



Developing Effective Policy and Planning in Yemen

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Contents

- Background
- Land Sector Issues
- Institutional Arrangements
- National Land Policy (NLP)
- Key Recommendations
- Current Status



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Background

- Republic of Yemen established in May 1990
- Area ~ 528,000 km²
- < 3% of land is arable
- Pop. ~ 23.6 m (2009)
- Pop. Growth ~ 2.8% pa
- Urban pop. ~ 50% (2009)



Source: www.wikipedia.com

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Land Sector Issues - Urbanisation

- Major drivers of urbanisation:
 - High population growth
 - Repatriation of Yemeni workers from the 1991 Gulf War and
 - High rural poverty major drivers.
- 1994 pop. 14.6 m grew to 19.7 m in 2004 (~ 3.4% pa)
- Urban centers growth rates of ~ 8% pa over last ten years
- Sana'a grew from 134,600 in 1975 to 1,707,531 in 2004 (~8.8% pa – one of the highest in the world)
- Massive urban population growth, coupled with the absence of appropriate urban planning and regulations, has led to a rapid proliferation of informal settlements since 1990.

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Priority of the Land Sector

- Secure land tenure and property rights have taken on greater historical and cultural significance for Yemenis.
- Despite this it is estimated that:
 - ~ 85% of court disputes are land-related
 - Up to 90% of land ownership remains informal
- Strengthening land management and surveying is one of the top ten priorities of the Yemen Development Plan (YDP).
- Building capacity in land policy and land use planning and development is a priority in the Socio-Economic Stabilization Plan (SESP)

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Land Issues

- Yemen has a legal legacy from the Ottoman and British Mandate periods
- All land in Yemen vests in God and the State is the custodian of the land.
- Inconsistencies and ambiguous management interests in public land have lead to:
 - inefficient land use,
 - tenure disputes, and
 - unaccountable and non-transparent practices.
- Much of the construction in the cities over the past decade has taken place on state and unplanned areas without building permits and without accompanying infrastructure and services.

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Land Registration

- Land registration in Yemen was attempted during Ottoman and English administrations respectively, but little land was registered
- After Independence, the first Land Registration Law (LRL) was passed in the North in 1976 to bring together Shari'a law and elements of English law.
- The method of registering transactions (known as "sejel shakhsee"- personal based) is a name based system of deeds registration.
- After reunification, a LRL (with very minor changes to the 1976 law) passed in 1991 to unify the systems in the North and South. In practice this did not improve things.

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Land Registration

- The 1991 law specified the usage of "sejel ainee" in parallel to the "sejel shakhsee" system. The "sejel ainee" which is a **parcel based system** of deeds registration which involves visiting the site and performing ground survey as well as checking prior deeds.
- However, this system was not implemented until 2000 and many sales of land are concluded without registration
- ~ 360,000 deeds have been registered in Yemen since 1977 (301,000 deeds of private land, 50,000 deeds of State-owned land, and ~9,000 deeds of Waqf land).
- ~30,000 mortgages were registered between 1977 and 2008

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Land Registration

- A complex and unstable history of land issues, particularly relating to property laws, registration systems, adverse possession and land distribution have persuaded the majority of the population to disengage from the formal system.
- Maintaining the formal registration system is further compromised by:
 - an inadequate registration law;
 - a shortage of funds;
 - inadequate resources and very poorly equipped offices;
 - a lack of training programs;
 - inefficient practices and procedures and
 - an inadequate institutional structure.

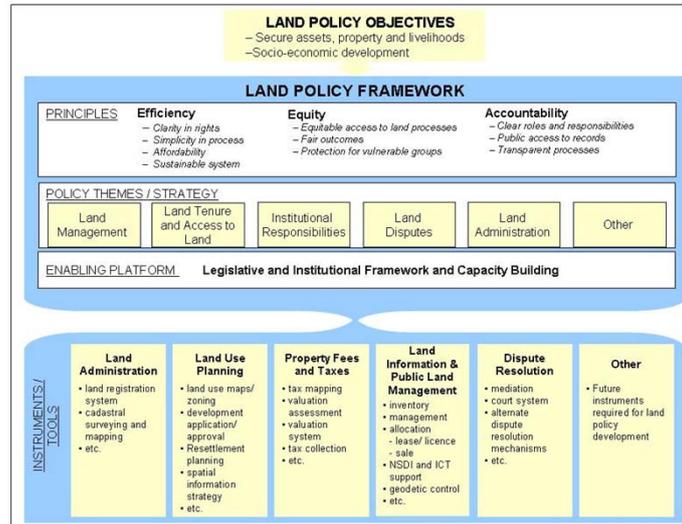


Institutional Arrangements

- GALSUP recently-created authority responsible for:
 - Land survey, mapping and registration (formerly by the Survey Authority and Land Registry);
 - Management of State land and real estate (formerly under the State Land and Real Estate Authority); and
 - Urban planning (formerly under the Urban Planning Sector, Ministry of Public Works and Highways)
- GALSUP has branch offices at the Governorate and City (District) levels



National Land Policy



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Policy Studies

Two policy studies and five land related studies were undertaken in the development of the NLP:

1. Urban Planning
2. State Land Management
3. Land Registration
4. Information Technology and computerized Land Information System
5. Land Tenure and Access to Land
6. Public Land Inventory, and
7. Institutional Responsibilities

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Key Recommendations

- GALSUP is presently seen as a technical, rather than a service organization. A greater focus on business and services is needed – this requires a change in organizational culture.
- A single Real Property Register should be created for all land and all interests affecting that land.
- A simplified registration process is required with:
 - Clear statements of duties for staff
 - Sufficient delegated authority
 - Clear guidelines and training for staff; and
 - Supported by appropriate technology.
- Decentralization to Governorate and City administrations will make services more accessible with the Branch offices to be a single point of contact for the public (“one-stop-shops”).

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Key Recommendations

- IT and LIS investigations focused on developments to support a more efficient and relevant Land Registration System. All new data arising from first registration should be entered into the computer and all records (pages of the Real Property Register, owner's certificate of title etc.) printed from the computer.
- Rights to the ownership, possession or use of land shall be adjudicated on a case-by-case basis in a systematic campaign that will be piloted under the WB approved Project
- A Public Land Inventory will be developed based on pilots in the Taiz area (significant informal settlement on state land)
- Additional education institution and human resource development is essential to building capacity within government and the private sector

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Key Recommendations

Three laws and a decree were proposed to consolidate the GALSUP legal framework:

1. Land Registration Law revised and amendments which have been drafted (new pending in the HoR),
2. Public Land Management Law (revised and new draft prepared),
3. Urban Planning law revised and new draft prepared, and
4. Organizational Decree 82/2009 revised and amendments drafted.



Current Status

- The draft NLP and recommendations were finalized in June 2010
- GALSUP started the process of obtaining Government approval of the NLP and recommendations and was planning to start stakeholder consultations but these activities have been delayed with the current political situation.
- Recommendations were the basis for pilots planned under the follow-up World Bank project for:
 - systematic registration and
 - creation of a public land inventory
- Further studies are required in a range of areas, including:
 - The financial implications for implementing the policies.
 - The detailed requirements for building the human and institutional capacities.



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