Terms of Reference

Consultancy for developing a comprehensive programmatic strategy to secure land and property rights in LAC.

Regional

RG-T4516

Connecting Communities and Catalyzing Investments: Land Titling for Urban and Rural Areas

Background and Justification

Land Ownership Insecurity: The insecurity of property rights is a widespread issue in Latin America and the Caribbean (LAC). A significant number of people fear losing their homes or other properties. In Latin America, 91 million people (21% of the adult population) feel insecure about their property rights (Prindex, 2020). Paraguay has the lowest level of insecurity in the region (13%), while Guatemala has the highest (33%). Due to their large populations, Brazil (36.6 million) and Mexico (13.4 million) have the highest number of insecure individuals. Prindex data highlights the need for a regional agenda to support land titling in LAC countries. Without secure ownership of homes and productive plots, families' situations can quickly become precarious, making them more vulnerable to economic crises, climate change impacts, and prevailing social and gender injustices.

Economic Benefits of Land Tenure Security: Improving land tenure security can yield numerous economic benefits, including increased investment, better access to credit, and enhanced productivity. Land typically holds significant value, so determining and guaranteeing rights over it is crucial. Enhancing tenure security through policies like the regularization of informal settlements is essential for economic recovery, enabling vulnerable communities to invest in homes and small businesses and dedicate more time and energy to economic activities.

Land Formalization and Women's Rights: Land formalization and titling campaigns in Latin America have significantly improved land tenure security for many people over recent decades, marking a historical shift in land-based wealth. However, while many have benefited, others have been excluded, with women often facing the greatest risks. Over the past decade, there has been a clear international consensus that women's land rights are crucial for equitable development and poverty alleviation. These rights are closely linked to broader social and economic goals, including women's equality in household decision-making.

Climate Change and Disaster Resilience: Land titling is also crucial for developing long-term strategies to mitigate and adapt to climate change and increasing natural disasters. In rural areas, improved land tenure security allows for the creation and monitoring of climate and disaster-resilient zones. In urban areas, better land governance promotes more effective planning and efficient investments in mobility and infrastructure. Securing access to land and tenure is essential for building resilient communities capable of withstanding environmental challenges and adapting to the urgent impacts of climate change in the LAC region.

Technology and Institutional Arrangements: Adequate technology and necessary institutional and legal arrangements are essential for creating an efficient and comprehensive land administration system in LAC countries. This system offers benefits beyond tenure security, including reduced market frictions, improved tax collection, and better land use planning. Developing an efficient, accessible, reliable, and comprehensive Land Administration System (LAS) relies on implementing appropriate technologies and systems for land management and registration and a robust legal framework and institutional structures that facilitate collaboration among various entities involved in the titling process. Digital channels and interoperability mechanisms between the information systems of the different entities involved in land administration, legal, fiscal, and geographical, are needed. Achieving this can lead to an efficient and comprehensive LAS, ensuring that the formalization and integrity of data generated by land regularization are sustainable. This allows subsequent land tenure changes to be processed quickly and securely, without deterring families and businesses from registering these changes through formal channels.

Objectives

The objective of this consultancy is to conduct a comprehensive assessment of the various institutional, legal, and technological challenges that hinder efficient land registration in selected countries and provide practical recommendations to address them. The primary focus will be to identify and analyze key barriers in institutional processes, legal frameworks, and land administration systems.

Scope of Services and Key Activities

Each stage's scope is summarized below. The key activities in the following section detail the tasks the firm must undertake to achieve this consultancy's objective.

Stage 1: Work plan formulation.
Stage 2: Institutional Framework Analysis.
Stage 3: Legal Framework Analysis.
Stage 4: Land Administration Systems Analysis.
Stage 5: Final report on the analyses conducted.

Stage 1 - Work Plan Preparation

The firm will develop a work plan outlining the scope of activities and tasks necessary for each stage's deliverables. This includes methodologies for conducting interviews with relevant stakeholders in land formalization and titling programs. The work plan must include a Gantt chart (in .xls format) with key activities and deliverables to track the consultancy's progress, as agreed with the Bank.

Stage 2 - Institutional Framework Analysis

Evaluate existing institutional frameworks governing land registration processes, focusing on efficiency, transparency, and accountability. Assess coordination between different government agencies involved in land administration and identify areas for improved inter-agency

collaboration to enhance overall system performance. This analysis will identify obstacles and inefficiencies in land registration management by mapping institutional frameworks.

Key Actors Identification: Identify public or private entities to manage information and hold meetings to gather valuable insights.

Data Collection: Conduct data collection from secondary sources once the Bank approves the list.

Process Inventory: Document land administration processes, such as land registration, titling, property transfer, and dispute resolution, creating flowcharts to visually represent each process. Evaluate procedures to determine efficiency and identify bottlenecks.

Roles and Responsibilities Review: Analyze the effectiveness of the responsibilities of involved institutions.

Improvement Areas Identification: Propose improvements through benchmarking against best practices from other countries or regions.

Implementation Plan Development: Create a detailed plan for implementing proposed improvements for each analyzed country.

Stage 3 - Legal Framework Analysis

Analyze existing legal frameworks governing land tenure and rights, evaluating effectiveness and enforcement mechanisms. Investigate the frequency and nature of land disputes and the efficiency of established resolution mechanisms. Pay special attention to issues related to informal settlements and gender-specific barriers to land tenure, ensuring legal frameworks promote equitable access to land rights for women and marginalized groups.

Identify Laws and Regulations: Catalog relevant legal frameworks.

Identify Legal Gaps: Determine areas where laws are lacking.

Law Applicability Assessment: Evaluate the practicality of existing laws.

Compliance Analysis: Assess enforcement effectiveness.

Proposals for Improvement: Identify areas for legal improvement.

Reform Proposals Development: Create proposals for legal reforms.

Stage 4 - Land Administration Systems Analysis

Analyze current land registration systems, focusing on structure, functionality, and user-friendliness. Assess integration of modern technology (e.g., digital databases, GIS, blockchain) in the registration process. Review data collection, storage, and management methods to ensure compliance with accuracy, security, and accessibility standards. Emphasize advanced data collection techniques (e.g., drones, satellite imagery) to enhance mapping and registration processes.

Data and Information Systems List: Generate an exhaustive list of data and information used in cadastral, registration, and titling processes, highlighting gaps and opportunities for efficiency.

Technological Infrastructure Evaluation: Assess servers, networks, databases, applications, and compatibility.

Data Quality Analysis: Evaluate data accuracy, integrity, consistency, and timeliness.
Process and Workflow Evaluation: Map processes to identify bottlenecks.
Usability and Accessibility Evaluation: Review user types, training programs, and technical support.
Interoperability Evaluation: Assess integration with other systems and standards/protocols for interoperability.
Needs and Improvements Identification: Prioritize user needs and improvement suggestions, including technical and financial feasibility analysis.
Implementation Plan Development: Plan for implementing identified improvements, including resources, time, personnel, and budget.

Stage 5: Final report on the analyses conducted

Including executive summary and presentation.

Project Schedule and Milestones

Product	Content	Payment Percentage
Product 1	Deliverables for Stage 1	20% of total contract amount
Product 2	Deliverables for Stage 2	20% of total contract amount
Product 3	Deliverables for Stage 3	20% of total contract amount
Product 4	Deliverables for Stage 4	20% of total contract amount
Product 5	Deliverables for Stage 1	20% of total contract amount

Report Requirements

Format: Presentations and reports must be submitted in editable .ppt and .pdf formats. Reports should also be submitted in editable .docx and .pdf formats.
References: All consulted references must be delivered in an information repository, including the data in its original version.
Language: All deliverables must be written in Spanish.

Acceptance Criteria

Timeliness and Format: Products must be delivered on schedule and in the agreed-upon format.
Quality Review: Products will be delivered to the IDB team, who will analyze and evaluate their quality. The IDB team will determine acceptance based on agreed criteria and expectations.

Supervision and Reporting

Reporting: The selected consultancy firm will report to the project team leader, Luis Schloeter, Specialist of the Housing and Urban Development Division of the IDB

(CSD/HUD). The IDB technical team will review deliverables, provide feedback, and approve them.

Coordination Meetings: Periodic coordination meetings will be held between the consultancy firm and the IDB team. The frequency of meetings will be agreed upon with the team leader at the project kickoff meeting.

Intellectual Property

Ownership: The IDB will retain all intellectual property rights (including, but not limited to, patents, copyrights, trade names, and trademarks) related to the products or materials produced under this contract. The contracted consulting team will have no ownership or patent rights to any of the prepared documents. Such rights will be transferred to the IDB.

Consultancy Firm Responsibilities

The responsibilities of the consulting team during the contractual execution period are as follows:

Content Responsibility: The consulting team is responsible for the content of the delivered products and responds to any inquiries from control bodies.

Service Provider: The service will be provided by a legal entity that meets the specified technical characteristics of the specialized consultancy.

Report Submission: The consulting team will submit reports according to the established schedules for service payment purposes.

Field Studies: If field studies are included, the necessary legal permits must be obtained. The consulting team must inform the IDB of the start date, location, phone number, and the name of the person responsible for the work.

Work Inspections: During inspections, the IDB may reject any work it deems inappropriate or contrary to the stipulated terms. The consultant will be solely responsible for any modifications.

Payment Approval: Payment for the consulting team's services will be contingent upon the approval and acceptance of the delivered products by the IDB.

Travel

- **International Travel**: If necessary, at least one international trip to each selected country must be planned, with a minimum duration of 3 days. The team leader must be present for at least 3 trips.

  Meetings: Meetings with identified key stakeholders will be conducted during these trips.

Terms of Reference

Consultancy for Developing a Pilot Project for a Pre-Cadastral Initiative for Land Titling

Regional

RG-T4516

Connecting Communities and Catalyzing Investments: Land Titling for Urban and Rural Areas

Antecedentes y Justificación

Insecurity of property rights is a widespread problem in Latin America and the Caribbean (LAC). Many people fear losing their homes or other properties: in Latin America, 91 million people (21% of the adult population) express insecurity regarding their property (Prindex, 2020). Paraguay has the lowest insecurity level in the region (13%), while Guatemala has the highest (33%). Due to its large population, the highest number of insecure people live in Brazil (36.6 million) and Mexico (13.4 million). Prindex data on perceptions of land tenure security highlight the need for a regional agenda to support land titling in LAC countries. Without security over their homes and productive plots, families can quickly become precarious, making them more vulnerable to economic crises, climate change impacts, and prevailing social and gender injustices in the region.

Improving land tenure security can generate numerous economic benefits, including increased investment, better access to credit, and higher productivity. Land often holds high value, so determining who has rights over it and guaranteeing those rights is especially important. Enhancing tenure security through policies such as regularizing informal settlements is vital for economic recovery, enabling vulnerable communities to invest in homes and small businesses and focus more on economic activities that can thrive with land ownership titles.

Land formalization and titling campaigns in Latin America have significantly improved land tenure security for a large portion of the population in recent decades. These efforts mark a historic shift in land-based wealth, benefiting generations of rights holders. However, while many have benefited, others have been excluded, and women often face the greatest risks. Over the past decade, there has been a clear international consensus that women's land rights are crucial for equitable development and poverty alleviation. These rights are closely linked to broader social and economic goals, including women's equality in household decision-making.

Land titling is also crucial for developing long-term strategies to mitigate and adapt to climate change and increasing natural disasters. In rural areas, improved land tenure security allows for the creation and monitoring of climate and disaster-resilient zones. In urban areas, better land governance promotes more effective planning and efficient investments in urban mobility and infrastructure. Ensuring land access and tenure is essential for building resilient communities that can better withstand environmental challenges and adapt to the pressing impacts of climate change in the LAC region.

Having the right technology and the necessary institutional and legal arrangements is essential to create an efficient and comprehensive land administration system in LAC countries. This system

offers benefits beyond land tenure security, including reduced land market frictions, improved tax collection, and better land-use planning. Developing an efficient, accessible, reliable, and comprehensive Land Administration System (LAS) relies not only on implementing appropriate technologies and systems for land management and registration but also on a solid legal framework and institutional structures that facilitate collaboration among the various entities involved in the titling process. Digital channels and interoperability mechanisms are needed among the information systems of the different entities involved in legal, fiscal, and geographic land administration. Achieving this can lead to an efficient and comprehensive LAS, ensuring the sustainability of the data generated by land regularization. This enables subsequent land tenure changes to be processed quickly and securely, without deterring families and businesses from registering these changes through formal channels.

Objectives

Conduct pilots for collecting cadastral information for a land titling initiative in each selected country. This aims to establish a model for creating accurate and comprehensive land parcel databases in selected LAC countries. Using advanced technologies such as aerial photography, satellite imagery, and GIS, the pilot will collect and integrate geometric and socioeconomic data into an updatable digital database. Focusing on specific areas within these countries, the project will test the rapid collection and integration of data and the creation of a web-accessible platform for land management. By simplifying land registration and improving data transparency and accuracy, this initiative aims to demonstrate the viability and benefits of this approach, paving the way for broader implementation and greater land tenure security across the region.

Scope of Services and Key Activities

Stage 1: Work Plan Formulation
Stage 2: Analysis of Technology and Procedures for Cadastral Information Collection in Each Studied Country
Stage 3: Technological and Procedural Proposal for Cadastral Information Collection in Each Studied Country
Stage 4: Conducting Cadastral Information Collection Pilots for a Land Titling Initiative in Selected Countries
Stage 5: Final Report with Results Obtained from Each Country

Stage 1 - Prepare the Work Plan

Develop a work plan detailing the scope of activities and tasks for each product at each stage. This includes methodologies for interviewing key stakeholders in land formalization and titling programs. The work plan must include a Gantt Chart (in .xls format) outlining the main activities and deliverables, to be used for reviewing the consultancy's progress as agreed with the Bank.

Stage 2 - Analyze Technology and Procedures for Cadastral Information Collection in Each Studied Country

Analyze the technology and procedures used by each country for cadastral information collection, management, and analysis. This analysis should identify bottlenecks in: (i) the use and implementation of cadastral methodologies, (ii) territorial information systems, and (iii) technologies applied in cadastral characterization. This will define the new technologies to be used in the pilot.

Stage 3 - Technological and Procedural Proposal for Cadastral Information Collection in Each Studied Country

Deliver a technological and procedural proposal for the pilot cadastral information collection. The methodology for this proposal includes a cost-efficiency comparative analysis between the methodologies used by each country and the new proposal.

Stage 4 - Conducting Cadastral Information Collection Pilots for a Land Titling Initiative in Selected Countries

Once areas of interest for the pilots are identified in each beneficiary country, conduct the cadastral information collection based on the technological and procedural proposal from the previous stage. The resulting information will be shared digitally for government data consultation and management.

> **Definition and Scope:** Establish the geographic area and data scope to be collected with the respective government and the Bank.
> **Existing Data Review:** Collect and review previous cadastral data, topographic maps, aerial photographs, and other relevant information.
> **Field Work:** Conduct fieldwork, requiring coordination with local governments and communities.
> **Data Processing and Verification:** Enter the collected data into a GIS or other cadastral system. Verify and validate the collected data for accuracy and consistency, correcting errors as needed.

Stage 5 - Final Report with Results Obtained from Each Country

Prepare a consolidated document with the results of the previous stages. This includes an executive summary and a presentation to be presented to the governments.

> **Recommendations:** Include recommendations for incorporating the proposed cadastral methodology by the governments, considering innovative ideas to reduce costs and time in cadastral information collection processes. Recommendations will include aspects of gender and diversity (single parents, people with disabilities, and victims of violence).

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