

MAPPING AND REVIEW OF SIDA'S ASSISTANCE TO LAND POLICY REFORM, LAND ADMINISTRATION AND LAND GOVERNANCE



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EXECUTIVE SUMMARY

Study purpose and approach

In Sida's Working Group for Land Issues commissioned this study with the purpose to "map out Sida's land interventions and make a synthesis of conclusions and lessons learnt from previous reviews, so as to improve the understanding of how Sida has worked with land issues so far and with what results in order to inform Sida's policy and priorities for the future. An additional purpose is to identify strategic evaluation questions as a basis for planning for a possible more in-depth strategic evaluation on the topic at a later stage". The study team utilised Sida's and Lantmäteriet's archives and also contacted a wide range of actors that has been involved in relevant Sida-supported activities over the last 10 years.

Interventions were subdivided into the following categories:

- Development of land policy and legal framework
- Institutional development; land administration and management, systematic land registration
- Decentralized land and natural resource governance
- Human rights and gender initiatives related to land
- Education and training related to land and natural resources tenure.

The team reviewed about 100 interventions while additional interventions supported through Swedish NGOs as well as a large number of rather small interventions in the Human-Rights category were looked at more superficially.

Sida's assistance to land policy reform, land administration and land governance

During the period 2000–2010 Sida has made decisions to support interventions with a rather direct focus on this subject area involving a total financial volume of about 1,800 MSEK. Out of that amount, some 800 MSEK has been allocated to support to land-administration institutions, land registration and management and land registration, mainly at national and more local levels. About 400 MSEK were allocated to interventions classified as Decentralisation of land and natural resource governance, about 250 MSEK to education and training on land administration in a broad sense and some 220 MSEK to intervention with a main focus on development of policy and legal frameworks. There was also a considerable support to Human Rights-oriented interventions, which is, however, usually broader focussed than on land rights but with an element of land rights support. In addition, a portion of the support channelled through Swedish NGOs has such focus. In financial terms, the largest portions of the support have been allocated to interventions in Europe and in Africa. Much investment has been directed to the development of land-administration institutions and systems in Eastern Europe and in Former Soviet States. Lantmäteriet and KTH have been major Swedish actors providing technical support to the implementation of the activities financed by Sida. Bilateral support, through various forms of cooperation but exclusive of the support through NGOs, have been decided upon for at least 39 different countries, and additionally to about 21 interventions at regional and global levels.

Findings on interventions

The team was not asked to evaluate the intervention portfolio, but was expected to analyse and summarise conclusions drawn in the evaluations of interventions that have been carried out. A limitation that the team encountered in this context was that the evaluation coverage is rather meagre, more so for some types of interventions than others, and that evaluations have not always adhered to Sida's evaluation guidelines and stipulated nomenclature. A majority of

reviews and evaluations have been conducted during or soon after the implementation period and, consequently, often been more concerned with constraints in implementation and intervention outputs than with the outcomes and impacts.

Relevance

Evaluators have generally found all interventions relevant. The evaluations provide little analytical insights into the relevance of contents of some of the educational programmes in relation to students coming from the different continents.

Effectiveness at output level

Evaluators have generally concluded that the outputs have been good on “decentralisation of land and natural resource governance” and on “education and training”. The dispersed nature of the “human-rights and gender interventions” and limited evaluation coverage on “human rights and gender interventions” hinders the team to draw very general conclusions on outputs, but there are a large number of positive outputs recorded. For the interventions aimed at “institutional development; land administration and management, systematic land registration” it was common that the initial design was modified during implementation periods and moreover, in the absence of baseline data it is difficult to draw conclusions of effectiveness at output levels.

Effectiveness at outcome and impact levels

There is variation between categories with relatively more positive findings on “decentralised land and natural resource governance”, but on a general note too few evaluations have seriously attempted to analyse outcomes and impacts to enable the team to make an overall assessment of these parameters. The rather weak empirical data on outcomes and impacts may make the clear statements made by evaluators on relevance less well anchored in some cases.

Sustainability

Specific concerns have been expressed by evaluators with regard to sustainability of computerised systems for land registration.

Cross-cutting and other factors

Evaluators have commonly criticised the way gender issues have been dealt with. In some instances concern has been expressed regarding possible negative impacts for women’s land rights and especially so in the Balkan states. Positive environmental impacts have rather frequently been observed. Observations on economic benefits to stakeholders have been made too, but less frequent than on positive environmental impact. Very few of the interventions directly supported by Sida have addressed issues related to non-state systems including customary rights. Systems for local governance have frequently been reported as strengthened as a result of interventions addressing such issues.

The interventions in light of a rights-based approach

Most interventions have taken as their point of departure identified or assumed shortcomings in the way land institutions operate and in the way the formal legal framework is constructed. Often, it seems, concerned ministries and institutions have approached Sida or other relevant Swedish institutions requesting assistance to overcome a particular problem or deficiency. In other cases, particular capacity building interventions have been set up in support of larger institution-focused land reform programmes funded by other donors. In either case, the interventions appear to have been based on rather shallow assessments that have less seriously taken into account the needs and perspectives of people living in poverty. A comprehensive

rights-based approach requires that interventions take as their starting point the needs of people living in poverty, in particular women and other vulnerable groups, rather than the identified shortcoming in formal laws or land administration institutions. The different categories of interventions differ to some extent in this respect with more direct attention paid to the ultimate stakeholder level in the interventions targeting decentralisation of land and natural resource governance. Gender issues and Women's Economic Empowerment dimensions in interventions have to be translated into practice with designs for measurable outputs and outcomes. This has rarely been the case up to now.

Proposed topics for strategic evaluations

The team concluded the study with proposing a menu of ten topics for strategic evaluations to gain better understanding of impacts of the Sida support during the last 10 years and that could also help in guiding Sida's future engagement. Considering that Sida's position paper stresses the importance of a holistic approach to land governance, it is essential that all strategic-evaluation elements are carried out by *multidisciplinary teams*.

The menu of ten strategic evaluations is:

- Gender dimensions on land titling
- Indigenous land rights
- Land consolidation for overcoming fragmented and unsuitable parcel structures
- Links between land registration, land markets and economic development for the low income segments of the population
- Local governance of common and communal lands – how can it benefit all stakeholders?
- Computerization of land administration systems – when is it sustainable?
- Experiences of Sida's support to tenure-related interventions in urban and peri-urban areas
- Experiences of Sida support to tenure-related interventions in rural areas
- Relevance, cost-effectiveness and prospects for Sida engagement in training and education on tenure and decentralisation with focus on Africa
- Better tenure security for all or options for land grabbing for some?

In addition, the team proposed three forward-looking strategic assessments on the following topics:

- Pluralistic tenure systems
- Making best use of Swedish comparative advantages, and
- Ensuring proper design of interventions.

Abbreviations

ADA	Austrian Development Agency
AREC	State Agency of Real Estate Cadastre (Moldova)
BEPLAU	Bureau of Environmental Protection, Land Administration and Use (Ethiopia)
BEST	Business Environment Strengthening in Tanzania
CDRI	Cambodian Development Research Institute
CIFOR	Center for International Forestry Research
COHRE	Centre on Housing Rights and Evictions
CPLAR	Cooperation Programme for Land Administration Reform (Vietnam)
CSLUSP	Civil Society Land and Urban Sector Programme (Kenya)
CSO	Civil Society Organization
DFID	Department for International Development
FAO	Food and Agriculture Organization of the United Nations
FIAN	Food first Information and Action Network
FSIP	Forestry Strategy Implementation Promotion (Laos)
FTPP	Forest, Trees and People Programme
GEDEFOR	Gestion Décentralisée des Forêts (Mali)
GGJ	El Grupo de Gobernanza y Justicia (Guatemala)
GIS	Geographic Information System
GLTN	Global Land Tool Network
GTZ	Gesellschaft für Technische Zusammenarbeit GmbH
HQ	Headquarters
IIED	International Institute for Environment and Development
ILA	Institute of Land Administration (Ethiopia)
ILC	International Land Coalition
ILO	International Labour Organization
ILUSP	Integrated Land and Urban Sector Programme (Kenya)
IPRO	The Immovable Project Registration Office (Albania)
ITP	International Training Programme
IUCN	The International Union for Conservation of Nature
IWGIA	International Work Group for Indigenous Affairs
KTH	Royal Institute of Technology
LACPAS	Improvement of Land Administration Procedures, Capacity and Systems (Botswana)
LAMP	Land Management Programme
LIS	Land Information System
LSNSA	Land Sector Non-State Actors (Kenya)
MRDP	Mountain Rural Development Programme (Vietnam)
MRG	Minority Rights Group
MSEK	Million Swedish Crowns
MTR	Mid-Term Review
NAPR	National Agency for Public Registry (Georgia)
NCG	Nordic Consulting Group
NEPRU	Namibian Economic Policy Research Unit
NGO	Non Government Organization
OECD/DAC	The Development Assistance Committee of the Organization for Economic Cooperation and Development
PAGEIT	Projet d'appui à la gestion des écosystèmes inondables dans quatre terroirs du delta intérieur du fleuve Niger (Mali)
PGU	Programme for Global Development
PINGO's Forum	Pastoralists Indigenous NGOs Forum (Tanzania)
PSCP	Private Sector Competitiveness Project (Tanzania)

RECOFTC	Regional Community Forestry Training Centre
REDDIN	Rehabilitation des Ecosystemes degrades des delta interieur du Niger (Mali)
RRI	Rights and Resources Initiative
SADC	Southern African Development Community
SARDP	Sida-Amhara Rural Development Programme (Ethiopia)
SCC	Swedish Cooperative Centre
SEMLA	Support to Environmental Management and Land Administration (Vietnam)
Sida	Swedish international development cooperation agency
SIPU	Swedish Institute for Public Administration
SMR	Swedish Mission Council
SNV	Netherlands Development Organization
SPARC	Society for the Promotion of Area Resource Centres (India)
SSCN	The Swedish Society for Conservation of Nature
SUAS	Swedish University of Agricultural Sciences
TA	Technical Assistance
UMGIS	Urban Management Geographical Information System (China)
UMLIS	Urban Management Land Information System (Ghana)
UN	United Nations
UNDP	United Nations Development Programme
UNHABITAT	United Nations Agency For Human Settlements
UNHCR	United Nations High Commissioner for Refugees
USAID	United States Department for International Development
WB	World Bank
WRI	World Resources Institute
WWF	World Wide Fund for Nature

1. The study

1.1 Background and purpose

Over the years, Sida has supported land policy reforms and land administration in both urban and rural contexts in Africa, Asia, Latin America, East Europe and Central Asia to strengthen tenure security on the one hand, and to develop markets on the other hand.¹ Sida's support has included for example capacity building of land institutions, land titling or land certification processes of individual respectively communal lands, the development of various kinds of land administration systems, land legislation and policy development at national levels, local governance of land and other natural resources in relation to e.g. decentralization and devolution processes. Sida has also supported international organizations and networks engaged in land issues.

Sida's Working Group for Land Issues, with representation from various policy and operational teams, was established in early 2010 due to the demand for more learning and guidance with regard to land interventions. In August the Working Group engaged Naturbruk AB to "map out Sida's land interventions and make a synthesis of conclusions and lessons learnt from previous reviews, so as to improve the understanding of how Sida has worked with land issues so far and with what results in order to inform Sida's policy and priorities for the future. An additional purpose is to identify strategic evaluation questions as a basis for planning for a possible more in-depth strategic evaluation on the topic at a later stage."

1.2 The scope of the study

The following kinds of interventions² supported by Sida fall within the scope of the study:

- Development of land policy and legal framework
- Institutional development; land administration and management, systematic land registration
- Decentralized land and natural resource governance
- Human rights and gender initiatives related to land
- Education and training related to land and natural resources tenure

The nature of the interventions within each of these categories is elaborated in Section 3.

Depending on the nature of the support, interventions have been divided into

- Support at country or more local level
- Support at regional level (i.e. areas comprising several countries)
- Support at global level.

Criteria used for an intervention to be included in the team's analysis are that the intervention:

- Has elements that makes it fall within the subject domain³
- Has included some institutional dimension (the mere use of participatory approaches in development planning is, for example, not sufficient for an intervention to be regarded as "decentralisation of land and natural resource governance")

¹ Sida. 2007. Natural Resource Tenure. A Position Paper for Sida; Sida. 2008. Land Administration – Why? Swedish National Land Survey.

² The categories were identified by Sida's Working Group but were slightly modified, in consultation with the Working Group, during the course of the work. The nature of interventions under each category is elaborated in section 3.

³ This does, however, not imply that an intervention is clearly limited to this domain. On the contrary, land and resource tenure issues are often embedded in other wider subject areas

- Has been implemented over an extended period of time⁴
- Has been based on a funding decision made during the period 2000 to date⁵
- Has been based on an explicit Sida decision. Resources channelled through major Civil Society Organizations (CSOs), have received less attention.

All in all, some 150 interventions have been reviewed. While some were excluded as they were found irrelevant⁶, a working document covering details on about 100 relevant interventions was prepared to serve as the basis for refined and summarised description and analysis. Although there could be some omissions, the team is of the opinion that the about 100 projects represent the bulk of activity supported by Sida within the subject area, with an exception of human rights related interventions where only those with a primary focus on land- or resource-rights were included. A list of the studied interventions is attached (Appendix 1). Out of the 100 interventions, 73 were selected as appropriate to include in a statistical analysis of Sida's support to land issues⁷.

Since a rather substantial share of Sida's support is channelled through CSOs and the activities of such organizations in many instances include land and resource tenure and associated rights, the team has included relevant examples of activities implemented or supported through such organizations. It should be recognised, though, that there are thousands of projects supported through CSOs where Sida may not itself make explicit decisions on the character of each activity. Hence, the team has only been able to present a broad description with specific examples.

1.4 Study approach

This study was conducted during August to November 2010 and guided by the Terms of Reference (Appendix 2) and a continuous dialogue and exchange of ideas with Sida's Working Group.

The mapping exercise has involved reviews of an immense number of documents relating to the wide array of Sida support that can be regarded as falling within the scope of the study. The number of documents hinders the team from making a useful list of all references. However, a list of key references of more strategic nature was prepared (Appendix 3). People consulted were listed, Appendix 4. Contacts have included various segments of Sida, embassies, CSOs, consultant companies, retired Sida staff, government authorities, local governments and educational institutions.

The fact finding was conducted in two stages. Firstly, potential interventions were sought in material supplied by Sida, in the Archives of Lantmäteriet, Swedesurvey and Sida and through contacts with consultant companies and individuals as well as in the team members own archives. Each intervention was briefly reviewed (Project Document, Sida decision,

⁴ Seminars, workshops and short feasibility studies that did not lead to an intervention were thus excluded

⁵ In some instances activity under preparation but not yet decided has been mentioned. Some older activities which have a clear bearing on more recent ones have also been highlighted. Financial analysis, however, is based on Sida decisions during 2000 to date, which does obviously not necessarily match resource use during the period.

⁶ On the basis that they contained very little or nothing related to the subject area scope of this study

⁷ The about 100 interventions form the basis for the review, but the statistical analysis was limited to the 73 to minimise subjectivity. Some interventions with "land governance" as a minor part in a larger intervention were excluded from the statistics to avoid subjective assessments of what financially falls within the scope of the study. The outcome would not be much different if based on 100 but accuracy would be less certain

Assessment Memo) to determine whether or not it fell within the subject scope of the study. Those found irrelevant for the study were excluded.

Secondly, more information was secured for each of the about 100 relevant interventions. This data search was largely based on the mentioned archives, but internet was also used and Embassies were contacted. Earlier analyses of Sida's portfolios were also utilised. As far as possible, the following information was sought for each intervention:

- Intervention name/s
- Category
- Source of information
- Implementation period
- Budget
- Focus/objectives
- Main ultimate target groups
- Apparent Human Rights Dimension
- Apparent Gender Dimension
- Geographic target area
- Urban/Rural focus or both
- Main more direct beneficiaries including cooperation partners, etc.
- Development partners, co-funding, bilateral/multilateral, etc.
- Swedish partners
- Stated outputs and outcomes
- Key reviews and evaluations

All the information gathered was compiled in a work document.

The analyses also entailed some different elements. The statistical analysis mentioned above was one element, whereas the major element was to review all material with the aim to extract generalised information suitable for the report. Other elements included comparisons of the interventions with Swedish Government policies, Sida's position papers, briefly with international experiences and with what a rights-based approach applied in this field implies. The final stages of the analysis included drawing conclusions culminating in suggestions for Sida on possible follow up to this study.

Constraints were encountered and are commented upon in Sections 3 and 4.

2. A glance at guiding Swedish policies and international law

2.1 Guiding Swedish principles

Sweden's international aid program goals are "to help create conditions that will enable poor people to improve their lives" and, in relation to reform cooperation in Eastern Europe, "to strengthen democracy, equitable and sustainable development, and closer ties to the EU and its basic values." The support provided by Sweden should be guided and permeated by poor people's perspectives on development and a rights perspective.⁸

⁸ See Government Offices of Sweden, Budget and Objectives: International Development Cooperation, <http://www.sweden.gov.se/sb/d/3102/a/114382>

Sweden regards land rights to be an essential aspect of its aid programme goals and Sweden's Policy for Global Development (PGU) explicitly recognizes that securing access to land for women is vital to their prospects of overcoming poverty.⁹

In 2009, the Swedish International Development Cooperation Agency (Sida) adopted land tenure rights as a high profile issue within the thematic area referred to as Economic Opportunities (one of Sida's five such areas), which means that the agency is aiming to have specialist competence for specific contributions and dialogue on the issue.¹⁰

Sida's work on land tenure rights is currently mainly guided by its 2007 position paper on natural resource tenure in which it is argued that such rights have to be dealt with in a holistic manner and that "...establishing effective and equitable tenure systems requires addressing power relations at all levels; from applying democratic governance principles such as participation, accountability, transparency, rule of law and respect for human rights, and fighting corruption, to ensuring access to the resource tenure system for those living in poverty."¹¹

However, land-related matters are also dealt with in a number of additional instruments that guide Sweden's and Sida's development cooperation efforts. The Policy for Democratic Development and Human Rights in Swedish Development Cooperation, 2010–2014, recognizes for instance that in places where conflict has resulted in population displacement, "a fair distribution of land and other natural resources is an important part of the reconstruction process and an aid to future democratic development."¹² In Sweden's policy for support to civil society in developing countries is stated that attention should be given to civil society actors contributing to strengthened property rights.¹³ The new policy on gender equality says that Sweden will take action to "strengthen the right of women and girls to use, inherit and own land and other property, including in post-conflict and crisis situations."¹⁴

Reference to land issues is also made in the 2010 policy on environment and climate issues, in which it is stated that Sweden is to support a development towards more productive and sustainable agricultural systems through strengthened ownership to land for farmers in general and female farmers in particular.¹⁵ It should be noted, however, that while the Team's assignment, as well as this report, concerns Sida's land interventions since year 2000, all of the above mentioned policies have been put in place in the last few years.

2.2 International human rights law

In international law, the right to land is not codified as a separate right applying to all human beings. However, the right to land is usually interpreted as being an integral part of, or directly related to, the human rights to housing, food, water and work. International law also contains a number of general principles that relate to access to land, including the principles

⁹ Shared Responsibility: Sweden's Policy for Global Development, Government Bill 2002/03:122

¹⁰ Director General's decision on Enhanced Thematic Focus, August 2009.

¹¹ Sida, 2007. Natural Resource Tenure: A position paper for Sida,

¹² Regeringskansliet. 2010. Change for Freedom: Policy for Democratic Development and Human Rights in Swedish Development Cooperation, 2010–2014,

¹³ Government Offices of Sweden. 2009. Pluralism: Policy for Support to Civil Society in Developing Countries within Swedish Development Cooperation,

¹⁴ Government Offices of Sweden. 2010. On Equal Footing, Policy for Gender Equality and the Rights and Role of Women in Swedish International Development Cooperation 2010-2015

¹⁵ Regeringskansliet. 2010. Policy för miljö- och klimatfrågor inom svenskt utvecklingssamarbete 2010- 2014,

of equality and nondiscrimination in ownership and inheritance. It should furthermore be noted that European Convention on Human Rights, the African Charter on Human and Peoples' Rights and the American Convention on Human Rights all give a right to property and set limits for expropriation.

In relation to indigenous people and women, international human rights instruments do contain a number of explicit provisions regarding their right to land. The International Labour Organization (ILO) Convention 169 on Indigenous and Tribal People states for instance in Article 14 that

"The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognized. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect."

The convention also, among other things, provides protection against forced removal, includes provisions to safeguards peoples right to natural resources, and requires that legal provisions exist to resolve land claims.¹⁶

In 2007, the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples, which says that "indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise acquired. The Declaration, as well as the Convention, underlines the need for participatory dialogue and for free, prior and informed consent in relation to lands occupied by indigenous peoples.

The International Convention on the Elimination of all forms of Discrimination against Women provides that State Parties shall ensure women the right to "equal treatment in land and agrarian reform as well as in land resettlement schemes".¹⁷ It also states that both spouses shall enjoy "the same rights...in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property..."¹⁸

3. Sida's assistance to land policy reform, land administration and land governance

Sida has supported developments in various areas of land tenure management for many years. The following statistical analysis is, however, based on 73 interventions of some substance in the first decade of this millennium.

The graph below shows the geographical distribution of those interventions.

¹⁶ See articles 13-19

¹⁷ Article 15

¹⁸ Article 16

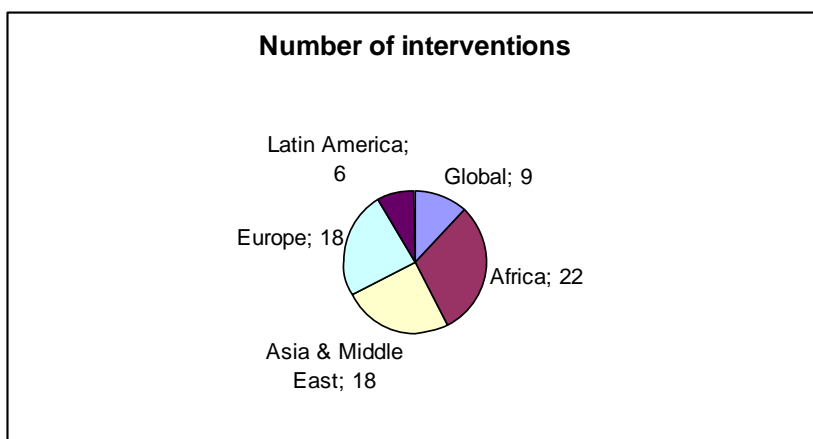


Figure 1 Interventions per continent

Out of the 73, Africa has been subject to 22 interventions – 30% of the total. Latin America, on the other hand, has had only six interventions.

Sida has decided on a contribution to the land tenure sector of close to 1,800 MSEK over ten years. The distribution of these funds is shown in the graph below.

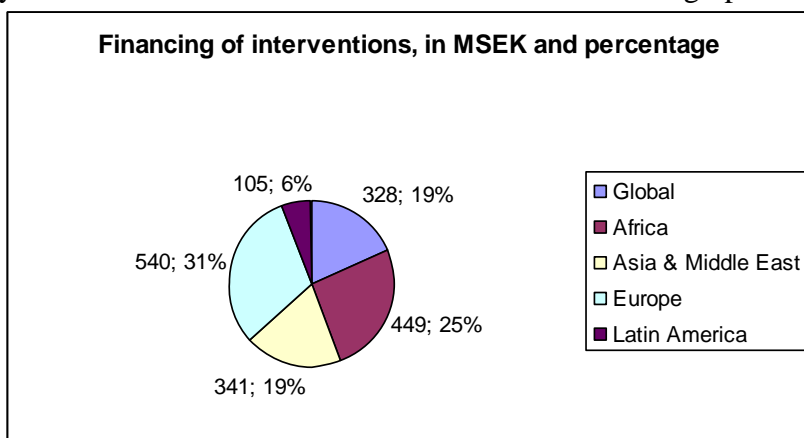


Figure 2 Assistance per continent

The “winners” when it comes to funding are countries in Eastern Europe, which received close to one third of all contributions.

For the purpose of this mapping Sida’s interventions were divided into five categories (ref. section 1). The categories do overlap somewhat, since institutional development projects usually involve activities related to most of the other categories¹⁹. Most interventions could, however, rather clearly be attributed to one of the categories.

Based on information about the 73 interventions used for the statistical analysis, the distribution between categories is as follows:

¹⁹ The categories were identified by Sida’s Working Group but were slightly modified, in consultation with the Working Group, during the course of the work. The nature of interventions under each category is elaborated below.

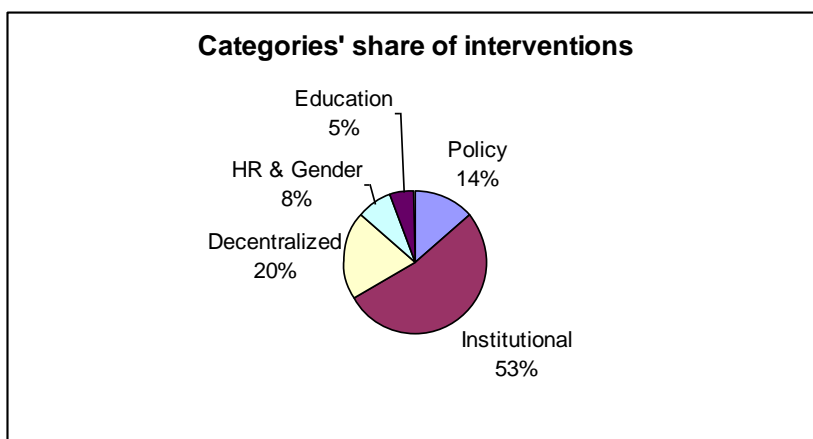


Figure 3 Categories' share of interventions

More than half of the interventions thus fall within the second category; *Institutional development; land administration and management, systematic land registration.*

The graph below shows how funds have been distributed between the five categories.

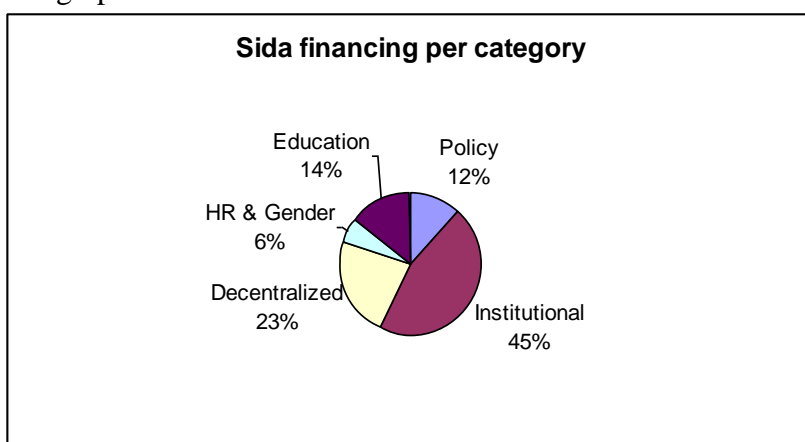


Figure 4 Finances per category

The following graph shows funds per category and continent:

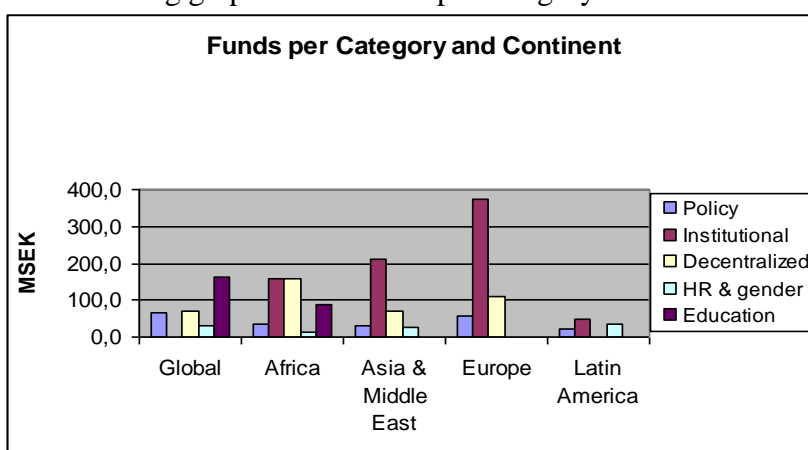


Figure 5 Funds per category and continent

For the period mapped the highest amount – 373 MSEK – has been allocated to institutional development in Eastern Europe.

Most interventions aimed at institutional development for land administration have no specific focus on urban or rural areas. This is related to the fact that institutions in charge of land administration in most cases have nationwide responsibilities.

3.1 Development of land policy and legal frameworks

Brief presentation

Inappropriate, poorly developed and contradictory legal frameworks and policies have often negatively impeded the development of well functioning land governance regimes. Sida has supported the development of legal and policy frameworks both in the form of stand-alone interventions and in the form of components embedded in other interventions, in particular those focusing on institutional development. It should be noted that most of these interventions have exclusively targeted the state legal order, even though in many countries the vast majority of all land transactions are handled under customary law. It should also be mentioned that some of the interventions go beyond policy and legal development and in addition include somewhat broader land consolidation programmes and efforts to strengthen judicial and quasi-judicial institutions mandated to address land disputes.

Sida's decisions on support 2000–2010

In the mapping exercise, the team has identified a total of 23 interventions concerned with the development of land policy and land related laws and regulations. While most of these interventions are embedded in programmes or projects with a different main focus, the table below shows national respectively global level interventions that in relation to land have had an exclusive or primary focus on the development of land policy and legal frameworks.

National level

Country	Programme	Jointly with
Cambodia	Development of Legal and Policy Framework for Registration of Indigenous Land Rights	GTZ
Croatia	Land Consolidation in Agricultural Sector	
Guatemala	Access to Justice Programme	
Kenya	Integrated Land and Urban Sector Programme (ILUSP)	Lantmäteriet Orgut
Kenya	Land Sector Non-State Actors (LSNSA)	
Moldova	Land Re-parcelling Pilot Sub-project in Moldova	World Bank

Global level

Global	Rights and Resources Initiative	
Global	Global Land Tools Network	UNHABITAT Norwegian Ministry of Foreign Affairs, WB
Global	International Land Coalition (ILC)	
Global	Cities Alliance	

Estimated total contributions

Between years 2000 and 2010, Sida's decided contributions to development of land policy and legal frameworks are estimated to amount to approximately:

National level	150 MSEK
Regional level	0 MSEK
Global level	70 MSEK

As the lion share of the support has focused on developing state legal orders, the support must be categorized as both rural and urban in nature.

Actors and implementation arrangements

While recipient country government institutions have been the sole implementing agencies in relation to some interventions, Swedish authorities, consultancy firms and the World Bank (WB) are among those that have also been engaged. With regard to the global level support, the interventions have been directed at international coalitions and NGOs.

Evaluations and reviews

The team has noted the following evaluations and reviews in relation to the above listed interventions with an exclusive or primary focus on the development of land policy and legal frameworks:

Country	Documents
Kenya: ILUSP	<i>Mid-term review 2007</i> <i>Formative Monitoring of the Integrated Land and Urban Sector Programme (ILUSP) the Civil Society Land and Urban Sector Programme (CSLUSP).</i> Matrix Development Consultants, March 2009
Guatemala	<i>Informe de Evaluación, Programa Acceso a Justicia Guatemala.</i> El Grupo de Gobernanza y Justicia (GGJ), October 2008
Moldova	<i>World Bank Aid memoires</i>
Rights and Resources Initiative	<i>The Rights and Resources Initiative: An Independent Monitoring Report on 2009 Activities.</i> Kevin Murray, Strategic Consulting, 2010. <i>Assessment Of The 2008 Program Independent Monitor, Rights and Resources Initiative.</i> Philanthropy Support Services, 2009 <i>Transforming China's Impacts in the East Asia Region: Advancing Pro-poor policy and market reforms for sustainable livelihoods and forests 2005-2008: A mid-term evaluation of a project implemented by Forest Trends and the Rights and Resources Initiative.</i> Jeff Sayer and Lars Erik Birgegård, November 19 th 2007
Global Land Tool Network	<i>Mid-Term Assessment Global Land Tool Network.</i> Collet and Burns, March 2010 <i>Evaluation of the Swedish support to the Global Land Tool Network and the proposal for a continuation of the support.</i> Palmkvist and Larsson, 2007

Most of these reports are mid-term reviews or other forms of assessments carried out while the interventions in question were still ongoing. They thus have little to say about achievement of outputs and attainment of objectives. An exception is the monitoring report relating to the ILUSP programme in Kenya (2009), which points to significant progress in the early stages of the programme. Positive reviews are also found in the various reports concerning the Rights and Resources Initiative.

3.2 Institutional development; land administration and management, systematic land registration

Brief presentation

This category includes interventions where national land administration organizations in various countries have received support to develop their capacities for improvements in land allocations and land registration, etc. The definition of land administration used here is:

“The process of allocating land and determining, recording and disseminating information about tenure, value and use of land – when implementing land policies.”

About half of the interventions supported by Sida are considered as belonging to this category, fully or partly. The major focus is on Eastern Europe and Central Asian countries in transition to market economy. One important prerequisite for a functioning market economy is verifiable and secure land and real property rights. Countries that have received support for reforming land institutions as a step towards introducing market economies are Albania, Armenia, Belarus, Bosnia and Herzegovina, Croatia, Georgia, Kosovo, Kyrgyzstan, Macedonia, Moldova, Russia, Serbia, Tajikistan and Ukraine.

A typical results chain²⁰ for building institutional capacity for land administration is shown below. This chain would better represent the projects implemented in Eastern Europe and former Soviet than those in Africa:

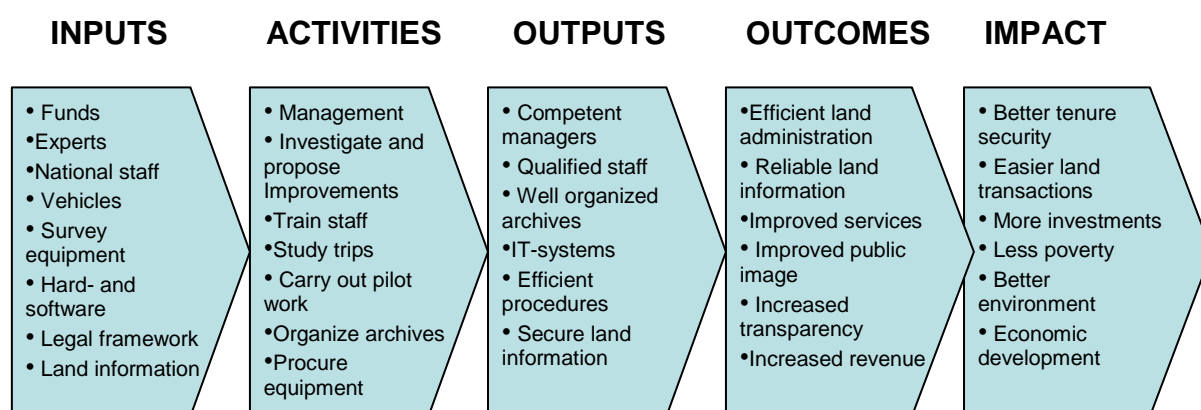


Figure 6 Results chain for a capacity-building intervention

Capacity building for national land administration organizations involves a number of inputs, e.g. international (and sometimes national) expert advisors, modern survey equipment, computers, etc. Current legal framework and stored land information are inputs, but also often manifestations of sector problems. Plans to improve institutional problems usually include procurement of equipment, training in various forms and improved work processes tested in pilot areas. The outputs – if the project is successful - involves improvements of the cooperating state authority; better qualifies staff, IT-tools for more efficient work, better organized land records, etc. Outcomes and impacts are assumed benefits, or - expressed in another way - the reasons why the intervention was supported at all. They often include improved and more transparent land administration services, as well as easier land transactions leading to more investments, economic development and less poverty.

While systematic land registration is not a common activity in Sida funded projects, it has been – and still is – a common activity in World Bank funded land administration projects, where in some instances Sida supports a technical assistance (TA) component. Currently there is also a specific intervention in Botswana based on partner-driven cooperation.

²⁰ Most results chains depicted in the report are constructs representing intervention types within a category. The team found this being more illustrative than choosing one specific example. Moreover, in several cases documentation does not include LFAs at all or LFAs with insufficient detail. It should also be noted that the results chain illustrate what interventions were expected to achieve but not what evaluations have demonstrated being the actual achievement.

Below is an example of a results chain for systematic land registration:

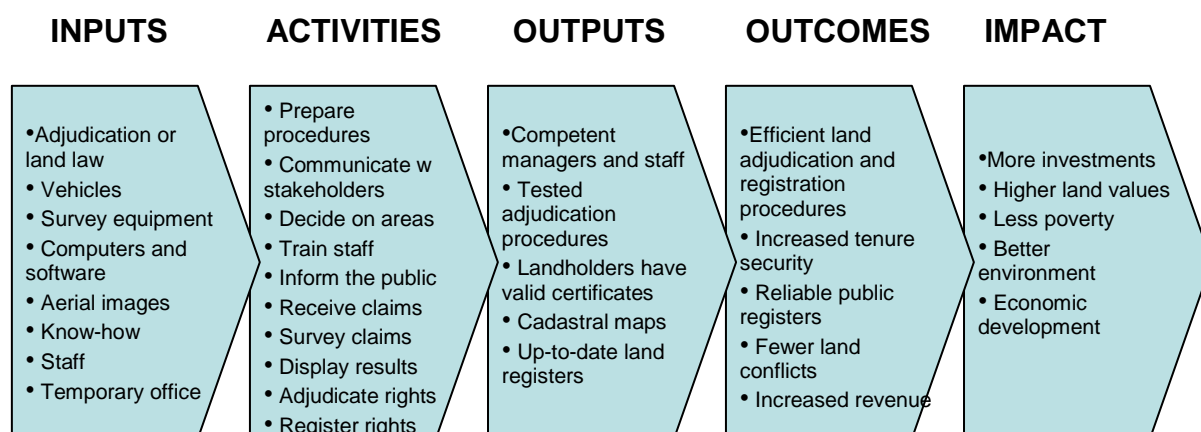


Figure 7 Results chain for systematic land registration

A few projects are specifically designed to promote land consolidation with the aim to create better farm units and thereby achieve increased productivity in agriculture (two of those have been regarded as policy development projects). A typical results chain is as follows:

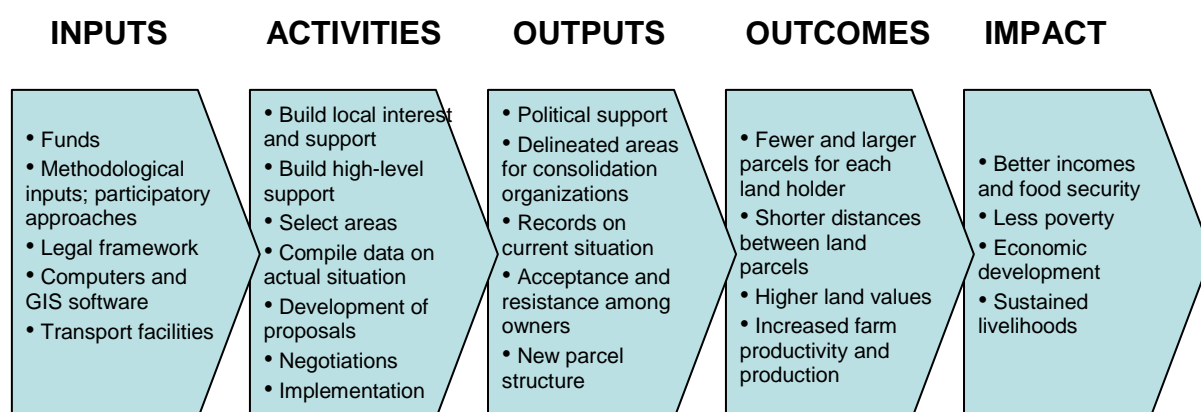


Figure 8 Results chain for land consolidation interventions

The roles of cooperating organizations vary between countries. In Georgia, for instance, the sole purpose of the National Agency for Property Register is to keep up-to-date registers on official land rights. In other countries (e.g. Botswana) the role of the Ministry of Lands encompasses surveying, mapping, land allocation, land registration, physical planning, i.e. virtually all aspects of land tenure administration and management.

National land organizations are normally responsible for both urban and rural land. However, large cities often have land administration of their own. The vast majority of the interventions thus have not had any specific focus on urban or rural areas but intended to improve on systems expected to be relevant for all areas. Some 10% addressed specifically rural areas and about 20% specifically urban areas.

Examples of projects with an urban focus are Urban Management GIS in China, Urban Management LIS in Ghana, Informal LIS in Kenya, GIS Cook Book in the Philippines and Building Capacity for Urban Development and Effective Land Tenure Management in Lusaka (Zambia). These projects often have major components for developing geographic

information systems (GIS), as a tool to administer information about land and buildings and for dealing with informal settlements.

Projects with solely rural focus are, for example, the project for displaced persons in Colombia, SARDP's support to certification in rural areas in Ethiopia, and a titling project in Nicaragua.

During the period Sida provided support for at least the following projects within the category:

Country	Programme	Jointly with
Albania	Land Administration and Management Program	WB
Albania	Twinning between Lantmäteriet and IPRO	Lantmäteriet
Armenia	Development of the Cadastral System in Armenia	Swedesurvey AB Lantmäteriet
Belarus	Support to the Development of a Property Market in Belarus	Swedesurvey AB Lantmäteriet
Bhutan	Strengthening National Geo-Information Management	Swedesurvey AB
Bosnia and Herzegovina	Land Administration Project	Germany, Austria GTZ
Botswana	Development of an Integrated Geographical Information System	Swedesurvey AB
Botswana	Improvement of Land Administration Procedures, Capacity and Systems	Lantmäteriet
China	Establishing of an Urban Management Geographic Information System in Hebei Province	Swedesurvey AB
Colombia	Development of a Methodology for a Sustainable National Geographic Information System for Planning and Land administration	Swedesurvey AB
Colombia	Protection of lands and patrimony of internally displaced persons in Colombia	World Bank, USAID, UNHCR, European Commission and Spain.
Croatia	Capacity Building & Institutional Strengthening of Ministry of Justice and Cadastre Agency	Swedesurvey AB Lantmäteriet
Ethiopia	SARDP/BEPLAU: Land Registration in Amhara	ORGUT
Georgia	(1) Support to the Development of a Land Cadastre and Land Information System – Tbilisi Land Management Training Centre, (2) Management and Training Support for Registration and Cadastre in Georgia and (3) Capacity Building and Improved Client Services at NAPR of Georgia	Swedesurvey AB Lantmäteriet
Ghana	TA for Design and Development of an Urban Management Land Information System in a Selected Pilot Area	Swedesurvey AB
Guatemala	Strengthening of the National Cadastre of Guatemala Phase II	Swedesurvey AB
Indonesia	Institutional Partnership for Strengthening Land Administration	Lantmäteriet
Kenya	Land Information for Informal Settlements	Swedesurvey AB
Kenya	TA to Ministry of Lands	ORGUT
Kenya	Project for Improved Land Administration in Kenya	Lantmäteriet
Kosovo	Development of Land Administration in Kosovo	Blominfo/ORGUT

Kyrgyz Rep.	TA to the Land and Real Estate Registration Project	WB/Swedesurvey AB
Kyrgyz Rep.	Strengthening Land Administration in Kirgizstan	Lantmäteriet
Macedonia	Strengthening of the Institutional Capacities of the State Authority for Geodetic Works <u>and</u> Capacity building for the implementation of the Strategic Plan for AREC	Swedesurvey AB
Moldova	Support to Moldova First Cadastral Project	Swedesurvey AB Blominfo/ORGUT
Mongolia	Training project on Cadastral System Development	Swedesurvey AB
Mongolia	Urban Land Administration System Development	Swedesurvey AB
Mongolia	Capacity Building in Human Resources Development to Strengthen the Land Administration Sector in Mongolia	Swedesurvey AB
Namibia	Cadastral Information System – Technical Assistance to the Directorate of Survey of Mapping	Swedesurvey AB, Gävle Municipality and Gävle University
Nicaragua	Fonde Agro	ORGUT
Peru	Mejoramiento para el Fortalecimiento de la Administración Municipal de la Provincia de Cusco	Swedesurvey AB
Philippines	GIS Cook book	Swedesurvey AB
Russia	Land Cadastre and Land Information System in Arkhangelsk Oblast	Swedesurvey AB
Russia	Russian-Swedish Land Cadastre Administration Programme	Swedesurvey AB
Serbia	Real Estate Cadastre and Registration Project in Serbia and Capacity building between Sweden <u>and</u> The Republic of Serbia Real Estate Cadastre and Registration Project	ORGUT/BlomInfo Swedesurvey AB Lantmäteriet
Tajikistan	Support for the Establishment of a Modern Cadastre System <u>and</u> Capacity Building for Implementation of the Law on Registration of Land and Immovable Property and Rights to it	Swedesurvey AB
Tanzania	Business Environment Strengthening in Tanzania; The Land Administration Component	Denmark, UK, the Netherlands, WB
Ukraine	Capacity Building for the Implementation of a National Spatial Data Infrastructure	Swedesurvey AB
Vietnam	Support to Environmental Management and Land Administration	Ramboll, Natura AB
Zambia	Capacity Building in the Area of Land Management, <u>or</u> The Land Tenure Initiative	Swedesurvey AB
Zambia	Building Capacity for Urban Development and Effective Land Tenure Management in Lusaka	Swedesurvey and SIPU

The interventions may be divided into the following sub-categories:

Sub-category	Shares of funds (%)
Institutional development for countries in transition to market economy, e.g. Armenia, Belarus, Georgia, Kyrgyzstan, Russia, Tajikistan and Ukraine	24
Capacity Building or TA in connection to WB programmes, e.g. Albania (2), Bosnia & Herzegovina, Croatia, Kyrgyzstan, Macedonia, Moldova and Serbia	41
Institutional development for other countries, e.g. Botswana, Guatemala, Indonesia, Kenya, Mongolia and Zambia	14
IT or more technical development interventions, e.g. Bhutan, Botswana, China, Colombia, Ghana, Kenya, Kosovo, Mongolia, Namibia, the Philippines, Peru and Russia (Arkhangelsk).	15
Systematic registration/formalization, e.g. Botswana, Colombia, Ethiopia, Nicaragua and Tanzania.	6

By far most financing has been allotted to cooperation with WB-funded land administration and management projects, while systematic land registration has only been supported by a 6% share of contributions. It should be noted though that many of the WB-funded interventions have a focus on systematic land registration.

Estimated total contribution

Close to half of Sida's support, about 800 MSEK, has gone to this type of interventions. The numbers of interventions are fairly evenly distributed between Eastern Europe, Asia and Africa. However, Eastern European countries have in total received more than Africa and Asia together for this category, namely about 370 MSEK.

Actors and implementation arrangements

The actors on the receiving end of the donor support are, as mentioned above, public authorities on national or local levels. There are only a few exceptions to this rule, and they are the project in Belarus, where the national partner is an NGO, and the project for displaced persons in Colombia, where Acción Social acted on behalf of the government. Experts and advisors have come from Lantmäteriet/Swedesurvey (until 2005) and directly from Lantmäteriet (after 2005) for about 85% of the interventions within the category. Examples of other organizations that have provided expertise are Orgut, BlomInfo, GTZ and SIPU.

Evaluations and reviews

The team has noted the following evaluations, reviews and important monitoring reports:

Interventions	Reports
Development of cadastral system in Armenia	<i>Outcome Review of Sida's Development Cooperation with Armenia 1999 – 2009.</i> Elmqvist M. and L. Rylander, SPM Consultants.
Development of Real Property Market in the Republic of Belarus	<i>The Sida Evaluation 2008:19.</i> Sahlin, Å. and M. Kalyta, SIPU. (The evaluation covers the period 2005–2008, but assistance started already in 1998).
Land Administration Project in Bosnia and Herzegovina	<i>Monitoring report from 2008.</i> Cheremshynskyi M. <i>Monitoring report from 2007.</i> Sadjadi, N. J.
Capacity Building for Croatia: Real Property Registration and Cadastre Pr.	<i>Evaluation Report, 2007.</i> Sahlin, Å. and Cheremshynskyi, M. SIPU
Sida-Amhara Rural Development Programme, 1997–2008 in Ethiopia	<i>The Sida Evaluation 2009:08.</i> Tengnäs, B., E. Poluha, S Johnson, S. Demissie and Y. Fekede Mandefro (The evaluation covers the period 1997–2008, although the land administration component commenced in 2002)
Development of Land Administration in Kosovo	<i>Monitoring report November 2008.</i> Sahlin, Å., SIPU <i>Monitoring report February 2009.</i> Sahlin, Å., SIPU
Strengthening of institutional capacities of the State Authority for Geodetic Works in Macedonia	<i>Monitoring report no 6, September 2008.</i> Sahlin, Å., SIPU
Moldova: First Cadastre Project - Fiscal Cadastre and Training Technical Assistance Project, and TA to Moldova First	<i>Evaluation of 2nd phase.</i> Kihlbom, U. and M. Cheremshynski, U-konsult, 2005 <i>Monitoring report from 3rd phase.</i> Cheremshynskyi, M., 2008

Cadastral Project at the Agency of Land Relations and Cadastre of Republic of Moldova 2006-2009	
Fonde Agro, Nicaragua	<i>Informe de evaluación de medio término de la fase de Fonde Agro. 2006. Ammour T., R. Cruz, R. Fajardo</i>
Several interventions on Swedish support to the reform process in Russia	<i>Lessons Learned from Development Cooperation with Russia: Swedish support to the reform process 1991–2008; Lessons Learned. Eduards, K., M. Krivonos, L. Rylander</i>
Capacity Building for Serbia Real Estate Cadastre and Registration Project, Phase II	<i>Monitoring report March 2008. Sahlin, Å. ,SIPU,</i>
Support for the Establishment of a Modern Cadastre System in Tajikistan (Phase I)	<i>Land Reform and Poverty Alleviation in Tajikistan, Report on a Support Mission to Tajikistan, February 2005. Greenhow, T., SIPU</i> <i>Support for a Modern Cadastral System, 2004–2007 Sida Quality Assurance Mission, 2007. OPTO Int. AB</i>
Business Environment Strengthening in Tanzania; The Land Administration Component	<i>Private Sector Competitiveness Project (PSCP), Mid-term Implementation Support Mission Aide-mémoire. The World Bank, May 2009</i>
The Strengthening Environmental Management and Land Administration Programme in Vietnam	<i>Sida Evaluation 2008:45. Andersen, H., B.T. Sinh, D.N. Nga, M. Daplyn, P. Schuttenbelt and T. Österberg</i>

About seven of these are external evaluations/reviews while the total number of interventions is about 40. Only few evaluations/reviews have been conducted after the end of the intervention. Most evaluations compare results to objectives and project purposes, and have generally been done too soon in – or after – the project to be able to determine any real impacts in the larger society. A common experience is that gender issues have not been high on the agenda.

3.3 Decentralized land and natural resource governance

Brief presentation

Decentralization is defined as a process by which the central State transfers clearly determined powers and responsibilities to non-State actors or to sub-national actors²¹. It can take several types: geographical decentralization (deconcentration); fiscal decentralization; bureaucratic or administrative decentralization (another version of deconcentration); and democratic decentralization, or devolution. Ribot defines democratic decentralization as a process through which powers and resources are transferred to actors who represent local populations, and are accountable to the latter.²² This is the case for elected village representatives and for local governments.

²¹ Mawhood. 1983. *Local Government in the Third World: The Experience of Tropical Africa*, Chichester, West Sussex, U.K. ; Oyugi, Walter, O. (ed.). 2000. *Decentralization for Good Governance and Development: The Unending Debate*, Regional Development Dialogue 21. No 1.

²² Ribot. 2002. *Democratic Decentralization of Natural Resources: Institutionalizing Popular Participation*, Washington, DC: World Resources Institute

Interventions under this category are quite varied. Possibly the following sub-categories could be used to illustrate the types of interventions that can be part of a process of decentralisation:

- Decentralization of resource management and rights to local user groups
- Decentralisation of rights for revenue collection from forest concessions or logging
- Privatisation of forest ownership to small holders, and
- Transfer of land ownership from state to communes/local government.

Various potentials and risks are associated with each sub-category. Privatisation of forest ownership may strictly not even qualify as decentralisation, but if the ultimate benefits reaches small-holders it is seen as a form of decentralisation in this study. For the group that could be classified as Decentralization of resource management and rights to local user groups an intervention logic/results chain is as follows:

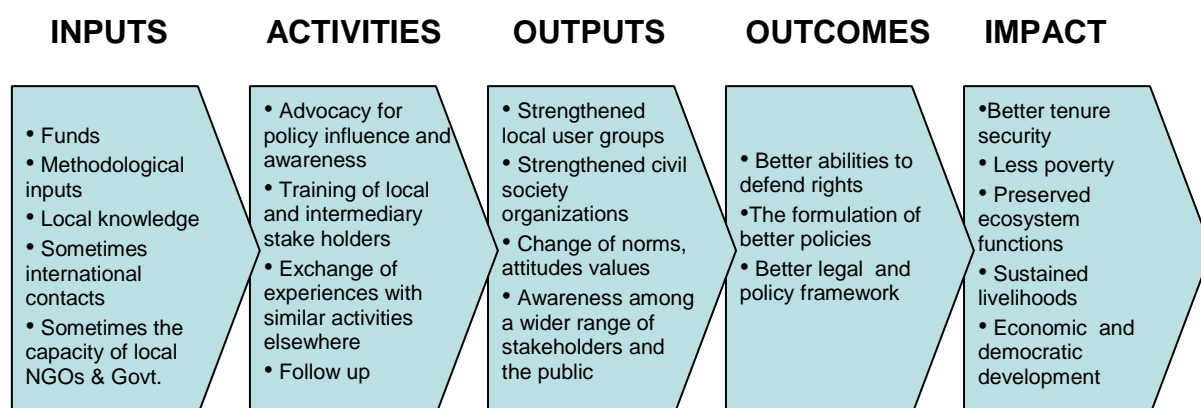


Figure 9 Results chain for decentralization to local user groups

The examples include interventions in Tanzania, West Africa and many interventions supported through Swedish NGOs, such as the World Wild Fund for Nature (WWF) and the Swedish Society for Conservation of Nature (SSCN).

Privatisation of forest ownership has been regarded as a form of decentralisation of governance if the beneficiaries are rural poor that will enjoy the benefits. The following example is from the Sida support to Kosovo:

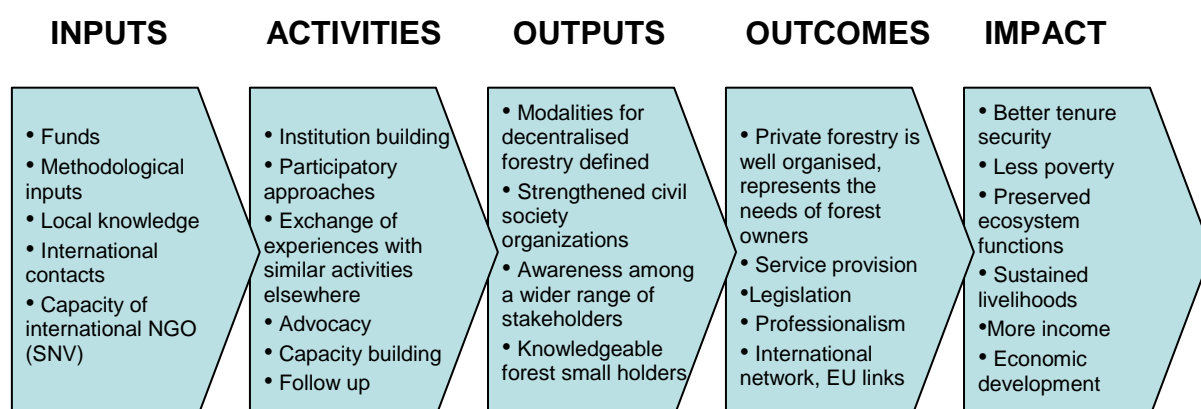


Figure 10 Results chain for decentralization leading to privatization

A third type is Decentralisation of ownership to local communes. Sida's forestry support to Albania has resulted in such transfer of ownership to local government. If that approach would be sustained and succeed, the outcome would be increased income to communes and

the impact could be better delivery of public services by communes as a result of better communal economy. This is, however speculation as there is little benefit from the degraded forests as of now.

On a historical note, much of these attempts to decentralize natural resources management from the central states have their roots in the era of community forestry that to a large extent was spearheaded by FAO and Sida from around 1978 through the programme “Forestry for Local Community Development”²³. FAO and Sida together with other donors and in partnership also with the Swedish University of Agricultural Sciences (SUAS) provided further leadership in the conceptual development of participatory approaches through the Forest Trees and Peoples Programme (FTPP)²⁴. At the same time the Beijer Institute received much attention for its work related to the perceived firewood crises.

In perspective, there were many weaknesses and misconceptions in these early attempts, but nevertheless the investment made by Sida and others was instrumental as a foundation for a better understanding of the relationship between forest and resource tenure and management on the one hand and local people on the other.

Sida’s decisions on support 2000–2010

During 2000–2010 Sida’s support to aspects of decentralisation of land and natural resources governance is found mainly in the following interventions:

National level

Country	Interventions	Jointly with
Albania	The Natural Resources Development Programme	WB
Albania	Strengthening sustainable communal forestry I/II	SNV
Kosovo	Support to the Kosovo forestry sector	FAO
Kosovo	Strengthening Sustainable Private and Decentralised Forestry	SNV
Laos	Forestry Strategy Implementation Promotion	
Mali	Community-based management of flooded areas in Niger River Inner Delta (PAGEIT) and REDDIN	Netherlands and IUCN
Mali	Gestion Décentralisée des Forêts (GEDEFOR)	Norway
Mozambique	Community Land Fund	DFID
Tanzania	Land Management Programme (LAMP)	
Vietnam	Support to Environmental Management and Land Administration (SEMLA) with its predecessors the Mountain Rural Development Programme (MRDP) and Cooperation Programme for Land Administration Reform (CPLAR)	

Sida’s decided funding to the “decentralization element” embedded in the above programmes 2000–2010 amounts to about 300 MSEK. In addition, Sida support to programmes in Burkina Faso and Rwanda is being prepared.

²³ The programme produced FAO Forestry Paper No 7, 1978, bearing the same name as the programme. This was at a time when there were practically no practical experiences involving international support, so it was truly a conceptual development process. Several reprints through the 1980s and 1990s confirmed that this was a benchmark publication of importance.

²⁴ RECOFTC, one of the interventions currently supported by Sida emerged and grew with support of FFTP. Nobel Price Laureate was also inspired by FFTP.

Regional level

Country	Interventions	Jointly with
West Africa	Making Decentralisation work (Senegal, Mali, Burkina Faso, Niger)	IIED
Sub-Saharan Africa	Achieving the Millennium Development Goals in African Dry Forests (only a rather minimal part within the subject area)	CIFOR
Africa	Africa Forest Forum/AFORNET	
Asia and the Pacific	RECOFTC	
Balkan Countries	Forest decentralisation	SNV

Sida's decided funding to the decentralization element included in the above regional programmes 2000–2010 is hard to estimate as it constitutes an unspecified element in the programmes. The dividing line of what falls within or outside is a highly subjective assessment. The support to the West African programme which is clearly within the scope amounts to about 23 MSEK. A crude estimate of the value of the decentralisation element of the other programmes would point towards some 20 MSEK. In addition, Sida support to another programme in West Africa is being prepared (Responsive Forest Governance Initiative).

Global level

Global/Sweden	Skogsinitiativet	Föreningen Skogen Skogsstyrelsen
Global	Core support to IIED	
Global	Support to WRI (largely not decentralisation of Governance although WRI features on the topic)	

In addition to these global-level programmes Sida supports also the Rights and Resources Initiative (RRI) which is, however, treated under support to Development of land policy and legal framework above. Similarly to the regional programmes a rather subjective assessment is required to get a value of the decentralisation element embedded in the above support. It is mainly the Forest Initiative and the support to International Institute for Environment and Development (IIED) that has pronounced such elements. A crude estimate could point towards some 70 MSEK.

Support channelled through Swedish NGOs

WWF and SSCN both channel Sida funds to organizations that support activity which can be regarded as decentralisation of natural resources governance. This is covered in a separate section below.

Estimated total contribution

Based on the estimates and calculations made the total Sida contribution to decentralisation of land and natural resources governance 2000–2010 would be approximately:

National level	300 MSEK
Regional level	40 MSEK
Global level	70 MSEK

Actors and implementation arrangements

The implementation arrangements have varied. In some instances consultant companies have provided TA (Tanzania, Vietnam) while in several other cases implementation has been handled through international organizations as is evident from the tables. The engagement of Swedish consultant companies for TA to this category of projects has gradually declined, and currently such engagement is almost non-existent. Swedish companies and individuals are, however, engaged for evaluations and as monitoring consultants. Swedish Government institutions also do not play any major role.

Evaluations and reviews

The team has noted the following external evaluations and reviews:

Interventions	Documents
Albania: NRDP (with WB)	WB Aide Memoire from various missions, latest April 2010. The one of June 9-19, 2008 is regarded as a mid-term review. Key points are discussed in Lennart Ljungman's (Sida's monitoring consultant) report of August 2008. <i>Report on strengthening focus on Women's Economic Empowerment in the Albania country portfolio, selected programs. Visit during June 2010. Schmitz, C.</i>
Albania: Communal Forestry I and II (with SNV)	<i>Evaluation of SNV's Collaborative Forest Management in the Balkans, September 2007.</i> Willems, A., Federation of Forest Support Groups
Laos	<i>Forestry Strategy Implementation Promotion (FSIP) Project Terminal Evaluation Study Report, Covering the Period of April 2006 to May 2010.</i> Williams, P. J., May 2010
Mali	<i>Projet d'Appui à la Gestion des Ecosystèmes Inondables de quatre Terroirs du delta intérieur du Niger.</i> Berthé, Y., P. B. Hansen and Ch. Maldidier, May 2009
Mozambique	<i>A Strategic Analysis to Reinforce the Iniciativa para Terras Comunitarias [Community Land Fund].</i> Boyd, Graham and Andre J Calengo, August 2008 <ul style="list-style-type: none">• <i>Iniciativa para Terras Comunitárias, Mid-Term Review Report.</i> Cotula, Lorenzo, Agnès Deshormes, Selma Martins and João Carrilho. 2010.
Tanzania: LAMP	<i>Final Evaluation of the Land Management Programme Phase II in Tanzania. Final Evaluation Report.</i> PEM consult. January 2008
Vietnam: SEMLA	<i>Strengthening Environmental Management and Land Administration (SEMLA). Mid-term Evaluation report.</i> SPM Consultants. Urban Solutions. Viet Insight. October-November 2007
IIED: Making Decentralisation work	<i>Réussir la Décentralisation (Première phase: 2000-2004).</i> Eriksson, H., Ambeiry ag Rhissa, S. Hagberg, K. Jeppson, A. Marty. November 2003.
SNV: Forestry, Balkan	<i>Evaluation of SNV's Collaborative Forest Management in the Balkans.</i> Willems, A. (Federation of Forest Support Groups). September 2007.

The above programmes mirror a diverse picture and the nature of the evaluations brings additional diversity rather than coherence. One common feature is that most evaluations focus on, implementation issues and on outputs. There is rather little to gain on impacts.

In addition to the evaluations listed above, also the Sida support to CIFOR, African Forest Forum, RECOFTC and possibly others which are of rather marginal interest for this study has been evaluated. The main scope of these programmes largely being other than on governance makes these evaluations give little relevant input for this study.

3.4 Human rights and gender initiatives related to land

Brief presentation

Access to land is essential for the fulfilment of a range of human rights, including the right to housing, food and water. Respect for fundamental human rights principles is also widely regarded as essential for the establishment of a well functioning land rights regime contributing to poverty reduction.

Even though a many Sida interventions relate, to a higher or lower extent, to both land issues, on the one hand, and to human rights or gender issues on the other, there are very few initiatives that have been explicitly supported because of this dual focus. To provide a reasonably exhaustive and fair picture of how Sida engages with the issues, *Human rights and gender initiatives relating to land* is in this section of the report therefore not consistently treated as a distinct category of Sida's land governance interventions. It is instead better assessed as a type of support that can take one of the following three forms:

- Land initiatives with subordinate human rights or gender components
- Land initiatives with a primary focus on human rights or gender issues
- Human rights and gender initiatives with a subordinate land rights component

Land initiatives with subordinate human rights or gender components

Examples of this type of initiatives can be found in all the categories into which this report divides Sida's land contributions. In the category *Development of land policy and legal framework* are for instance a number of initiatives, such as those of the Global Land Tool Network, focusing on the development of tools and guides that have human rights and gender near the centre of attention. Interventions regarded as *Institutional development* projects have occasionally been implemented with the specific aim of ensuring attention to the needs and interests of the most vulnerable groups in society. An example is the project Protection of lands and patrimony of internally displaced persons in Colombia, which focuses particularly on women and children's right to land and indigenous groups' right to territory. *Decentralized land and natural resources governance* initiatives have strived to uphold a high degree of participation and inclusiveness. The *Education and training* projects sometimes include special sessions dealing with gender and human rights. A noteworthy example in this category is the advanced international training programme Rural and Peri-Urban Land Administration in SADC, which has a developed human rights, gender equity and customary rights focus.

Land initiatives with a primary focus on human rights or gender issues

Sida has supported a small number of land initiatives that have protection of land-related human rights as an explicit and primary goal. One such organization is the Bangladeshi NGO SAMATA, which has been working on poverty alleviation by redistribution of government

owned land (khas land) to landless people and on empowerment of poor people by strengthening cooperation and solidarity amongst them. Another example is PINGO's Forum, an organization for pastoralists and hunter-gatherers in Tanzania that was established in response to different problems, and in particular land alienation, facing these groups. A couple of international NGOs also belong to this category. The team has identified the following interventions:

National level

Bangladesh	SAMATA
Bangladesh	Integrated Development Fund
Tanzania	Pingo's Forum

Global level

Global	Food first Information and Action Network International (FIAN)
Global	Centre on Housing Rights and Evictions (COHRE)

Human rights and gender initiatives with a subordinate land rights component

Sida gives direct support to dozens of human rights NGOs, institutions and agencies that work broadly to promote and protect civil and political, as well as economic, social and cultural, rights.²⁵ Many of these include land-related issues among the various human rights problems they are striving to address. To ensure success, they may apply strategies ranging from legal reform advocacy, public interest litigation, legal assistance and mediation to education and training, monitoring and research.

Estimated total contribution

To quantify, in financial terms, Sida's total contribution to land-related human rights and gender initiatives has not been possible with any level of certainty as the vast majority of such support has (i) been embedded in larger land interventions, such as those focusing mainly on institutional development or development of policies and legal frameworks, (ii) been part of its core support to international, regional or local organizations with mandates stretching far beyond the issue of land rights, or (iii) been channelled to a large number of Swedish NGOs that in turn assist dozens, or maybe hundreds, of developing country actors concerned with land issues.

It is clear, however, that the total amount contributed over the past decade comes to several hundred MSEK. As the number of actors with a primary human rights or gender focus is limited, the size of the total funding directed at such actors is considerably lower and amount to approximately:

National level	75 MSEK
Global level	30 MSEK

Actors and implementation arrangements

Sida provides support to a broad range of actors that implement human rights or gender initiatives related to land. While some of these, and in particular those implementing land initiatives with subordinate human rights or gender components, are described elsewhere in this report, a number of national and international actors are relevant to mention in this

²⁵ This direct support from Sida is not to be confused with the support, discussed under 3.6, channelled through Swedish NGOs.

context. It should be noted that Sida has not supported the vast majority of these actors because of their explicit focus on land issues, but rather because of their general importance from a governance, rule of law, human rights or gender perspective. They are, however, often highly significant from a land rights perspective.

Legal assistance and education NGOs

Sida supports legal assistance groups in various parts of the world. Many of these groups employ lawyers that give legal assistance free-of-charge to people living in poverty. A significant part of all cases they handle, either through mediation or adjudication, often relate to land disputes. It may be mentioned that the Sida supported Legal Assistance Centre in Namibia, has been litigating on behalf of women and children in property rights matters, especially in terms of inheritance laws. In Zambia the National Legal Aid Clinic for Women offers legal aid on issues such as property grabbing and inheritance. The Indian Human Rights Law Network and the European Roma Rights Centre give legal assistance on housing rights issues.

Sida also supports paralegal groups, i.e. organizations made up of non-lawyers assisting poor and disadvantaged people and communities with their justice needs, working on land issues. Since the 1990s, the Legal and Human Rights Centre in Tanzania has, for instance, been training several hundred paralegals, so called village legal workers, in response to a growing incidence of conflicts over land. These village legal workers provide legal advice to their communities in the absence of professional lawyers. They also conduct trainings on land rights. Other organizations that have carried out such training for disadvantaged groups include the two Bangladeshi NGOs SAMATA and Integrated Development Foundation.

In addition to training local communities and citizens, some NGOs also provide legal training to government officials and local and traditional authorities. The Legal Assistance Centre in Namibia has given numerous trainings on a new Communal Land Reform Act for communal area conservancies, chiefs and traditional authorities. In Tanzania, the Legal and Human Rights Centre has offered land related training to, among others, village land councils, ward tribunals and village land adjudicating committees in order to ensure that land disputes are handled with due respect for people's rights.

Sometimes legal assistance groups have also contributed to legal reforms of importance from the perspective of land rights. Often they have done so by striving to convince decision makers of the need for reform. On other occasions they have provided input into, or taken direct part in, the drafting of new laws and regulations. In Namibia the Legal Assistance Centre has cooperated with a number of state institutions in preparing several bills related to environment and land issues. Occasionally legal assistance groups have also been effective in obtaining changes in laws and practices through public interest litigation. In Bangladesh, following the filing of a public interest litigation case by the NGO Ain O Salish Kendra, the High Court issued detailed guidelines on slum evictions.

Human rights protection and monitoring NGOs

Support is also provided to national and international NGOs focusing on monitoring, documenting and addressing land related human rights violations. Often these organizations work on violations directly related to confiscation of land and forced evictions as well as on civil and political rights violations indirectly related to land, including unlawful arrests and excessive use of force by law enforcement agencies in connection with evictions.

Local human rights groups often work in close cooperation with international human rights organizations that help them in ensuring that violations receive international notice and in bringing cases to the attention of UN treaty bodies, the Human Rights Council's Universal Periodic Review and other international and regional human rights mechanisms. In addition to bringing local issues to the international level, these organizations sometimes also strive to bring the international human rights discourse down to the national and community levels. Among the Sida supported human rights NGOs carrying out this line of work are the International Work Group for Indigenous Affairs (IWGIA), Minority Rights Group (MRG) and FIAN.

NGOs promoting dialogue and consultation

A number of NGOs are striving to empower disadvantaged communities by enhancing their capacity to negotiate with government authorities and other stakeholders. In India, the NGO alliance Society for the Promotion of Area Resource Centres (SPARC) has worked on strengthening the capacity of people living in poverty to proactively and collectively explore solutions and negotiate with authorities for land and secure tenure. Other groups, such as COHRE, also promote community participation and the ability of communities to engage with policymakers.

Environment and conservation NGOs

Many environment and conservation groups approach land-related issues from a more or less developed human rights perspective. Among these are national and regional Sida supported actors such as the Thailand Environment Institute's Access Initiative that promote the right to information in relation to land, and international NGOs such as the International Union for Conservation of Nature (IUCN). Environmentally focused Swedish NGOs receiving funding from Sida, including WWF and SSNC, have a clear focus on local communities and their rights to natural resources.

Research institutes

A number of research institutes supported by Sida have implemented land-related research projects applying, to a higher or lower extent, a human rights perspective. One example is the Cambodian Development Research Institute (CDRI), which for instance has carried out several research projects on land ownership, sales and concentration. Another example is the Namibian Economic Policy Research Unit (NEPRU). Research is, however, also carried out by other actors, including several international NGOs. Another example is the Justice Watch initiative of the Legal and Human Rights Centre in Tanzania that conducted a study on land courts, following which the government promised to devise appropriate mechanism to resolve problems identified.

Judicial institutions

Land-related cases may constitute the vast majority of all cases brought before the courts in countries with insecure tenure arrangements. Sida has supported programmes focusing on justice sector reform in a number of countries, including Kenya and Nicaragua.

National Human Rights Institutions

Ombudsman institutions and national human rights commissions are sometimes involved in investigations, research and mediation relating to such land issues as land grabbing and forced evictions. Many conflicts brought before such bodies are land related. These types of institutions may also be involved in training on human rights and land legislation. Among the Sida-supported institutions concerned with land rights are for instance the Office of the

Ombudsman in Malawi, the Kenya National Human Rights Commission and the Tanzania Commission for Human Rights and Good Governance.

UN agencies

Sida provides financial support to several different UN agencies that work on land related human rights issues. In addition to agencies, such as FAO and UNHABITAT, for which land rights are closely related to their overall mandate, UNDP and OHCHR are also implementing projects and programmes with a focus or direct bearing on land. Examples are OHCHR's work with the Special Rapporteur on Adequate Housing and the special focus on land rights and forced evictions that its Cambodia office has. In countries such as Indonesia and Sri Lanka, Sida has supported UNDP justice sector programmes that have contained significant land-rights aspects. In Indonesia the support has, among others, contributed to the establishment of Citizen Complaints Centres that handle grievances related to land and natural resource issues.

Evaluations and reviews

As land rights issues usually constitute a fairly limited aspect of the human rights and gender initiatives supported by Sida, evaluations carried out seem to rarely make any significant reference to land. When they do, the focus is on output rather than impact level. A noteworthy and interesting exception is a DFID commissioned performance assessment of the Bangladeshi land rights movement SAMATA from 2007. It argues that SAMATA managed to target the extreme poor, that its activities led to enhanced well-being for its members, that social and political empowerment had been enhanced, that the benefits in this regard were likely to be sustainable, and that 200,000 previously landless families would have received 0.5 acres of land or water body by 2008.

3.5 Education and training

Brief presentation

Development of land administration and land management requires skilled personnel, senior managers and leaders who have the necessary abilities for the spearheading of reforms and new initiatives. With the expansion of Sida's support to such initiatives it became evident in many countries that there was an associated need for education and more systematic training on the subjects involved. The education initiatives got a boost when the support to the new post-soviet states and to eastern European countries expanded significantly during the 1990s. A major bench mark is the initiation of an M.Sc. programme at the Royal Institute of Technology (KTH), tailored for foreign students, that became effective from 1996.

Various forms of training are embedded in almost all development-cooperation projects and programmes like in those described in the previous sections. The projects/programmes covered here are those that have education and training as the primary focus.

The intervention logic/results chain for the *Education and training* category is not so easy to determine with reference to specific projects as Logical Frameworks have normally not been included in applications, reports or evaluations. For the international training programmes (ITP), some of which have been running for a longer time, it is also possible to note some changes over time. An evaluation conducted in 2003 (SIPU) cited the goal of the courses by then as

“To contribute to capacity development and processes of change in partner countries by offering key persons training programmes in subject areas given priority in Swedish development cooperation, in which Swedish expertise is in demand, and in which use is made of experience from countries at different stages of development”

The SIPU evaluation noted that these interventions were developed under the auspices of another principal, BITS, a development organization with a different agenda than Sida. The programmes were developed by different institutions, universities and government agencies, and not particularly to meet the requirements of Sida. It further notes that there is need for rather drastic changes to make these activities better aligned with the ambitions of the, by then, new PGU.

The more recent reviews indicate revised goals as compared to those before 2003:

...contribute to the creation of conducive conditions in developing countries for the application of effective measures for capacity and institutional development

KTH Citation from documentation for the East Africa programme:

The **major objective** of the study programme at KTH is not to teach students as individuals but primarily to select students that will be able to enhance capacities of the administrations of their countries with an emphasis on pro-poor tenure systems and land administration. The aim is to build up competence to assist the institutional development which in the end gives a competent staff to develop and operate national land management systems and to develop relevant university courses.

A generalisation of Sida’s expected intervention logic/results chain for all interventions related to training and education is:

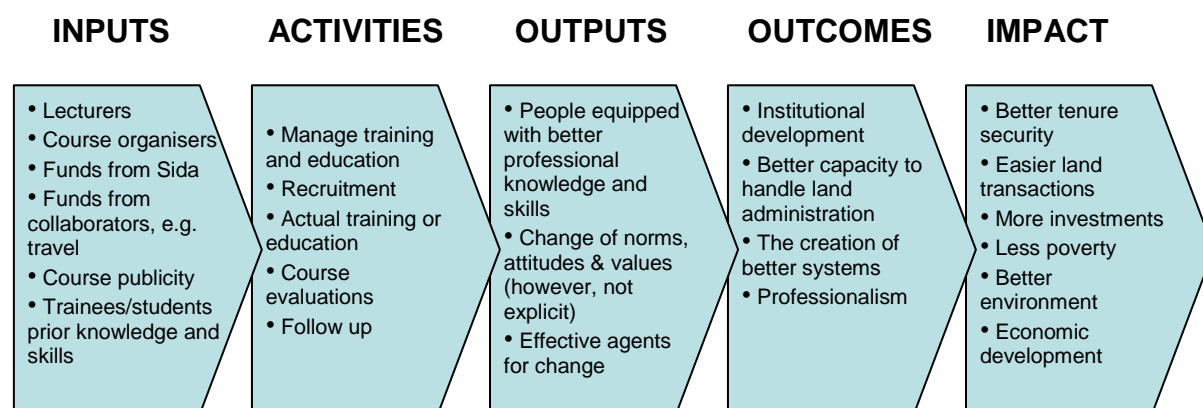


Figure 11 Results chain for training and education interventions

However, several evaluations point out that there have been different expectations from Sida as compared to those indicated by implementers of the interventions. Normally, the organisers tend to target the output level and there is little or no follow up attempting to go beyond that level. Evaluations highlight only one impact (an example from Dar es Salaam). Sida, on the other hand, emphasises the outcome level, while references to the ultimate impact level are scarce and evaluative analysis of impacts is lacking.

It is noted that the training programmes supported by Sida are almost exclusively related to skills development for *Development of land policy and legal framework* and for *Institutional development*, with more emphasis on the latter. Education and training targeting “Decentralized land and natural resource governance” features less but there are a few such

elements. The support to RECOFTC is worth mentioning in this context, although it is broader than training and was mentioned above under Section 3.3.

Sida's decisions on support 2000–2010

During 2000–2010 Sida's support to projects exclusively targeting education and training related to land administration and management consists of the following:

National level

Country	Programme(s)	Jointly with
Ethiopia	Establishment of the Institute of Land Administration (ILA), Bahir Dar University	KTH ORGUT

In addition, KTH has supported curriculum development and other forms of educational development as part of their international training programme. Details are as follows:

Countries (No of Universities)	Type of education	Years	MSEK (approximately)
Estonia (1) Ukraine (3) Belorussia (1)	MSc LM	1999-2000	1,7
Belorussia (1) Georgia (1) Moldova (1) Russia (1) Ukraine (2)	BSc LM	2001-2004	2,0
Russia (abt. 40)	BSc LM	2004-2006	1,5
Kenya (1) Tanzania (1) Uganda (1)	BSc LA	2006-2012	1,8

Sida's total decided support at national level to interventions targeting exclusively education and training 2000–2010 amounts to about 67 MSEK.

Regional level

Country	Interventions	Jointly with
SADC	International Training Courses: Support in the field of rural and peri-urban land adm.	ORGUT

The Sida support amounts to about 27 MSEK during 2000–2010.

Global level

1. KTH: Master's Programme on Land Management		
Region/Country	Number of students	Cost MSEK
Former Soviet Union	251	79.7
Balkan	56	21.5
East Africa	42	19.8
Ethiopia	34	10.5
China	1	0.4 ²
Total	384	131.9
2. Lantmäteriet: International Training Courses: Urban Land Administration		

Sida's decided funding to these two global activities is around 160 MSEK during 2000–2010.

Estimated total contribution

The total decided Sida support to interventions focussing exclusively on education and training on land administration and management and associated issues during 2000–2010 is about 250 MSEK. The education and training target both urban and rural areas.

Actors and implementation arrangements

KTH is the main actor in this field, handling about $\frac{3}{4}$ of the total support. By nature, much of the 250 MSEK is used for the Swedish institutions organising the training. It is hard to give an indication on size of a TA component, but more than 50% can probably be regarded as TA in a broad sense. The support to Bahir Dar University includes one long-term advisor and a considerable input of lecturers on a short-term basis.

Evaluations and reviews

Interventions	Documents
The support to Bahir Dar University, Ethiopia	<i>In-depth Review of the Swedish Support to the Establishment of the Institute of Land Administration at the Bahir Dar University in Ethiopia.</i> Österberg, T., Swedesurvey. December 2008.
KTH: Master of Science Programme	<i>Evaluation of the first three courses of KTH's Land Management Program.</i> Widmark., J. 1999 <i>Evaluation of KTH's Land Management Program.</i> Kihlblom, U., U-Consult Sweden AB. 2005
International training-programmes related to land	<i>Internationella utbildningsprogram (ITP), Baserade på erfarenheter i Sverige.</i> Markensten, K., 2009-12-08 (for ITP generally) <i>Översyn och förslag till utveckling av internationella utbildningsprogram inom urban utveckling.</i> Heli K., G. Marin och Ö. Mohlund, Sipu International AB. 2003. (Special focus on three programmes implemented by Lund's College of Engineering/Lunds Tekniska Högskola and Swedesurvey). <i>Utvärdering av ITP – Urban utveckling, Sidas Internationella Utbildningsprogram.</i> NCG. Januari 2010 (A joint evaluation of seven programmes focusing on urban issues)

General observations

In relation to the value of the support under this category, about 250 MSEK, the evaluation coverage must be regarded as meagre. Evaluations report on implementation progress and to some extent on outputs but not on wider impacts, and the cost-effectiveness has not been well analysed.

3.6 Support channelled through major Swedish NGOs

Brief presentation

The team looked at eight Swedish NGOs involved in at least some projects with a land related component: WWF, SSNC, Swedish Mission Council SMR, Diakonia, Forum Syd, Svalorna Indien-Bangladesh, Swedish Cooperative Centre (SCC), and Kvinna till Kvinna.

SMR, Diakonia and Forum Syd are large umbrella organizations which cooperate with and channel financial support to a large number of NGOs in Sweden and abroad. For example Forum Syd alone has 183 Swedish NGOs as members plus a large number of cooperating

organizations in the South. SMR has 36 member organizations in Sweden and Diakonia has five churches as members and hundreds of cooperating organization abroad.

To illustrate geographical coverage it can be mentioned that in 2010 WWF works in the following regions/countries: East Africa, Cameroon, Zambia, Madagascar, Borneo; and that SSNC works in Ethiopia, Kenya, South Africa, Tanzania, Uganda, Bangladesh, Cambodia, China, India, Indonesia, Malaysia, the Philippines, Thailand, Belarus, Ukraine, Brazil, Colombia, Ecuador, Honduras and Peru.

Regarding focus of the projects, the spectra is wide, from WWF's environmental concerns in Madagascar, to Forum Syd's support to human rights in Cambodia, to the Kvinna till Kvinna Foundation's support to women's organising in conflict regions of the world.

During 2000 – 2010 SMR has only financed two projects related to land rights, and that is through the Swedish church Missionskyrkan: one in the Democratic Republic of Congo and one in Nicaragua; while Diakonia considers that almost all the projects supported by the organization are dealing with land rights in one way or another. Its main focus is on informing about land rights and supporting people to get their rights to land.

Svalorna Indien-Bangladesh works for example with a local organization that mobilizes hundreds of landless women and men, and it is also initiating legal processes to ensure that landless people get access to state land. SCC provides support to a local organization in Mozambique that assesses and informs of the social and environmental effects of the large scale forest investments in the Niassa Province. It strives to ensure that the land law is followed and that the local communities' right to land is not violated when the forestry companies expand their activities.

Although WWF and SSNC are organizations for protection of the environment and conservation of nature the focus is on local communities and civil society organizations. The overall goal for SSNC is: "An environmentally sustainable development, based on fulfilled human rights in a democratic society where poverty has been eradicated"; and for WWF: "Empowering the civil society to be a key player in management of and decisions on natural resources". Hence, the issue is more local people's right to manage their natural resources in a sustainable way than strictly conservation of nature. These two organizations provide support aimed at strengthening the advocacy capacity and general capacity of minority groups of the tropical rain forests in South East Asia in relation to land and resource governance. Similar support is lacking at implementation (country) level in the bilateral support.

Estimated total contribution

During 2000–2010, roughly around 5,000 MSEK has been disbursed by Sida to these eight organizations. It is practically impossible to estimate how much of the funding has gone to land rights and land policy related activities. Besides Sida funding, the organizations have, in different degrees, also other sources for financing of projects.

Evaluations and reviews

The major NGOs have been subjected to a number of evaluations and system's audits. The team was advised by Sida to treat Sida's support to NGOs as a second priority in this study and it has thus not reviewed these evaluations and audits.

3.7 Institutional implementation arrangements

There is a range of institutional arrangements for implementation including

- Regular bilateral arrangements
- Joint funding (e.g. basket funding) with the World Bank or others
- The UN system
- International NGOs
- National (local) NGOs; and
- Swedish non-governmental actors.

There are also various combinations of such arrangements.

There are a few major cooperation partners on the Swedish side:

- The Swedish public agency for land administration, Lantmäteriet (previously through Swedesurvey) has been involved in about 46% of the interventions, all but one within the *Institutional development* category. The total value of these interventions is in the magnitude of 650 MSEK.
- KTH has been substantially involved in the bulk of education and training activities. The total value of these interventions is in the magnitude of 200 MSEK.
- International NGOs play a considerable role (Involved in support worth magnitude 200 MSEK, excluding those on human rights).

The Swedish private sector has currently mainly a role as evaluators and monitoring consultants and only an occasional role in implementation.²⁶ In the earlier years, the involvement of such actors in implementation was more pronounced, especially in decentralisation of land and natural resources governance.

4. Findings on interventions

About one third of the interventions have been subject to external evaluations. Few evaluation reports, however, followed the OECD/DAC recommended standard adopted by Sida in terms of method and report coverage/structure²⁷.

The overall finding of the team's study of the evaluations and reviews is that collectively they do not contain sufficient information for conclusions to be drawn with regard to outcomes and impacts. This being the case, the relevance of some interventions may not be regarded as convincingly clarified either²⁸, although the team respects the unified voice of qualified evaluators stating that interventions are generally relevant.

Outcomes and impacts can be commented upon, but not verified, when interventions are assessed during their implementation period or soon thereafter. Verifications also become better anchored if based on baseline information from the start of the intervention, which is rarely the case. The vast majority of evaluations are far more elaborate on project management and progress in implementation than on attempts to verify outcomes and impacts.

²⁶ Currently, as far as the team could establish, ORGUT is involved in Ethiopia, is implementer of one educational programme and giving TA in Kenya. SIPU is involved in an urban intervention in Zambia.

²⁷ This standard is reflected in Sida's Evaluation Manual "Looking Back Moving Forward"

²⁸ Since outcomes and impacts are not well documented, there is weak empirical evidence to claim that all interventions have been consistent with beneficiaries' requirements, country needs, global priorities and partners' and donors' policies

Evaluations also contain criticism on unclear designs of interventions and that logical framework matrixes are frequently missing, or of poor quality. They are not widely used as a tool for evaluation. The evaluators have in some cases had to deduce objectives from activities in the project. Project reports often concentrate on describing project activities, rather than analysing results. This is also detrimental for evaluation quality and scope.

Irrespective of the limited depth of many evaluation reports, their mere numbers provide a too limited basis for drawing generalised conclusions on outcomes and impacts. The team identified less than 20 evaluations that were conducted after the end of implementation periods and which could, in theory, contain such analysis.

Where the evaluations had a broader subject area scope than this study, the coverage of land-related matters is often quite limited. Several of the above evaluations focus on an implementation period of 1.5–3 years, which is normally insufficient for assessment of outcomes and impacts.

For the interventions aimed at *Institutional development* findings of outcomes and impacts are very meagre, while there are more positive reports in this respect among the evaluations of interventions on *Decentralized land and natural resource governance*.

4.1 Conclusions from evaluations and reviews on relevance, effectiveness and sustainability

The nomenclature used; relevance, effectiveness and sustainability, attempts to follow the definitions used by OECD/DAC and Sida. There may, however, be some variation since the evaluations reviewed occasionally do not follow the stipulated standard strictly. In particular, there is a degree of “Efficiency” embedded in some statements on effectiveness. The team has chosen to retain some findings of that nature since it was felt to add valuable information.²⁹

Development of land policy and legal framework

Conclusions of importance for the development of land policies and legal frameworks can be found in evaluations and reviews assessing stand alone projects with such focus, as well as in reports looking at interventions in which law and policy related activities were embedded.

Relevance

Without exception, legal and policy related interventions have been found relevant in relation to project and programme objectives and in relation to the broader economic and social context in which the programmes have been implemented. However, the fact that most interventions have focused on state legal orders even though the majority of land transactions are often handled under customary law gives reason to at least in some cases question the evaluation’s conclusion.

Effectiveness

The evaluations and reviews are rarely written and structured in a manner that makes it possible to draw firm conclusions regarding the extent to which interventions have been effective in relation to intended outputs, outcomes and impact. However, in general terms it may be said that they provide a mixed picture as to the extent effectiveness of the interventions.

²⁹ Strictly, the study, as per ToR, does not cover efficiency.

In relation to effectiveness, the political dimensions of policy and law making are often highlighted. While some evaluations and reviews argue that interventions have contributed to create consensus among key actors and broad based commitment to reform, other assessments conclude that a lack of political commitment and a divisive political culture have severely hampered implementation and attainment of expected results. Studies also point to the need for law-reform interventions to be comprehensive in nature, and to difficulties in identifying gaps and in harmonizing the extensive number of laws and regulations of relevance, if intended outcomes are to be reached.

Several evaluations and reviews stress the need for increased consultations and participation of broader segments of society in the policy formulation and law drafting processes in order to ensure that desired results are reached. However, some interventions lack a pro-poor focus and have failed to take human rights issues into serious consideration. A lack of gender mainstreaming is also frequently highlighted as a concern from the perspective of effectiveness. The need to ensure that sufficient capacity exists, or is developed, to implement cross-cutting issues, including gender and human rights, has been stressed. It should be mentioned, however, that poverty, human rights and gender aspect of land have been found to be well integrated into, and constitute a central aspect of, the global programmes.

Sustainability

Sustainability is rarely discussed, which may be explained by the fact that these interventions usually strive to achieve a specific end product, a law or a policy, that do not require ongoing backing to have potential impact. Evaluations recognize, however, that there is nothing automatic between the adoption of a policy or a law and its actual implementation.

Institutional development; land administration and management, systematic land registration

Most of the evaluations and monitoring reports for this category concern the former Soviet Union states and Eastern Europe. African interventions have been much less evaluated. In fact only one external evaluation was noted (Ethiopia). To get additional insights, the team has consulted Åke Sahlin, SIPU who has considerable experience of several interventions.

Relevance

In the evaluations where project relevance is mentioned, the projects are perceived both by the evaluator and the recipient organizations as being relevant. The sector under development provides important basic services in society. This was pointed out in the evaluation for all Swedish support to reform in *Russia*: “Perhaps the most important public sector cooperation from a reform aspect has been activities within surveying and the institutional developments within this field. In its economic transition from a central plan economy to a liberal market economy, respect for, and protection of, private property ownership plays a decisive role.” Other positive notes were made in reports on interventions in Belarus, Croatia, Ethiopia, Serbia and Tajikistan.

Effectiveness

It has been argued that capacity building for institutional development is a process that changes over time³⁰. Strictly following original designs may not always benefit the receiving country. Interventions for development of land administration institutions have often taken the liberty of frequent re-designs of projects. In some cases there have also been some serious

³⁰ Lage Bergström 2005

deficiencies in original designs. Together this has made it difficult to draw firm conclusions on effectiveness in many project evaluations.

One such example is from Armenia, where the project had made several adjustments based on national requests. The evaluator found that the original objectives would have been more appropriate. An example from Belarus shows a common way of formulating objectives: “Increase knowledge ...among officials and specialists in the field of land administration”. It is hard to measure results for such an objective, as not much would need to happen before it can be said that the knowledge has increased, and thus that the project was effective. In this case, however, the evaluation stated that “the project has served its purpose in relation to officials and experts in the sector. There is no longer a general need for awareness building within that target group regarding ‘western practices’”. There are no clear views on outcomes or impacts of this result, although it might have contributed to the increase in investment activities.

Capacity-building interventions on the Balkan that supported WB-funded land management interventions have generally had good reports on effectiveness on the output level. Outcomes and impacts would have to be assessed in combination with the larger land management programmes. Swedish support has here represented only parts of massive efforts to upgrade the sector. This was also the case for projects in Kirgizstan and Moldova.

The Ethiopian land registration project proved to be effective both on output and outcome levels with increased tenure security for many although it was noted that the activities resulted in worsened tenure security for some groups.

Sustainability

An important factor for sustainability is the interest and willingness of management in the cooperating institution to work for change. On the whole there is concern over sustainability, especially for computerization activities. Some other examples from the evaluations:

- In Belarus the publication of books and manuals by the project was seen to give significant contribution to the technical sustainability. Also, low level of staff turn-over in the sector would contribute to sustainability.
- In Bosnia-Herzegovina there were great concerns that the know-how developed might not be properly taken over by the country agencies when the external support ends, as external local experts had been used in project activities.
- In Ethiopia there was evidence that registers were not being updated, even though requests were received and filed in the registration offices. If transactions are not up-dated the registers will soon erode and the information is useless.

Some views noted from a meeting with Åke Sahlin

These notes do not claim to represent the exact statements of Sahlin but are a mixture of views by the parties of the discussion.

- There are seldom (or never) a clear description of the assignment of the Swedish partner, which makes it difficult to judge the cost-effectiveness of the support. If four Swedish experts spend two weeks each in Indonesia the total cost is in the realm of 50,000 euro, is that justified in comparison to the output of their visits? What is Lantmäteriet’s responsibility in this case, and can they somehow be made accountable? How can we measure that the Swedish counterpart did their part? It is important that the receiving partner fully understands the costs and benefits for them so they can set better priorities and pose appropriate demands.

- Baseline studies are seldom (if ever) requested by Sida. One reason could be that there is no need to show in numerical terms what results have been achieved, as the provider of project advice will not be measured against any set targets.
- The capacity building projects seem to be designed according to one single template; many visiting experts presenting "how we do things in "Sweden", study visits in Sweden, etc. There is never a proper assessment on the recipient's capacity, and a consequent adjustment of the support.
- Lantmäteriet, through their framework agreement with Sida, can only provide few experts that are not employed by them. This means that other models, e.g. the model in Macedonia where Sida supports a large number of local and regional experts, cannot be applied by Lantmäteriet.
- Regular monitoring of projects during implementation is essential. Not only does it provide useful recommendations, but it also counterbalances the project in favour of the foreign counterpart. The Swedish party is normally the most powerful in terms of possessing more knowledge. An alternative could be that Sida assists the recipient institution with independent advisors that help to make demands on the twinning organization.
- The largest obstacles against sustainability of interventions are the financial and institutional capacity of the organizations. For instance, can they afford to maintain expensive equipment, and will they have gained the required know-how?

Decentralized land and natural resource governance

There is a wealth of reports on community forestry and on decentralisation of land and natural resource governance emanating from Sida-supported activities. However, a large share of the experiences was gained before 2000 and should strictly fall outside the scope of this study. The team has, however, taken the liberty to look back a little further in history than to 2000.

Relevance

All evaluations and reviews conducted for interventions under this category have found that the activities have been relevant.

The experience of LAMP in Tanzania is a case that deserves special mention. Among the programmes listed under this category, LAMP is unique in that it was implemented over a very long time and could evolve over time making use of gained experiences. Some of its achievements have won international recognition, including the nomination for the Equator Initiative Awards.³¹

Another important set of activities which have been going on for a long time with some form of Sida support are those in West Africa.³² The analytical evaluations that have been made and other documentation show that the activities include the main elements of a rights-based approach to improving efficiency in public administration, namely:

- Strengthening capacity of authorities to deliver essential services, and simultaneously,
- Assisting communities and individuals to empower themselves to be able to demand greater accountability from the administrative system.

The above examples are intended to demonstrate that support to decentralisation of land and natural resources governance can be highly relevant. However, several conditions must be right for such interventions to be fruitful. Fortunately, now a lot more is known on such conditions than in the early days of community forestry 30 years ago.

³¹ The Equator Initiative is a partnership that brings together the United Nations, governments, civil society, businesses, and grassroots organizations to build the capacity and raise the profile of local efforts to reduce poverty through the conservation and sustainable use of biodiversity

³² Recently "PAGEIT/REDDIN" in Mali and "Making Decentralisation Work" in four countries

Effectiveness

Several documents report positively on effectiveness at *output level*. Groups and civil society have been strengthened in, for instance, Albania, Kosovo, Mozambique, Tanzania and West Africa. Knowledge has been built. Generally, effectiveness at output level appears to be good among this category of interventions but there is not sufficient data to substantiate how good in numerical or statistical terms.

The effectiveness at *outcome level* is harder to assess, but it is evident that the policy and legal framework has become more conducive to decentralised natural resource management (Albania, Kosovo, West Africa, Tanzania) even though there are still imperfections. The fact that large scale land acquisitions have not been substantial in Tanzania is likely to be attributed to a legal framework there, which provides for better abilities for local people to defend their tenurial rights. This is, however, not attributed only to Sida's support and not clearly substantiated in evaluations. The intervention in Vietnam was criticised for not being sufficiently pro-poor, yet the interventions in Vietnam over time have contributed to substantial reforms.

Effectiveness at *impact level* in terms of economic benefits for the poor was most clearly reported from Tanzania while preserved ecosystem functions and contributions to sustained livelihoods were reported from several interventions. The support to the Community Land Fund in Mozambique has resulted in increased tenure security and reduction of conflicts and a recent review also notes links between the supported intervention and local economic development.

One of the common constraints to this kind of interventions is shortcomings in the legal or policy systems. One way or another, all the evaluated interventions have attempted to address such shortcomings. This is in contrast to many of the early attempts of the 1980s and 1990s. Although progress on these aspects often will be slow, activities with a long duration have demonstrated that there is scope for positive result (Albania, Tanzania, West Africa).

Criticism on the way gender issues have been addressed features in several of the evaluations.

Sustainability

It is hard to make clear statements on sustainability based on the evaluations of the Sida interventions that are available as they are few and are more often concerned with the sustainability of the programme structures than with the sustainability of the ultimate results.

Human rights and gender initiatives related to land

As Sida, as mentioned above, supports few land initiatives with a primary focus on human rights or gender issues, this section briefly describes how these issues have been assessed in evaluations relating to the other categories of interventions with which this report is concerned. It should be noted, however, that the majority of all Sida-supported land interventions assessed by the team lack apparent human rights and gender focused objectives and activities. Their absence is most apparent in relation to the many *Institutional-development* interventions.

Relevance

As human rights and gender issues rarely feature prominently in project and programme documents, most evaluations carried out do not concern themselves with these issues.

However, none of the evaluations and reviews assessed by the team has explicitly questioned the relevance of undertaken human rights and gender initiatives.

Effectiveness

Where human rights and gender initiatives have been embedded in interventions with other main focuses, it has often been concluded that these initiatives have not been given the attention they deserve in the implementation stage. Interventions have frequently been criticized for not being sufficiently effective in terms of ensuring increased transparency and accountability in the land regime. Sometimes they have also failed to be socially inclusive and in providing significant benefits for marginalized groups.

Where women's rights have been addressed, the main focus has often been on women's participation, women's access to decision making positions and trainings on women's formal right to land. The effectiveness of the interventions has been mixed. A comprehensive assessment and understanding of women's situation is often missing. In some cases it has even been argued that supported interventions undermine existing land rights for women. The problems appear to be particularly grave in the so called transition economies in Central and Eastern Europe.³³

Many programmes, and in particular those focusing on institutional development, are from a human rights and gender perspective undermined by their limited scope and inability to influence civil, administrative and family law provisions and practices relating to women's rights and status in society. Often it is also the case that the "long arm of the law" is found to be shorter than assumed and that changes in formal laws and policies do not have significant impact on the lives of people living in poverty. Campaigns ensuring that both men and women, in all spheres of society, are aware of fundamental legal principles have been called for.

Sustainability

Even though many evaluations and reviews lack a serious assessment of sustainability issues, it seems clear that most human rights and gender initiatives are dependent on external funding for their continued existence or functioning. The results of their activities may, however, be sustainable. It may for instance be that efforts to empower rights holders to protect and claim their rights may have impact long after the organizations behind these empowerment efforts have ceased to exist.

Education and training

Relevance

Several reports praise relevance. Analytical coverage of gender issues is generally lacking but there is, in most instances, information on gender balance among trainees. Workshops on women's property rights and gender imbalance among teaching staff were reported from Ethiopia. There are very few, if any, comments related to human rights issues in the evaluation reports.

There is weak analysis with regard to contents of training and educational programmes in relation to their application in rural areas where tenure systems are often very complex.

³³ In relation to the Albanian Land Administration and Management Programme, a 2010 study by Catharina Schmitz stated that "the actual effect is that the program is contributing to a systematic reduction of female property owners in Albania and to depriving Albanian women of their legal rights."

Particularly, since in Africa overlapping rights or claims are very common and frequent sources of conflicts, standardised contents in advanced level training and education could not be expected to be equally relevant for African students as it is for students from Europe. Evaluations have not analysed and reflected upon such variations, which raises some doubts as regards the sound basis for the strong statements some evaluators have made concerning relevance.

One evaluation argues that since ITP courses are expensive there should be strengthened focus on contents that can better be conveyed in Sweden than in the participant's home countries, including discussions on norms, values, attitudes, etc.

Since the evaluation coverage is meagre, there is, however, limited scope for extensive conclusions on the interventions of this category.

Effectiveness

For the M.Sc. programme the effectiveness at the *output level* is regarded as rather high in terms of shares of students who successfully graduate and as compared to other Masters Programmes at KTH. The rate of successful students vary between regions, with 100% among African students, about 75% among students from the Balkans and about 60% among students from Former Soviet Union³⁴. Evaluations have not demonstrated that students have become effective agents for change and hence evaluations have not substantiated effectiveness at *outcome or impact levels*. Commonly, education organizers have also not actively shared this higher ambition at outcome and impact levels.

Sustainability

This could be discussed at different levels. The training and educational programmes for participants from developing countries with Swedish organisers will only be sustained as long as there is financial inputs from Sida, EU or other donors.

Sustainability of outcomes and impacts with special reference to the interventions under this category has not been assessed. It must be noted that there are significant methodological challenges for such assessment.

4.2 A comparison with Sida's position paper on natural resource tenure

The team has made an attempt, by necessity subjective in nature, to assess how well key principles set out in the Sida position paper on Natural Resource Tenure have been integrated in projects and programmes, summarised in the following tables.³⁵ By and large this comparison has a rural focus. Marks noted based on a scale 1-5 where 1 is "weak" and 5 is "good".

³⁴ This information is not based on evaluations but on direct communication with KTH

³⁵ The parameters correspond to the sections in the paper, pp. 8-17.

Parameter	Institutional development with associated educational development interventions		Decentralized land and natural resource governance	
	Mark	Comment	Mark	Comment
Building on local practice	2	The majority of these interventions are centrally designed and centrally driven. Little attention is paid to local practice.	4	Local practices usually taken into account in the design of interventions. In the implementation stages, problems in actually reaching down to local level.
Different routes to tenure security	3	Most interventions have not incorporated complex tenurial arrangements (less of an issue in the ex-Soviet states but more of an issue elsewhere.)	4	Attempts made to include complex and overlapping rights but few interventions at local level
Securing resource rights for women	2	Gender issues rarely features as significant objectives and implementation of women's rights frequently criticised, or ignored, in evaluations.	2	Evaluations record few merits.
Linkages between resources require coordination	2	Central institutional support and registration have mainly focussed strictly on land. This is less problematic in ex-Soviet states than elsewhere	3	Sometimes weak links to land administration institutions, there are more links to development of policy and legal system
Ensuring environmental sustainability	3	Increased tenure security is expected to lead to environmental improvements. However, rarely assessed in evaluations.	4	Several evaluations note achievements in this respect.
Addressing the roots of conflicts	3	A few interventions have strived to contribute to conflict prevention. Little is known about their impact.	3	Interventions attempt to address resource conflicts. Generally little evidence of outcomes, but some positive findings.
Governance, power and local democracy	2	Some references made to participation, transparency and accountability, but very little.	3	In most cases strong emphasis on power relations. In some cases evidence that devolution of influence was not accompanied by resources.
Securing tenure requires tackling both political and technical issues	3	Generally, most interventions more concerned with technical aspects of land administration than with the political dimensions	3	These interventions are generally more focused on political and community-organisation issues than on pure technical issues.

Sector attention³⁶:

Parameters	Institutional development with associated educational development interventions		Decentralized land and natural resource governance	
	Mark	Comment	Mark	Comment
Agricultural land	3	Systems have a potential to serve increased security for farm land and examples exist	1	No noted direct focus on farm land
Urban land	5	Systems are well suited to serve urban land. Universal models more applicable there than in rural areas	1	No focus
Water	-	Not a focus in this study	-	Not a focus in this study
Wetlands and coastal resources	-	Not a focus in this study	-	Coastal resources not a focus in this study. Mali noted.
Rangelands	-	No such focus	4	Mali, Tanzania
Forests	1	Systems not tailored for complex tenure situations for forests. However, better scope in ex-Soviet or Balkan than in other areas.	5	More or less all interventions
Protected areas and wildlife	-	Very low level of engagement by Sida	-	Very low level of engagement by Sida
Genetic resources	-	No such focus and hard to note signs of such impacts	4	With forest rehabilitation follows conservation of genetic resources.
Petroleum and minerals	-	No such focus	-	No such focus

4.3 A comparison with Sida's positions on gender and women's economic empowerment

The following table shows some important issues or key messages concerning gender and resource rights, and women's economic empowerment taken from Sida's Policy Paper Promoting Gender Equality (2005), Women's Economic Empowerment: Scope for Sida's Engagement (2009), Women's Economic Empowerment: Key Issues and Policy Options (2009), A Position Paper for Sida: Natural Resources Tenure (2007), and Government Bill 2002/03:122, Shared Responsibility: Sweden's Policy for Global Development³⁷. It should be noted that in Sida's policy paper of 2005 it is stated that "Sida will highlight access to resources – such as land, tenure, credit, financial resources, facilities and information – when promoting balanced power relations and gender equality".

³⁶ Ref to pp 14-17 in Sida's position paper on natural resource tenure.

³⁷ In the Government Bill of 2002 following statements are made: **The Government's assessment:** Women and girls should be guaranteed the same rights as men and boys. The participation and interests of women and girls should be assured in all policy areas. The practical work of mainstreaming a gender equality perspective into development efforts, and applying existing knowledge, information and methods should be intensified. Further development and refinement of methodologies and analytical tools should also be intensified in this area. **Reasons for the Government's assessment:** Many women are among the poorest of the poor. Securing women's access to land, credit, clean water and other resources, good sexual and reproductive health, as well as their participation in decision-making is vital to their prospects of overcoming poverty.

The team has, subjectively, graded and commented on contents of programmes in relation to selected parameters from the documents. Marks are based on a scale 1-5 where 1 is weak and 5 is good.

Parameters	Institutional development with associated educational development interventions		Decentralized land and natural resource governance	
	Mark	Comment	Mark	Comment
Increase gender equality in terms of access to and control over land and property rights.	2	A small number of projects have specifically helped women to get more secure tenure.	1	Little evidence of improvement for women's access to land and other natural resources
As gender equality may challenge deep-rooted power structures, legal reform must be accompanied by awareness raising, capacity building and improved access to legal services	2	Some of the interventions have information, awareness raising and capacity building on the agenda.	2	Same situation
Need for gender-disaggregated data that helps to monitor progress and setbacks in effort to promote women's empowerment	2	Exist in some cases but complaints in MTR and evaluations that data is not disaggregated for helping in monitoring progress. Also data reflects less important factors like participation in events, but do not reflect the outcome or impact parameters	2	Same situation
Financing gender equality.	?	Difficult to find figures, therefore unclear how much is spent on the gender inputs, but seems to be low.	?	Same

4.4 Interventions dealing with customary rights and local governance

Very few of the interventions deal explicitly with customary tenure or indigenous peoples' land rights. However there are some relatively minor cases, for example in Cambodia where a Pilot Project in Ratanakiri and Monduliri, included activities aimed at supporting the Development of a Legal and Policy Framework for the Registration of Indigenous Land Rights. And in Botswana the project Improvement of Land Administration Procedures, Capacity and Systems (LAPCAS) where a "process for systematic adjudication, i.e. for systematic clarification of the tenure situation, will be developed for tribal land. The aim will be to develop the process within the legal bounds of current laws. It will then be tested in a smaller area, for instance in a peri-urban".

One of the NGOs receiving financial support from Sida, IWGIA, has "supported the land rights campaign by PACOS in the Malaysian State of Sabah, which is a major target for oil-palm plantations and where a court case resulted in a landmark decision on native customary

rights to land. Community maps were also produced for court cases. Another international NGO, COHRE, has included ethnic groups and indigenous communities as two of the target groups in their initiatives in protecting vulnerable groups from housing right violations.

In some cases, community land is registered collectively in the name of a whole community, and the community authority/leaders deal with the internal land distribution in accordance with customary rules and systems for land allocation. One such case is the project Community Land Fund in Mozambique where one of the indirect outputs is: Stronger and formally registered legal rights of communities to land and natural resources. Unfortunately there are signs of customary authorities using their powers for personal benefit when giving away land to external investors.

Many of the interventions included in the mapping exercise concerns rights to agricultural land as well as to forest land. SSNC notes that “private ownership of tropical forest land is rare. Instead the right to utilise forest resources is based on customary rights i.e. if one can document custom or traditional use. These rights are often ignored by authorities and concessions given to forestry or plantation companies. This can lead to a loss of both livelihood and culturally important areas”. According to SSNC 300 million people live in forests around the world and there are 60 million indigenous people who are dependent on what the forests provide; and “recognition and strengthening of the forest depending communities’ rights to the forest area is seen as an important step in avoiding conflicts and facilitating socio-economic development”. In its North/South Program 2009-2011 the organization promises that “Through support for organizations which represent local and indigenous groups, shall their perspectives and positions be promoted and initiatives that the partners have taken in collaboration with their target groups shall be supported”.

An example of a programme that mainstreams pastoralism and includes customary rights is IIED’s Making Decentralisation Work, covering Burkina Faso, Mali, Niger and Senegal. IIED points out that “Competition over land and other natural resources has increased dramatically over the past decades. In many areas, population pressures and socio-cultural change have eroded the customary arrangements for reconciling competing resources interest, especially pastoralism and agriculture. By creating democratic fora at the local level, decentralisation offers new opportunities for local populations to discuss and reconcile their competing views and needs. To do this, local governments need to be equipped with appropriate tools that address the complexities of resources management decisions and take local conditions into account”.

A special case is the regional international training programme "Rural and Peri-Urban Land Administration in SADC". The courses have incorporated Customary Land Rights in the SADC Region as an important component, and enhancing pro-poor and non-discriminatory land policies.

In sum there are a number of interventions within the mapping exercise which are categorised as *Decentralized land and natural resource governance* and have customary rights as a component, as well there are others which also have a customary rights approach but are not under that category. However, in general customary rights are not prominent in the interventions.

4.5. Conclusions on impacts from evaluations and reviews

As the ToR stipulated that the study should highlight specific development effects and impacts, such highlights are provided in the following paragraph.

Interventions' impact on inequalities in women's and men's access to land

More recent and in this context important papers on gender emphasize that (i) gender equality is one of the most important issues for economic growth and poverty reduction, (ii) gender awareness means to a large extent focusing on women's situation, (iii) empowerment of women economically is a key issue, and (iv) economic empowerment of women is something positive for the whole society and leads to improved economy for both men and women, and to sustainable development.³⁸ One important step towards women's economic empowerment is to "increase gender equality in terms of access to and control over land and property rights" and to "strengthen the role of women in agricultural production and increase their opportunities of making a living and earning an income from food production, agriculture and sustainable natural resource management."³⁹

Thus, women's access to land is a key concern and the rights to inherit and own land crucial⁴⁰. However, in many countries women when divorced, abandoned or becoming widows find themselves without land and means to survive due to traditional customs where only men have access to properties. It is estimated that women are responsible for 60–80 % of food production in developing countries but only 1-2 % of the registered land is owned by women.⁴¹ To complete the picture it should also be noted that only 5-10% of the land in many parts of rural Africa is registered at all.

In general, gender aspects are not well addressed in the interventions covered by this study. Several project documents have not mentioned gender at all; other projects have been criticised in evaluations and reviews for not taking gender into practice as intended; while some projects have incorporated gender and can show positive outputs.

Although the problem of women not having access to properties exist in many places, one region where it appears that women's land and property rights are eroded rather than strengthened is Central and Eastern Europe, among the so called transition economies. A UNDP publication of 1999: "notes that widening gender inequality has been one of the human costs of economic transition and highlights the disenfranchisement of women from politics and the economy as well as the impact of cutbacks in social welfare and an increase in domestic violence. Even though there was no bar to women owning property, women are less likely to have legal title to property than men."⁴² One case is in Albania within the Land Administration and Management Program (LAMP) where a report⁴³ notes that an "increasing problem is also cases where women are being deprived of their legal possessions during their marriage. Since they are not registered as an owner at the land title, a man can sell and give away his property without the signature of the wife".

³⁸ Törnqvist and Schmitz 2009; Sida 2005; Kabeer 2009

³⁹ Törnqvist and Schmitz 2009; Government Offices of Sweden 2010

⁴⁰ *ibid.*; Sida 2007.; Sida 2005; Kabeer 2009

⁴¹ Törnqvist and Schmitz 2009

⁴² USAID. 2000. *Aftermath: The Impact Of Conflict on Women In Bosnia and Herzegovina* (Working Paper 302, USAID)

⁴³ Schmitz, C. 2010. Report on strengthening focus on Women's Economic Empowerment in the Albania country portfolio, selected programs

However, in other parts of the world there are cases of progress; e.g. by giving jointly land titles to married couples, which gives the woman a more secure position in case of divorce or if the husband dies. One such case is the project SARDP/BEPLAU: Land Registration in Amhara, in Ethiopia, where the “land certification process ensures that households with wife and husband are getting a certificate issued in both wife’s and husband’s name and with pictures of both persons”.⁴⁴ And in Nicaragua where the project Fonde Agro has ensured that the women to a high degree get land titles, alone or together with the husband. There, of the property titles given to farmers, 53% were to men, 47% to women and of the total 28% were given jointly to married couples.

Impact on land access and on a better-functioning land market

There are no indications in evaluations or reviews that land access has improved as a result of interventions. Given the introduction of market driven economies also the poorer segments of society are referred to the formal or informal market to meet their needs for land and housing.

None of the evaluations have reported on rates of land transactions, or increases/decreases in land transactions. In order to actually measure increases in land transactions the rate must first of all be measured at the beginning of the intervention. Few, if any, of the projects appear to start with the baseline mapping that would be required to be able to measure changes in the various land administration activities, for instance registration of transactions.

Impact on land tenure security

In transition countries and in Africa the objectives have focused on increasing tenure security for those who already have land in their possession. There are several indications in reports studied that tenure security has increased, but, unfortunately, there are also examples of the opposite.

In Armenia, for example, the Outcome Review of Sida’s Development Cooperation with Armenia 1999- 2009 notes that “there is an on-going, but undesirable, consolidation process in the sense that well-off Armenians are investing in land, mainly for risk aversion and maybe for speculation purposes.” Registration and thereby increased tenure security makes land more “marketable” and land do change hands. Privatization processes and introduction of a free land market result in increased investments but, on the other hand, might create more landlessness.

In the Balkan countries, e.g. in Albania, Croatia, Macedonia and Serbia, World Bank loans and Sida capacity-building support have contributed to reforms for improvement of real property (land) administration. This is expected to benefit landholders, who with better organized land administration services will feel, and be, more secure in their rights. However, evaluations or reviews seldom mention this perspective or substantiate such impact.

The best examples on increased tenure security as a result of Sida interventions are from Africa; from Ethiopia, Tanzania and Zambia.

In Ethiopia, at the time of the evaluation in 2008, 3.2 million certificates had been issued to small-scale farmers. Those farmers’ perception of tenure security had increased. On the other hand, those who were considered as illegal occupants (an unknown but large number) because they settled on their land after the last land redistribution process were not issued certificates.

⁴⁴ Verbal reports from rural people in the project areas stated that divorce rates had increased in some areas as a result of women being more convinced of having means for survival after a divorce

For them the tenure security may de facto have worsened in the process. It may be questioned, though, whether tenure security has increased in reality. Land use rights can be expropriated by the Government for public needs and foreign investments are generally considered as public needs. Further, in Ethiopia the land use planning requirement for rural areas is seen by the evaluators as a threat against tenure security. The law states that if land is not used according to the land use plan, the land-use right can be cancelled.

In the Business Environment Strengthening (BEST) in Tanzania project there is only a World Bank Mid-term Support Mission Aide-Memoire to refer to. It states that “An important achievement has been development of consensus, especially at senior management and political level, on a participatory, inclusive and area by area approach to adjudication, surveying and titling integrated with land use planning (or regularization) in rural and unplanned urban settlements. If successfully piloted, this will not only reduce the costs of titling land and land use planning but will also provide better protection to the land rights of the vulnerable and poor, and make land titling affordable for them.”

Urban informal settlements were targeted in the “The Land Tenure Initiative” in Lusaka, Zambia. The Sida Performance Analysis for Zambia in 2003 states: “Whether or not the prospect of secure tenure has led to other improvements in Chaisa is too early to tell. The only observation one can report at this stage, is that of a general feeling of being part of a programme that will ultimately provide the community with secure tenure and thereby change their status from that of being ‘marginalised’ to that of being ‘recognised’”.

Impact on economic opportunities of poor women and men

The team found only one evaluation that makes a clear statement on economic benefits for the poor. The following is cited from the evaluation report of LAMP 2008 (Tanzania): “The results with regard to improved crops and livestock, Community-Based Natural Resources Management.....are remarkable. Due to the successes in these areas the population of the four districts have experienced a very significant improvement in their living standard which has also benefitted the poor. CBNRM processes have been initiated in 95 of the 325 villages in the four districts and have been completed in 88 villages”. There are also positive notes on how LAMP over the many years has contributed to legal and policy development of nation-wide importance.

Impact on customary rights

It has not been possible to draw any general conclusions from evaluations on whether the few interventions that included some focus on customary rights led to any particular impact on such rights. The main reason is that customary rights, with the exception of some decentralization interventions and some NGO-supported interventions received very little attention in the Sida portfolio.

Whether or not directly related to customary rights, it could still be noted in this context that large-scale land acquisitions have not been very significant in Tanzania as compared to some other countries endowed with land. There is a likelihood that this is, at least to an extent, a result of a successful evolution of customary rights and linked to the implementation of the “Village Land Act”.

Impact on Local Governance systems

It is only a few of the interventions studied that highlights impacts on local governance systems and all of those fall in the *Decentralization of land and natural resources* category.

Most programmes in that category which had activities directly targeting decentralization in an administrative sense (Albania, Kosovo, Mali, Tanzania) have impacted on governance. Communes or villages have increased their involvement. Various difficulties associated with the process have been highlighted in evaluations, including the difficulty in getting economic benefits distributed to families and individuals. With the exception for LAMP in Tanzania and to some extent the forestry projects in Albania, the expected link to poverty alleviation has not been substantiated in evaluations.

Reports from other countries and other similar processes indicate that decentralization of land and natural resources governance can occasionally be an entry point to wider community empowerment. The team has not found such information in the studied evaluation reports. This could, however, be attributed to the fact that most evaluations have been conducted during the implementation stage, while such “secondary” empowerment takes time to become apparent. Decentralizing of decision powers from national to local government level is usually not a straightforward and quick process. There are countries which have long historical traditions of vertical and very much centralised decision making where projects striving to move power downwards to local authorities and ultimately to community members face resistance. A country with such a structure is Vietnam. The Mountain Rural Development Programme (MRDP) is an example: The activities included work with Village Development Funds with resources to be used for locally prioritised actions. There was also support to reallocation of agricultural land from government governance to local governance and pilot projects on similar reallocation of forest land from the defunct State Forest Enterprise to local level, with a method development focus, as legislation for that purpose was not in place at that time. And there was internal critique that “the PRA [Participatory Rural Appraisal] tended to be used as a means of facilitating the implementation of national programmes, rather than expressing local priorities and demands.” ... “The internal critique led to a desire to reform the process towards a more genuine decentralization”.

The succeeding SEMLA programme in Vietnam also aimed at decentralization. However, part of the resistance to real decentralization seems to have lingered on; the Mid-term review (MTR) report demanded:

- More emphasis on attitudinal change, transparency, participation – “responsibilities of civil servants” – “legitimate rights of communities to access services”
- Identify activities aiming at empowering the communities to demand greater accountability from the environment and land-administrative system and to demand the services they are entitled to.

Impact on increased economic opportunities/income

Evaluations that point towards increased economic opportunities or incomes are few and have been mentioned elsewhere. It must be noted that other trends tend to mask such impacts and it requires a detective’s work to clearly attribute increased economic opportunities or income to the one specific intervention.

Some decentralization projects were criticized for having been more successful on the conservation aspects than on the economic use of the resources (Mali, Albania). Experiences from other areas in the world with (non-Sida) interventions implemented with facilitation of certain conservation NGOs have demonstrated that effect very clearly and to the extent that the outcome has sometimes appeared to be detrimental for the local people who were to be assisted.

Impact on environment for investments

Many evaluations mention investments, sometimes from the aspect that information is insufficient for the investors (e.g. Bosnia-Herzegovina and Vietnam). Other times a positive relationship is noted, for instance, from the review of Swedish support to the Reform Process in Russia: "... it was observed that the credit market linked to the property market was still small in relationship to the situation in the West, but that it was growing partially due to the cooperation's emphasis on creating efficient systems for information to the bank sector as concerns properties and mortgages."

The case with low-level of land acquisitions in Tanzania could be mentioned here too. This impact may well reduce the investment level in some areas, or, ideally perhaps, delay it until there is community acceptance and clear indication on community benefits.

Impact on productive and sustainable use of land and other related natural resources

Most projects include sustainable use of natural resources as one of the end results. There are clear statements in several evaluation reports on tangible results on conservation of natural resources. In Albania, forests transferred from state to communal ownership and more local management are in the process of regeneration. The evaluation does, however, point out legal constraints in the use of such forests for income generation that benefits local people. All this is a recent process and in many areas there is more of investment needs than scope for income at this stage, as a result of uncontrolled over-exploitation during previous decades. Nevertheless the evaluation noted positive influence on the subsistence economy through a better production of firewood and better access to fruits, fodder, medicinal plants, etc. The gender equity dimension in this utilisation is weak and characterized as if there are "a few tiny lights against a dark sky".

In Tanzania, the evaluation noted remarkable results both on conservation and on the productive use resulting in improvement in living standard which has also benefitted the poor.

In Mali, the evaluator also noted results in terms of resource conservation, but similar to the Albanian case, pointed out constraints in the economic activity that should result from a better base of natural resources. This area was indicated as a priority area for the second phase of the intervention which is due for evaluation very soon. The evaluation also pointed out that there was still more need for dialogue and policy interventions to more clearly articulate and agree on the relationships between "modern" authorities and customary systems.

The evaluation from Laos, due to the nature of that project, does not elaborate on such physical achievements on the ground, but notes advances on formulation of policies and laws.

In Ethiopia, the introduction and implementation of a system for land registration in Amhara Region, seems to have resulted in better land management practices and it has at least coincided with a growing interest in production of tree products. There are several factors involved but it is likely that the better tenure security may have contributed to these trends.

5. Selected international lessons learned and best practices

This section briefly presents a number of international lessons learned. Selected best practice recommendations that have gained broad recognition internationally are also highlighted.

Land governance is linked to broader issues of governance reform

Land governance cannot be reformed in isolation as it is closely linked to other governance issues and sectors, not least the functioning of the formal and informal justice systems and the prevalence of corruption within the civil service and society as a whole. To deal with such issues as discrimination and the right of women and other vulnerable group to own, use, inherit and trade in land, reforms of laws and practices that stretch far beyond the immediate issue of land governance are often needed. From this follows that reform of a country's land governance system inevitably takes considerable time and that long-term commitment from donors, governments and other key actors is required.⁴⁵

Decentralisation of natural resource governance may have far-reaching benefits

Where power has been decentralized to local user groups, such groups have sometimes proven to be effective managers of local resources and contributed to a number of other development outcomes, including social inclusion, democratization, and poverty reduction. Nepalese experiences have confirmed that:

- Local User Groups can become effective and inclusive institutions, bringing together the rich and the poor, men and women to address poverty and social exclusion.
- Local user groups given complete autonomy and devolution of power can become viable local institutions for sustaining local democracy and delivering rural development services. The key lies in a good governance approach, which can be achieved through a facilitated process.

Decentralisation of natural resource governance must be genuine

The Nobel Price laureate Elinor Ostrom has made significant contributions to the understanding of factors that determine whether or not management of common property will be successful. She has worked on decentralisation too and noted that, in practice, most of the efforts at decentralization lead to either privatization or deconcentration of power from central to State or district governments, and only rarely result in the strengthening of local institutions. One risk for developments taking that turn is that programmes that apparently aim at decentralization tend to emanate from State initiatives or pressure by external aid agencies. Such programmes tend to be implemented by official machinery in a manner that results in the delegation of responsibilities and liabilities, yet keeps most of the benefits and the power firmly vested in the hands of the State, without any real downward accountability.

Reform initiatives should be locally owned and build on local experiences

Land governance reforms must take into account the historical, cultural, economic, social and political contexts in which they are to be implemented. While there are no blueprints for reform, it is widely recognized that land governance reform should be locally owned, build on local experiences, and be grounded in the principles of inclusion, participation and transparency. The involvement of, and communication with, actors from across different institutions, segments and sectors of society, in particular marginalized groups, should thus be strived for. Broad based support for reforms is also essential to overcome resistance to reform from those with vested interests in maintaining status quo. The risk of land grabbing by elites should be mitigated.⁴⁶

⁴⁵ See for instance, Commission on Legal Empowerment of the Poor. UNDP. 2008. Making the Law Work for Everyone, vol. 1, 2008; FAO. 2007. Good governance in land tenure and administration, FAO Land Tenure Studies no. 9; and Nighisty Ghezae (ed). 2009. Natural Resource Tenure: A crucial aspect of poverty reduction and human rights, Sida studies no. 23

⁴⁶ See for instance, FAO. 2009. Good governance in land tenure and administration, FAO Land Tenure Studies no. 9, 2009; Nighisty Ghezae (ed). 2009. Natural Resource Tenure: A crucial aspect of poverty reduction and human rights, Sida studies no. 23; and UN Economic Commission for Africa. 2004. Land Tenure Systems and

Women's rights should be strengthened

Women's rights often need to be strengthened in both formal and informal property rights regimes. This may require broad legal reforms and changed practices. It should also be ensured that women and vulnerable groups are involved in bodies dealing with land allocation, inheritance and dispute settlement, as well as in other decision making and policy formulation processes. Broad efforts are often needed to raise awareness about the land, housing and property related rights of women, as such awareness often tend to be lacking among both women and men.⁴⁷

Careful consideration of how to deal with plural legal orders is needed

In plural legal orders, contradictions between the formal legal system and non-state legal systems, including customary and religious law, tend to contribute to uncertainty and insecurity in land tenure. It has been argued, most prominently by the Peruvian economist Hernando De Soto, that pluralistic legal systems should be replaced with a monistic system of state law. Others have pointed out, however, that such undertakings can be unreasonably expensive; that they have repeatedly failed in the past;⁴⁸ that it can be the very independence of non-state systems from distrusted state structures that give them legitimacy;⁴⁹ that neo-patrimonial governance arrangements in many of the world's least developed nations mean that there are few incentives for the ruling elites to reform legal systems;⁵⁰ and that de Soto's approach is made complicated by the absence of a clear distinction of what is state and what is non-state law and that different legal orders are often intertwined.⁵¹

What seems to be clear is that careful consideration of how to best deal with plural legal orders is necessary. A shifting of land from informal to formal tenure systems is not necessarily the best solution. It has to be ensured that formal titling does not undermine pre-existing land rights. The limited reach of formal law and the wide gulf that tend to exist between the adoption of statutory laws and their actual implementation should also be taken into account. In indigenous societies, community initiated tenure change, rather than change imposed by the state, should be encouraged and promoted.⁵² In this context it can also be noted that recent experiences indicate that individual ownership titling of land, for example in Africa, is often not necessary, practically feasible or even desired by local land holders.

their Impacts on Food Security and Sustainable Development in Africa,

⁴⁷ See for instance, UN-HABITAT. 2008. Secure Land Rights for All; Gladys Mutangadura. 2004. Women and Land Tenure Rights in Southern Africa: A human rights-based approach; and Nighisty Ghezze (ed). 2009. Natural Resource Tenure: A crucial aspect of poverty reduction and human rights, Sida studies no. 23.

⁴⁸ Sage, Caroline and Michael Woolcock. 2005. Breaking the Legal Inequality Traps: A New Approach to Building Legal Systems for the Poor in Developing Countries, conference paper; and Stephens, M. 2009. The Commission on Legal Empowerment of the Poor: An Opportunity Missed, Hague Journal on the Rule of Law, vol. 1,

⁴⁹ UNDP. 2007. A case study of indigenous traditional legal systems and conflict resolution in Rattanakiri and Monduliri Provinces, Cambodia; and Kane, M. et al. 2005. Reassessing Customary Law Systems as a Vehicle for Providing Equitable Access to Justice for the Poor, Arusha Conference, New Frontiers of Social Policy,

⁵⁰ Adler, D. et al. 2008. Legal Pluralism and Equity; Some Reflections on Land Reform in Cambodia, World Bank, Justice for the Poor, vol. 2, issue 4; and Golub, S. 2009. The Commission on Legal Empowerment of the Poor: One Big Step Forward and A Few Steps Back for Development Policy and Practice, Hague Journal on the Rule of Law, vol. 1,

⁵¹ Rajagopal, B. Invoking the Rule of Law in Post-Conflict Rebuilding: A Critical Examination, in William and Mary Law Review, vol. 49; see also de Sousa Santos, B. 2006. The Heterogeneous State and Legal Pluralism in Mozambique, Law & Society Review, vol. 4, no. 1.

⁵² See for instance, UN-HABITAT. 2008. Secure Land Rights for All,

Standards and systems for service delivery, transparency and accountability are essential

Setting of formal service standards, which for instance clarifies and makes public how long a particular procedure should take, how much it should cost and what it should result in, can reduce variability and the prevalence of corruption in the land administration. Setting of service standards should go hand in hand with training programmes to promote appropriate treatment of customers. If possible, setting of service standards should be combined with measures to simplify procedures generally.⁵³

Transparent and accountable land management requires that land registers are open to public scrutiny. While computerization and the introduction of GPS systems can improve transparency, and reduce the cost of property registration, technical solutions in the absence of pro-poor legal and institutional reform can do more harm than good. There is also wide consensus that attempts for computerization of land registers is usually not sustainable in environments with poor infrastructure and low education levels.⁵⁴

The powers of land registration and public land management should be separate in order to reduce the risk of corruption and other abusive practices. Within all institutions concerned with land governance, a transparent complaints system should be established and citizens should be encouraged to report misconduct and poor performance. This internal complaints mechanism should be required to publicly report on the number and types of complaints received, and on the actions taken.⁵⁵

Civil society efforts for social accountability striving to measure the extent to which relevant institutions live up to formal, or informal, service standards should be encouraged.⁵⁶

Infrastructure upgrading and “no evictions” policies warrant support

“No evictions” policies are good starting points to enhance tenure security in informal settlements. Upgrading of the infrastructure in informal urban settlements also increases land tenure security, conveying the message that the settlement will be allowed to remain.⁵⁷

Social and economic impacts of land titling programmes vary

Experiences in Senegal and South Africa have provided some general conclusions on what works for titling interventions. In summary, it was found that titling programmes undertaken primarily for economic reasons (e.g. to secure investment) had failed to realize the social objectives of securing land rights of the poor, while titling programmes undertaken for primarily social reasons also appeared to be of limited value, sometimes contributing to gentrification (wealthier people buying housing property in a less prosperous community resulting in economic eviction of poorer groups) in urban areas.

It was found that programmes undertaken on a small scale might contribute to land market distortion, while, on the other hand, programmes undertaken on a large scale might over-burden land administration agencies. Top-down, or outside-in, programmes do usually not work well. Social legitimacy is vital for success, as is building on what works in an

⁵³ FAO. 2007, Good governance in land tenure and administration, FAO Land Tenure Studies no. 9., 2007

⁵⁴ See for instance, Commission on Legal Empowerment of the Poor. 2008. Making the Law Work for Everyone, vol. 1.

⁵⁵ See for instance, Commission on Legal Empowerment of the Poor. 2008. Making the Law Work for Everyone, vol. 1.

⁵⁶ See for instance, FAO. 2009. Good governance in land tenure and administration, FAO Land Tenure Studies no. 9.

⁵⁷ Gulyani, Sumila and Genevieve Connors. 2002. Experience with Urban Upgrading in Africa.

incremental way. Slum upgrading and the granting of title should not be conducted in isolation from other broader processes of development, and particular attention should be paid to conditions of macro-economic growth and participatory democracy.

Change capacity and process-based development important for institutional development

Sida internal studies as well as EU research on donor supported capacity building bring up important lessons, e.g. that five core capabilities are needed for an organization or system to perform and survive, namely the capability to (i) commit and engage, (ii) carry out technical, service delivery & logistical tasks, (iii) relate and attract resources & support, (iv) adapt and self-renew, and (v) balance coherence and diversity. Developing capacity is thus not necessarily based on knowledge transfers but on building those capabilities that can make change happen. Complex adaptive systems thinking can help to see the deeper patterns of behaviour and relationships that lie beneath individual events and actions.

Fundamental conditions for successful institutional development projects are; (i) that there is real determination to achieve change on the part of the cooperation partner, and (ii) that cooperation is based on the understanding that institutional change depends on local context.

Institutional change is a dynamic process, in which local ownership is of central importance and understanding of the complex institutional relationships is one of the steps forward. The focus should be placed on the capacity of actors within development cooperation to conduct the dialogue. Expertise is required both in respect of the sector concerned and in respect of methods for institutional and organizational development through constructive dialogue.

A process-oriented procedure is essential for successful contributions for institutional development. It is rarely possible to specify in advance the results that the process of change will lead to even if the overall goals can be clearly defined. One conclusion is thus that contributions for institutional change must be initially formulated in broad terms.

6. Some trends impacting on land and resource governance

According to statistics from the UN, the world's urban population was about 740 million and the rural about 2.5 billion by 1950. The corresponding figure for urban population 2010 is about 3.5 billion and projections for 2030 and 2050 indicate 5 and 6.4 billion respectively. Meanwhile, rural populations have also increased significantly from 1950 to date, but are expected to reach a peak level around 2020 at about 3.5 billion. Current projections indicate that rural populations then will decline to around 2.8 billion in 2050.

The rural population's average per capita production of food in 1950 had to be sufficient to feed 1.3 persons as compared to a projection of 2.3 persons in 2050, assuming that food production is an entirely rural business. In other words, the average global farming enterprise will move from a small surplus production to a very considerable one. Although this story may be grossly simplified, the fact that a booming urban population for its food supply will depend heavily on a rural population that stagnates in numbers is undisputable. There are several implications for both urban and rural areas as well as for the economy that links the two together.

Urban areas

It is obvious that the projected urbanisation will put stress on urban areas. Although the share of urban dwellers living in slum areas has declined in recent years, the actual number is still increasing. Obvious challenges include fight against urban poverty, planning and

implementation of sustainable approaches to urban development and the development of infrastructure that effectively link urban and rural areas.

Successful land management interventions in urban areas cannot only be a prerequisite for urban planning, but there are also the obvious linkages to other factors that can make urban areas prosper, for example taxation and a functioning property market. For the poorest groups, land administration and management can reduce risks for evictions if systems are well designed and governed.

Rural areas

In recent years, the international interest in rural lands, for example in Africa and Latin America, where about 80% of the global agricultural land reserve is located⁵⁸, has risen sharply. Generally, when the rural population, unchanged in number, will have to feed increasing numbers of urban people farming will have to become much more commercially oriented. Relatively, subsistence farming will have to give way to commercial farming.

A recent report from the World Bank states that within a year that followed the boom in commodity prices in 2008, investors showed interest in 42 million hectares of land out of which 32 million were in Sub-Saharan Africa.⁵⁹ The report also clarifies that land tenure is an important factor determining how the response will be in different countries. It notes that in Tanzania, where land is held by villages, only 50,000 hectares became available for large-scale transfers 2004-09, while corresponding figures on effectuated land acquisitions 2004-08 for a few other countries were as follows:

Sudan	4,000,000 ha
Mozambique	2,700,000 ha
Liberia	1,600,000 ha
Ethiopia	1,200,000 ha
Cambodia	1,000,000 ha

Further, the report concludes that large scale land acquisitions can be converted from a challenge to an opportunity if the following seven principles are adhered to:

- Respecting land and resource rights
- Ensuring food security
- Ensuring transparency, good governance, and a proper enabling environment
- Consultation and participation
- Responsible agro-investing
- Social sustainability
- Environmental sustainability.

Implications for land administration and land management

The first among the seven principles, respecting land and resource rights, requires good and transparent systems in place. Such systems can be either of a “modern” western type or based on traditional ways of handling land or a combination of the two. Still, in Africa for example, nearly 90 % of land is managed under customary or community land ownership and only a small portion is thus under private or individualised ownership systems. So, although land administration systems of the type developed in western countries are likely to become increasingly relevant with the increased commercialisation, the various customary or

⁵⁸ Kjell Havnevik. 2010. Growing concern over outsourcing of African land. Nordiska Afrikainstitutet.

⁵⁹ World Bank. 2010. Rising Global Interest in Farmland

communal systems are still the predominant ones and must not be excluded from attention and development.

In urban areas, “modern” systems have a more obvious and dominant role to play.

6.2 Climate change

The expected climate change, and associated factors, will impact on land use and land and resource governance in several ways:

Risk for lowered productivity and even loss of productive land

Projected changes in rainfall patterns are expected to impact negatively on agricultural production in some areas. There is also risk for gradual loss of farmland in low-lying coastal areas. Such processes will increase the demand on production from areas which are now not so productive and this would also contribute to interest in land acquisitions.

Bio-fuel production

Global interest in bio-fuels has already impacted on investor’s interest in land. Systematic reports on the spread of outsourcing of African land for energy and food show that land outsourced for energy exceeded that for food production for export or domestic use by 50%. The corresponding land investments were, however, higher in food production⁶⁰.

Increased interest in forests

Three factors that tend to increase interest in forests and their management are:

- The role of forests as carbon sinks
- A growing importance of woody biomass to meet domestic energy needs as well as increasing demand for wood-based industrial products
- Increased attention to biodiversity conservation.

The first factor is linked to the whole arena of trade with carbon emission rights. This factor is expected to yield major resources that can be used for compensation to actors who maintain and improve forests as carbon sinks. New flows of funds earmarked for managers of forests generate a strengthened requirement for sound forest governance that will guarantee that compensations effectively reach those who have the right to receive it.

A growing importance of woody biomass to meet domestic energy needs has not so far been as extensively debated as some other factors related to climate change. Nevertheless, it must be expected that fossil fuels cannot continue to replace fuel derived from biomass in urban areas, for example in Africa. Charcoal production is already a highly unregulated activity that creates conflicts and environmental degradation in many areas. This topic offers very real challenges for systems designed to secure justified land and resource rights⁶¹.

6.3 Excessive water use

Although currently not debated as much as climate change, the water issue is another factor indicating that land with a production potential will be much needed in the near future. The production levels in many highly productive agricultural areas are maintained through overuse

⁶⁰ Kjell Havnevik. 2010. Growing concern over outsourcing of African land. Nordiska Afrikainstitutet.

⁶¹ The current charcoal production and trade, for instance in Africa, is a major industry often involving disadvantaged groups right through the value chain. As long as treated as illegal, which is commonly the case, it remains environmentally destructive, exempted from official taxation but heavily related to corruption, and based on unrecognised rights and sometimes on claims that conflicts with the ones holding land rights.

of the natural resources. Ground water tables are being lowered and ground water sources polluted due to irrigation and excessive use of fertilisers and pesticides. The intensity in land use must become more reasonably distributed, implying increased interest in the production potential which has not yet been tapped in, mainly, Africa, Latin America and to some extent eastern Europe. The team has not found any conclusive findings as to whether such increased interest would alter the importance of non-state systems in relation to state systems for land tenure.

6.4 Decentralization

After the collapse of the centralized system of the Soviet Union two decades ago, almost all newly formed post-Soviet states embarked on decentralization reforms and private sector development. The influence was not limited to post-Soviet countries but spread far beyond those borders. In many countries, state management of assets such as forests had profoundly failed and new avenues have been sought. There are a lot more countries now with a degree of decentralization in forest governance than was the case some decades ago. In some instances Sida has played an important role in the process. Some successes are being recorded and the decentralization trend remains vibrant. Beyond the forest focus, there is also renewed attention to “formalization” of customary tenure regimes in Africa and to harmonization between customary and statutory land legislation⁶².

7. Future direction of Sida’s assistance to land issues

7.1. From a rights and poor peoples’ perspective

Integrating human rights into land governance means that the issue of access to land, as well as such related issues as housing, food, water and work, should be respected, protected and fulfilled in accordance with the requirements of international human rights law. Indeed, Sida supports a range of human rights organizations and initiatives but if Sida is to fully apply a human rights based approach to its land related interventions, as required by Swedish development cooperation policy⁶³, a rather different approach than in the past needs to be developed.

As of today, most interventions have taken as their point of departure identified or assumed shortcomings in the way land institutions operate and in the way the formal legal framework is constructed. Often, it seems, concerned ministries and institutions have approached Sida or other relevant Swedish institutions requesting assistance to overcome a particular problem or deficiency. In other cases, particular capacity building interventions have been set up in support of larger institution-focused land reform programmes funded by other donors. In either case, the interventions appear to have been based on rather shallow assessments that have failed to seriously take into account the needs and perspectives of people living in poverty. In the cases that interventions have focused on empowering people rather than strengthening the capacity of institutions there has generally been a rather weak link between these empowerment efforts and the need to improve the way institutions operate and regulatory frameworks are designed. Using the nomenclature of this study, it could also be

⁶² This is, for instance, evident from the recently adopted Pan African Land Policy Framework and Guidelines, and the Initiative led by the African Union for implementation of the same

⁶³ Sweden’s Policy for Global Development states that all development cooperation should be guided and permeated by poor people’s perspectives on development and a rights perspective. The Policy for democratic development and human rights in Swedish development cooperation, 2010-2014, states that “Sweden’s basic position is that all development cooperation must be human rights-based, i.e. that a rights perspective must be applied in all areas.”

expressed as disconnect between the interventions under the decentralization category and the institution-building category, where the decentralization-category intervention more often has a focus on people's empowerment. Ideally, interventions under these two categories should not be separated.

A comprehensive rights-based approach requires that interventions take as their starting point the needs of people living in poverty, in particular women and other vulnerable groups, rather than the identified shortcoming in formal laws or land administration institutions. This calls for a thorough assessment of the land-related needs and priorities of women, men, girls and boys living in poverty. Such an assessment should look at how their land rights can best be protected, where and how their land disputes can be addressed in a fair, efficient and predictable manner, what kind of knowledge and services they need to effectively utilize the land, and what kind of watchdog measures that are needed to promote improved service delivery and reform. In order to ensure that such an assessment appropriately reflects the perspectives of people living in poverty a high degree of participation should be strived for in its design, implementation and follow up.

Once the needs and perspectives of women, men, girls and boys living in poverty have been obtained, the functioning of the institutions, formal and informal, identified as being of importance to secure their land rights should be assessed. This may require a review of existing laws and practices, as well as of the functioning of formal and informal authorities and systems of relevance.

When existing institutional weaknesses and shortcoming have been identified, measures to strengthen their ability to overcome existing hurdles should be designed. In other words, their capacity to ensure that the rights of people living in poverty are upheld should be enhanced. At the same time, the ability of people and their organizations to use these institutions, demand necessary reforms and monitor their performance should be strengthened. This may for instance require interventions to increase people's awareness of relevant laws in forces, improved mechanisms for legal assistance and the establishment or strengthening of civil society organizations that monitor that laws, regulations and service standards are adhered to.

The implemented interventions should strive to guarantee that internationally established human rights are respected, protected and fulfilled, and particular regard should be paid to ensure that problems of discrimination are overcome, that participation is secured, that openness and transparency is increased, and that those responsible can be held to account for any misconduct.

For Sida the effective implementation of a rights perspective may require an approach through which land-related interventions are appraised from a holistic or programme perspective, including the role of both duty bearers and rights holders, rather than from a sector perspective in which support to different stakeholders are assessed and handled separately. In other words, initiatives to empower people living in poverty to secure their rights and to effectively manage the land, on the one hand, and efforts to strengthen the capacity of land administration institutions, on the other, should not be treated as separate and unrelated issues.

7.2 To address gender inequalities

Gender issues and Women's Economic Empowerment dimensions in interventions have to be translated into practice with designs for measurable outputs and outcomes. If the cooperation partners are not interested in gender issues, as explained in some reports, interventions are

only warranted if they strive to influence prevailing attitudes. The wide-spread failures so far are related to either neglect of the issues altogether, or to a vague idea of mainstreaming of gender issues without translating such idea into practical initiatives with measurable outputs and outcomes.

The recent Policy for gender equality and the rights and role of women in Sweden's International Development Cooperation 2010–2015 states that gender mainstreaming as a strategic approach includes the three components of (i) targeted measures, (ii) integrated measures and (iii) policy dialogue. The predecessor policy 2005–2010 indicated similar requirements.

The team suggests that targeted measures based on target group analysis (including but not limited to gender analysis) coupled with policy dialogue should be given significant prominence if future intervention design. This marks a clear shift from the way most interventions have been designed up to now.

8. Suggestions for further investigation and case studies

The result of this study implies that there are many important areas where more knowledge is required. A strategic evaluation focusing on all or most of these questions risks becoming quite voluminous, while yet provide little immediate guidance for Sida. Also, the methodological challenges might be considerable.

8.1 Proposed topics for strategic evaluations

The team has, however, attempted to consolidate some more specific topics that could form a basis for strategic evaluations to gain better understanding of impacts of the Sida support during the last 10 years and that could also help in guiding Sida's future engagement. The team has consciously tried to avoid suggesting elements which are un-researchable due to methodological constraints. Considering that Sida's position paper stresses the importance of a holistic approach to land governance, it is essential that all strategic-evaluation elements are carried out by *multidisciplinary teams*.

The menu of ten strategic evaluations is:

- Gender dimensions on land titling
- Indigenous land rights
- Land consolidation for overcoming fragmented and unsuitable parcel structures
- Links between land registration, land markets and economic development for the low income segments of the population
- Local governance of common and communal lands – how can it benefit all stakeholders?
- Computerization of land administration systems – when is it sustainable?
- Experiences of Sida's support to tenure-related interventions in urban and peri-urban areas
- Experiences of Sida support to tenure-related interventions in rural areas
- Relevance, cost-effectiveness and prospects for Sida engagement in training and education on tenure and decentralisation with focus on Africa
- Better tenure security for all or options for land grabbing for some?

All of these are not with distinct delimitations in relation to others, so combinations can be considered. The team would, however, recommend against merging several into one major strategic evaluation as they require different competences and would thus be better carried out separately. In Appendix 5 each one of these is elaborated with description and justification. Methodological issues are mentioned and hints for their implementation are provided.

8.2 Proposed forward-looking strategic assessments

Although looking back is important, moving forward is more important so long as the general direction is known. In addition to the topics for strategic-evaluation studies, the team suggests that three strategic forward-looking studies are initiated without delay. This is based on the team's findings from this mapping study:

- Pluralistic tenure systems
- Making best use of Swedish comparative advantages, and
- Ensuring proper design of interventions

Pluralistic tenure systems

In many parts of the world, the vast majority of land transactions and other land related matters are dealt with outside of the formal legal system. Even though it is well known that customary, traditional and religious systems often discriminate against women and other vulnerable groups, their central importance for people living in poverty is well recognized. There is, however, considerable disagreement and limited knowledge about how to best relate to these systems. Several of the trends briefly mentioned in section 6 lead to commercialisation of land use and “international land hunger” which will impact on the pluralistic tenure systems.

Despite the central importance of customary land rights systems for people living in poverty, few of Sida's national level interventions deal directly with such systems. Some lessons can, however, be drawn from initiatives dealing with *Decentralized land and local governance*. With regard to global level interventions, several supported organizations and programmes focusing on policy development have a significant focus on issues of customary rights. Relevant experiences are also found in programmes implemented by Swedish NGOs, in particular SSCN and WWF. A strategic study should shed light on

- The conditions under which Sida should engage with customary and other non-state systems.
- How Sida can best design support that addresses appropriately the blend of the non-state systems for tenure and the state systems.

Making best use of Swedish comparative advantages

Swedish land governance has a good standing among land institutions abroad, having effective legal and technical systems, few land conflicts as well as long experience of international cooperation in the area. The relative absence of geo-political interests makes Sweden a trusted partner in development, as hidden agendas would be rare, and especially so in matters of land rights. Sweden also has extensive experience when it comes to promoting gender equality through international development cooperation, even though this has not always been reflected in its land related support, and generally has a well developed human rights profile in its overseas development aid. Sida is often commended for its flexible approach and preparedness to provide core support to institutions and, in particular, CSOs.

Land policy reform, land administration and governance constitute a broad agenda while Sweden is a rather small player on the international scene.

A strategic study, matching current general needs in land governance improvements among selected Sida's partner countries with the specific Swedish comparative advantages would be a good basis for designing future land governance interventions. Such strategic study does evidently contain two major sub-studies.

- Identification of current needs in, and prospects for, land governance improvements, including the decentralisation of resource governance and the associated educational needs, among selected Sida's partner countries and comparing such needs with the available knowledge on outcomes and impacts of Sida's support to date as well as other international experiences
- An unprejudiced mapping of the Swedish comparative advantages pertinent to such identified needs.

A multidisciplinary approach based on multidisciplinary competences in a team is a must for a useful result.

Ensuring proper design of interventions

The team's review of evaluations and programme documents shows that many supported interventions suffer from serious shortcomings in terms of how they are designed. In many cases objectives are poorly formulated, indicators and monitoring aspects insufficiently developed and baselines studies against which progress can be measured are missing. As a result, little is known about their development effects and important opportunities for learning are missed.

The team therefore recommends Sida to review how best interventions should be identified, planned, implemented and evaluated. Such a study should identify key issues that need to be assessed during the planning phase of an intervention and answer questions of how to best apply a human rights based approach to land governance, ensure that interventions are based on the perspectives of people living in poverty, and effectively address the specific needs of women, men, girls and boys. It should also look at how to conduct appropriate baseline studies against which intervention results and societal impact can be assessed.

There are established procedures within Sida that are applicable but needs to be used in a more coherent way across the board within Sida. A compromise needs to be sought ensuring that interventions are sound and possible to evaluate while, on the other hand, procedures are not becoming so complex that too few interventions can materialise. Should the proposed study lead to a conclusion that differences in intervention standards are attributed to different work modalities, then there may be need to analyse merits and demerits for such modalities (e.g. institutional cooperation as compared to other modalities).

Appendices

Appendix 1. List of interventions

Notes to the reader

1. The list contains quite a variety of programmes, including all major relevant programmes initiated in after 2000 that were identified, but also a selection of support to Civil Society Organisations of particular interest. The latter is a selection as the portfolio as a whole includes thousands of contributions, many of which are core support to organisations working on Human Rights in general, but often with a component of land governance/rights issues. Covering and analysing all of these would be an immense task with an output of very limited value.
2. To qualify, a contribution should be of certain duration and have a scope to yield some results that can be evaluated over time. We exclude, for example, studies that were made but did not result in any follow-up activity.
3. Projects in the “Land and Natural Resources Governance” category have only been included if there is any tangible and relevant institutional or rights issue involved. General rural development programmes or agricultural/forestry programmes without such features have been excluded even though they may well apply participatory approaches as part of their work. Without this exclusion we would have a number of additional programmes of little interest for the core focus of this study.
4. A “flexible” approach was used in relation to the criteria “initiated during the last 10 years”. Some old programmes, which could strictly have been excluded, have been included as they yield valuable information, for example the LAMP project, Tanzania and SARDP, Ethiopia.
5. A few programmes which are being negotiated but for which no decision was so far made have been mentioned. There is no claim that we have included all such up-coming activity.
7. Included as a separate group in the list are some Swedish NGOs which have relevant activity.

PROJECTS/PROGRAMMES IN COUNTRIES

Albania

- The “Natural Resources Development Programme (NRDP; with WB)
- Strengthening sustainable communal forestry (with SNV)
- Land Administration and Management Program (LAMP)
- Twinning between Lantmäteriet in Sweden and the Immovable Property Registration Office in Albania

Armenia

- Development of the Cadastral System in Armenia

Bangladesh

- Integrated Development Foundation’s project “Poverty Alleviation through the Improvement of Rights of the Poor People of Urban Slums and of the Rural Remote Areas of Bangladesh

- SAMATA (NGO)
- Ain O Salish Kendra

Belarus

- Support to the Development of Real Property Market in the Republic of Belarus

Bhutan

- Strengthening National Geo-Information Management System

Bosnia and Herzegovina

- Land Administration Project (LAP)

Botswana

- Development of an Integrated Geographical Information System
- Botswana: Improvement of Land Administration Procedures, Capacity and Systems (LAPCAS)

Burkina Faso

- Decentralised Forestry and Natural Resource Management

Cambodia

- Development Resource Institute (CDRI)
- Cambodia Office of the High Commissioner for Human Rights
- Ministry of Land Management, Urban Planning and Construction/GTZ, Pilot Project in Ratanakiri and Mondulkiri

China

- Establishing of an Urban Management Geographic Information System in Hebei Province (UMGIS)

Colombia

- Development of a Methodology for a Sustainable National Geographic Information System for Planning and Land administration
- Protection of lands and patrimony of internally displaced persons in Colombia

Croatia

- Land Consolidation in Agricultural Sector
- Capacity Building & Institutional Strengthening of Ministry of Justice and Cadastre Agency

Ethiopia

- Establishment of the Institute of Land Administration (ILA) at the Bahir Dar University
- SARDP/BEPLAU: Land Registration in Amhara

Georgia

- Phase 1: Support to the Development of a Land Cadastre and Land Information System – Tbilisi Land Management Training Centre. Phase 2: Management and Training Support for Registration and Cadastre in Georgia. Phase 3: Capacity Building and Improved Client Services at NAPR of Georgia

Ghana

- TA for Design and Development of an Urban Management Land Information System in a Selected Pilot Area

Guatemala

- Access to Justice programme (El Programa Acceso a Justicia)
- Fortalecimiento del Catastro Nacional en Guatemala Fase II (Strengthening of the National Cadastre of Guatemala Phase II)

India

- The Society for the Promotion of Area Resource Centres (SPARC)
- Socio Legal Information Centre (SLIC)

Indonesia

- Institutional Partnership for Strengthening Land Administration (IPSLA)

Kenya

- Land Information for Informal Settlements
- Integrated Land and Urban Sector Programme (ILUSP)
- TA to Ministry of Lands
- Project for Improved Land Administration in Kenya (PILAK)
- Land Sector Non-State Actors (LSNSA)

Kosovo

- Development of Land Administration in Kosovo
- Support to the Kosovo Forestry Sector 2004-2009
- Strengthening Sustainable Private and Decentralised Forestry - Promotion of Economic Development through Capacity Building in Farmer Based Forest Management in Kosovo and its region 2009-2012 (SNV)

Kyrgyzstan

- TA to the Land and Real Estate Registration Project, Phases I-III
- Strengthening Land Administration in Kirgizstan

Laos

- Forestry Strategy Implementation Promotion (FSIP) Project

Macedonia

- Strengthening of the Institutional Capacities of the State Authority for Geodetic Works and Capacity building for the implementation of the Strategic Plan for AREC

Mali

- Community-based management of flooded forests in Niger River Inner Delta (PAGEIT) and REDDIN
- Gestion Décentralisée des Forêts (GEDEFOR)

Moldova

- Support to Moldova First Cadastral Project

- Land Re-parcelling Pilot Sub-project in Moldova

Mongolia

- Training project on Cadastral System Development
- Urban Land Administration System Development
- Capacity Building in Human Resources Development to Strengthen the Land Administration Sector in Mongolia

Mozambique

- Iniciativa para Terras Comunitarias (iTC), Community Land Fund
- The Malonda Programme

Namibia

- Cadastral Information System – Technical Assistance to the Directorate of Survey of Mapping (DSM)
- Legal Assistance Centre

Nicaragua

- Fonde Agro

Peru

- Mejoramiento para el Fortalecimiento de la Administración Municipal de la Provincia de Cusco

Philippines

- GIS Cook book

Russia

- Land Cadastre and Land Information System in Arkhangelsk Oblast
- Russian-Swedish Land Cadastre Administration Programme

Rwanda

- Natural Resources and Environmental Programme in Rwanda

Serbia

- Real Estate Cadastre and Registration Project in Serbia and Capacity building between Sweden and The Republic of Serbia Real Estate Cadastre and Registration Project, Phase III

Tajikistan

- Support for the Establishment of a Modern Cadastre System and Capacity Building for Implementation of the Law on Registration of Land and Immovable Property and Rights to it

Tanzania

- Business Environment Strengthening in Tanzania; The Land Administration Component
- Land Management Programme (LAMP)
- Pingo's Forum

- Legal and Human Rights Centre's Village Legal Workers Programme

Ukraine

- Capacity Building for the Implementation of a National Spatial Data Infrastructure, Phase IV

Vietnam

- Vietnam-Sweden Cooperation Programme for Land Administration Reform (CPLAR)
- Mountain Rural Development Programme (MRDP)
- Support to Environmental Management and Land Administration (SEMLA)

Zambia

- Capacity Building in the Area of Land Management, or The Land Tenure Initiative (LTI)
- National Legal Aid Clinic for Women
- Building Capacity for Urban Development and Effective Land Tenure Management in Lusaka

REGIONAL INTERVENTIONS

- SADC: Rural and peri-urban Land Administration in the SADC Region
- West Africa (Senegal, Mali, Burkina Faso, Niger): IIED: Making Decentralisation Work
- Sub-Saharan Africa: CIFOR: Achieving the Millennium Development Goals in African Dry Forests
- Africa: Responsive Forest Governance Initiative; Codesria/University of Illinois
- Africa: Africa Forest Forum
- Asia and the Pacific: RECOFTC
- Balkan countries: Forestry (SNV)
- Europe: European Roma Rights Centre

GLOBAL INTERVENTIONS

- Rights and Resources Initiative
- Global Land Tool Network (GLTN)
- KTH's Master's Programme in Land Management
- Global ITP courses on Urban Land Administration
- Food first Information and Action Network International (FIAN)
- International Work Group for Indigenous Affairs (IWGIA)
- Minority Rights Group (MRG)
- COHRE (including Women' Land Link Africa)
- International Land Coalition (ILC): Putting a Pro-Poor Land Agenda into Practice: Implementing the ILC's Strategic Framework 2007-2011
- The Forest Initiative (Skogsinitiativet) and The Swedish Board of Forestry (Skogsstyrelsen)
- Core support to International Institute for Environment and Development (IIED)
- Support to World Resources Institute (WRI)

- Cities Alliance

SUPPORT CHanneled THROUGH SWEDISH NGOs

- Världsnaturfonden WWF
- Swedish Society for Nature Conservation, SSNC
- Swedish Mission Council (SMR)
- Diakonia
- Forum Syd
- Svalorna Indien-Bangladesh
- Swedish Cooperative Centre (SCC)
- Kvinna till Kvinna

Appendix 2. Terms of Reference

2010-06-07

Background and Rationale

The incomes, the food security, and an improved living situation of a majority of citizens in developing and transition countries depend on access to land.⁶⁴ People living in poverty however often have limited and unsecure access to land and natural resources. Their rights to use land are rarely registered and often threatened by competing land use interests. Women's rights to land in particular are moreover often impeded by informal property practices, such as social norms and inheritance systems. Unsecure access to land is one important factor causing rural poverty and poor living conditions in urban slum areas. In several developing and transition countries, households' access to land and natural resources depends on numerous political, institutional and social practices, such as changes in political regime, remnants of traditional and/or colonial property systems, gender relations, existence/type of property policy, the degree of titling, etc. A much debated land issue in Africa is how customary tenure could be reconciled or integrated with statutory land legislation, while a frequently debated issue in East Europe and Central Asia relates to how to develop and maintain the capacities of those land administration systems that were developed after the fall of the authoritarian communist regimes in order to consolidate private property markets.⁶⁵

In order to improve the livelihoods of people who are poor but also to create incentives for investment and productive use of land, for individuals as well as for national and global investors, ownership and user's rights need to be secure. Opportunities to secure and transfer user's and ownership rights, by legal means, depend on the existence, and the forms of, land policies and land tenure systems, functioning land administration systems (formal and modernized land administration systems called cadastres as well as traditional/customary systems), effective and transparent land governance. Land administration agencies play an important role in implementing land policies. They provide data that are vital for securing ownership rights and property taxation, which are both prerequisites for planning and investment. These agencies can also provide mechanisms that limit corruption, by providing transparent systems on tenure, land use and property transfers.⁶⁶

As argued by the EU Land Policy and Sida's position paper on natural resource tenure, land rights need to be dealt with in a holistic manner.⁶⁷ Cadastres and traditional/customary land administration systems regulate not only ownership, but also other important issues such as natural resource management and the usufructory rights of various groups of society. The FAO guidelines on good governance in land tenure and administration emphasize the need for land administrations to include effective, accountable and transparent cadastres, tenure security and information provision on property rights.⁶⁸ Competition with global investors for land acquisitions increases the

⁶⁴ Ghezae Nighisty (Ed.), *Natural Resource Tenure – a crucial aspect of poverty reduction and human rights*, Sida Studies No. 23, 2009.

⁶⁵ *ibid.* EU Task Force on Land Tenure, 2004.

⁶⁶ *Land Administration – Why*, Swedish National Land Survey, Sida February 2008.

⁶⁷ EU Land Policy Guidelines, EU Task Force on Land Tenure, November 2004; *Natural Resource Tenure. A Position paper for Sida*. Sida, 2007.

⁶⁸ *Guidelines on Good Governance in Land Tenure and Administration*, FAO 2007.

vulnerability of people who are poor and dependent on land.⁶⁹ Recent EU debates on development issues have highlighted the linkages between land rights and development⁷⁰ and the International Federation of Surveyors and the World Bank have jointly called for improved land governance in developing countries.⁷¹

Sida has over the years supported land policy reforms and land administration in both urban and rural contexts in Africa, Asia, East Europe and Central Asia to strengthen tenure security on the one hand, and to develop markets on the other hand.⁷² Sida's support has included for example land titling or land certification processes of individual respectively communal lands, the development of cadastres and various kinds of land administration systems, land legislation and policy development at national levels, local governance of land and other natural resources in relation to e.g. decentralization and devolution processes. Sida has also supported international organizations and networks engaged in land issues.

According to a rough estimation, there are more than 22 ongoing Sida-supported programmes and projects relating to rural land, and about 17 interventions supported by Sida referring to urban land issues. In addition to this, land is a cross-cutting issue in several other thematic programmes, for example related to slum upgrading, city planning, environmental plans, agricultural development and private sector development.⁷³ It is unknown to what extent women's and men's access to land is dealt with in Sida's contributions on human rights and democracy.

A rough estimation by Sida indicates that there are at least the following categories of Sida-supported projects and programmes with focus on land issues⁷⁴:

Categories of Rural Land Interventions

- Cadastre/land management institutions (>13 programmes)
- Natural resource management (>5 programmes)
- Land policy and tenure reform (>4 programmes)

Categories of Urban Land Interventions

- Cadastre/land management institutions (>10 programmes)
- Land policy and tenure reform (>7 programmes)

Human Rights Interventions addressing Access to Land

- Targeted initiatives on gender equality and women's human rights (unknown no)
- Civil society initiatives on community development (unknown no)

Although Sida has supported land issues in several partner countries and over long periods of time there has still not been any systematic and strategic evaluation of this support. As argued by representatives from Sida's policy departments for economic opportunities (ECOP) and environment (MILJÖ), while the EU Land Policy Guidelines

⁶⁹ International Land Coalition, Providing Access to Land: Challenges and Solutions, www.landcoalition.org

⁷⁰ See http://www.eudevdays.eu/agenda/events/land_grabbing_en.htm

⁷¹ www.fig.net

⁷² Natural Resource Tenure. A Position Paper for Sida, Sida 2007; Land Administration – Why. Swedish National Land Survey. Sida, February 2008.

⁷³ Sida ECOP, On-going/Planned Sida Support to Land Administration and Land Governance in Rural Areas, 2009-06-19; Lantmäteri Pågående Projekt 20090312.

⁷⁴ Sida ECOP, On-going/Planned Sida Support to Land Administration and Land Governance in Rural Areas, 2009-06-19; Lantmäteri Pågående Projekt 20090312.

provide general guidance for donors with regard to assistance to land issues,⁷⁵ there is still a lack of both operational directives and knowledge of the broader impacts of the support. A position paper was developed by Sida in 2007 to provide some guidance as to how to deal with natural resource tenure, i.e. the system giving legal rights to use and benefit from natural resources.⁷⁶ The position paper argues that pro-poor natural resource tenure is vital for poverty reduction.

Sida's Working Group for Land Issues, with representation from various policy and operational teams, was formally established in early 2010 due to the demand for more learning and guidance with regard to land interventions. According to this working group *a mapping of Sida's land-related interventions, including an overview of conclusions and lessons learnt from previous reviews of these interventions, would provide valuable information on how Sida works with land issues and with what results achieved. This mapping exercise should be both backward- and forward-looking to serve as an input for a discussion at Sida regarding what land issues to prioritise in future interventions. It should also identify strategic evaluation questions and constitute a basis for discussion on the relevance and feasibility of conducting a more substantial evaluation of Sida's support to land issues.*

Purpose, Scope and Use

The purpose of this mapping and review assignment has been defined in a joint manner by Sida's Working Group on Land Issues and the Evaluation Secretariat (UTV). *The purpose is to map out Sida's land interventions and make a synthesis of conclusions and lessons learnt from previous reviews, so as to improve the understanding of how Sida has worked with land issues so far and with what results in order to inform Sida's policy and priorities for the future. An additional purpose is to identify strategic evaluation questions as a basis for planning for a possible more in-depth strategic evaluation on the topic at a later stage.*

Sida's Working Group for Land Issues is the prime intended user for the first phase of this evaluation, which will consist in a mapping of Sida interventions and lessons learnt from evaluations/reviews over the last ten years. This working group provides guidance and enhances the exchange of lessons learnt within the network of Sida staff working with land issues and will use the evaluation for this purpose. A smaller number of members of the working group are together with UTV represented in the evaluation's management group, responsible for taking major decisions with regard to the evaluation, the procurement process, ensuring the evaluation's relevance and feasibility by regularly consulting the whole Working Group and for dissemination and use of the evaluation results. The Working Group on Land Issues constitutes reference group for the evaluation.

This first evaluation phase will also serve to identify evaluation themes and questions and suggest methods for a possible second evaluation phase, of a more strategic and systematic approach on selected relevant themes and contexts. Such a second phase will have to involve also the relevant implementing agencies, partner countries and organizations as well as the Sida field offices engaged in the support in the cases to be evaluated. In addition to Sida, the main users of the eventual strategic evaluation part will be the relevant partner organizations and actors involved in the sector in the cooperation countries, as well as donor partners. Sida will endeavour to the extent possible to make it a joint evaluation with relevant partners.

⁷⁵ *ibid*, EU Task Force on Land Tenure, 2004.

⁷⁶ Natural Resource Tenure. A Position paper for Sida. Sida, 2007.

The first mapping and review evaluation phase included in this assignment shall cover Sida's rural and urban land interventions over the last ten years, i.e. components, projects and programmes initiated since 2000. The review shall cover the following types of interventions⁷⁷:

- Land policy reform and land tenure regularization;
- Land administration systems and management;
- Decentralized land and natural resource governance;
- Human rights and gender initiatives related to land;
- Support to international organizations focusing on land issues.

The review shall include the following tasks and answer to the questions as follows:

Mapping of Relevant Sida Contributions

- *Identify all relevant (according to the above listed categories) contributions initiated since 2000, both stand-alone contributions and contributions embedded as "components" in other programmes. Primarily contributions financed directly by Sida shall be included but also, when relevant, to some extent by Swedish NGOs;*
- *Categorize contributions in terms of focus/ objectives, with notification of any cross-cutting issues including human rights and gender, geographic orientation, urban/ rural intervention, target groups, beneficiaries, bilateral/ multilateral support/ collaborating partners; time-frame; budget/ amounts agreed, and where possible, stated outputs and outcomes;*
- *Identify and compile existing evaluations, reviews and other relevant documentation on the projects/ programmes in question useful for the assessment under 2.2.*

Review of Conclusions and Lessons Learnt from Sida Support to Land Issues

- *On the basis of the mapping exercise under 2.1, and the evaluations/ reviews compiled, how does the overall intervention logic/ results chain of the interventions look like, i.e. for the main categories of projects/ programmes what are the expected outputs and outcomes and how are the outputs assumed to lead on to outcomes, and accordingly, how are the outcomes expected to contribute to broader impacts? (Please note that this intervention logic analysis shall not be carried out for each single project/ programme but for a couple of examples of the main categories as an illustration.)*
- *What conclusions can be drawn from evaluations/ reviews conducted over the past ten years of Sida's projects and programmes on land issues with regard to relevance, effectiveness and sustainability?*
- *How do these interventions reflect the intentions of Sida's position paper on natural resource tenure,⁷⁸ which argues for a holistic perspective in support to land issues in order to enhance tenure security?*
- *Give examples of how interventions have dealt with customary rights and local governance.*
- *What can be learnt from previous reviews/ evaluations regarding the impact of the intervention in terms of improved land access security and livelihoods, economic opportunities of poor women and men, customary rights and local governance systems?*
- *To what extent have interventions dealt with inequalities in women's and men's access to land and systematically addressed the gender specific obstacles to women's access, e.g. legal (including divorce and inheritance legislation), enforcement of such law, and norms and customary practices preventing women from claiming or realizing their rights to land?*
- *What are the development effects in terms of increased economic opportunities/ income, improved environment for investments, land transactions, and productive and sustainable use of land and other related natural resources?*

⁷⁷ As agreed by the reference group for the review on 2010-04-21.

⁷⁸ Natural Resource Tenure. A Position paper for Sida. Sida, 2007.

- *Based on the conclusions of this review complemented with an analysis of current emerging policy issues, new international initiatives, etc., provide suggestions for the future direction of Sida's assistance to land issues in the light of the poverty perspective, the rights perspective and gender in particular.*

Suggestions for a Second Phase of this Evaluation process

- *On the basis of the findings of this first evaluation phase, what evaluation questions would need further investigation, e.g. regarding goal fulfillment, development effects etc, during a second evaluation phase?*
- *On the basis of the classification of Sida's projects/programmes on land issues and the suggested evaluation questions, which Sida interventions would be relevant to evaluate as case studies during a possible second evaluation phase on this topic?*
- *What evaluability issues should be taken into account when planning for the strategic evaluation, i.e. what methodological challenges and limitations may be expected and how could they be dealt with?*
- *What other recommendations can be given for a second phase of this evaluation process, regarding evaluation design, methodology, criteria for selection of case studies etc?*

Approach and Methodology

This assignment is divided into two phases. The first phase will consist of a mapping of Sida's current land interventions (programmes, projects and components) according to the list as outlined in section 2. Sida's Working Group for Land Issues has already made a first, provisional and very basic mapping of this kind during 2009 (see Annex A), based on a survey sent to Sida programme officers.⁷⁹ There is currently on-going work at Sida to develop this mapping and hence, at the start of this assignment there will be documentation (although it will not be complete) readily available to build on. There are also two on-going efforts at Sida's Empowerment Department to map out the portfolios related to equal access to justice respectively gender equality. Those interventions identified in these two portfolio analyses that pertain to land shall be included also in this review. Further sources to be used are documentation such as cooperation strategies, country reports, contribution memos, results assessments and evaluations and reviews, whereof most of them are available through Sida's documentation systems. Additional more specific data, e.g. on allocated budgets and disbursements to the various categories, can be found in Sida's administrative system called PLUS. There will also be a need to conduct additional surveys and interviews with Sida staff to get the complete picture of Sida's support to land issues.

The second phase of the assignment will be a synthesized review of existing evaluations/reviews of Sida's land-related interventions over the last ten years seeking to provide answers to the evaluation questions as outlined in section 2, and identify any other results, intended as well as unintended, that are indicated by previous reviews/evaluations. There are a number of Sida reviews undertaken on this topic although a large share of them primarily target technical aspects at the project level.⁸⁰ The results of this synthesis review shall be compared with lessons learnt from international reviews/evaluations on similar type of interventions, as well as with the key messages and relevant key areas in Sida's position papers on respectively Natural Resource Tenure and Women's Economic Empowerment. Furthermore, the review shall identify emerging trends and global policy initiatives in relation to land of possible relevance for Sida's future support in this subject area.

⁷⁹ Sida ECOP, On-going/Planned Sida Support to Land Administration and Land Governance in Rural Areas, 2009-06-19; Lantmäteri Pågående Projekt 20090312.

⁸⁰ See for example Sida Evaluations 98/24, 06/54, 08/19 available on www.sida.se, publications.

The mapping and the review phases of this assignment, from planning to reporting and dissemination, shall follow the OECD DAC Evaluation Quality Standards.⁸¹

Timing, Reporting and Deliverables

This assignment is expected to start in August 2010. Reporting will consist of meetings, seminars and reports according to the following plan:

Activity/Deliverables	
Timing/date	
<i>Mapping of Sida's land interventions, draft report and meeting with Sida</i>	<i>1 October 2010</i>
<i>Mapping report revised according to Sida comments</i>	
<i>Within one week after receipt of comments</i>	
<i>Lessons learnt review and suggestions for strategic evaluation, and meeting with Sida</i>	<i>1 Nov 2010</i>
<i>Review report revised according to Sida comments</i>	
<i>Within one week after receipt of comments</i>	
<i>Presentation of synthesis report of findings at Sida seminar</i>	<i>Mid-Nov 2010</i>

The final synthesis report shall be written in English and must not exceed 50 pages, excluding annexes. The consultant contracted for this assignment is responsible for ensuring that the final report reflects the OECD DAC Evaluation Quality Standards,⁸² structured according to the format for Sida evaluations (see Annex B) and written in good English.

Budget and Time Plan

The maximum budget for this assignment is 500 000 SEK. The consultant shall present a detailed budget and a time plan in the offer for this assignment. The assignment is estimated to take around 10 person weeks, whereof one third of the time for the first phase, i.e. the mapping phase according to 2.1, and the remaining two thirds for the second phase, according to 2.2 and 2.3, i.e. the review of previous evaluations/reviews and development of suggestions for the strategic evaluation.

Evaluation Team and Qualifications

The evaluation team carrying out the assignment must have relevant academic education, documented experience of working with and/or reviewing donor (preferably Sida) support to land issues, experience of/knowledge on women's access to land/gender in development and/or gender equality and human rights approaches to development cooperation, and very good knowledge of both Swedish and English. The team leader shall have documented experience of, and provide references for, at least two similar review assignments and other team members shall have very good experience of carrying out archive research and similar kinds of data collection.

All call-off responses will be assessed according to criteria, including the various kinds of team qualifications required and the proposed method, organization, time plan and detailed budget for the assignment, according to a points- and grading system defined in the call-off inquiry.

Organization and Management

The evaluation will be managed by representatives of Sida's Working Group for Land Issues and Sida's Secretariat for Evaluation (UTV). This management group shall be

⁸¹ www.oecd.org/dac/evaluationnetwork

⁸² www.oecd.org/dac/evaluationnetwork

responsible for consulting the rest of the Working Group for Land Issues to ensure the relevance and feasibility of the evaluation, taking major decisions with regard to the evaluation, the procurement process and for organizing meetings and seminars to enhance the use of the findings and recommendations. Other members of the working group, which covers different policy and operational areas, and additional Sida staff will constitute the Reference Group for the evaluation. Contact persons for the Reference Group are Lasse Krantz from the ECOP Department and Tomas Nyström from the Europe Department. The Reference Group will ensure the relevance and feasibility of the review by providing advice on e.g. evaluation questions and methods, and by enhancing its dissemination and use.

Appendix 3. A selection of important literature in relation to the assignment

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Appendix 4. List of people contacted

The study is based on contacts with a large number of people. The team conveys its apologies in case of any omission.

Andersson, Torsten	Sida, Stockholm
Atterhög, Mikael	Sida, Stockholm
Bergman, Göran	Sida, Stockholm
Björkdahl, Göran	Sida, Ouagadougou
Björkman, Per	Skogsinitiativet
Bostrand, Lisbet	Sida, Stockholm
Bouda, Henri Noël	University of Life Sciences, CPH, Ex CIFOR
Broman, Angelica	Embassy of Sweden, Guatemala
Brumér, Cecilia	ORGUT
Carlson, Allan	WWF, Sweden
Cedergren, Magnus	Sida, Stockholm
DiPaolo, Jenna	RRI
Edman, Brittis	Civil Rights Defenders
Ek, Göran	Swedish Society for Nature Conservation
Elsässer, Gunilla	WWF Sweden
Emanuel, Anders	Sida, Stockholm
Farnworth, Cathy	Consultant, Nairobi
Fofana, Mamby	Embassy of Sweden, Mali
Frühling, Pierre	Embassy of Sweden, Bolivia
Fröberg, Per	Sida, Stockholm
Giertz, Per	ORGUT
Grafström, Jan	Sida, Stockholm
Hansson, Björn	Ramboll NATURA AB
Hast, Mirjam	ORGUT
Hayling, Kjell	Sida, Stockholm
Herthelius, Peter	Sida (retired)
Jonsson Cisse, Kerstin	Sida, Stockholm
Kidane Ketema, Ghebriel	Sida, Stockholm
Krantz, Lasse	Sida, Stockholm
Landin Jansson, Susanna	Sida, Stockholm
Lidén, Gunilla	Skogsinitiativet
Lindberg, Annakarin	Sida, Stockholm
Lindström, Ylva	Sida, Stockholm
Lindros, Gerd	Lantmäteriet
Lindvall, Mavis	Swedesurvey AB
Lunden, Malin	Sida, Stockholm
Lundgren, Björn	LBL Consulting/SLA
Lång, Ulrika	Embassy of Sweden, Tanzania
Mattson, Niklas	Embassy of Sweden, Albania
Malmstigen, Anders	SMR
Maluenda, Jorge	ORGUT
Mattson, Hans	KTH
Mattsson, Sven-Arne	Swedesurvey (retired)
Merkell, Björn	Skogsstyrelsen
Modéer, Ulrika	Diakonia

Molund, Stefan	Sida, Stockholm
Mossberg, Carl	Ramboll
Olvik, Gunnar	Sida, Stockholm
Ottosson, Peter	Diakonia
Palmberg, Johanna	Sida, Stockholm
Persson, Pelle	Sida, Stockholm
Peterson, Mirja	Embassy of Sweden, Ukraine
Raintree, John	Ramboll (retired)
Sahlin, Åke	SIPU
Sjöholm, Håkan	ORGUT
Springfors, Anna	Embassy of Sweden, India
Stenhammar, Sara	Sida, Stockholm
Strandberg, Nina	Sida, Stockholm
Sundgren, Margaretha	Sida, Stockholm
Sölscher, Carl-Erik	Lantmäteriet
Theodossiadis, Love	Embassy of Sweden, Tanzania
Thorfinn, Helena	Sida, Stockholm (on leave)
Thunberg, Jerker	FAO
Tiveau, Daniel	Embassy of Sweden, DRC
Wennerby, Ola	Swedesurvey AB
White, Andy	RRI
Zimic, Andja	Lantmäteriet
Åslund, Ingrid	Sida, Stockholm
Österberg, Tommy	Lantmäteriet
Various officials	Mollaj Commune, Albania

Appendix 5. Proposed topics for targeted strategic evaluations

The appendix offers a menu of ten possible strategic evaluations. All are not with distinct delimitations in relation to others, so combinations can be considered. The team would, however, recommend against merging several into one major strategic evaluation as they require different competences and would thus be better carried out separately.

Considering that Sida's position paper stress the importance of a holistic approach to land governance, it is essential that all strategic-evaluation elements are carried out by *multidisciplinary teams*.

1. Gender dimensions on land titling

An evaluation of the impact of gender related impacts ought to be one of the priorities. The overarching questions are:

- Have these inputs led to that the women's situation concerning access to land, properties and natural resources improved?
- If so, has this in turn improved the women's economic and social situation?

In many parts of the world wives are excluded from inheriting properties from the husband; for example, in what sometimes is called patrilineal societies in Africa. In such societies commodities and land are inherited within the husband's lineage. In these cases the wife, if divorced, abandoned or becoming widow will have difficulties to sustain herself economically. To give land titles to women in the communities with such traditions may not work in practice as the old customary rights are the ones that in general are followed by the community members. It may even be a threat to a woman to hold a land title if it will be known by the husband's family. In many cases it is not "only" a question of changing attitudes; it is a question of changing the social and jurisprudence systems of a people.

Some cases could be studied where land has been registered in the name of single/divorced women and in the name of both husband and wife; e.g. in SARDP/BEPLAU project in Ethiopia and in Fonde Agro in Nicaragua spouses are jointly registered as owner of the land. Also some cases where women's right to land and natural resources have met resistance, for example in Mozambique and in Central and Eastern Europe, should be subject to reviews.

Justification

Why land titling to women is relevant and conducive in some areas but not in other areas needs a better understanding.

Methodological issues and hints

The study requires prominence of social science input but also some input of land-administration expertise.

2. Indigenous land rights

Few interventions covered by this study deal with indigenous or minority peoples' land rights. However, several of the NGOs supported by Sida work with such interventions, e.g. International Work Group for Indigenous Affairs (IWGIA) and Minority Rights Group (MRG), the Swedish Society for Nature Conservation, SSNC, and Världsnaturfonden WWF. Nevertheless, there have also been some direct support by Sida to interventions including

activities aimed at indigenous land rights, for example “Urban Planning and Construction/GTZ, in Ratanakiri and Mondulakiri” in Cambodia, “Protection of lands and patrimony of internally displaced persons in Colombia” and “Access to Justice Programme” in Guatemala.

The Declaration on the Rights of Indigenous Peoples, reading that “indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise acquired”, was adopted by the UN General Assembly three years ago. As a consequence more interventions addressing land rights of indigenous groups should be expected to emerge.

To attempt to determine effectiveness and impact of interventions dealing especially with indigenous land rights and reallocation of indigenous land could help Sida to establish a strategy on how to handle these issues in the future.

Justification

Securing land and resource rights for indigenous groups is not only an internationally recognized right for the about 60 million people regarded as belonging to such groups but it is also the interest of the world population in general. These groups hold knowledge on the rich plant genetic resources of the environments that constitute their livelihoods which are of great global interest. The attention to these groups ought also to increase as a result of the need for action to combat climate change including UN-REDD (Reducing Emissions from Deforestation and Forest Degradation in Developing Countries) and similar initiatives.

Methodological issues and hints

Such strategic evaluation should capitalize on existing evaluations of such initiatives. It will entail “detective’s work” to find such as many of these interventions are rather small and may not be so well documented.

3. Land consolidation for overcoming fragmented and unsuitable parcel structures

A pre-requisite for land consolidation, i.e. creating larger and fewer land parcels for rural landholders, is that land registration (including cadastre) has been carried out and that the tenure situation is clarified. This is now well underway in most transition countries.

Sweden, and some other European countries, has long historical experience from the process of land consolidation; in building land banks (land reserves) to facilitate changes, carry out land valuation based on production capacity and sales on open land markets, negotiate with landholders, etc. Successful land consolidation also involves implementing laws that provide for a certain amount of force, while ensuring that no landowner will be worse off than before the land consolidation process.

Some first attempts at land consolidation have been funded by Sida, e.g. in Armenia, Croatia and Moldova. The results of these interventions have not been subject to external evaluations, and it is therefore difficult to draw lessons on how they may have benefitted the rural population, or on what methods that might work well under varying circumstances. Land consolidation is a complicated process, but in more and more countries this will be the necessary next step towards more efficient agricultural production and economic growth. Among some donors there is a belief that an open land market will eventually solve the

current problems with fragmented rural landholdings, but experience has shown that this takes long and does not give optimal results.

More knowledge is needed about appropriate methodologies, as well as costs and benefits of such interventions. The team suggests a thorough evaluation of Sida supported interventions involving land consolidation. The need for a basic legal framework for successful land consolidation should also be reviewed and details could be proposed.

Justification

Land consolidation is a complicated process, but in more and more countries this will be the next step towards more efficient agricultural production. More knowledge is needed about suitable methods and cost-benefits of such interventions.

Methodological issues and hints

As there are plans for an evaluation of the intervention in Moldova⁸³, this could be an opportunity to elevate this event to a more strategic level by comparing with one or two other countries where such interventions were supported by Sida (Croatia or Armenia) and possibly with a few interventions supported by other donors. Economists, agriculturalists and land administration expertise would be essential disciplines for such evaluation.

4. Links between land registration, land markets and economic development for the low income segments of the population

Development of land markets, and thereby market economies at large, has been the objective of many interventions in former Soviet countries and in Eastern Europe/the Balkans. Little is, however, known about the extent to which these interventions have resulted in better-functioning land markets and economic growth. Further, there are indications that introduction of an unrestricted land market affects the poor people negatively, as selling land may be the short-term solution to economic strife. An underlying assumption for many interventions has been that secure land rights are essential for people's ability to obtain credits. Few assessments have been made of how and the extent to which interventions have contributed to this.

The team proposes a strategic study involving three countries of former Soviet Union or in Eastern Europe/the Balkans that have received long-standing support from Sida and Swedish land-administration agencies. The study would investigate and substantiate the possible links between the interventions and the development of market economies. The effects on women and men living in poverty should be studied, to determine if the support might have contributed to loss of land and income because of the strengthening of land-administration institutions. Further, proposals would be developed on what types of restrictions that may need to be in place to mitigate the risks for vulnerable groups.

Justification

There is continued interest in some countries of the Former Soviet Union to engage with Sweden on matters related to land administration. Better understanding of impacts of earlier interventions on low-income segments of the population would be essential for decisions on continued support as well as for the orientation of such interventions.

⁸³ Göran Bergman, pers. comm.

Methodological issues and hints

Such study would require multidisciplinary inputs with prominence of economists. Land administration specialists may help with their systems knowledge and with securing data for statistical analyses. Results obtained may be applicable to Former Soviet States and Eastern Europe but cannot be generalised for other parts of the world. There will be difficulties to attribute changes specifically to land administration developments and this fact is aggravated by lack of base-line data.

5. Local governance of common and communal lands – how can it benefit all stakeholders?

Large tracts of communal land in Africa and elsewhere are governed by traditional leaders who allocate land to their subjects. This is, for instance, a predominant system in much of Southern Africa. In Mozambique the law gives automatic land rights to local communities and investors are required to negotiate with, and gain approval from, the communities before land can be formally allocated by the government. As the pressure on land increases the temptation for traditional leaders to ripe personal benefits may also increase and it happens that the villagers lose out in the process, contrary to the intention of the law.

The recent report from the World Bank⁸⁴ clarifies that land tenure is an important factor determining how the response will be in different countries. It notes that in Tanzania, where land is held by villages, only 50,000 hectares became available for large-scale transfers 2004–09, while corresponding figure on land acquisitions 2004–08 for Mozambique was 2,700,000 hectares.

This glaring difference is likely to be attributed to differences in the governance of common, communal or customary lands in the two countries. The team suggests an investigation into how giving access to customary lands for investments is handled by customary leaders in Mozambique and in Tanzania, in order to understand better the causes for the noted differences.

The findings should also be compared to other similar international studies and suggestions made on how such local governance can be improved through legislation, training or other means.

Justification

The aim would be to better understand how donor support aimed at communal or joint management of land and possibly also local infrastructure should be designed in areas that are comparable to Tanzania and Mozambique (possibly also Zambia) in order to secure interests of all stakeholders. Although in a very different context, Sweden has elaborate and effective systems in place that enable local stakeholders to manage certain common assets.

Methodological issues and hints

Such study would require most of all application of research methods used by social scientists and human rights experts. It would have to draw heavily on international experiences. One option would be to make a study on quite local (village) level in some relevant areas and then compare findings from that level with more general experiences from national, Sub-Saharan Africa and international levels.

⁸⁴ World Bank. 2010. Rising Global Interest in Farmland

6. Computerization of land administration systems – when is it sustainable?

Computerization of land administration systems has long been high on the agenda in developing countries; the perceived solution to most problems. Sweden was the first country in the world to introduce computerized systems. Other western countries have followed. There are clear advantages, as the volumes of information in cadastres and land register are large, and because computerization makes this public information easily accessible to the wider society. There are, however, very few examples of successful interventions in this area in the third world. Often the IT-systems break down shortly after donors and foreign experts have left. Donors and experts that used to promote computerization are now being more careful, discussing instead the importance of having appropriate policies and laws and manual procedures.

Many of the institution-building interventions within land administration that Sida has funded have had computerization components, but there is little knowledge on how the IT-systems have survived after the end of the financial and technical support. Also, little is known about to which extent computerization leads to registers becoming more accessible to the more disadvantaged segments of the population in a way that is beneficial for them.

The team proposes a study comprising (i) an inventory (with short system descriptions) of the interventions covered in this study which have included IT developments and which ended in 2008 or earlier. Among these (ii) a selection would be made of some representative computerizations efforts that have not been able to sustain after the end of the support. These would be studied more closely to determine the reasons for failure.

Also, (iii) interventions that have resulted in sustained and well-managed IT-systems for land administration would be studied closely, to determine the factors that contributed to the success, and (iv) the impacts on accessibility of data for different segments of population should be determined and how such access benefits different groups.

Justification

Based on findings from both failed and successful interventions, conclusions would be drawn on requirements for success in developing and maintaining IT-tools for land administration. This would be useful for future decisions on interventions of this type.

Methodological issues and hints

There would be no serious challenges with such evaluation. (i)-(ii) could be studied using quantitative methods, while (iv) may require a method that is more qualitative in its approach. Selected interventions for study should consciously include examples from different parts of the world.

7. Experiences of Sida's support to tenure-related interventions in urban and peri-urban areas

Globally, the fastest urbanisation rate is in Africa, where now 2/3 of the urban population live in informal settlement. Urban development in Asia is also challenging and there is, for instance from China, an interest in Swedish technology related to sustainable urban development. It is clear that tenure security in urban and peri-urban areas will grow in importance. Sida, and beyond Sida also other bodies of the Swedish Government, have engaged in sustainable development of cities where secure tenure is an integrated element. Experiences of this engagement are scattered and meagre if only Sida supported interventions are used as a basis for analysis. The following are some issues to be looked into for a better

understanding of impacts of the Swedish engagement (not only restricted to Sida) and to be enriched by experiences of non-Swedish supported interventions:

- What institutional options have been used for implementation of urban development interventions with a tenure security element?
- To what extent have such interventions been designed to be efficient, while at the same cater for a rights-based approach?
- Which policy factors have proven to be essential for such interventions to yield desirable results?
- Have learning from Asia and Europe be an effective ingredient in application of a sustainable city approach in Africa?
- How can Sida support such interventions in a spirit of donor coordination?

Justification

The number of urban poor is growing even though the global share of the urban population that lives in poverty may not grow. Urban poverty often implies more severe hardship than rural poverty as family-based social networks tend to break down in cities and the subsistence economy does not provide much of safety net. Urban poverty is a source of criminality and instability in cities. Risks for evictions form central elements with far-reaching implications. There are also strong links between tenure security and chances for urban development in the more general sense, at the same time, elite capture is often an imminent threat. Better understanding and better documentation of Sida's engagement are essential as a basis for sustained and expanded Sida support.

Methodological issues and hints

It would be interesting to bring experiences from different Sida collaborating partners together, including those of international NGOs like ILC and GLTN and those of Swedish collaborators like KTH (education angles) and Lantmäteriverket (land administration angles).

8. Experiences of Sida support tenure-related interventions in rural areas

There is considerable success recorded among the Sida-supported interventions that have focused on decentralised governance in rural areas. However, the volume of Sida engagement in such activities has declined during the last decades, while at the same time the quality of the few remaining interventions may have improved and the acceptance of decentralisation processes at political levels have increased. There are now few rather few such initiatives directly supported in Sida's bilateral programmes, however, some of the regional and global interventions includes support to national-level initiatives through these international bodies.

From the point of view of the Paris agenda it would be desirable to understand better how the now existing Sida supported interventions have come about, and how their birth was aligned with the current spirits of the Paris agenda. This would include a review of both some of the existing bilateral interventions and some national-level interventions supported through international organisations receiving Sida support. Comparisons ought to be made also with how other donor organisation approach this matter.

Some topics to be reviewed include:

- What institutional options have been used for implementation of decentralisation programmes with a tenure security focus and what are their relative merits and demerits from various angles, incl. from the Paris agenda
- To what extent has pro-activeness from Sida played a role for the emergence of this kind of programmes in relation to pro-activeness of others, and as compared to the

corresponding factors in, for example, the interventions more clearly addressing land administration and registration.

- Have interventions been designed to help people living in poverty to convert the growing aspiration for land acquisitions by outsiders from being threats to livelihoods to become promising opportunities?

Justification

The objective would be to look into if and how the declining trend of Sida's bilateral engagement could and should be altered based on positive experiences of Sida's engagement. A key factor is that this kind of interventions may not come on the table unless donors are proactively seeking entry points for such interventions as they can be designed to address the needs of people living in poverty, while such focus may not be the immediate and genuine priority of the more influential political elites. Risks for elite capture of UN-REDD (Reducing Emissions from Deforestation and Forest Degradation in Developing Countries) resources are related to this issue.

Methodological issues and hints

The "Making Decentralisation Work" project in West Africa is about to be evaluated⁸⁵. An option could be to use that evaluation together with the findings available from elsewhere to analyse more clearly how, in light of the Paris Agenda and other donors' and organisations treatment of the same, decentralisation interventions designed to address specifically the needs of rural people living in poverty can come about.

9. Relevance, cost-effectiveness and prospects for Sida engagement in training and education on tenure and decentralisation with focus on Africa

Sweden has invested considerably in land-administration education with the major focus being Master-level education for students from former Soviet Union, the Balkans and Africa. The team has received indications that this kind of support is coming to an end. However, as many professionals have been trained and support granted to curriculum development it should be assumed that contacts have been created that would make Sweden have comparative advantages in this field.

The relevance of the training and education supported and its cost-effectiveness have not been evaluated. The team is of the opinion that African professionals working with land tenure needs to be equipped with knowledge and skills quite different from their colleagues in Europe.

It is proposed that a strategic evaluation is designed to address these shortcomings of earlier evaluations. The proposed evaluation should, in particular, look at alternative forms of support, with a focus on capacity building of educational institutions in Africa as an alternative to sending students to Europe for training. In terms of subject area scope, such evaluation should examine the balance in the educational contents offered in Sweden in relation to state and non-state systems in Africa.

A main element of this evaluation should be forward looking. The Swedish comparative advantages in this field should be examined as a basis for a recommendation on extent and nature of continued Swedish engagement.

⁸⁵ Göran Björkdahl, pers. comm.

Alternative approaches for such continued engagement should be examined if such continued engagement is recommended. Models from Agricultural and Forestry tertiary education should be scrutinized to assess whether such models could be relevant also on land-tenure education. Such models include

- The African Network for Agroforestry Education, ANAFE, initiated about 20 years ago, supported by Sida for long and still functional several years after the Sida support ceased.
- The Regional University Forum for Capacity Building in Agriculture, RUFORUM, initially supported by the Rockefeller Foundation and now by the Bill Gates Foundation (Head Office in Uganda). It has focussed on strengthening of higher learning (M.Sc and Ph.D).

Prospects for networking between Universities in Africa to advance knowledge in this field should be assessed as well as the prospects for beneficial networking between Universities in Africa and elsewhere in the world. Networking should be envisaged to include specific forms of cooperation like exchange of guest lecturers, joint curriculum reviews, etc. Sida's partners, including GLTN, ILC, IIED and Cities Alliance are potential resource organisations as is the Royal Institute of Technology (KTH).

Justification

Sweden's long-lasting engagement is a resource that ought to be capitalised upon and the relevance and cost-effectiveness should be clarified.

Methodological issues and hints

This is a rather uncomplicated strategic evaluation cum assessment.

10. Better tenure security for all or options for land grabbing for some?

The considerable values involved and the ability of the elites to use the state and its institutions to further their interests make the problem of land grabbing difficult to address. Sida has contributed to both systematic and sporadic land registration. These options are associated with various merits, demerits and risks.

Some of the more promising initiatives to protect the land rights and vulnerable groups have been undertaken by social movements and NGOs. An interesting and well researched example is the work carried out by the previously Sida-supported organization SAMATA, which has organized several hundred thousand landless people and successfully assisted them in claiming their right to land.

Justification

Land grabbing is a well known threat to land-administration systems in countries with poor governance and corruption in the public sector. This needs to be better understood by Sida since risks for land grabbing has the potential to make Sida supported interventions counter productive in relation to major goals for Swedish development cooperation.

Methodological issues and hints

There are obstacles in trying to measure factors such as reduction of land grabbing as specific results of the institutional development and training and education interventions supported by Sida. One reason is that there is weak baseline information and another is that much of the focus has been on development of national-level systems. The DFID funded Performance Assessment of SAMATA could be used as a case to be compared to a selection of evaluations

carried out of Sida Interventions and also compared to non-Sida generated experiences. It should be considered whether a strategic evaluation of this nature would need to be geographically narrowed down in order to become “doable”. If so, the team suggests a focus on less developed third-world countries rather than on Former Soviet countries and Europe. Alternatively, possibly two separate parallel studies for these two categories of countries.