



Deutsche Gesellschaft für
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Summary of the evaluation-report
„ Promoting the establishment of a cadastral system in Cambodia“

on behalf of

Federal Ministry for Economic Cooperation and Development
- Evaluationdivision -

This report entirely reflects the observations of the consultants and does not commit any of the institutions involved in the cooperation partnership.

German Development Cooperation with Cambodia

Summary of the Evaluationreport “Promoting the establishment of a cadastral system in Cambodia”

Summary

The German-backed TC project is a contribution to the multilaterally financed “Land Management and Administration Project” (LMAP). LMAP aims to help resolve the complex and interconnected problems in the land sector in the post-conflict and transition situation in Cambodia.

LMAP was planned jointly in 2001 by the Cambodian Ministry of Land Management, Urban Planning and Construction (MLMUPC), the World Bank, and German and Finnish TC. The target structure of the TC project under review is identical in terms of content with that of the overarching LMAP project. The project objective is as follows:

“Population groups with legal claims to land resources increasingly use fair and well-balanced access to land along with greater legal security.”

The overarching project LMAP involves the following five components:

1. Develop the regulatory framework for land policy along with the legal and administrative set of rules required to implement it.
2. Strengthen the institutions responsible for land administration and land management at the central and regional levels.
3. Initiate a nationwide programme to register and distribute land titles on the basis of a land registration system.
4. Develop structures and approaches for resolving land disputes.
5. Develop basic information and planning methods for improved land-use management.

For the initial 5-year phase of LMAP (July 02 – June 07), the World Bank has granted an IDA credit of US \$ 24.3 million, whilst the BMZ and Finland have each pledged US \$ 3.5 million for TC and the Cambodian government US \$ 2.6 million. As part of this alliance, the German side has undertaken to provide the TC inputs required for components 1, 2, 4 and 5, whilst Finland has agreed to implement component 3. With its TC contribution, the German side has taken on around 10% of the overall costs for LMAP within the first 5-year phase. Approximately 75 % of the IDA loan is earmarked for component 3 (distribution of land titles).

Overall, the German contribution to the multi-donor LMAP project is a suitable, holistically oriented promotion concept that is also designed to help improve the political, legal and institutional framework conditions. The target-group-oriented component 4 (mechanisms for resolving land disputes) has the potential to impact directly in terms of poverty reduction by offering out-of-court solutions to the wide-spread number of land disputes. The executing structure also has the potential to deal with this task.

With the exception of component 3 (Finnish TC), LMAP involves a relatively high number of risks which essentially derive from the country’s transitional and post-conflict situation, the fact that the process of state reform has not yet stabilised and the land-policy and land-law activities are affecting the interests of various groups that wield considerable influence. To date, however, the reform-oriented minister has been able to shield the project from most political risks.

Findings

Favourable cooperation relations between donors and the MLMUPC and also between the donors themselves facilitated the planning in 2001/02 of a comprehensive project that is likely to tackle the complex problems of land issues in a post-conflict and transitional Cambodia. The tasks on hand can only be resolved with the support of a donor community within the scope of a joint concept. The project concept is also open to participation by donors that were not involved in planning.

LMAP complies with most of the requirements of a Programme-based Approach (PBA), even though this was not expressly targeted during the design and planning phase. However, it still remains unclear, whether the Land Allocation Project for Social and Economic Development, LASED, which will also involve several donors, can be incorporated into the Programme-based Approach in terms of content and organisation.

Component 1:

Results were achieved in the field of “land policy and legal regulations”, inter alia because the climate and potential for land-policy reforms were promoted and harnessed on a step-by-step basis. The various options for land policy demonstrated by TC had and have relatively good chances of being taken on board and used by the Cambodian side, because consultancy is embedded in a strong network involving the World Bank, Finnish TC, and other donors. State land management, economic land concessions, and registering the land titles of indigenous groups are all areas of reform that have a particularly strong impact on the economic interests of influential groups – which more than likely explains why the reform plans have not yet been ratified. The World Bank has made satisfactory progress in these areas a key precondition for financing a land allocation programme (LASED). It can be presumed that this will hasten the ratification procedures.

Component 2:

The inputs provided to date by German TC in component 2 have generated the basis from which to strengthen a decentralised structure of relevant institutions. It can be assumed that the targeted reorganisation of the ministry in line with its expanded range of tasks will take place, in spite of delays, thanks to the minister's support.

Involvement of the private land-surveying sector in LMAP implementation has been delayed, but is now scheduled for 2005. This move, coupled with the training of specialists at the new Faculty for Land Management at the RUA, should considerably strengthen the availability of experts for land administration and management in the medium to long term.

Component 4:

As a new and nationwide approach in a politically complex environment, this component is particularly demanding in terms of its design and implementation. The project has generated an essential framework and a broader base of experience for effective implementation. Having said this, given the very difficult conditions prevalent at the outset, a period of two years is not sufficient to achieve a fully mature project design and must therefore be regarded as a requisite period of learning. The challenges relate both to the fact that the approach of out-of-court conflict settlement runs contrary to the interests of certain power-wielding groups, and to the fact that the process of HR capacity building – in terms of knowledge and management skills – has to start at a very basic level. By already initiating improvement measures and commissioning a specific evaluation, the project has shown that it is able to respond to what is still too low a level of effectiveness in component 4. The discussion and decision-making process involving civil-society institutions planned as a consequence of the evaluation also bears witness to the project's capacity and willingness to mainstream this approach on a broad scale and to enhance its effectiveness.

Component 5:

Implementation and steering of this component are essentially positive. The chosen approach of harnessing the relative flexibility of GTZ-TA and financing for pilot measures and training, as a basis for facilitating participation by other donors with relatively large sums can in principle be regarded as a promising strategy. Progress still has to be made in the field of urban planning. The ToT approach targeting wide-scale personnel upgrading being pursued in several sectors is proving a fast and significant means of strengthening the MLMUPC in institutional terms. M+E of the quality and results of training efforts should be carried out more systematically, so that follow-on offers can be geared to ongoing needs. The project has been able to make substantial progress in a short period of time in the technical field of establishing GIS and aerial imaging.

Overall, steering based on a joint work plan and the attendant monitoring of activities by LMAP management and through multi-donor supervision missions is to be assessed in positive terms. Steering activities in component 4 have the greatest potential for improvement and were subjected to a separate evaluation procedure at the request of LMAP management. In component 5, it would appear necessary to observe and evaluate training measures and the implementation of planning approaches more systematically.

LMAP management is aware of the fact that the measures initiated for the purpose of results monitoring will have to be continued.

Evaluation of the development-policy effectiveness, sustainability and significance of the project is as follows:

1. The cost-benefit ratio of LMAP and the German contribution can be assumed to be positive in the long term, if the macro-economic environment facilitates the kind of investment behaviour hoped for, especially on the part of the rural population.
2. At the sector level, measures have been initiated to generate the political, legal, institutional and technical basis required to ensure greater security with regard to land titles, along with a higher level of investment in land, greater efficiency in land use, and improved management of natural resources. Financial sustainability has not yet been secured for the system of land administration to be established.
3. At the level of implementing institutions (in particular the ministry at the central and regional levels), mandates have been clarified and expanded and performance capacity improved.
4. At the target-group level, the key framework conditions needed to improve the land-law situation, to distribute land to the poor and to enhance the effectiveness of pro-poor services have now been established. In individual cases in component 4 improvements have already been launched at the target-group level.
5. The German TC contribution has an indirect poverty orientation in components 1, 2 and 5, whereas component 4 impacts directly on poverty reduction.
6. Environmental impacts are not yet identifiable. Indirectly, the project has the potential for both positive as well as negative environmental impacts.
7. The project results are sustainable in as far as
 - they help improve framework conditions in the land sector and in as far as the political climate permits further reforms,
 - the target groups actually register land transactions, and complementary, economic and social services are offered for rural development.
8. LMAP and the German TC contribution are both highly relevant and significant.

Recommendations

The other reform measures and inputs targeted within the LMAP framework in order to achieve the project objective will not have been completed by the end of the ongoing 3-year phase of German TC in June 2005. An extension through to the end of the 5-year LMAP phase in December 2007 would appear necessary.

Component 1: Land policy and land law

- 1) BMZ should include the delays in key areas of land-policy reform (economic land concessions, state land management, land titles for the indigenous population, comprehensive land policy strategy) in the policy dialogue with the Cambodian government, as far as possible in coordination with the other donors.
- 2) MLMUPC und LMAP should go through the draft Civil Code to analyse all aspects relating to land issues, with a view to submitting proposals that will lead to harmonisation with Land Law.

Component 2: Institution building

- 3) In its policy dialogue with the Cambodian government, the BMZ should push for initiation of the ministry's overdue restructuring.
- 4) LMAP management and German TC should organise measures that will hasten project involvement of Cambodia's private land-surveying sector.

Component 4: Resolving land disputes

- 5) In general, it is recommended that the results of the specific external evaluation by the cadastral commissions be systematically evaluated and the attendant recommendations implemented (addressed to NSCC and project management).
Of particular relevance is the revision of sub-decrees and implementing regulations (prakas) relating to the division of tasks between the various levels and administrative procedures (e.g. time limits for the processing of a given case). The local level (DKCC and involvement of the communes) is to be strengthened here, whilst the provinces' role should be reduced more to management and M+E tasks. On the other hand, the "emergency procedures", as they are known, should be designed such that they can prevent the serious human-rights violations that are occurring in places. Effective approaches need to be identified to ensure that land titles are awarded following conflict resolution (addressed to NSCC and project management).
- 6) Plans to equip the DKCC with appropriate financial resources should be given the same implementation priority as the generation of the structural and human-resource basis for improved management and political support for the downstream CCs by the national level. On top of this, a review should be conducted to determine the extent to which HR status, in particular that of the DKCC, permits appropriate implementation of the tasks (addressed to project management).

Component 5: Land management

- 7) The lack of a political and legal framework for state land management and/or state land inventory is currently proving to be the overriding obstacle to rapid success at the implementation level in the planning aspects of component 5 . For this reason, this sector should continue to be given priority. In so doing, the practical options open to the province level for the constructive resolution of the many ongoing conflicts of interests between the state organs involved should be monitored and analysed intensively (addressed to ministries and donor organisations covered by the mandate of the Council for Land Policy).
- 8) The high-level political and specialist demands arising in the planning and implementation of land reform can best be met in a transparent process involving the active participation of all competent actors. Consequently, ongoing NGO participation in the M+E of this process should be strengthened and established in formal terms. In general, care should be taken to establish a timely and effective M+E system for the

LASED programme (addressed to ministries and donor organisations covered by the mandate of the Council for Land Policy as well as relevant NGOs).

- 9) The project should take every opportunity to recruit competent donor institutions to support the MLMUPC in generating the political and legal framework conditions for urban planning and their broad-scale implementation (addressed to ministries and donor organisations covered by the mandate of the Council for Land Policy).

Conclusions

Comparative advantages and complementarity of German TC

German TC is contributing to the achievement of LMAP objectives in keeping with its comparative advantages and via a plethora of instruments involving various depths of intervention. It is applied in such a manner as to complement FC inputs by the World Bank and TC by Finland, the ADB, and other donors arriving on the scene. The advantages of German TC in LMAP can be summarised as follows:

- a) Via the GTZ-backed sector project “Land Policy and Land Regulations”, it has, with its holistic approach to land policy, influenced the World Bank’s land policy overall, in particular however its approach to land policy in Cambodia. This means that here the traditional project type relating to the allocation of land titles (component 3) has been integrated into and is based on the establishment of comprehensive land-policy, legal and institutional concepts.
- b) In the two preceding phases of the project up to 2002, German TC was able to gather extensive experience in the field of land administration in pilot projects and in land-policy consultancy in the transition situation in post-conflict Cambodia.
- c) German TC applies this experience as part of its process-oriented support for the reconciliation of opposing interests leading to the participatory elaboration of development and, in particular, poverty strategies.
- d) When designing the project concept and during hands-on implementation, TC interfaces the micro, meso and macro levels, thus connecting a deductive with an inductive approach.
- e) TC is experienced in the communication and promotion of change management in complex structural change and adaptation processes in post-conflict transition countries.

General learning experience deriving from project planning and implementation

- a) The holistic approach pursued by LMAP has proved feasible, because the Cambodian government attaches high priority to the land issue. This is a precondition in the search for consensus and in political decisions on land regulations.
- b) In post-conflict Cambodia, which is now undergoing a period of transition, the need to design standard regulations (policy and law) in the land sector is particularly great. German TC has thus taken on the key role of a process promoter here, pointing out and communicating various options for action. A step-by-step approach that does not overtax the partner has proved best in this context.
- c) With its TC inputs in LMAP, the German side is much more “visible” than its 10-% share of the financial commitment would suggest. This impact should be taken into consideration when designing comparable projects. Owing to the respective conditions on site, it is not possible to make a general statement about the minimum share of German TC inputs required in multi-donor projects in order to achieve a certain level of “visibility”.

Lessons learned in the resolution of land disputes (component 4)

The generation of an institutionalised, out-of-court mechanism for resolving conflicts against the backdrop of opposing and powerful political interests is a very complex and highly demanding task. In this case, due to the acute urgency of the situation – i.e. a large number of conflicts, high level of impact on the poverty situation of a broad range of target groups and acute human-rights violations – an attempt was made to launch wide-scale application as soon as possible. The generation of institutional structures and human-resource capacity is a project output that should in no way be underestimated. However, to operate effectively, a mechanism of this kind evidently requires substantially greater political support as well as sound management capacity, i.e. strong leadership figures. Despite the volatile nature of the problem, donors must not turn a blind eye to personnel matters owing to their extreme importance as critical, success-determining factors. If political pressure is not exerted and corresponding weight brought to bear, a bureaucratically constructed conflict-management structure cannot be effective in this kind of context; the costs and personnel inputs are then no longer tenable in the long term.

Owing to the high level of pressure, the legal and administrative framework conditions have been created without any pilot experience to provide a sound knowledge basis. This is now resulting in difficult processes of adaptation. Therefore, before implementing activities in such a complex area in similar projects, it is worth asking whether pilot experience, possibly with different approaches and back-up research, would lead to a more effective implementing structure. However, the pivotal issue, and one which would appear to be the case in the project under review, is the willingness to learn on an ongoing basis and to initiate what are sometimes also difficult evaluations and improvements. However, this process has to be given sufficient time to evolve.

Donor coordination and cooperation

The following procedures used in LMAP have proven their worth:

- a) LMAP design is based on the presumption that donors work in partnership during planning and implementation, whereby the contents, procedures and timeframe of their respective contributions are coordinated by the project-executing agency. A key instrument in this context is the joint annual work plan and the monitoring thereof.
- b) On the donor side, the quarterly multi-donor supervision missions spearheaded by the World Bank are of importance.
- c) Donor cooperation is based on discussion, not on contracts. Embedding working relations between the individuals concerned in a spirit of mutual confidence is thus a key premise.
- d) Donor-organised thematic work groups at the country level have proved expedient.

In the case of the planned land reform, coordinated donor pressure has led in places to political concessions, thus facilitating pro-poor policies. With complex, multi-sectoral development projects in particular, TC contributions should – whenever possible – be integrated in a close network involving other donors.

Overall, the project has succeeded in acting as a catalyst for many different tasks, a model that will prove increasingly useful the more German TC resources continue to dwindle.

Programme approach

Without actually having been planned as a programme, LMAP is meeting most of the demands placed on a “Programme-based Approach“(PBA):

- a) Target-oriented management and project ownership on the part of MLMUPC.
- b) Existence of a comprehensive Cambodian project for land-sector reform.

- c) Coordination of donor contributions and alignment of donor procedures.
- d) Approaches targeting the mainstreaming of national procedures in planning, implementation, financial management, quality control, and in monitoring and evaluation.
- e) Involvement of civil society, local administration and in future the private sector as well.

This approach is linked with many different synergies on both the donor and recipient side and should be extended further.

Basic data

Project title:	Promoting the establishment of a cadastral system in Cambodia
Project launch:	August 2002
Project end:	July 2005
Sum approved:	EUR 3.5 million
BMZ division responsible for project management:	200
Implementing organisation:	GTZ
Evaluation period:	12 to 27 July 2004

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