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# **Land Tenure and Property Rights Framework, Tools and Resources**

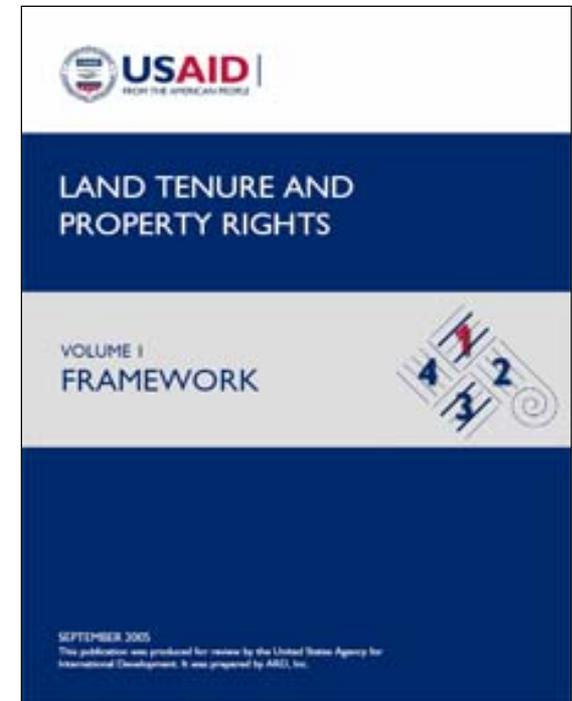
**Presenter: Mike Roth**

**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

<b>Tool/Methodology</b>	<b>Purpose</b>
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?



The image shows the USAID Land Tenure and Property Rights Base Matrix. It is a grid with 'INTERVENTIONS' on the vertical axis and 'CONSTRAINTS' on the horizontal axis. The grid is currently empty, with a large watermark text 'Click to see Matrix' in the center. The USAID logo is in the top left corner.

		SECURE RIGHTS	SECURE ACCESS	SECURE CONTROL	SECURE BENEFITS	SECURE TRANSFER	SECURE RESOURCES
		CONSTRAINTS					
		Resource Conflict and Displacement	Weak Governance	Insecure Tenure and Property Rights	Unpredictable Access to Land and Resources	Priority-Deferring Land Access	Unsustainable and Inequitable Land Resource Use
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 Management							



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

..... I N T E R V E N T I O N S .....

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					

**Solution—The LTPR Matrix**

**Columns allows for clustering of issues or constraints that: e.g. impede economic growth, foment conflict, or result in unsustainable NRM**

**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
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\*\*\*\*\* 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		← Participatory Governance			
Legal and Regulatory Framework		← Legal recognition of customary institutions			
Rights Awareness and Empowerment					
Conflict and Dispute Resolution		← Alternative Dispute Resolution			
Restitution, Redistribution, and Consolidation					
Rights Delivery and Administration		← Community Land Demarcation			
Resource Use					

**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		
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## CONSTRAINTS

Resource Conflict and Displacement	Weak Governance	Insecure Tenure and Property Rights	Inequitable Access to Water Resources	Poorly Performing Water Markets	Unsustainable NRM and Biodiversity Loss	Inequitable Access to Water/Insecure Water Tenure of Women
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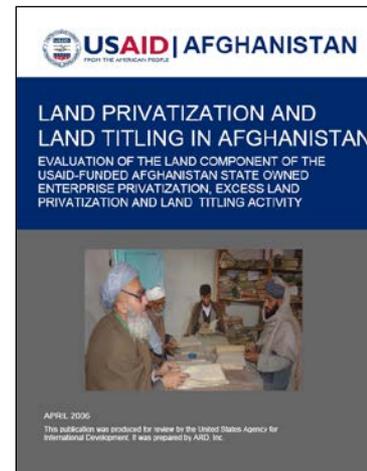
INTERVENTIONS	Institutions and Governance	<ul style="list-style-type: none"> <li>Restoration of Rule of Law</li> <li>Political Will</li> <li>Promoting Access to Justice</li> <li>Civil Society</li> <li>Reconciliation Commissions</li> </ul>	<ul style="list-style-type: none"> <li>Civil Society</li> <li>Decentralization &amp; Local Governance</li> <li>Weak Governance Authorities</li> <li>Water Users Associations</li> <li>CBNRM &amp; Community Enabling</li> <li>Institutional &amp; Organizational Development</li> </ul>	<ul style="list-style-type: none"> <li>Institutional Streamlining</li> <li>Devolution</li> <li>Strengthening Legal Recourse</li> <li>Civil Society</li> </ul>	<ul style="list-style-type: none"> <li>Decentralization</li> <li>Regional &amp; International Water Treaties</li> <li>Affordable Water Provision</li> <li>Community Partnerships with Utilities</li> </ul>	<ul style="list-style-type: none"> <li>Progressive Water Pricing</li> </ul>	<ul style="list-style-type: none"> <li>Change Management</li> <li>Decentralization</li> <li>Institutional Harmonization</li> <li>Devolution</li> <li>Water Management Committees</li> </ul>	<ul style="list-style-type: none"> <li>Inclusion in Water User Associations</li> <li>Women-Led Community-Based Organizations</li> </ul>
	Legal and Regulatory Framework	<ul style="list-style-type: none"> <li>Legal and Regulatory Reform</li> <li>Water Law Review Forums</li> <li>Broadening Access to Justice</li> <li>Water Treaties</li> </ul>	<ul style="list-style-type: none"> <li>Legal Reform Recognizing Collective Rights</li> <li>Legal Reform to Ensure Equity</li> </ul>	<ul style="list-style-type: none"> <li>Water Policy Development or Reform</li> <li>Legal Reform</li> <li>Legal Harmonization</li> <li>Local Participatory Governance</li> <li>Monitoring</li> </ul>	<ul style="list-style-type: none"> <li>Legal Reform</li> <li>Legal Reforms Facilitating Redistribution</li> <li>Legal Restrictions on Water Profiteering</li> <li>Regulatory Action Promoting Equity</li> </ul>	<ul style="list-style-type: none"> <li>Valuation of Water Resources</li> </ul>	<ul style="list-style-type: none"> <li>Legal Reform</li> <li>Environmental Incentives</li> <li>Water Policy Reform</li> <li>Environmental Sanctions</li> </ul>	<ul style="list-style-type: none"> <li>Protection of Women's Access and Rights</li> </ul>
	Rights Awareness	<ul style="list-style-type: none"> <li>Public Awareness</li> <li>Capacity</li> </ul>	<ul style="list-style-type: none"> <li>Stakeholder Forums</li> <li>Strengthened</li> </ul>	<ul style="list-style-type: none"> <li>Public Information &amp; Awareness</li> </ul>	<ul style="list-style-type: none"> <li>Participatory Governance</li> <li>Public</li> </ul>	<ul style="list-style-type: none"> <li>Participatory Governance</li> <li>Public</li> </ul>	<ul style="list-style-type: none"> <li>Public Information &amp; Awareness</li> </ul>	<ul style="list-style-type: none"> <li>Collective Action Capacity</li> </ul>

# 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

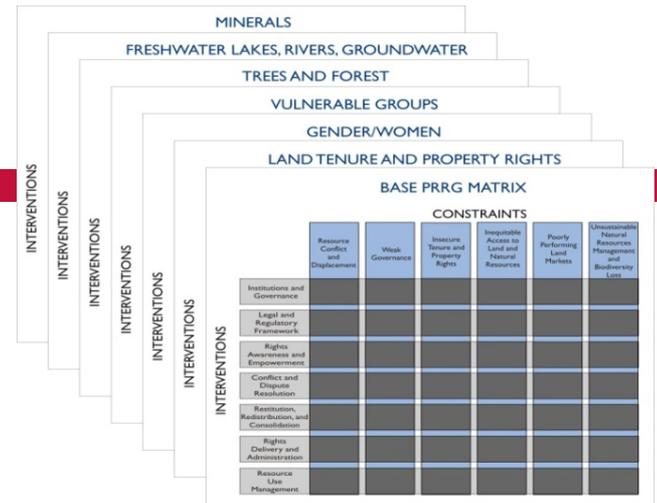
## Tool # 3. Impact evaluation tool

- 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, ideological, and variable climate, combined with weak governance and management systems, have led to a bleak and uncertain future for the Afghan people. Land rights are a critical element of sustainable development and economic recovery. This profile assesses the current status of land rights and offers key interventions to improve land governance and secure land tenure for Afghan citizens.

A new Constitution enacted in 2004 established a framework for land reform. In 2005, the Ministry of Agriculture, Irrigation and Livestock (MAIL) was established as the lead authority on land issues, and was followed by the Ministry of Agriculture, Irrigation and Livestock (MAIL) and the Ministry of Agriculture, Irrigation and Livestock (MAIL). The discovery of the extent of the country's mineral resources has led to a new focus on land rights and resource governance. The discovery of the extent of the country's mineral resources has led to a new focus on land rights and resource governance. The discovery of the extent of the country's mineral resources has led to a new focus on land rights and resource governance.

**KEY ISSUES AND OPPORTUNITIES FOR INTERVENTION**

- Continued Harmonization of the Legal Framework
- Strengthening Land Governance
- Improving Land Rights Awareness and Empowerment
- Resolving Land Disputes
- Strengthening Land Rights Administration
- Improving Land Rights Delivery and Administration
- Strengthening Land Rights Management



**USAID COUNTRY PROFILE**  
PROPERTY RIGHTS AND RESOURCE GOVERNANCE

**COLOMBIA**

**OVERVIEW**

Colombia has a history of violent land grabbing and displacement. Land tenure is insecure, particularly for indigenous and Afro-Colombian communities. Land rights are a critical element of sustainable development and economic recovery. This profile assesses the current status of land rights and offers key interventions to improve land governance and secure land tenure for Colombian citizens.

**KEY ISSUES AND INTERVENTION CONSTRAINTS**

- Rural Land Rights Interventions
- Urban Land Rights Interventions
- Natural Resource Management
- Gender and Women's Property Rights
- Conflict Resolution



**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 restitution or resettlement for those who have been displaced and calls for reconstitution of constitutional protection for the property rights of those who obtained their land illegally. The policy focuses on customary land tenure rights and regulates the focus on customary land tenure into individual ownership. According to the Kenya National Dialogue and Reconciliation (KNDR) process, 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
- Interventions to Support Customary Land Tenure
- Natural Resource Management
- Gender and Women's Property Rights
- Conflict Resolution

# 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

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**USAID PROGRAM BRIEF**  
**LAND TENURE & PROPERTY RIGHTS**  
COLOMBIA

**OVERVIEW**  
Decades of conflict have pitted the Government of Colombia against left wing insurgents, paramilitary forces, and drug traffickers. The resulting lack of control over portions of the nation's territory combined with highly unequal land access, population displacement, and weak governance have contributed to poverty, instability, environmental degradation and proliferation of illicit coca production.

Insecure land tenure is a widespread problem that has been facilitated by traditional government policies promoting uncontrolled colonization of the agricultural frontier. In Colombia, insecure property rights are also tied to the crisis related to displaced persons. One of the highest rates of million internally displaced persons were registered in the IDPs in the world along with Sudan and Iraq. The country's Afro-Colombian and indigenous populations were disproportionately affected by displacement and it is estimated that up to 70% of the displaced do not possess registered title to the land they previously occupied. In Colombia, formalization of land rights is viewed not only as a mechanism to enhance tenure but also as a critical tool in efforts to prevent the spread of the humanitarian crisis surrounding displaced persons.

Securing land tenure, restitution of land rights, and protection of the property rights of the displaced are the principal focus of USAID policy objectives of the Government of Colombia. USAID/Colombia's largest projects is Mis Inversión para el 2013 echoes these priorities and incorporates intermediate results specifically related to improving protection and restitution of land for the displaced. USAID aims to improve returns to the legal framework and substantial improvements in the capacity of the State to assist vulnerable populations.

**SUPPORT**  
Support for Plan Colombia's counter narcotics efforts has been the principal focus of USAID/Colombia in recent years. One of USAID/Colombia's largest projects is Mis Inversión para el Alternativo Sostenible (MIDAS). Through an integrated approach across four technical components: agribusiness, commercial forestry, and policy, MIDAS aims to improve competitiveness and reduce incentives for participation in illicit cultivation and commercial projects' policy component is addressing problems of insecure property rights and the need to millions. MIDAS is identifying legal and institutional limitations to land formalization mechanisms to reduce transaction costs. The project reforms laws and regulations, conducts activities in seven rural regions, and is developing a pilot for a GIS-based land information system. In the process of designing a national property formalization program and seeks innovative mechanisms financing this initiative such as municipal income from mining revenue. The project is also working

**THROUGH AN INTEGRATED APPROACH ACROSS FOUR COMPONENTS, MIDAS AIMS TO CREATE NEW ALTERNATIVE INCOME SOURCES TO STRONG COLOMBIA'S ECONOMY AND LEAD PEOPLE AWAY FROM ILLICIT ECONOMIC ACT**

January 2010

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**USAID PROGRAM BRIEF**  
**LAND TENURE & PROPERTY RIGHTS**  
TIMOR-LESTE

**OVERVIEW**  
From 1974 to 1999, Indonesia ruled Timor-Leste with great brutality. Those who resisted were murdered and their property destroyed. Nearly 200,000 Timorese died. Two further crises erupted in 2003 and 2006, the latter motivated by political crisis within the country. People divided by "east" and "west" lines killed one another, burned homes, and drove people of their land into cities and makeshift refugee camps housing the displaced.

Timor-Leste gained its independence in 2002 and continues to be a fragile state. In the wake of a decade of conflict, its people today are beginning to build an independent and united future that restores peace and stability. USAID's work in Timor-Leste with land tenure and property rights began in 2002 with support for assessments of land tenure and property rights, community consultation, and legal reforms including the Decree Law on State Leases (2004), Law on Private Leases (2005), and most recently, the Ministerial Regulation on the Cadastre—the legal basis for the current Property land claims collection activities.

**STATUS**  
In October 2007, USAID funded the Strengthening Property Rights in Timor-Leste (SPRTL) project to assist the Government of Timor-Leste with: 1) land policy, law, and regulations to clarify and strengthen people's rights in land and property; 2) public information awareness to increase people's understanding of their rights and responsibilities under law; 3) the country's cadastre, land registration, and land administration system to connect rights in law with rights of land holders on the ground; and 4) assisting national and regional governments with mediation and reconciliation that over resources and provide people with effective legal protection. These interventions combined are designed to resolve disputes, restore stability, and clarify land rights to help restore buildings, commerce, infrastructure, and the conflict.

Decades of murky property rights, the result of destruction of land records during violence in the 1990s, and a combined with instability, have severely restricted economic development. Without formal property rights difficult to resolve, people are reluctant to make investments or improvements in land and property, and time to sustainable land stewardship. As this project moves forward, clear property rights created by legal public awareness, legal enforcement, and a well-documented national cadastre will lead to practical output and refurbished, businesses investing and farmers growing more. Because land rights are one of the most difficult, clear ownership and policies will go a long way toward resolving disputes, fostering investment, economic growth in a country that currently ranks as one of the 10 poorest in the world.

The current USAID SPRTL project (known locally as Ita Nilo Rit or "Our Land") is working in close coordination with the National Directorate of Land, Property, and Cadastre Services (DINTPSC) to develop land-related data collection procedures and initiated an expansion of data collection activities. In 2010, the of a new Land Law through the Cabinet and Parliament, foster the development of a land

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Beneficiaries of the Ita Nilo Rit Project proudly acknowledge their participation in the claims process.

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**USAID PROGRAM BRIEF**  
**LAND TENURE & PROPERTY RIGHTS**  
ETHIOPIA

**OVERVIEW**  
USAID's work with land tenure and property rights (LTPR) in Ethiopia began with the Ethiopia Land Policy and Administration Assessment in 2004, which led to the following projects: (1) Strengthening Ethiopian Land Tenure Policy and Administration Program (ELTAP) from January 2005 to June 2008; and (2) the Ethiopia Strengthening Land Administration and Use Law and Property by Harmonizing regional land law and regulations; and strengthening the capacity of federal and regional governments to implement and enforce land law and regulations. Both ELTAP's achievements and ongoing technical and policy changes created demand for the successor ELAP project.

**STATUS**  
Beginning in August 2008, ELAP (5-year project) was designed to further strengthen rural land tenure security by improving the legal framework, advancing public awareness of land rights, reforming administration and use laws, legal reforms and land certification; reforming administration and use laws; resolving legal reform and deliver land administration services. This work is carried out in collaboration with the Ministry of Agriculture and Rural Development (MOARD). Work with the Regional Land Administration Agencies of Amhara, Oromia, SNNP, and Tigray under ELAP was expanded to also include Afar and Somali regional states under ELAP. The regions in specific training, public awareness, and research services.

**SUCCESSES**  
Key accomplishments under the ELAP project include:

- Land Certification and Administration:** Trained 855 men and 269 women in land certification and cadastral surveying. Reconstituted 15 Woredas (region) and 186 kebeles (district) offices to improve land record storage. Developed and piloted fast and cost-effective methods of cadastral surveying using handheld GPS. Demarcated land holdings and registered the rights of 46,824 households to 704,754 parcels of land.
- Public Information and Awareness:** Crafted and disseminated tailored messages to diverse populations to strengthen rights awareness. A total of 426 men and 17 women were trained in PIA methodologies. Ten national and regional radio spots were produced, 28,000 information brochures disseminated and 10,500 copies of laws and regulations were printed and distributed.
- Tenure Security and Dispute Resolution:** Land Administration and Use Proclamations harmonizing state law with federal law were passed in Amhara, Oromia, SNNP, and Tigray regions. Courses on land law were delivered at Federal and Regional levels for 466 judges/officers and at the Kebele level for 592 land administration committee members. Courses on dispute resolution helped train 527 judges and officers.

In addition, training and study tours exposing participants to international lessons and practices helped to create political champions that now advocate for land tenure reform and institutional changes in Ethiopia.

Key accomplishments under the ELAP project since August 2008 include:

- Assisted Somali and Afar regions with drafting their Land Use and Administration policy/proclamations with submission to cabinet for approval, expanding the legal working under ELTAP to Ethiopia's pastoral regions.

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Site of cadastral surveying and registration in the Highlands of Amhara Region, Ethiopia.

February 2010

# LTPR issue briefs



## USAID ISSUE BRIEF LAND TENURE, PROPERTY RIGHTS AND FOOD SECURITY

EMERGING IMPLICATIONS FOR USG POLICIES AND PROGRAMMING  
PROPERTY RIGHTS AND RESOURCE GOVERNANCE BRIEFING PAPER #1

**SUMMARY**  
Food security is the state of having sufficient quantity and quality of food throughout the year for a healthy and productive lifestyle. It is consumption-based and may apply to individuals, families, or a nation, as in personal or national food security. The relationship between land tenure and property rights (LTPR) and food security may be direct (i.e., securing property rights in land or improving land access thereby enabling investment of land, labor, and capital in food production); or indirect (i.e., selling agricultural produce for sale or securing property rights for businesses that provide wages, earnings, or income that enable farmers, owners, and workers to buy food). Broadening access to resources and securing property rights are necessary conditions for agricultural and economic growth but not sufficient. In addition, farmers and businesses require access to well functioning markets, improved technology, affordable credit or finance, and technical know-how. The essential problem in linking property rights with food security is how to sequentially and effectively integrate these factors in ways that help households, farmers, and businesses obtain access to property rights, resources, and markets to improve food production and/or consumption.

**Box A: Food Security**  
Food security means both quantity and quality of food for a healthy and productive lifestyle. It is consumption-based and may apply to individuals, families, or a nation, as in personal or national food security. The relationship between land tenure and property rights (LTPR) and food security may be direct (i.e., securing property rights in land or improving land access thereby enabling investment of land, labor, and capital in food production); or indirect (i.e., selling agricultural produce for sale or securing property rights for businesses that provide wages, earnings, or income that enable farmers, owners, and workers to buy food). Broadening access to resources and securing property rights are necessary conditions for agricultural and economic growth but not sufficient. In addition, farmers and businesses require access to well functioning markets, improved technology, affordable credit or finance, and technical know-how. The essential problem in linking property rights with food security is how to sequentially and effectively integrate these factors in ways that help households, farmers, and businesses obtain access to property rights, resources, and markets to improve food production and/or consumption.

- Growing influence and landless demand prices, and calls by modernization and increase land productivity
- Climate change and expansion of land for carbon sequestration and bioenergy
- Expropriation of land by elites, or speculators. Insecure LTPR affects all citizens but in particular women, the displaced, HIV/AIDS infected, and marginalized by divorcing of these expropriation in food production and loss of the job the landlessness and poverty

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## USAID ISSUE BRIEF LAND TENURE AND PROPERTY RIGHTS IN PAKISTAN FAILURE TO ADDRESS LTPR GRIEVANCES MAY FOSTER SUPPORT FOR THE TALIBAN

BRIEFING PAPER

the failure of the government to address the needs of the poor, or to provide a long-term solution to the problem of landlessness.

the failure of the government to address the needs of the poor, or to provide a long-term solution to the problem of landlessness.

the failure of the government to address the needs of the poor, or to provide a long-term solution to the problem of landlessness.



## USAID ISSUE BRIEF CLIMATE CHANGE, PROPERTY RIGHTS, & RESOURCE GOVERNANCE EMERGING IMPLICATIONS FOR USG POLICIES AND PROGRAMMING PROPERTY RIGHTS AND RESOURCE GOVERNANCE BRIEFING PAPER #2

The Second Working Group of the Intergovernmental Panel on Climate Change (IPCC, 2007) and other scientific bodies present the case that climate change profoundly shapes ecological, social, and economic interactions. As the specter of global climate change unfolds, existing struggles will deepen over use, control, and management of land and other natural resources. In unpredictable ways, climate change will provoke adjustments in the value of land and other natural resources; simultaneously, climate change will intensify human migration and displacement. These forces will invariably destabilize governance and property rights regimes, spur the evolution of both statutory and customary tenure arrangements, and open the door for powerful actors to expand their claims on land and other natural resources. Similarly, climate mitigation initiatives, such as carbon sequestration policies and programs, may profoundly alter institutions of governance and property rights. In some cases, promising mitigation initiatives like reduced emissions from deforestation and forest degradation in developing countries (REDD) may lead to the expropriation of land and other natural resources from poor and vulnerable peoples. In both climate change adaptation and mitigation, contentious struggles for access and control of resources may turn violent unless stakeholders from the local to the international scale engage in open and transparent processes to negotiate new rules of access to land and other natural resources. Dispute resolution must go hand-in-hand with policies to restructure both statutory and customary tenure.

Climate change and associated policy responses will cause progressive, extreme and unpredictable shifts in the value of land and natural resources.

Climate change and societal responses will disrupt existing tenure regimes by contributing to the forces that drive migration.

Tenure considerations will be crucial to the equitable distribution of benefits and the management of transaction costs in mitigation efforts.

Responses to climate change will attenuate current land tenure claims and property rights of women, poor and marginalized peoples.

National and international policy makers are beginning to explore the place of property rights and resource tenure in the discussions of climate change adaptation and mitigation strategies. International donors like USAID can play an important role in working with host country governments and civil society to integrate property rights and resource governance considerations into policies and programs to increase resilience to the impacts of climate change, and at the same time, foster mitigation activities. This issue paper presents a framework for categorizing analysis of the interface between climate change, governance, and property rights, and it describes ways for USAID to incorporate tenure considerations into climate change adaptation and mitigation initiatives.

**ISSUES LINKING CLIMATE CHANGE AND PROPERTY RIGHTS AND RESOURCE GOVERNANCE**  
Resource governance, tenure, and property rights—the complex institutions and rules determining the ownership and allocation of land and natural resources—will be stressed, destabilized, and forced to evolve in response to climate change impacts. At the same time, these same governance institutions setting the rules for tenure and property rights will certainly mediate destabilizing impacts. Modifications in tenure regimes will also be needed for the successful implementation of mitigation activities. Five key implications for USG policies and programming stand out at this intersection of climate change, property rights, and resource governance:

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## USAID ISSUE BRIEF LAND TENURE, PROPERTY RIGHTS, AND HIV/AIDS APPROACHES FOR REDUCING INFECTION AND ENHANCING ECONOMIC SECURITY PROPERTY RIGHTS AND RESOURCE GOVERNANCE BRIEFING PAPER #1

**SUMMARY**  
Insecure land tenure and property rights for women can contribute to the spread of HIV and to a weakened ability to cope with the consequences of AIDS. Although infection is transmitted more by men than women, women are about twice as likely as men to contract HIV. In Africa, 60% of persons who are HIV positive are women (around 12 million women), while in Asia 35% are women (1.7 million) and 30% in Latin America.<sup>1</sup>

The link between insecure land tenure and property rights for women and the spread and ability to cope with the effects of HIV is particularly acute in sub-Saharan Africa and is leading to decreased agricultural production, food insecurity, rural outmigration, and additional infection in that region. Strengthening women's property and inheritance rights (WPIRs) is critical to reversing the downward spiral and stemming the tide of female poverty and new HIV infections across the globe. Insecure land tenure indirectly contributes to HIV risk and vulnerability, but it also directly affects families after HIV infection as they experience asset erosion. Still, we have more to learn about how insecure land tenure and property rights influence and increases vulnerability to HIV. Similarly, we need a better understanding about how intervening to improve land tenure and property rights can reduce vulnerability.

**WOMEN'S LAND, PROPERTY, AND INHERITANCE RIGHTS**  
Land is one of the most critical economic assets for the poor in most developing countries, serving as the main source of production, food security, and social security for many families, both urban and rural. Women constitute up to 70% of the agricultural labor force, but they own less than 10% of property in the developed world and 2% in the developing world.<sup>2</sup> While reliable, comparable data is limited in many parts of the world, it is estimated that an increasing proportion of the people living in housing poverty and homelessness are women and children. Evictions due to urban slum clearance or development projects can put a disproportionate burden on women because in

Insecure land tenure and property rights for women are both contributing to the spread of HIV and weakening their ability to cope with the consequences of AIDS. Land is one of the most critical economic assets for the poor in most developing countries, yet women frequently lack access to and control over land as well as other critical assets.

Women's weak tenure status, potentially worsened by eviction and resulting landlessness, sets in motion a series of impacts that may lead to the spread of HIV infection: diminished agricultural production and food security, engaging in unsafe sex for survival, and finally increased HIV/AIDS infection and spread.

Women with insecure land tenure who lose their rights to land are less able to cope with the effects of HIV/AIDS.

Legal protection against discrimination, legal assistance for women, joint titling of land, and recognition of women property inheritance rights are all crucial in addressing the LTPR aspects of the HIV/AIDS epidemic.

<sup>1</sup> AVERT, 2008. Women, HIV and AIDS. <http://www.avert.org/women.htm>.

<sup>2</sup> United Nations General Assembly, Sixty-fourth session, 2009. Report of the Secretary-General, Advancement of women, Improvement of the situation of women in rural areas. 4. <http://www.un.org/Docs/condoc/gen/nr/43221.pdf?OpenDocument>.

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# List of issues briefs

## Issues briefs completed

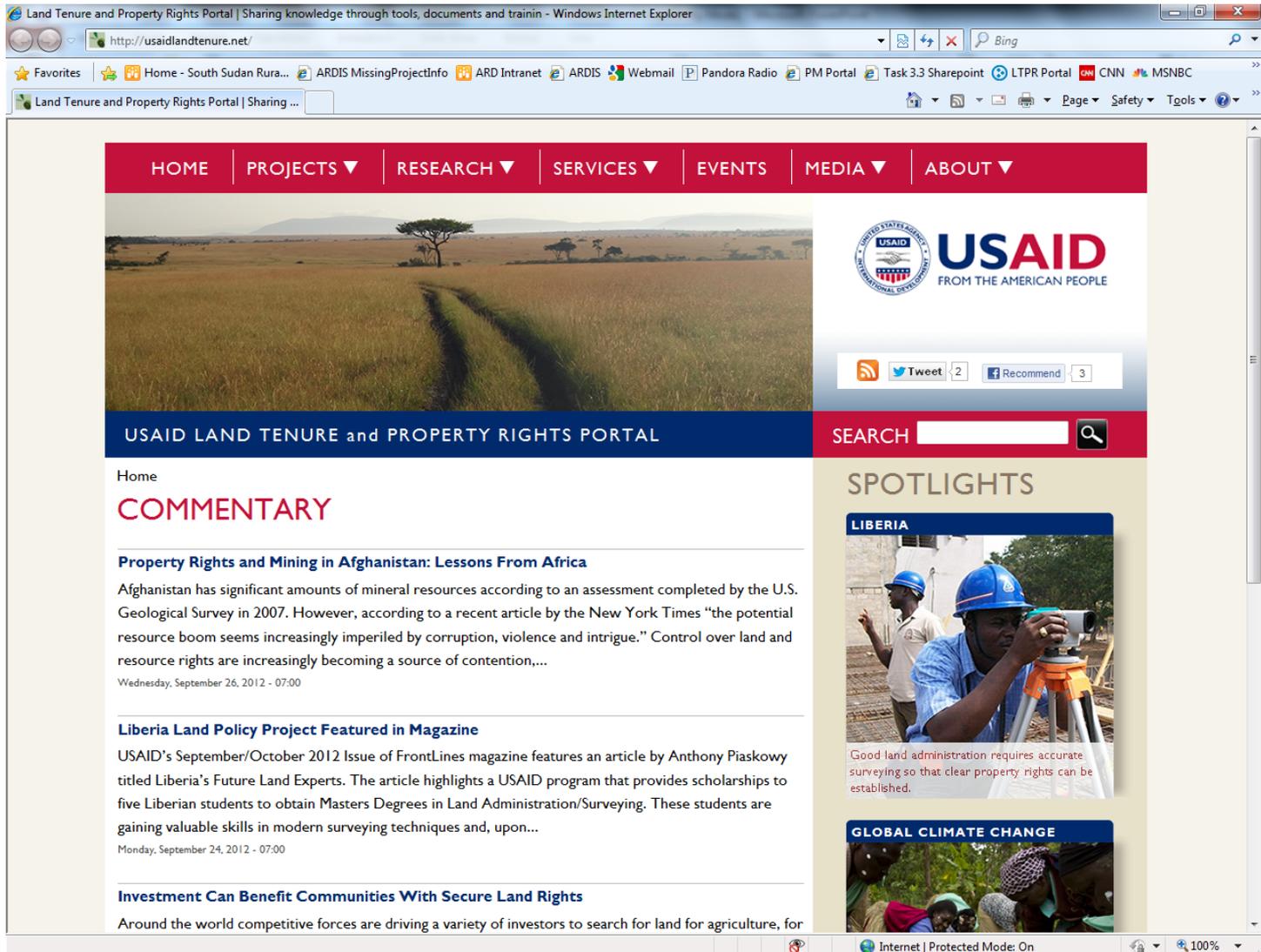
1. Land Tenure, Property Rights, and Food Security
2. Land Tenure and Women's Property Rights Governance
3. Climate Change, Property Rights, and Resource Governance
4. Land Tenure, Property Rights, and HIV/AIDS
5. Haiti
6. Pakistan
7. Afghanistan
8. Future of Customary Tenure
9. Land Disputes and Land 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>)



The screenshot shows the USAID Land Tenure and Property Rights Portal website. The browser window title is "Land Tenure and Property Rights Portal | Sharing knowledge through tools, documents and trainin - Windows Internet Explorer". The address bar shows "http://usaidlandtenure.net/". The website has a red navigation bar with the following menu items: HOME, PROJECTS, RESEARCH, SERVICES, EVENTS, MEDIA, and ABOUT. Below the navigation bar is a large image of a dirt road in a field. To the right of the image is the USAID logo and the text "USAID FROM THE AMERICAN PEOPLE". Below the logo are social media sharing buttons for RSS, Tweet (2), and Recommend (3). A search bar is located below the social media buttons. The main content area is divided into two columns. The left column has a "Home" section with a "COMMENTARY" heading. The first article is "Property Rights and Mining in Afghanistan: Lessons From Africa" by the U.S. Geological Survey, dated Wednesday, September 26, 2012. The second article is "Liberia Land Policy Project Featured in Magazine" by Anthony Piaskowy, dated Monday, September 24, 2012. The right column has a "SPOTLIGHTS" section. The first spotlight is "LIBERIA" featuring a photo of a man using a surveying instrument. The second spotlight is "GLOBAL CLIMATE CHANGE" featuring a photo of people in a field.

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

http://usaidlandtenure.net/

HOME | PROJECTS | RESEARCH | SERVICES | EVENTS | MEDIA | ABOUT

USAID FROM THE AMERICAN PEOPLE

SEARCH

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

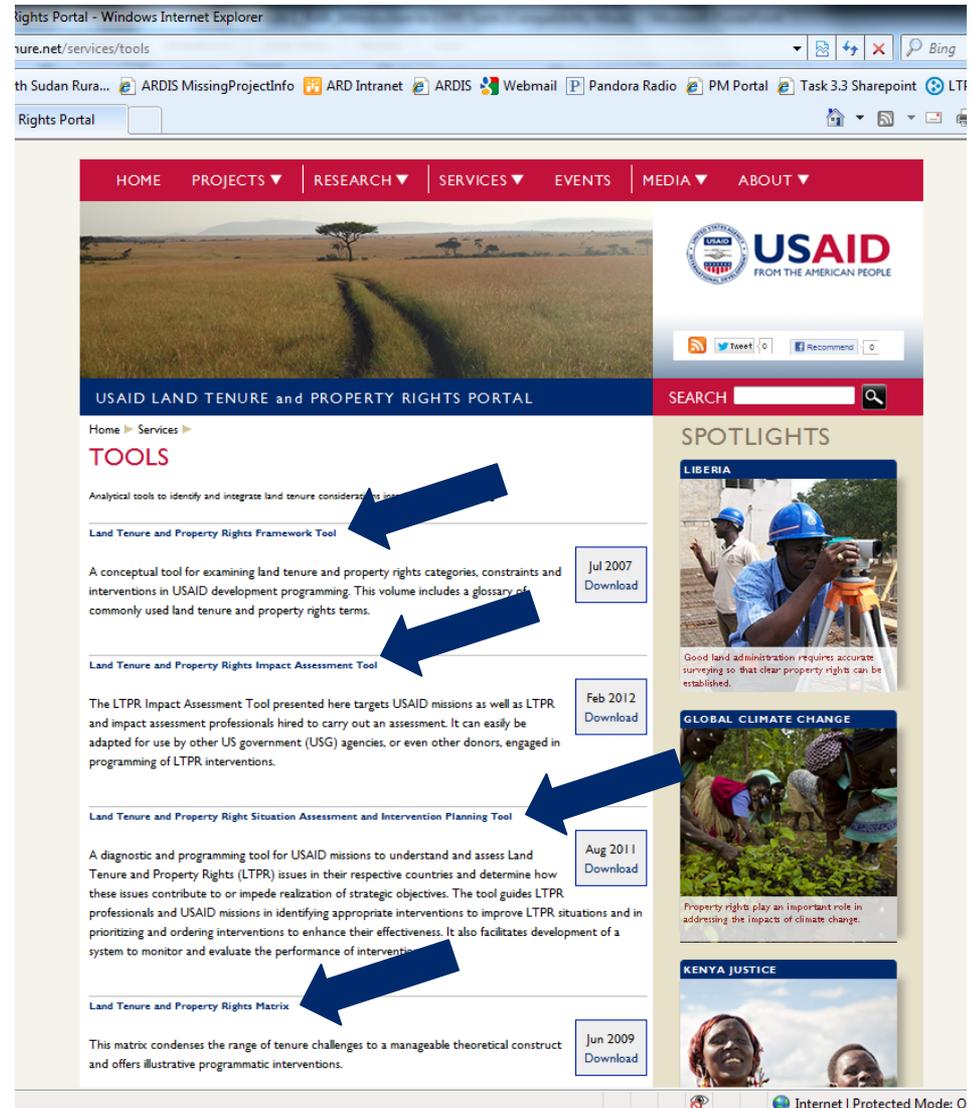
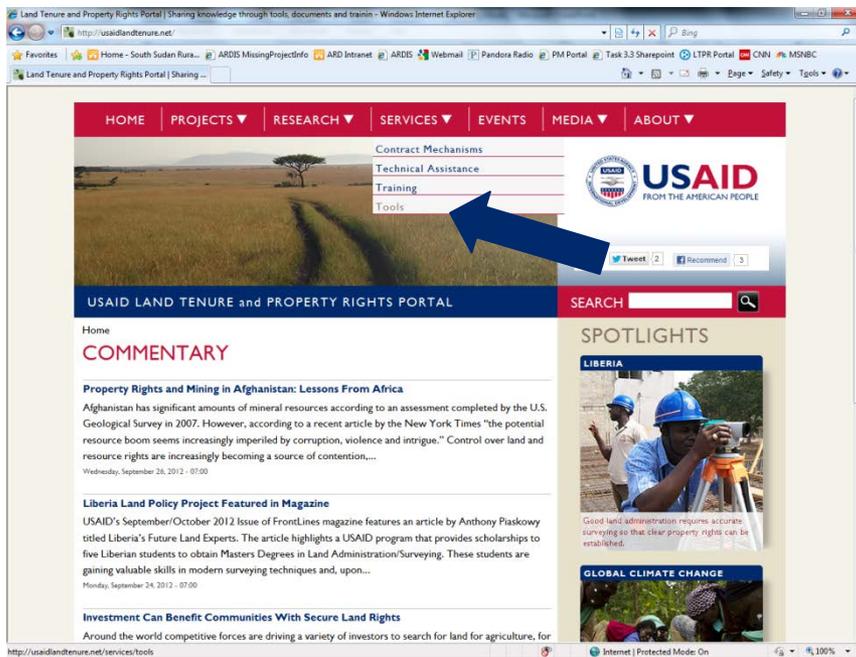
LIBERIA

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

GLOBAL CLIMATE CHANGE

Internet | Protected Mode: On 100%

# To access tools on the USAID LTPR portal...



<http://usaidlandtenure.net/usaidltprproducts/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*

