



IMPLEMENTING LAND POLICIES: A PRACTICAL GUIDE FOR ASSESSING CAPACITY

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IMPLEMENTING LAND POLICIES: A PRACTICAL GUIDE FOR ASSESSING CAPACITY

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INTRODUCTION

INTRODUCTION

Imagine a city in which urban planners suddenly find that the land they had allocated for industrial development is now home to hundreds of people living in a dense maze of shacks.

Imagine that the resulting tide of land disputes overwhelms the courts, with different parties laying claim to the same plots, and that local authorities are unable to fund urban improvements or waste-collection services because they cannot raise the revenue until the land disputes are settled.

Imagine that, at the same time, farmers on the edge of this city are reluctant to invest because they do not have secure tenure of their land, and are opportunistically selling off or renting out portions of their land in the informal land market to supplement their uncertain incomes.

While the situation above is just a hypothetical scenario, it could very well describe the state of many cities and towns around the world today, in both developed and developing countries. The challenges being faced are rooted in a high demand for land due to urbanization, unequal land access, insecurity of tenure, unsustainable land use and weak land-governance institutions.

An inability to deal with such land-related challenges is in large part due to a **lack of capacity to implement relevant policies**. Many countries do have suitable land policies on paper but fail to implement them effectively because of inadequacies in the **land management and administration system** (Box 1).

The lack of capacity may take on many forms: not enough personnel; poorly trained staff; a lack of funding; mechanisms, tools and procedures that have outlived their usefulness; poorly adjusted policies; inadequate land-use planning; confusion or overlaps in institutional responsibilities; inadequate communication; a lack of key equipment, and so on. A combination of such factors may hamper the land management and administration functions across several institutions and layers of government. The problems may not be confined to government: the private sector and the public can also exacerbate matters by finding ways around the system that are cheaper or that avoid cumbersome rules.

Capacity development is urgently required to strengthen land-related institutions and organizations, enhance the skills of key actors in the land sector, develop and pilot new tools, and scale up good practices.

Box 1. Land management and administration

Land management: “The process by which the resources of land are put to good effect. It covers all activities concerned with the management of land as a resource both from an environmental and from an economic perspective.”

Land administration: “Processes of recording and disseminating information about the ownership, value and use of land and its associated resources. Such processes include the determination (‘adjudication’) of rights and other attributes of the land, the survey and description of these, their detailed documentation and the provision of relevant information in support of land markets.”

Source: United Nations Economic Commission for Europe (1996) pp.13–14

To develop the capacity of the land management and administration system in a country, we first need to assess the current situation. What are the policies, institutions and organizations involved? What problems do the organizations and individuals in the land management and administration system face? What causes these problems? Only by answering these questions can we find ways to resolve the problems and develop the capacity of the organizations involved in the system.

The Global Land Tool Network (GLTN) has long recognized that a lack of capacity within the land management and administration system hampers the implementation of land policies. It therefore seeks to strengthen the capacity of national and subnational land-related institutions. To do this effectively requires a systematic assessment of the capacity needs that incorporates GLTN's focus on pro-poor, inclusive and holistic approaches.

Producing this Guide

In 2013, GLTN started a research project to develop a methodology to assess capacity within the land management and administration system. The project was undertaken by a GLTN partner, the Faculty of Geo-information Science and Earth Observation at the University of Twente at Enschede in the Netherlands. This was part of a joint programme coordinated by GLTN's International Research and Training Institutions Cluster. A literature review (de Vries and Groenendijk, 2014) outlined the concepts of "capacity development", "capacity development assessments", and the land sector. These ideas were tested and revised through three feedback and validation workshops in 2014 in Kenya (de Vries, 2014b), Mozambique (Groenendijk, 2014) and Uganda (de Vries, 2014c). A synthesis report (de Vries, 2014a) made recommendations on how to further improve the methodology and this was then pilot-tested in Uganda in 2016–17 (Musinguzi, 2017). This resulted in further recommendations to simplify and streamline the approach.

This Guide builds on this work. It presents a practical tool for assessing the capacity of land management

and administration systems that can be used for the land sector as a whole or for one or more of its components.

This document also draws on guides to capacity assessment and development by the following GLTN partners: Food and Agriculture Organization of the United Nations (FAO, 2013 and 2015), the International Fund for Agricultural Development (IFAD, Pritchard 2014) and the International Federation of Surveyors (FIG, 2008). This document has also utilized components of the GLTN Capacity Development Strategy (UN-Habitat and GLTN, 2014).

In this Guide

This Guide provides an approach to assessing the capacity of a land management and administration system (or part of a system) at the national, regional or local level. It consists of four sections:

- **Introduction.** This describes what we mean by a land management and administration system, capacity development and capacity assessment, and the desirable features of a capacity assessment.

We suggest that such a capacity assessment should consist of three main steps, each consisting of several aspects or sub-steps (Figure 1). Each of the remaining sections covers one of these steps:

- 1. Prepare.** This covers how to determine the scope of the assessment, gather ideas to guide the assessment, and organize the assessment team.
- 2. Assess.** This deals with the assessment methods. It suggests a question checklist (to be adapted to the situation), a matrix within which to organize the information gathered, potential information-gathering techniques, methods to analyse the findings of the assessment, and examples of approaches for implementing capacity development interventions.
- 3. Report.** A major output of a capacity assessment will consist of a report with findings and recommendations. This section suggests a format for the report, ways to present results and how to formulate an action plan.

These are suggestions only. Each situation is different and will require a different approach. A wide-ranging capacity assessment for a national land management and administration system will be very different from one focused on a single institution or municipality.

The ideas in this Guide should be adapted to suit the needs and objectives of each unique situation. Some of the sub-steps can be skipped, for example, or be completed in a different order from that presented here.

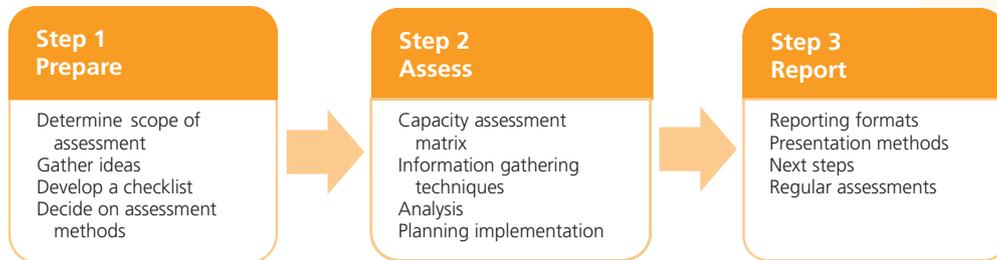


Figure 1. Three steps in capacity assessment

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