



USAID
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Land Tenure and Property Rights Framework, Tools and Resources

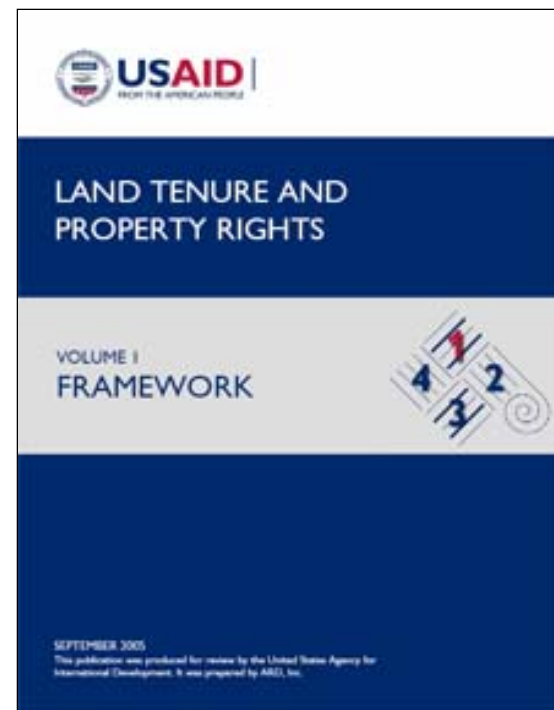
Presenter: Mike Roth

**Best Practices for Land Tenure and
Natural Resource Governance in Africa
Monrovia, Liberia
October 2012**

Presentation outline

Purpose: *To Introduce Key LTPR Resources*

- LTPR Framework
- LTPR Matrix
- LTPR Situational Assessment and Intervention Planning Tool
- LTPR Impact Evaluation Tool
- LTPR Country Profiles
- Tenure Issues Briefs
- USAID LTPR web portal



The LTPR Framework: What is it for?

Designed to provide USAID with a conceptual framework and tools for examining LTPR constraints and for programming interventions to:

- Assist missions to identify priority LTPR issues and strategies
- Help regularize assessment formats for quality control
- Inform appropriate interventions and make tangible connections to USAID reporting frameworks
- Evaluate or measure LTPR impact and advise on appropriate policy sequencing
- Manage LTPR information and knowledge
- Strengthen LTPR awareness and capacity through education and training

LTPR Framework components

| Tool/Methodology | Purpose |
|---|---|
| 1. LTPR Matrix | Conceptual “Matrix” connecting LTPR issues with interventions |
| 2. Situation Assessment and Intervention Planning | In-depth assessment tool of LTPR issues and interventions to inform programming |
| 3. Impact Evaluation | In-depth tool to assess the impact of LTPR interventions and their sequencing |
| 4. Country Profiles and Tenure Indicators | Synthesis of LTPR issues and interventions in USAID presence countries along with LTPR indicators |
| 5. Tenure Issue and Program Briefs | Short papers on current tenure topics and USAID country program summaries |
| 6. Web Portal & Knowledge Management | Knowledge management system to capture, store and make LTPR information more accessible to USAID and the public |

Tool # 1. LTPR Matrix: What is it?

Programmatic need to order the “universe” of possible land tenure and property rights issues and interventions—hence a conceptual “Matrix”

Key Questions?

- 1. What LTPR issues constrain USAID objectives and how do we categorize these for programming purposes?**
- 2. How do we organize the universe of possible LTPR interventions and target these to addressing or resolving these constraints?**

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**LAND TENURE AND PROPERTY RIGHTS
BASE MATRIX**

| | Weak tenure | Land Tenure and Property Rights | Weak Law Capacity | Weak Justice System | Weak Markets | Weak WMR Biodiversity |
|---|------------------------------------|---------------------------------|-------------------------------------|--|--------------------------------|-------------------------------------|
| | CONSTRAINTS | | | | | |
| | Resource Conflict and Displacement | Weak Governance | Insecure Tenure and Property Rights | Inequitable Access to Land and Resources | Poorly Performing Land Markets | Unsustainable WMR Biodiversity Loss |
| INTERVENTIONS | | | | | | |
| Institutions and Governance | | | | | | |
| Legal and Regulatory Framework | | | | | | |
| Rights Awareness and Empowerment | | | | | | |
| Conflict and Dispute Resolution | | | | | | |
| Restoration, Redistribution, and Compensation | | | | | | |
| Rights Delivery and Administration | | | | | | |
| Resource Use Management | | | | | | |

Click to see Matrix



DEPENDENT CONSTRAINTS

| | |
|---------------------------|--|
| INTERVENTIONS | Institutions and Governance |
| | Legal and Regulatory Framework |
| | Rights Awareness and Empowerment |
| | Conflict and Dispute Resolution |
| | Restitution, Redistribution, and Consolidation |
| | Rights Delivery and Administration |
| | Resource Use |

Rows allow for clustering of interventions that help address or remediate identified constraints



| | | | | | |
|------------------|---------------------------------|-------------------|---------------------------------------|----------|-----------------------|
| Base PRRG Matrix | Land Tenure and Property Rights | Trees and Forests | Freshwater Lakes, Rivers, Groundwater | Minerals | Women's Vulnerability |
|------------------|---------------------------------|-------------------|---------------------------------------|----------|-----------------------|

***** C O N S T R A I N T S *****

| BASE PRRG MATRIX | | Resource Conflict and Displacement | Weak Governance | Insecure Tenure and Property Rights | Inequitable Access to Land and Resources | Poorly Performing Land Markets | Unsustainable NRM/ Biodiversity Loss |
|---------------------|--|------------------------------------|-----------------|-------------------------------------|--|--------------------------------|--------------------------------------|
| INTERVENTIONS | Institutions and Governance | | | | | | |
| | Legal and Regulatory Framework | | | | | | |
| | Rights Awareness and Empowerment | | | | | | |
| | Conflict and Dispute Resolution | | | | | | |
| | Restitution, Redistribution, and Consolidation | | | | | | |
| | Rights Delivery and Administration | | | | | | |
| | Resource Use | | | | | | |

← Participatory Governance

← Legal recognition of customary institutions

← Alternative Dispute Resolution

← Community Land Demarcation

Step 1: Identify issue—
Land conflict created by disagreements over tribal/clan boundaries

Step 2: Identify categories of policy & programmatic interventions (toolbox)

Step 3: Identify specific policy and programmatic interventions (tools)

USAID LAND TENURE and PROPERTY RIGHTS PORTAL



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Base Matrix

Land Tenure and
Property Rights

Trees and
Forests

Freshwater Lakes,
Rivers and
Groundwater

Minerals

Women's
Vulnerability

Welcome to the Issues and Interventions Matrices.
Please Select Desired Overlay by Clicking on Associated Tab.



LTPR

Trees and Forests

Freshwater Lakes, Rivers,
Groundwater

Women's Vulnerability

Minerals

CONSTRAINTS

Resource Conflict and
Displacement

Weak Governance

Insecure Tenure and
Property RightsInequitable Access to
Water ResourcesPoorly Performing
Water MarketsUnsustainable NRM and
Biodiversity LossInequitable Access
to Water/Insecure
Water Tenure of
Women

INTERVENTIONS

Institutions and
Governance

- Restoration of Rule of Law
- Political Will
- Promoting Access to Justice
- Civil Society
- Reconciliation Commissions

- Civil Society
- Decentralization & Local Governance
- Weak Governance Authorities
- Water Users Associations
- CBNRM & Community Enabling
- Institutional & Organizational Development

- Institutional Streamlining
- Devolution
- Strengthening Legal Recourse
- Civil Society

- Decentralization
- Regional & International Water Treaties
- Affordable Water Provision
- Community Partnerships with Utilities

- Progressive Water Pricing

- Change Management
- Decentralization
- Institutional Harmonization
- Devolution
- Water Management Committees

- Inclusion in Water User Associations
- Women-Led Community-Based Organizations

Legal and
Regulatory
Framework

- Legal and Regulatory Reform
- Water Law Review Forums
- Broadening Access to Justice
- Water Treaties

- Legal Reform Recognizing Collective Rights
- Legal Reform to Ensure Equity

- Water Policy Development or Reform
- Legal Reform
- Legal Harmonization
- Local Participatory Governance
- Monitoring

- Legal Reform
- Legal Reforms Facilitating Redistribution
- Legal Restrictions on Water Profiteering
- Regulatory Action Promoting Equity

- Valuation of Water Resources

- Legal Reform
- Environmental Incentives
- Water Policy Reform
- Environmental Sanctions

- Protection of Women's Access and Rights

Rights Awareness

- Public Awareness
- Capacity

- Stakeholder Forums
- Strengthened

- Public Information & Awareness

- Participatory Governance
- Public

- Participatory Governance
- Public

- Public Information & Awareness

- Collective Action
- Capacity

Tool # 2. LTPR situation assessment and intervention planning

Tool provides guidelines to:

- Undertake a diagnostic assessment of LTPR issues and challenges
- Regularize the identification and assessment of issues comprising the LTPR Matrix
- Prioritize LTPR issues in order of importance for possible intervention or dismissal
- Design interventions and consider how they should be sequenced
- Quick Sheets—implementing tools, scopes of work, resources

Tailored assessments to assist missions in programming



Others:

Angola 2004
Kosovo 2004
Mongolia 2004
Mozambique 2006
N. Uganda 2006

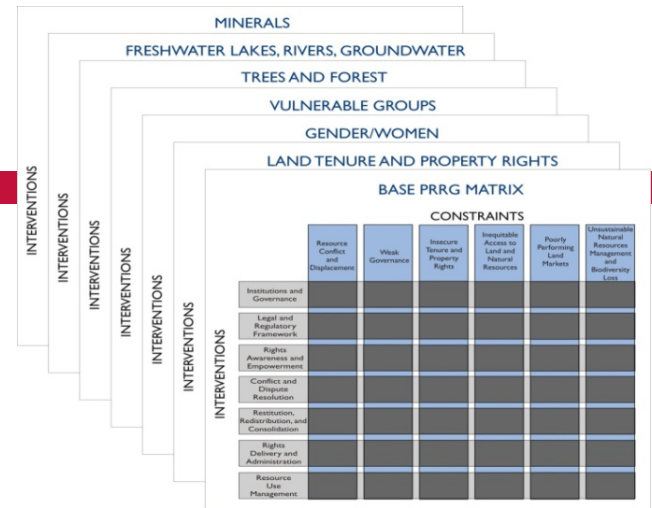
Tool # 3. Impact evaluation tool

- Provides guidelines for evaluating the impact of LTPR programs after they have been completed and given time to reach their objectives
- Utilizes an intervention focus: What changes or outcomes resulted from a given intervention?
- Also combined with an outcome focus: What were the combination of causes that resulted in the change or outcome?



Tool # 4. Country profiles

- Systematic review and analysis of issues and interventions related to resource domains in the Matrix
- Based on rigorous review of literature
- Informed by assessments, experts and USAID missions
- One each for 63 USAID presence countries



USAID COUNTRY PROFILE
PROPERTY RIGHTS AND RESOURCE GOVERNANCE

AFGHANISTAN

OVERVIEW

Decades of conflict, population displacement with economic hardships, and variable climate conditions have created a fragile environment. Land rights insecurity undermines prospects for the greater economic recovery. This instability also increases Taliban and other use land disputes to further gain a new Constitution enacted in 2004 established a national land law. A 2007 Land Policy was adopted by the Ministry of Agriculture, Irrigation and Livestock, and was followed by the establishment of the National Land Rights Commission. The Commission's mandate is to review and recommend land laws and policies, and to oversee the implementation of land laws and policies. The Commission's mandate is to review and recommend land laws and policies, and to oversee the implementation of land laws and policies. The Commission's mandate is to review and recommend land laws and policies, and to oversee the implementation of land laws and policies.

KEY ISSUES AND OPPORTUNITIES FOR INTERVENTIONS

- Continued Humanization of the Legal Framework: The Ministry of Agriculture, Irrigation and Livestock has been working to humanize the legal framework, and to ensure that the legal framework is consistent with the principles of the 2004 Constitution. The Ministry of Agriculture, Irrigation and Livestock has been working to humanize the legal framework, and to ensure that the legal framework is consistent with the principles of the 2004 Constitution. The Ministry of Agriculture, Irrigation and Livestock has been working to humanize the legal framework, and to ensure that the legal framework is consistent with the principles of the 2004 Constitution.
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- Improvements in Land Market Efficiency: The Ministry of Agriculture, Irrigation and Livestock has been working to improve land market efficiency, and to ensure that the legal framework is consistent with the principles of the 2004 Constitution. The Ministry of Agriculture, Irrigation and Livestock has been working to improve land market efficiency, and to ensure that the legal framework is consistent with the principles of the 2004 Constitution. The Ministry of Agriculture, Irrigation and Livestock has been working to improve land market efficiency, and to ensure that the legal framework is consistent with the principles of the 2004 Constitution.

USAID COUNTRY PROFILE
PROPERTY RIGHTS AND RESOURCE GOVERNANCE

COLOMBIA

OVERVIEW

Colombia has a history of violent land grabbing. The Revolutionary Armed Forces of Colombia (FARC) have been a major force in land grabbing, and have been responsible for the displacement of millions of people. The Ministry of Agriculture, Irrigation and Livestock has been working to improve land rights, and to ensure that the legal framework is consistent with the principles of the 1991 Constitution. The Ministry of Agriculture, Irrigation and Livestock has been working to improve land rights, and to ensure that the legal framework is consistent with the principles of the 1991 Constitution. The Ministry of Agriculture, Irrigation and Livestock has been working to improve land rights, and to ensure that the legal framework is consistent with the principles of the 1991 Constitution.

KEY ISSUES AND INTERVENTION CONSTRAINTS

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USAID COUNTRY PROFILE
PROPERTY RIGHTS AND RESOURCE GOVERNANCE

KENYA

OVERVIEW

In December 2009, the Kenyan Parliament approved the National Land Policy (NLP), the result of a long and intensive process to develop an equitable land policy. The NLP mandates land restoration or restitution for those who have been displaced and calls for reestablishment of constitutional protection for the property rights of those who obtained their land irregularly. The policy recognizes customary land tenure rights and regulates the focus on converting customary tenure into individualized ownership. According to the Kenya National Land Policy and Restitution Implementation, the approval of the NLP is a critical step toward addressing land issues in Kenya. The NLP is supported by the new Constitution of Kenya, adopted in August 2010, which calls for a National Land Policy to ensure that land is held in an equitable, efficient, productive and sustainable manner.

KEY ISSUES AND INTERVENTION CONSTRAINTS

- National Land Policy: Developing a strategy for effective implementation of the National Land Policy (NLP) should be a priority. The NLP sets out an ambitious agenda for reforming the legal and institutional framework governing land. The reform process needs to be undertaken in an equitable and transparent manner. The Ministry of Lands has proposed a broad public information and awareness campaign but needs help to implement the initiative. The Ministry and civil society groups also need support to maintain dialogue on land policy issues and the policy implementation process.
- Internally Displaced Persons (IDPs): Finding solutions related to the resettlement and/or restoration of IDPs should be a priority. Additionally, Kenya's international refugee population would benefit from additional attention and resources. The donor community should consider supporting the resettlement and/or restoration of IDPs through established civil society organizations to ensure transparency and equity. Resettlement criteria should be revised to ensure that female-headed households are prioritized in resettlement schemes, including those that are currently being implemented.
- Natural Resource Management: Continuing to support the decentralization of natural resource management could advance democratization and the rule of law in the natural resource sector. This should include the implementation of more transparent and integrated management practices for forested land, water and wildlife resources. In particular, these practices should provide resource managers with adequate compensation for conservation and sustainable management of these community-held or state-owned resources.
- Gender: Changes to the Married Women's Property Act, the Inheritance Law, and other legislation could improve food security and reduce the incidence and spread of HIV/AIDS (landless women are more likely to engage in transactional sex). All land legislation and formalization efforts must consider joint titling registration and co-ownership of marital property for both husband and wife.
- Conflict Resolution: Institutionalizing litigation, the push to individualize communal land and competition over natural resources is leading to civil unrest and conflict. There is an urgent need to strengthen local and traditional conflict resolution bodies through education and legal assistance. The NLP calls for Land Courts to use alternative dispute resolution bodies through education and legal assistance. The NLP calls for Land Courts to use alternative dispute resolution bodies through education and legal assistance.

Country profiles and tenure indicators

Two other features adding value & longevity:

- Automatic documentation searches accessing key data libraries
- Objective indicators of property rights and resource governance

| BOX 1. MACRO INDICATORS | | Year |
|---|------|------|
| Population, total | .. | |
| Population ages 0-14: 15-64: 65+ (% of total) | .. | |
| Population growth (annual %) | .. | |
| Rural population (% of total population) | .. | |
| Population density (people per sq. km) | .. | |
| Literacy rate, adult total (% of people ages 15 and above) | .. | |
| Land area: Surface area (sq. km) | 2008 | |
| Arable land (% of land area) | 2005 | |
| Agricultural land (% of land area) | 2005 | |
| Permanent cropland (% of land area) | 2005 | |
| Irrigated land (% of cropland) | 2003 | |
| Forest area (% of land area) | 2005 | |
| Nationally protected areas (% of total land area) | 2006 | |
| Renewable internal freshwater resources per capita (cubic meters) | .. | |
| Annual freshwater withdrawals, agriculture: domestic: industry (% of total freshwater withdrawal) | 2007 | |
| Crop production index (1999-2001 = 100) | 2005 | |
| Livestock production index (1999-2001 = 100) | 2005 | |
| GDP (current US\$) | 2007 | |
| GDP growth (annual %) | 2007 | |
| Agriculture: industry: manufacturing: services, value added (% of GDP) | 2007 | |
| Ores and metals exports: imports (% of merchandise exports: imports) | .. | |
| Aid (% of GNI) | 2007 | |

Source: World Bank, 2009

| BOX 2. LAND TENURE INDICATORS | | Score |
|---|-------|-------|
| Millennium Challenge Corporation Scorebook, 2009 | | |
| — Land Rights and Access (Range 0-1; 1=best) | 0.346 | |
| International Property Rights Index, 2009 | | |
| — Physical Property Rights Score (Range: 0-10; 0=worst) | .. | |
| World Economic Forum's Global Competitiveness Index, 2008-2009 | | |
| — Property Rights (Range: 1-7; 1=poorly defined/not protected by law) | .. | |
| World Economic Forum's Global Competitiveness Index | | |
| — Ease of Access to Loans (Range: 1-7; 1=impossible) | .. | |
| International Fund for Agricultural Development, Rural Poverty Report, 2001 | | |
| — Gini Concentration of Holdings, 1981-1990 (Range: 0-1; 0=equal distribution) | .. | |
| International Fund for Agricultural Development, Rural Sector Performance Assessment, 2007 | | |
| — Access to Land, 2007 (Range: 1-6; 1=unsatisfactory access) | 2.0 | |
| Food and Agricultural Organization: Holdings by Tenure of Holdings | | |
| — Total Number of all Agricultural Holdings, Year | | |
| — Total Area (hectares) of all Agricultural Holdings, Year | | |
| — Total Number of Holdings Owned by Holder, Year | .. | |
| — Total Area (hectares) of Holdings Owned by Holder, Year | | |
| — Total Number of Holdings Rented from Another, Year | | |
| — Total Area (hectares) of Holdings Rented from Another, Year | | |
| World Bank Group, Doing Business Survey, 2010 | | |
| — Registering Property-Overall World Ranking (Range: 1-183; 1=Best) | 164 | |
| World Bank Group, World Development Indicators, 2009 | | |
| — Registering Property-Number of Procedures | 9 | |
| — Registering Property-Days Required | 250 | |
| World Bank Group, World Development Indicators, 1998 | | |
| — Percentage of Population with Secure Tenure | .. | |
| Heritage Foundation and Wall Street Journal, 2009 | | |
| — Index of Economic Freedom-Property Rights (Range 0-100; 0=no private property) | .. | |
| Economic Freedom of the World Index, 2008 (2006 data) | | |
| — Legal Structure and Security of Property Rights (Range 0-10; 0=lowest degree of economic freedom) | .. | |
| — Protection of Property Rights (Range 0-10; 0=lowest degree of protection) | .. | |
| — Regulatory Restrictions of Sale of Real Property (Range 0-10; 0=highest amount of restrictions) | .. | |

| BOX 3. LAND AND GENDER INDICATORS | | Score |
|--|----|-------|
| OECD: Measuring Gender In(Equality)—Ownership Rights, 2006 | | |
| — Women's Access to Land (to acquire and own land) (Range: 0-1; 0=no discrimination) | .. | |
| — Women's Access to Property other than Land (Range: 0-1; 0=no discrimination) | .. | |
| — Women's Access to Bank Loans (Range: 0-1; 0=no discrimination) | .. | |
| FAO: Holders of Land Classified by Sex, 1993 | | |
| — Percentage of Female Holders of Agricultural Land | .. | |

Tool # 5. Tenure and program briefs-10 countries



<http://usaidlandtenure.net/>

<http://usaidlandtenure.net/usaidltprproducts/issue-briefs>

List of issues briefs

Issues briefs completed

1. Land Tenure, Property Rights, and Food Security
2. Land Tenure and Women's Property Rights Governance
3. Climate Change, Property Rights, and Resource Governance
4. Land Tenure, Property Rights, and HIV/AIDS
5. Haiti
6. Pakistan
7. Afghanistan
8. Future of Customary Tenure
9. Land Disputes and Land Conflict
10. Pastoral Land Rights and Resource Governance
11. Tenure and Indigenous Peoples
12. Land Tenure and REDD
13. Artisanal Mining and Tenure

Issues briefs in process

1. Credit, Titling and Land Tenure Security
2. Land administration
3. Natural Resource Management
4. Economic Growth

Briefs can be found at:
<http://usaidlandtenure.net/>


Tool # 6: USAID LTPR portal (<http://usaidlandtenure.net>)


Land Tenure and Property Rights Portal | Sharing knowledge through tools, documents and trainin - Windows Internet Explorer




http://usaidlandtenure.net/

Land Tenure and Property Rights Portal | Sharing ...

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USAID LAND TENURE and PROPERTY RIGHTS PORTAL

Home

COMMENTARY

Property Rights and Mining in Afghanistan: Lessons From Africa

Afghanistan has significant amounts of mineral resources according to an assessment completed by the U.S. Geological Survey in 2007. However, according to a recent article by the New York Times "the potential resource boom seems increasingly imperiled by corruption, violence and intrigue." Control over land and resource rights are increasingly becoming a source of contention,...

Wednesday, September 26, 2012 - 07:00


Liberia Land Policy Project Featured in Magazine

USAID's September/October 2012 Issue of FrontLines magazine features an article by Anthony Piaskowy titled Liberia's Future Land Experts. The article highlights a USAID program that provides scholarships to five Liberian students to obtain Masters Degrees in Land Administration/Surveying. These students are gaining valuable skills in modern surveying techniques and, upon...

Monday, September 24, 2012 - 07:00


Investment Can Benefit Communities With Secure Land Rights

Around the world competitive forces are driving a variety of investors to search for land for agriculture, for

SEARCH 


SPOTLIGHTS

LIBERIA



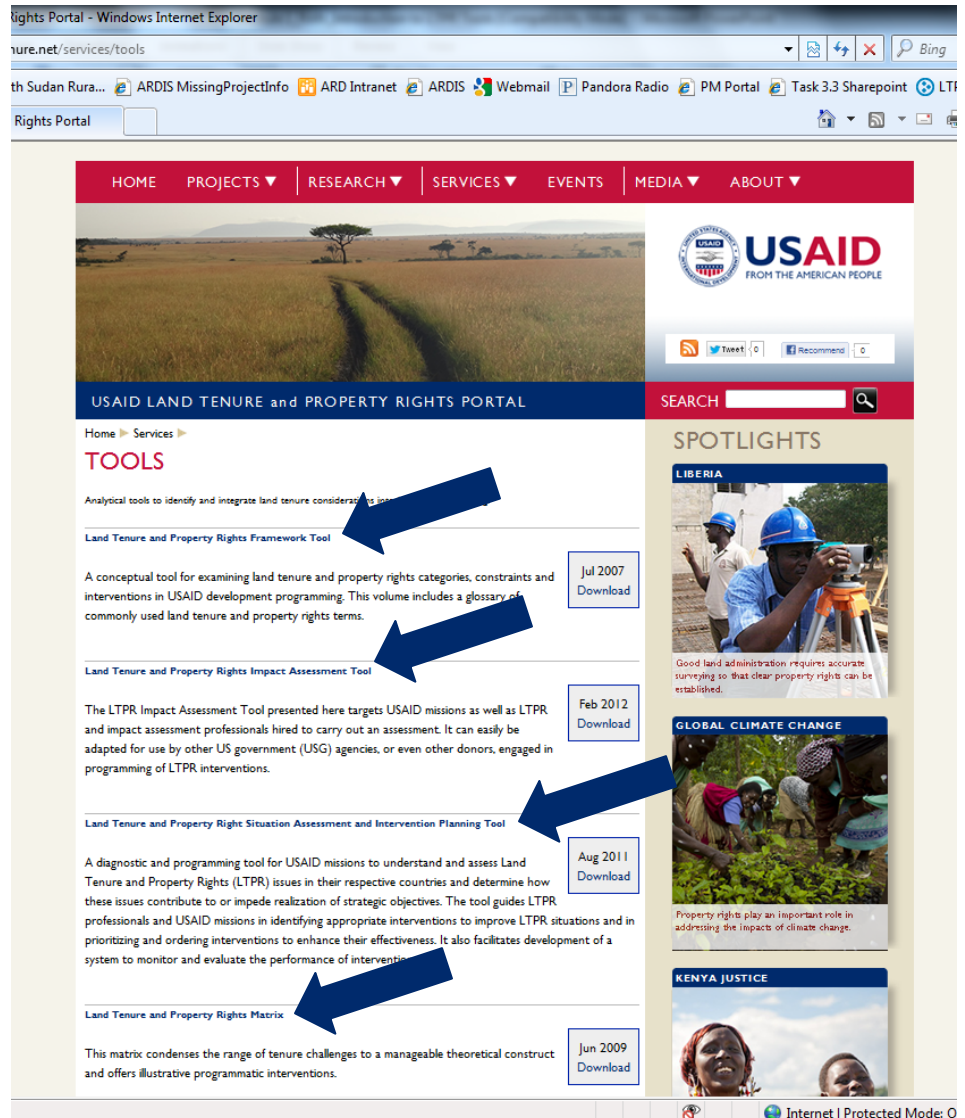
Good land administration requires accurate surveying so that clear property rights can be established.

GLOBAL CLIMATE CHANGE



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To access tools on the USAID LTPR portal...



<http://usaidlandtenure.net/usaidltpproducts/tools>

What organizations address LTPR issues?

- USAID (Land Tenure Unit, CMM)
- MCC (Property Rights and Land Policy Team)
- The World Bank
- FAO: Land and Water Division
- UN-Habitat
- Global Land Tools Network
- OAS: LandNetAmericas
- International Land Coalition
- International Institute for Environment and Development
- Institute de Recherche pour le Développement
- Other Bilaterals: DFID, GIZ, SIDA, etc.

THANK YOU

