

Elusive land reform

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TANEEM AHAD

LAND as a resource, is the foundation of any country's economic development, and it is directly linked to GDP. It is the basis upon which all economic activity takes place. Appropriate and effective administration of land issues has direct and significant impacts on how an economy grows and develops. It is not a coincidence that all the leading economies of the world have in place well functioning and reliable land administration systems. At the same time, many of the economically less developed countries have poorly functioning or non-functional systems of land administration. Land and real estate typically account for between 50 and 75 percent of a country's economic assets.

Every household in Bangladesh that experiences economic prosperity and accumulates savings aspires to own a piece of land or property for the economic security of future generation. Bangladeshi people attach a lot of sentimental value to own a piece of land. Despite the importance and value, land does not seem to be in the list of high priority sectors to be reformed.

In relative terms, Bangladesh currently ranks at the bottom at 176th position out of 183 countries in the registering property indicator

according to World Bank and IFC Global Doing Business report 2010. Doing Business records the full sequence of procedures necessary for a business (buyer) to purchase a property from another business (seller) and to transfer the property title to the buyer's name so that the buyer can use the property for expanding its business, use the property as collateral in taking new loans or, if necessary, sell the property to another business. The process starts with obtaining the necessary documents, such as a copy of the seller's title if necessary, and conducting due diligence if required. The transaction is considered complete when it is opposable to third parties and when the buyer can use the property, use it as collateral for a bank loan or resell it.

There is a lot of literature on land and the land related problems have been diagnosed to death in various forums, media, journals and publications but to no respite. The citizens at large face a plethora of problems such as poorly defined and non-enforceable land rights, inaccessible and inefficient dispute resolution mechanisms, inefficient and secure processes for the operation of sales and lease markets as well as other transfers of rights, complex institutional arrangement, lack of confidence in the system by users, particu-

larly the public, regulation of land use in the public interest, ineffective management of public lands, inequitable valuation and taxation of property and inequitable access to land information.

Despite all the negatives, there is a ray of hope and light at the end of the tunnel. The present government is committed to improve the land administration and management since coming to power. The Digital Bangladesh mandate has also contributed to the momentum on land reforms and modernization.

A number of projects are ongoing or in pipeline to improve the land administration and management. A pilot project has been initiated in Savar to improve the turnaround time of revision settlement and issuance of *khatians* using latest technology. The pilot project is working in 5 *mouzas* of the Savar upazila to reduce the time required for publication of record of rights from decades to a year and to do away with errors or traditional measurement of plots for the land owners. The project seems promising and all eyes are on this project in terms of tangible benefits to citizens once it is completed. Other pilot projects are also planned in different jurisdictions to test different models of land survey/re-survey. Experiences from India and other countries on different survey models and techniques may be very instructive given the similar legal, regulatory framework and socio-economic background.

There were a number of pilot initiatives in the past as well that were fairly successful. Notable among

those was the Demra circle pilot in Dhaka city for digitization of all the land holdings (Record of Rights, and excludes land registration function) under the circle and making them available to public over the internet. While the project progressed successfully, it could not be completed due to a change in top level officials and the lack of a sustainable project design. From a pilot perspective, the Demra project was very important. It proved a number of issues. It provided the basis for legal reforms, it digitised all the *khatians* under the circle and stored them in an electronic format. It provided a geographical interface to the stored data and made the entire data visible to the public thereby making the subject transparent. The project is a major step towards digitization of land records as also land reforms with in the country.

However, the above reforms and improvements are not enough. The government needs to formulate a coherent strategy for modernization of the land records system. Following are some useful lessons from the past that should be should be put to practice in all future efforts and replications for successful nationwide roll-outs.

First, while the Demra pilot was successful in storing all the land data into databases, it lacked the ability to make it operational and start issuing *khatian* copies to the citizens which are printouts from the project database. The process also required legal reforms to make such *khatians* admissible in a court of law. It also lacked connectivity to the process of

land registration with in the sector. This meant that the land transactions were not reflected in the data base in real time. Thus the data on the Demra circle database became outdated very quickly and lost authenticity for any operational use for the citizens. Reflecting changes in the *khatian* in batch mode post-facto is a cumbersome exercise and shall never achieve the ultimate aim of the land records database always showing the current and true picture of land holding in the geographical location. There is also a need for automating the process of land registration and connecting the two pilots to ensure long term sustainability of the pilot project.

Second, given the complexity of land reform efforts, strong leadership should emerge to take the land reform agenda forward based on strategic vision and doable implementation plans. All the past land reform initiatives failed due to lack of coherent vision and proper planning from the 'captain of the ship'.

Third, the information base for past initiatives should be strengthened; there is a lack of proven benchmarks and demonstration of reliable approaches that can serve as building blocks of project design. Review or audit should be carried out by third parties for the various pilot projects completed so far which are claimed to provide benchmark for nationwide roll-out to fill the knowledge gap exists for such initiatives in terms of success stories and lessons learnt. The notion that the short-comings can be handled solely by a contracted team of technical experts

is unrealistic, particularly in a shortened timeframe.

Fourth, institutional capacity of the government for program design and management needs to be strengthened, in particular with regard to technology and IT based skills and management of large projects. Retention of a pool of bright knowledgeable and experienced officials must be ensured at any cost for sustainability of projects.

Fifth, being sensitive to potential vested interest groups is important to undertake any major reform program, particularly in a multi-dimensional area as land where so many stakeholders are involved and affected. Understanding the interest and influence of each stakeholder group is the key to effective change management based on thorough analysis of winners and losers of reform.

Sixth, there is a fine line of balance between the long term 'big picture' and short term goals. Striking this balance is extremely important. The policymakers at the top should be cognizant of the tension between short term and long term objectives so that the balanced middle path is maintained at all times.

Once we take into account the above in our future initiatives, we can indeed be hopeful that land related problems will be solved once and for all. We are keeping our fingers crossed for a hassle-free future.

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A return to reality

The Iranian weapons program is a potential danger -- but to Israel and the Gulf states, not Poland and the Czech Republic. Obama's new proposal -- to station short- and medium-range-missile interceptors on ships in the region -- is a workable system attuned to the actual threat. This is reality-based defence policy.

FAREED ZAKARIA

BY cancelling plans to station antiballistic-missile systems in Poland and the Czech Republic, President Obama has traded fantasy for reality. Keep in mind a few facts about missile defence. Since the 1980s, the United States has spent well over \$150 billion to develop such systems. That's more than the total cost of the Manhattan Project or the Apollo mission to the moon. Yet in 25 years the program has not produced a workable weapons system, something unprecedented even in the annals of the

Pentagon's bloated budgets.

A group of leading scientists, including 10 Nobel laureates in physics, wrote a letter to Obama in July, arguing that the Polish and Czech interceptors "would offer little or no defensive capability, even in principle." That's why the Bush administration proposed deploying the system only in 2018, by which point, it hoped, the thing would actually work.

Then there are the threats that these systems are meant to guard against. The nuclear-arms expert Joseph Cirincione pointed out to Congress recently that the threat from ballistic

missiles "has steadily declined over the past 20 years. There are fewer missiles in the world today than there were 20 years ago, fewer states with missile programs, and fewer hostile missiles aimed at the United States. Countries still pursuing long-range-missile programs are fewer in number and less technologically advanced than 20 years ago." These numbers are indisputable.

The Iranian weapons program is a potential danger -- but to Israel and the Gulf states, not Poland and the Czech Republic. Obama's new proposal -- to station short- and medium-range-missile interceptors on ships in the region -- is a workable system attuned to the actual threat. This is reality-based defence policy.

So why does it leave a bad taste in the mouth? Zbigniew Brzezinski, the former national-security adviser and someone who has always been attentive to Eastern Europe's security, supports Obama's decision but says the administration handled things poorly:

"In the way it conveyed the decision, it humiliated two staunch allies that had gone out of their way to embrace U.S. policy."

Missile defence has never enjoyed much public support among Poles or Czechs, presumably because they don't believe Iran is planning to lob missiles at them. But Brzezinski notes that "for the governments of those countries, it had become a test of American reliability and support. The administration should have recognised the importance it had taken on."

The timing of the announcement, on the 70th anniversary of the Soviet invasion of Poland, symbolised the botched diplomacy. Poland's prime minister refused to take a midnight call from Obama and then Hillary Clinton, referring the latter to his foreign minister.

The Europeans' real fear, of course, is Russia. The Poles and Czechs worry that the United States is getting soft, and will allow Moscow renewed influence in Eastern Europe. Russia itself

declared missile defence a roadblock to cooperation with Washington. But to continue with a bad policy simply because the Russians don't like it is not a sensible basis for U.S. strategy.

Will Russia now become more helpful on Iran? Moscow does not feel the same urgency about Tehran that the United States does. Confrontation between America and Iran would hike the price of oil -- bad for the United States and China, but good for Moscow. A military attack would probably result in Iranian retaliation in Afghanistan and Iraq, keeping U.S. forces bogged down there.

And yet the Russians are being moderately helpful. They have deliberately delayed delivery of an anti-aircraft defence system, the S-300, to the Iranians (and also refused to sell them the more advanced S-400). Russian language on Iran has toughened. I met with President Dmitry Medvedev in Moscow last week, and he went out of his way to insist that Iran must cooper-

ate with the International Atomic Energy Agency, that Russia was opposed to any nuclear-weapons program, and that President Mahmoud Ahmadinejad's statements about Israel were "unacceptable."

"The basic framework of U.S.-Russian relations should be that we want good, cooperative, and productive relations," says Brzezinski. "If Russia wants to flirt with Venezuela, fine. And if Poland wants closer security ties with the West, that should also be fine." In the long run, a better working relationship with Russia could mean lowered tensions everywhere, starting with Eastern Europe.

On missile defence, the Obama administration did the right thing for the right reasons, in the wrong way. It needs to fix the fallout and move on.

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Unimportance of being Dr. Khan

But Khan should not forget that he was a part of the process, and an employee of the Pakistan government. One may disagree with Islamabad's strategy to dispatch him with his plans and materials relating to the bomb to Libya, North Korea, Iran and China, but it is hardly Khan's business to denounce his mentors after the assignments.

KULDIP NAYAR

ZULFIKAR Ali Bhutto meant every syllable when he responded to India's 1974 nuclear test, saying: "We will eat grass but produce the bomb." He was the one who picked up the then unknown Dr. A.Q. Khan who, at that time, had been rejected by Pakistan's intelligence agencies as an insignificant scientist.

For Khan to now bite the hand that gave him all the money and facilities to produce the bomb, propelling him on to the centre stage of the scientific world, is the height of ingratitude. True, he did an outstanding job in producing the deterrent for which he earned his laurels from Pakistan and, if my information is right, tens of millions of dollars.

But Khan should not forget that he was a part of the process, and an employee of the Pakistan government. One may

disagree with Islamabad's strategy to dispatch him with his plans and materials relating to the bomb to Libya, North Korea, Iran and China, but it is hardly Khan's business to denounce his mentors after the assignments.

It is apparent that Pakistan did all this to boost its standing in the Islamic world and also convey to the West that it needs to be counted among the important countries. India has every right to accuse Islamabad of proliferating nuclear know-how to all and sundry, something that Pakistan has all along denied in the strongest terms. Nevertheless, the underlying motive in Islamabad's controversial policy has been to win recognition. It was also a question of prestige for a country which is otherwise counted among the world's failed states.

Probably, it is time that the world should take notice of Pakistan's efforts to attract attention and avoid being

sidelined. This will mean that instead of treating it as a pariah, Islamabad should be associated with the efforts that the world powers, including India, are making to reduce the dangers of nuclear war. The fact that Pakistan is a nuclear power cannot and should not be denied. In that respect, it belongs to a very exclusive international club and should be given its due accordingly.

If this line is pursued it may deter Pakistan from engaging in further proliferation. The greatest danger is that nuclear know-how may reach the hands of Islamic radicals who dictate the agenda of such feared groups as the Taliban and Al-Qaida. Someone like Osama Bin Laden would love to get his hands on the nuclear trigger. Without the active participation of Pakistan this danger cannot be averted.

The publication of Khan's letter to his wife, confirming his role in exporting bomb technology, is not Islamabad's doing. This leak is despite the best efforts of Pakistan's intelligence experts to prevent any embarrassment to the rulers of Pakistan. Khan's problem is his super-charged ego. He craves attention and recognition again and again for his "exploits."

By feeding his ego, I was able to make him admit that "Pakistan has the bomb." When I told him way back in 1987 that

Pakistan had neither the men nor the material to make the bomb, I hurt his sense of self-importance, provoking him to hit the roof and respond: "We have it, we have it." I had to concoct the remark about Pakistan's inability because until then I was going round and round the same point without getting the confirmation about Pakistan's nuclear status.

The interview which yielded the confirmation about Pakistan's nuclear achievement was carried out in the presence of Mushahid Hussain, the then Editor of *The Muslim*, who had facilitated the meeting over a cup of tea and a slice of cake prepared by Khan's South African-Dutch wife Henny.

Our conversation lasted for about 45 minutes. When questioned about it afterwards, Khan claimed our encounter had been purely a social call. This was also the gist of his subsequent complaint to the British Press Council, which responded in its verdict: "We have no reason to disbelieve Mr. Kuldip Nayar's version."

Khan could have avoided all the song and drama of denying the interview and then complaining to the British Press Council if he had simply kept his ego in check. When I told him that he was the only scientist in the subcontractor who had a Ph.D both in metallurgy and physics, he nodded and smiled before com-

menting: "You know this is all my doing without any foreign assistance."

The place where we were sitting was the drawing-cum-dining room of Khan's residence, overlooking the Murree hills and a ravine. I found the room over-clogged with furniture, but the walls were bare. During our conversation, he got up and brought out some certificates, again to underline his scientific expertise. I could see that he had been given a brief and told not to deviate from that. Yet, in his effort to impress, he spilled the beans. The more he talked, the more I could see the apprehension on Mushahid's face and his unspoken hope that Khan would stop.

What Khan is doing now goes against the grain of the newly-elected democratic government, which is trying to distance itself from the inglorious past of military adventurism. The Asif Zardari government wants to convey the image of being a responsible and stable country that can be relied upon to participate fully in the international system.

No doubt, there are still many elements which encourage obscurantism, including an anti-India bias. New Delhi should understand this and give space to the new government. The 26/11 tragedy and the slow response in pursuing the perpetrators of the Mumbai attacks continue to nourish doubts in the minds

of Indians. The reality is that there is no alternative. Holding a dialogue or talking to Pakistan does not mean that New Delhi is compromising on the basics. But it does strengthen the elected government in Islamabad to make a bolder departure from the past.

Bhopal-born Khan's antics should not come in the way of rapprochement between the two countries. President Zardari has said that Pakistan will never allow its soil to be used against India. New Delhi should put more reliance on his words. Maybe, in this context we can pursue with Islamabad the activities of Lashkar-e-Toibba and Jamaat-ud-Da'wa against India, as well as the raids which Hafiz Mohammed Saeed's men are guiding from the Pakistani soil.

That the disclosure of Khan has divulged deep connections between Pakistan and China is disconcerting because it confirms that Beijing's policy is to dominate South Asia. The way out is to wean away Pakistan from China or, at least, make Islamabad realise that its partnership in South Asia is more valuable than China's ambitions. Persons like Khan only spoil things and too much importance should not be attached to them.

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