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Session Title: The Role of the Private Sector in the Modernization of Land Administration Services.

BACKGROUND

Before the creation of The National Land Administration Authority “ANATI”, Panama had the National Program for Land Administration, better known as “PRONAT” created in 2001, whose purpose was the execution of regularization and massive titling projects.

Which phases of the cadastral survey have been outsourced?

PRONAT was financed by international organizations such as the Inter-American Development Bank (IDB) and the World Bank (WB); this Program hired the services of companies qualified with knowledge in subjects of Cadastre. The object of the contracts for this program included the generation of Cadastre and Maps, that includes among other, the predial surveying, database and public exhibition.

With Law 59 of October 8, 2010, The National Land Administration Authority is created, subrogating the functions of “PRONAT”.

ANATI, by Law 22 of 2006 regarding Public Contracts of Panama, carries out contracts for cadastral regularization and titling, broadening the radius of action, and seeking not only to know the predial situation, but also to issue property titles to that part of the population that did not have it and that was exposed to suffer social damage in the absence of legal security.

These Contracts contemplate all the phases of the titling process:

1. Legal Inventory (transfer of records) and Cadastral Inventory .
2. General Disclosure.
3. Specific Disclosure.
4. Cadastral Survey.
5. Public Exhibition.
6. Approval of Plans.
7. Payment of land value.
8. Favorable concept of Environment Authority (if applicable, in rural areas)
9. Publication of Edicts (newspaper or official gazette)
10. Preparation/ Signature for Adjudication Resolutions.
11. Registration in the Public Registry.

ADVANTAGES

Minimize bureaucratic processes, that include hiring and payment of personal, acquisition of goods for the execution of the project.

The execution times established in contracts, assure that the timing will be more exact to needs, due to the fact that the object is clear and that the company hired only has certain responsibilities.

DISADVANTAGES

ANATI must have Project Managers to verify, the quality and number of human resources provided by the company to accomplish the job and also to verify the technology applied and the overall of the project.

How efficient and profitable is outsourcing?

The efficiency of these contracts are measured in several ways:

1. By the number of people benefited with a title issued in a shorter period of time (outsourcing) vs the number of people that could be benefited with a title issued in a regular time (institution).
2. Economic boost: those entitled are subject to credit and can initiate farming activities.
3. Cadastre of land, enabling the country to have specific and detailed information of land areas, for future investments for social, cultural and industrial projects.

How to manage limited capabilities to administer contracts and monitor the performance and quality of the data?

The Authority, recognizing the importance and dedication that must be given to these matters regarding the regularization and titling of lands, has outsourced with quality control companies in order that these are present at each stage of the titling process, becoming private auditors for the works and all of the outcomes of the main contract, ensuring the correct execution of the phases and, where appropriate, presenting a report of incidents to the Authority .

By outsourcing, the ANATI assures that the quality control is complete, and that the products and the information is verified on the field and by the Institution.

What other risks are involved, and how can they be mitigated?

Nevertheless if a Quality Control Company is hired for the purposes already described, the Authority must have an official responsible for following and ensuring the good quality and times of the outcomes of the project.