

Land Tenure and Property Rights Framework, Tools and Resources

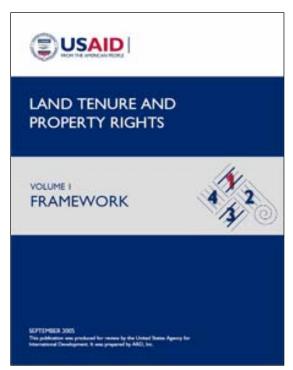
Presenter: Mark Freudenberger

Property Rights and Resource Governance
Issues and Best Practices
October 2011

Presentation outline

Purpose: To Introduce Key LTPR Resources

- LTPR Framework
- LTPR Matrix
- LTPR Situational Assessment and Design Tool
- LTPR Assessment Tools
- 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. Intervention Assessments	In-depth tools 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 topics, more detailed country profiles and 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?











Base PRRG Matrix Prop

Resource Conflict and

Displacement

Land Tenure and Property Rights

Weak Governance

Trees and Forests

Insecure Tenure and

Property Rights

Freshwater Lakes, Rivers, Groundwater

Inequitable Access to

Land and Resources

Minerals

Poorly Performing Land

Markets

Women's Vulnerability

Unsustainable NRM/

Biodiversity Loss

Institutions and

BASE PRRG

MATRIX

Legal and Regulatory Framework

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Rights Awareness and Empowerment

Conflict and Dispute Resolution

Restitution, Redistribution, and Consolidation

Rights Delivery and Administration

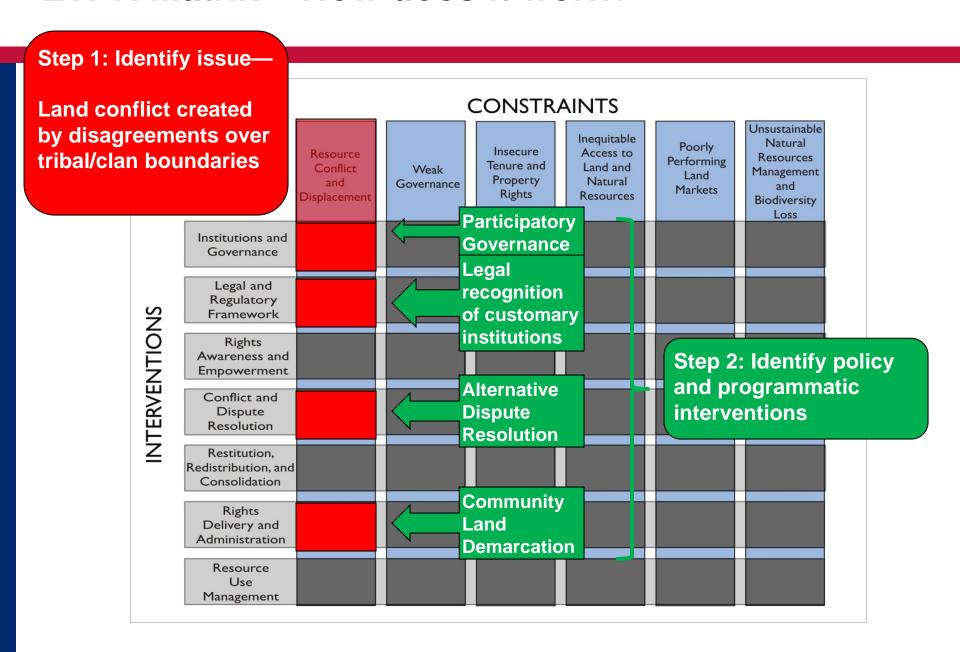
Resource Use

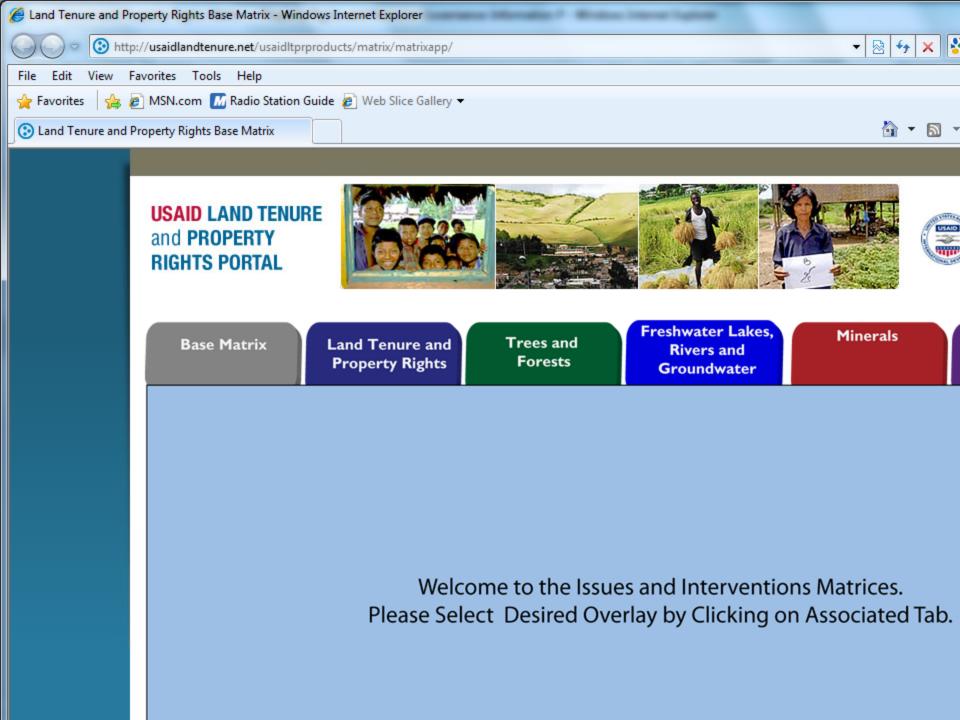
Solution—The LTPR Matrix

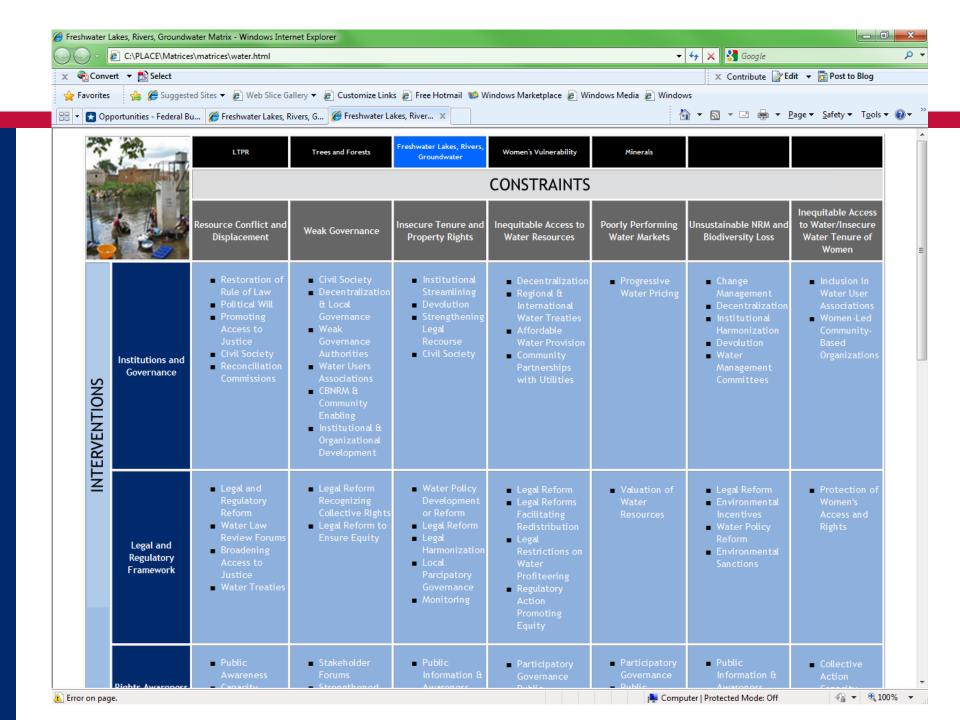
Columns allows for clustering of issues or constraints that: e.g. impede economic growth, foment conflict, or result in unsustainable NRM

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

LTPR Matrix – How does it work?





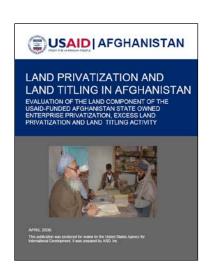


Tool # 2. LTPR situation assessment and intervention planning

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

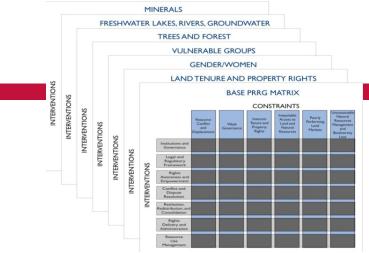
Tool # 3. Impact assessment tool

- 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 59 USAID presence countries





In December 2006, the Kenya Parlament approved the National Land Policy (NEE, the result of a long and intensive process in Societies, an equilibility land (Neight, NEE) and analysis and contains are restrictions to the one-base between process in Societies, an equilibility land (Neight, NEE) and the land contains are restrictions to the one-base to the land of th

Land and politics have long been envisited in Kenya. The use of land as an object of patronage to engender support and consolidate power has been exacerbated by corruption, forced excition, government backtracking, and lack of redeems if those who have lost land through violence, Innecure land tenure and inequitable access to land and natural resources

Tension also surrounds the management and use of Kenya's water and forest resources. Chronic water scarcity in leading to violant conflict in drought-stricken areas. Conservation programs and pustoralists compete for land and water resources near necks and revolved areas. And demand for forest resources forestones Kenya's foreston.

Legislation has failed to receify women's marginal role in the management of land and natural resources. In both the stat

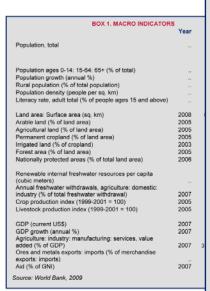
KEY ISSUES AND INTERVENTION CONSTRAINTS

- National Land Policy, Developing a strategy for efficiency implementation of the National Land Policy (NLP) should a priority. The NLP sent out an ambitions against the referring the full and institutional flurenewed governing hard. The referre process needs to be understain in an equitable and transpirent manner. The Ministry of Lands has proposed about a public information and accurate consumption has needs help to implement the initiation. The Ministry and civil
- Internally Displaced Persons (DPs). Finding solutions related to the resolutions and/or relation of DPs should be a price by Addrosoithy, Kenny's international relating peoplation would be benefit from additional attention and recover. The denier community should consider supporting the restriction and/or resolution or OFF through extendible and only one of the properties about the review of a result what femiliaries the control of the results of the results of the properties of the properties about the review of a result what femiliaries the properties of the pro
- Natural Resources Management. Continuing to support the decentralization of natural resource management could
 more transparent and integrated management practices for fluctuated land, water and widdlife resources. In particular,
 these practices should previde procupe management with deguate componention for conservation and naturalization.
- Gendler Changes to the Married Wessen's Pesperty Art, the laboritance Law, and other logislation could improve found security and rather the invidence and spread of HIV/AIDS (lamllers women are more likely to engage in transactional new Art I and regularization of formalization efforts must consider joint triingly registration and co-ownership of martial resources for both harboard and with
- Conflict Resolution Historical land inequisites, the push to individualize communal land and competition over natural resources in leading to with unnest and conflict. There is an ungest need to strengthen board and traditional conflict resolution bodies through education and legal assistance. The NLP calls for Land Boards to use alternative dispute SERVIN_EMPROPRIES (RESOURCE AND RESOURCE PROPERTY OF AND RESOURCE PROPERTY IN THE PROPERTY OF AND RESOURCE PROPERTY IN THE PROPERTY OF AND RESOURCE PROPERTY

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



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	BOX 2. LAND TENURE INDICATORS	
		Score
	Millennium Challenge Corporation Scorebook, 2009	0.040
	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	0.0
	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 Assa (hastessa) 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	
2	 Index of Economic Freedom-Property Rights (Range 0-100; 0=no 	
3	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 of Property Rights (Range 0-10; 0=lowest degree of	
	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	Score
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—9 countries



http://usaidlandtenure.net/

LTPR issue briefs



USAID ISSUE BRIEF

LAND TENURE, PROPERTY RIGHTS, AND FOOD SECURITY

EMERGING IMPLICATIONS FOR USG POLICIES AND PROGRAMMING

Box A: Food Secu

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Climate change arable land for a

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PROPERTY RIGHTS AND RESOURCE GOVERNANCE BRIEFING PAPER #1

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 knowhow. 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

Beyond food production and economic growth, land and related natural resources is also a safety net for securing livelihoods and subsistence when markets are weak or absent, or when coping with political uncertainty or disaster. LTPR issues also stem from vulnerability that arises from threat of food deprivation: for example, vulnerability resulting from land grabbing by powerful interests; vulnerability experienced by people displaced or divested of property as a result of war, conflict, or natural disaster; or vulnerability created by HIV/AIDS when survivors, widows and youth, lose land to the deceased's family, elites, or speculators. Insecure LTPR affects all citizens but in particular women, the displaced, HIV/AIDS infected, and marginalized by divesting them of land, property rights, and resources that threaten their welfare and livelihood. The linkage between LTPR and food security thus encompasses food production, economic growth, governance, and vulnerability dimensions.

U.S. Agency for International Development



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 struggle 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.

National and international policy makers are beginning to explore the place of property rights and resource tenur 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 emance 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 ownershi and allocation of land and natural resources—will be stressed, destabilized, and forced to evolve in response to mate 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



LAND TENURE AND PROPERTY RIGHTS IN PAKISTAN

FAILURE TO ADDRESS LTPR GRIEVANCES MAY FOSTER SUPPORT FOR THE TALIBAN

limate change and associated policy

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

will disrupt existing tenure regimes by contributing to the forces that drive

Tenure considerations will be crucial to the equitable distribution of benefits and

the management of transaction costs in

attenuate current land tenure claims and property rights of women, poor and

Responses to climate change will

PROPERTY RIGHTS AND RESOURCE GOVERNANCE BRIEFING PAR Rural discontent over chronic poverty, corruption, and the failure

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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 BRIFFING PAPER #1

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

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 n 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 influences 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.2 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

rights for women are both cor 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 an

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

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

legal assistance for women, joint titling of land, and recognition of women property inheritance rights are all rucial in addressing the LTPR aspect of the HIV/AIDS epidemic.

- AVERT, 2008, Women, HIV and AIDS, http://www.avert.org/
- United Nations General Assembly, Sixty-fourth session, 2009, Report of the Secretary-General Advancement of women, introvvenent of the situation of

U.S. Agency for International Development www.usaid.gov

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

List of issues briefs

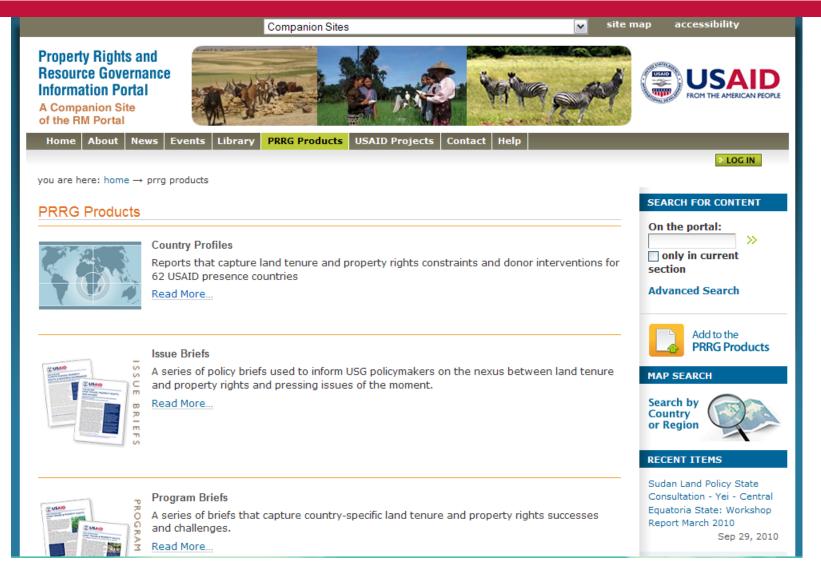
Issues briefs completed

- 1. Land Tenure, Property Rights, and Food Security
- 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
- 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

Tool # 6: USAID LTPR portal



http://usaidlandtenure.net/

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, GTZ, SIDA, etc.

THANK YOU

