

## TECHNICAL ASSISTANCE COMPLETION REPORT

Division: CWAE

<b>TA No. Country and Name</b> TA 4218-UZB: Developing an Integrated Cadastre System for Land Resources Management & Property Right Registration			<b>Amount Approved: \$500,000</b>		
			<b>Revised Amount:</b>		
<b>Executing Agency</b> State Committee of the Republic of Uzbekistan for Land Resources, Geodesy, Cartography and State Cadastre	<b>Source of Funding:</b> Japan Special Fund		<b>Amount Undisbursed</b>  \$6,331.93	<b>Amount Utilized</b>  <b>\$493,668.07</b>	
<b>TA Approval Date:</b> 19 Nov 2003	<b>TA Signing Date:</b> 6 Apr 2004	<b>Fielding of First Consultants</b> 5 Jul 2004	<b>TA Completion Date</b>		
			<b>Original Actual</b> 31 Dec 2004 29 Nov 2005		
			<b>Account Closing Date</b>		
			<b>Original Actual</b> 31 Mar 2005 9 Feb 2006		
<b>Description</b> Farmers given leases on land from the reorganization of collective farms are faced with a lack of security relating to their property rights as private property and written contracts are generally difficult to enforce, and even more so if leases are not registered. Before their merger in October 2004, separate agencies were responsible for registration of urban and rural property rights, and the buildings and other assets located thereon. <sup>1</sup> Confusion and inefficiencies were endemic as responsibilities between agencies overlapped and paper registration systems differed in many respects including scale, base reference points and legal aspects. Given that State cadastre also plays an important function for land information, taxation and as a management tool, in addition to the registration of property rights, with recent Government reform initiatives in its transition to a market economy, it became clear that a modern and integrated system of cadastral and property rights registration was needed.					
<b>Expected Impact, Outcome and Outputs</b> The TA was formulated in view of ADB's Country Operational Strategy of March 2000 and CSPU (2003-2005), both of which supported the Government's reform agenda. The objective of the TA was to assist the Government in improving its cadastre system and establishing an integrated mechanism for monitoring land use and productivity, and for registering property use rights. The intended outputs of the TA were the following: (i) development of a cost-effective and transparent methodology for cadastral surveys of rural land; (ii) development of a complemented registration system for both buildings and rural land plots; (iii) development of a multipurpose land information system for monitoring land use and the environment; (iv) proposals for amending legislation to improve the transparency and efficiency of the cadastral and land registration procedures and to strengthen the security of tenure for land users; and (v) an investigation of the preconditions for nationwide implementation of the system. Given the need for a modern and integrated system of cadastral and property rights registration to support the economy's transition to a more market-based economy, the objectives and scope of the TA were appropriate.					
<b>Delivery of Inputs and Conduct of Activities</b> Under the TA Lahmeyer International Consulting Engineers of Germany was engaged and provided services including five international and four domestic experts with inputs of 18.75 person-months and 16 person-months, respectively. The TA was conducted in a highly professional manner with modern technology and best practices applied; and whilst the merger of relevant agencies resulted in the EA being changed during the TA, generally the Client was highly appreciative of the efforts. The ADB Project Officer responsible for the TA also changed with three different individuals assigned during the TA. Nevertheless, whilst not ideal, the handover of responsibilities was carried out relatively smoothly and the performance of both the EA and ADB was assessed to be satisfactory. The TA was implemented over a period of 15 months including a 3-month extension due to delays in the completion of the Final Report. Whilst the extension had no impact on TA cost, scope, or implementation arrangements, the delayed delivery of the final output had a deleterious effect on the assessment of the Consultant's performance, which was otherwise assessed positively.					
<b>Evaluation of Outputs and Achievement of Outcome</b> The activities of the TA were completed and, except for the Final Report, the outputs required under the ToR were efficiently and effectively delivered. The TA Consultants developed a cost-effective and transparent methodology for cadastral surveys of rural land complemented with a registration system for both buildings and rural land plots along with a multipurpose land information system for monitoring land use and the environment. Procurement of appropriate low-cost equipment for the system and training in its use was duly accomplished although the availability of qualified staff to receive the training constrained its effectiveness. The system was successfully pilot tested at a site where a cooperative farm was being reorganized for individual distribution in Ak Altin District, Syrdarya Province on an area of approximately 1,900 ha of agricultural land, which included parts of a neighboring village. The pilot test proved the ability of the system to work in the existing Uzbek context and the EA has deemed it fit for countrywide implementation.					

<sup>1</sup> The State Committee of Land Resources (Goskomzem) was initially the EA for the TA but was changed to the State Committee for Land Resources, Geodesy, Cartography and State Cadastre (Goskomzemgeodescadastre) on 15 February 2005 after Goskomzem and Uzgeodescadastre, the main administrative body of Geodesy, Cartography and State Cadastre, were merged.

The TA Consultants also reviewed relevant legislation and prepared legislative amendments which, if executed, will improve the transparency and efficiency of the cadastral and land registration procedures and strengthen the security of tenure for land users. Other related outputs included a useful synopsis of previous legal studies and proposals for legal amendments in connection with digital work flow and signature to provide the enabling legal framework for wider application of the system developed under the TA. The Consultant's local legal expert also prepared the draft of a law for State Registration of Rights to Real Estate Property, the enactment of which would be a crucial requirement for the nationwide implementation of the cadastral and property right registration system.

The TA Consultants conducted a thorough investigation of the preconditions for nationwide implementation of the system developed and pilot tested under the TA. These include: (i) political preconditions relating to continuation of the ongoing privatization process and Government commitment to support nationwide implementation of the system; (ii) legal preconditions including the passing of relevant laws or issuance of Presidential decrees needed to establish an enabling legal framework for implementation of the system; (iii) institutional preconditions including the effective implementation of the merger of Goskomzem and Uzgeodescadastre at the regional and local levels thereby bringing regional registration offices under single subordination; and (iv) technical preconditions including capacity building through widespread training in information technology and equipping of local offices with basic communication facilities and uninterrupted power supplies. An outline plan for nationwide implementation of a system of land registration and land use monitoring pilot tested under the TA was prepared and incorporated into the Final Report.

Three local workshops were conducted at strategic times during the TA to present its findings and proposals, and a Regional Seminar was conducted to exchange information between officials of neighboring countries regarding their respective experiences in the area of cadastre and property rights registration. These events were well-attended and much appreciated by the participants.

Finally, a study tour was organized for cadastre and land registration practitioners of the EA who visited the former East Germany to witness the results of successful transition to privatization and registration of land recently accomplished there. The exposure and experience will have considerable value in the application of lessons learned to improve the situation in Uzbekistan, especially in its aim to carry out nationwide implementation of the cadastral and property right registration system developed under the TA.

**Overall Assessment and Rating** TA 4218 has laid the foundation for improving the security of land tenure needed for the transition to a market-based economy through broader application of an appropriate albeit modern system of cadastral and property rights registration. The TA met its stated objective of assisting the Government to improve its cadastre and property registration system but the sustainability of improvements depends on the Government's commitment to the process, in particular its willingness to meet the preconditions for nationwide system implementation. Given the reform process that is currently underway in Uzbekistan it is reasonable to assume that progress will continue in this direction. Therefore, the overall assessment is that the TA was successful in terms of relevance, effectiveness, efficiency and sustainability.

**Major Lessons** The main lessons are institutional in nature. At inception, the EA for the TA was the State Committee of Land Resources (Goskomzem). With the merger of Goskomzem and Uzgeodescadastre, the main administrative body of Geodesy, Cartography and State Cadastre under the Cabinet of Ministers (COM) on 15 October 2004, the newly formed organization for Registration of Land Resources, Geodesy, Cartography and State Cadastre (Goskomzemgeodescadastre), became the EA on 15 February 2005. This lack of continuity caused some disruption to the implementation of the TA including changes in operation and management as well as personnel changes in the Steering Committee and the TA Unit. The main lesson from this experience is that, to maximize effectiveness of such interventions, fundamental institutional arrangements should be determined and assured prior to agreements reached on provision of technical assistance. This is also now one of the preconditions for nationwide implementation of the system developed under the TA and should also be a condition precedent to any further assistance provided in this area by the ADB.

**Recommendations and Follow-Up Actions** Whilst further assistance in this field is not explicitly mentioned in the current CSP (2006-2010), it does recognize that despite restructuring, land use rights and security of tenure remain ambiguous, and there is still no land market in Uzbekistan. It also calls for a growing and urgent need for a proper cadastre system to mark out, register, and accurately grade the individual land parcels created with the redistribution of farm lands. Furthermore, the EA strongly supports any prospect of further ADB involvement to extend the cadastre and property rights registration system developed under the TA to eventual nationwide application.

The Final Report of the TA provides details of political, legal, institutional and technical preconditions for nationwide system implementation to occur; and outlines an implementation plan of development priorities along with a proposal for staged development and estimated resource requirements. The EA, on behalf of the Government, has undertaken to meet some of these preconditions for nationwide implementation of the system; in particular continuing with the land privatization process, amending legislation to improve the transparency and efficiency of cadastral and land registration, and other actions necessary to progress the development of a facilitative legal, institutional and technological framework for strengthening the security of land tenure for land users.

It is recommended that if clear progress is displayed in meeting more of these crucial legal and institutional preconditions, inclusion of a staged nationwide system implementation in future CSPUs could be considered, provided that it is a demonstrated priority of the Government and an official request for its inclusion is forthcoming.