Developing Effective Policy and Planning in Yemen

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SUMMARY

Over the years, secure land tenure and property rights have taken on greater historical and cultural significance for Yemenis. Despite the importance and great value placed on land, there has been a lack of careful administration and management of tenure with up to 90% of land ownership remaining informal. This provides strong reasoning why it is estimated that nearly 85 percent of court disputes in the Republic of Yemen today are land-related. For land tenure security, land value and socio-economic development, establishing efficient administration practices are of paramount importance to Yemenis.

In attempts to progress forwards, the General Authority for Land Survey and Urban Planning (GALSUP) has recently been created as a government entity responsible for the comprehensive management and administration of land in Yemen. In 2008 the World Bank provided financing for the implementation of "Consultancy Services for Strengthening Land Management (CSSLM)" as a Land Administration Project under "Taiz Municipal Development and Flood Protection Project" in the Republic of Yemen.

This paper will provide an insight into what considerations have been made to strengthen the reforms in land administration through a few policy studies and by enabling the formulation of Land and Urban Planning Policy. It also looks at the legal and institutional changes recommended to achieve efficient procedures for the issuance of land titles and registration of property transactions, and transparent processes for the management and disposal of public land. This paper sets out the results of these studies and plans for the future development of land administration in the Republic of Yemen. Common themes are identified in this paper that are adaptable across the region.

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1. COUNTRY AND PROJECT CONTEXT

The Republic of Yemen was established on 22 May 1990 with the merger of the Yemen Arab Republic [Yemen (Sana'a) or North Yemen] and the People's Democratic Republic of Yemen [Yemen (Aden) or South Yemen]. The country has an area of about 528,000 square kilometres, with less than 3% of the land arable. The population in 2009 was estimated at 22.9 million, with a high population growth estimated at 2.8% per annum.

The Government of Yemen received financing from the World Bank toward the cost of the Taiz Municipal Development and Flood Protection Project (TMDFPP). The Government used part of the loan to formulate a viable national and local level framework for public land management, land registration, and urban planning following the consolidation of these activities in the General Authority for Land, Survey and Urban Planning (GALSUP).

GALSUP is a recently-created government entity responsible for the comprehensive management and administration of land in Yemen. It has consolidated authority over a number of functions formerly exercised by different entities:

  (i) Land survey, mapping and registration, formerly implemented by the Survey Authority and Land Registry, Presidency of the Council of Ministers;
 (ii) Management of State land and real estate, formerly under the State Land and Real Estate Authority, Presidency of the Council of Ministers; and
(iii) Urban planning, formerly under the Urban Planning Sector, Ministry of Public Works and Highways (MOPWH).

The GALSUP Branch Offices at the Governorate, City and District levels must maintain close liaisons with all concerned agencies and bodies to ensure on-going coordination and working arrangements. This particularly will be important in coordinating master and detailed planning at different levels, and in resolving disputes.

2. SITUATIONAL ANALYSIS

Land and property in Yemen, as in many parts of the developing world, are a common means of storing wealth. Over the years, secure land tenure and property rights have taken on greater historical and cultural significance for Yemenis. Despite this importance, it is estimated that nearly 85 percent of court disputes in the Republic of Yemen today are land-related and up to 90% of land ownership remains informal. For land tenure security, land value and socio-economic development, land titling, registration and establishing efficient administration practices are of paramount importance to Yemenis. In the Yemen Development Plan (YDP), GALSUP emphasized that strengthening land management and surveying capacity is one of the top ten priorities of the government. Similarly, the Socio-Economic Stabilization Plan

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(SESP) sought donors' support for building the capacity of Ministries and government agencies in the areas of land policy and land use planning and development.

2.1 Legal Framework

Yemen has a legal legacy from the Ottoman and British Mandate periods, each providing distinct legal heritage. Consolidation of existing laws has been underway since the country's independence in 1990 when the government assumed power over its legal

2.2 Land Management

All land in Yemen vests in God and the State is the custodian of the land. The State allocates rights to land and there shall be no rights over any land not specifically allocated. The State may resume rights in land for a public purpose with fair compensation. There are no rights of adverse possession or statute of limitations against the State. The State may impose fair taxation of land and may regulate its use and development. All minerals in the land remain the property of the State.

2.3 Public Land Inventory

'Public land' (State land) is defined as all land that is not land dedicated to Islamic and other Trusts ("Waqf" land) or privately owned. Inconsistencies and ambiguous management interests in public land have lead to inefficient land use, tenure disputes, and unaccountable and non-transparent practices. Responsibilities are inadequately defined between levels of government and types of public land use.

Revenue collection from public land and real property leases is inconsistently applied. The land information system is inadequate in terms of not all public land being identified and inadequate details of public land that is recorded. As well, information about public land is not easy to obtain.

Establishing a Public Land Inventory will focus on data capture to support unregistered public land and integration of documentation on registered public land.

2.4 Urban Planning

Yemen has one of the world's highest birth rates. The average Yemeni woman bears seven children, a figure roughly three times higher than occurs in the more modernized Arab states of the Arab Gulf. This rapid growth was compounded by the repatriation of Yemeni workers from the Gulf countries in the aftermath of the 1991 Gulf War. Between 1994 and 2004, the total population of Yemen increased from 14.6 million to 19.7 million, an average annual growth rate of about 3.4%.

Yemen is also experiencing rapid urbanization. Urban centers like Sana'a and Taiz, fuelled by rapid rural to-urban migration, have experienced average annual growth rates of

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approximately 8% over the last ten years. Between 1975 and 2004, the total population of major cities[1] grew from 662,600 to 3.9 million, an average growth rate of about 6.1% per annum throughout the period. Sana'a Municipality's[2] population grew from a mere 134,600 persons in 1975 to 1,707,531 in 2004. This amounts to an average growth rate of about 8.8% per annum, making it one of the fastest growing cities in the world.

In Sana'a, Taiz and other major cities massive population growth, coupled with the absence of appropriate urban planning and regulations, has led to a rapid proliferation of informal settlements since 1990. Much of the construction in these cities over the past decade has taken place in unplanned areas without building permits and without accompanying infrastructure and services. Several squatter settlements are located in flood plains and on marginal land and are occupied mostly by poor marginalized communities. The squatter population has no secure land tenure and lacks access to basic infrastructure and municipal services. Moreover, most of the squatter population lives in poor and unhygienic living conditions. The improvement of living conditions in informal and squatter settlements and the socio-economic integration of the poor into the city's fabric are pressing priorities and explicit aims of local authorities in these cities.

Physical and land use planning is conducted at three levels: Master, Regional and Detail Planning and their outcome is subdivision plans. However in the absence of a universal land inventory or registration system, the planning framework remains undeveloped and uncoordinated. Local governments are responsible for preparing planning studies as well as "public construction and environmental plans" before submitting these to national government agencies for approval. Due to capacity constraints, most of the work is still done by GALSUP.

2.5 Land Registration

Land registration in Yemen was attempted during Ottoman and English administrations respectively. During this period a small amount of land parcels were registered.

After Independence, the first Land Registration Law (LRL) was passed in the North in 1976 in an attempt to bring together Shari'a law and elements of English law after the creation of the Yemen Arab Republic in 1962. The method of registering transactions was known as "sejel shakhsee" – owner based registration, which is a name based system of deeds registration. Despite the passage of the 1976 Law, which required in addition to private conveyance the registration of deeds at the land registry, registration at the land registry was at best ad hoc and at worst non-existent. After reunification, a LRL (with very minor changes to the 1976 version of the North) was passed in 1991 which attempted to unify the two systems in the North and the South.

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 (as practiced) involves

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[1] Aden, Amran, Al-Bayda, Dhamar, Al-Mukalla, Hajjah, Al-Hudaydah, Ibb, Al-Mahwit, Sa'dah, Sana'a and Taiz

[2] Including ar-Rawdah.

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visiting the site and performing ground survey as well as checking prior deeds. However, this system was not implemented until 2000. Subsequently, the land registries have been moving to the latter system based on transactions that come in on-demand. It is important to highlight that "sejel ainee" as practiced is moving from an "owner-based" deeds registration system towards a "parcel-based" deeds registration system.

Many sales of land are concluded without registration in the land registry. Reasons range from people's lack of awareness of the requirements of the law, their lack of confidence in the land registry and avoidance of transfer taxation payments.

There is little incentive to register as registration does not appear to provide concrete benefits vis-à-vis a secure title (and there may be a perception that it may in fact trigger collection of sales tax and other taxes).

According to the land registry statistics, approximately 360,000 deeds have been registered in Yemen since 1977. The first branch office was established in Sana'a in the former North in 1976 and the first branch office to open in the former South was in Aden in 1992, following the enactment of the LRL of 1991 for unified Yemen.

The total figure of 360,000 registered deeds comprises about 301,000 deeds of privately-owned land, 50,000 deeds of State-owned lands, and some 9,000 deeds of Waqf lands. In addition, some 30,000 mortgages were registered between 1977 and 2008. In the case of the privately-owned lands, it is important to note that the 301,000 registered deeds do not necessarily correspond to an equal number of registered land parcels.

The figures show that the number of transactions with land that are being registered is low. After some steady growth the numbers appear to have leveled out and then dropped. However, if mandatory registration operations are implemented in the future, GALSUP will have to cope with increased business volumes. This means that it will have to focus on increasing efficiency.

2.6 Land Information Systems and IT within GALSUP

The computerization infrastructure within GALSUP is quite weak with the exception of Urban Planning where there is a well established GIS setup. All computerization initiatives are very much driven from within each division and there are no corporate applications or shared computing facilities. Within the Survey Division there has been no obvious investment in computerized systems since the French technical assistance to the previous Survey Authority ended over 10 years ago and so there are a number of digital systems that are in a critical state. This includes the Geodetic Database which urgently needs to be migrated from an aging Apple computer and for the digital geodetic data to be updated in many cases. In the State Land Division, there is a project underway to develop software and capture details on parcels of State Land and this seems well organized.

It is in the Registration Division that there is the most significant system development

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initiative to create a computerized registration system to support registration in the GALSUP Branch offices. Before GALSUP was created, when the Registration Division was part of the Surveying and Land Registration Authority, there was a computerized mapping system, but this did not continue to be operated within GALSUP. While the Sana'a GALSUP Branch office was co-located with the Central Office, significant progress was achieved in scanning the Sana'a registration deeds and creating a GIS containing a significant number of Sana'a registered parcels. However, since the Sana'a Branch Office was moved to a different location, there has been no progress made on either of these initiatives. It appears there has been progress on similar initiatives in the Aden Branch Office but this work has only been loosely coordinated by Central Office and does not appear to have been tried in any other GALSUP Branch Offices. The end result of these initiatives is that the digital versions of critical registration database (including mapping) is incomplete. The current plan is to develop a new computerized registration system with a central database hosted on a server in the Central Office and dedicated data communication links with Branch Offices. Eventually, this system would be implemented in the six bigger Branch Offices.

The existing cadastral documents should be preserved for the future through scanning. The approach in the Land Registry division on the central office is to secure the cadastral documents for the future and to make the digital documents available for the branch offices in their operation.

The registration documents should be stored in a digital archive and be available in an e-governance context. The digital archive must provide interoperability functions as search for document and retrieval of document. It should also provide functions for upload of new digital documents from other systems.

3. LAND POLICY FRAMEWORK

Land is an economic asset, and as such is recognized as one of the key wealth creation mechanisms. It is also a scarce resource used in both urban and rural environment to improve quality of life of citizens and provide for future generations.

Government policies and priorities should therefore extend to the land administration system in order to ensure that land and property, both private and public, can be mobilized to support economic and social development in the society.

The following Land Policy Framework which was developed under the project is an initial attempt to draw out the national land issues and a strategic framework for the Government of Yemen. Two in-depth policy studies were conducted on Land Management and Urban Planning to assist in the development of a policy direction, however as identified in the National Land Policy Framework schematic there are significant other areas that require further in-depth investigations to develop key policy directions.

GALSUP has a responsibility to develop a National Land Policy (NLP) within the cultural,

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religious, legal, political, and economic framework within which they function. The Constitution Law is a provisional constitutional framework for the Republic of Yemen. A number of the Articles of the Constitution Law provide the parameters for the NLP[3].

The term National Land Policy refers to a statement that is formulated and approved by the Government, on behalf of the Republic of Yemen, to provide specific direction to the administration, management and development of land in Yemen.

An example schematic diagram for the NLP Framework is in Figure 1 below, as there are further policy studies required for a cohesive and complete NLP Framework.
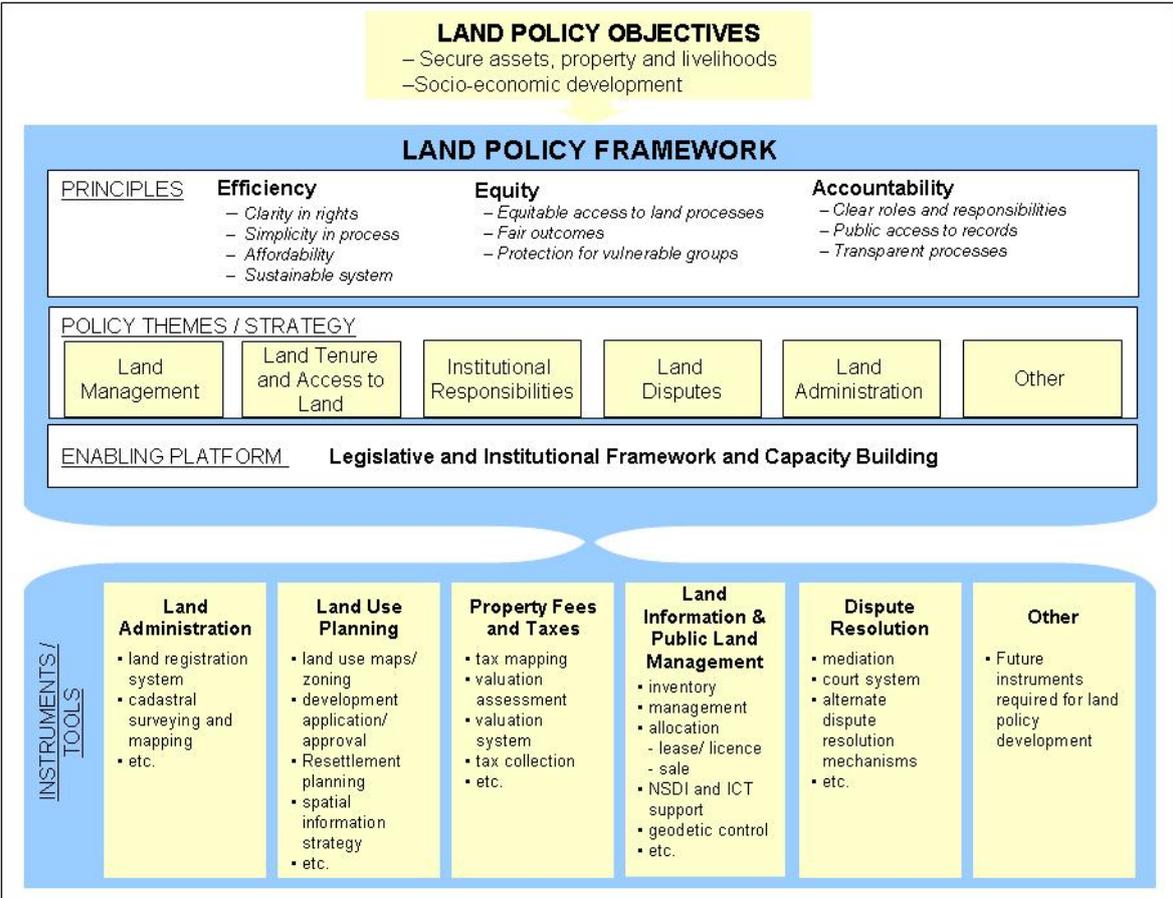
3.1 Vision and Land Policy Objectives

To implement the NLP a vision and objective was developed. The vision statement is:

> *Land is utilized in an equitable, effective and sustainable manner to make an optimal contribution to Yemeni social and economic development.*

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[3] Constitution Articles No. 7, 8, 9, 10, 20, 22 & 23

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This vision will focus on land policy for land administration and the regulatory framework through the following objectives:
- Resolve land tenure problems and ensure equitable access to land;
- A transparent and coherent framework of land related policies and laws,
- Provide clear definitions of land and property with secure and safe administration of property rights;
- Accountable institution for property registration, urban planning, land administration, land surveying and land management,
- Establishing public trust in GALSUP by building capacity to ensure the highest standard of service delivery,
- Effective, efficient, equitable, transparent and predictable mechanism for the resolution of land disputes and property valuation,
- Support local Land Management consistent with public good and sustainable social and economic development in both the rural and urban sectors;
- Promote capacity building and professionalism in the public and private sectors;
- Provide basic Geo-information Infrastructure.

3.2 Principles for Land Related Policy Formulation

The following appropriate principles guide development of good governance operations within GALSUP:
- **Equity** – land related policies should support equitable solutions for all citizens;
- **Efficiency** – the ability to formulate policy and implement it efficiently by delivery of services of a high quality; and predictably in accordance with existing laws, rules and regulations
- **Accountability** – implementing rule of law; transparent budgetary mechanisms; delivering services that citizens want and need; and balancing economic, social and environmental needs of present and future generations; one's ability to appeal.

These principles are also consistent with the principles of the Islamic shari'a such as 'haqq' (concept of rights), 'adl' (justice), and 'qist' (equity).

4. LAND RELATED ISSUES AND STRATEGY

The political, legal and historical context is a significant factor in understanding current land issues and possible directions for development. Existing land regulations have been revised and must be updated to meet the needs of the Yemeni citizens. Yemenis are of the belief that land rights are valuable, for individuals as assets with economic and social value, and economically, politically, and symbolically to all Yemeni people.

The insecurity in land rights created by the number of pending disputes is exacerbated by a lack of land policy; ineffective land Planning and land development, and a lack of capacity in GALSUP to conduct essential land administration and management services.

Lack of registration records, informal transactions and unregistered high density development

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in Yemen, result in an informal property market and unregulated systems for: dispute resolution, valuation, property dealings and failure to capture all properties for taxation purposes. A lack of registered properties is not only prevalent in the private sector, but also public and government land lacks any kind of inventory or enforced regulation of use and management authority. A serious lack of sustainable management of public land exists, including transparent procedures for public land disposition.

Five policy studies were undertaken in the development of the National Land Policy are discussed under the following land related themes:
1. Land Registration
2. Information Technology and computerized Land Information System
3. Land Tenure and Access to Land
4. Public Land Inventory, and
5. Institutional Responsibilities

4.1 Land Registration

GALSUP was given the mandate to oversee land registration and surveying for private and public land in Yemen. GALSUP was charged with the mandate to restore and harmonize the land registration system that would provide a stable platform for secure property rights. The opportunities and challenges are plenty.

Land registration in Yemen, under the existing law, operates with very limited activities. The central office is located in Sana'a, but the registration process takes place in branch offices located all over the country. Levels of registration vary significantly between these offices. Most of the land in the southern part of the country is public land, because of the previous social political system, and most of the land in the northern part of the country is privately owned.

Urban areas that are subject to development, according to the urban planning law, have to be registered before development takes place. Land parcels and the land area divided on the ground must be mapped or registered, as well as any vertical development. Most of the properties in dense urban areas remain largely unregistered. 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. The strength and traditions of Yemeni social and cultural structures are what binds the current land practices followed by most people. A severe lack of trust in authority and lack of conformity to formal procedures exists and this fosters hybrid systems and informal dealings.

Maintaining the formal registration system is further compromised by: an inadequate registration law (still pending in the House of Representatives); 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.

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The existing paper-based registration system uses separate registers to record different rights and interests in land. Registered parcels and real property also come under different systems of deeds and certificates according to the regime period under which it was registered (before or after 2000). Some common attributes between these recordings do exist: parcel number which helps to identify parcels with minimal ambiguity, and be a base for transferring deeds from the old personal-based system to the new proposed parcel-based system.

Delays in adopting the new registration law in the House of Representatives, has effectively frozen applications for initial registration and there are very few subsequent registrations. The Land Register Division has initiated a new law with a working name "Regulating ownership of common property for Real Estate Building" which is the "condominium law in Yemen". Currently the Land Registry Departments in Sana'a, Aden and other big cities have registered less than 0.1% condominiums in Yemen using the existing LR Law. However, public acceptance of registering subsequent transactions, particularly succession rights, is limited.

Information on land registration and transactions is not fully transparent and difficult to obtain because the system is poorly maintained and managed and difficulties with access is compounded by the general view that land information is private.

Citizens of Yemen can use the GALSUP staff to assist with the land registration process, but they are accustomed to engaging legal assistance to conduct transactions. Public notaries (Amins) and lawyers are used in the transaction process, both where parcels are registered and unregistered.

The private sector is currently distanced from government activities, except on property registration (GALSUP registered real property offices); however the private sector can provide technology and skills in areas of surveying and legal support to participate in the registration system.

One of the greatest challenges to an efficient registration system in Yemen will be the limited experience of GALSUP in land registration system generally.

GALSUP's main priority should be in public awareness campaign to:
1. build trust with people and improved public confidence in the formal system,
2. public education in the economic benefits of property registration, to build an efficient property market for investing and using land as collateral will be necessary to encourage long term participation and market growth,

A formal registration system, with registered parcels, the registration of subsequent transactions and transparency in the status of land information will facilitate this growth path and encourage local and foreign investors to invest in the country. The new Land Registration System will increase the security, stability, transparency and predictability of the land market.

A move towards a formal regulatory system of secure tenure will also ensure that there are safeguards in place to protect disadvantaged groups including the weak and poor owners.

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4.2 Land Information Systems

Information technology and land information system investigations focused on developments to support a more efficient and relevant Land Registration System. An implementation plan for a Computerized Registration System was proposed that staged the implementation into the Central Office and the branch offices in the governorates and identified critical prerequisite tasks, in particular the compilation of a continuous digital registration map. The requirements for a computerized registration system were documented.

The initial assessment of the existing computerized systems within GALSUP identified a critical situation concerning the digital geodetic survey records. They were stored on a desktop computer that was over 10 years old. A new software application (Geodetic Database) was developed and some initial training provided to GALSUP Survey Division staff. The Geodetic Database Technical Documentation provides GALSUP staff responsible for the support and future enhancement of this software package with a high level technical description of the GALSUP Geodetic Database software application. A migration process to move the existing digital geodetic survey records to this new application was also described. Similarly, the requirements to establish an initial GPS Permanent Base Station on the roof of the Central Office were documented.

4.3 Land Tenure and Access to Land

Rights to the ownership, possession or use of land shall be adjudicated on a case-by-case basis at the time of mandatory or voluntary land registration. Property registration shall be undertaken in a manner that safeguards existing rights by applying the principles of equity and justice. Rights of absentees shall be addressed too.

Property valuation is very underdeveloped with limited professional capacity, training and regular activity within this field. Valuations are also conducted without set procedures or methodologies for determining value.

Market information is closely guarded and unreliable, leading to values being under declared. This situation, on the property market, results in people relying on local social networks to secure land and negotiating its value.

4.4 Public Land Inventory

The core business of the authority is to provide reserved public land for public purposes, to manage land and to protect it. In addition the Authority should manage State land according to modern business practices to maximize the social and economic return. A hurdle rate of return will be set according to commercial benchmarks taking into account social benefits generated for the land. The cost of managing the assets will be covered by a percentage management fee on the financial returns that are achieved.

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Public land sovereignty is constantly threatened by private claims – some legitimate and some not so. Claimants may be private individuals or they may be tribe based and fighting these claims is a major drain on the State's resources. As cities expand the scope for these claims will increase.

There is an urgent need for a Public Land Inventory which is essential for social-economic development.

Analyzes of public land, which is to be included in the inventory process, can be categorized at the following levels: (i) National Level - generally large parcels and tracts of land and public ownership that is relatively unproblematic (mountains, deserts, beaches, conservation areas, national parks, military land, sites for strategic infrastructure, etc.), (ii) Extra-urban Cultivated Areas - land that is cultivated with low intensity development and includes (broad acre areas, vales, terraces, high plains), (iii) Peri-urban Areas – where the land ownership situation is invariably complex and problematic and Urban Areas - land where the ownership situation is more complex and problematic (marahek, public land with documents, public land without documents, informal settlements, encroachments, etc.).

4.5 Institutional Responsibilities

GALSUP is presently seen as a technical, rather than a service organization. Greater focus on business and services is inevitable if the objectives are to be reached. The primary means to do this is change of organizational culture. Attitudes have to be changed towards the fulfillment of customers' needs, while technical tools must be perceived just as tools for customer satisfaction. Most of the functions in GALSUP cannot be fully commercialized. The organization must, therefore, be flexible enough to accommodate both commercial and authority services and to provide the highest level of performance for each.

The Civil Service in the Republic of Yemen is set up in such a way that the Human Resources functions are staffed by the Ministry of the Civil Service. Personnel are out-posted to each Ministry and agency. This arrangement does not encourage ownership or teamwork between the two concerned institutions. This also is the case for financial matters. The Ministry of Finance, also out-posts personnel to perform financial functions in Ministries and agencies. This is not an effective or efficient work practice. A modern, efficient and cost-effective system, desires improved human resources and financial functions within the GALSUP structure.

Decentralizing the GALSUP operations to sub-National locations and agencies can achieve sustainable development. Government and governorate officials and representatives of civil institutions who work in the field in this way can be closer to the community's needs. They then are better placed than the central agency to influence development programmes positively, according to community needs. Routine liaison between government officials, governorates and local communities can provide information that may result in more realistic and effective development programmes. Such liaison also might alert the officials to potential land alienation and the necessarily negative affects this would have on development.

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Decentralization can increase the provision and quality of public services, reduce costs, and improve efficiency.

5. ENABLING ENVIRONMENT

5.1 Legislative Environment

Land related laws have not been harmonized. Existing laws in the most part are clear but not well drafted, so there is a need to harmonize the land law as well as other land-related legislation.

An attempt at harmonization was made in 2008 when a draft Land Registration Law (LRL) was submitted to the Yemeni House of representatives. This draft Land Registration Law is fairly structured, but mixes some substantive issues that belong in other legislation. In 2009 Land Registration and Legal consultants reviewed the draft LRL and proposed amendments in an attempt to address the more obvious discrepancies. Upon passing of the LRL, it is highly recommended that further amendments be considered to ensure the law is most operable, equitable and effective.

The existing related land laws in Yemen do provide a basis for drafting an appropriate legal framework for Yemen. The new draft of the land registration law, for example, provides a good general basis for voluntary and mandatory adjudication. The existing land registration system defined under the current law is not meeting the present day socio-economic needs of the Yemeni society and it is therefore a critical to pass the new land registration law and it be given high priority in the government land reform programme.

Three laws and a decree are being proposed to consolidate the GALSUP legal framework for land laws:
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 perpared, and
4. Organizational Decree 82/2009 revised and amendments drafted.

The main objective in these new proposed laws is to provide greater consistency between all land-related laws. These proposed laws also establish the legislative authority and mandates to formulate and implement a holistic national land policy.

5.2 Capacity Building

Capacity building is critical to supporting comprehensive land administration and urban planning reform and implementation of a comprehensive National Land Policy Framework for Yemen. Additional education institution and human resource development is essential to building capacity within government and the private sector to support the implementation of land administration and urban planning reform activities. Equally important will be

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management and communication systems, and technical infrastructure required in a modern functioning system. These activities should commence in parallel with other policy and institutional developments in order to maximize land policy reform impacts.

Institutional strengthening through deconcentration of central Government land-related functions and operations to Governorate and district administrations will accomplish more efficient and cost-effective service delivery. This requires delegation of powers and administrative functions, while maintaining quality standard procedures and good governance management practices. Improving the line of command and accountability are also key strategies.

Simultaneous human resource development is necessary with any institutional restructuring and therefore the appointment of appropriately qualified and skilled staff in key areas of reform is essential. In addition an emphasis should be placed on upgrading qualifications of qualified existing GALSUP staff in specific areas of land administration, strategic planning, urban planning, valuation, geodesy, surveying, cadastre and business administration. A scholarship program for government personnel to undertake training in specific land administration areas will provide an incentive for upgrading skills.

6. LAND POLICY AND ACTION PLAN

The draft NLP was finalized by the consultant team in May 2010 and is now being considered by Government. During the approval phase, a number of action items will need to be implemented. These actions items are:
  − GALSUP will gain Governmental approval of the National Land Polices Framework and Recommendations. This will involve a review of the final draft report, particularly the policy statements and recommendations.
  − The final report will be presented to Government (Cabinet) and World Bank through GALSUP.
  − Approval of the final report, prepared by GALSP in co-operation with the consultant Team Leader, by the Government will be combined with a clear statement for a long term commitment for the policies implementation and exploring the recommendations.
  − Awareness will be generated and support mobilised in public (civil society, private sector), partners (Ministries and local authorities) and government for implementing these policies and recommendations.
  − The financial implications for implementing the Policies for the Government will be analysed and international support mobilised through the donor community.
  − The requirements for building the human and institutional capacities for implementation will be analysed.

The strategic approach for implementing the policies sets out three scenarios:

Policies and recommendations that can be implemented:
  a) immediately given the existing environment, for example, those that support the mandatory registration process (systematic adjudication);

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b) pending resolution of medium term issues; and
c) pending resolution of long term issues

The factor that was recognized in preparing the action plan to implement the NLP is the constraint on available resources. Policy and recommendations will require resources for implementation. Additional resources will be required and these resources might be provided through a follow-up project.

REFERENCES

This paper is based on the Final Report of the "Consultancy Services for Strengthening Land Management" under the World Bank Project "Taiz Municipal Development and Flood Protection Project", which was submitted by Land Equity International to the client in May 2010.

The content of the final report and this paper is based on the outcomes from various individual consultant reports and information provided by the client and other stakeholders during the assignment. The international consultants working on the assignment were: Suleiman Dabbas (Team Leader), Kevin Nettle (Land Registration Specialist), Roger Gibbins (Public Land Management Specialist), Erkal Kece (Land Use and Urban Planning Specialist), Yohannes Gebremidhin (Legal Specialist), Rex Kinder (Institutional Strengthening Specialist) and Neil Pullar (LIS/IT Specialist).

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BIOGRAPHICAL NOTES

Suleiman DABBAS
Suleiman is an Expert/Adviser in Project management, mapping, cadastre and Land Administration. He has more than 20 years of professional experience in management, cadastre and Geo-Information in Asia, the Middle East and Europe. Suleiman's experience with the organization and implementation of mapping and land administration projects has covered a wide span which includes planning, IT development, GIS and the development and implementation of major projects financed by international donors.

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Tony BURNS

Tony Burns is a land administration and land titling specialist with over 20 years international experience. He is the Managing Director at Land Equity International, a company focused on supporting land administration projects worldwide. With a background in surveying, Tony has also been involved in land projects in many countries including; Bolivia, Cambodia, Ethiopia, Ghana, India, Indonesia, Lao PDR, Lesotho, Liberia, Macedonia, Nigeria, Papua New Guinea, Pakistan, Perú, Philippines, Russia, Tanzania, Thailand, Vietnam and West Bank/Gaza. Tony's experience encompasses; land policy review and formulation; review and evaluation of cadastral survey and mapping procedures; systematic registration; land administration, and spatial information systems.

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