enabling the rural community to buy and sell land in a transparent way and to use land as collateral for credit. The Rural Finance component will address rural financing requirements through a new and sustainable rural financial system, the benefits of which will accrue to all households who participate in the formation of CCs and groups of borrowers as members, depositors, and borrowers. Relieving constraints on credit and deposit services for rural households will help improve productivity and household income. Better rural finance services also will promote local off-farm businesses which in turn will improve the economic environment for farmers and open opportunities for specialization in higher value produce. The Information and Advisory Service component will deliver services tailored to requirements of emerging farms and other rural entrepreneurs. It will provide benefits in the form of improved management and technical know-how which will improve productivity and incomes. The Agricultural Strategy will benefit the rural population by identifying a sustainable framework for Government interventions in the rural sector over the coming decade. This framework should lead to more efficient public investment in of expected oil revenues in irrigation and other rural infrastructure and improved services.

#### **#8. Azerbaijan -- Farm Privatization Project (P040544)**

**PDO (PPAR)** -> Different wording from PDO/LA.

FPP's Overall Development Objective was to accelerate Government's program for land privatization and farm restructuring of representative state and collective farms in a systematic manner and to provide models which could serve as a basis for wider geographic replicability. The underlying intention was that the project would form the basis for subsequent development of a national program. There were six specific objectives: development of (i) land registration; (ii) farm information and advisory services; and (iii) credit services; (iv) rehabilitation of irrigation and drainage infrastructure; (v) creation of an enabling environment to build linkages between key institutions; and (vi) development of community based services in support of land privatization and farm restructuring.

FPP was a pilot project covering one former collective farm in each of 6 *raions* (districts), chosen to provide broad regional coverage. Country coverage was very small relative to Azerbaijan's total number of *raions* (66) and former collectives (about 2000), but the impact of the pilot as an initial testing ground for Azerbaijan's agricultural reforms was potentially large. Azerbaijan needed to make a radical departure from the failed Soviet system, and a successful pilot would provide a model for reform, setting the stage for roll-out nationwide. In particular, FPP, joined by ADCP, would pioneer three main agricultural development thrusts: the land privatization program itself, and two key agricultural services - agricultural extension, and credit. Irrigation rehabilitation was also an important component of FPP.

#### **PDO (PAD/LA)**

The main objective of the Farm Privatization Project (FPP) is to accelerate the Government's program for land privatization and farm restructuring of representative state and collective farms in a systematic manner and to provide models which could serve as a basis for wider geographical replicability. This objective would be achieved through the provision of: (i) essential support services which are necessary to sustain privatized agriculture at the raion [district] and farm levels. These are: land registration, farm information and advisory services, credit services, and rehabilitation of critical irrigation and drainage infrastructure; (ii) an enabling environment which would help build linkages between key institutions, viz., Ministry of Agriculture, State Land Committee, State Irrigation Committee, Agrarian Reform Commissions and agricultural banking institutions; and (iii) community based social services and formation of village groups in support of land privatization and farm restructuring.

#### **Benefits (PAD)**

The main benefit of the project is the development of new models of farm restructuring, farm support and production structures necessary for the transformation of the agricultural sector into a competitive market oriented system and which could be replicated to other parts of the country. This requires reasonably secure and registered land rights; improved information and advisory

services; favorable relative agricultural input and output prices; combination of credit/grants to provide for seasonal working capital requirements, longer term finance for essential farm equipment, land levelling and rehabilitation of irrigation systems to provide reliable water supply to farms and relief from the obligation to finance social assets.

#### **#9. Guatemala -- Land Administration Project (P049616)**

##### **PDO (PPAR/LA)**

The objectives of the Project were: (i) to increase legal security of land tenure in the Petén Department; and (ii) to strengthen the legal and institutional framework for land registry and cadastre services in Petén.<sup>27</sup>

##### **Benefits (PAD)**

Benefits include increasing tenure security of Petén farms, which will induce improvements in agricultural production and reduce environmental pressure. In addition, considerable land records information will be generated and made available in a form suitable for land use planning. When tenure security exists, conflicts and therefore demand for courts and law and order services decrease. Also, with land registration services available in Petén, transaction costs for the land market will be reduced substantially.

#### **#10. Tajikistan -- Farm Privatization Support Project (P049718)**

##### **PDO (PPAR)**

As stated in the Project Appraisal Document (PAD), the main project objectives were to (i) develop procedures and institutional mechanisms at the state level and in selected regions to ensure fair, secure and equitable transfer of land and other farm assets to private individuals or groups; (ii) test and implement these procedures in ten selected former state and collective farms in order to provide representative models which could serve as a basis for wider geographical replicability; and (iii) create sustainable private family farming units and provide them with the enabling conditions to operate independently in a market economy.

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<sup>27</sup> PDO in PAD also added that the objective was “to be achieved through a participatory process for conflict mitigation and resolution that includes indigenous and non- indigenous communities “.

A Supplemental Credit in the amount of US\$3.0 million was approved by the board on February 22, 2001. This Supplemental Credit supported the prior three objectives and added a fourth one, which was to (iv) mitigate the effects of the severe 2000 drought by providing emergency agricultural inputs to the families affected by the drought.

### Benefits (PAD)

The proposed project would yield principally two broad types of economic benefits, creating and promoting a privatized form of agriculture, and, increasing individual farm family incomes. The estimated population expected to directly benefit is about 28,000 persons who depend on agriculture as their principal means of livelihood.

Creation and development of privatized agriculture: This would result from the following project activities: (a) land registration system: Establishment of a modern and secure land registration system with appropriate procedures would provide clarity of land titles, instill confidence in individuals regarding legal rights to land use, and form the basis for land mortgaging and creation of land rights markets in the future; (b) rural information and advisory services. The Project's emphasis on providing timely and wide dissemination of various types of information, would increase the awareness of the opportunities presented by a market economy, and would enable farmers to evaluate the relative profitability of alternative crop and livestock activities and to enter new markets. The use of mass media and participatory workshops would help build consensus in favor of private farming and build confidence in claiming land rights by nuclear and extended families.

Increase individual farm family incomes: The provision of a onetime grant in cash towards procurement of essential agricultural inputs, viz., seeds, fertilizer, agricultural tools, along with the timely availability of water are expected to have a positive effect on crop productivity and farm family incomes. Cropping intensity is expected to increase from the present 80% to 120%, as a result of introducing multiple-cropping through cultivation of improved varieties of high yielding cotton, wheat, cold tolerant and disease resistant potatoes, early maturing legumes, short duration vegetables, etc. Average per capita incomes in the privatized farms are expected to increase between 25 and 50 percent as a result of increased yield levels; for example, the wheat crop yield is expected to increase by 2.5 tons/ha from the present level of 1.8 tons/ha and yield levels of "raw" cotton are expected to increase from the present level of 2.2 tons/ha to 3 tons/ha. Such yields were commonly exceeded in the past.

**#11. Slovenia -- Real Estate Registration Modernization Project (P055304)****PDO (PPAR/PAD)**

To improve the efficiency and effectiveness of real estate administration systems in Slovenia. This will include improvement of the real estate registration system, upgrading the legal framework for real estate transactions, establishment of an agricultural land use monitoring system to meet European Union accession requirements, and designing and testing of a market-based property tax and valuation system.

**Benefits (PAD)**

The primary benefits of a secure land record and transaction system are: i) increased security of tenure; ii) reduced cost of real estate transactions; and iii) increased availability of real estate financing. In the case of Slovenia, the primary benefit from upgrading the system will be the reduction in transactions cost associated with the existing system. At present, there are delays as long as 18 months in some County Court registration offices, most of the 650,000 apartments in the country have never been registered and are still difficult to register. The poor quality of the cadastral mapping system makes registration transactions difficult to check and prone to recording errors. This inefficient system, together with the inadequate legal framework for real estate market development result in real borrowing rates for mortgages that are 5.5 to 7.5 percentage points above the rate for Government bonds (the risk free rate), compared to UK, Denmark, Germany and France that have spreads over the risk free rate ranging from 1.2 to 1.5 percent. Implementing a more efficient and secure system, together with changes in the housing finance system, will reduce these spreads.

In addition to the direct benefits of reduced mortgage rates and transactions costs, there are a number of indirect benefits that are likely to result from the project. Reduced mortgage rates will result in increased overall economic activity due to a more liquid property market, increased housing construction, and land consolidation in farming areas. It would also result in the social benefits of more affordable housing. Increased security of tenure would provide one of the necessary conditions for increased direct foreign investment, an expansion of rental markets for real estate, and an increase in the overall level of mortgage lending. It would also reduce the risk faced by the overall banking system of providing unsecured housing finance. Improved information systems will result in increased quality of information and increased information access by land holders/users, land professionals, and government. The magnitude of these indirect benefits are expected to be substantially higher than the direct benefits described above.

**#12. Indonesia -- Land Management and Policy Development Project (P064728)****PDO (PPAR)**

According to the Project Appraisal Document, “The proposed objectives of the project are: (i) improve land tenure security and enhance the efficiency, transparency, and improve service delivery of land titling and registration; and (ii) enhance local government capacity to undertake land management functions with great efficiency and transparency”.

The Credit Agreement contains essentially the same formulation but combines the specific objectives of the project with the overarching goals of economic growth and poverty reduction: “The objective of the Project is to assist the Borrower in reducing poverty and stimulating economic growth through: (i) improving land tenure security, and enhancing the efficiency and transparency of delivery of land titling and registration services; and (ii) strengthening local government capacity to undertake land management functions efficiently and transparently”.

**Benefits (PAD)**

By improving the land administration system, the project will stimulate the development of more efficient land markets, facilitating the allocation of land to its best use. Moreover, under the proposed project, about 2.5 million households will receive land titles. The beneficiaries of land titles will enjoy the benefits associated with land titles, including increased tenure security, access to credit and opportunities to increase investments and productivity. Many of the expected beneficiaries are the poor and vulnerable who, because of time and resource constraints, have not obtained land titles through the existing system. The emphasis on information dissemination and community participation will be strengthened under the project to ensure that women and other vulnerable groups are fully aware of their rights.

Improving the efficiency and transparency of the land agency will reduce the time and cost of registration of land transactions and therefore will encourage the development of a formal land market, which protects property rights and reduce lands disputes. The project will also assist in the development of policies with regard to the recognition and registration of adat and ulayat land. This will, in the medium term, protect the rights of indigenous groups on their land.

### #13. Ghana -- Land Administration Project (P071157)

#### PDO (PPAR)

The Project Appraisal Document and the Development Credit Agreement of the Land Administration Project use the same language to describe the project development objective.

— “The objective of the Project is to develop a sustainable and well-functioning land administration system that is fair, efficient, cost effective, decentralized, and that enhances land tenure security, through: (a) harmonizing land policies and the legislative framework with customary law for sustainable land administration; (b) undertaking institutional reform and capacity building for comprehensive improvement in the land administration system; (c) establishing an efficient, fair and transparent system of land titling, registration, and valuation; (d) developing community level land dispute resolution mechanisms; and (e) issuing and registering land titles in selected pilot urban and rural areas”.

Following the Board-approved restructuring in 2008, the project development objective was recast as follows:

—“ To undertake land policy and institutional reform and key land administration pilots for laying the foundation for a sustainable decentralized land administration system that is fair, efficient, cost effective and ensures land tenure security”.

#### Benefits (PAD)

The legislative reviews that will lead to consolidating the plethora of land laws and harmonize them with customary land administration practices and the institutional reform that will streamline and restructure public sector land agencies, strengthen their capacity and decentralize their operations, in collaboration with the traditional land councils, will benefit the entire population of Ghana. The demarcation of boundaries of allodial land owners and titling and registration of land interests will increase the security of land tenure for the communities in the pilot areas selected for systematic land titling. Specific beneficiaries of the project are as follows.

**Traditional Land Owners:** Customary land owners have often relied on courts during land disputes to determine their boundaries. Often court rulings are contested and result in further appeals with attendant high costs and freezing of lands from development. The project would promote the development of local conflict resolution mechanisms. The mapping of traditional land boundaries and issuing of land titles to cover such holdings, would facilitate the resolution of boundary conflicts. The courts would be strengthened to expedite the resolution of the large number of land cases clogging the court system. In addition, training would be

provided to traditional owners in basic land administration and records management. Partnerships developed in the course of the project implementation would be sustained with assistance and encouragement to develop land offices of traditional authorities such as the Asantehene's Land Secretariat in Kumasi and the land administration of the Gbawe family in Greater Accra.

**Vulnerable Grounds:** Several areas of the forest belt and the transitional zone are settled by poor farmers who are not native to their areas of operation under various forms of tenancy arrangements with their hosts. Due to the undocumented nature of the arrangements, tensions often arise and sometimes flare up into confrontations. With land shortage, strangers and tenants sometimes find that landlords or chiefs change the terms of their land occupation unilaterally. Recent research shows that strangers and tenants who are women are afraid to put their land under fallow for the usual periods in case this gives landlords an excuse to repossess the land. This affects the productivity of their farms. In all areas of Ghana women constitute a large percentage of the farming population. However, their land rights are not clearly defined and documented and many stand the risk of dispossession once they are no more with their spouses or families, when they are widowed or when land shortage becomes acute. The project would sponsor specific studies into these phenomena to enable a negotiated mechanism to be established for the registration of these types of interest in land. It would work with customary authorities to help them adopt new procedures to attend to the land rights of women, tenants and strangers. The project would also seek to institute legislative protection of the rights of individuals, very often poor farmers who stand to be evicted through acquisition of land by the state or local government or through urbanization. Traditional authorities will be assisted to devise formula which ensure that poorer members of the community are not made landless when rural lands are converted into urban housing plots. Land litigation and the threat of violence on disputed lands discourage domestic and international investors who seek land for development. The provision of secure titles to land would facilitate orderly and legal acquisition of land for development either by outright purchase or long-term lease thus enabling land to serve as collateral for credit to improve and develop land. Simplification of procedures and reduction in transaction costs will substantially widen the range of beneficiaries. Special attention would be paid to issues of land rights in the north of the country where the rural poor constitute the larger percentage of the population.

**National and Local Governments:** It is expected that the project will generate incremental revenue to both national and local governments. These will accrue from registration fees, estate property tax, capital gains tax and stamp duty. The emphasis is not so much on increased taxing mechanisms but equity in the application of existing ones. Thus, increased revenue will accrue from (a) an increase in the proportion of land titled and registered; (b) improved efficiency in land administration, making registration cheaper and easier; and (c) an invigorated land market in rural and urban areas. Higher revenues would also result from higher land values arising from rising land and property prices reflecting a future net income stream created by land titling and registration and more objective and improved methods of land valuation which the project will promote. Another benefit to all levels of government will

be the clearing of court cases much faster and removal of the barriers to investment and development which exist with the current system of land acquisition.

Land management functions are currently centralized at the national and regional levels. There is little consultation and coordination between land agencies and the District Assemblies. Assemblies will benefit by the decentralization of land management functions to the districts through being able to link their service provision with land administration developments. Both human capital as well as material resources such as equipment for land use planning would be provided by the project. The project's support to district Town and Country Planning Departments in upgrading of the planning system, processes and practices, training staff and provision of logistical support will enable proper land use planning and implementation. The project will spearhead building a more responsible attitude to land management among public land administrators as well as the general public.

**Land Sector Agencies:** The project will benefit land sector agencies through streamlining their functions and fostering cooperative production of land administration services, if possible, under one integrated umbrella. They will benefit directly through capacity building in both human and material resources. Staff would undergo various forms of technical and professional training; and equipment, improved office space and work environment and other resources would be provided. This would improve performance and enable MLF to formulate appropriate land policies and to monitor and evaluate land sector activities more efficiently.

**Private Sector Enterprises:** Land acquisition for investment purposes are often fraught with uncertainty as a result of land disputes over different interests in the same parcel of land. The project would assist in identifying the land ownership categories and providing them with secure titles. Private sector entrepreneurs could then transact on these lands without fear. Secure and transferable land titles would revitalize land and financial markets, particularly in urban settings. In addition, some of the project activities in the form of cadastral mapping and surveying would be contracted out to private firms and individuals. Capacities of those engaged in these functions and in real estate markets would be strengthened through training and support to their professional associations. These activities further strengthen the role of the private sector in the economy.

**Central Government and Security Agencies:** Land disputes often degenerate into violent confrontations that cause losses of life and property, disrupting normal socioeconomic activities. Considerable time, energy and cost is expended by Government and security agencies to contain such conflicts. The project would, through participatory approaches, promote local conflict resolution mechanisms and provide secure titles to land and hence minimize the threat of land related disturbances. The judicial system will also benefit as the project would provide resources to expedite settlement of land cases and introduce alternative dispute resolution mechanisms that would minimize court litigation.

**Research Institutions:** Research institutions have been engaged in research on land issues for a long time and have contributed to understanding the limitations and inadequacies of the land administration system in Ghana. DFID and GTZ have commenced an initiative to improve learning about land tenure in the region and fostering collaboration with other West African states especially Francophone West Africa. The project would involve these development partners to foster continuous research on land tenure issues and development and their impact on people.

#### #14. Lao PDR -- Second Land Titling Project (P075006)

##### PDO (PPAR)

According to the Project Appraisal Document, “The objectives of the project are to (i) improve the security of land tenure; (ii) develop transparent and efficient land administration institutions at the national and provincial levels; and (iii) improve the government's capacity to provide social and economic services through broader revenue base from property related fees and taxes”.

The Development Credit Agreement formulates the third objective in a way that is more evaluable: “The objective of the Project is to support the achievement of the Borrower’s economic and poverty reduction goals by improving land tenure security, developing transparent and efficient land administration institutions, and increasing the Borrower’s revenues from land-related taxes and fees”.

##### Benefits (PAD)

By securing land tenure rights, the project will help to promote social stability, contribute to poverty reduction and stimulate economic growth. By improving the land administration system, the project will stimulate the development of more efficient land markets, thereby facilitating the allocation of land to its best use. Increased government revenues from property related fees and taxes will improve the government’s capacity to provide social and economic services through a broader revenue base. About 200,000 households in urban, peri-urban, and lowland agricultural areas will receive titles to land under the systematic land titling program, bringing the total number of households having benefited from land titling since the beginning of the program to about 300,000 families. The beneficiaries of land titles would enjoy the benefits associated with land titles, by way of increased tenure security, access to credit and opportunities to increase investments and productivity. Many of the expected beneficiaries are the poor and vulnerable who cannot afford to obtain land titles through the existing system. In addition, the first project also demonstrated the positive impact of land titling on women’s access to titles and subsequent access to financial resources. The emphasis on information dissemination and community participation will be strengthened in LTP II to ensure, in particular, that women and other vulnerable groups are fully aware of their rights, and of the benefits and risks associated with the use of land titles as collateral. In view of the current weaknesses in the legal and policy framework for land management, the project will not issue titles in areas under shifting cultivation, other upland rural areas, and where ethnic communities live in indigenous ways, where an important

share of the rural poor live. However, through its land policy development component, the project will support the clarification of the policy framework to allow, at a later stage of the development of the country's land titling program, to address these issues, and to explore options to improve land administration and management in rural areas.