



## Good Governance in Land Administration

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1



## Outline

- Overview of World Bank Support for “LAM” Projects
- What is Good Governance?
- Some Governance Myths
- Principles of Good Governance
- Millennium Development Goals
- Examples of Improving Governance
- Working with FIG
- Conclusion

2



## Evolution of World Bank-Supported Land Projects (1)

Generation	Period	Scope	Examples
1 <sup>st</sup>	1980 to 1995	1. First registration 2. Capacity bldg in govt 3. Limited reform	Thai. - LTPI & II Indon. - LAP
2 <sup>nd</sup>	1995 to 2000	1. First registration 2. Streamlining laws 3. Institutional reform 4. Capacity bldg in govt & private 5. Valuation and tax 6. Service delivery	Phil. - LAMP I & II Laos - LTPI & II ECA - most LAC - most

3



## Evolution of World Bank-Supported Land Projects (2)

Generation	Period	Scope	Examples
3 <sup>rd</sup>	2000 to 2005	1. Expansion of 1 <sup>st</sup> & 2 <sup>nd</sup> generation activities 2. Wider policy reform 3. State land mgt 4. LUP and development 5. Good governance	Camb. - LMAMP Indon. - LMPDP Albania - LMP (& other new ECA projects)
4 <sup>th</sup>	2005 +	1. Implementation of some areas of 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> generation projects. 2. NSDI 3. Further enhancements of good governance and civil service reforms	Russia - Real Estate Vietnam - VLAP (under preparation)

4



## World Bank Support to Land Administration Projects

Region	Before	FY	FY	TOTAL	
	FY 95	95-00	01-06	No.	US\$ million
	No.	No.	No.	No.	
<b>Africa</b>	16	15	28	59	94
<b>East Asia &amp; Pacific</b>	9	9	13	31	378
<b>Europe &amp; Central Asia</b>	3	10	16	29	615
<b>Latin America &amp; Caribbean</b>	13	9	8	30	845
<b>Middle East &amp; North Africa</b>	5	3	3	11	33
<b>South Asia</b>	5	3	6	14	6
<b>Total</b>	<b>51</b>	<b>49</b>	<b>74</b>	<b>174</b>	<b>1,971*</b> (1,074 active)



## What is Governance?

- **“Governance”** may be defined as the exercising of authority or control
- **Government and the Civil Service:**
  - (i) Government exercises its authority and implement its policies is through the civil service.
  - (ii) The overall functionality of the civil service is generally affected by the nature of the system of government, laws, policies and institutions.
  - (iii) Effectiveness of civil service is also affected by its capacity, especially competency, qualifications, its independence from the executive (political) arm of government and its culture of public service.

6



## Good Governance vs Corruption

- “**Good Governance** is concerned with how well the government exercises its mandate to generate outcomes which are consistent with its policy objectives”
- Poor governance** may mean corruption, BUT not always.
- Failures in governance** can also be caused by: poorly designed laws; laws not enforced; institutional arrangements; incompetence; lack of civil service capacity etc.

7



## Some Governance Myths

- Poor governance is only due to corruption
- Poor governance only happens in developing countries
- Donor pressure for improving governance works (supply-driven vs demand driven governance reform)
- Money can fix things
- Bureaucracy and the civil service is an unnecessary overhead
- What works in a developed country will work in developing country
- You cannot fight corruption and poverty at the same time
- Better pay for civil servants will eliminate corruption
- Donors don't know what is going on
- Governments don't know what is going on
- Ignorance is an excuse

8



## Some Principles of Good Governance

- Efficiency** - doing things right
- Effectiveness** - doing the right things
- Transparency, consistency and predictability**
- Integrity and accountability**
- Separation of bureaucratic arm** of government from political, judicial and military
- Civic engagement** and public participation
- Equity, fairness and impartiality**
- Legal security and rule of law**

9



## Millennium Development Goals

- Goal 1:** Eradicate extreme poverty and hunger
- Goal 2:** Achieve universal primary education
- Goal 3:** Promote gender equality and empower women
- Goal 4:** Reduce child mortality
- Goal 5:** Improve maternal health
- Goal 6:** Combat HIV/AIDS, malaria, and other diseases
- Goal 7:** Ensure environmental sustainability
- Goal 8:** Develop a global partnership for development

11



## Achieving the MDG depends on:

- Enabling policy environment
  - Suitable institutional framework with technical and partnership capabilities
  - Improvement in service delivery
  - More money.
- (UNESDA)

**NB. 1, 2 and 3 relate to Good Governance**

12

### Benefits of Good Governance (1)

<b>Pro-poor Support</b>	<ul style="list-style-type: none"> <li>● Provides more equitable access to the rule of law</li> <li>● Protects the rights of citizens, especially those vulnerable societal groups</li> <li>● Prevents illegal evictions from land of the vulnerable groups</li> <li>● Protects the inheritance rights of widows and orphans</li> </ul>
<b>Public Confidence</b>	<ul style="list-style-type: none"> <li>● Individuals and business, are more likely to invest in property.</li> </ul>
<b>Economic Growth</b>	<ul style="list-style-type: none"> <li>● Increases the overall security of land tenure to enable better access to credit and wealth generation.</li> <li>● Transaction costs are regulated and tax is more equitably borne</li> </ul>
<b>Stewardship of the Environment</b>	<ul style="list-style-type: none"> <li>● Govt more responsible and accountable for its management of the environment and natural resources.</li> <li>● Reliable and accessible spatial data underpins good environmental stewardship</li> </ul>

13

### Benefits of Good Governance (2)

<b>Protection of State Assets</b>	<ul style="list-style-type: none"> <li>● Protection of state assets (land) from illegal exploitation.</li> <li>● Legitimate use of state land for concessions.</li> </ul>
<b>Overall More Effective and Efficient Public Administration of Land</b>	<ul style="list-style-type: none"> <li>● Weak governance and corruption in public land administration:               <ul style="list-style-type: none"> <li>(i) increases the cost of doing business leads to loss of confidence in formal land system</li> <li>(ii) higher level of informal land transactions.</li> </ul> </li> <li>● Good governance underpins the formal land market               <ul style="list-style-type: none"> <li>(i) wider use of the formal land registration system</li> <li>(ii) Better return of benefits from taxation and revenue sharing to public services.</li> </ul> </li> </ul>
<b>Conflict Prevention and Resolution</b>	<ul style="list-style-type: none"> <li>● Overall equity, justice and social stability is enhanced.</li> <li>● Access to affordable, transparent, efficient, equitable, timely &amp; just dispute resolution reduces conflict</li> </ul>

14

### Opportunities to Improve Governance (1)

<b>Government Responsiveness</b>	<ul style="list-style-type: none"> <li>● Community Education</li> <li>● Community participation</li> <li>● Complaints handling and independent monitoring</li> <li>● Support for women</li> </ul>
<b>Accountability</b>	<ul style="list-style-type: none"> <li>● Audit</li> <li>● Internal Audit</li> <li>● Annual Reporting</li> <li>● Output-based budgeting</li> <li>● Civil service code of conduct</li> <li>● Whistle blower protection</li> <li>● Regularization of illegally acquired state land</li> </ul>

15

### Opportunities to Improve Governance (2)

<b>Transparency</b>	<ul style="list-style-type: none"> <li>● Enhanced public disclosure</li> <li>● Annual Reporting</li> <li>● NSDI and equitable access to info</li> </ul>
<b>Improving service delivery</b>	<ul style="list-style-type: none"> <li>● Standards for service delivery plus independent monitoring and reporting</li> <li>● All government fees regulated and made public</li> <li>● Complaints handling and independent monitoring</li> <li>● Administrative means of dispute resolution</li> </ul>

16

- ### Working With FIG
- MOU between WB and FIG
  - Good Governance in land administration is one of the key pillars for cooperation
  - FIG, as a UN-accredited NGO has a significant global and regional role to play
  - FIG is a member of the WB Steering Committee on Good Governance in Land Administration
  - EGM in Washington DC late 2008 – stay tuned!
- 17

- ### Conclusions
- Good governance will always be fashionable
  - Relevant to all countries
  - Fundamental to achievement of MDG
  - Developing countries are more likely to attract donor funding if they have a record for transparency and accountability
  - Successful implementation requires commitment rather than donor pressure
- 18

