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USAID Principles and Tools to Assess Land Governance

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USAID/USG Principles Related to Land Governance

- Systems should protect the rights of women and vulnerable groups
- Processes to define, record, administer LTPR should be fully participatory
- When possible, adopt market-mediated approaches to provide access to land
- Systems should be reasonably accessible to all members of society
- Systems should allow and support the creation of transparent and effective land markets
- Laws, regulations, and administrative practices should be equitably applied



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What does the U.S. Government not support?

Expropriations and forcible evictions/relocations (or the use of compulsory purchase/resumption) that violate rights to due process and do not award prompt, adequate and effective compensation or that take private property for a private purpose





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The USG and the VGGT

- The US has endorsed the VGGT
- The USG should support good land governance domestically and in development programming
- Key principles of VGGT (Chapter 3):
 - Recognize all legitimate tenure right holders
 - Safeguard legitimate tenure rights
 - Provide access to justice when legitimate rights are infringed
 - Prevent tenure disputes





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usaidlandtenure.net :

Tools to help access land governance systems

- Land Tenure & Property Rights Division has the following tools:
 - Active/Completed Projects & Project profiles
 - 66 Country Profiles
 - Issue Briefs on topics ranging from Urban Tenure to Global Climate Change and Tenure
 - Other Tools (<http://usaidlandtenure.net/services/tools>):
 - **Land Tenure and Property Rights Framework** (expanded discussion of LTPR themes, possible interventions, cross-cutting issues)
 - **Land Tenure and Property Rights Matrix** (provides detailed guidance on issues including water, minerals, trees and forests, women, and overarching LTPR issues – tracks with VGGT)



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Other USAID Tools to help access land governance

- LTPR Situation Assessment and Intervention Planning Tool:
 - Clear and detailed guidance for Missions on how to facilitate an LTPR assessment (including what an assessment team should look like, reviewing SOWs, logistics, budgeting and LOE, expected deliverables, work plans, etc.)
 - How to plan for an LTPR intervention (identifying and prioritizing possible interventions, linking interventions to intermediate outcomes and objectives, risk analysis, how to sequence interventions)



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Other USAID tools to help access land governance

- LTPR Impact Evaluation Tool:
 - How to plan for an LTPR impact evaluation (what's the process?)
 - How to approach design methodologies (Experimental? Quasi-experimental? Performance? What are the requirements and trade offs?)
 - Selecting indicators (note: Land Tenure Division has developed specialized indicators)
 - Analyzing data collected and reporting/community consultation
 - How to create a SOW/budget for an impact evaluation
 - Report/learning opportunities



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Other tools to help access land governance systems

- GLTN:
 - Slum Upgrading, Enumerations, Land Tax, and more
(<http://www.gltan.net/index.php/land-tools/introduction-to-land-tools>)
- FAO:
 - FAOLEX for legal/regulatory frameworks (<http://faolex.fao.org/faolex/>)
 - VGGT implementation guides (on Fisheries, Forests, Gender, Indigenous Peoples)
- World Bank:
 - LGAF detailed approach that measure legal/institutional framework; land use planning, management, taxation; management of public land; public provision of land information; dispute resolution and conflict management
- Other Donors: <http://landgov.donorplatform.org/>



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Land Governance Assessment Framework (LGAF)

Kent Elbow

Land Tenure and Property Rights Issues and Best
Practices Workshop

2 October 2014



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Land Governance Assessment Framework

Why LGAF?

- Need for a participatory, country driven process assisting countries in knowing:
 - Where they are (assessment)
 - Where they want to go (vision & goals)
 - How to get there (phased roadmap)
 - What benchmarks to adopt (progress monitoring)



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5 thematic governance areas



Recognition and respect for existing rights



Land Use Planning, Management, and Taxation



Management of Public Land



Public Provision of Land Information



Dispute Resolution and Conflict Management





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9 Panels

Panel 1	Land Tenure Recognition
Panel 2	Rights to Forest and Common Lands; Rural Land Use Regulations
Panel 3	Urban Land Use, Planning, and Development
Panel 4	Public Land Management
Panel 5	Process for transfer of Public Land to Private Use
Panel 6	Public Provision of Land Information (registries)
Panel 7	Land Valuation and Taxation
Panel 8	Dispute Resolution
Panel 9	Review of Institutional Arrangements and Policies



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Example of ranking

1. Recognition and Respect for Existing Rights: Legal and Institutional Environment

	DRC	GMB	GHA	MDG	MWI	MRT	NGA	ZAF	SSD*	SEN	BRA	GEO	PHL
Recognition of a continuum of rights													
Land tenure rights recognition (rural)		A	A	A	B	C	A	B	C	A	A	A	A
Land tenure rights recognition (urban)	A	A B	A	C	C	A	A	B	D	C	B	A	B
Rural group rights recognition	C	C	A	B	C	C	C	B	B	A	C	D	A
Urban group rights recognition in informal areas	B	C	B	D	C	B	C	C	C	C	C		A
Opportunities for tenure individualization	D	C	B	A	C	A	C	C	C	B	D	D	B
Enforcement of Rights													
Mapping/registration of communal land	D	D	D	D	D	D	D	D	D	D	B	D	B
Registration of individual rural land	D	D	D	D	D	D	D	A	D	D	A	A	D
Registration of individual urban land	D	A D	D		C	A	D	A	C	D		A	C
Formal recognition of women's right		D	D	C	C	A	D	A	D	D	A	C	C
Condominium regime	A	C	C	A	C	D	B	A	D	A	A C	C	A
Compensation due to land use changes	D	C	C	C	C	B	B	B	D	B	D	D	B
Mechanisms for recognition of rights													
Non-documentary evidence to recognize rights	B	A	C	C	B	B	C	C	D	C	C	B	B
Recognition of long-term possession	B	D	C	A	B	A	D	C	A	D	A	A	A
Formal fees for 1st time registration low		D	C	D	B	B	D	D	C	D	C	A	A B D
No high informal fees for 1st time registration		D	D	D	B	A	C	B	D	A	A	A	B C
Formalizing housing is feasible & affordable	C	C	C	D	D	A	C	C	C	B	C	A	C
Clear process for formal recognition of possession	D	B	C	B	B	D	C		B		C	B	A
Restrictions on Rights													
Restrictions on urban land use, ownership and transferability	B	A D	B	B	B	C	B	B	C	B	A	C	B
Restrictions on rural land use, ownership and transferability	B	A	B	B	B	D	B	B	D	B	B	A	A
Clarity of Institutional Mandates													
Clear separation of institutional roles	B	C	B	C	C	C	B		D		C	A	C
Institutional overlap	C	C	C	B	C	D	C		D		C	A	C
Administrative overlap	C	C	B	B	B	A	B		D		C	B	B
Information sharing among institutions	B	D	B	D	C	D	B		D		D	B	B
Equity and Nondiscrimination in the Decision-Making Process													
Clear land policy developed in a participatory manner		D	B	C	B	D	C	C	C		C	C	A
Meaningful incorporation of equity goals		D	C	B	C	A	C	C	C		C	C	C
Cost of implementing policy is estimated, matched, resourced		D	C	B	C	D	D	C	D		C	B	C
Regular public reports on progress in policy implementation		D	C	B D	D	D	D	C	D		C	B	A



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2. Land Use Planning, Management, and Taxation

	DRC	GMB	GHA	MDG	MWI	MRT	NGA	ZAF	SSD*	SEN	BRA	GEO	PHL
Transparency of Land Use Restrictions													
Urban planning based on public input	D	D	B	B	D	C	C	B	D	A	C	C	B
Rural planning based on public input	C		D	B	D	D	D	B		B	D	C	B
Public capture of changes in land use	C	D	C	D	D	C	C	B	D	C	C	B	C
Speed of land use change	B		B	B	A	B	D	A	D	C	D	A	C
Efficiency of Land Use Planning													
Planned development process: Largest city	B	C	C	B	A	B	D	A	D	C	D	C	C
Planned development process: Next 4 major cities	D	C	C	C	C	C	D	A	D	C	D	C	C
Planning copes with urban growth	D	D	C	C	C	C	C	C	C	C	D	C	C
Plot size adherence	B	A	C	D	D	C	C	A	C	D	D	B	C
Plans for other uses in line with reality	C	D	D	B	C	D	D			A	B	A	C
Speed and Predictability													
Requirements for building permits are affordable	C	B C	C	C	C	C	C	B	B	A	B C	A	A
Time to get building permit	A	A	C	C		B	C	A	A	B	C	A	A
Transparency of Valuations													
Clear process of property valuation	C	D	C	C	B	D	C	A	D	C	C D	B	B
Public availability of valuation rolls	B	D	C	B	A	C	C	A	D	D	A D	A	A
Tax Collection Efficiency													
Property tax exemptions justified	B	A	C	C	A	A	B	A	D	B	A	A	C
Completeness of tax roll	C	D	D	C	A	C	D	A	D	D	A C	A	C
Assessed property taxes are collected	C	D	C	D	A	C	C	B	D	D	A D	A	C
Taxes higher than cost of collection	C	A	C	B	A	A	D	A	D	D		B	



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Where LGAFs are completed or ongoing

Completed	Completed	Ongoing LGAF	Pipeline LGAF
Brazil (nat + 2 states)	Mauritania	Afghanistan	Burundi
Burkina Faso	Moldova	Azerbaijan	Ethiopia
Cameroon*	Nigeria	Croatia	Kenya
Colombia	Peru	DRC-Kinshasa	Liberia
Democratic Republic of Congo	Philippines	Guatemala	Mozambique
Georgia	Senegal	Guinea	Rwanda
Ghana	South Africa	Indonesia- kalimantan	sierra leone
Honduras	South Sudan	Mali	Tanzania
India (Andra Pradesh, Bihar, Jharkhand, Karnata, Odisha, West Bengal)	The Gambia		Timor leste
Madagascar	Uganda		Zambia
Malawi	Ukraine		Zimbabwe
	Vietnam		



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- IFAD

Contributors

- Norwegian Government Trust Fund
- SDC
- The Bill & Melinda Gates Foundation
- French Ministry of Foreign Affairs


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Email Us: LGAF@worldbank.org



FRAMEWORK

What is the LGAF?


Why land governance matters, and how the LGAF can help guide land sector reform



IMPLEMENTING THE LGAF

How do I apply the LGAF?

Learn about each step of the LGAF and how it can be implemented as an assessment tool.



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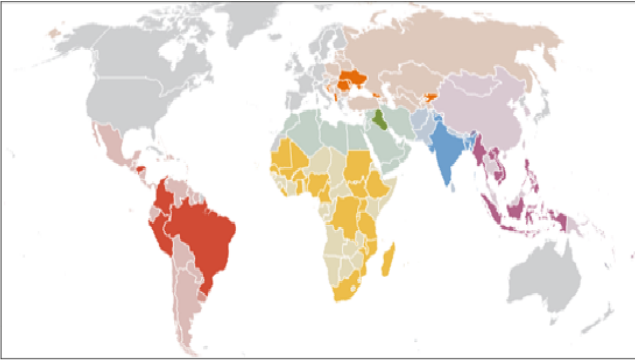
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