

ENABLING THE BUSINESS OF AGRICULTURE

THE LAND INDICATOR

20TH ICABR CONFERENCE

*TRANSFORMING THE BIOECONOMY: BEHAVIOR
INNOVATION AND SCIENCE*

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WORLD BANK GROUP

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World Bank

LAND AND LAND POLICIES ...

- **Productivity & Efficiency of land use**
- **Structural transformation**
- **Equity, sustainability, transparency**

The Land Indicators: 3 dimensions

EFFECTIVENESS

Cost of conducting a survey
Freedom of leasing between private parties

TRANSPARENCY

Procedural safeguards in case of expropriation
Relevance of land records
Public/state land management

INCLUSION

Registration of group rights
Gender disaggregation of land records

Approach

Expanding on 'Doing Business' methodology

- Looking beyond the registering property and complement the quality of administration index
- Provide more fine-tuned institutional detail
- Focus on issues of relevance for agriculture

Annual World Bank Conference on Land and Poverty

- Identify country experts and build on their network

Steering Committee: engagement of CSO

| Organization | Country | First Name | Last Name | Title |
|--|--------------|------------|--------------|--------------------------|
| RIMISP Centro Latinoamericano para el desarrollo rural | Chile | Julio | Berdegue | Principal Researcher |
| Landesa | USA | Dave | Bledsoe | Senior Attorney |
| PAFO PanAfrican Farmers Organization | South Africa | Theo | De Jager | President |
| UN-WPLA Working Party on Land Administration | Azerbaijan | Elshad | Khanalibayli | President |
| CIFOR Center for International Forestry Research | Indonesia | Steve | Lawry | Director, Tenure Program |
| ANGOC Asian NGO Coalition | Manila | Francis | Lucas | Chair Emeritus |
| WRI | USA | Peter | Veit | Director |

Timeline

Process/Timeline

- First Draft of the questionnaire (November 2015)
- First SC meeting (December 2016)
- Pilot in 13 countries (Dec '15-March '16) : Phl, Vnm, Mex, Hnd, Per, Geo, Ukr, Bfa, Ken, Moz, Zmb, Nld, Dnk
- Second SC meeting and Pilot expert meeting Land Conference 2016
- Revised Questionnaire May 2016

Effectiveness: Sub-indicator 1: Cost of conducting a survey

Justification

- High surveying costs push (rural) transfers into informality
- Survey may be precondition for formal transfer
- Capacity may not be available in rural areas
- Lower-cost 'fit for purpose' approaches to surveying may be available but not recognized by national regulations

Methodological issues

- Focus question on general subdivision of land of a previously registered plot
- Need to link survey costs to specific factors (land value, presence of trees, location of the plot, distance to survey office)

Implication for questionnaire

- Time cost and number of procedures to conduct a survey
- Estimate the influence of external costs on total survey costs
- Assess the supply side: number and availability of surveyor

Effectiveness: Sub-Indicator 2: Leasing between private parties

Definition and Justification

- The sub-indicator explores the legal and regulatory framework for leases between private parties of private agricultural land
- Analyze whether there are restrictions on short and long term leases
- With expanding opportunities for non-agric. employment long term lease important to increase HH standard of living and to move out agric.
- Transfer of land provide younger farmers higher level of skills to invest in capital-intensive production methods.

Methodological issues

- Require flexible short term leasing
- Security for long-term leases, easy to register than sale; at reasonable cost (no survey requirement)

Implications for questionnaire

- No restriction on lease rates; duration of lease; size of land; crops & nature of tenant
- Time and costs to register short and long term leases
- Cost of registration as compared to a sale transaction

Transparency: Sub-indicator 3

Expropriation Safeguards

Definition and Justification

- Measures if a due process in place to compensate parties affected by compulsory land acquisition by the government for the provision of public goods or the public interest as defined by country level policies and laws
- Expropriation critical to provide public goods; holdup to be prevented

Implications for questionnaire

- Whether compensation depend on status of parcel registration (registered/not registered)
- Third party evaluation for compensation & appeal possible
- Land cannot be taken w'out payment & pending appeal
- Complete list of expropriation notices exists & is public

Transparency: Sub-indicator 4

Relevance of land records

Definition and Justification

- This sub-indicator focuses on land records for agricultural land and the procedures in place to avoid conflict during the registration process
- Private value of records: Need to have relevant information (e.g. disputes, mortgages, public encumbrances)
- Public value: Multi-purpose cadaster (planning, taxation)
- Many reform programs not enforceable as lack of land record
- Easy access key for credit markets

Implications for questionnaire

- All records electronic and publicly accessible
- Both identities verified for transfer
- Restrictions on property rights are visible for interested parties in registry records
- Field-based process for first-time entry
- Cadaster used for land use planning (preparation of land use plans, infrastructure and utility planning, registration of long term leases)

Area I: Group rights registration

Justification

- Big shift to legal recognition of customary tenure
- But registering often not allowed/possible
- Procedural complexities; no focus on boundary/membership

Methodological issues

- Differences by type (land for crop production; forests, grazing)
- Legal provisions vs. actual enforcement
- Community bylaws, separation of powers, engage with outside
- Central registry & standards for contracting

Implications for questionnaire

- 3 areas (forest; grazing; crop): Registry exists & is accessible
- Requirements for registration (consent, map, bylaws)
- Scope & safeguards for JVs & transfer of use/ownership rights

II: Gender

Justification

- Land a key asset; assets a precondition of empowerment
- Many gender-positive provisions— impact impossible to track
 - Preferential treatment in public distribution programs
 - Inheritance legislation
- Joint ownership needs to be enforced

Methodological issues

- Reporting by gender key (requires reporting)
- Honoring female co-ownership in practice (checks)

Implications for questionnaire

- Registry reports key statistics in a gender-disaggregated way
- Where property records are joint, checks are routinely made

VII: State land management

Justification

- Inventory key for effective utilization but often inexistent
- Encroachment creates potential safeguards issues
- Non-transparent lease terms may be source of corruption
- Publicity of terms as reference for markets & basis to enforce
- Use of technology for monitoring

Methodological issues & good practice

- Overlap between agencies may be one reason for confusion
- Possible to map all state land; key to effective management
- Detailed arrangements for tendering & contractual monitoring

Implications for questionnaire

- Ask state land mapping for nation & main agric. region
- Same for award by tender, publicity of contracts;
- Responsibility for monitoring contractual compliance; reporting