



UNECE

**GUIDELINES FOR THE PREPARATION OF
THE LAND ADMINISTRATION REVIEWS
(LAR) AS PART OF THE ECE
COUNTRY PROFILES ON HOUSING
AND LAND MANAGEMENT**

Summary

ECE country profiles on housing and land management are the flagship activity of the Committee on Housing and Land Management. In 2009, it was agreed amongst member states to combine both Country Profiles on the Housing Sector of the Committee on Housing and Land Management and the Land Administration Reviews carried out under the activities of the Working Party on Land Administration to a joint format for future Country Profiles on Housing and Land Management, making use of a modular approach (ECE/HBP/WP.7/2009/7). This approach was endorsed by the Committee (ECE/HBP/160) in order to better adjust future Country Profiles to the policy needs of individual ECE member countries and to cover a broader range of policy areas.

The land administration reviews of the country, integrated as an own chapter, therefore are a substantial part of the country profiles.

Based on the revised guidelines for the preparation of country profiles (ECE/HBP/2017/3), this note contains additional guidance for drafting the chapters on land administration and land management. The Working Party is invited to endorse these practical guidelines and make them available to all stakeholders through the ECE website.

I. Introduction

1. To support housing and land policy reforms in the ECE region, and especially in countries in transition, the ECE prepares country profiles on housing and land management, including land administration reviews (LAR) of the respective countries. These reviews are a tool for Governments to analyse their land administration and land management policies, as well as the related legal, institutional and technical framework for implementing land administration tasks and eventually developing appropriate strategies for the future. As land administration issues have a far outreach for good governance of a country and thus to several planning and housing issues covered in the other chapters of the country profile, the LAR also serve to analyse land policy and land administration linkages to other governance sectors of the country under review and to improve cooperation and networking where inter-dependencies exist. Practical policy recommendations for decision-makers in the national, regional and local authorities dealing with land governance, international and non-governmental organizations, academia and the private sector active in this field are formulated based on these analyses.

2. Besides providing a general outline of land administration reviews and the rationale behind the structure and role of the LAR in improving land administration systems, this note gives practical advice for the use of both experts who contribute to land administration reviews and national authorities who support the drafting of a land administration review.

3. The note is complimentary and an addendum to the ECE guidelines for the preparation of country profiles (ECE/HBP/2017/3). It provides advice for the chapter on land administration reviews and is structured as follows: the procedure for the preparation of the chapter on land administration (section II), the structure and content of land administration reviews (section III). Land administration reviews are a tool to promote and monitor reforms in land administration and land management (section IV).

II. Procedure for the preparation of the land administration review

4. **Request for a Land Administration Review, national focal point.** If the Committee approves the request for a Country Profile, including a LAR, the ECE secretariat requests the country to nominate a **focal point** for the country profile project, who will also cover the needs of the LAR. It is important that the focal point must be able to facilitate appropriate research and the preparatory process for the LAR at national, regional and municipal level. International experts may approach the national focal point through the Secretariat only. The focal point must be able to communicate in English.

5. **National land administration experts.** The national team of experts, established by the host government before the preliminary mission of the Secretariat, must include national representatives for land administration. These should represent all ministries and government institutions involved in land administration and management issues in the country under review. As often land administration and land management tasks fall under the responsibilities of different ministries and institutions, it is important that the experts are able to provide all available information relevant to the land administration review well in advance of the research mission and assist the international land administration experts during and after the mission. Nominated national land administration experts should be able to communicate in English and if possible, main documents and legal acts should be provided in the English language and not later than eight weeks before the research mission.

6. **Preliminary mission.** A preliminary mission to the country will be conducted in order to establish contacts with the national, regional and local organizations involved and to

collect information materials that could be useful to the international experts. Given the large number of possible topics falling under the chapter on land administration and the outreach of land policy issues also to other matters relevant for the country profile, it will be useful if one international expert on land administration foreseen for the actual research mission can already join the preliminary mission in order to identify major shortcomings in the land sector, particular land issues the country under review wishes to be assessed, and to discuss possible interviews to be conducted during the actual mission. This will enable the Secretariat to draft appropriate Terms of Reference (ToR) for the land administration experts and enable further research work well in advance. The final decision on the areas of focus for the land administration review must be based on the main land administration and management challenges identified and discussed with national experts during the preliminary mission.

7. **Selection of international land administration experts.** Land administration experts who are known to have expertise relevant to the ToR are chosen in due course by the Secretariat in close cooperation with the Working Party. The country profile team should include at least two professionals in land administration and land management, as otherwise the full range of land-related issues cannot be covered during the mission itself. One of the experts should already have taken part in the preliminary mission. UNECE will discuss terms of participation separately with each invited expert and after agreement has been reached, each will receive information from the Secretariat confirming their participation in the mission, the agreed terms and the areas of focus they will be responsible for during the mission.

8. **Preparatory research.** Before travelling to the beneficiary country, experts will thoroughly research and understand the political, governmental, economic, geographic and social context of the mission and how land administration is handled by the country under review. The objectives of this research are twofold: to gain an insight into current practice, legislation and executive structure and also highlight the gaps which the experts will need to follow up more thoroughly during the time spent in country. There will be many resources available to carry out the necessary preparatory research. It is not possible to be prescriptive about what research is appropriate: each country is different and the experts will therefore tailor their research according to the circumstances which have given rise to the country profile and LAR being requested. In any case, land administration experts should communicate directly with the nominated national experts to collect necessary background information for the land administration review. In order to avoid misunderstandings, the glossary of land administration terms as included in the publication ECE/HBP/140 (Land Administration in the UNECE Region – Development Trends and Main Principles) should be used.

9. **Research material.** Relevant documents should be made available in the online document repository established by the Secretariat for the country profile. International land administration experts must be able to access and refer to all necessary background information also on related issues covered by other international experts. The preparatory phase is a vital part of the mission. Sound groundwork at this stage enables the experts to contribute to discussions with a thorough understanding of the issues which are relevant to the mission and make sound recommendations for improvement.

10. **Draft chapter template on land administration.** A two-page draft outline of the chapter on land administration, including the planned structure of the review and the major issues to be covered (see section III), should be provided to the secretariat at least one month prior to the actual research mission. The draft chapter template is supplied by the Secretariat. This can be used as a vehicle for discussion during the mission as it will explain what information the experts already have and what gaps they need to fill during the interview

phase. It is also helpful for the interviewees so that they understand the focus of questions, why the experts have asked to meet them and what information they are seeking.

11. **Travel arrangements.** The experts will also receive the practical information needed to enable them to make their travel arrangements, i.e. dates and location of the mission etc. through the Secretariat. The ECE Secretariat or UNDP will usually organise letters of invitation (if required for obtaining visa!) suitable for visa application for the experts in advance. As visa issuing procedures could turn out to be complicated, it is wise to keep a watch on progress. As the mission dates draw near, the Secretariat will confirm hotel bookings and transport arrangements and provide a tentative mission agenda.

12. **Research mission.** The research mission is conducted by the Secretariat and the international team of experts and involves fact-finding and in-depth discussions with the national land administration and land management experts in the country. Technical visits to land administration and land management institutions are imperative for the full understanding of the land policy and institutional framework and should, be made possible through the national focal point even at short notice. The research mission will include five working days with the country under review (Monday to Friday); experts should arrive in the country a day before the mission gets underway. The ECE Secretariat will convene a first team meeting the evening before the mission commences. After the wrap-up meeting with the hosting ministry by the end of the research week, experts are free to travel back to their home countries.

13. **Course of the mission.** The first day usually begins with a visit to the sponsoring Ministry of the mission, possibly even with the Minister. The Ministry staff will introduce themselves and the UNECE staff will explain how the Terms of Reference have been agreed. All the experts are expected to attend and introduce themselves. The experts will each then pursue their own interview schedules, including interviews with international organisations active in the land sector of the country under review. Experts are wise to record who they have met each day, their positions and organisations. If possible, it is good practice to obtain contact details in case follow up questions are necessary. Experts will make comprehensive notes to refer to after the in-country phase of the mission is over. At the end of each day, the experts will convene with the mission leader to review the day, and prepare for the following interviews. LAR interviews mostly are not connected with other interviews for the housing sector, therefore often extra resources in-country are needed.

14. **Organisational matters.** All arrangements necessary for the next day should also be discussed in the team meetings, in particular coordination of necessary interpretation and transportation! This can be rather difficult to arrange if research meetings are to be scheduled at short notice (which is quite likely to happen!). By the end of the time in country, the land administration experts will have a clear picture of the 'as is' situation in the beneficiary country and be ready to present conclusions to the hosting Minister about steps which might be needed to make progress towards best practice and resolve areas of weakness. In the case of land management expertise, these recommendations should cover all facets of the land administration discipline.

15. **Preliminary land administration review drafts.** A comprehensive first version of the land administration review must be drafted directly after the research mission. The Secretariat will supply each expert with its exact requirements for drafting the contents of the chapter for which they have responsibility. The experts will expand their draft chapter templates (completed before the in-country phase) to firm up evidence for their findings and their recommendations. There must also be acknowledgment of all resources used in the form of a bibliography at the end of the chapter. The findings and recommendations on land administration can refer to best practice across any or all of the core component areas, how the beneficiary meets that best practice, or if it falls short what can be done to improve. It is possible to ask follow up questions, and that can be done directly with national experts,

through the Secretariat or via UNDP. The timescales are often short so experts must be organised if they are to submit their contributions on time. The expected length of the chapter normally must not exceed 10 pages (in 11 point Times New Roman with single line spacing), including the proposed policy recommendations. The preliminary chapter on land administration should be made available via the ECE document repository not later than one month after the research mission, so that land policy related recommendations could already be brought in line with recommendations provided in other chapters of the Country Profile. In light of the cross-sectoral influence of land issues, this is particularly important for drafting a consistent country profile.

16. **Harmonised consolidated draft.** The Secretariat and the international experts cooperate to create a revised draft and harmonised recommendations. It may turn out necessary for LAR experts to discuss and harmonise statements and recommendations made in the LAR with other experts of the country profile team bilaterally. Eventually, the revised draft is sent by the Secretariat to country authorities for acknowledgement and verification.

17. **Launch event.** The following launch event in the country under review is also meant to bring the substantial recommendations on land administration and management to a wide range of international and national actors in the field. As the launch event is also used to collect comments on major findings of the LAR, it is desirable that the international experts responsible for the land administration review chapter attend.

18. **Final version.** The Secretariat takes the lead in producing a final draft of the chapter on land administration, incorporating all the comments and harmonising the findings and recommendations with those given in the other chapters of the country profile. The final draft of the land administration review should also be made available to the Bureau of the Working Party after the UN editing process and before being published as chapter of the country profile.

19. **Publication and distribution** are initiated by the secretariat according to ECE/HBP/2017/3. In addition, a country workshop on land administration topics could be organised under the auspices of the Working Party after the accomplishment of the country profile to initiate and continue in-depth discussions on the most urgent land administration challenges. The Bureau may consider in consultation with the Secretariat and the country under review, if an expanded version of the LAR, providing additional detailed information exceeding the overall purpose of the country profile, should be published as 'stand-alone document' of the WPLA in due course.

20. The following factors should be taken into consideration in planning and organising a land administration review:

- **Financing.** In addition to the provisions outlined in ECE/HBP/2017/3, conditions of participation as expert in the LAR, including a possible remuneration and/or the refund of travel costs, will be discussed by the Secretariat and the land administration experts (see paragraph 7) and laid down in the respective ToR.
- **Cooperation with international organizations.** Prior to the land administration reviews, the Secretariat should establish contacts with international organisations acting in the country under review, such as the World Bank, FAO, other donor agencies or UNDP in order to take advantage of existing knowledge and information as well as to obtain possible support with the implementation of recommendations. LAR experts should in any case make use of the possibility of discussing current country challenges in the land sector with these organisations during the research mission.
- **Sources.** Analyses prepared by international LAR experts should be based on the data and information provided by the country under review, on insight gained during the

mission and on the reports and publications of international organizations and donor agencies active in the country under review.

- **Approximate timeframe for the land administration review.** The process of preparing and publishing a land administration review as chapter of a country profile should take approximately one year, including a pre-mission (one week), collection of background data and information (twelve weeks), research mission (one to two weeks), drafting the chapters and recommendations (twenty-seven weeks) and editing and publication (ten weeks).

III. Structure and content of land administration reviews

21. **Structure and content of the land administration review.** The individual circumstances for land administration naturally vary in countries under review across the ECE region. The proposed structure of the LAR should thus be adjusted to the individual needs of those countries requesting a review. However, a standardised structure of the LAR will serve countries under review to compare their own systems to those of other ECE member countries and to identify important fields of action.

22. As the conclusions and policy recommendations of the LAR are summarized, together with recommendations of the other chapters, in the last chapter of the country profiles, LAR should identify clear action proposals for the countries under review that should be included in the concluding chapters of the country profiles with adequate priority.

23. The LAR usually consists of two parts, one each on land policies and land administration. The tentative structure and content of the LAR should cover the following sections (length and content of individual sections to be adjusted to the countries agreed main targets and needs):

<p>1 Introduction, general overview</p> <p>Situation of land administration in the country under review in comparison to the stage of development in other governmental sectors, short historical information on land issues, achievements in the land sector, e-Government approach, integration of land administration in e-Government processes, user satisfaction, challenges the country has been facing so far, major issues that are covered by the LAR and the adherence to relevant SDGs and related targets.</p>
<p>2 Land policy framework and good governance</p> <p>Analysis of the land policy framework as one pillar of good governance, including ongoing or planned reforms</p>
<p>2.1 Regulatory and legal framework</p> <p>Constitutional land rights, civil code, laws and regulations on land registration, cadastre legislation, spatial planning, land management legislation, legislation on land and property taxation, natural resources, inter-dependencies with other legal provisions (e.g. housing), weaknesses</p>
<p>2.2 Land reforms (if applicable)</p>

	Land privatisation, re-distribution of land, identified shortcomings and challenges
2.3	<p>Land rights, forms of ownership and tenure</p> <p>Security of land ownership/land tenure, land use rights, condominiums, forms of ownership or customary land rights (if applicable), equal access to land rights, participation of women in decision-making processes related to land, state accountability for mistakes in the official land records, enforceability of land rights, aspects on land dispute resolutions, out-of-court mechanisms (if applicable), , conservation of cultural heritage, identified shortcomings and challenges</p>
2.4	<p>Mortgages, foreclosures</p> <p>Conditions for mortgages, registration of mortgages, foreclosure procedures, use of land as collateral, financing mechanisms, identified shortcomings and challenges</p>
2.5	<p>Data policy, data quality, access to land information</p> <p>Information transparency, open data policies and access to land information, , fees and charges and licensing for land administration products and services, , involvement in international data distribution (e.g. INSPIRE, ELS, EULIS), data quality, including data consistency, geographic coverage and integrity standards</p>
2.6	<p>Development and transparency of real estate markets</p> <p>Development of the real estate market, availability of official information on market prices, statistical analyses, open access of citizens to these data, identified shortcomings and challenges</p>
2.7	<p>Land taxation</p> <p>Base for land taxation, amount of taxes for citizens, transparency of the process, identified shortcomings and challenges</p>
3	Land administration - Institutional and technical framework
	Analysis of relevant actors and roles in land administration and management, institutional and technical implementation
3.1	<p>Land registration and real estate cadastre:</p> <p>Institutional setup and capacity for land registration and real estate cadastre, private sector involvement (notaries, licensed surveyors, IT support), possible shortcomings in the institutional setup and capacity, main data maintained in cadastre and land register, additional information on land use, legal restrictions etc., e-services, updating methods and cycles for cadastre and topographic data, shortcomings in the technical framework</p>
3.2	<p>Land transactions</p> <p>(Initial) registration process, cadastre maintenance and updating, registration of mortgages, secure mechanisms for land transactions, mechanisms for avoiding fraud, cooperation of land register and cadastre</p>

	(if separately maintained), shortcomings of the existing system and challenges
3.2	<p>Geodesy and topographical information</p> <p>Institutional setup, geodetic framework, spatial reference system, GNSS positioning system, topographic mapping, country coverage, fulfilment of international requirements, applied standards, shortcomings and challenges</p>
3.3	<p>Spatial Data Infrastructure (SDI)</p> <p>Responsible institutions or coordinating bodies, SDI-implementation, international cooperation, forms of data dissemination (web portals, viewing, download, additional services to the public), available datasets (cadastre, land register, topographic data), implemented standards (data models, exchange formats), identified shortcomings and challenges</p>
3.4	<p>Real estate market data, valuation</p> <p>Information on institutional responsibilities, land values, additional statistical data, mass valuation for taxation, individual property valuation, country reports, access for citizens to real estate market data, updating cycles for market information, identified shortcomings and challenges</p>
3.5	<p>Land management</p> <p>Information on institutional responsibilities, capacities and setup, spatial planning, land consolidation, dealing in practice with informal settlements (if applicable), challenges for urban and rural areas, cooperation with land registration and cadastre authorities, identified shortcomings and challenges</p>
3.6	<p>Inter-departmental cooperation, role of local authorities</p> <p>Cooperation of different state, regional and municipal authorities in land-related issues (in particular in the field of housing, urban and rural planning), data exchange and updating, inter-departmental coordination on SDI, use of digital land records and information by public and private stakeholders in land, harmonisation with international SDI-approaches, shortcomings and challenges</p>
3.7	<p>Technical infrastructure</p> <p>Broadband internet availability, IT-providers (if applicable), data and computing centres, GNSS permanent reference stations, open source software, shortcomings and challenges...</p>
4	<p>Conclusions and recommendations</p> <p>Summary of identified strengths and weaknesses, conclusions and recommendations derived from all sections of the review, opportunities for improvement of the land sector, relevance for other professional fields as evaluated in the country profile, prioritisation of recommendations</p>
5	<p>Bibliography, references</p>

24. **Policy recommendations.** Policy recommendations are a key chapter of the country profiles and recommendations arising from the land administration review will be put in line and combined with other fields of action identified in the country profile. Recommendations of the LAR should be focused on identified land administration shortcomings and clearly prioritised, taking into account the needs of the country under review and medium to long-term goals. If possible, it will be valuable to draw cross-connections to other action recommended in the country profile and to identify possible synergies with the findings highlighted in the other chapters of the Country Profile.

25. **Monitoring of implementation.** The country under review may request the WPLA to conduct an assessment of the improvements in the land sector after a certain period of time. This would include the current stage of implementation of the recommendations and further discussions on future strategies for land administration and land management. Good opportunities for this task would be a workshop under the auspices of the WPLA, hosted by the country under review and/or the monitoring measures as outlined in ECE/HBP/2017/3.

26. The Working Party on Land Administration is invited to endorse these practical guidelines for the preparation of land administration reviews.
