

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 - The Preface

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## Preface

*You can't change the world, but you can change that little bit of the world that you are in contact with. If others do the same, then together we can change the world.*

Joe Parker. Colleague and Lecturer, Borehamwood College of Higher Education, 1975.

This book is not a typical treatise, text or explanation of the subject of real estate registration and cadastre. It is a description of the key things to consider when trying to reform, establish or renew such systems. It is written by practitioners who have been involved in dozens of projects and programs in multiple countries. The intended audience is those who would lead or be involved in such projects or programs, including senior staff in government agencies and team leaders from financing partners or bilateral donor agencies and consultants (local or international) working in the sector. The book can be used as the basis for training, taking one chapter at a time, or for a workshop lasting two or three days, or just for reading about experiences and lessons learned in other projects and programs. As changes occur frequently in this sector due to technology innovation, land policy development and institutional re-arrangements, the chapters can be updated as and when needed. Each chapter is independent and can be handed to someone who needs to work on, or know about, the aspect of land administration covered in that chapter.

The book will be less useful for those in countries with established, well-functioning systems, such as those found in Western Europe, the USA, Canada, Australia, etc., but conversely more useful for those in countries where the existing systems are not satisfactory, and who want to make changes. This may be to make their existing systems more efficient, to register property rights on a mass scale for the first time, or to do both of these. The subject matter is currently restricted to the registration of property rights and those issues directly related to establishing such systems, but it will also be interesting for anyone who wants to implement a project in order to achieve change in a related field. The narrow focus is deliberate as my main experience is in land administration, although related matters of land management have been included in my work and projects. However, I felt that chapters on related fields should be written by those with the appropriate qualifications and experience.

The book is an 'e-book' and should change as technology and experiences change. It can also be expanded with chapters for related matters, such as urban or rural planning, valuation and property taxes, customary land development, informal settlements, land and property markets, land rights in conflict areas, women's land rights, etc. However, I am well aware that planning and real estate markets / valuation are professions in themselves and it is presumptuous to think these subjects could be covered in a chapter, rather than in a book of their own. But, if you are a qualified specialist in any discipline associated with land administration and management, and you have multi-country experience with projects that were successful, then do feel free to write a chapter of similar style and length and suggest its addition to me. It must be based on actual practice and experience, with results and lessons from that experience. If you decide to do so, you can join the author list, but note that, as with the current authors, this is a pro-bono exercise, aimed only at sharing experiences that will be useful for others.

I have worked in 46 countries worldwide on land administration and management projects and visited another 20 to examine their systems – making 66 countries in all. Most of the projects I have been involved in were successful. About half of the countries where I worked were in the Europe and Central Asia region, where a coordinated program of work from the post-socialist era for the whole region was implemented from the early 1990's onwards by the World Bank, for whom I worked for more than 20 years as both a consultant and staff member. I was asked by several people to write up my experiences, but when looking through existing literature I realized that there is a wealth of excellent materials about the subject matter already available and that a different kind of book was needed. For this reason, I have made a book list that identifies the main texts, guidelines and other important works. The list also describes the contents of these books. Any person wanting to delve into greater depth of the theory and logic in the sector will find the book list very useful. This is contained in Annex 1.

I often start in the chapters with a bit of history or explanation before getting onto the key issues, but further reading for the serious student might be needed, and for that I cross-reference to Annex 1 and mention which books can provide more detail. Annex 1 also has a summary reference of a series of learning documents, guidelines and tools that have been prepared by the Global Land Tenure Network and the United Nations Food and Agricultural Organization as there is a plethora of excellent materials on their websites. A glossary of terms used is contained in Annex 2.

The text of this book is written in a ‘conversational’ mode to explain what we did and why, and it is interspersed with specific stories and anecdotes that actually happened and that teach good lessons. I have often kept reference to the countries general so as not to embarrass or upset people who may still be working in the countries concerned. Hence, I will say ‘in a Balkan country’ rather than mentioning which specific country. It is likely that some of my comments from experience will not tally exactly with theories previously expressed in the books in Annex 1. I make little attempt to cross-reference my personal conclusions with quotations or definitions from books or papers written by others. This is not because of any criticism or disagreement with these works, which are usually excellent and have provided valuable guidance to me for years, but because I am writing about lessons learned from a project implementation perspective. Within this context, the people who you work with are more important. Furthermore, the approaches must be tailored to specific country situations and the capacities, expectations and understanding of these people.

The book itself comprises nine chapters. I asked three other people to write specific chapters on subject matter in which they are specialists. It should be a basic principle for any professional or manager to *know what you don't know* and to get the real experts to address those issues. Thus, I asked Tony Lamb to write a chapter on law (Chapter 6) and Rumyana Tonchovska to write a chapter on Information Technology (Chapter 8). Robin McLaren prepared a final chapter (Chapter 9) to describe how the real estate registration and cadastre systems fit into the wider needs of government and society for information about land and its use in Land Information Services.

The nine chapters can be logically split as follows:

Chapter 1 *The purpose of these training materials – an introductory chapter* explains why real estate registration is important from an economic and social perspective and what such systems look like and achieve. Chapter 1 also addresses the key considerations when implementing projects within the sector.

Chapters 2-5:

These chapters provide the overall considerations and lessons for preparing, implementing and managing a project that is geared at reforming the sector.

Chapter 2 *Know Your Country, Know Yourself and Know Your Team* covers the preliminary considerations and due diligence required before starting a project. Much of the due diligence can be done before arriving in the country (if you are a foreigner), but you must also know your own skills and limitations as well as those of the team you assemble to undertake the work.

Chapter 3 *Preparing a Project or Reform* looks at the information you need to gather and the topics you need to consider when preparing a project. It covers the expertise you might need and the components of a typical project.

Chapter 4 *Implementing the Project of Reforms – the 9 C's*. Here I cover the main considerations and subject matter that need addressing in a typical project. It is referred to as the “9 ‘C’s””. The first two ‘C’s are the Champion and Corruption, the Champion being the critical person within the country who actually makes the changes occur. Corruption, which is the most important but least talked about factor, must be addressed because it is endemic and highly detrimental, particularly to the poor and vulnerable.

Chapter 5 *Project Management and Institutional Development* provides guidelines and experiences in managing projects, including project management team composition, monitoring and evaluation required and managing and mitigating the risks. The institutions responsible for managing projects must also ensure that the new or reformed system functions

efficiently in a sustainable manner. The arguments for a single agency model and self-funding once the new or revised system is functioning are discussed.

#### Chapters 6-8:

There are three key technical elements in any project to introduce or reform a registration or cadastre system: the law and property rights; the surveying and property boundaries; and the computer systems that ensure the registration and cadastre system functions well in the modern environment. Thus, three chapters written by the specialist in these specific fields are included.

- Chapter 6 *Legal Framework* focuses on the basic laws and types of laws that need to be reviewed when a project is to be implemented, and how to proceed when land policies are unclear or laws need changing, while making the point that you can usually work with what you have. The role of the lawyer *vis à vis* other specialists is addressed.
- Chapter 7 *Boundaries and Cadastral Survey* addresses the purpose of the boundary survey, the people who might be allowed to work on the surveys and the changes to survey measurement methods that are occurring. It also addresses some of the misconceptions around 'fixed' and 'general' boundaries.
- Chapter 8 *IT Systems for Cadastre and Property Registration* describes the experiences with developing and implementing IT systems, making the point that the system is just a tool for doing a job and not the solution for corrupt or inefficient practice. The approach taken for successful implementation of IT systems, plus acceptance and sustainability, are addressed.

Note: It would be possible to add other chapters, but these require different authors, for example:

- the social impact – including impacts on vulnerable, indigenous or otherwise disadvantaged groups;
- capacity development and training programs;
- real estate market development, providing financing or credit for smallholders and small enterprises;
- land economy and valuation;
- local government and other influences on land use, planning, address systems, etc.;
- state land management.

Chapter 9 *Land Information Services* explains how real estate registration and cadastres are important foundation layers for wider land information services, which help society to more effectively manage land wherever and however it is used. The requirements and approaches for developing national spatial data infrastructures that are being developed around the world and how such work is coordinated internationally is also included.

#### Thanks and acknowledgements:

My thanks to those that have guided and influenced my work over the years, particularly to the writings of Rowton Simpson, Peter Dale, John McLaughlin and Ian Williamson as I learned the ropes in my formative years. Many other papers and articles written by other specialists have also been a guide. The people I have worked with as specialists are too many to name (I made a list of over thirty top quality specialists!), but each brought different perspectives, ideas and approaches. In project management within the land sector, colleagues in my earlier years working with the World Bank were always helpful and I thank: Lynn Holstein, Ed Cook, Gotz Schreiber, Iain Shuker, Jessica Mott and Victoria Stanley in particular. The reviewers of this book provided a wealth of excellent ideas and commentary and I thank the reviewers Victoria Stanley, Peter Dale, Stig Enemark, Tony Burns, Tommi Tenno, Sarah Antos and Richard Baldwin. Mika Torhonen and Wael Zakout from the World Bank also provided suggestions, ideas and encouragement. In particular I thank my fellow authors Tony Lamb, Robin

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My thanks also to Professor Peter Dale and Kate Fairlie for writing the two forewords. Peter is a well-known professor and author, and ex-President of the FIG, who has been a leading light in the land administration and management sector since the early 1970's. Kate is from a younger generation than any of the authors and is a professional land surveyor heavily involved in managing projects for Land Equity International.

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