

FIG CO-OPERATION WITH THE UNITED NATION'S ORGANISATIONS AND OTHER INTERNATIONAL AGENCIES – THE APPROACH OF THE GERMAN AGENCY FOR TECHNICAL CO-OPERATION GTZ

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INTRODUCTION

The land question is currently being reappraised worldwide and greater importance is being attached to land issues in international co-operation. Fair access to land, secure land rights and proper management of land resources are fundamental keys to future social and economic development. It is becoming more and more obvious that Land Policy, Land Tenure and Land Administration play a crucial role on economic efficiency and the social balance of the development process.

Functioning land tenure arrangements can be considered as enabling socio-economic and socio-legal infrastructure for development. But experience all over the world also shows very dramatically that badly functioning land tenure arrangements can lead to the outbreak of (often violent) land conflicts, land grabbing and corruption, worsening impact on the environment, increase of informal settlements, loss of government revenue and lack of productive investments.

Development co-operation has to play a more active role in integrating land policy reform, land tenure development and land administration in strategies for rural and urban development, resource management, state reform and local governance.

LESSONS LEARNED

Sustainable development and right-based development are just two sides of the same coin. We have learned in many development programs and projects that land administration is only fully contributing to sustainability in an environment of good governance, rule of law and accountability. This calls for complementary strategies and agreements with the multilateral / bilateral donor community and civil society.

GTZ is more and more negotiating with partner countries the move from supporting projects to supporting programs. In Cambodia the Land Management/Land Administration project is providing and receiving significant synergies by building bridges and signing agreements with projects on rural development, projects on decentralization, on coastal zone management, on gender related projects, on forest management, on community based land management, on irrigation and on

demobilization/de-mining to add value and to generate wider economic and social impacts.

This shift from supporting programs instead of isolated projects calls for creating strategic partnerships and networks with bilateral and multilateral partners, the private sector and NGO's. Agreements, contracts and operational commitments are more and more replacing or at least complementing the often-frustrating efforts of co-ordinating the numerous donor interventions.

State Reform Programs have a significant impact on the design of land administration programs. As GTZ experiences and studies have shown we have to tailor the project design much more to specific frame work conditions like *Land Tenure in Post Conflict Countries in Transition (Bosnia, Cambodia, Mozambique)* or *Reform of Land Administration as a component of Devolution, Decentralization and De-concentration Processes*.

Since land issues are power related issues, land administration should avoid stabilizing authoritarian practices in centralised governmental institutions but promote participation in all land matters, involvement of civil society, transparency of transactions and clear rules for land-related accountability.

Much more attention should be paid to formal but also to "out of court" mechanisms for the resolution of land conflicts as an integral element of Land Administration projects. In many countries up to 80 % of cases to be resolved in court are related to land issues. In Cambodia GTZ will join forces with OXFAM and other NGO's to strengthen the capacities of the newly established *provincial commissions for the resolution of land conflicts*.

An extended profile for "*Land Administrators*" working in international co-operation programs is needed to implement the new land administration paradigm based on good governance, right-based development and sustainability. Advisors in this field should be selected on the basis of the new paradigm which sees them as qualified facilitators of difficult political, institutional, legal and technical processes of change brought about by state reform, macro-economic adjustment and land policy reform. There is a clear challenge for FIG and all commissions to address this issue.

THE ROLE OF MULTILATERAL AND BILATERAL CO-OPERATION IN LAND MATTERS

To respond to the challenge of making land policy and land administration a catalyst for sustainable development and not a hindrance multilateral and bilateral institutions for development cooperation have to look for new ways of providing innovative models for complementary intervention based on common principles and values.

The role of Multilateral and Bilateral Co-operation in Land Matters can easily be defined. International conventions and international agreements like *AGENDA 21*, *HABITAT II*, or *World Food Summit* provide an excellent strategic framework. But in actual implementation we still see poor coordination, duplicated efforts, confusing

sequencing, different or incompatible voices in land policy orientation and bad integration in state reform and country strategies.

There are of course significant synergies possible between the approaches by different multilateral and bilateral agencies. If each of them were to focus on its *comparative advantages and complementary strength* new models for coordinated intervention are visible. A *multilateral/bilateral donor coordination group on land policy* has been established last year (WB Rural Week 2000) as one model to create consensus on central aspects of land policy in development co-operation and build a network based on common principles and commitment.

GTZ experience in Land Administration / Land Tenure projects indicates the need to give much more priority to the following basic linkages between Land Issues and Sustainability in Development Co-operation:

- Land Tenure and Good Governance. Without the elements of good governance, the rule of law and accountability *land administration/land registration can do more harm than good* by making land grabbing and corruption more efficient and increase insecurity.
- The problem of land grabbing and misuse of natural resources (international resource pirates) is too often ignored in international cooperation
- Land policy formulation needs to involve civil society at large and guaranty participation of the affected people at all levels.
- Land Tenure and access of woman to land and other resources is a fundamental issue. Women's legal status in land tenure institutions is generally inferior to men's; they are often entitled to exercise only secondary rights. Landlessness amongst women-headed households and widows is increasing. In registration they are at a disadvantage compared to men as heads of households. In disputes, their claims are not easy to enforce. Women are not sufficiently represented in land commissions or land dispute commissions. The ignorance of the intertwining of land and gender issues must be considered as a structural obstacle to sustainable development.
- Land Tenure should always been seen in the broader context of resource tenure (forest-, water-, environmental legislation). Consideration of the interdependencies is essential for a comprehensive land policy.
- High rates of migration and birth rates are resulting in the dramatic increase of informal settlements in the big cities in developing countries. Does land administration have an answer to the regularisation of informal settlements, which make up to 75 % of the settlement structure?
- The bad management of state land in countries in transition and the loss of government revenues is a very much ignored but typical "Transition" problem. International cooperation is very often only concentrating on private land.
- High incidence in land disputes and inadequate capacities to deal with them call for effective mechanisms to resolve land conflicts (formal as well as out of court). Land Tenure /Land administration projects have to provide more effective support in strengthening appropriate mechanisms.
- Matching land tenure arrangements and sustainable land use (land readjustment, land banking) is needed to use urban and rural land more productive.

- Removing longer-term structural obstacles is necessary to progress from tenure security to investment promotion. How to generate an enabling infrastructure for rural and urban development is an ongoing challenge.

Electronic networks improve considerably open access to land related information, help to create transparency and strengthen international connectivity. FIG could also play a leading role in making use of modern communication infrastructure for e-mail conferencing on very specific land-related issues and for distance learning.

STRATEGIC PARTNERSHIPS AND PROMISING ACTIONS

Some very recent or ongoing examples for GTZ's strategy to join forces with Multilateral Partners:

- The International group on donor coordination in Land Policy established in April 2000: WB/ FAO/ IBD/ AusAID/ DFID/ IFAD/ USAID/ GTZ
- FAO / GTZ on “*Land Tenure in Post Conflict Countries in Transition*”
- FAO / GTZ on “*Land Fragmentation and Land Consolidation in South-Eastern Europe*”
- FAO / UNEP/ GTZ on “*The Future of our Land*” guidelines on integrated Planning and Management of Land Resources
- HABITAT / GTZ on “*Regularisation of Informal Urban / Peri-urban settlements*”
- FAO/WB/Austria/Netherlands/GTZ and regional partners on “*Land Rights in Countries in Transition*”(ECA initiative)

Bilateral Partners and NGO's:

- Finnish Cooperation (through FINNMAP) and GTZ on: *Joint Plan of Action for Land Registration in CAMBODIA*
- DFID / GTZ on participatory “*LANDnetworkAFRICA*”
- OXFAM/GTZ on *Capacity Building for the Resolution of Land Conflicts*
- FIG/GTZ on Conferences and *FIG-membership* for developing countries

Land tenure issues are closely linked with related resource tenure categories like water rights, forest law, fishery rights and environmental legislation. Land rights cannot be discussed in isolation where people use different resources according to the crop calendar and season. In Cambodia a Multilateral/Bilateral “*Donor Working Group on Natural Resource Management*” has been established last year to discuss with partner institutions the legal interdependencies between Land, Forest, Fishery and Nature Conservation.

There is a wide scope and a high level of consensus for strengthening the already strong linkages between FIG and International Partners for Development. The author would like to extend special acknowledgement to the most promising agreements and networking activities achieved already by Professor Ian Williamson.

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