

A Framework for Self-Assessment of Capacity Needs in Land Administration

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The Capacity Building Challenge

- In many countries, the national capacity to manage land rights, restrictions, and responsibilities is not well developed in terms of mature institutions and the necessary human resources and skills.
- In this regard, the capacity building concept offers some guidance for analyzing the capacity needs and developing adequate responses at societal, organizational and individual levels.

Capacity Building – what is it ? ...

- Capacity Building is a complex issue
- The conventional concept is closely related to education, training and HRD
- Capacity is the ability of individuals and organizations or organizational units to perform functions effectively, efficiently and sustainable (UNDP, 1998)

... Capacity Building – what is it ?

It is two-dimensional:

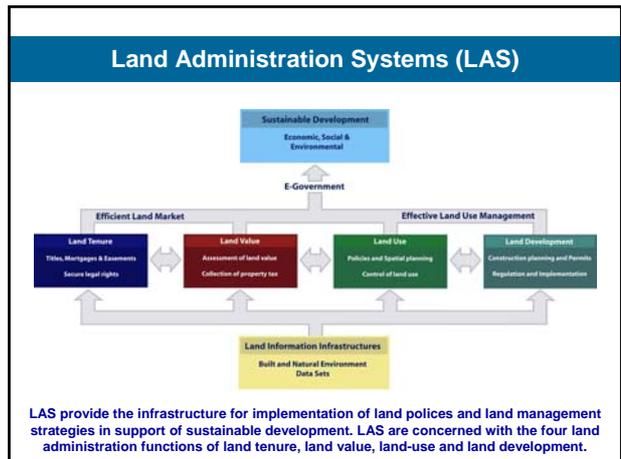
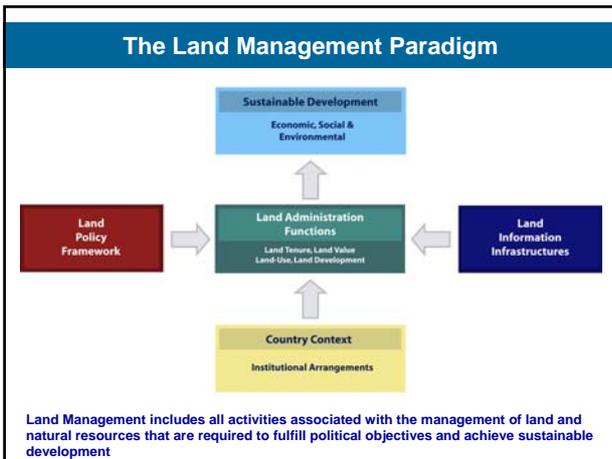
- **Capacity Assessment**
A structured and analytical process whereby the various dimensions of capacity are assessed within the broader systems context, as well as evaluated for specific entities and individuals within the system.
- **Capacity Development**
The process by which individuals, groups, organisations, institutions and society increase their ability to:

Perform core functions, solve problems, define and achieve objectives; and understand and deal with their development needs in a broader context and in a sustainable manner (OECD Definition).

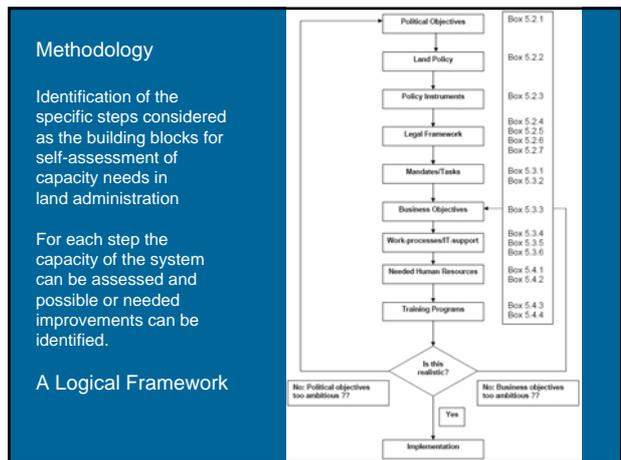
Levels and Dimensions of Capacity Building

It has three levels:

- **The broader system/societal level**
Dimensions include: Policies, legal/regulatory framework, management and accountability perspective, and the resources available.
- **The entity/organisational level**
Dimensions include: Mission and strategies, culture and competencies, processes, resources (human, financial, information) and infrastructures.
- **The group-of-people/individual level**
Dimensions include: education and training programs to meet the gaps within the skills base and the number of staff to operate the systems in the short, medium and long term perspective.



- ### Basic Principles for Land Administration Capacity
- **Policies and a legal framework** that define the private and public status of land in terms of tenure, value and use.
 - **Organisations** that are empowered to meet the social demands at lowest possible costs in order to optimize the support to land tenure security, land markets, land use control, management of natural resources, land reform, and other land related social structures.
 - **Managers and employees** who are empowered to meet individual demands in terms of skills and professional competence for working efficient and effective.
 - **Businesses and citizens**, who are empowered to participate effectively in order to comply with the land related social arrangements



- ### A logical framework of 17 boxes
- Each step is addressed in a box posing some key questions to be analysed.
 - Some comments are given in each box in order to facilitate the analyses
 - The analyses may lead to the need for organisational changes or improvements
 - The analyses may also indicate the need for developing the necessary human resources and skills for improving the competence of the existing personnel.
 - The analysis must be realistic and may lead to adjustment of the political objectives and/or the business objectives of the organisation

Box example – Land policy

5.2.2 Land Policy

Are the political objectives well expressed in the current land policy?

- Does the land policy address the key issues?
- Is the access to land, the allocation of land, and the resulting land use in conformity with the political objectives?

Comments:
Governments should develop a policy on how the land ('access to land') and the benefits of the land ('access to land related opportunities') are to be allocated. With the aim to implementing this policy governments define how she wants to regulate land related activities in society, such as holding rights to land, control of land use, and economic aspects of land.

Access to land and land related opportunities can be approached in different ways, for example from the point of view of equality of land distribution, or encouraging viable farming through imposing a minimum size of the holdings, or combating large holdings through enforcing ceilings of land ownership, etc. Access to land can also be through the rental market, which is especially applicable in urban areas, but also in rural areas in the form of short leases. Access to land is not only a matter of having the opportunity to benefit from land. Important is that this should be possible in a sustainable way; therefore the security of tenure plays a key role.

Impact on capacity:
If the way the government wants to allocate the land and the benefits of the land is clear, it provides focus to land administration activities, which will enhance their ability/capacity to fulfil the political objectives.

Box example – Allocation of mandates

5.3.1 Allocation of Mandates - General

Are the mandates in place for exertion of land related legal framework?

- Are the mandates overlapping?
- Are the mandates clear and manageable?

Comments:

Clear mandates within the public administration enhance the effectiveness. There are countries where various organisations have a mandate on land related issues (for example the issuing of land titles). This is not only causing frictions in the public administration, but moreover also confuses the citizens. Governments should take into account the operational aspects of the mandate. It makes no sense to impose a mandate that is expected not to be workable and manageable.

Impact on capacity:

The ability/capacity of any land administration system relies on clear mandates. Without a clear and manageable mandate, good performance can never be guaranteed.

Box example – Allocation of mandates

5.3.2 Allocation of Mandates - Decentralisation

Does the allocation of mandates reflect a well-balanced approach to decentralisation?

- Are the linkages between the mandated organizations well defined to ensure good institutional co-operation?

Comments:

Land administration is often associated with decentralization. The reason is that decisions on land very much affect ordinary people, and therefore it is efficient and effective to allocate these tasks at the appropriate local level of government. In allocation of tasks at that specific level, the need for sharing information should be taken into account. E.g. application of information technology can provide a system of central processing and storage, and local information management.

Impact on capacity:

The ability of land administration organisations should on one hand reflect the importance of local presence, on the other hand guarantee countrywide application. This balance is important to meet customer demands.

5.2.5 Legal Framework – Land Rights

Does the legal framework provide enough clarity and transparency regarding the whole complex of holding rights to land?

- Are the rights people might have to land (including role of customary law) sufficiently transparent?
- Is it clear who has access to obtaining rights to land?
- Do the conditions address the equity and fairness on access to rights to land (land reform)?
- Are the procedures for establishment, transfer and abolition of rights to land clear and well accepted?
- Do the regulations for the land market serve equity and fairness without moving people in illegality or informality?
- Is security of tenure provided and to which extent (land registration, titles, cadastres, conveyance procedures)?
- Are there appropriate means for conflict resolution in place (courts, mediation, traditional means)?
- Can legal and administrative arrangements enforce these issues in a way that comply with good governance and the rule of law?

Comments:

The latest definition land registry and cadastre is from Kaufmann & Strödel in 'Cadastre 2014' (1998), saying it is a methodically arranged public inventory of data concerning all legal land objects in a certain country or district, based on a survey of these boundaries, such legal land objects are systematically identified by means of some separate designation, they are defined either by private or public law, it contains the official records of rights to legal land objects. This definition is building upon earlier definitions for example by the International Federation of Surveyors (FIG, 1995).

Important is that land administration systems, which exist in the first place of land registers and a cadastre, are based on legally recognised rights and interests in land. Such systems therefore demand if there is enough clarification on the nature and form of lands rights, procedures for establishment, transfer and abolition etc. Regarding the earlier mentioned policy objectives (see 1 above), these should be reflected in the way rights to land is defined, and how procedures for holding rights in land are designed.

Impact on capacity:

The existence of an adequate legal framework for land rights that meets the demands of society, enterprises and individuals will enhance the ability and capacity of the land administration system to serve society needs.

More examples ...

5.4.1 Assessment of Human Resources

Is there a policy in place determining the amount of staff and their required competences?

- Do the managers and employees know which job-categories require which expertise and skills?
- Do the organisations have how to assess the need for qualified personnel?

Comments:

In most developing and transition countries capacity assessment and development in terms of human resources is considered to be the most critical. This is about assessing the need for individuals to function efficiently and effectively within organisations and within the broader system, and it is about addressing the gaps through adequate measures of education and training.

Land Administration is about people – from politicians, senior professionals and managers, middle managers and administrators, to office and field personnel, – whether in public or private sector. At the senior level a broad vision and understanding is required. At the more practical level the players in the system need to have an understanding of the overall system but some will have much more detailed and specific skills that need to be developed.

In order to assess the capacity needs there is a need to identify the work processes in relation to the different land administration areas, such as land registration, subdivision, surveying and mapping, land-use planning and control, land administration, land valuation and taxation. The content of these work processes should be identified in relation to the legal and organisational framework for fulfilling the land policies.

Next step is to identify the personnel needed at various competence levels to carry out the work processes. This is simply to assess the gap between the existing capacity and the capacity needed to undertake the land administration tasks in the short, medium and long term. The assessment should include both the public and the private sector.

Impact on capacity:

Assessing and addressing the capacity needs in terms of human resources is of course crucial to the ability/capacity of land the land administration system.

Conclusions



- The paper is facing the widely stated problem of poor institutional capacity of land administration agencies in many developing and transition countries.

- Capacity building addresses the broader concept of the ability of organisations and individuals to perform functions effectively, efficiently and sustainably.

- The guidelines for self-assessment of capacity needs are developed to serve as a logical framework for addressing each step from land policy, policy instruments, and legal frameworks; over mandates, business objectives, and work processes; to the necessary human resources and training programs.

- The guidelines aim mainly at developing countries, posing the right questions rather than giving all the right answers.