

A practical guide to preparing,
implementing and ensuring
sustainability of reforms to property
rights registration systems.

Real Estate Registration and Cadastre

Practical Lessons and
Experiences - Chapter 2. Know
Your Country, Know Yourself
and Know Your Team.

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Chapter 2 Know Your Country, Know Yourself and Know Your Team

Gavin Adlington

It is assumed that you have been asked to help to improve a system of registration of property rights in a particular country – or at least something that includes this aspect in larger land reforms. You may be the head of the responsible agency, a representative of a financing partner that has been asked to help or a consultant designated with the task. This chapter looks at the issues you should review both before and immediately upon arrival in a country. If you are from the country itself, much will already be known, but it is useful to think about the issues raised in this chapter afresh. There is no harm in that!

Please respect the people you are going to work with in the country concerned, especially the government officials or professionals involved in the sector. They are usually busy people with important responsibilities. Try not to waste their time or take up too much of it. There is a lot of due diligence to be done before you start. In particular, it is important to discover what is the problem that needs resolving. Is it systems that do not work effectively for the economy? Or corruption? Or informal settlements and transactions? Or lack of protection for customary land right holders? Or the need for a more comprehensive land information service? Or combinations of these?

Know the Country Before You Arrive

Pre-visit Studies

If the reader is a resident of the country concerned, they will already know the basics about the country (such as the size, topography, population, main cities and industries, political system, economic performance, etc.) but the visitor coming to work needs to find out. This helps put the work that is required to be done into context and is especially useful if some government document or politically made promise relating to land issues has been made. Of particular interest will be the overall government documents that outline a five- or ten-year vision, often with a separate document that shows what must be achieved by certain deadlines. Sometimes this vision and program for implementation will include specifics on real estate registration, but more often it will refer to targets relating to topics that will require a good registration system in order to achieve them. For example, requirements to massively increase affordable housing or improve medium size business development or to reform the agricultural sector; all require efficient land registration systems and the protection of property rights. It is also important for both local and foreign specialists to research the history of the land administration systems and to read any reports, studies and recommendations that have been done in the past.

There are probably no countries that have not been visited and had their land issues written about extensively, but it is surprising how often past reports and decisions are lost or forgotten. I recall in one Baltic country I visited that a study had recently been completed (within a few months) with funding by the European Union (EU). It included two years of technical assistance, but could not be located by the World Bank or EU colleagues whom I asked. In the country itself no one could find the final reports or remember what it said (although they did remember the consultants' names). In the end I had to find the individuals who wrote the report to find out what had been done and to get a copy. On another occasion I visited a West African country to lead a small team to investigate why the land registration system was not functioning properly. The problems were affecting local and foreign investments and preventing low- and middle-income residents from getting access to land for housing. The study included access to land for the private sector, urban town planning and government acquisition of land. This was back in 1997. With local support I found many detailed reports that had been prepared by various consultants over the previous ten years. Many of these appeared to be excellent, but no changes in practice had occurred. At the opening meeting I asked if our report would just be added to the pile of past reports and this caused some consternation. In the end it did become 'just another report', and many

others have been written since, so the pile is now much bigger. The reforms needed have still not been accomplished to this day.

Free reports from donors are all well and good, but if there is no local buy in (or local buying!) it may not be useful. Too often we seem to repeat both the interventions and the mistakes of the past. [Of course, another way of looking at this is that the reports all mentioned good practice from an international perspective and what needed to change. If the government had rejected those ideas because it did not fit their vision or political agenda, then it is not useful to repeat the same message. In our study we did come up with some new alternatives, but they met the same fate as those in previous reports.]

The Legal Basis

One of the key factors that affects real estate registration and cadastre systems comes from the history of the country itself. There are often basic differences that will affect what can and cannot be done. If the country has a common law background (effectively from British legal origins – including for example the USA, Australia, much of Africa, South Asia and others) it is very different to the civil law background that effectively emanates from Roman law, as modified by Germanic, French, Scandinavian and Chinese influences. Changes made through communist ideology to civil law origins are also influential. Several countries have a legal basis that is influenced greatly by Islamic law and others have traditions of customary law that are more important than statute law for many parts of the country. Over the years there has been a lot of merging so that the different systems effectively provide similar protections, but essentially common law is based on case law that comes from legal judgements in courts, while civil law is based on codified statutes. Islamic law is based on an analogy with religious literature and case law from the religious courts. Customary law is usually based on local custom and tradition, with changes occurring as local elders, headmen or chiefs adapt to changing situations. Both Islamic and customary laws are more similar to common law than to civil law in that way. It is often said that for civil law countries *you can only do what the law says you can do*, whereas for common law countries *you can do anything, unless the law says you can't*. This has a big impact on any flexibility you might need in introducing new approaches to solving problems in registration of property rights or cadastral surveying. For example, a colleague advised that when he was involved in establishing the IT system in a common law country, the flexibility required in the code developed by the programmers (who came from countries with a civil law background) was difficult for them to understand.

It is estimated that about 150 jurisdictions are basically civil law jurisdictions, about 80 follow common law traditions and about 12 follow Islamic law. (For those of you noticing that this total is more than the total number of countries in the world, it is because some countries operate different systems in different parts of the country – for example the civil law tradition in the State of Louisiana operates within the generally common law traditions of the USA.) It would be extremely difficult to find out how many customary law jurisdictions there might be. Wikipedia provides some good background to the differences between civil, common and Islamic law jurisdictions and the countries affected by these three types of legal traditions.

Legal traditions have also impacted how land registration systems and cadastre systems originated. Indeed, the word “cadastre” is virtually unknown in some common law countries, and in other countries it has a different meaning depending on where you are from. Some common law countries often refer to cadastral surveys and a cadastral index map for property boundaries, but essentially a cadastre was originally a record of all land in a certain geographically defined area. In countries with a Spanish heritage, they will think you are only referring to property tax if you mention the cadastre. However, in countries with a Germanic tradition, land use will often be the key – with legal boundaries and land value of great importance also. In some former Soviet Union countries I came across many cadastres that were essentially soil surveys (focussing on agricultural output) and also forest cadastres, water cadastres and even one cemetery cadastre. A colleague working in Bolivia identified an agrarian cadastre, a hydrocarbon cadastre and plans for an Indian cadastre.

What Registration Systems Are in Use?

Check the real estate registration laws, such as deeds registration, registration of title, adjudication of title, customary land, etc. Many countries include them in their government web site. Past reports may also refer to them. For the country in which you are working, it is important to find out which form of registration is used. There are many countries that have issued their own specific documents, such as *permission to occupy* issued by tribal kings or chiefs in South Africa or *land patents* issued by government bodies in the Philippines. The specific country situation and anomalies must be understood. There are generally considered to be three main ways in which conveyancing occurs and the corresponding records stored or protected:

- i. **Private conveyancing.** This is where a document or verbal evidence that has undergone local publicity is proof of a right or exchange of rights, such as the case with Jeremiah in Chapter 1. The parties keep the documents themselves, or perhaps with a notary or lawyer, together with all past documents relating to the property – as in A sold to B, B sold to C, C sold to D, etc. With this chain of documents, title can be proven, and the new owner would keep the full set of documents. It gets complicated when sub-divisions occur, i.e. when D sells half to E and half to F, because only one party can keep the chain of documents. It also begins to have problems with other complex transactions with multiple sub-divisions, easements and the like, or if the documents are lost or destroyed by fire or vermin. There are not many countries that still use this system.
- ii. **Registration of Deeds.** Here the deed is registered at a (usually) government office and a deed that is registered would normally have priority over deeds that are not registered. In some countries the deed is considered invalid if not registered, and the deeds office will check that it conforms to legal requirements (such as having witnesses, being prepared by a registered conveyancer, in the correct format, etc.), but in the end a deed is usually just a record of a transaction between parties. The ‘chain of deeds’ must still be examined by a conveyancer in any new transaction in order to check that a valid title is conferred on the transferee, but computerisation and good record keeping by an office makes that examination very simple and quick.
- iii. **Registration of Title.** In this system a register is prepared based on the property unit, such as the land, the building or part of a building. The owner and other right holders are recorded in a register against the property unit and evidence of title is merely the extract from the register. It does away with the need to check a chain of deeds, as whoever is recorded in the register is considered to be the owner. An index map of the registered properties is also required to make sure that there is no possibility of having different registrations for the same property unit. The application made to a title registration system is no longer to register an agreement between parties (a deed), but it is an application to change the register. The register does not normally have to manage historical title information, although most systems do keep a record in the archive just in case some historical information is requested when a dispute arises, or a researcher wishes to know.

In principle, the Registration of Title system is considered by most writers to be better and simpler. If you have ever worked in a busy, paper-based deeds registry, with the books and ledgers, cross-referencing and time taken to find books or ledgers and copies of deeds (often sitting on someone else’s desk and not in the archive) then you have lived in organised chaos. There would be huge piles of ledgers and documents on people’s desks and messengers pushing carts around to deliver the necessary information to the examiners. In a Registration of Title office, it is much simpler; one ledger would tell you the current owner of the specific property unit and, if the documentation that comes in matches the register, it is a straightforward process to update it. It is different now, with good record keeping and the use of modern technology, so there should be little difference in effect between the deeds and the

parcel-based title registers. For this reason, I have rarely recommended changing from a deeds system to a title system since good computing support became widely available in the late 1990s. The Registers of Scotland started converting their Deeds Register (Register of Sasines) in the mid-1980s and they plan to complete the process by 2025.

I wish you hadn't done it.

I recall vividly the time just after completing conversion from a deeds registration system to a register of title in my early years in Malawi. A local well-known lawyer congratulated me and said how well it was working. Then he said, 'But I wish you had not done it.' In the past lawyers had objected to the register of title because it was difficult to justify a big fee when the new application to register was a one page document and it was processed in a few minutes, but his logic was different. He said that the main drawback with registration of title is that it is totally dependent on the government (or responsible agency) being corruption-free and efficient – because the “register” is the proof of ownership. In a deeds system he could always get hold of the current and past deeds from an owner and satisfy himself that the buyer was getting a good title – even if the deeds registry was not efficient. In a register of title system, the only proof of title is the register, which is usually held by a government agency – and if it is wrong or they have problems of corruption, the conveyancer has a problem and the system breaks down. I have come across some countries where this has indeed been the case.

Following on from the above, experience shows that a good system is one that is well managed, corruption free and efficient. It is the calibre and honesty of the people running it that is key. Later chapters of this book will deal in more detail with an analysis of the different systems and their advantages and disadvantages, and how to deal with the corruption, political interference and inefficiencies that are so common in many countries' land registration systems.

What Boundary Survey Systems are in Use?

Check the laws. There may be a Survey Act and Survey Rules, or it may just be covered in the more general registration laws.

Boundaries and boundary markers have been an important issue for centuries. Moses the prophet (circa 1550 BC) included within his laws that it was forbidden to move a neighbour's boundary marker – even stating in the book of Deuteronomy (27:17) '*Cursed is the man who moves his neighbour's boundary stone. Then all the people shall say "Amen."*' Boundary markers (or monuments) were always important, and early surveys, plans and maps were prepared primarily so that the boundary markers could be located. It was a common statement that *Pegs were Paramount* – meaning that the monuments on the ground were more important than the plans and measurements that were in, or attached to, a deed. Documents often made reference to the neighbour and their land as an abuttal to the land being described. Reference to major features, such as a well-known tree or rock and distances or directions between boundary markers would be noted. I recall one boundary description stating that the boundary was a stream and that the property boundary started from the wooden bridge next to a specified tree (I don't recall what type of tree) and then giving the distance. Unfortunately, the description was well over 70 years old and there was no sign of a wooden bridge within the forest that now existed.

The original boundaries in European cadastres, which were often initially created for tax purposes, were located using equipment from 150 years ago and usually no monuments were used. Some of these boundaries were just footpaths between fields or other features that no longer existed. Although many new and more accurate surveys have been carried out, many countries still retain old plans and descriptions – but it rarely causes a problem because owners generally know where their boundaries are and disputes between neighbours concerning boundaries are more often because they do not like each other rather than because there really is a problem.

A basic principle should always be that if neighbours agree where the boundaries are, and they are clearly visible on the ground, you would have to have a very good reason to disagree and insist on adherence to a plan produced in previous years. A big mistake made in England when they tried to

introduce registration of title for the first time in 1862 was to try and identify exactly where the boundaries were. The neighbours might agree that the wall or hedge or ditch was the boundary, but when the surveyors tried to ascertain exactly where the invisible thin line that defined the boundary was located (i.e. which side of the wall or which part of the hedge) disputes arose where none had existed before. In 1875, after miserable failure to register properties, they had to revise the law so that boundaries could remain *generally described*, e.g. the hedge, and it could be marked with a thick line on a topographic map to show its location.

The history of how a parcel was measured affects the area stated on a deed or register. The area can only be considered approximate, unless there is specific evidence that a high quality and accurate boundary survey was utilised to assess the area, and that this area was then included in the deed. More recent surveys are likely to be better documented and more reliable, but the evidence should be available. There will be more written about boundaries in Chapter 7.

Know Yourself and Know Your Team

Can You be an Expert in Something That You Have Never Done?

One of my early assignments for the World Bank was in a Central Asian country not long after the collapse of the Soviet Union and the creation of the many independent countries that were once part of that Union. Other donors had already been in-country and one was demonstrating the work they had done in an open day. I had just recently concluded the establishment of a new registration system in Malawi, where I was the registrar. I naturally headed straight towards the expert who had “registration specialist” written on her name tag – and the conversation went like this:

- Me: Hello. My name is Gavin. Great to see another registration specialist. Where did you work as a Registrar?
Her: Pardon (with a confused look)
Me: You are the registration specialist?
Her: Yes
Me: So, where did you work in registration?
Her: I studied GIS
Me: (Dumbfounded silence)

I later discovered that ‘experts’ in subject matter that they had never actually been involved in themselves were quite common. This begs a very obvious question - *can you be a specialist in something you have never done?* No matter how well read you might be, there is really no substitute for actual experience. When I am working on a project I find myself constantly thinking back to situations and experiences that actually happened in the field when undertaking work and, more importantly, the consequences of deciding one way or another. This helps me to make decisions about institutional arrangements, laws and practice, procedures, achievable targets and the like. I have frequently come across projects and programs that are beautifully designed and theoretically flawless, but it is immediately obvious that they are impossible to achieve in practice in the country concerned.

Can you fix it?

One of the funniest sketches I recall from the American sitcom ‘The Big Bang Theory’ comes when the four geniuses are driving along in the car. They all have doctorates, or high level qualifications, in theoretical physics, engineering, space technology and the like – and the driver asks the question, ‘Do you know how the internal combustion engine works?’ There is great hilarity as they all laugh and say how simple it is, and so basic. Then follows the next question: ‘There is a problem with the engine; can you fix it?’, with the immediate response, ‘No’, ‘No’ and ‘No’ from the three non-drivers. The next scene shows the mechanic who was called out to fix the car, with the four geniuses watching on. We should all be wary of trying to ‘fix’ something that we only know in theory, but not in practice.

before, it is worth noting that there are many disciplines associated with implementing a modern

registration system. Each discipline will have graduate level courses that people take in order to become qualified in the subject on which they are advising – whether it be land law, land survey, mapping, valuation/appraisal, land economy, town planning, land management, economics, social sciences, GIS or IT (and these last two are very different). The fundamentals of each subject matter are covered in the courses that each specialist takes, and it is presumptuous to think that you might know enough about a subject for which you do not have the basic qualification and have not practised in a professional capacity. For example, I know from experience working within the World Bank that whenever you need to make the case for a project, it has to be justified on economic grounds – and I know all the arguments and reasons. I recall sitting in front of a Country Director (who was an economist) explaining why the proposed project was such an important issue for the country from an economic perspective. He didn't look convinced. Then my colleague, sitting next me, who was an economist, explained. I am absolutely convinced that he said exactly the same things in the same way, but somehow the Country Director now understood and was supportive. I have had the same experience with lawyers and other professionals – and have learnt to understand, value and appreciate what I do not know.

The ability to 'know what you do not know' is absolutely essential when implementing a project or reform program.

The ability to listen and re-assess your position is essential. The perspective of the leadership within the country, the people involved in working on a daily basis in the registration and cadastre systems and the views of the experts are all fundamentally important.

I have learned three key lessons from the above:

- (i) When hiring experts to advise on any subject matter – make sure that they have actually worked in that field. The IT specialist must have developed complex IT systems that work. The valuer must have worked in the business of valuing property. The public awareness specialist must have successfully implemented a good communications campaign, etc.;
- (ii) Do not assume that you know a subject matter better than the person who has a professional qualification in that subject matter;
- (iii) Do not assume that you know what will work best and what will be better for a country than the people who live there.

However, the most difficult skill for a manager is knowing which of the specialists and which of the people they meet in country are just 'talking the talk' and which are practical and can deliver.

Know Yourself and Your Team - Different Skills and Competences

When building a team and getting support, the first step is to know yourself. What is your basic attribute and skill? I divide them into four specific categories:

1. The Technician
2. The Professional
3. The Academic
4. The Manager

When addressing a given situation within a country, all four of these skills are critical. Some people will have more than one skill, but it would be extremely rare to find anyone who has abilities in all four. My definitions of these is skewed a little by experience in working on land registration projects and so might not fit the 'normal' definitions. I apologise to purists who may see things differently and like to go by the standard definitions in reference works.

The Technician

The technician is basically someone who knows *how to* do a task competently. The task can be extremely complex and require advanced levels of technical expertise and degrees that few others possess. The engineer who has developed a rocket to go into space is a technician – a very competent one! In the land administration sector, I would class people who are competent and licensed to operate in the sector within their own country as ‘technicians’. In reality they are ‘professional’ technicians who would be both graduates and probably members of a professional body. Thus, a conveyancer who understands all the steps, the relevant laws, the searches and other due diligence that must be completed, is fulfilling a set of tasks competently and ‘professionally’, but they would be a technician in my definition. The surveyor who takes into account the rules and regulations for surveying according to the law, including planning rules, surveying principles and accuracy, investigation of legal boundaries, complex geodetic measurements and the like, is a technician in this sense. The same applies to valuers, town planners and other technical professionals. Although the immediate reaction is to think they might be inferior to my definition of the ‘professional’, this should not be so. They are vital to the success of any registration project or land reform program. Typically, I would call upon a very competent technician if we were putting in a Continuously Operating Reference Network (as a basis for GPS measurements) or a database management specialist when implementing certain aspects of the IT system being put in place.

The Professional

In my view, the big difference between a technician and a professional is that the professional knows why these technical rules are in place, who put them in place and what was the historical reasons that some of the rules of practice were put in place? Also, whether they need to change and how they should change as society, technology and expectations emerge. They understand how good practice can be adapted, modified or applied to other situations (e.g. in another country), while taking into account time frames, financing and political motivations. The overall government policies and specific land policies must be well known. They understand which matters are of critical importance and which are useful, but not necessarily vital, when weighing up the logistical and financial limitations to develop approaches to getting a solution for the given problem. They understand the importance of social obligations, i.e. that all should enjoy the benefits that these systems provide, regardless of their poverty, race, gender or other differences. They have a good understanding of all other disciplines that are associated with the professions that they hold. They know clearly the breadth of their own knowledge (which reduces over time as more technically complex solutions to tasks materialise) and what people from other disciplines can contribute. The professional knows his or her subject well, but also knows what it is that they don’t know well enough – and they never stop learning.

The Academic

I have tremendous admiration for academics. This is largely because I have never been able to do the things that they do so well. They usually have the skills to lay out principles and practice in logical steps, to explain the issues and come up with innovative, well thought out solutions to many problems, whether they be legal, technical, economic, social or educational. They also have the ability to see into the future and test solutions for problems that have not yet necessarily materialised. And then they write the books and papers that I, as a professional, need to read to keep me informed and to challenge my mind as decisions need to be made. The ability to structure such large amounts of knowledge in such a way that students, technicians, professionals and managers alike can benefit is indeed a gift. However, the main thing to consider when using a person who is primarily an academic in your team is whether they fully appreciate how the work is done in practice and whether their solutions are workable.

The Manager

The manager has a unique set of skills that enable him or her to lead a program or project even though he or she may not be a specialist or have much knowledge in the subject matter. Subject matter knowledge is not essential, although an understanding of the important issues is very important. Team building, communication and the management of risks in a project context are key skills that are needed. He or she may be a specialist and can combine skills of both management and the professional, and this is helpful when budgets for preparation and supervision of projects are restricted. For the manager, the people on the team are essential to achieving a project's objectives, and the counterpart or politician who they interface with is also crucial, because they are the client. The manager is a person who works well with a team of people and can get the best out of them by taking them seriously and building them up – always looking at the good side and encouraging team members before addressing the problematic aspects of their work. *It is also necessary to know when it is a lost cause, and the person must go.*

Lessons for Managers

Many of the people reading this document will be the managers or future managers. I believe that good managers are born that way. You can always improve with additional training and utilising management systems, but the necessary 'people skills' and drive often come naturally. Project management processes and toolboxes are readily available on the Internet. They are useful and worth reading in order to learn, but most financing partners or donor organisations, including the World Bank, have set structures and processes that they utilise.

There are different types of managers and I have come across some that are strict, forceful disciplinarians, who get good results, and others who are much more affable, flexible and accommodating, but still get good results. In many ways the manager is a bit of a psychologist because the manager *is always assessing the hidden objectives and expected reactions of the people he or she is working with, and then working out what will work and what will not work, accordingly.* The manager balances his or her team's capabilities with the needs of the client, understands the political economy and those things that can actually be achieved in a given time frame and within a set budget. When balancing the team, it is good to include diversity. Although men and women are undoubtedly equal, they are not the same, and any team should contain people of both sexes if at all possible. Different generations and different nationalities also give a broader perspective and different approaches, which is always a good model. It is too common for managers when recruiting to find people who are like themselves, but it is far better to include within your team people who are not at all like you as it will provide a better balance.

In my own experience, I started as a technician and developed over time to become a professional. Management was a natural progression. I don't think it is possible to clearly specify all the attributes a good manager will have. The best way to describe some of the skills of the manager and the professional is through some actual examples I have come across.

1. A tale of two managers. I recall joining a team in a country in the Europe and Central Asia region to help a World Bank team leader¹ take over responsibility for a project that was part way through. According to previous reports everything was going very well, but the new team leader was not so sure. We investigated and my conclusion regarding the registration system was that there was a high level of corruption, costs for the client were very high, and the

¹ At the World Bank, the team leader is the person responsible for managing the team that monitors implementation of a project funded by the Bank, and advising the government body that is responsible for implementing the project. Often, they are also specialists in the subject matter or very experienced through many years of implementing similar programs, but that is not always the case. The team leader would be expected to add the necessary experts to their team for the advice they would need.

procedures were time consuming and complex. The team leader did not know the subject matter very well but believed his expert. This was reported to the head of the agency concerned and he was absolutely furious; he had only ever heard good reports before. He ruled his team with an iron hand (such that people had to stand up and report formally in departmental meetings and were very afraid of his reaction) and he immediately demanded from the World Bank management that the new team leader be removed and never come back to his country. The team leader stood his ground (which was very brave considering that registration was not his speciality) and we both returned about four months later. The head of the agency greeted us. He said, in essence, 'I investigated your claims and report. You were completely right. I have removed half of my registrars, reduced all fees by 50 per cent and instructed them to complete registrations within seven days instead of the usual fifteen.'

This is a tale of two very good, and very different, managers. The project ended up successfully completed and to this day the country concerned has an excellent reputation for registering property.

2. The Pragmatist. For a country in Eastern Europe, a small project had been designed to systematically register every property and establish a registration system for the first time. It had funding of about US\$ 15 million. The head of the new agency had previously been the mayor of the capital city. He was a very busy man (they usually are) and the resident foreign project manager had worked out that the best way to brief him and get decisions was to turn up in his office with a bottle of brandy and two glasses on a Friday afternoon, just after most of the staff had left. When visiting to oversee the project, I joined them. I recall one day the senior surveyor coming into the office with a draft survey plan and sample certificate of title to show his boss. It was a sample he was proposing for the new registration system. It looked excellent and the boss was pleased. I asked three questions: (a) how long did it take? (b) how much did it cost? (c) how many do you have to do? The answers were: (a) One whole day. (b) About US\$ 20 (excluding the staff cost). (c) 6 million. I said nothing. The boss thought for about 20 seconds, did the sums in his head and said, 'Well done, now go back and find a way to do it quicker and cheaper.' And here is another lesson. The professional technician will generally come up with the best and most accurate way of completing a task. It is the duty of the professional and the manager to require a methodology from them that will meet their targets in terms of cost and time.
3. The Stubborn One. As a professional working in a given context there are always some things that are essential and for which no leeway is given and others that are less important. This can cause issues during project preparation and getting agreements to proceed. For a simple example, in one country some years back I recall putting into a project for US\$ 10 million, the sum of US\$ 1 million for 'consumables'. This was actually primarily for paper and printing ink. (It was before we went completely digital.) The counterpart kept on insisting on reducing this and I kept saying 'No', but conceded that if the funds were not used, we could reallocate them for something else. Two or three years later, they had issued the first hundred thousand certificates and were planning a few hundred thousand more. They kept saying, 'Thank goodness we put so much money aside for 'consumables'. In another country we were writing up the project documentation. It covered several different land sector activities and the documentation was very complex, as were the budget, performance indicators and procurement plan. As is often the case, the counterparts read the documents, not necessarily understanding everything, queried a lot of issues, but pushed forward because they needed the money identified in the project. About three years through the five years planned for this project, the project manager came to me and said, 'We decided that the project was not progressing well or doing everything that we needed it to do, so we had a series of meetings to assess what was wrong, what changes were needed and then decided we should modify the project documents to address the issues that we need resolving. We all re-read the project documents and found that everything we needed and wanted to do was already there. We just had not realised.' (The professionals during project preparation had really done their job well in that case.)

4. The People Person. I learned a great deal from my first ever manager. (Of course, you have to mention your first manager – especially if they are a good model.) I arrived in Malawi in 1978, where most of the department heads and senior staff were still British, some twelve years after independence. I was the first white foreigner to have a Malawian boss, Ambuje Tambala (now deceased). He was a surveyor, but had had a somewhat strained relationship with the current senior staff at the department. In Mr Tambala I found a man who cared, was patient with my early mistakes and always supportive – yet spoke his mind without reservation on things that could improve and should be better, especially with regard to Malawians needing to run their own department. He was not technically gifted and there were many aspects of surveying and mapping work that he was unclear about, but when he eventually took over as the Head of Department we found working conditions improved, funding became more available and people who had not previously had opportunities for advancement were getting them. Like other good managers he knew well those technical things that he should keep quiet about and relied on the technical specialists for advice. He also had a good sense of humour and was approachable, and I once recall challenging him on something he was proposing to do with regard to licensing surveyors within the department. I reminded him that when the previous management had tried to do the same thing he had objected vociferously and got it stopped. He chuckled and said, ‘When you are fighting for independence you blow up the bridges, and when you get independence you build them again.’ I learned a lot from him, as he was always open, encouraging, available and pleasant, while putting his staff first.
5. The Window of Opportunity. The *people person* also knows his staff and their capabilities. When a team from the financier of a housing project visited Malawi at the mid-term review stage and discovered that the component to establish the title register had utilised half the budget but not issued a single title, they threatened to cancel the component. Mr. Tambala called me in to try and rescue the situation. It was immediately apparent that something had to be shown to have been achieved when the review team returned, so we focussed on two of the simplest districts (out of the 26 districts to be concluded), completed the process and issued titles before the review team came back four months later. We also made sure that we had a clear plan for the remaining districts. Apart from the need to show progress, a financier is unlikely to stop a process that has started successfully and is now part way through. The project was completed successfully and on time. This is an important lesson because you might find that you arrive in a country and the *window of opportunity* has just opened, and the officials and politicians are eager to make a change, or change might have been forced on them from outside circumstances, as it was when the Soviet Union collapsed. So, you need to be prepared to act quickly and try to get the necessary reforms (whether they are reforms to policies, laws, administration or procedures) presented, discussed and agreed while that window is still open. Practical experience shows that the window of opportunity can quickly close, so don't waste any time.
6. The Dictator. During the height of the land reforms and changes that were occurring in the 2000's in countries of the former Soviet Union we had many experiences with completely different management styles to those that we had experienced in the West and in developing countries. I recall presentations in which the still prevalent top-down management style was criticised, often to the obvious annoyance of the people from those former communist countries. I had always been incredibly impressed when visiting offices around the former Soviet Union. For example, they used to have offices that managed housing and other buildings, including keeping extraordinarily complete records of building materials, room sizes and volumes, heating units (most apartment blocks had a common heating supply), locations and materials for the bathroom units, etc. I even saw some in areas with commonly windy conditions that had a “wind cadastre” showing the prominent wind directions and strengths that were affecting the buildings. Across seven time zones in by far the largest country on Earth – all offices providing this service were virtually identical. And there must have been about 4000 or more such offices across the whole Soviet Union. The structure of their buildings, archives and facilities, the processes they used and records they kept were all identical. It even seemed that the personnel came out of one mould, because they all seemed to be the same, say the same things and react

the same way to our comments and suggestions. And they were all efficiently operating. To me, that was an extraordinary management accomplishment. I recall in one former Soviet Union country, after piloting successfully the new registration system in a few locations, the government decided that they would now roll it out to all 220 offices. We were aghast – we said, ‘No, you will have chaos.’ The reply was – yes, for about three months and then it will be fine. They were right. I also recall in Russia after many years of discussion and changes, the new system was now operational. The instruction came from above that all 150 million (approximately) land parcels must be registered and valued within five years. After the initial resistance and complaints, the personnel who said it could not be done were replaced with people who were prepared to do it – and it was achieved. Russia now has the largest and busiest (and one of the most efficient) national registration system in the World.

7. Going to the Top and Taking a Risk! I recall being asked to manage a project in the Balkans that had gone seriously awry. There was clearly corruption in the office and despite repeated attempts the project was going poorly. In my first few visits I tried unsuccessfully to get things to improve and then went to the Country Manager and said, ‘It is no use – let’s just close the project.’ She was not yet ready to give up and suggested that we go to see the Prime Minister himself. I asked around about policies and realised that part of the Prime Minister’s manifesto was that the land issues would be resolved. We were summoned to his office (I had kept a tie in my pocket just in case that happened) and I told him that despite all efforts the project needed to close because we had found it impossible to meet his manifesto commitments. There was, of course, no point in telling the Prime Minister about all the problems or what agreements with the office had not been fulfilled or who was to blame, just something that would resonate with him. In response, he was polite and just asked us to wait a few days. The next day, which was a public holiday, the head of the responsible agency arrived in the World Bank office in his jeans and said, ‘OK, what do I have to do.’ Everything went well thereafter.
8. The Senior Manager. I recall one team leader complaining to me that I rarely went to visit their projects or comment on what they were doing, but I had spent a lot of time on others and with others. The answer was simple, ‘Why would I? Your project is going great, you are doing well, and you have everything in hand. The other project is problematic.’ This stems from my own preferences. When a senior manager left me on my own to get on with things and did not interfere, I was grateful and happily got on with my own project or tasks. I was lucky in the World Bank because this was mostly the case. However, I realised that some people would like the encouragement, reassurance or praise needed, and that it is important to spend time with them to do that. Like professionals – managers never stop learning!
9. If I were in their position, what would I want to know? As your career develops you will always have those who you manage and those who manage you. Everyone has someone senior to them who they must report to. Your boss is busy, and often based in another location, city or even country. In one of my first managerial positions back in the early 1980’s in Malawi I was based in Mzuzu in the north and my manager was based in Blantyre in the south. I learned early on that a simple one page (or less) regular monthly report summarising progress and what I was doing takes little time and just keeps them informed. I always thought, *if I were in his position, what would I want to know?* Years later while working for the World Bank a short report included a statement that: ‘the project in XXX country is now concluded and assessed as satisfactory.’² We now have concluded 24 projects rated as satisfactory or higher in the last fifteen years with only the one in YYY being considered as moderately satisfactory’. When my manager was then talking to her manager and having a difficult conversation this simple information was relayed and suddenly all were content.

² Ratings at the World Bank range from ‘highly satisfactory’ (the best), through ‘satisfactory’ to ‘moderately satisfactory’ and so on down to ‘highly unsatisfactory’ (the worst). Anything below ‘moderately satisfactory’ is considered problematic.

Summary

One of the key tasks prior to ever visiting a country is to find out as much as you can from existing documentation and research that relates to the project or program in the particular country where you are going to work. This would include the political economy, overall vision and goals of government and the specific elements that relate to the land sector. Past documents and papers that are generally available on the Internet, plus the laws that relate to the land sector, can often be found and give a good background to the tasks ahead of you. You should not be in a position where you are gathering information that is readily available externally from people within the country, because they are usually busy people and have their normal everyday tasks to cope with. It is respectful to arrive having done the due diligence.

The second issue concerns yourself and your team. You should know your own abilities and weaknesses and the skills and capacities of those that work with you and those that you need in order to supplement your team. *Know what you know and know what you don't know* is a good mantra. Some key pointers would be:

- Make sure that any expert has actually successfully done the tasks that they are advising on – you cannot really be an expert in something you have never done.
- Listen.
- Appreciate the skills and abilities of others – people with degrees and experience in subjects that you have not studied or practiced will generally know better than you on the legal or technical issues.
- Recognise that people are different – some are technicians, some are professionals, some are academics, and some are managers. Each has their role.
- Include diversity within your team.

Having done all of the above – you are now ready to start!