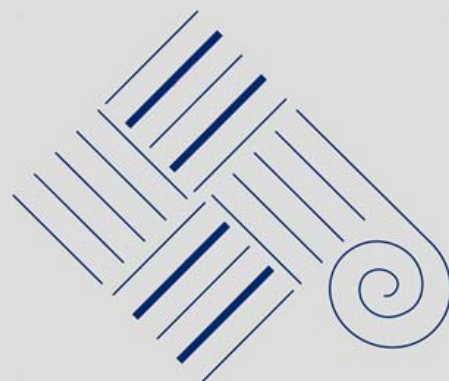




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LAND TENURE AND PROPERTY RIGHTS

VOLUME 3 ASSESSMENT TOOLS



JULY 2007

This publication was produced for review by the United States Agency for International Development. It was prepared by ARD, Inc.

This product is part of ARD, Inc.'s international work in land tenure and property rights. It forms part of a 3-volume set on the subject.



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VOLUME 3. LAND TENURE AND PROPERTY RIGHTS ASSESSMENT TOOLS

Prepared for the United States Agency for International Development, USAID Contract Number LAG-I-00-98-00031-00, Awareness Framework: Property Rights and Natural Resource Management, under the Broadening Access and Strengthening Input Market Systems (BASIS) Indefinite Quantity Contract.

Implemented by:
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Burlington, VT 05402



LAND TENURE AND PROPERTY RIGHTS

VOLUME 3: ASSESSMENT TOOLS

JULY 2007

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ACRONYMS AND ABBREVIATIONS

BASIS	Broadening Access and Strengthening Input Systems
DEC	Developmental Experience Clearinghouse
EGAT	Economic Growth, Agriculture, and Trade Bureau
LRMT	Land Resources Management Team
LTC	University of Wisconsin Land Tenure Center
LTPR	Land Tenure and Property Rights
M&E	Monitoring and Evaluation
NGO	Nongovernmental Organization
RDI	Rural Development Institute
SO	Strategic Objective
USAID	United States Agency for International Development

PREFACE

The demand to address property rights concerns is increasing from both United States Agency for International Development (USAID) field missions and host country governments. The increase in demand is due, in part, to a growing awareness among development practitioners of the role played by property rights (and natural resources access and use) in economic growth, governance, and conflict and resource management.

USAID and its partners have learned a great deal over the last three decades about the relationship between property rights and economic growth, productivity, and, to a lesser extent, natural resource management and conflict. There are several important lessons learned from the last decade of research and policy work on property rights with a particular emphasis on land tenure.

- Secure property rights are a critical component of economic development and social stability. Inappropriate property rights policies and institutional structures that are not synchronized with economic, political, and environmental realities can undermine growth, erode natural resource bases, and catalyze violent conflict. Insecure and non-negotiable property rights are some of the critical factors limiting economic growth and democratic governance throughout the developing world. Conversely, strong property rights systems, which are viewed as legitimate, transparent, and negotiable, can lead to increased investment and productivity, political stability, and better resource management.
- In development programming, property rights are most frequently dealt with in the context of land reforms and land tenure reform. Programming decisions made in a variety of sectors that take land tenure into consideration can have profound impacts on land use and management, agricultural systems, and associated natural resources management.
- Too often, land tenure and property rights reforms are measured in terms of *outputs* rather than *impacts* (e.g., measuring the number of land titles which have been issued as opposed to focusing on market performance and investment increases, reduced conflicts, or improved sustainable management practices). This focus on outputs prevents USAID from fully understanding the efficacy and potential cross-sectoral benefits of its property rights reforms and programs.

Issues and constraints regarding property rights vary from region to region, and they will continue to evolve over time. The most volatile of USAID-presence countries, and those that are often in the greatest need of property rights reforms, are fragile states. Since property rights are so closely linked to development agendas across the globe, there is a need to understand how these rights shift as economies move through the stages of economic growth and democratization (and, in some cases, from war to peace) and how these shifts require different property rights interventions.

In light of these common concerns and issues, a Community of Practice on Land has been created by USAID in Washington to serve as a hub of information sharing. In addition, the Land Resources Management Team has been formed within the USAID/Economic Growth, Agriculture, and Trade (EGAT) Bureau to coordinate issues of land tenure and property rights programming with other USAID bureaus and operating units.

In October 2004, USAID awarded ARD, Inc., of Burlington, Vermont a two-year task order, Awareness Framework: Property Rights and Natural Resources Management, under the Broadening Access and Strengthening Input Systems (BASIS) indefinite quantity contract. The task was to develop a land tenure and property rights framework, a common vocabulary, and a set of tools that could be used to help guide USAID through future property rights programming.

ARD formed a virtual team of land tenure and property rights professionals from three organizations: ARD, the Rural Development Institute (RDI), and the University of Wisconsin Land Tenure Center (LTC). Each member brought to the team strong experiences in the major areas of property rights and development programming. The team consisted of Safia Aggarwal (ARD), David Bledsoe (RDI), Jennifer Brown (RDI), Renee Giovarelli (ARD), Peter Hetz (ARD), Kathrine Kelm (ARD), Susana Lastarria-Cornhiel (University of Wisconsin LTC), Mark Marquardt (ARD), Robert Morin (ARD), Ryan Roberge (ARD), and Michael Roth (ARD, formerly of LTC).

This virtual team met regularly over the course of one and half years to develop the Land Tenure and Property Rights Framework and tools:

- **Volume 1: Land Tenure and Property Rights Framework.** A conceptual tool for examining land tenure and property rights categories, constraints and interventions in USAID development programming. This volume includes a glossary of commonly used land tenure and property rights terms.
- **Volume 2: Land Tenure and Property Rights Regional Report.** This report includes the Country-specific Land Tenure and Property Rights Themes and Donor Interventions, and a database on land tenure and property rights for each presence country. The data is drawn from bilateral and multilateral literature sources. Also included in this report are Land Tenure and Property Rights Rankings and Ranking Maps for specific USAID presence countries. Rankings are an expert assessment of major land tenure and property rights issues and constraints in USAID programming countries around the world, and an illustration of those matters within “regional neighborhoods” (USAID programming regions).

Regional reports:

- 2.1 East and Central Africa**
[East Africa: Congo DR, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Somalia, Sudan, Tanzania, and Uganda; Central Africa: Burundi and Rwanda]
- 2.2 Southern Africa**
[Angola, Lesotho, Malawi, Mozambique, Namibia, South Africa, Zambia, and Zimbabwe]
- 2.3 West Africa**
[Benin, Cape Verde, Ghana, Guinea, Liberia, Mali, Nigeria, Senegal, and Sierra Leone]
- 2.4 East and Southeast Asia**
[East Asia: East Timor, Indonesia, Mongolia, and the Philippines; Southeast Asia: Cambodia, Laos, Myanmar, and Vietnam]
- 2.5 Near East Asia and North Africa**
[Near East Asia: Egypt, Iraq, Jordan, Lebanon, West Bank/Gaza, and Yemen; North Africa: Morocco]
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[The Balkans: Albania, Bosnia and Herzegovina, Croatia, Kosovo, Republic of Macedonia, and Serbia and Montenegro; The Caucasus: Armenia, Azerbaijan, and Georgia]
- 2.8 Central Asia**
[Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan, and Uzbekistan]
- 2.9 Eastern Europe**
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- 2.10 The Caribbean, Central America, and North America**

[The Caribbean: Dominican Republic, Haiti, and Jamaica; Central America: El Salvador, Guatemala, Honduras, Nicaragua, and Panama; North America: Mexico]

2.11 South America

[Bolivia, Brazil, Colombia, Ecuador, Guyana, Paraguay, and Peru]

- **Volume 3: Land Tenure and Property Rights Assessment Tools.** A collection of instruments that can be used by USAID missions to expand upon land tenure and property rights themes in their respective countries and determine how these contribute to or impede development programming. These materials include both an LTPR pre-assessment tool and an LTPR assessment tool. Both of these are aim to standardize the format and content addressed in USAID property rights assessments and facilitate development of potential programming in this area.

This team was also afforded the opportunity to meet with both USAID’s Community of Practice on Land and the Land Resources Management Team on various occasions. These meetings were used to critique and improve the different editions of the LTPR Framework and associated tools. In addition, various renditions of this framework and tools were used to steer land tenure and property rights assessments in four of USAID programming countries—Ethiopia, Kosovo, Angola, and Kyrgyzstan.

The task order was managed and supervised by Dr. Gregory Myers. For more information or technical assistance, please contact Dr. Gregory Myers, Senior Land Tenure and Property Rights Specialist EGAT/Natural Resources Management/Land Resources Management Team, USAID, gmyers@usaid.gov. Within ARD contact Peter E. Hetz, phetz@ardinc.com or Michael Roth, mroth@ardinc.com, Senior Associates for Land, Environment, and Natural Resources.

I.0 INTRODUCTION

I.1 CONTEXT OF THE TOOLS

Accessible and secure rights to land and natural resources are central to poverty alleviation, economic growth, and social equity. Rights to land can also play a role in preventing violent conflict and assisting in post-conflict recovery. In countries where land rights are distributed more equitably and tenure security has been strengthened, there have been measurable improvements in investment and growth, transition to democratic government, and use of resources. Conversely, where rights to land are insecure and limited and land distribution is skewed, often poverty levels are at their worst, marginalized groups are excluded from social and economic opportunity, and violent conflict is present.

The United States Agency for International Development (USAID) has seen increasing demand, both from its missions and host country governments, for assistance in improving property access and rights. This increase in demand reflects a growing awareness of the role of property rights as it relates to economic growth, poverty alleviation, governance, and natural resources management. This awareness also acknowledges the role that gender considerations play across all land issues, and that land rights are often central to defusing a fragile or failing state. Missions and host country governments are requesting assistance with assessments, recommendations, and the design and implementation of interventions.

This volume is to be used as a resource for USAID missions and others tasked with developing an in-depth understanding of a country's current land tenure and property rights (LTPR) situation. Timely and accurate information will permit missions to make decisions about what (and what not) to do to address LTPR themes. In many cases, assessment of past, ongoing, or completed interventions will be used to inform new USAID interventions. The LTPR Assessment Tools were designed around the LTPR "Matrix," which is an analytical framework of LTPR themes and possible LTPR interventions. For more information about the LTPR Matrix, see the companion piece LTPR Framework (Volume 1 of this series). The matrix is provided below.

		LTPR CONSTRAINTS				
		Violent Conflict/ Post-conflict Instability	Unsustainable Natural Resources Management/ Biodiversity Loss	Insecure Tenure and Property Rights	Inequitable Access to Land and Natural Resources	Poor Land Market Performance
LTPR INTERVENTIONS	Key Institutional Arrangements					
	Conflict or Dispute Resolution					
	Legal and Regulatory Framework					
	Redistribution					
	Land Administration					
	Land Use Management and Conservation					

I.2 WHY CONDUCT LTPR ASSESSMENTS?

An LTPR assessment is appropriate in the following circumstances:

1. When a mission suspects that LTPR constraints are problematic in a country and wishes to understand the dimensions of the problems and the best way to respond; or
2. When a mission has already been involved in LTPR interventions in a country, and it would like to evaluate the current LTPR situation, in addition to past (or ongoing) interventions, in order to plan future actions.

Under both circumstances, an LTPR assessment can help missions to determine how LTPR concerns are affecting the current development programming in a country, and how USAID might choose to respond. The LTPR Assessment Tools aims to standardize the inquiry so that results and recommendations are analyzed and presented in a framework that is comparable for all settings. The LTPR Assessment Tools indicate that specific and uniform (but scalable) investigative paths be followed so as to ensure that no themes are omitted and that inappropriate or ineffective follow-on actions are prevented.

I.3 ORGANIZATION OF THE ASSESSMENT TOOLS

Section 2.0, **LTPR Assessment Tools**, introduces LTPR assessments and describes assessment approaches and resources. Section 3.0, **Assessment Methodology**, includes guidelines for assessment scope, duration, and team composition. This section also briefly discusses information-gathering techniques, some potentially useful to an assessment team depending on the assessment scope and available resources. Section 4.0, **Assessment Results and Recommendations**, describes the types of recommendations that an assessment team might make and that a mission could expect (including future interventions). It also notes opportunities for considering a monitoring and evaluation system to track those interventions.

Finally, the three annexes contain field reference resources for an assessment team's use. **Annex A** provides set of reference sheets used to assess an LTPR situation. **Annex B** provides additional suggestions for use when an assessment also focuses upon the status and success of LTPR interventions. **Annex C** contains a pre-assessment tool that can be used to ratify (or revise) a country's LTPR ranking and prepare for an LTPR assessment.

2.0 LTPR ASSESSMENT TOOLS

2.1 PURPOSE OF THE ASSESSMENTS

An assessment is warranted when a USAID mission suspects the presence of serious LTPR concerns in a country and wants information upon which to base programmatic decisions, or when USAID wishes to examine the current LTPR situation in a country in light of previous interventions. These assessments are situational; the first type assumes a relatively unimproved LTPR landscape, while the latter focuses on how past or ongoing USAID interventions may or may not have been effective. Both of these settings demand that the current LTPR situation be assessed and characterized, in order to help determine how future interventions might be designed and implemented. The depth or breadth of the assessment will vary with available resources (see Section 3.0), but all the main themes in the LTPR Matrix should receive some attention and analysis.

As acute or troubling LTPR constraints are identified during an LTPR assessment, the team will attempt to determine and analyze the causes. Even though the limitations of almost all assessments make it impossible to be fully informed and absolutely certain about the themes, sub-themes, and causes, the assessment team will nonetheless make recommendations for the mission's next steps. These could range from taking no action to undertaking a suite of interventions, depending on the LTPR situation, and mission resources and goals will determine which of these recommendations can be addressed. The range and content of recommendations are described in greater detail in Section 4.0.

A few countries will be completely untouched by past LTPR interventions, many will be relatively unimproved as a result of them, and, in some, circumstances will have changed (such as the advent of a new government), creating a new LTPR landscape. Significant resources may have already been used for a host of LTPR interventions, and in those cases, special attention needs to be given to the impetus for (and design, implementation, and results of) the interventions and their effect on the existing LTPR situation.

An assessment that also focuses on interventions should remain structured around the LTPR Matrix constraints. Its focus should be on how interventions may or may not have been effective vis-à-vis the specific set of constraints. By examining lessons learned and best practices, the assessment also points the way to design and implementation of future interventions. It is important to note that this kind of assessment will not determine the quantitative impacts that LTPR interventions may have had on such broad development targets as economic activity, agricultural productivity, livelihoods, and social equity. Although it is important to make these kinds of connections, the costs, complexities, issues of attribution and disaggregation, and the absence of baseline information might make it difficult to obtain (let alone demonstrate) desired results under any circumstances. The LTPR Assessment Tools can not be expected to serve this function.

GENDER AND LTPR

It is never sufficient to understand the LTPR situation from the point of view of heads of households only. Women are often particularly and uniquely disadvantaged as to land access and rights—despite their critical role in household sustenance. A lack of information regarding gender differences can lead to LTPR policies and projects that further limit or reduce women's economic and social opportunities; assessments should include the collection of gender-disaggregated information that captures the situation for women. Information from all types of women (urban and rural, wealthy and low-income, literate and illiterate, and wives, daughters, widows, and singles) should be collected. An LTPR project that does not address women's rights separately from household rights risks disempowering the most vulnerable, but often most economically active, members of society.

2.2 CHARACTERIZATION OF THE LTPR SITUATION

The LTPR Matrix will serve as the primary lens for characterizing a country's current LTPR situation. Under the umbrella of each LTPR theme is a set of related sub-themes. While some themes and sub-themes may ultimately (and perhaps quickly) be determined not to be of concern, the team should assess each theme, and then note the reasons for dismissing them in the assessment report.

As the LTPR themes and sub-themes are investigated, and as preliminary results are assessed and verified, the LTPR situation will come into focus. In some cases, results will align with information reviewed before the in-country assessment. At other times, results will create a very different picture than that which has been presented to the team. A primary goal of this effort should be to avoid the dangers created by preconceptions and predilections. The assessment should drive the characterization of the situation.

LTPR assessments that focus upon past interventions require some special thinking. Because USAID land tenure and property rights-related activities have not always been performed under the land rubric, it is sometimes unclear how many LTPR interventions have in fact been undertaken. Land tenure and property rights is a cross-cutting theme. Some LTPR interventions have taken place in conjunction with the following development themes:

- Gender
- Conflict management
- Commercial law
- Legal and institutional reform
- Rule of law
- Agriculture and agrarian reform
- Natural resources management and biodiversity conservation
- Environment
- Land management
- Democracy and governance (including civil society and decentralization)
- Economic growth
- Privatization
- General business, trade, and investment

The mission and the assessment team will sometimes have to search out LTPR interventions from within broader programs. For example, significant land-related legal assistance has been provided through legal and institutional reform programs. During a civil society capacity building effort, significant assistance might be provided to a land-focused nongovernmental organization (NGO), or, during a natural resources management program or conservation program, there may have been focus on common pool resources, such as pasture, forests, or wildlife. The reality is that program portfolios will sometimes need careful review to fully grasp the extent of previous LTPR interventions.

2.3 ASSESSMENT APPROACH

The methodology that follows and the LTPR assessment *Quick Sheets* contained in Annex A should be considered as LTPR constraint guidelines for an assessment team. These sheets include basic information and suggestions for investigating each of the LTPR constraint categories, including:

1. A short set of threshold questions to help the assessment team determine whether the particular constraint is a key LTPR problem;
2. A list of potential key informants for the LTPR constraint; and
3. A list of questions about the LTPR themes, which can be used to prepare for interviews or to suggest areas that might be targets of a survey instrument.

Annex B contains two items for use when the assessment includes a focus on past or ongoing interventions: (1) a list of likely sources of information on such interventions; and (2) a short discussion of assessment topics and lines of inquiry that will help the assessment team uncover the intervention status and results.

2.4 THE LTPR PRE-ASSESSMENT TOOL

Sometimes a mission will wish to conduct a preliminary examination of LTPR themes. Reasons for an abbreviated examination of these themes might include:

- To revise or update the LTPR country profile contained within the Country-Specific LTPR Themes and Donor Interventions Report;
- To address the country-specific LTPR ranking results;
- To serve as a preamble for a follow-on LTPR assessment decision; and
- To efficiently gather and analyze country-specific LTPR information in preparation for an LTPR assessment.

To meet these needs, the LTPR Pre-assessment Tool was created around the framework of LTPR constraints and interventions. It is contained in Annex C, and it can be separated from this document to scale up a mission's understanding of the LTPR constraints at play in a country. This tool includes background information to be collected and basic questions to be asked to determine both the context and the severity of existing LTPR concerns. The ratification and assessment preparation can be done in a few weeks by one or more local land and property rights experts and/or by a mission staffer.

3.0 ASSESSMENT METHODOLOGY

3.1 SCOPE AND RESOURCES

The realities of resource availability will dictate the scope and duration of an LTPR assessment. However, to yield an assessment that can support specific recommendations for follow-on activities, a minimum of effort and resources is required.

The necessary **duration** of a full assessment is 15 to 20 in-country workdays. Workday requirements will be higher for an LTPR assessment that also focuses on interventions, because there is more to learn, investigate, and analyze. Additionally, the related emphasis on sequencing and monitoring and evaluation of subsequent interventions will likely call for more time. For any assessment, two to four days of pre-assessment

Assessments should collect the following types of gender-disaggregated information:

- At the intervention level, information on gender participation and benefits (for example, attendance at public information and training sessions and specific signs of beneficial or detrimental effects of the intervention by gender);
- Variations in legal land use rights, inheritance, and marital property rights, by gender and between various social or ethnic groups in the country;
- Variations in the enforcement and actualization of land rights by gender and between various social or ethnic groups in the country; and
- Whether or not legislation explicitly recognizes women's and men's equal rights to land and addresses household issues such as property distribution upon marriage, inheritance, polygamy, and divorce.

preparation time should be allocated to each team member for collection and review of background information (see Section 3.2). Each team member should be provided with several days after the in-country work to write and finalize the assessment report, and the team member(s) responsible for assembling the report should be assigned several additional days.

Based on the level of resources available and the predicted depth and breadth of the LTPR constraints, the USAID mission will create a **scope of work** for the assessment. The LTPR Assessment Tools can serve as a resource when drafting the scope of work. Some caution should be exercised in adapting this from previous assessment scopes because conditions, issues, and prospects for intervention always vary. In the scope of work, the mission will discuss the possible LTPR themes to be addressed, describe the interested stakeholders, explore the potential benefits of bettering the LTPR situation, and identify the key individuals and institutions that might assist in undertaking and informing the assessment. The mission should also provide some indication of the type of interventions it would consider and the level of available resources it could assign. In crafting the scope of work, it is important to retain assessment team flexibility in order to be able to adjust focus as the situation evolves.

Within any scope of work, gender issues are rarely highlighted unless the review is specific to gender. However, women in many countries are unable to exercise rights to land although they are the prime users of land for household subsistence (see text box). There are two main issues related to this area that any assessment must consider: (1) how land rights are distributed between different groups of women and men; and (2) the effects of differentiated land rights on women's economic opportunities and intra-household bargaining positions.

The scope of the planned assessment will guide **team composition**, which could range from two to six members, depending on the depth and breadth of the assessment and predicted complexity of LTPR themes. The relative risks of mis-characterizing the situation (for example, ongoing tenure insecurity for a relative few versus the outbreak of violent conflict) will also influence the makeup of the team. More extensive expertise and experience will generally help to increase the breadth, depth, and veracity of the assessment. The team's combined LTPR specializations and experience should be sophisticated and broad enough to verify or redefine the mission's preliminary predictions about LTPR constraints and to analyze the full scope of LTPR constraints in the field. Some specializations are necessary to LTPR (e.g., land administration, land management, and surveying); others areas do not necessarily bring LTPR experience (e.g., law, economics, sociology, and gender). All team members must have LTPR expertise. Wherever possible, the team should include at least one member with regional familiarity and at least one local LTPR expert.

A typical assessment team will include an agriculture, land, or natural resources property rights specialist, a land and property rights lawyer, a land administration specialist, and a sociologist. At least one of these team members should also be a gender specialist. However, team composition (in regards to size, expertise, and nationality) is an area in which resource constraints can be accommodated. It is important to remember that the final characterization of the breadth, depth, accuracy, and usefulness of the assessment will in large part be a function of the team's composition and expertise.

Team roles and responsibilities need to be assigned judiciously. The LTPR assessment team leader should be appointed prior to arrival in the country, and this designation should be included in the scope of work. He or she should be responsible for preparing the team, developing a list of critical reading materials, and serving as liaison with the USAID mission. Five steps that LTPR assessment teams have found useful during in-country assessments are listed below.

1. Confirm the nature of the deliverables with the mission. This may include submitting an assessment report outline to the mission, making a presentation to mission staff, or providing an out-briefing to the mission and other donors;
2. Conduct a formal assessment team orientation and launch meeting. Identify and select key geographical areas and populations to inform the assessment. Field visits should be driven by constraints and interventions, and they should be used to clarify known LTPR constraints and interventions. Stakeholders and informants should be informed of visits in advance, to the highest degree possible.
3. Clarify scheduling with the mission. Ensure that the mission is aware of the team's interview/visit schedule and determine the importance of mission participation in all meetings and field trips.
4. Identify times during the assessment when a briefing or "check-in" meeting can be used to alert the mission to issues and findings arising from the assessment to date.
5. Continually clarify and confirm team assignments and offer regular opportunities for exchange. The universe of LTPR themes and interventions presented in the LTPR Matrix allows for overlap and, as the sequencing of land tenure and property rights reform remains an evolving science, teams should take the time to touch base frequently to ensure discipline in information collection and cross-fertilization of observations, key information, and ideas.

In the case of assessments designed to examine interventions, it is essential to provide sufficient USAID mission documentation to the assessment team prior to arrival in the country. This early effort helps the assessment team leader in particular to better prepare for the assessment, and it speeds the characterization of LTPR themes and interventions.

3.2 REVIEW OF AVAILABLE INFORMATION

Best use of existing information will reduce costs and better the assessment process and products. The LTPR Framework, of which these assessment tools are a part, has begun a process of standardized information collection and management. The first item that should be reviewed in preparation for the assessment is the LTPR country profile in the Country-Specific LTPR Themes and Donor Interventions Report. The report will be available from USAID/ Economic Growth, Agriculture, and Trade Bureau (EGAT)/Land Resources Management Team. Each profile provides a preliminary snapshot of the LTPR themes in a country, based on a limited pool of donor documents and expert opinion. Second, the country rankings in the Country-specific LTPR Rankings and Ranking Maps should be carefully considered.

Depending on the team's prior experience in the country, the following background documents will help to provide basic information on current donor activities. Many of these address LTPR constraints in some form. If the assessment will also focus on interventions, it is important to collect available documentation on those interventions (see Annex B). One assessment team member should serve as the coordinator of the information collection effort. A summary of the available literature is valuable because it can reduce the number of team members who must review all the documentation. However, care should be exercised in the preparation of the summary because any included and excluded information will create preconceptions. All pre-assessment activities must be tempered with the reality that resources are limited.

- **Previous assessments and reports related to land and property rights.** The mission may have some of these reports. Other donors and NGOs active in the country should also be contacted for information on previous land and resource assessments or studies.
- **USAID Country Strategic Plan.** These can be obtained from the USAID Development Experience Clearinghouse (DEC) Web site, <http://www.dec.org/default.cfm>, or from the mission Web site. The team should also review the latest USAID congressional budget justification, accessible at <http://www.usaid.gov/policy/budget/> and the country's most recent USAID annual report, also available from the DEC Web site.
- **USAID conflict vulnerability assessments, fragility assessments, transparency assessments, and democracy and governance assessments.** Where these assessments have been carried out, the mission will have a copy.
- **World Bank Country Assistance Strategy.** Available from the World Bank's Documents & Reports Web site, <http://www-wds.worldbank.org/>, or from World Bank country Web sites.
- **Country Poverty Reduction Strategy Paper.** These documents, created by some (but not all) country governments with support from the World Bank, can be found via the World Bank's PovertyNet Web site, <http://www.worldbank.org/poverty/>. Poverty assessments, prepared by World Bank staff, can also be found here.
- **Basic background materials.** Depending on the team's level of country knowledge, this set of background information could include the country's entry from the Central Intelligence Agency World Factbook, <http://www.cia.gov/cia/publications/factbook/>, or the country profile from the BBC World News Web site, http://news.bbc.co.uk/2/hi/country_profiles/default.stm.

A variety of background information topics, many of which should inform any LTPR assessment, are shown in the following table. This list would most suitably guide the collection of background information before the team's arrival in-country. This menu of topics can also be used to provide reference to any gaps in the team's background information.

	(continued)	LAND AND NATURAL RESOURCE INSTITUTIONS
Forms of land/resource holding	Intra-household Changes	Institutions
Private ownership Collective ownership Common ownership Customary and informal tenure Concession Leasehold Use right Squatting Marital property	Marriage Divorce Birth Polygamy Death	Land and natural resources-related ministries or departments Decentralized/local land and natural resources-related bodies Customary land tenure and natural resources allocation bodies Land administration Formal/informal recognition of land rights Registration/titling system Cadastre
Pattern of land/resource holding	Rights, access, and management of natural resources	Civil Society
Landlessness Ownership/access by women (within a household and as head) Ownership/access by marginalized groups Ownership/access by commercial interests Ownership/access by foreign interests	Water Forests Pastureland Wetlands Sub-soil resources Reserves State lands	Legal aid Democracy and governance NGOs Land NGOs Women's NGOs Natural resources management NGOs
Means of acquiring land/resources	LEGAL FRAMEWORK	Private sector
Purchase Inheritance Distribution programs Regularization Restitution Privatization Leasehold Individualization Customary access rights Adverse possession Squatting	Laws	Private sector professional associations (lawyers, surveyors, valuers, real estate agents, bankers, and moneylenders)
Changes in landholding patterns	Constitution Civil Code Land laws and regulations Land policy Inheritance laws Marital property laws Family law Land transfer/lease laws Mortgage laws Registration/titling laws Expropriation laws Forest laws Land taxation laws Land surveying and mapping laws City or town planning laws Condominium laws Protected areas laws Zoning laws Pastureland laws Environmental laws Land use regulations	
Land/agrarian reform Farm restructuring Individualization Involuntary resettlement Land allocation Land redistribution Market assisted land reform Privatization Urbanization	Legal pluralism	
	Religious law Customary law	
	Dispute resolution	
	Judiciary Land/resource dispute bodies Customary dispute resolution bodies Arbitration and mediation	

For assessments that are also addressing interventions, additional documents should be reviewed. Basic background information on LTPR interventions by all donors should be collected when characterizing any LTPR situation. When focusing on USAID LTPR interventions, all available information should be carefully characterized. To the extent possible, preparatory reviews of project documentation should include project justifications, design criteria, design details, participants, implementation details, performance objectives and milestones, and monitoring and evaluation (M&E) plans. To set benchmarks against which intervention delivery and results can be judged, a variety of intervention program documents should be obtained and reviewed. The materials could include procurement documents, terms of reference, work plans, status reports, substantive deliverables, and M&E documents (including related research, fieldwork reports, and survey results). During the assessment fieldwork, additional information should be gathered from interviewees that provides insights about these same intervention(s). Annex B contains a more detailed list of likely sources of information on interventions and a short discussion of intervention assessment topics and lines of inquiry.

3.3 ASSESSMENT TECHNIQUES

The focus and complexity of an LTPR assessment (including the number of issues, extent of past and ongoing interventions, institutional intricacy, customary systems, and knowledge of gender differences), the expertise of team members, and the level of funding will inform selection of assessment techniques. Techniques that should be considered are listed below.

- **Key informant interviews** with relevant government officials, donors, and NGO representatives will be conducted in nearly every assessment. Interviews should feature open-ended questions with individuals who were selected for their expertise or knowledge of a particular topic or project. Each *Quick Sheets* in Annex A contains a list of suggested key informants.
- **Rapid appraisal interviews** are semi-structured interviews with beneficiaries or stakeholders to gather views on the current LTPR situation and feedback on ongoing interventions. The interviews can be one-on-one or structured as focus group discussions. Rapid appraisal interviews will also be conducted in nearly every assessment. To understand the LTPR constraints affecting women, all-woman focus groups conducted by a woman are generally the most effective. The *Quick Sheets* in Annex A contain suggested interviewees.
- **Case studies** are research and documentation of a specific theme/sub-theme, beneficiary, small group, or specific program. They can be particularly useful in identifying best and worst practices.
- **Donor roundtables that include** joint meetings of multi- and bi-lateral donors may be less useful for assessing the current situation but will be necessary when exploring past and ongoing interventions and when strategizing on future interventions.
- **Participatory methods for LTPR constraints identification and ranking** could include abbreviated village mapping and planning sessions, group ranking exercises, and facilitated discussion sessions designed to prompt participation of stakeholders in obtaining information on existing conditions, discerning their needs and desires, assessing past interventions, and planning future interventions. To be effective, one or more team members must have experience facilitating group discourse, and a host country facilitator is essential. (Such group approaches are effective techniques for interviewing women, especially uneducated women.) It is important to note that design and implementation of participatory investigations can be time-consuming.

- A **mini-survey** is a structured, short questionnaire administered to a small pool of respondents. These participants (for example, potential or actual beneficiaries) can either be randomly or intentionally selected, depending on the type of information required.
- **Assessment of performance indicators** are useful when analyzing interventions where performance indicators were established as part of the project's monitoring and evaluation component. It is useful to determine when performance indicators were set, identify the specific data sets and methodologies, and establish the degree to which performance indicators are able to inform an adaptive management effort within the existing project(s). It is also important to determine how these indicators on LTPR might be improved by data from extra-USAID sources.
- **Formal surveys** can be conducted either against a baseline or by comparing different groups at the same point in time. Formal surveys can also be used to compare the current conditions with intervention targets. This is usually the most time-consuming and expensive option to employ by an LTPR assessment, but it can be very informative. When formal surveys are an option, they should be selected and developed well in advance of the LTPR assessment team's arrival in the country. They can include household surveys of beneficiaries or stakeholders, client satisfaction surveys, or citizen report cards. However, given the resources needed to design, implement, and analyze this type of quantitative information, this level of investigation will probably not often be possible. If narrowly-focused surveys are carried out, the results may be somewhat limited in their applicability.

Regardless of the specific assessment techniques selected, assessment teams should take pains to ensure that a large portion of their in-country time is spent gathering information from persons who depend upon land for livelihoods or who suffer from the inability to access land and natural resources. At least half of in-country time should be dedicated to interviews and information collection outside the capital city. This step is central to verifying assumptions made about critical LTPR constraints on the basis of pre-assessment document reviews and interviews of central government officials and donor and NGO representatives. The field time should also include interviews with local government officials and local NGOs and donor staff implementing projects at the grassroots.

To adequately assess the LTPR situation in a country, women must be interviewed (separately from men, if possible). In almost every country, unique ownership, access, and security issues apply to women. Women reflecting all economic, social, and household perspectives should be interviewed, both in groups and individually, as the issues affect women of all backgrounds and situations. Discussions should include inquiry as to interventions that are seen as necessary or desirable. As with other interviews, care should be taken to ensure that pre-conceived ideas do not frame the interview but are instead challenged by asking open-ended questions for each topic.

3.4 COORDINATION, LOGISTICS, AND TEAM MANAGEMENT

Coordination with USAID. It bears repeating that all assessment teams should maintain a high level of coordination with the USAID mission throughout the assessment process. The assessment should begin with an initial briefing to discuss deliverables, expectations, schedules, and logistics. Other issues, such as whether USAID staff should participate in investigative interviews and meetings, should be resolved. During the assessment, the team should periodically check in (ideally, on a weekly basis) with the mission to share preliminary findings and conclusions to ensure they are on-track with the mission's expectations. This should include informing the mission of any important new LTPR constraints, intervention characteristics, or results not identified at the initial briefing. Finally, the team should conclude the in-country portion of the assessment with a mission debrief where team findings are summarized and preliminary recommendations for USAID intervention are discussed. Here and

upon completion of the assessment report, the team leader should solicit the mission's frank evaluation of the assessment team and its performance.

Coordination of team member responsibilities. To ensure that each of the LTPR constraint is adequately addressed during the assessment, the team should assign primary responsibility for each them to an individual team member, ideally pairing a theme/constraint to a member's specific area of expertise.

The team should consider separating during the assessment in order to work as efficiently as possible. Dividing the team makes it possible to reach a greater number of key informants, with the added benefit that key informants will be less likely to become overwhelmed by a large group. (This is of particular importance for field interviews with low-income or uneducated persons.) Splitting the team up, however, will require more logistical coordination and possibly additional interpreters (see below). It can also result in members with particular LTPR theme assignments receiving relevant information second-hand. Teams that are also focusing on interventions can face additional difficulties because the inquiry (by virtue of the intervention design and objectives) often calls for all of the specializations to be represented. The pros and cons of both approaches should be considered early in the assessment effort, as they affect team assignments and assessment staging during time in-country.

Interpreters. Team interpreters must be carefully briefed before beginning meetings and interviews. Briefing should include a discussion of technical LTPR terminology and themes. Interpreters must understand that they must translate all comments (even seemingly meaningless ones), they are not to ask leading questions, and that they are not to make assumptions about potential answers. The interpreter should be quizzed periodically to ensure that he or she is following these guidelines. When focusing on gender themes and interviewing women, the interpreter (as well as the participating assessment team members) should ideally be a woman. Interpreters can also serve as general cultural guides, and this function should inform the selection and hiring process.

4.0 ASSESSMENT RESULTS AND RECOMMENDATIONS

4.1 CHARACTERIZATION OF RESULTS

For any LTPR assessment, findings should be described using the LTPR Matrix themes as an organizing structure, and the sub-themes listed in the Annex A LTPR assessment *Quick Sheets* should be used to fill out the outline. For the sub-themes that do not appear to be problems, it may be useful to list them, briefly describe the scope of inquiry, and explain why they were dismissed. This explanation will show the reader that the sub-theme was investigated and considered.

Assessment results can be described separately for each intervention, or the results can be described under the primary LTPR constraint toward which the intervention was aimed. Whichever method is used, the interventions' programmatic results, outcomes, and beneficiaries should be clearly described. For crosscutting themes (such as, gender, HIV/AIDS, and fragility), assessment results and recommendations can be described separately or included within the discussion for each theme and sub-theme.

4.2 RECOMMENDATIONS

All assessments should yield recommendations. These might include:

- No action (prompted, for example, by a lack of host country political will or mission funding resources);
- Monitor certain elements of the LTPR situation (for example, watch for signs of conflict or other exceptional deterioration);
- Research the LTPR situation further (usually focusing on a few themes, a few sub-themes, or on one exceptional theme);
- Design and implement one or more LTPR interventions;
- Design and implement interventions under a related programmatic umbrella (for example, broad legislative capacity building); or
- Support interventions performed by other donors.

Assessments that focus on existing programs might also recommend:

- Modify an existing, ongoing intervention;
- Discontinue an existing, ongoing intervention;
- Design and implement a new intervention that is expressly intended to be complementary to an existing, ongoing intervention;
- Design and implement a new intervention that is intended to stand alone;
- Undertake a more extensive assessment of an existing, ongoing intervention; or

- Design an M&E mechanism for an existing, ongoing intervention(s).

4.3 LINKING LTPR INTERVENTIONS TO STRATEGIC OBJECTIVES

As mentioned in Section 2.0, USAID has undertaken a variety of LTPR interventions over the years, and these have been aligned with a range of strategic and programmatic themes. Sometimes these interventions (providing assistance in obtaining land titles, for example) have stood alone, and at other times they have been but one part of a multi-pronged effort (for example, supporting a land NGO in a civil society activity). Whatever their programmatic location, it is clear that improvements to the LTPR landscape should continue to be a major contributor to achieving USAID strategic goals. Whether helping to spur economic growth and improve rural livelihoods, improving governance capacity and increasing participation, or playing an important role in transformational development and strengthening fragile states, LTPR interventions can attain a range of development goals. Part of the challenge is to simply understand that connections and improvements to the LTPR landscape can improve a variety of overarching objectives.

PROGRAMMATIC ILLUSTRATION OF LTPR INTERVENTIONS: CASE STUDY RWANDA

Rwanda is a land-locked, hilly country that suffered a devastating genocide in 1994. USAID, active in Rwanda prior to the genocide, is now working in the country with three key Strategic Objectives (SOs): (1) democracy and governance, focusing on building civil society and decentralizing government functions; (2) economic growth, specifically in the rural sector; and (3) health, with a focus on HIV/AIDS.

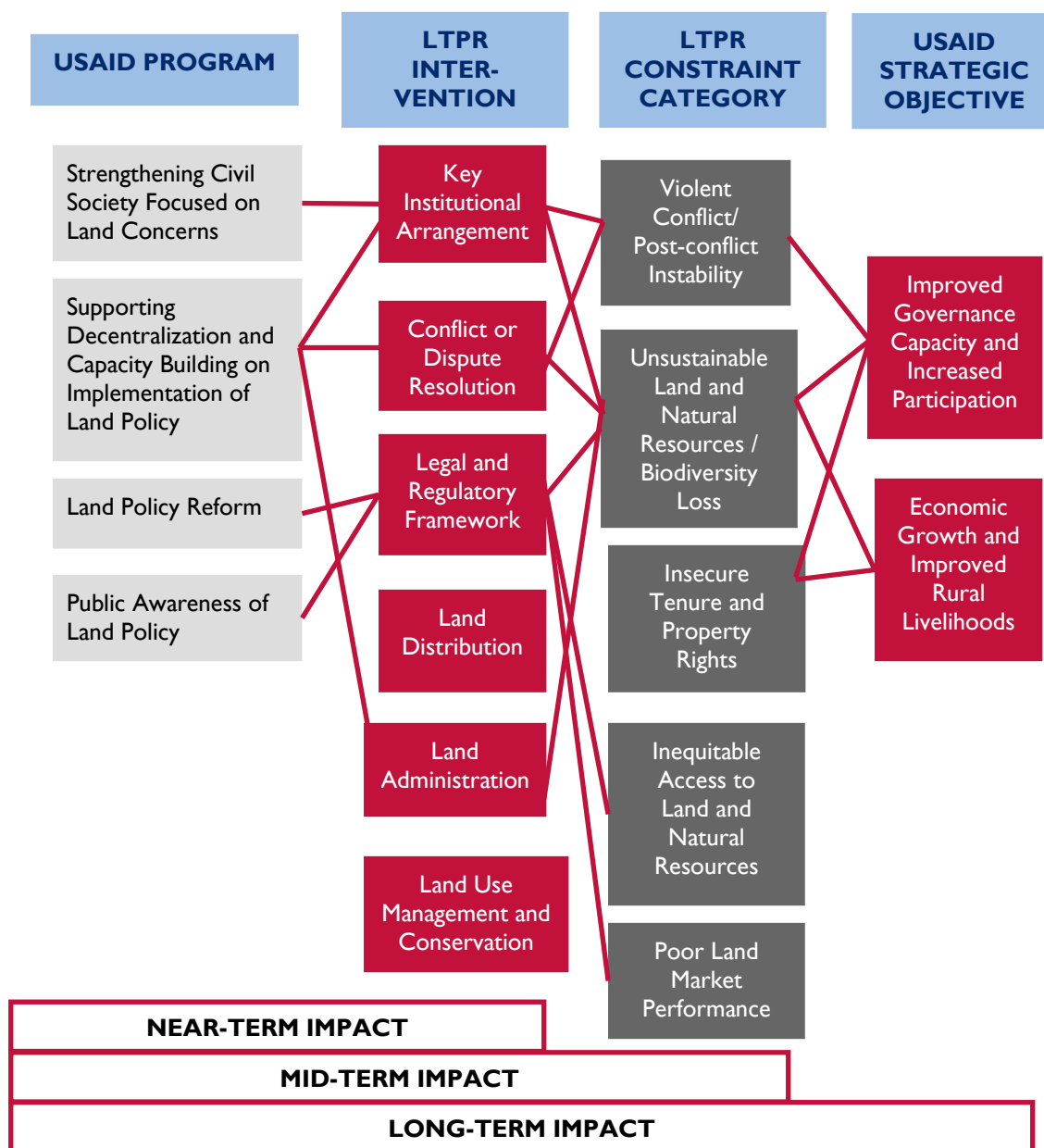
USAID/Rwanda recognizes the importance of LTPR concerns, especially because of the country's extremely high person-to-land ratio and the existence of many post-conflict overlapping land claims and returnee resettlement issues. It is critical to resolve all of these important LTPR concerns in order to sustain the country's stability, maintain peace, and promote good governance and economic growth. The Rwandan government is staunchly and progressively leading the way and has expressly asked the USAID Kigali Mission for help with LTPR issues.

As part of both the democracy and governance and economic growth SOs, the mission is investing in LTPR interventions through technical support to the Ministry of Lands assisting with new land legislation and regulations, and through support to civil society groups working on land rights issues. This investment supports the mission's other projects, including its agricultural development activities (such as developing high-end coffee production and marketing cooperatives). The mission's efforts are also being coordinated with significant LTPR participation from the UK Department for International Development; this progressive approach to intervention design and sequencing creates greater results than would be possible working alone. Future work on land law, public policy awareness campaigns, decentralized governance capacity building to implement the land policy, and other LTPR interventions is possible. Even though the mission's LTPR work is not a large part of its portfolio, these efforts have important impacts and are seen as contributions to the success of the mission's overarching objectives.

Figure 4.1 shows how individual USAID programs, LTPR intervention categories, LTPR constraint categories, and, finally, two of the Kigali Mission's SOs link together. Near-term impacts are the successful implementation of programs that align with LTPR intervention categories, and, in the mid-term, the program projects will begin to impact the LTPR constraints. Finally, long-term improvements to problematic LTPR concerns will ultimately lead to realizing the SOs of good governance and rural economic growth.

The figure, when read from right to left, demonstrates how the major USAID SOs of good governance and rural economic growth are dependant on secure land rights and strengthened local land administration, supported through the four USAID programs.

RWANDAN LTPR REFORM PROJECT AND LINKS WITH MISSION STRATEGIC OBJECTIVES



4.4 LTPR INTERVENTION SEQUENCING

Sequencing of LTPR interventions concentrates on content, scale, timing, and ordering—with the aim of achieving objectives. There are optimal sequencing patterns that will best lead to achieving desired objectives (and avoiding bad results). The sequencing of interventions involves the evaluation and determination of those optimal patterns, given the specific realities of the country and the available resources. Sequencing efforts answer a number of questions. At the most basic level, the questions are: “Is the proposed activity the right thing at the right time?”; “When do the interventions get used?”; “Does a certain initiative need to be implemented before another?”; and “How does the design of the tools reflect the order in which they are used?”

There is no single sequencing scheme that can universally create or order the implementation of LTPR interventions. Accordingly, the assessment team will address sequencing as it makes recommendations about past, ongoing, and future interventions. Any sequencing evaluation and planning must first look to the overall development objectives. Alleviation of poverty, addressing gender inequality and equitable asset distribution, working toward economic growth, heading off violent conflict; and responding to a post-conflict situation would all prompt different sequencing patterns. Almost any LTPR interventions program will have multiple objectives, and any combination and prioritization of these objectives would further vary the sequencing patterns.

Many other considerations affect sequencing decisions. They include, but are not limited to:

- Severity of LTPR concerns;
- Complexity of LTPR concerns;
- Likelihood of social unrest or violent conflict;
- Socio-economic conditions (including presence or maturity of markets);
- Existing legal framework;
- Political will of host country;
- Traditional, customary, and informal realities;
- Intervention portfolios of other donors;
- Availability of funding for intervention;
- Lengths of organizational planning periods; and
- Need for parallel and pre-conditions to ensure intervention “traction.”

Sequencing recommendations at this point will necessarily be general. More detailed sequencing should come during the intervention planning and design stages. The assessment team must generally set out the scale, timing, ordering, and connectedness of suggested LTPR interventions. They must address what kind and how large the interventions should be (given the mission’s available resources and existing plans) and how they should link with the efforts of other donors. The team must also give a preliminary indication of when interventions should start and finish, suggest how interventions might overlap and connect, and note whether this timing is dependant upon interventions sponsored by other donors. Finally, the team must suggest the overall order of the interventions.

4.5 PLANNING FOR FUTURE MONITORING AND EVALUATION

Monitoring and evaluation—assessing impacts of interventions or tracking current LTPR themes—can be difficult to plan for and carry out. Difficult to obtain baseline data are needed for comparative use. Attribution of impact to discrete interventions is difficult. Effects upon broad development targets (such as economic growth) are often impossible to demonstrate. Monitoring and evaluation results can be politically unpleasant. It is not surprising that M&E frequently receive little attention.

Nevertheless, it is critical that M&E be a part of the design, implementation, and follow-up of every LTPR intervention. First, planning for this forces LTPR project designers to carefully examine intervention objectives, asking such questions as “Are we trying to accomplish the right things?” and “Are our targets what we really want to accomplish?” Coming to decisions as to how to measure results necessarily forces

thoughtful selection of those results. Second, meaningful M&E can be impossible if not planned for at project inception. Baseline surveys may be required, and the pre-intervention status of beneficiaries often cannot be determined after implementation. Third, the M&E process is less expensive if planned for during project design and before project implementation. Early decisions about fieldwork and survey methodologies; identification of samples, control groups, and key informants; selection of indicators; and identification of other causal contributors all make later M&E more routine, orderly, and informative.

The assessment team's in-country experience should inform its monitoring and evaluation recommendations. Those areas where team members had difficulty obtaining information will likely be difficult to monitor in the future. Complicated logistics will probably persist. If the assessment team encountered ambiguous situations and obtained inconsistent information, M&E will probably yield less precise and telling results and also be correspondingly more difficult and expensive.

Like sequencing recommendations, the assessment team's M&E recommendations will necessarily be general at this point. More detailed approaches will only be possible after interventions are selected and during project design.

Finally, thoughtful monitoring sometimes has a place even when follow-on LTPR interventions have not been implemented and are not planned. A "wait and see" approach may be wisest, and some basic monitoring of the LTPR situation may be appropriate. Plus, when the prospect of conflict is present, or when in a post-conflict situation, monitoring may be a suitable placeholder for the short-term.

ANNEX A. CONDUCTING AN LTPR ASSESSMENT

This annex contains five LTPR assessment *Quick Sheets* that will both help a mission to form expectations about assessments and guide an assessment team in conducting assessments. These *Quick Sheets* echo and expand the information provided for in the LTPR Pre-assessment Tool in Annex C.

A *Quick Sheet* is provided for each of the five LTPR constraints, and each sheet includes: (1) a short set of threshold questions to help the assessment team determine whether the particular constraint is a key, or major, LTPR problem; (2) a list of potential key informants for the topic; and (3) a list of questions about the LTPR constraints that can be used as a guide during interviews or as the basis of a survey instrument.

LTPR ASSESSMENT QUICK SHEET:

VIOLENT CONFLICT AND POST-CONFLICT INSTABILITY

THRESHOLD QUESTIONS: Is this a key LTPR concern for the country?

Fragile country—Is the country a fragile state? Does it have the governance capacity to address the land/resource-related conflict concerns? Are dysfunctional or absent LTPR systems threatening to push the country into violent conflict?

Current conflict—Is there ongoing violent conflict? Are land/resource issues an underlying cause of the conflict? Has recent/present conflict led to land/resource conflicts or disruption of management/use? Are unresolved land conflicts or dysfunctional LTPR systems causing violence? What is the scale of the types of conflicts that have been identified?

Post-conflict—Has there been recent conflict in the country? Is the transition from post-war conflict to transitional development being hampered by a lack of attention to LTPR problems linked to conflict or resulting from conflict?

Displaced persons—Have recent conflicts created significant numbers of internally displaced peoples, refugees or ex-combatants that are in need of land access? Has conflict created a large number of female-headed households?

Violent land conflicts—Are there significant boundary/use/occupation conflicts over land/resources? Do these conflicts threaten to grow into broader societal and violent conflict? Again, what is the scale of these conflicts?

KEY INFORMANTS: Who can provide information on this LTPR theme?

- Displaced persons and refugee camps
- Conflict-impacted landholders, including female-headed households
- Formal and informal dispute resolution bodies
- Resettled persons
- Ex-combatants
- Local land administration bodies
- United Nations High Commissioner for Refugees (UNHCR)

ADDITIONAL LTPR SUB-THEME QUESTIONS

Displaced persons/refugees—Are there overlapping land/resource claims? Do internally displaced persons, refugees, or ex-combatants presently have access to land? Do these groups think they will gain access to land? What land/resources are displaced groups currently using? Do they plan (want) to return to their land? Who currently occupies their land? Is the situation similar for women or members of minority populations, or has conflict and displacement specially impacted their access and rights to land and resources?

Female-headed households—Are female-headed households able to access land/resources (either new land or land that they had formerly used)? Are their land resource rights secure?

Orphans and child-headed households—Are orphans and child-headed households able to retain land rights that belong to them? Do they have access to land?

Landless ex-combatants—Where are ex-combatants currently living? What are plans for their re-integration? Do they require access to land/resources?

Basic needs deprivation—Is food insecurity a problem? Where is the population currently getting its food supplies? Is agricultural production at pre-conflict levels? If not, what are the constraints?

Weak governance or lack of rule of law—Is the political situation stable? Where is capacity critically lacking? Are property-related laws being followed or enforced?

Land or resource grabbing—Are the powerful or well-connected amassing resources in the wake of conflict (or during the conflict)?

Destroyed records and property rights infrastructure—Has conflict resulted in the destruction of land records or offices? Where do existing records reside? Are they up-to-date? Secure from manipulation?

THRESHOLD QUESTIONS: Is this a key LTPR concern for the country?

Environmental degradation—Is land or land-based resource degradation a significant problem? Is it the consequence of weak, inadequate or eroding LTPR? What is the nature of this degradation, how does it manifest itself, and with what consequences?

Common property degradation—With regard to common property, is the erosion of property rights and land use management of pasture, forest, and public lands resulting in resource degradation and conflict? How do we know this, what are the indicators, and to what extent does this affect the land area and natural resources of the country?

Individualized land resource degradation—Are individualized land resources (such as land, and pasture) being degraded? In what ways are they being degraded? Over-intensive use? Poor land use practices? To what degree do these practices impact the land and natural resources base? (What is the scale?)

Unsustainable exploitation—To what extent is commercial or other exploitation of land-based natural resources unregulated or uncontrolled? Are state concessions/licenses (for timber, mineral mining, petroleum extraction, fishing, or commercial exploitation) causing land and resource degradation and contamination? What is the extent of this exploitation and what is being impacted?

Insufficient capacity—Does the government lack sufficient capacity, particularly at decentralized levels, to develop, implement, monitor, and enforce environmental legislation? What is the present government's capacity?

KEY INFORMANTS: Who can provide information on this LTPR theme?

- Land encroachers and occupiers of informal settlements
- Landholders in degraded or rapidly degrading areas
- Cadastre offices (land and resource)
- Officials overseeing protected areas
- Officials charged with resource allocation or concession granting
- Resource concessionaires
- Forest management groups
- Pastoralists
- Town and country planning offices
- Groups traditionally occupying protected areas

ADDITIONAL LTPR SUB-THEME QUESTIONS

Peri-urban sprawl/Informal settlements—Are there large informal settlements that pose a public health or safety problem due to inadequate infrastructure? What is the government's response? Is the government attempting to expand such needed infrastructure? Is the government overseeing large-scale evictions without appropriate resettlement plans?

Land use planning—Are appropriate land use planning measures in place? Do these measures realistically take into account existing land use? Do they take into account multiple land use and the lesser rights of women (to collect or gather, for example)?

Unsustainable land use management—Is land, range, forest, or other resource degradation a problem? Is there uncontrolled or unmanaged logging, fishing, mining, or other exploitation?

Land use conflicts—Are there conflicts between agriculturalists and pastoralists? Are there other conflicts when resource use overlaps on the same parcel of land? What is the severity of these conflicts, and how do they manifest themselves?

Protected areas—Have adequate and appropriate protected areas been established? Are there encroachments into protected areas? Are there conflicts between farmers/pastoralists and wildlife? Do those formerly dependent on resources in protected areas have adequate livelihood alternatives?

Land fragmentation—On arable lands, are the current sizes of landholdings, traditional land use practices, and available land use technology no longer appropriate to cope with population growth and land use pressure?

Transboundary concerns—Are there transboundary resource conflicts? What is the nature of these conflicts, and how do regional and/or national boundaries and variations in land and natural resource rights impact the natural resource? How are these variations in practice reflected (in violent conflict, reduced resources, access and use concerns, or pollution)? What is the extent of these conflicts? And who is most affected?

THRESHOLD QUESTIONS: Is this a key LTPR concern for the country?

Poor definition of individual property rights—Are individual rights to land poorly defined? Are they of insufficient duration? Do land rights holders lack assurance that property rights are enforceable? Are the property rights of women adequately defined and enforced? Are the property rights of minority groups adequately defined and enforced?

Lack of recognition of common property—Is there legal or de facto recognition of common property access and rights?

Displacement/taking—Are illegal, unprincipled, or unfettered government land takings depriving occupiers and land rights holders of their land? Do landholders fear that their land will be taken or re-acquired by the government?

Lack of land administration leading to insecurity—Are the definition and enforcement of broad-based land rights being hampered due to a land administration system that is dysfunctional, understaffed, under-resourced, not decentralized, or is it lacking adequate stakeholder participation?

Insecure rights at family break-up—Do women retain land rights upon divorce, separation, or the death of a male family member? Do members of families lose land rights upon the death of another family member due to HIV/AIDS?

Land disputes—Are land/resource disputes widespread? What are the underlying causes of these disputes? Are conflicts over land or resources due to ownership disputes, overlapping rights, and inheritances frequent and serious occurrences? Are there adequate mechanisms to resolve land disputes?

Legal pluralism—Is an incompatibility between formal legal and customary land tenure systems contributing to tenure insecurity?

KEY INFORMANTS: Who can provide information on this LTPR theme?

- Variety of landholders (including squatters), resources users (including pastoralists), and landless people (including men, women, and minority group members)
- Professionals (lawyers, notaries, surveyors, etc.) working on real estate and inheritance
- Families experiencing a death or divorce
- Local dispute resolution bodies
- Judges overseeing property case
- Expropriators/expropriatees
- Tenants
- Land administration offices

ADDITIONAL LTPR SUB-THEME QUESTIONS

Unfair government taking—Has there been arbitrary taking of land? Has land been taken for non-public purpose? Has compensation been inadequate and untimely? Has the process been unfair/inadequate? Has government taking of land resulted in involuntary resettlement?

Burdensome use requirements—Has government taken land and or resources for non/mis-use? Are development requirements unreasonable, inequitably enforced?

Insufficient/unenforced inheritance or marital property rights—Are there unfair marital property practices? Does loss of rights occur at the time of family break-up or crisis? Does the inheritance system (formal/customary) recognize women's inheritance rights? If so, does the system act to protect these rights?

Insecure land/resource contracts—Do land/resource contracts lead to unfair/arbitrary evictions? Do terms and conditions of contracts lead to insecurity of tenure?

Lack of awareness of land rights—Do holders understand the extent of their land rights and how to enforce them?

Loss of common resources—Has population pressure resulted in range enclosure or transhumant rights infringement? Has land use change resulted in exclusion from traditional resource bases? Have indigenous land/resource rights been lost (or reduced)? Have women's land/resource rights been lost (or reduced)?

Insufficient, poorly organized, or corrupt land/resource institutions—Is there a lack of public trust in the use of land administration institutions? Are land administration institutions inefficient? Is there a lack of access to land administration institutions? Are land records accessible?

Insufficient formal/customary recognition of de facto land/resource rights—Are de facto rights to land and resources not recognized? Have long-term users been evicted because of a lack of formalization of land/resource property rights? Is an incompatibility between formal and customary systems contributing to tenure insecurity?

THRESHOLD QUESTIONS: Is this a key LTPR concern for the country?

Significant landlessness—Are there significant portions of the population (including women) that do not own or have secure access to land/resources? Do many of those with land hold only very small plots?

Skewed landholdings—Is land distribution, in terms of area, highly skewed, depriving the majority of households sufficient land for secure livelihoods? Does the existence of large estate or plantation holdings mean that adequate quality land is not available for small holders and the landless? Is land distribution amongst ethnic populations disproportionate? Does this result in a hardship or disadvantage?

Women's land access—Are female-headed households or women within households relegated to marginal or degraded lands? Are women or some groups of women denied rights to land?

Squatting—Does a lack of access to land result in informal or illegal settlements on public or private lands?

Reforms—Is there political will to create and implement reforms that would address access and inequitable distribution issues?

KEY INFORMANTS: Who can provide information on this LTPR theme?

- Landless rural residents/agricultural laborers (including both men and women)
- Variety of landholders (including men, women, and members of minority groups)
- Government land distribution or reallocation units and beneficiaries of such programs
- Urban, peri-urban, and rural squatters
- Tenants
- Pastoralists

ADDITIONAL LTPR SUB-THEME QUESTIONS

Equitable access/rights to land/resources for women—Do women have equitable rights to land? Have previous land distributions or registration projects benefited only male heads of households? Do inheritance and marital property laws and customs equitably grant women land rights?

Resource theft or poaching—Are landless or resource-poor individuals turning to resource theft or poaching for their livelihoods?

Recognition of rights to common property resources—Do groups who have traditionally used common property resources have continuing access to these resources?

Large unproductive landholdings—Are large landholdings held for speculation or otherwise less-productive use? Does the existence of these large holdings deny smallholders and the landless of access to land?

Reforms—Have appropriate land reform programs been designed and implemented? Have they worked to benefit targeted beneficiaries and broadened access and improved the equality of land holdings and income?

THRESHOLD QUESTIONS: Is this a key LTPR concern for the country?

Existing enabling legislation—Does the country have appropriate legislation to enable land market activities, such as legislation to recognize and smooth the process for land transactions and mortgage legislation? Does legislation limit the functioning of the land market by banning all or some land sales or rental transactions?

Are markets accessible to all—Can small holders, women, or minority group members purchase, contract or rent land?

Lack of transactions—How active or inactive are land sale markets? How active or inactive are land lease markets?

Lack of land administration support—Is the land administration system undeveloped or otherwise dysfunctional in a way that limits transactions or drives them underground?

Credit—Are landholders able to obtain credit using land as collateral? Does this apply to all types of holders or only large holders? Does this apply to men only?

KEY INFORMANTS: Who can provide information on this LTPR theme?

- Persons recently transacting in land/resources
- Notaries
- Financial institutions
- Persons leasing in and out land/resources
- Real estate agents
- Persons and government institutions involved in resource allocation or markets
- Land registration offices
- Commercial developers
- City planning offices

ADDITIONAL LTPR SUB-THEME QUESTIONS

High transaction costs—Are high transaction costs in negotiating and enforcing exchanges or contracts in land/resources resulting in a low incidence or frequency of market transactions? Are the costs driving transactions underground?

Enforceable contracts—Are sales/lease contracts relied on? If so, are they needed? Are they enforceable?

Credit—How active is the mortgage market? Can banks foreclose if landholders default on loans?

Insufficient/lopsided market information—Is land/resource market information available? Is it available in urban and rural, land and resource, large holder and small holder markets?

Poor land administration systems—Does the public use the formal land administration system? What about small holders or customary holders? If these groups do not use the formal land administration system, do problems or tenure insecurity result? Are transactions properly recorded? What about intra-family transfers such as inheritance?

Land transactions and women's land rights—Are women's land rights on intra-household landholdings recognized and protected when land is transacted? Are women included as owners on registered family-held land?

ANNEX B. ASSESSING LTPR INTERVENTIONS

This annex contains information that will help an assessment team look at the status and results of past and ongoing LTPR interventions.

B.1 SOURCES OF INFORMATION ABOUT INTERVENTIONS

To the extent possible, basic background information should be collected on all LTPR interventions that have been undertaken by all donors. This can be difficult because much of the information about interventions is often contained in internal program documentation, rather than published in technical reports and papers. Documents generated by donors other than USAID can often be difficult to obtain. USAID LTPR interventions should obviously receive the greatest attention, and as much additional program/project documentation and input should be obtained as possible. The mission will be the starting place for this information. Sources could include:

- Participating mission staff;
- Participating long- and short-term contractors;
- USAID country annual reports;
- USAID country budget justifications;
- USAID country strategic plans;
- USAID conflict vulnerability assessments and democracy and governance assessments;
- Earlier assessments and technical reports that recommended interventions;
- Procurement documents;
- Proposed and final terms of reference;
- Detailed work plans;
- Contractor status reports;
- USAID status reports;
- Host country status reports;
- Mid-term reviews;
- Substantive project and program deliverables; and
- Monitoring and evaluation documents (including specific research, fieldwork reports and survey results).

B.2 ASSESSMENT TOPICS AND LINES OF INQUIRY

The first step in an LTPR assessment that focuses on interventions should be to determine whether the interventions appear to have been carried out pursuant to a sensible design and in conformance to cost, scope, schedule, and deliverables. Most of these fundamental (and hopefully, objective) questions should be addressed to some extent by the sources listed above.

The second (and most telling) step is determining how the interventions have improved vis-à-vis LTPR constraints. Results of an intervention will primarily be detected by examining the following questions.

1. **What were the effects created by the intervention's objective performance measures?** That is, did the intervention's end products, as identified during the first step (for example, titles, policies, laws, regulations, training sessions, public information campaigns, capital equipment, and technology), prompt the desired change? Does it appear that the new land regulations have been implemented? Do the government actors know about them, and how they work? Do they know what they are supposed to do? Does it seem that they are doing these things? Are they doing them consistently or broadly? By looking for these kinds of first-stage effects, the assessment team can begin to determine if the basic changes and improvements have been made.
2. **What is the evolving status of beneficiaries and actors?** Have the effects of the intervention started to change the conduct and status of beneficiaries and actors? For example, did the land titling and registration regulation prompt a land rights holder to register the sale of her property? Was the registration done because of a perceived benefit? Does the buyer believe she has a secure formal right? Does she perceive any benefit in having this right? Will the right prompt the buyer to feel more secure in making improvements to the land? What indicates this security? Would this investment have taken place anyway without this added security?
3. **How has the intervention addressed cross-cutting themes?** How has the intervention dealt with LTPR themes and how has it contributed to mitigation of future violent conflict, post-conflict situations, HIV/AIDS, or natural disasters? Did the impetus for the original intervention and its design and planning treat special concerns? Or, did these efforts examine the universe of LTPR constraints and, using a process of LTPR diagnosis and design, establish a hierarchy or sequence of interventions?

Were gender data included in the design information? Were the intervention objects, therefore, crafted with women beneficiaries and gender-oriented results in mind? Because gender LTPR concerns are often influenced by customary, traditional, and informal realities, did the intervention take these realities into account? Are intervention objectives intended to relate to these realities? Did the design include components expressly intended to reach women? To get at the evolving status of special groups, disaggregated questions can be asked to assess how the intervention influenced members of the group. Again, using gender as an example, was the intervention successful in bettering the LTPR status of women?

It is clear that no tool can provide examples of all of the possible effects and evolving conditions that might be created by LTPR interventions. A list of all possible questions would be unwieldy and overwhelming. The assessment team members, based upon their various specializations, experiences, and regional backgrounds, can create these lines of inquiry from the collection of information gathered by the team. As the assessment progresses, additional information will be uncovered that will further refine (and perhaps, broaden) the lines of inquiry.

There will be no conclusive assessment results on the impacts of the interventions. No certain attribution can be made; no absolute causality can be confirmed. However, some meaningful and valuable conclusions can be drawn about the likely influence that interventions have had on the LTPR constraints at play in a country.

From these conclusions, recommendations can be made about the need for further research, changing or augmenting ongoing interventions, and creating, sequencing, and implementing new LTPR interventions.

ANNEX C. LTPR PRE-ASSESSMENT TOOL

C.I INTRODUCTION

The LTPR Pre-assessment Tool is created for use by USAID missions to gather basic on-the-ground information about LTPR constraints. This information will be less complete than that obtained from an LTPR assessment, but there is merit in using the tool to inform issues about land tenure and property rights in a country. It is, therefore, recommended that the tool not be used to make programming decisions; rather, the information gathered when using this tool is best suited to:

- Revise or augment a LTPR country profile contained within the Country-Specific LTPR Themes and Donor Interventions Report;
- Address the Country-Specific LTPR Ranking results;
- Serve as the basis for decisions about the need and complexity of follow-on assessments; and
- Efficiently gather and analyze LTPR information in preparation for a more complete LTPR situation assessment

This tool and the full-length LTPR Assessment Tool were designed around the LTPR Matrix. The LTPR constraint categories are: (1) Violent Conflict and Post-conflict Instability; (2) Unsustainable Natural Resources Management/Biodiversity Loss; (3) Insecure Tenure and Property Rights; (4) Inequitable Access to Land and Natural Resources; and (5) Poorly Performing Land Markets. A number of cross-cutting themes must also be considered as part of each LTPR constraint: disadvantaged and marginalized groups (including gender), fragile states, natural disasters, public information availability and access, and institutional capacity.

LTPR CONSTRAINT ANALYSIS AND INTERVENTION MATRIX

		LTPR CONSTRAINTS				
		Violent Conflict/ Post-conflict Instability	Unsustainable Natural Resources Management/ Biodiversity Loss	Insecure Tenure and Property Rights	Inequitable Access to Land and Natural Resources	Poor Land Market Performance
LTPR INTERVENTIONS	Key Institutional Arrangements					
	Conflict or Dispute Resolution					
	Legal and Regulatory Framework					
	Redistribution					
	Land Administration					
	Land Use Management and Conservation					

C.2 LTPR CONSTRAINTS PRE-ASSESSMENT APPROACH

The LTPR pre-assessment process gathers basic information on land and natural resources property rights constraints in a country where USAID knows or suspects that LTPR constraints are problematic. It can be conducted as a standalone effort or as a prelude to an in-depth LTPR assessment. The basic goals are to:

1. Gather basic materials on LTPR themes in a country, such as existing laws, other donor interventions, and similar assessments;
2. Identify key informants, institutions and stakeholders in the field of LTPR;
3. Interview a select sub-set of the key informants; and
4. Prepare a preliminary characterization and prioritization of LTPR themes.

At the end of this LTPR Pre-Assessment Tool are the LTPR Pre-assessment Guidelines, which describe the kinds of background information that should be collected, set out some basic threshold questions for each LTPR constraint, and suggest possible sources for obtaining answers to the questions. The guidelines also highlight key questions related to several of the crosscutting LTPR themes.

C.3 METHODOLOGY

Ideally, one or two **local specialists or mission staff members** will undertake the LTPR constraints pre-assessment activities. The specialists should have experience working on land reform, land tenure, and property rights in the country. The mission staff should have a basic familiarity with some of the LTPR concepts. Alternatively, and depending on mission resources, a foreign LTPR specialist could provide support to a local specialist or mission staffer.

A **minimum of two weeks** should be spent on the activities. If local specialists or staffers do the work, then travel will be less of a concern, and the ratification and preparation work could be spread over the period of one month to allow more time for initial information gathering, informant identification, scheduling of and meeting with key informants, and writing of the LTPR findings report.

This tool and its results can be used in conjunction with basic performance provisions (that address cost, schedule, reporting, and products) when preparing the mission's **terms of reference/scope of work** for a full LTPR assessment.

The Country-Specific LTPR Themes and Donor Interventions Report is the first item to be reviewed during the ratification effort. This report provides a snapshot of the LTPR concerns, based on a limited pool of donor documents and expert opinion. The related Country-Specific LTPR Rankings and Maps, available through USAID/EGAT/Land Resources Management Team, is the second item to be reviewed. The process should ultimately ratify or provide the information needed to revise individual LTPR country profiles and rankings.

The next steps should concentrate on **gathering and reviewing other relevant documents**, as outlined in the guidelines that accompany this tool, from libraries, government offices, donors, and NGOs. The review, along with local knowledge, should then permit **key informants** to be identified. Interviews should be conducted with a limited set of these government officials and donor and NGO representatives. The goal at this point is to answer and crosscheck the **threshold questions** raised in the LTPR Pre-assessment Guidelines. It is important here to address gender concerns and the cross-cutting themes.

C.4 RESULTS AND PRODUCTS

The pre-assessment exercise will conclude with the presentation of findings to the USAID mission, and it should include the following products:

1. **A LTPR findings report.** This final report should include a description of the country's land access, tenure and property rights situation, the related legal framework, and the underlying institutional and administrative structures, responsibilities, and capacities. The LTPR pre-assessment background information collection sheet can serve as an outline for this report. This section of the report should be followed by a description of and prioritization for each of the five LTPR categories, with the content guided by the LTPR Pre-assessment Guidelines (presented below). Gender considerations should be attended to throughout, and the other cross-cutting themes should be addressed as appropriate. A recommendations section should respond to the basic motivations for doing the exercise, and draw conclusions on:
 - How the effort revised or augmented the country profile and ranking;
 - How the results might or might not prompt a subsequent and more complete LTPR assessment;
 - How the results lay the foundation for a follow-on LTPR assessment; and
 - How the results inform conclusions about past and ongoing interventions.

Annexes to the LTPR findings report should include: (1) a list of key informants interviewed, including their contact details; (2) a list of other informants who were identified but not interviewed; (3) a list of LTPR institutions within the government, donors, and NGOs; and (4) a bibliography list of laws and documents collected during the assessment.

2. Binders containing copies of all of the **laws, reports, and other documents** gathered during the assessment. Whenever possible, electronic copies of these documents should also be provided to the mission.

ACCESS AND TENURE Obtain basic information on:	LEGAL FRAMEWORK	LAND INSTITUTIONS Collect information on the functioning of the following:
<p>Forms of land/resource holding</p> <ul style="list-style-type: none"> • Private ownership • Collective ownership • Common ownership • Customary and informal tenure • Concession • Leasehold • Use right • Squatting • Marital property <p>Pattern of land/resource holding</p> <ul style="list-style-type: none"> • Landlessness • Ownership/access by women (within a household and as head) • Ownership/access by marginalized groups • Ownership/access by commercial interests • Ownership/access by foreign interests <p>Means of acquiring land/resources</p> <ul style="list-style-type: none"> • Purchase • Inheritance • Distribution programs • Regularization • Restitution • Privatization • Leasehold • Individualization • Customary access rights <p>Changes in landholding patterns</p> <ul style="list-style-type: none"> • Land/agrarian reform • Farm restructuring • Individualization • Involuntary resettlement • Land allocation • Land redistribution • Market assisted land reform • Privatization • Urbanization <p>Rights, access and management of natural resources</p> <ul style="list-style-type: none"> • Water • Forests • Pastureland • Wetlands • Sub-soil resources • Reserves • State lands 	<p>Laws</p> <ul style="list-style-type: none"> • Constitution • Civil code • Land laws and regulations • Land policy • Inheritance laws • Marital property laws • Land transfer/lease laws • Mortgage laws • Registration/titling laws • Expropriation laws • Forest laws • Land taxation laws • Land surveying and mapping laws • City or town planning laws • Condominium laws • Protected areas laws • Zoning laws • Pastureland laws • Environmental laws • Land use regulations 	<p>Institutions</p> <ul style="list-style-type: none"> • Land and resource-related ministries or departments • Decentralized/local land and resource-related bodies • Customary tenure and resource allocation bodies <p>Dispute resolution</p> <ul style="list-style-type: none"> • Judiciary • Land/resource dispute bodies • Customary dispute resolution bodies <p>Land administration</p> <ul style="list-style-type: none"> • Formal/informal recognition of land rights • Registration/titling system • Cadastre <p>Civil society</p> <ul style="list-style-type: none"> • NGOs working on land or resource issues <p>Private sector</p> <ul style="list-style-type: none"> • Private sector professional associations: lawyers, surveyors, valuers, real estate agents, bankers, moneylenders

Is this a key LTPR concern for the country?

Fragile country—Is the country a fragile state as described by USAID and other donor criteria? Does it have the governance capacity to address the land/resource-related conflict concerns? Are dysfunctional or key institutional arrangement broader than just LTPR systems threatening to push the country into violent conflict?

Current conflict—Is there ongoing violent conflict? Are land/resource concerns an underlying cause of the conflict? Has recent/present conflict led to land/resource conflicts or disruption of management/use? Are unresolved land conflicts or dysfunctional LTPR systems causing violence? What is the scale of this violence?

Post conflict—Has there been recent conflict in the country? Is the transition from post-war conflict to transitional development being hampered by a lack of attention to LTPR problems linked to conflict or resulting from conflict?

Displaced persons—Have recent conflicts created significant numbers of internally displaced peoples, refugees, ex-combatants, or women heads of household that are in need of land and or natural resources access?

Violent land and natural resources conflicts—Are there significant boundary/use/occupation conflicts over land/natural resources? Do these conflicts threaten to grow into broader societal and violent conflict?

Where can information on this LTPR theme be obtained?

- United Nations High Commissioner for Refugees (UNHCR) or NGOs working with displaced persons or refugees and NGOs or government ministries working with women or minority groups
- Formal or informal dispute resolution bodies

Is this a key LTPR concern for the country?

Environmental degradation—Is land or land-based resource degradation a significant problem? Is it the consequence of weak, inadequate or eroding LTPR? Where are these problems most significant in the country and what are the indicators of environmental degradation?

Common property degradation—With regard to common property, are absent or deteriorating property rights and land use management of pasture, forest, and public lands resulting in resource degradation, conflict, or biodiversity loss?

Individualized land resource degradation—Are individualized land resources (such as land and pasture) being degraded? In what ways are they being degraded (over- use or poor land use practices)? What is the interest in short-term gains versus ensuring long-term benefits?

Unsustainable exploitation—To what extent is commercial or other exploitation of land resources unregulated or uncontrolled? Are state concessions/licenses (for timber, mineral mining, petroleum extraction, fishing, or commercial exploitation) causing land and resource degradation and contamination?

Insufficient capacity—Does the government lack sufficient capacity, particularly at decentralized levels, to develop, implement, monitor, and enforce environmental legislation? To what degree are customary systems of land and natural resources rights incorporated into national and local government policy and legislation?

Where can information on this LTPR theme be obtained?

- Donors or NGOs working on natural resource management issues or community-based natural resource management and groups working with women or indigenous groups on the use and management of natural resources
- Government ministries and departments working on natural resource management or concession granting
- Cadastre offices for land and natural resources
- City planning offices
- Review of legislation regarding resource management/exploitation, concession/license-granting, and land and resource protection

Is this a key LTPR concern for the country?

Poor definition of individual property rights—Are individual rights to land poorly defined? What are their duration, and is this sufficient to encourage investments? Do land rights holders lack assurance that property rights are enforceable? Are the property rights of women adequately defined and enforced? Are the property rights of minority groups adequately defined and enforced?

Lack of recognition of common property—Is legal or de facto recognition of common property access and rights a problem? Are these examples isolated or widespread? Where in the country are these problems most significant?

Displacement/taking—Are illegal, unprincipled, or unfettered government takings of land depriving occupiers of their land? Do landholders fear that their land will be taken or reacquired by the government? What is the frequency with which displacement taking place?

Lack of land administration leading to insecurity—Are broad-based land rights definition and enforcement being hampered due to a land administration system that is dysfunctional, understaffed, under-resourced, not decentralized, or lacking adequate stakeholder participation? What are practical examples of this?

Insecure rights at family break-up—Do women retain land resource rights upon divorce, separation, or the death of a male family member? Do members of families lose land rights upon the death of another family member due to HIV/AIDS?

Land disputes—Are land/natural resource disputes widespread? What are the underlying causes of these disputes? Are conflicts over land or resources due to ownership disputes, overlapping rights, and inheritances frequent occurrences? Are there adequate mechanisms to resolve land disputes? What are examples of this?

Legal pluralism—Is an incompatibility between statutory and customary LTPR systems contributing to insecurity?

Where can information on this LTPR theme be obtained?

- Donors, NGOs, or government departments working on land or natural resource property rights issues
- Review of the country's relevant land legislation for information on: (1) the recognition of women and minority group land/resource rights; (2) the definition and legal recognition of individual and common property rights; (3) laws on governmental expropriation of or control over land or resource holdings; and (4) the interaction between formal law and customary law.
- Professionals, such as lawyers, notaries, surveyors, and individuals working on real estate, inheritance, and privatization.

LTPR PRE-ASSESSMENT GUIDELINES: INEQUITABLE ACCESS TO LAND AND NATURAL RESOURCES

Is this a key LTPR concern for the country?

Significant landlessness—Are there significant portions of the population that do not own or have secure access to land/resources? Do many of those with land hold only very small plots? What is the dimensions/scale of the problem?

Skewed landholdings—Is land distribution in terms of area highly-skewed, depriving the majority of households sufficient land for secure livelihoods? Does the existence of large estate or plantation holdings mean that adequate quality land is not available for small holders and the landless? Is land distribution amongst ethnic populations disproportionate? Does this result in a hardship or disadvantage? Who is most affected, and in which areas of the country are these problems most severely experienced?

Women's land rights—Are female-headed households or women within households relegated to marginal or degraded lands? Are women or some groups of women denied rights to land? Is this widespread or relative to land holdings, wealth, or geographical location?

Squatting—Does a lack of access to land result in informal or illegal settlements on public or private lands? Where are land squatting concerns most severe, and how are they manifesting themselves?

Reforms—Is there political will to create and implement reforms that would address access and inequitable distribution concerns? What are the indicators of this political will?

Where can information on this LTPR theme be obtained?

- NGOs working on land rights, rural livelihoods or issues of women, indigenous groups, squatters, or tenants unions
- Government entities working on land distribution or reallocation
- Government statistical units for information on landholding size and distribution
- Review of legislation or project guidelines for land distribution or reform projects or programs
- Other groups, individuals, or resources identified during the mini-assessment to provide information on this LTPR theme

Is this a key LTPR concern for the country?

Existing enabling legislation—Does the country have appropriate legislation to enable land market activities, such as legislation to recognize and smooth the process for land transactions and mortgage legislation? Does legislation limit the functioning of the land market by banning all or some land sales or rental transactions?

Accessible markets—Can small holders, women, or minority group members purchase, contract, or rent land? What is the nature of these arrangements?

Lack of transactions—How active or inactive are land sale markets? How active or inactive are land lease markets? Where are land sale markets the most active? What indicates this level of activity?

Lack of land administration support—Is the land administration system undeveloped or otherwise dysfunctional in a way that limits transactions or drives them underground?

Credit—Are landholders able to obtain credit using land as collateral? If not, what other property do they use as collateral? Are all types of landholders capable of obtaining credit, or only large holders? How many institutions operate using immovable property or land as credit?

Where can information on this LTPR theme be obtained?

- Land registration offices, land administration officials, or city planning offices
- Real estate developers, commercial developers, and banks
- Donors working on land administration projects
- NGOs working with small holders, women, or minority groups
- Review of legislation and regulations governing land market transactions, rentals, mortgage, and land administration procedures

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