

International Treaties and Consultancy – and Their Effect on Land Management in Developing Countries. What is the Role of FIG?

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SUMMARY

Land ownership is of central importance for the development of a country. Where land possession is secured, positive development can take place. An excellent technical counseling, political will and coordinated, result orientated procedures between financing countries and international development banks guarantee the efficiency of the development. Who, however, will carry out the consultation and who will coordinate and focus the various interests of all the parties involved?

In the context of international treaties, one can see where international consultancy is possible. The role of the donors will be critically appreciated and questions about possible tasks of the FIG in the context of land management and land ownership in development cooperation will be raised.

ZUSAMMENFASSUNG

Eigentum von Grund und Boden ist für die Entwicklung eines Landes von zentraler Bedeutung. Wo Landbesitz gesichert ist, kann positive Entwicklung geschehen. Eine exzellente Fachberatung, politischer Wille und ein koordiniertes, Ergebnis orientiertes Vorgehen unter Geberländern und Geberbanken garantieren die Effizienz dieses Entwicklungsmotors.

Wer aber leistet die Beratung und wer koordiniert und fokussiert die oft unterschiedlichen Interessen der Geber?

Es wird im Rahmen der internationalen Abkommen gezeigt, wo internationale Beratung möglich ist. Die Rolle der Geber wird kritisch gewürdigt und es werden Fragen zu möglichen Aufgaben des FIG im Kontext von Landmanagement und Landbesitz in der Entwicklungszusammenarbeit aufgeworfen.

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1. INTRODUCTION

For everybody working in land management who has an interest in development policies, it is obvious that international development aid, donations to developing countries and technical and organizational support are not in a favorable relationship to the effects and results being created by these, so that one cannot be content with the results, namely the progress on land issues and the contribution towards resolving socio-economic problems in developing countries.

This observation can have many *different causes*;

- The political, economical or mental circumstances in those countries are not favorable for such progress,
- Donor nations or organizations do not have the right approach to favor progress, support is not aimed at solutions, but at political or selfish economic interests, or
- Dissatisfactory or incapable organizational structures and a lack of coordination between different groups are reducing progress to a minimum.

In order to obtain *results from the funds and other means made available*, it is indispensable to make some efforts, but, as is easily understood and often experienced in international and political structures, it is almost impossible to establish measures that will influence the situation in a positive way. Nevertheless, better information for the countries and coordination between the donors are the only ways to improve the efficiency of international development aid (in land management).

2. INTERNATIONAL TREATIES

From the European point of view, the two most important *International treaties* worldwide are;

- The General Agreement on Trade in Services (GATS), and
- the Treaty establishing the European Community

2.1 The Key Principles of GATS

The General Agreement on Trade in Services (GATS) reflects the growing *importance of the international trade in services to the global economy* in general, and to international trade in particular.

- 2.1.1 The principle of the Most-Favored Nation treatment
- 2.1.2 Free market access and the principle of national treatment
- 2.1.3 The principle of a progressively higher level of liberalization

2.2 Freedom to Provide Services (European Community Treaty)

The goal was to *create a large, single market encompassing European countries.*

- 2.2.1 Fundamental freedoms
- 2.2.2 The free movement of services
- 2.2.3 Ban on restrictions
- 2.2.4 The limitations of free movement of services

2.3 Significance for the Countries

The conclusion is that there is an *ever decreasing acceptance* of restrictions that apply to surveying and consulting work in the international supply of services, while the individual state's discretionary powers are being significantly limited by international regulations. Official or government surveying and consulting is also particularly affected by this liberalization. However, a noticeable tendency to continue to protect purely national interests, above all in the field of accounting/auditing as well as in other fields such as educational requirements, should not be overlooked. One could almost speak of a shift away from the original requirements, based on nationality, in the direction of more subtle methods of implementing government tendencies to block access to the market.

3. GENERAL FRAMEWORK OF DEVELOPMENT POLICY AND THE FINANCING THEREOF

Development policy refers to government measures aimed at promoting socio-economic progress in developing countries. The aim of development policy is to raise living standards in these countries by means of a transfer of know-how, technology and resources. Development policy can be financed by either private or public means. When financed by public means, it takes the form of bilateral intergovernmental or multilateral programs implemented or overseen by international organizations.

The biggest international *promoters of development policy* are:

- the World Bank group and its regional branches in Latin America, Africa, Asia and the Caribbean,
- the United Nations, in particular its Economic and Social Council (ECOSOC), and
- the International Monetary Fund (IMF).

Development aid is provided in the form of financial or trade aids, as well as technical and personnel co-operation.

Financial aid or co-operation involves financial measures to overcome shortages in savings or foreign reserves. Here, the aim is to finance investments and, more recently, also to finance operating and maintenance costs. Aid involving commodities and structural adjustments also falls under financial aid.

Trade aid is aimed at improving the trade position of developing countries. This is achieved through commodity agreements (aim: to stabilize quantities and prices), long-term purchase and supply agreements (aim: to stabilize sales volumes), export quotas (aim: to stabilize offer on world market), tariff preferences (aim: lower import prices in industrialized nations) and the indexing of commodity prices (aim: to stabilize commodity prices).

Technical and personnel co-operation is aimed at increasing the productive capacity of people and institutes. This is done by sending out experts and trainers, granting scholarships for the training of indigenous skilled forces and supplying physical resources (laboratory devices, medical instruments, etc.).

These forms of aid are offered as *loans and credits* for projects or programs at very favorable terms and conditions. For the poorest countries, aid may also take the form of *subsidies* (gifts).

While *project aid* involves a single project, *program aid* normally involves a package of different individual measures. For the latter, the point of reference is a region or specific economic sector, in contrast to a single project.

4. SWISS DEVELOPMENT POLICY

In Switzerland, co-operation with developing countries is based on the guidelines of the OECD's Development Assistance Committee (DAC). The foremost industrialized nations of the world are all members of the DAC. The objective of the DAC is to make available and coordinate economic development means, as well as to increase and improve these means.

In 2004, Switzerland made some CHF 1.5bn available for *public development aid* (0.34% of Swiss GDP). Switzerland's co-operation and development agency is currently active in 17 countries, notably in Latin America, Asia, Africa and the Mediterranean basin. Half of the development money is earmarked for bilateral projects, and half for multilateral programs, international bodies and development funds.

Swiss development aid is regulated by the Swiss Act on International Development Co-operation and Humanitarian Aid of March 19, 1976, by the application directives of the above-mentioned law, and by a number of loan facilities. The two most important Swiss agencies responsible for the allocation and control of development aid are the Swiss Agency for Development and Co-operation (SDC) and the State Secretary for Economic Affairs (*seco*).

In 2004, the SDC managed some 75% of bilateral development aid. The Department follows a policy of concentration, meaning that they concentrate their help.

Seco managed some 17% of Swiss public development aid in 2004, and is active in the field of international co-operation. It enters into and implements bilateral economic and foreign trade agreements, with the aims of supporting sustainable growth in partner countries, fostering private initiative and private investment, and promoting their integration into the global economy. The development measures of *seco* include:

- Macro-economic assistance in the form of balance-of-payment assistance and reduction of debt;
- Mixed financing, part of which is granted by the Swiss government and the rest taking the form of a Swiss bank loan. The grant may make up as much as half of the total amount.
- Investment promotion, which focuses on SMEs in partner countries. The aim of investment promotion is to give SMEs better access to financial intermediaries such as risk capital funds, leasing, loan guarantors, etc.
- Financial assistance: here, *seco* assists basic structural projects and programs (e.g. cadastral projects)
- A range of other bilateral co-operation instruments including, for example, trade promotion and the transfer of environmental technologies and know-how.

5. LAND MANAGEMENT AS A DRIVING FORCE FOR DEVELOPMENT

5.1 Does Land Management Create Positive Development?

It is difficult to prove whether land management creates positive development, as relevant data or scientific studies are not easily available, and as the complexity and the broad aspects of land management make a firm statement impossible. Nevertheless, a finding in a new report by the world bank states that “the recognition and enforcement of poor people’s land rights can enhance economic growth and reduce poverty”.

We assume that the development, introduction and maintenance of a land management system, the introduction of a land register(s), land reforms in the true sense of the word, and the use of GIS for technical implementation are far-reaching projects which will have a strong effect on the development fundamentals of any country.

Land is of inestimable *value*. It serves as the basis for agriculture and the food industry and as a reservoir of commodities, and is the most basic raw material of the tourist industry and so on. All sectors related to property of land will therefore be positively influenced by the introduction of a well-organized and secure land policy. Security, in turn, is essential to investment, prosperity and peace. Even conservation of the environment can only be performed where fear of the future or for people’s very existence do not constantly occupy the mind and behavior.

5.2 Are Basic Conditions the Decisive Factors?

The obvious importance of land management and, in particular, the need to establish official land registers and cadastre systems place a great deal of pressure on these newly industrializing and developing nations.

In order to master these challenges, several *basic conditions* have to be fulfilled:

- The political will and the laws must be in correspondence with the need to establish land management systems;
- Local (national) understanding and public support and acceptance must be assured;
- Donor organizations and countries must be aware of the goals, and act must accordingly throughout the entire project;
- Financial and management capacity must be secured.

We do not have necessarily the authority and capability to influence these basic conditions to much extent. A well based case-study before each and every project and program is therefore indispensable. If one of the basic conditions is not yet fulfilled or cannot be fulfilled during the project, the project will fail. A failed project, however, causes more damage than no project at all, meaning that projects should never be started before all the basic conditions have been mastered. Here, the dilemma of development work is clearly obvious, as the tasks (of the donors) have to be fulfilled, and the means (provided by the donors) have to be used. There are often a lot of politically motivated reasons for development aid. But the only reason should be to attain the goals of the countries involved; in our case, a sustainable land management system!

Thus, the basic conditions are decisive at the very start of a project – *sine qua non* – but, even when fulfilled, cannot guarantee the success of the introduction of land management, cadastral systems and land registration.

5.2 Should Donors and Consultants Lead the Project?

It seems that the power and interests of donor countries and organizations are taken into account far more than the real needs for improvement in the developing countries. As has been seen so often, some projects that are initiated lead to unforeseen results, or to no sustainable results at all. In addition to this, mediocre consultancy can even reinforce the negative effects on the outcome of the task.

Positively formulated – if the basic conditions are fulfilled - and with a result orientated donor and excellent counseling - a positive development will be created in the country concerned.

As the donor and the assigned counselor know about these facts, it must be in their very own interest to prepare projects and programs in such a way that they will not fail. Unfortunately, the donor and counselor are not the weakest links in the chain of responsibility– failure will not be blamed on their preparation and execution, meaning that everything possible will have

to be taken into account, information will have to be gathered and circumstances or scenarios will have to be drawn up in order to foresee the outcome and to ensure success to the highest possible extent.

5.3 Coordination Key to Success?

If resources, money, management capacity and professional skills are not focused on the goal, their efficiency is doubtful. There are often many different donors, organizations, persons with particular interest etc., at work in a single country without even knowing what is happening “next door”. In Guatemala, for example, at least five different countries (Germany, Sweden, Switzerland, Netherlands, Japan, and others) are involved in the cadastre – with little success. If they would work together and become coordinated, the outcome might be much better.

In my opinion, *coordination is the key to success* for projects and programs in the field of land management. The uncontrolled frittering away of many projects could be avoided. In order to do this, coordination within one country is needed. But how can we achieve this, how can collaboration be reinforced and be raised above all the other interests of the providing countries?

6. THE TASKS OF FIG

6.1 Objectives (2.0 of the Statutes)

2.0 OBJECTIVES

2.1 The objectives of the Federation are

- to provide an international forum for the exchange of information about surveying and for the development of fellowship between surveyors
- *to collaborate with the United Nations and other international and regional agencies in the formulation and implementation of policies affecting the use, development and management of land and marine resources*
- *to promote the disciplines of surveying, particularly in developing countries and countries in economic transition*
- to promote the role of the surveyor in the management of natural and man-made environments
- *to promote the development of national associations of surveyors and to promote professional standards and codes of ethics and the exchange of surveying personnel*
- to promote high standards of education and training for surveyors and to facilitate continuing professional development (CPD)
- *to encourage the development and proper use of appropriate technology*
- to encourage research in all disciplines of surveying and to disseminate the results.

2.2 The Federation shall abstain from any interference in questions of a political, racial or religious nature.

2.3 The Federation shall not permit any of its activities to be influenced by statements or actions of a political, social or religious nature.

The objectives of FIG are clearly aimed at *policies*, and not at projects or the implementation of land management in developing countries. The question arises whether any change or development can be achieved under these premises, and whether the FIG is able to promote the very interests stated in the other articles of the statutes.

If the FIG would consider an adjustment of their policy (objectives), it would be possible to monitor, accompany or even lead processes for the introduction of land management issues. I assume that the influence on the objectives stated in the statutes and the results achieved would be much greater and more sustainable.

6.2 Vision

The FIG realizes that the current development aid is not achieving results within a reasonable time, notably in land management issues. As a result, the FIG should create *a vision* for the improvement of the development aid and for focusing on;

- taking an active role in the formulation of policies of countries regarding land management;
- playing an active part in achieving goals that will lead developing countries towards land reforms;
- playing an active role in developing sustainable cadastral systems;
- promoting and advising with regard to legal stability in land management issues, and
- finding ways to carry out education and capacity building.

This vision corresponds to the *millennium goals of the United Nations* that all 191 member nations have pledged to meet by 2015. Specifically, these are to reduce poverty (goal No 1), to ensure environmental sustainability (goal No 7) and to enhance economic growth (goal No. 8) in those countries.

6.3 Implementation

In order to get close to the *vision*, several measures have to be taken, and an *implementation plan* has to be established that includes the following points:

6.3.1 Information

An *information system* is to be created that collects and bundles land management issues. An overview of projects is thereby created in order to be able to coordinate the management of the large number of isolated projects in each country.

For each country this information system is connected with all active organizations in the field of land management, and in particular with the *donor organizations* (*World bank, United Nations, IMF*) and the *donor countries*. The information system gives access to an overview of all activities in each country.

A study should be carried out in which all the cadastral systems of the developing countries are listed and described. This study should show the needs and the urgency of each country's national cadastral system and the degree of fulfillment of the basic conditions.

This information could be grouped together as shown below:

Country 1:

	Issue 1	Issue 2	Issue 3
Donor Organization / Country 1			
Donor Organization / Country 2			
Donor Organization / Country 2			

6.3.2 Coordination

Once the data is available, the leading project managers (consultants), the donor countries and the national land administration authorities can be formed into a coordination team that will aim at the concentration of all efforts and will guide all interested parties towards an efficient project organization.

To make this coordination work, it is obvious that only those countries that are willing and able to fulfill the basic conditions can profit from the work and services of the FIG. Others must be excluded until the necessary basic conditions are met.

6.3.3 Organization / Project Management

The FIG will establish a project counseling group under the lead and supervision of the *major donor country / bank* for each country concerned.

Within the FIG, a body has to be established that puts in place, runs, coordinates and controls all the issues of land management in developing countries. The manner in which this organization would be embedded into the existing structures of FIG has to be examined further. A new commission could be established to promote *Land Management in Developing Countries*. Obviously, such a commission would have to have very precise task descriptions and would have to be run in a similar manner to a professional business unit.

New and established working and management tools as used in development aid would be applied. It would be of great importance that the aspects of empowerment of local/national structures should enhance the support of all projects and programs in development aid, and thereby in national land administration projects.

6.3.4 Public relations / Lobbying

The promotion of land management issues is one of the major tasks of the FIG. Relations with the *United Nations* as well as the *international banks* and, at a national level, with the *land management offices and governmental offices* are of great importance. Only by

collaborating with these people can the information flow and, at a later stage, the implementation of projects be realized.

Together with the corresponding bodies of the FIG, the entire organizational unit would be responsible for PR and lobbying.

6.3.5 Reality and risks

These thoughts may be far from reality. But no progress will be made without taking more responsibility and focusing on the real needs of land management in developing countries. If the FIG is serious about applying the contents of the statutes, and is concerned about achieving visible, positive and sustainable results, only additional actions can lead to goal orientated solutions.

If the task proves to be too large, a focus on model countries with structures that can be taken as a reference for others can simplify the implementation. It is important to have the courage to focus on possibilities, and to exclude risks as far as possible – even if some projects are not implemented after the decision.

7. CONCLUSION / OPPORTUNITIES AND RISKS / FINAL REMARKS

The *industrialized nations, the World Bank and international development banks* have a moral obligation to open up generous development opportunities to countries that have limited financial means and/or know-how, and, in particular, to those countries where aid may support democratic processes.

Providing aid is no simple process, however, as is clear from the processes and conflicts of interest related to it. This is why attempts at improvement only prove successful where there is a very strong *desire for improvement*, particularly in the field of cadastral science and socio-economic development.

To avoid counter-productive effects, it is necessary to *coordinate development aid* and to achieve results that do justice to expectations.

Empowerment and education are the most important keys to success: they create an environment in which recipient countries can create their own internal development flows that contribute to social progress and, in the case of a land register, to security of tenure and justice. Finally, donor countries need to be transparent and have no hidden, neocolonial agendas.

The FIG has to play its role, and can *take an active part* in the development in countries where land management issues are of great importance in many ways. This nevertheless implicates a change in the objectives of the FIG and the willingness to take on more responsibility.

BIOGRAPHICAL NOTES

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