

BUILDING THE CAPACITIES FOR EFFECTIVE MANAGEMENT OF GOVERNMENT-OWNED LAND

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The global context for managing government-owned land has undergone dramatic changes during the last two decades:

- The political dimension: Transition to market economy, devolution and public sector reform including reform of fiscal management and accounting practices of public assets
- The dynamics and consequences of decentralization and de-concentration for institutional and professional development
- The fundamental role of government-owned land in climate change adaptation and mitigation
- Responding to unprecedented commercial pressure on government-owned land in rural and urban areas
- International initiatives and agreements on land governance and anti-corruption measures

That is why an improved professional profile is required for managing government-owned land

- Institutional and professional profiles should be expanded and enhanced through systematic capacity building and other strategic support so they can perform those new responsibilities and respond to the pressing challenges.

Characteristics of transitional countries are diverse
Capacity building framework must correspond with country situations

Transitional countries / region	Characteristics	Selected issues in managing government-owned land
Land tenure in Central, Eastern and South Eastern Europe	similar to Western Europe, market economy 40 to 60 % Government-owned land	Privatization, restitution and transfer to local government as well as restructuring of the agricultural farming sector mainly completed
Central Asia	Centralized administration of the land sector 80 to 90 %	Severe land degradation, climate change issues, land / water relation, reform of pastoral land rights
South East Asia (Cambodia, Lao, Vietnam)	Transitional process in operation 80 to 90 %	Land distribution for poverty reduction, large scale land acquisition, forced eviction
Iraq	Transformation of State ownership and centralized LA	Developing normative framework and land policy, land conflicts ⁴

A broader view of the meaning of Capacity Building

UNDP defines capacity-building as “the process by which individuals, groups, organizations, institutions and societies increase their abilities to:

perform core functions, solve problems, and define and achieve objectives; and understand and deal with their development needs in a broad context and in a sustainable manner.” (UNDP 2002).

Government-owned land and climate change

FAO Land Tenure Journal No 2 (2011): Thematic issue on land tenure and climate change

- The effects of climate change and their social and policy responses are causing changes to land tenure systems as well as to land use patterns. These changes are increasing competition over land, reducing access to resources and altering existing land tenure arrangements’.

More than 70 % of all land worldwide is government-owned land! That is why climate change mitigation and adaptation initiatives are such a strategic topic on government-owned land

Governance problems in managing government-owned land

- Lack of policy orientation (Land Policy, Fiscal Policy, central level versus local government)
- Vested interest of politics and powerful people lead to strong resistance for better governance and transparency
- Inconsistent normative framework and weak law enforcement
- Lack of coherent, complete and up to date information about where is what and what is where
- Fragmented institutional arrangements
- Weak or no recognition of multiple formal and informal land and use rights on government-owned land.
- Central level interests over-ride local land and resource rights.

Problem of political (grand) corruption in land matters ?

TI GCB 2009, 70 000 people interviewed, survey in 69 countries; Question 10 B

Working Paper

#04/2011



TRANSPARENCY INTERNATIONAL
the global coalition against corruption





Corruption in the Land Sector

Unprecedented pressures on land have been created as new areas are cultivated, taken over by expanding urban centres or are abandoned due to degradation, climate change and conflict. These developments have strained the rules, processes and institutions that determine which land resources are used, by whom, for how long and under what conditions.

As evident around the globe, where land governance is deficient, high levels of corruption often flourish.

	Not a problem %	Very serious %
Armenia	2	36
Azerbaijan	1	43
Georgia	3	11
Moldova	5	15
Russia	1	46
Ukraine	1	50
Bosnia H	1	42
Croatia	0	71
Kosovo	2	41
Serbia	1	39
Macedonia	1	51

International Response: Voluntary Guidelines on the Responsible Governance of Tenure

chapter 8 on Public land:

To the extent that resources permit, States should ensure that competent bodies responsible for land, fisheries and forests have the human, physical, financial and other forms of capacity. Where responsibilities for tenure governance are delegated, the recipients should receive training and other support so they can perform those responsibilities.

The three levels of Capacity Development: Individual, Institutional and Societal

- **Individual:** This involves enabling individuals to embark on a continuous process of learning, building on existing knowledge and skills, and extending these in new directions,
- **Institutional:** These too involves building on existing capacities, constructing new institutions or custodian networks or seek out existing initiatives and encourage these to grow. Any institutional change, whether as strengthening or reform, requires some form of capacity building.
- **Societal:** This involves capacities in the society as a whole, or a transformation for development by creating an enabling environment. The dimensions of capacity at this level may include areas such as the consequences of global dynamics, governance issues, policies, normative framework conditions

Capacity Building Framework

Level	Capacity Assessment Issues	Capacity Development Options
Societal Level	<p>Political and Policy dimension</p> <p>Governance and land governance</p> <p>Social and economic dimension</p> <p>System dimension</p> <p>Legal and regulatory dimension</p> <p>Responding to the growing pressure on land</p>	<ul style="list-style-type: none"> – Role and function of central versus local administrative level in society – The role of government-owned land for mitigation and adaptation of climate change – Introducing the FAO VG principles and practices in national programmes – Land governance issues, accountability, transparency and control of corruption – Policy for restitution, privatization and property devolution – Policy for management, disposal and acquisition of government-owned land as essential element of land policy – Regulatory framework and law enforcement – Economics of government-owned land – Fiscal management of public assets – Urban expansion, land conversion and response to pressure on land – Involvement of civil society

Level	Capacity Assessment Issues	Capacity Development Options
Organisational / Institutional Level	<p>Managerial and resource issues</p> <p>Institutional issues and processes</p> <p>Dealing with government property assets and revenues</p> <p>Accountability and transparency</p> <p>The role of an oversight body and audit</p> <p>Expanding the land tool box</p>	<ul style="list-style-type: none"> – Institutional infrastructures and assessment of alternative organizational models (such as single agency versus custodian model) – Assessment of capacity needs – Decentralization and transfer of land to local government (consequences) – Regularization and consolidation of secondary land rights on government-owned land – All around operational procedures for managing government-owned land (such as disposal, auctioning, leasing, valuing, acquiring, resolving conflicts, monitoring, auditing) – ICT tools and GIS – Revenue generation and revenue tracking – Making accountability, transparency and anti-corruption measures operational – Professional Institutions – Integrating applied research – Discussion of good practices

Level	Capacity Assessment Issues	Capacity Development Options
Individual Level	Professional competence Human resources needs Educational resources and services	<ul style="list-style-type: none"> – Continuing professional development (CPD) – Personalized Executive or Technical Development Plan – Tailored education and training programs – Virtual programs – Knowledge networks – Education and research center as service provider in HRD – Professional ethics – Code of conduct

Towards Effective and efficient institutional arrangements

There is no universal model but a state of active
institutional/organizational evolution

- Centralized approach through specialized government agency for normative and management tasks
- Central level custodian model
- Decentralized Municipality-based management model
- Special purpose cooperation
- Contract-based trust management (PPP)
- Mixed models

Instruments for Capacity Building

- Instruments that could typically be applied in the capacity building process include a 'best mix' of the following 10 options:

1. A Framework for Self-Assessment of Capacity Needs in Managing Government-Owned Land

(adapted from Enemark, S. and van der Molen, P. (2006):

- Political Objectives
- Land Policy
- Policy Instruments
- Legal Framework – General
- Legal Framework – State Land
- Legal Framework – Land Rights
- Legal Framework – Land-Use
- Legal Framework – Land Value
- Allocation of Mandates – Role and Function; Central versus Local Level, Custodian Model
- Accountability, Transparency
- Oversight Body and Audit
- Portfolio and Performance Monitoring
- Fiscal Management, Revenue Tracking
- Business Objectives - Customer Orientation
- Work Processes
- Information and Communication Technology (ICT)
- Assessment of Human Resources
- Assessment of Resources for Education and Training
- Means of Professional Development

2. Systematic Education and Training

Educational and training programs, locally or in a different country to acquire new insights, skills and attitudes.

For example, Technical University Munich or ITC University Twente are offering international post-graduate programs in land tenure, land administration and land management. The topic 'effective management of government-owned land' is included in the program.

3. Applied Research

Generating research capacities and promoting applied research in critical subject areas such as state land economics, international experiences on government land companies, comparative assessment of institutional/organizational models etc.



4. Applied Research in Transitional Countries Selected Master Thesis Tech. University Munich

Sustainable Land Management through
Land Reform in a transition period
The Case of Tajikistan – Pamir Mountains ,
Master's Thesis
by A..... *Tajikistan*

Privatization of Agricultural Land in
Georgia. Obstacles, Impacts, Options for
Improvement.
Master Thesis by C..... *Georgia*

Establishment of Public Private Partnership
in State Land Management in Cambodia.
Assessment of professional capacity, legal
frameworks, and opportunities
Master's Thesis by B.... *Cambodia*

Land Conflicts Related to Land Privatization in
Mongolia
Master's Thesis
by B. *Mongolia*

Institutional Assessment of Land
Administration in Uzbekistan
A Case Study of Tashkent City
by N..... *Uzbekistan*

Land Policy in Transition Countries. Case
Study on Georgia
- Achievements, Shortcomings, Possible
Improvements -
Master's Thesis by D..... *Georgia*

5. Distance and modular education and training

help to increase the efficiency of the educational and training programs, by making use of the innovative new technologies for communication and knowledge management.

World Bank-led land group for Europe and Central Asia (ECA), offering e-learning sessions such as:

ECA Public Land Management, February 2012;

<http://worldbankva.adobeconnect.com/p155l0h2pmy/>

6. Twinning arrangements

between peer organizations from different countries and networking between peers to learn from each other.

For example BVVG AgriForest Privatization Agency, the German state-owned agency for privatizing publicly owned land in former Eastern Germany is or has been partnering with institutions in Lithuania, Mongolia, Serbia, and Ukraine

7. Technical Assistance

Local and international Technical Assistance to assist counterparts and institutions in reviewing and analyzing the performance of present arrangements, carry out strength/weakness analysis and develop a plan of operation including capacity building for addressing the shortcomings (for example GIZ supporting the land sector in countries of former Yugoslavia, Georgia, Romania and Mongolia through Technical Cooperation).

8. Capacity Builders

In analogy with the concept ‘training of trainers’, the proposed approach is that of ‘capacity building for capacity builders’. However, in contrast to the conventional trainer-expert who typically would operate from one establishment, capacity builders would prefer to work in consortia, alliances or networks of specialized institutions and individuals that together provide the requisite multi-disciplinary expertise and experience to deal with complex problems.

9. Virtual and physical networks

With increasing complexity and variety of issues in managing government-owned land the pooling of expertise becomes ever more important. This holds especially true as many of the new challenges, those of public land and climate change, land governance, regularization and consolidation of secondary land rights on government-owned land, institutional scenarios, require multi-disciplinary approaches. Topical networks help to pool this expertise at local and international level in an adaptable way. In addition, they allow sharing experience on particular institutional experiences.

10. Is there scope for developing a Source Book ,Best Operational Practices' documenting and making knowledge available ?

- Policy orientation
- Normative Framework
- Revenue tracking
- Accrual accounting
- Institutional infrastructure
- Work processes and transparency
- Recognition of land rights on government-owned land
- Regularisation and consolidation of government-owned land
- ICT and GIS tools
- Expanded operational land tool box for acquisition, management, disposal and audit

Conclusion

- Management of Government-owned Land is a cross-sectoral and multi-disciplinary area. It includes technical, legal, fiscal, managerial and institutional dimensions. An adequate response in terms of capacity building measures must reflect this basic characteristic.
- But to succeed, innovative stakeholders must be supported by high-level central and local government policy makers who have the vision, and pragmatism to work creatively in institutional contexts and generate enabling environments
- Pooling the human capital of the Land Sector into “network capital” through the formation of partnerships and alliances, we can facilitate the creation, deepening, and sharing of knowledge that will help transform this knowledge into workable solutions