

**Assessing Land Reform Approaches to Benefit  
Socially and Economically Disadvantaged (SED)  
People**

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# Assessing Land Reform Approaches to Benefit Socially and Economically Disadvantaged (SED) People

by

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... .. *dedicated to my mother with due respect*

पूजनीय मुमाज्यूमा सादर समर्पित

# Abstract

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Access to land is very important for socially and economically disadvantaged (SED) people, from the countries where agriculture is the main source of employment, in order to improve their livelihoods. Land reform is a tool being employed by the governments around the world to contribute in this respect. The implementation of land reform programs takes place through either of three major approaches; state-led, community-based, and market-assisted. The limitations and weaknesses with these approaches hinder the success of the programs. The hindrances ultimately affect SED people to get benefitted with improved livelihood from the program. In this context, this research aims to assess land reform approaches in terms of their contribution to benefit SED people.

The research method consists of case study approach and a desk research. Case study comprises of two empirical cases of land reform implemented through state-led approach; a case of redistributive land reform in Nepal, and a case of land consolidation in Vietnam, which are used for the assessment of state-led approach of land reform. The desk research is based on literature review. An assessment framework has been developed based on the desk research with system perspective. The framework consists of six major aspects of land reform system; policy, management, operation, impact, external factor, and post reform support. The framework, which is one of the important outcomes of the research, is used for the assessment of empirical cases using 'good practice' criteria.

The assessment of the empirical cases identified gaps in the performances of four major issues such as; policy formulation, land acquisition, land redistribution or reallocation, and post reform support. Policy formulation approach in both the cases is found to have top-down approach without the participation of beneficiaries. Land acquisition in Nepal has faced conflicts, especially while acquiring forest land. The land acquired for exchange in Vietnam is found missing proper valuation. Land redistribution in Nepal and reallocation in Vietnam have overlooked the equality issues. Post reform support is missing in both the cases, which is highly demanded. A discussion, based on the desk research, on how community-based land reform approach would address these gaps found that community based approach has potential to contribute in addressing these issues better but without the government's policy and support cannot be materialised. Similarly, the other discussion found that market-assisted approach could address the gaps better only if the beneficiaries would be granted financial support to access land from the market.

The research concluded that none of the approaches, discussed in this research, in isolation can contribute to benefit SED people as desired. Nonetheless, the possibility prevails if the potentials available with the actors of these approaches; state, community, and land market including beneficiaries could be exploited in an integrated way. Based on this possibility, the research proposes an innovative approach named as 'Pluralistic Approach of Land Reform', which incorporates the potentials of state, community, and land market including the involvement of beneficiaries. The approach deserves a potential to benefit SED people better.

**Keywords:** *SED people, land reform, state-led approach, community-based approach, market-assisted approach, access to land*

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*Ganesh Prasad Bhatta*  
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## List of Abbreviations and Acronyms

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ADB:	Asian Development Bank
AusAID:	Australian Development Aid Agency
B.A.:	Bachelor of Arts or equivalent
BBC:	British Broadcasting Corporation
CEDAW:	Convention for eliminating all forms of Discrimination against Women
DoS:	Survey Department or Department of Survey
ESRI:	Environmental Science and Research Institute
FAO:	Food and Agriculture Organisation
GIS:	Geographic Information System
GTZ:	German Technical Assistance Agency
Ha or ha:	Hectare
IA:	Intermediate of arts or equivalent (Higher secondary level education)
ICT:	Information and Communication Technology
INGO:	International Non-Government Organisation
ITC:	University of Twente, Faculty of Geo-information Science and Earth Observations
LAS:	Land Administration System
LC:	Land Consolidation
LFA:	Logical Framework Analysis
LIS:	Land Information System
LRO:	Land Reform Office
m:	Meter
M.A.:	Master of Arts or equivalent
MoLRM:	Ministry of Land Reform and Management
NGO:	Non-Government Organisation
NRs:	Nepalese <i>Rupees</i> (1 US\$ $\approx$ 74 NRs)
PBGIS:	Parcel Based Geographic Information System
SED:	Socially and Economically Disadvantaged
SIDA:	Swedish International Development Agency
SLC:	School level certificate (High school level education)
SPSS:	Statistical Package for Social Science
UN:	United Nations
UN/ECE:	United Nations, Economic Commission of Europe
UN/HABITAT:	United Nations, Human Settlements Programme
URL:	Universal Resource Language
US:	United States
UT:	University of Twente
VDC:	Village Development Committee
WST:	BBC World Service Trust

## Glossary

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<i>Aayog:</i>	Commission
<i>Acre:</i>	Unit for area measurement, 1 <i>Acre</i> = 4047 m <sup>2</sup>
<i>Ban Sudridhikaran Aayog:</i>	Commission for Strengthening Forest Lands
<i>Bigha/Bigaha:</i>	A traditional unit for measurement of area used in Nepal, 1 <i>Bigha/Bigaha</i> = 6772.63 m <sup>2</sup>
<i>Birta:</i>	A tenure system in Nepal in the past, with an assignment of income from the land by the state in favour of individuals in order to provide them with a livelihood.
<i>Charuwa:</i>	The person, normally from so called low caste, who works as a shepherd for landlords
<i>Cho:</i>	Traditional unit for measurement of area in Japan, 1 <i>Cho</i> = 2.45 Acres ≈ 1 Ha
<i>Dalit:</i>	People from so called lower caste in Nepalese society
<i>Đổi mới:</i>	An initiative of the Vietnamese government introduced in 1986 for economic reforms in the country.
<i>Guthi:</i>	It is a form of institutional landownership on a land allocated for religious and charitable purposes
<i>Haliya:</i>	A person, from so called lower caste, hired for plowing or tilling at farms with low or no wage
<i>Haruwa:</i>	The person who works as a herder for landlords
<i>Hectare:</i>	International unit for measurement of area, abbreviated as Ha or ha, 1 Ha = 10,000 m <sup>2</sup>
<i>Jagera:</i>	A tenure system in Nepal in the past. The term <i>Jagera</i> means reserved. The <i>raikar</i> land not assigned to anybody in any form was called <i>Jagera</i> land.
<i>Jagir:</i>	A tenure system in Nepal in the past. <i>Raikar</i> lands alienated as emoluments of office to government employees were called <i>Jagir</i> lands.
<i>Kamaiya:</i>	Bonded system of labor, which was in practice until 2000 in Nepal
<i>Kattha:</i>	A traditional unit for measurement of area used in Nepal, 1 <i>kattha</i> = 338.63 m <sup>2</sup>
<i>Kipat:</i>	A form of communal tenure system in the past existed in the eastern hills of Nepal. Only members of certain ethnic groups were permitted to hold land under this system
<i>La Via Campesina;</i>	An international movement of peasants, small- and medium-sized producers, landless, rural women, indigenous people, rural youth and agricultural workers for equitable and justifiable distribution of land and its resources to the disadvantaged people
<i>Limbu:</i>	A marginalised indigenous community in Nepal
<i>Madhesh:</i>	The southern flat belt of Nepal, also called <i>terai</i>
<i>Magar:</i>	A marginalised indigenous community in Nepal



<i>Mukta Kamaiya:</i>	Freed bonded-labourers, who were exploited under bonded system of labour in Nepal before 2000
<i>Mushahar:</i>	A title from so called low caste people in the <i>terai</i> region of Nepal
<i>Raikar:</i>	The land that the state retains under its ownership while taxing the individuals who operate it or the land on which taxes are payable by the landholders to the official record.
<i>Rakam:</i>	Similar to <i>Jagir</i> land but assigned as remuneration for the performance of a specific function, mostly manual in character
<i>Rana:</i>	The people who ruled Nepal under family based autocratic regime
<i>Ropani:</i>	Traditional unit for measurement of area used in Nepal, 1 <i>Ropani</i> = 508.74 m <sup>2</sup>
<i>Sajha Sawal:</i>	Common Questions, a radio program produced and broadcasted by BBC Radio, Nepali service
<i>Rupees:</i>	Nepalese currency
<i>Samadhan:</i>	Resolution
<i>Samassya:</i>	Problem
<i>Samuh:</i>	Group
<i>Sao:</i>	Unit for measurement of area used in Vietnam, 1 <i>Sao</i> = 360 m <sup>2</sup>
<i>Shah:</i>	Surname of the then royal family of Nepal
<i>Sudridhikaran:</i>	Strengthening
<i>Sukumbasi:</i>	Landless people
<i>Sukumbasi Samssya Samadhan Aayog:</i>	Commission for Resolving the Problem of Landless People
<i>Tamang:</i>	A marginalised indigenous community in Nepal
<i>Terai:</i>	The southern flat belt of Nepal, also called <i>madhesh</i>
<i>Tharu:</i>	A marginalised indigenous community in the southern part of Nepal, most of the <i>Mukta Kamaiyas</i> are from this community

# 1. Introduction

## 1.1. Background

Socially and economically disadvantaged (SED) people are those, “who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities” (Wolfe, 2009) and whose ability to afford basic needs for livelihoods is severely weak. Rural and urban poor, landless, and socially and economically deprived people on the basis of their caste, race, ethnicity and religion are some examples of SED people. They are economically poor and have either no or little access to land. Poverty and illiteracy are their common characteristics.

Access to land is very important for SED people, especially from the societies where agriculture is the main source of employment, for improving their livelihoods. It brings an opportunity of producing for their livelihoods and, at the same time, it affects incentives to make investments and the ability to access financial markets (Manji, 2006). Furthermore, SED people’s access to land contributes in reducing poverty and improving economic growth of a country (Deininger, 2003).

Land reform is an instrument approached by the governments around the world to ensure and improve SED people’s access to land. It aims to bring equity and social justice in terms of access to land in the societies, improve productivity of land, and to contribute in improving SED people’s livelihood and reducing poverty (Stibbe and Dunkley, 1997; Besley and Burgess, 2000; Ghimire, 2001; Sikor and Müller, 2009).

Land reform has different forms and approaches. Manji (2006) emphasizes the distinction of land reform in two categories; redistributive land reform and tenurial land reform. Redistributive reform is the redistribution of operational holdings and transfer of land from large holders to the landless or smallholders, whereas tenurial reform is the change in the control and use right over the land with improved security of tenure. At the same time, three major approaches are seen being used for the implementation of land reforms; state-led, community-based and market-assisted (Bobrow-Strain, 2004; Bryden and Geisler, 2007; Sikor and Müller, 2009). In the state-led approach, the state acts as the primary initiator and implementer of land reform. The implementation takes place with top-down approach and bureaucratic modalities. In the community-based approach, significance of community is recognised in the processes of land reform. In this approach, state involvement is recognised for necessary legislative and administrative changes in its favour depending upon the context of interest. In market-assisted approach, land transactions between large landowners and landless people take place through markets, financially supported by the government (Sikor and Müller, 2009).

## 1.2. Research Problem

There is not an absolute approach of land reform, as each of the approaches has its own limitations and disadvantages. For example, in the state-led approach, the state takes initiatives for land reform projects in a top-down approach and implements through bureaucratic modalities. In the top-down initiatives, there remain possibilities of missing out important developments on the ground and failing

to acquire support from relevant actors. On the other hand, reliance on bureaucratic modalities may result with the possibilities of obstruction in the adaptation of state action to tenure arrangements and authority relations on the ground (Sikor and Müller, 2009). In the community based approach, Sikor and Muller (2009) doubt the involvement of community action with any kind of formal organisation that makes easier to recognize the communities as legal persons and confer property rights and/or management powers to them. However, the community rights and responsibilities in land reform processes can be better understood through practices (Bryden and Geisler, 2007). With a wish of better achievements Deininger (1999) expected two benefits from market-assisted approach; being a negotiated approach it has better acceptability of stakeholders; and the approach is less costly, as a result there is less burden on scarce government resources for land reform. However, no further research has been reported to justify these benefits. Further, this approach is greatly criticized by land activists and, according to Deininger (2003), this approach is not suitable where there is large inequality in terms of access to land.

Most of the governments dealing with land reform issues have limited resources and capacities. Their efforts for land reform programs targeted to benefit SED people remain unsuccessful due to the limitations and weaknesses with the above mentioned approaches, and the problems due to inequality in or no land access keeps growing rather than reducing. In this context, two scenarios can be brought to the attention of researchers; 1) to identify which one among the existing approaches would benefit SED people better, and 2) to investigate if an alternative approach can be developed. However, no any scientific research has been found in this direction. This situation can be considered as a research problem. This research intends to contribute in this problem through the assessment of land reform approaches in place.

### **1.3. Motivation**

This research has been motivated from the need and condition of land reform in Nepal. Most of the SED people in Nepal, such as *mukta kamaiya* (freed bonded-laborers), *dalits* (people from so called low caste family), marginalised indigenous people, and poor people are suffering from poverty and landlessness. The situation is in place over the years. Land reform programs were introduced time to time, in the past, to reduce the landlessness and improve their livelihood, ultimately to reduce injustice and inequality in terms of landownership and access in the society. It was the year 1951, when land reform was initiated in the country for the first time (Regmi, 1974). The government launched 'tenurial land reform' programmes in 1950's and early 1960's. Later in 1961, 'Land Related Act' was enacted and in 1964 'land reform program' was unveiled. The program brought some simplification on land holding system but the government could not achieve expected results (Tuladhar, 2004). Similarly, following years and decades witnessed various attempts but without success (Adhikari and Chatfield, 2008). One of the main objectives of land reform programs to reduce landlessness has rather remained a continuously recurring and growing process. MoLRM (2009) estimates about a million of landless households throughout the country. The situation of landlessness in the country has been recognised by the Interim Constitution of Nepal, 2007. The constitution, in the Article 33(i), obliges the state to be responsible for adopting a policy of ensuring socio-economic security and provide land to economically backward classes, including landless, and *mukta kamaiyas*, among others (Interim Constitution of Nepal, 2007). Major political parties of the country put the issue of land reform in their political manifesto. These all factors have pressurized the Government of Nepal to implement land reform program to address the issues of landlessness, poverty, and inequality.

The motivation for this research is that it will investigate the issues to be considered by the governments in the situation like in Nepal while implementing land reform programs to benefit SED people.

**1.4. Research Objectives**

**1.4.1. Main objective**

To assess land reform approaches in place in terms of its contribution in benefiting SED people.

**1.4.2. Sub-objectives**

- 1) To identify the expectations of SED people from land reform programs
- 2) To assess whether the expectations of the SED people are met from the land reform programs implemented through the existing approach.
- 3) To propose an innovative approach to address limitations of existing approaches

**1.5. Research Questions**

**1.5.1. General question**

Which land reform approach would benefit the SED people better?

**1.5.2. Sub-questions**

*Table 1-1: Research sub-questions*

Sub-objectives	Research sub-questions
1)	a) What benefits do SED people expect from land reform programs?
2)	b) What is the basis of assessment? c) How is the contribution of the land reform program to benefit SED people? d) What is lacking in the existing land reform approach? e) How would other approach(es) address the lacking in the existing approach?
3)	f) What are the triggering issues to propose the innovative approach? g) What are the roles of the major stakeholders of land reform in this approach?

**1.6. Conceptual Framework**

The general overview of the conceptual framework, outlined to carry out this in a structured way is mentioned in the following Figure 1-1.

As per the main objective of the research, the major issues of concern are; expected benefits of the SED people from land reforms, and the contribution of land reform approaches to offer the benefits back to the SED people. These two concerns are the fundamentals of the conceptual framework. For the assessment, whether land reform approach is contributing to benefit SED people and to what extent, an assessment framework has been designed. The assessment framework has been used to assess overall system of land reform, especially the land reform programs in place, which are implemented through state-led approach. The performances of the land reform programs are assessed

based on the framework, with major focus on expected benefits of SED people and benefits offered by land reform approaches, and gaps in the performances of the system are identified. The possibilities of addressing the gaps from other approaches have been discussed. The discussion, finally, identifies some issues to be dealt with alternatively and accordingly proposes an innovative approach of land reform.

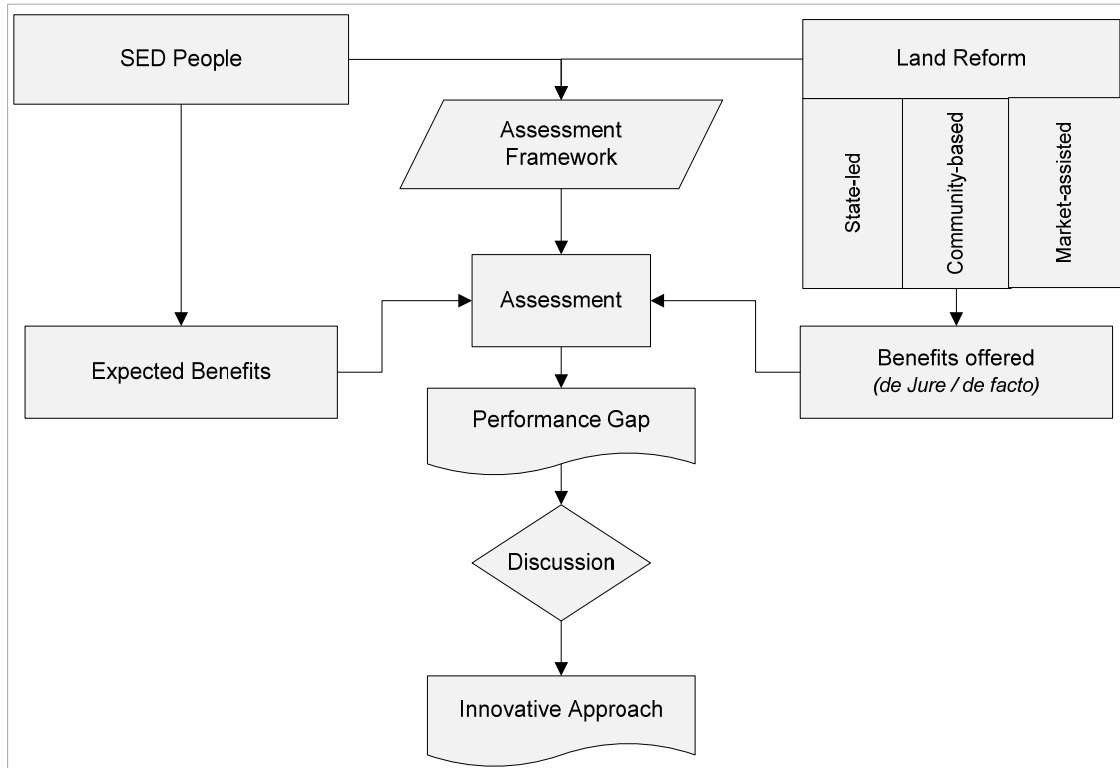


Figure 1-1: Conceptual Framework

## 1.7. Research Methodology

The research methodology adopted for this research is explained in the following sub-sections:

### 1.7.1. Research methods

Research method is 'a way to systemise observation, describing ways of collecting evidence and indicating the type of tools and techniques to be used during data collection' (Cavaye, 1996). There are different types of research methods such as case study, phenomenology, ethnography, action research, etc. Based on the time available (three weeks for data collection), nature of research (more qualitative), and the type of evidence to be collected, we have chosen case study approach for the research. The research is further supported by desk research.

#### a) Case study

A case study is “an empirical enquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between the phenomenon and context are not clearly evident and it relies on multiple source of evidence”. It typically combines data collection techniques such as interviews, observation, questionnaires, and documents and text analysis (Yin, 1994; Darke, Shanks et al., 1998). Main focus of case studies is to get in-depth understanding of a phenomenon and its context

(Cavaye, 1996). Since we have to acquire information on how a particular land reform approach has contributed to benefit SED people, it was essential to carry out an in-depth study but in a limited period of time. It was realized in the beginning of the research that the characteristics of case study method would meet the requirements of this research. Therefore, case study was chosen as a research method. Two cases of land reform approaches; one in Nepal and the other in Vietnam, have been studied.

#### **Case study in Nepal:**

The case study in Nepal is based on a redistributive land reform program implemented through state-led approach and focused to the people from an SED community, commonly known as *mukta kamaiya*. The government freed *mukta kamaiyas* from a long practiced bonded system of labour in 2000. At the time of being freed, most of them were landless, and some even homeless. With the abolishment of the system, the government initiated rehabilitation programs for these people. Land redistribution is one of the major part of the rehabilitation program.

#### **Case study in Vietnam:**

The next case study in Vietnam belongs to a land reform program, more specifically land consolidation (LC) program. The program was initiated by the government of Vietnam since early 1990s. Main objective of the implementation of this program is to reduce fragmentation of land, ultimately to improve productivity and labour efficiency.

#### **Reasons for choosing two case studies**

The two case studies were chosen for the following reasons

- 1) To meet the objective of the research, a comprehensive assessment of land reform is required, which needs to cover overall system, as explained in Chapter 3. The case in Nepal belongs to a redistributive form of land reform and the case in Vietnam belongs to LC. Both forms of land reform are implemented for different purposes, however both are implemented through state-led approach. The purpose of the first one is to redistribute land to new but landless or smallholders whereas that of the second one is to reallocate the land to the previous owners in a consolidated form. Ultimately, we look at the process of land acquisition and then redistribution or reallocation. In both cases, a land parcel gets new owner at the end of the land reform program, though for the latter case it may not apply always. Therefore, these two different cases could complement each other to acquire overall picture of land reform approach.
- 2) At the same time, this research aims to look at three important land issues two of them being land acquisition and redistribution issues for improving access to land, and management of land for better productivity. The case in Nepal looks at the first issue whereas the case in Vietnam looks at the second issue.
- 3) Finally, it enables to compare the state-led land reform approaches conducted in different socio-political contexts and acquire the positive aspects from each other for the further improvement.

#### **b) Desk research**

Desk research is the other method adopted for this research. It is based on literature review. The main contribution of this method is in developing land reform assessment framework required for this research. Further, this method was adopted to collect data related to policy issues and good practices of land reforms.

### **1.7.2. Research design**

The entire research activities have been classified in three phases: Pre-field work, field work, and post field work phase (Figure 1-2). Brief discussion of the activities performed in these phases has been done in the following sections:

#### **a) Pre-field work phase:**

The main activities of this phase were to define an assessment framework and method, and prepare for data collection. After the successful defence of the proposal, a tentative framework was conceptualised. Due to short period of time before the departure for data collection, it was not possible to finalise the framework in this phase. The tentatively conceptualised framework helped to identify indicators for data collection.

After the identification of the indicators, different sets of questionnaires were designed focussing on the major stakeholders. The detailed is described in the section 4.3. Two surveyors were appointed in Nepal for data collection from the case study areas in Nepal, and an interpreter was appointed with the help of a staff from Hanoi University of Science in Vietnam to support the data collection activities from the case study area in Vietnam. The questionnaires developed for the case study in Nepal were sent to the surveyors through electronic mail, and the same was done for the case in Vietnam. The questionnaires for Vietnamese case study were sent before the commencement of fieldwork for necessary translation. In the mean time potential list of respondents and organisations to be visited or contacted was prepared, and requests were made for the appointments with different personalities and organisations to be visited or contacted for the collection of necessary data for the research.

#### **b) Field work phase**

In this phase, a three week long field visit was done in Vietnam. During the field visit, the activities like household surveys and field observation, and interviewing local community leaders, officials and political leaders in Pham Tan village, interviewing experts and academia in Hanoi, and secondary data collection were performed. Since the field visit in Nepal was not possible, data collection through distance communication was approached simultaneously. The two surveyors, staff under the Survey Department of Government of Nepal, supported the household surveys in the case study area in Nepal. Follow up for the appointments for interviewing some high level officials and experts was done through telephonic communication.

#### **c) Post-field work phase**

This phase begun with the processing of collected data. The activity was followed by the analysis of data. The assessment of land reform approaches, necessary discussion, and proposing innovative land reform approach have been discussed in the following chapters. Finally, some conclusions have been drawn from the research and some recommendations have been presented as mentioned in Conclusion and Recommendations Chapter 7.

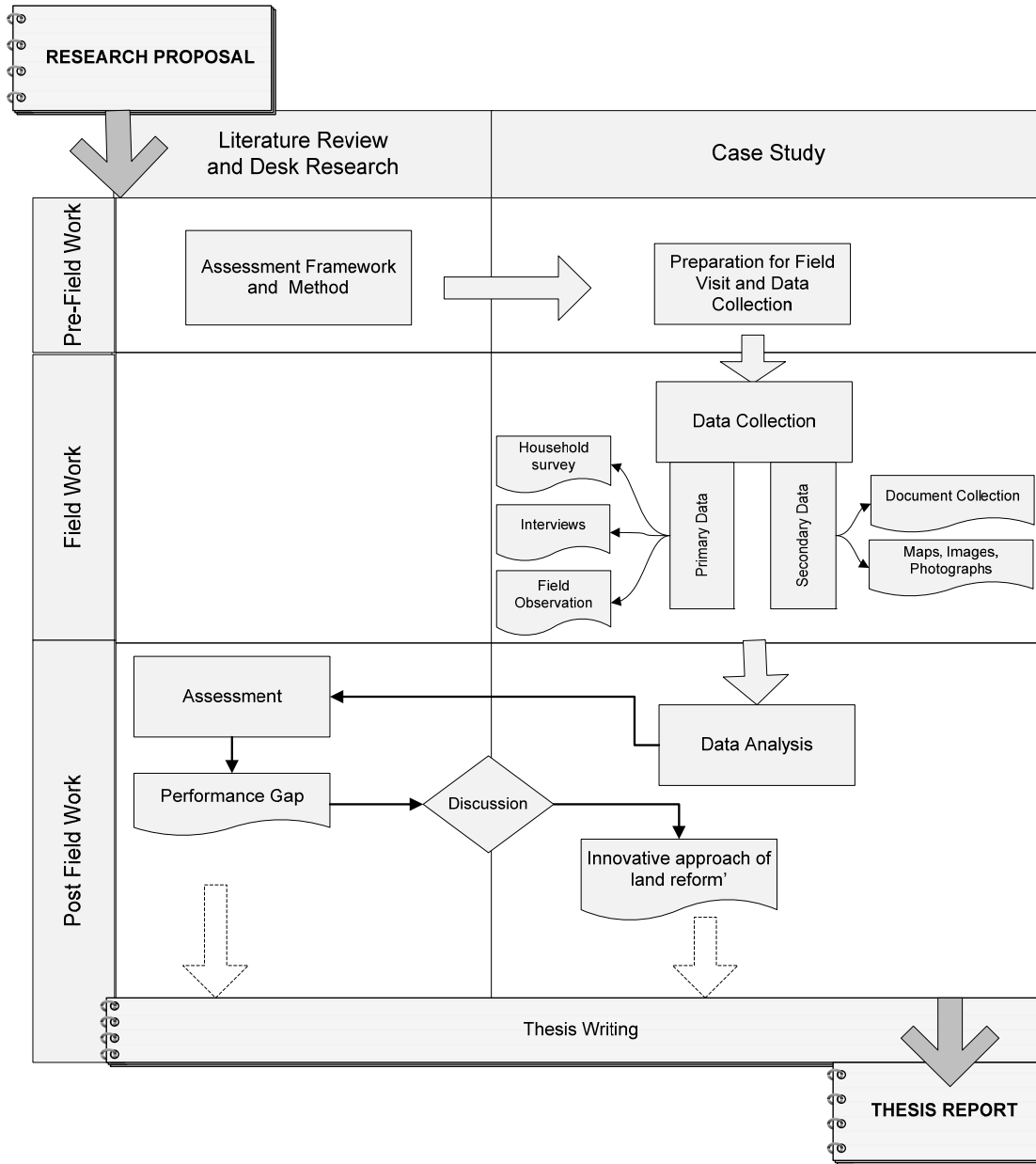


Figure 1-2: Research Design

### 1.8. Thesis Outline

This thesis has seven chapters. The contents of each chapter are briefly mentioned as follows:

#### Chapter 1: Introduction

This chapter gives a general overview of the research. First of all, it includes a general background to the research. Then it describes the research problem. A motivation to the research is followed by the research problem. Research objective and sub-objectives, main research question and supporting sub-questions are the other content of this chapter. Further it discusses the conceptual framework of the research followed by research methodology adopted.



**Chapter 2: Land Reform: a Review**

This chapter reviews the fundamentals of land reform through a critical review of literatures. It describes different forms and approaches of land reforms, and some international experiences on implementation. The chapter also describes the relation of land reform with land administration system (LAS).

**Chapter 3: Land Reform Assessment Framework**

This chapter designs a framework for the assessment of land reform approaches. Further it defines the assessment method based on which the assessment for this research has been carried out.

**Chapter 4: Data Collection Methodology**

This chapter explains the data collection approach adopted for this research. The chapter includes the selection of case study areas, approach of questionnaire designing, the tools and techniques used for data collection, and the approach adopted for data processing.

**Chapter 5: Data Analysis and Assessment**

This chapter includes the analysis of the data collected from and related to the cases study areas in Nepal and Vietnam, and also from desk research. The results of data analysis are used as evidences for the assessment of land reform programs in the latter part of the chapter. This chapter finally identifies the gaps in the performances of the major issues of land reform implemented through state-led approach.

**Chapter 6: Discussion and Pluralistic Approach of Land Reform**

This chapter discusses the gaps in the performances of land reform issues identified in Chapter 5 from the assessment of land reform programs implemented through state-led approach. Then, further discussion is undertaken on these gaps from the perspective of community-based and market assisted approaches. The discussion leads to propose an innovative approach named as ‘pluralistic approach of land reform’, which aims to address the gaps better way.

**Chapter 7: Conclusion and Recommendations**

This chapter concludes the research with some conclusion and recommendations.

## 2. Land Reform: a Review

### 2.1. Introduction

This chapter aims to review literature on land reform critically to build theoretical foundation to the research. The section 2.2 gives a general introduction to the land reform and its relation with SED people. The different forms or types of land reform are mentioned in the section 2.3. The section 2.4 introduces common land reform approaches. The section 2.5 describes the major stakeholders of land reform. Experiences of land reform programs in Nepal, Vietnam, Japan, and Korea are included in the section 2.5. Role of land administration system in facilitating land reform programs is briefed in the section 2.7. The concluding remarks in the section 2.8 end the chapter.

### 2.2. Land Reform

Land reform is concerned with changing the institutional structure governing human relation with land by intervening in the prevailing land ownership, control and usage (World Bank, 1975; Macmillan, 2000). It intends to enhance the land rights and improve access to land of disadvantaged people through legal and administrative acts (Besley and Burgess, 2000; Ghimire, 2001; Sikor and Müller, 2009) and brings more equitable distribution of land ownership (Stibbe and Dunkley, 1997). To summarise, the ultimate aim of land reform is to improve disadvantaged people's livelihood (Sikor and Müller, 2009).

The foundation of its relation with humankind is food scarcity, rising populations pressures, historical sense of injustice with access to land and some other political ideologies, which are the major driving forces for its implementation (Macmillan, 2000). At the same time, land reform had been used as a tool to meet the political interest in the past, especially to get the support from SED people. Sikor and Muller (2009) mention socialist movements used land reform as a crucial element of the desired process of social transformation by breaking the feudalistic power structure to get the support of the peasantry in the revolution. To check the influence of such socialist movements in the countries, capitalist governments around the world were compelled to enact redistributive land reforms, and the US and its allies assisted less developed governments for such efforts (Sikor and Müller, 2009; Simmons, Walker et al., 2009). Similarly, the other driving forces for the government to implementation are international social movements like '*La Via Campesina*', and '*International Land Coalition*' are pressurising the governments around the globe to reduce the injustice with disadvantaged people in terms of access to land by advocating through global platform (Sikor and Müller, 2009).

Land reform has gained change in concept and wider meaning over time. Until 1970's emphasis was more on redistributive land reform (explained in upcoming sections), whereas in recent days more emphasis is given on tenure reform (explained in upcoming sections) (Manji, 2006) and the term refers privatisation of publicly owned land, land registration, land consolidation, tenancy improvement, and land taxation in addition to redistribution (Sikor and Müller, 2009).

## **Land Reform and SED People**

Generally speaking importance of land reform for SED people is to improve their access to land. Access to land is very important for them as it brings improvement in the livelihood. Access to land not only provides them an opportunity of farming for their livelihood but also it affects incentives to make investments and the ability to access financial markets (Manji, 2006). According to Deininger (2003), "access to land and the ability to exchange it with others and to use it effectively are of great importance for poverty reduction, economic growth, and private sector investment as for empowering the poor and ensuring good governance".

Land reform had been implemented in the past with the expectations of alleviating rural poverty, increasing agricultural productivity and strengthening the national stability (Sikor and Müller, 2009). The theoretical reasons and empirical evidences have established an impression that land reform provides equity and efficiency benefits to SED people (Deininger, 1999). As an example, May et al. (2002) have reported an improvement in livelihood of the beneficiaries from land reform programs in South Africa. Similarly, land reforms in Korea, Japan, and Taiwan (China) have contributed in improving welfare and productivity (Deininger, 2003).

Land reform has been proven successful when the disadvantaged people have been explicitly targeted as beneficiaries, and their participations in the land reform processes, among others (Toulmin and Quan, 2000). According to Deininger (2003), the characteristics of a successful land reform are; integration with a broader policy for rural development, transparent process, capacity development of the beneficiaries, secure and unconditional rights to beneficiaries, decentralized implementation approach, etc. On the other hand, effectiveness of land reform program depends upon its implementation. Various factors have to be taken into account to meet the objectives of the program. An access to land in itself does not guarantee the improvement of the quality of the life. A case study carried out by May and Lahiff (2007) finds despite considerable progress on providing additional land to historically disadvantaged communities, obstacles remain in the area of post-transfer support to new and emerging farmers. There is a need of participatory approach during the implementation of land reform program to prevent from recurring landlessness (Waeterloos and Rutherford, 2004) and for improving the efficiency and effectiveness of the programs. In the context of implementing land reform program for farm-workers' access to land in Zimbabwe, Waterloos and Rutherford (2004), further, suggest that unless farm workers are included in the land reform in a significant number the vast majority will join the growing ranks of the extreme rural and urban poor.

### **2.3. Forms or Types of Land Reform**

Forms of the land reform are categorized in terms of human-land relationship that is occupation on and/or rights associated with the land. Most commonly practiced forms of the land reform are briefly introduced in this section.

#### **2.3.1. Redistributive land reform**

This form of land reform involves in the redistribution of land rights from one sector to another, for example by privatising state land or taking from large landholders, and giving it to people who have no land (UN/ECE, 1996) or redistributing operational holdings by transferring land from those with larger holdings to the landless or smallholders (Manji, 2006). Redistributive land reform remained important state projects throughout the developing world in 20<sup>th</sup> century (Sikor and Müller, 2009) and still is the same in some developing countries, such as Nepal.

### **2.3.2. Tenurial reform**

This form of land reform aims to improve the ownership type over the land which is already in the possession but with little or no security of tenure. It involves in the changes in the existing form of tenure of the land enhancing its security and the rights of land user (UN/ECE, 1996). Land registration and titling can also be regarded as tenurial reform, as it entitles the occupier with ownership with enhanced tenure security and rights.

### **2.3.3. Restitution**

Land restitution is the process that is implemented for the restoration of land rights to previous owners. This occurred in countries in transition when former private rights in land were restored (UN/ECE, 1996). Central and Eastern Europe, South Africa, and Zimbabwe are some examples where restitution took place.

### **2.3.4. Land consolidation**

Land consolidation (LC) is a form of land reform in which all landowners within an area surrender their land and are allocated new parcels of comparable value but in pattern that encourages the more efficient and productive use of the land (UN/ECE, 1996). In a common sense, LC is the reallocation of farms to make bigger farm units, such as in Japan, Western Europe. The other main objective of LC is to reduce fragmentation of land, e.g. in Vietnam.

## **2.4. Approaches of Land Reform**

Following are the commonly used approach of land reform.

### **2.4.1. State-led approach**

In the state-led approach, the state acts as the primary initiator and implementer of land reform. The implementation takes place with top-down approach and bureaucratic modalities. The programs are designed by national governments and implemented by their administrative branches at local level (Sikor and Müller, 2009). State-led land reform programs were implemented during the social movements or after the independence from colonisation in 1950s to 1980s around the globe.

Bouquet (2009) finds some limitations with state-led approach, such as, 1) state may overlook or may have misunderstanding about the local systems of property rights resulting in exclusion of some stakeholders, including secondary right holders, and women; 2) there may arise problem of corruption obstructing the opportunity of receiving equal opportunities; 3) limited resources of the government.

Sikor and Muller (2009) also see some limitations of state-led approach and mention "state initiatives frequently do not find support from the relevant local actors, and because bureaucratic modalities cannot accommodate the varying meanings of land, plural notions of property, and the diverse political-economic contexts." However, the role of state is still crucial in the implementation of land reform programs through enacting and implementing relevant laws and providing technical and financial support (Ghimire, 2001).

### **2.4.2. Community based approach**

Community based approach of land reform is emerging as an alternative approach to state-led approach. In the community based approach, significance of community in the processes of land

reform is recognised. This approach is supposed to be more reactive to political demands originating 'from below' and more responsive to local interests, institutions and practices. Therefore, this approach may facilitate state actions on land reform better with 'bottom-up' political initiatives and property relations on the ground. Main issues to be incorporated in community based land reform are responsiveness to local livelihoods, connections with broader dynamics of authority, interactions with social inequalities, and environmental repercussions (Sikor and Müller, 2009)

Many programs of land reform in recent days recognize the importance of community, though in different forms. In some cases, community led reforms takes the form of distributing ownership titles to various kinds of social groups. In the Philippines, e.g., indigenous groups have gained constitutional rights to their ancestral land. In Latin America, indigenous groups have recently received collective titles to customary lands through various programs promoting 'customary land titling'. Similarly, Colombia, Bolivia, Ecuador, and Panama are other countries where indigenous people have received collective titles (Sikor and Müller, 2009).

Scottish land reform is an example of community based land reform wherein communities are granted the right to purchase lands to which they historically enjoyed (Bryden and Geisler, 2007). In their study, Bryden and Geisler (2007) find the promising future of community based land reform in Scotland.

Role of state in community based land reform cannot be overlooked. State support is required to protect from the encroachment of powerful outsiders, to maintain governance, equity and exclusion issues, to enhance local capacity and necessary legal provision for assuring tenure security (Bouquet, 2009). State should be more reactive to political demands originating from the local level and more responsive to the local interests, institutions and practices (Sikor and Müller, 2009).

#### **2.4.3. Market assisted approach**

The term 'market-assisted' is also found to be synonymously used as market-led, market-mediated, or negotiated in literatures (Bobrow-Strain, 2004). In this approach, land market plays an important role in providing opportunities of access to the land through land transactions between seller and buyer, or between large landowners and landless or smallholders. The landless people or smallholders are facilitated by favourable loan programs or subsidies or other tools of financial support from the government. Brazil, Colombia, the Philippines and South Africa are examples of the countries where this approach is currently in practice (Sikor and Müller, 2009). Deininger (1999) predicts two benefits from this approach, 1) it is a negotiated land reform, which has the advantage that it is better accepted by stakeholders; 2) this approach is less costly, which is beneficial for the scarce government resources in land reform. Further, this approach leads to an active land market with 'willing-buyer and willing-seller' approach. If sufficiently supported by the government, the landless people can buy the land from land market. However, this approach may not be suitable where distribution of land is extremely unequal and inefficient (Deininger, 2003). At the same time a transparent market for land sales and rentals is required to get the success through this approach (Deininger, 1999). State intervention is required to establish and regularize functioning land market.

### **2.5. Stakeholders of Land Reform**

The major stakeholders of land reform are state, community, the actors of land market, and beneficiaries as these are the main actors or groups being affected by the policies, decisions and

actions (Groenendijk and Dopheide, 2003) of land reform. The roles and responsibilities of these stakeholders are found as follows:

**a) State**

State represents the government machinery at central to local level involving in land reform matters. State cannot be isolated from its responsibilities of looking after the improvement of SED people's livelihoods and it has always principal responsibility of making adequate policies to address their requirements. At the same time, state has resources and nationwide network of organisations at different level. The local bodies of the government can be mobilised, in an integrated way with the other stakeholders, for implementing the land reform programs. The proponents of state-led approaches claim that the policies if implemented by an efficient state-organisation the possibility of success is high (Borras, 2001). The state has other responsibilities such as capacity building of communities including their recognition, and regularising and controlling of land market.

**b) Community**

Community represents a group formed to represent the beneficiaries in land reform related matters. Community being connected to with the local people, can be responsiveness to local livelihoods, and sensitive to the social inequalities and environmental concerns (Sikor and Müller, 2009). Community has the strength to lobby from below for the formulation of pro-beneficiary policies. A community with strong hold at the local level can even pressurise the government to implement land reform (Borras, 2001). The other important roles a community can bear are awareness raising and social mobilisation, land identification and assisting land acquisition, facilitating selection of right beneficiaries and conducting training programs, contributing in conflict management at local level, supporting post-reform activities, and monitoring land reform activities and outcomes. Further, a community can support in providing agricultural extension/training services, appropriate technology, credit and other agricultural inputs, income generating projects, encouraging sustainable agricultural practices and natural resource management, and cooperative farming in the post reform phase (Ghimire, 2001). Community has also an important role to play in negotiating for market price affordable to SED people and maintaining transparency in the market. The evidences from field survey have also found the active role of community for the activities related to common benefits at local level.

**c) Land Market**

Land market has potential to improve beneficiaries' access to land with little burden on state fund and resources. The actors of land market should maintain transparency in the market so that bigger mass of beneficiaries can be attracted.

**d) Beneficiaries**

Beneficiaries should form groups that can lobby their interests to the concerned body, actively participate in the programs, and motivate neighbours to be active as per requirement. Furthermore, beneficiaries should make optimal use of opportunities available for the improvement of livelihoods otherwise the implementation of land reform does not bring itself change in the livelihoods.

## 2.6. Land Reform Experiences

This section provides land reform experiences in Nepal, Vietnam, Japan and Korea. The experience in Nepal and Vietnam provides background to the case studies selected for this research, and the experience in Japan and Korea provides an example of successful implementation of land reform.

### 2.6.1. Land reform in Nepal

Land reform in Nepal was initiated in 1951 for the first time and since then it has been pressing issue in the country (Regmi, 1961; Regmi, 1974). Citizens' rights of using and occupying land were protected in the interim constitution of 1952 (Tuladhar, 2004). To address the issues related to land reform, the government formed a Land Reform Commission in 1952. The commission was assigned to recommend necessary steps to be adopted by the government to improve and access of landless people to land and securing tenancy rights. Later in 1955, a declaration on land legislation with land reform issues was announced by the then King Mahendra. The declaration was also aimed to redistribute barren lands to landless people, and assure security of tenancy rights, among others. In 1957, the Lands Act was enacted as the first major land reform measure taken after the initiation of land reform in the country. The main objective of the enactment of the Act was to define the nature of the relationship between landlord and tenant without introducing any structural changes in the agrarian system ensuring security of tenure. Followed by the act, The *Birta* Abolition Act was enacted in 1959. The objective of this act was to abolish the *birta* type of tenure system. In 1964, new Lands Act was enacted to unveil redistributive nature of land reform programs throughout the country (Regmi, 1974). The Act is still in existence but in amended forms. This act regulates the implementation of land reform programs, especially tenurial reforms or issue related with tenancy rights, until now.

The land reform programs implemented in 1950s and early 1960s were basically tenurial reforms. In this period different kind of tenure systems such as *Raikar*, *Birta*, *Jagir*, *Rakam*, *Guthi*, and *Kipat* were converted to *Raikar* (private ownership) and *Guthi* (Trust). *Kipat*, a communal system of tenure, existing in the eastern hilly area of the country, was also privatized during 1950s (Tuladhar, 2004). Similarly, provision for securing tenants' tenancy rights got legal recognition in the Land Act of 1964. The tenancy right was also registered during the registration of ownership throughout the country, resulting with dual ownership on such land parcels. Later the government realised that the dual ownership has caused complication in land administration activities and initiated programs to abolish such dual ownership, which is a regular program of the government. The program was supposed to be complete some a couple of years back but being many unresolved cases by the deadline, the government extended the term of its completion.

Though some policy measures were introduced for implementing redistributive land reforms earlier, the Lands Act 1964 brought implementation of redistributive land reform in the country. Surplus land gained from the landowners exceeding the ceilings of land holding was redistributed to tenants, small holders and landless people. The recipient of the lands had to pay nominal amount of money depending upon the location and type of land. The amount ranges from the amount equivalent to annual land tax up to the amount equivalent to 30 times the annual land tax. (Badal, Devkota et al., 1995)

There were several attempts of redistributive land reform in the country other than that unveiled in 1964. The first resettlement program was implemented in Chitwan District under Rapti Valley Development Program in 1956 (Mannan, 2001). There are several other examples of such resettlement programs implemented for rehabilitating ex-armies, displaced people due to the extension of wildlife

reserves and national parks, displaced people due to the disasters like flooding, landslides etc. Most of the resettlement took place in the southern belt of fertile lands.

After the restoration of democracy in 1990, various programs of redistributive land reform for landless people were implemented. Currently, a redistributive program is under progress for the rehabilitation of *mukta kamaiya* households, detailed explanation is given in the Chapter 5, Section 5.2.1.

### **2.6.2. Land reform in Vietnam**

Land reform in Vietnam, after 1950s, can be looked into three different phases: collectivisation of agricultural lands (1950s to late 1970s), product contract system (1980s), and household allocation (1988 onwards). In the first phase, collective farming used to take place on agricultural lands. The harvested product belonged to the state and was distributed to each households based on the number of family members. Of course, all the land was owned by the state, even today. There was an official policy shift in 1981 in the country. The system, also known as 'contract 100', authorized cooperatives to assign land parcels to individual households on an annual basis and contract directly with these households to undertake planting, care and harvesting of rice and other crops. Most of the harvested product, still, belonged to the cooperatives. After the introduction of 'Đổi mới resolutions' in 1986, considerable reforms took place in the country. This resolution led to 'Resolution 10; in 1988, which gave households greater production rights including the right to sell their farm products and began the process of land allocation on a more permanent basis. Enactment of Land Law in 1993 granted increased security of tenure over the land that they had been allocated. Land use rights were granted for 20 years for land used for annual crops and 50 years for land used for perennial crops. This law granted five kinds of land use rights; right of transfer, exchange, lease, inheritance and mortgage. Also the act imposed ceilings on the amount of land that a household can be allocated (Marsh and MacAulay, 2006).

All the agricultural land in Vietnam is owned by the government on behalf of nation's entire people. The household allocation in 1980s provides use right to the households. The household allocation of land can be regarded as redistributive reform in one sense and the tenurial in the other as there was collective use right before. The currently practiced land reform is land consolidation, which aims to reduce fragmentation.

Since 1993, the process of land allocation in rural areas has been proceeding steadily along with necessary process like mapping, registering etc. The allocation process varies between districts, although equity between household was a primary consideration. The allocation is based on land quality and the number of people in a household, or more specifically labour equivalents. Consequently, the amount of land allocated varied between households and land was split in a number of plots with small size scattered in different places with varying land quality. For example, in Red river delta, a household has three to ten plots of farms with size about 200 to 500 sq m, scattered around different locations. In mountainous areas, the number of plots of a household tended to be even greater, as the land quality is extremely variable.

The land consolidation implemented for the reduction of fragmentation is described in Chapter 5, section 5.3.1.

### **2.6.3. Land reform in Japan**

Land reform in Japan, in post-war Japan or after 1945, was accomplished under the pressure from the occupation authorities. The enactment of the Land Reform Law in 1946, implemented the second land



reform in the country (the first land reform was implemented in late 1880s). The main objective of the law was to disappear absentee landlordism and impose ceiling on landholding. The law required that absentee landlords should sell all their land to the government. For the non-absentee landlords, they should sell the lands above the ceilings imposed by the law. The ceiling varied based on locations from 0.6 *Cho*<sup>1</sup> in Hiroshima and five others prefectures to 1.5 *Cho* in Aomori and Miyagi. In Hokkaido, the ceiling was 4 *Cho* (Grad, 1948). Owners had to sell all land in excess of about one hectare to the government at confiscatory prices. The former tenants were given property rights at an extremely low real cost, which resulted in a thorough restructuring of rural society. This reform resulted in greater equity, and may also have removed a constraint on the growth of Japanese agriculture (World Bank, 1975). Land commissions were formed during the implementation of land reform. The commission consisted of 18 members; five tenants, five owner-cultivators, five landlords and three other members of high moral reputation. The land reform law made a provision that landlords should sell their lands to the government and the government sold the land to the tenants through land commissions. This provision was intended to eliminate the possibilities of personal controversy, illegal bargaining and other deals which the tenant would normally be the loser. (Grad, 1948)

Japanese land reform is one of the successful state-led approaches of land reform (Sikor and Müller, 2009). The source of land for distribution is the surplus land acquired from the ceilings on land holding.

#### **2.6.4. Land reform in South Korea**

Land reform in South Korea, after the II World War, was accomplished under external pressure and with the support from US government. However, it has helped improve welfare, and often also productivity. The land reform process took ten years to complete, and in many aspects the state acted as an arbiter between landlords and tenants. (Deininger, 2003)

The land reform consisted of reduction in farm rents (from 40-60% of production to 33%), a redistribution (the properties confiscated from Japanese by military authorities), and the second time redistribution (of the land in excess of a ceiling of 3 hectares on Korean holdings). Some 1.4 million acres (25% of the total farmland) were distributed to 1.6 million farmers (approximately 70% of all farmers). It has been estimated that, before the reform, 19% of the farmers owned 90% of the land and more than 50% of the farmers were landless tenants. Afterward, 69% of the farmers owned all the land on which they worked and 24% were part-owners, while only 7% were tenants. Considerable socio-political stability has been achieved, together with income redistribution in favor of the poorer rural families (World Bank, 1975).

The land distribution was based on the number in the family and the number in the said family with labour power. Men, eighteen to sixty years of age, and women, eighteen to fifty, were counted one point. Men over sixty and women over fifty-one were allotted 0.3 points. Other point fractions were set for children. For example, a three generation family of nine persons would have 5.2 points. (McCune, 1948)

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<sup>1</sup> 1Cho = 2.45 Acres  $\approx$  1 Ha

The land redistribution was not free of cost but farmers did not pay money in cash for the land. The farms were sold at prices expressed in measures of grain. The price of each plot of land was set at three times its average annual yield. The farmer could pay in 15 years and no interest was charged. The average annual production figures were based on the official land classification and on actual production figures during the late 1930s and early 1940s, discounted by 40% because of the present unavailability of fertilizer and other production needs. (Mitchell, 1949),

Like Japanese, South Korean land reform is also one of the successful state-led approaches of land reform (Sikor and Müller, 2009). The sources of land for distribution are the land confiscated from Japanese farmers and the surplus land acquired from the ceilings on land holding.

## **2.7. Land Administration System for Land Reform**

Land administration deserves an important role in land reform. The process of land reform is one of the main instruments a government uses to implement its broader land policy with respect to redistribution and economic growth. The process needs facilitating tools to make it work smoothly and efficiently, one of which being LAS (van der Molen, 2009). A good LAS better facilitates the land reform programs (UN/ECE, 1996). Zaman (1978) gives reasons of failure of land reform programs in Nepal as non-existence of LAS and lack of land records. LAS facilitate land reform processes by registering the status of land before, during and after the land reform processes. An adequate supply of land information is needed to implement land reform programs effectively and efficiently. Therefore, dissemination of land information is essential prior to the land reform process. (van der Molen, 2009). Based on the past experiences of the implementation of land reform program in Nepal, the high level land reform commission, the Badal Commission, identified the need of the availability of comprehensive land information and good LAS in the country, and accordingly recommended the government to build a good land information system and improve the LAS for the better implementation of land reform programs (Badal, Devkota et al., 1995). Similarly, the report on Rehabilitation and Capacity Development of Freed Bonded Laborers (*Mukta Kamaiya*) published by the Commission for *Mukta Kamaiya* Rehabilitation, Government of Nepal, has experienced complexities in LAS that hindered the progress of land redistribution, and has recommended to establish an efficient information system of the benefited households that is land information system (MoLRM, 2009). Based on the two empirical examples from Nepal, a high importance of land administration and land information in land reform can be justified. Potentials of land information system such as parcel based geographic information system (PBGIS) can be greatly exploited for better facilitation of land reform programs (Tuladhar, 2004).

## **2.8. Concluding Remarks**

The ultimate aim of land reform is to improve livelihoods of SED people by improving their access to or productivity of land. The success of land reform program depends upon whether the disadvantaged people are targeted as beneficiaries and involved in the process. The main expectation of SED people from land reform is not other than the ultimate aim of land reform that is improvement in livelihoods, improvement in access to land being the first step. Access to land only does not guarantee the improvements in livelihood unless post reform support for improving productivity is provided.

Land reform consists of different forms. Redistributive and tenurial reforms are regarded as the most common forms. Redistributive land reforms provide access to new piece of land whereas the tenurial reform improves the ownership type over the land which is already in the possession but with little or

no security of tenure. The other common forms are restitution, which aims to restore land rights, and land consolidation, which intends to reduce fragmentation and consolidate in bigger size to improve productivity.

Three approaches are commonly practiced for the implementation of land reform programs across the globe; state-led, community-based, and market-assisted. The principal actors the approaches are state, community, and land market respectively. In Nepal, tenurial and redistributive land reform programs have been implemented through state-led approach time to time but still there is a need of further land reform. In Vietnam, tenurial reform has evolved in three major forms collectivisation of agricultural lands, product contract system (1980s), and household allocation. Currently, land consolidation for reducing fragmentation is under progress. All the programs are state-led but administratively decentralised. Land reforms in Japan and Korea are regarded as successful programs. In the case of Japan, state and community jointly involved in the implementation using land market tools. In the case of Korea, state acted as mediator between landlords and beneficiaries and market tools were implemented. Land reforms in both the countries, Japan and Korea, are redistributive.

The process of land reform is one of the main instruments that a government uses to implement its broader land policy with respect to redistribution and economic growth. Effective LAS with well functioning LIS would facilitate effective and efficient implementation of land reform.

## **3. Land Reform Assessment Framework**

### **3.1. Introduction**

In the previous chapter, a theoretical foundation on land reform issues from a critical review of relevant literature and documents has been presented. The chapter defined land reform, and its different forms and approaches including some land reform practices, among others. This chapter aims to design a framework for an assessment of land reform approaches in terms of their contribution to benefit SED people. The chapter begins with an explanation on the requirements of assessment framework (Section 3.2). Then it reviews existing evaluation frameworks and methods of evaluation in the section 3.3. In the next section 3.4, the approach followed for designing assessment framework and defining assessment method have been described. The section 3.4 is the core part of this chapter. In the subsections (3.4.1 – 3.4.3), the approach of selecting aspects and elements of assessments, defining assessment method, and developing indicators and good practices have respectively been described. The subsection 3.4.4 summarises the assessment framework including indicators and good practices. Finally, the chapter ends with concluding remarks in the section 3.5.

### **3.2. Requirements of Assessment Framework**

The aim of this section is to identify the scope and elements of assessment. For this purpose, firstly, the section explains the importance of assessment and assessment framework, then defines the scope of assessment, and finally identifies the elements of assessment.

#### **3.2.1. Need of an assessment and assessment framework**

Assessment of a system or a process is a basic prerequisite for improving its productivity, efficiency and performance. It helps understanding the way how things can be done in a right way and how the lessons learnt from past experiences can be useful in this regard (Stuedler, Rajabifard et al., 2004). In the context of land reform, an assessment deserves high importance, especially for policy makers, as land reform requires vast financial resources, human resources, and political will (Datar, Carpio et al., 2009). The results from an assessment of land reform approaches could be helpful to policy makers for choosing an appropriate approach that can fulfil the intended objectives of a program with less investment on the resources and better political support. Thus, an assessment is a justifiable means of identifying an approach that benefits SED people better. A framework, which is defined as a guideline or set of standards with an explicit theoretical and conceptual underpinning, is required for used for the purpose of carrying out an evidence-based assessment in a consistent way. According to Crisp et al. (2005), an assessment carried out in the absence of a formalized assessment framework leads to a subjective assessment criteria and fails to include core information. Therefore, there is a need of a well designed and formalised assessment framework that can bring comprehensive and required information in full.

### 3.2.2. Scope of assessment

Before performing any assessment, it is essential to determine its scope up to what extent it has to be carried out. As the main objective of this research is to assess how a particular land reform approach is contributing to benefit SED people, it is important to look up to the extent when one can realise that SED or targeted people are really benefited. For this purpose, a review is important to know what benefit is expected from land reform, how it can/should be achieved, and how to realise that the benefits are achieved.

As discussed in chapter 2, the ultimate aim of any land reform is to improve the livelihoods of SED people (Sikor and Müller, 2009) by improving their access to land (Besley and Burgess, 2000), or by improving the productivity of land they already possess (Gorton, 2001). The aim brings three important issues to be considered while talking about benefits to SED people; improving access to land, improving productivity or income, and improving livelihoods. The major expectations of SED people are also the same. Additionally, SED people also expect social justice and equality in access to land. Thus, a land reform can be regarded as successful when aforementioned aim of land reform or SED people's expectations are met. In this context, a land reform can be successful when;

- the reform is integrated with broader policy for rural development and poverty reduction (Deininger, 2003)
- SED people are explicitly targeted as beneficiary (Toulmin and Quan, 2000)
- SED people are given secure and unconditional rights (Deininger, 2003)
- equity in terms of SED people's access is ensured (Hellum and Derman, 2004), and
- capacity building of and necessary support to SED people are the targets of post reform phase (Deininger, 2003; May and Lahiff, 2007)

Apart from such special concerns, following characteristics should prevail in the implementation process to achieve the aims efficiently and effectively:

- land reform being a political issue, the reform policies should gain strong political support
- in the name of benefiting a particular group, other groups of people should not be affected creating a situation of chaos, conflicts or disputes,
- the process should be transparent, decentralized (Deininger, 2003), and participatory (Toulmin and Quan, 2000)
- rule of law should be maintained, and basic human rights of the people should be protected (Hellum and Derman, 2004), and
- the program should be economically and environmentally sustainable.

This review includes some important issues only to be considered for achieving desired benefit. It can be seen that the extent of the coverage of the issues includes overall system of land reform from policy making to post reform support. The performance at each level of the system affects the achievement of desired outcome. Therefore, the scope of assessment for this research is the overall system of land reform. Furthermore, as per the objective of the research, the functioning of land reform system based on given approach, such as state-led, or community-based, or market-assisted, is the scope of the assessment and the assessment focuses on the concerns of benefits to SED people. On summarizing, the scope of this assessment is the overall system of land reform based on given approach with the consideration of benefits to SED people or targeted people.

**3.2.3. Elements of assessment**

In the previous section, the scope of the assessment has been identified as the overall system of land reform based on given approach with the consideration of benefits to SED people or targeted people. Now, it is essential to define the elements of land reform system for the assessment. Like Baird (1998) identified central elements for evaluation of performance of a system and based on the common understanding, the core elements for assessment of land reform system can be identified as follows:

- *Policies and Objectives* of land reform
- *Strategies* adopted for its implementation
- Approach of *implementation*
- *Outcomes* achieved, and
- *Impacts* on SED people's livelihood

The assessment focuses on how SED people's concerns are addressed in these core elements while designing and implementing a land reform program (Figure 3-1). Further explanation is given as follows:

**a) Policies and objectives of land reform:**

Objectives of any program are dependent of relevant policies. Based on the objectives, the goals or target of the entire system are defined. The assessment under this element includes existence of policy, approach of policy formulation, inclusion of major issues of land reform such as tenure security, sustainability, equity, etc., and precision of objectives.

**b) Strategies adopted for the implementation of land reform**

Strategies define the way forward to meet the objectives of land reform. Its assessment includes institutional and organisational arrangement, management of necessary resources, arrangement for post reform support, and strength of strategies.

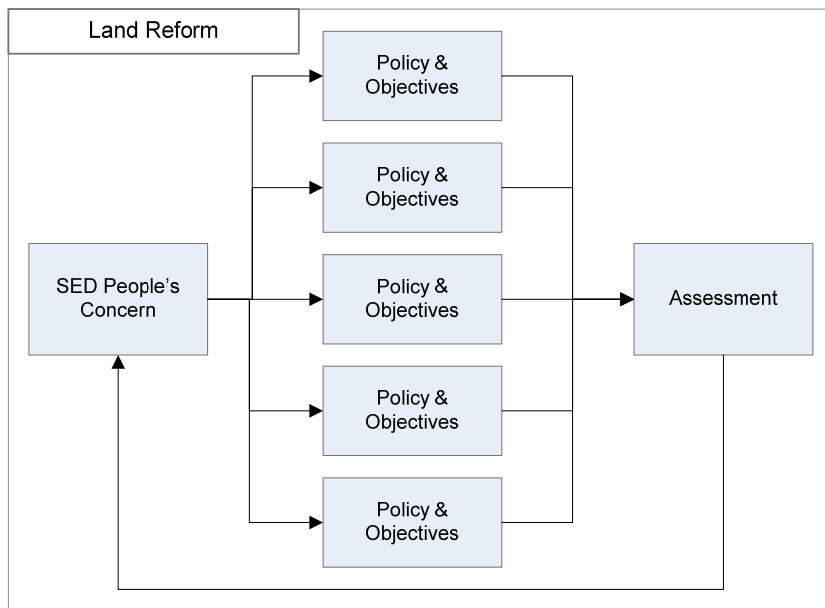


Figure 3-1: Elements of assessment of a land reform system

**c) Approach of implementation**

Implementation is the phase where the objectives and strategies are materialised. Its assessment includes the approach of implementation of land reform program, such as adoption of the principles of good governance including transparency, efficiency and effectiveness, accountability, and rule of law.

**d) Outcomes achieved**

Assessment of outcomes achieved includes whether the desired outcomes are achieved. Corresponding indicators are to be defined prior to the assessment.

**e) Impacts on SED people's livelihood**

As mentioned before, the ultimate aim of land reform is to improve livelihoods of SED people by improving access to land and income. Therefore, achievement of desired outcome is not sufficient to assess the benefit offered by land reform to SED people rather it is important to see whether the desired improved has been noticed. The impacts of land reform can be positive or negative, even if the desired outcomes are achieved (World Bank, 2005). For example, a household was supposed to be allocated 1 ha of land. Suppose, the land is not fertile enough to produce for the livelihood of the household, then there is no any significance of such achievement. The aim of the research is to look at the benefit to SED people that is it expects positive impact of land reform on the livelihood of SED people. The assessment, under this element, will include the impact of land reform in improving access to land, improving income and ultimately improving livelihood

**3.3. Reviewing Assessment Framework and Methods**

There is not a standard and internationally adopted framework and method available for the assessment of land reform approaches, which could be adopted for the purpose of this research. Some cases of assessments are available in literature but they are based on assessment of land reform projects with specific objective(s), and do not include any framework that could be applicable for assessing land reform approaches. Hence, this research required to develop assessment framework and method from scratch. In this context, literature were searched for reviewing in order to derive some basic idea and references. In this course, an evaluation framework designed for evaluating LAS including evaluation method developed by Steudler (2004) and some other evaluation methods were found. The reviewing is done as under:

**3.3.1. Framework and method for evaluating LAS**

This sub-section reviews evaluation framework designed for evaluating LAS including evaluation method developed by Steudler (2004). According to Steudler, there is no any internationally adopted method available for evaluating LAS other than developed by him. In the absence of internationally adopted method, performance of LAS are being evaluated by the agencies with their own approach in order to assess the systems for planning or carrying out reform projects, consequently there is no uniformity in the evaluation. This framework including method has aimed to be applicable in every context and purposes, which cover entire system of land administration. The detail explanation is as under:

**a) Elements of Evaluation**

A concept from Baird (1998) about the elements for evaluating performance of an organization or a system has been adopted, according to which, the central elements for an assessment of the performance of an organisation or a system are;

- "well-defined *objectives* – to know where to go to;
- clear *strategy* – to know how to get there;
- *outcomes* and monitorable *indicators* – to know if on track; and
- *evaluation* of results – to gain input for improvements"

The assessment of these elements can involve as follows (Table 3-1):

*Table 3-1: Elements for assessing an organisation or a system (Baird, 1998; Steudler, 2004)*

<b>Elements</b>	<b>Functions</b>	<b>Assessment</b>
Objectives	defining targets for the whole system	<ul style="list-style-type: none"> <li>- historical and social aspects</li> <li>- cultural heritage</li> <li>- political, legal and economic basis</li> </ul>
Strategy	defining the way forward to reach and satisfy the objectives	<ul style="list-style-type: none"> <li>- set-up of the institution and organisations, and functioning structure</li> <li>- strategic plans</li> </ul>
Outcomes and indicators	not any function but outcomes are the results of the activities performed based on objective and strategies, and indicators give feed back to evaluate the system	<ul style="list-style-type: none"> <li>- results or outcome of the activities</li> </ul>
Result evaluation	Evaluation and review of the objectives and strategies, based on the outcomes and indicators	<ul style="list-style-type: none"> <li>- The achievements of objectives and targets</li> </ul>

Evaluation of results should be carried out in a regular basis to look at the performances and reliability of the system as a whole and whether the initial objectives and strategies are satisfied. These elements have been correlated with different levels of organisation to identify the areas of evaluation in a system, in the subsection ahead.

**b) Evaluation Areas**

The evaluation framework can be based on management model. The organisational levels such as policy level, management level, and operational level provide the basis for defining the actual fields or area of evaluation of any system and above mentioned evaluation elements can be correlated with these different organisation levels. The objectives can be related to policy level, strategy to management level, and outcomes and indicators to operational level. Apart from these three organisational levels, 'Review Process' and 'External Factors' are equally important to assess a system as a whole. In the 'review process' achievements are evaluated to look whether the overall objectives and strategies are satisfied, whereas in 'External factors' the external factors that influence the performance of a system such as human resources, human capacity, technology etc are evaluated. Thus these five evaluation areas constitute a framework for evaluation of LAS.

**c) Evaluation Method based on 'Good Practice' Criteria**

A method of "good practice criteria", based on the framework as discussed above, is developed which represents a presumed "ideal" system for the evaluation of LAS. The criteria are based on "the actual objectives and strategies of the system, on the results of previous lesson learning and comparison projects, or ideally on both." A general evaluation framework of the method is as follows (Table 3-2)



Table 3-2: 'Good Practice' based Evaluation Framework for LAS (Stuedler, 2004)

Evaluation Area	Possible Aspects	Possible Indicators	Good Practice
Policy Level	<ul style="list-style-type: none"> <li>• Land Policy Principles</li> <li>• Land Tenure Principles</li> <li>• Economic and Financial factors</li> <li>• ...</li> </ul>	Relevant indicators	Established good practices of each indicator
Management Level	<ul style="list-style-type: none"> <li>• Organisational principles</li> <li>• Land administration principles</li> <li>• ...</li> </ul>	Relevant indicators	Established good practices of each indicator
Operational Level	<ul style="list-style-type: none"> <li>• Technical Principles</li> <li>• Good Governance principles</li> <li>• ...</li> </ul>	Relevant indicators	Established good practices of each indicator
External Factors	<ul style="list-style-type: none"> <li>• Human Resources</li> <li>• Capacity building</li> <li>• Technology</li> <li>• ...</li> </ul>	Relevant indicators	Established good practices of each indicator
Review Process	<ul style="list-style-type: none"> <li>• Assessment of performances</li> </ul>	Relevant indicators	Established good practices of each indicator

### 3.3.2. Some other examples of assessment methods

#### a) Example of Mixed Method Approach

Datar et al. (2009) used a mixed methods approach for evaluating impact of market-assisted land redistribution program in improving lives of poor people in Malawi. While using this method qualitative as well as quantitative techniques are used simultaneously. Qualitative technique is used to obtain a clear understanding of the context and implementation of a program, whereas quantitative technique is used to measure the impact of the program. This approach has been used to assess the impact of a World Bank project, Community-Based Rural Land Development Program (CBRLDP) implemented in Malawi, in the agricultural productivity and food security.

#### b) Logical Framework Analysis (LFA) Method

LFA is a key management tool during implementation of a project and evaluation of its performances. It is widely adopted by development agencies to evaluate their projects and programs. Some examples of such agencies are Canadian International Development Agency (CIDA), the German technical assistance agency (GTZ), the World Bank, the Swedish International Development Agency (SIDA), and the Australian development agency (AusAID). In this method, main elements of a project are structured in such a way that intended inputs, planned activities and expected results are linked logically (Groenendijk and Dopheide, 2003; Stuedler, Rajabifard et al., 2004). The framework in a matrix form is given in the following Table 3-3:

Table 3-3: LFA Matrix (Groenendijk and Dopheide, 2003; Steudler et al., 2004)

	<b>Narrative summaries</b>	<b>Objectively Verifiable Indicators (OVI)</b>	<b>Means of Verification (MoV)</b>	<b>Risks and assumptions</b>
<b>Goal</b>	higher level objective of a project	measures to verify to what extent the goal has been fulfilled	goal level indicators	
<b>Purpose</b>	effects expected to be achieved	measures to verify to what extent the purpose has been fulfilled	purpose level indicators	risks and assumptions concerning purpose to goal linkage
<b>Outputs</b>	expected results	measures to verify to what extent the outputs have been produced	output level indicators	risks and assumptions concerning output to purpose linkage
<b>Activities</b>	activities to be undertaken to achieve the expected outputs	<b>Inputs</b> resources required to carry out the activities	<b>Budgets</b> translation of activities into financial terms	risks and assumptions concerning activities to output linkage
<b>Preconditions</b> prerequisites at the beginning of a project				

### c) Comparative Evaluation Method

Bandeira et al. (2009) have developed a comparative methodology for the evaluation of national LAS. In this method, the authors have, first, defined main goals of or expected results from a LAS, and tools to reach them. Then a set of qualitative and quantitative indicators, corresponding to each goal, are developed. A benchmark is defined for each indicator that helps to conclude whether goals have been achieved, resulting with qualitative and quantitative benchmarks. Optimum benchmarks can be defined based on broad international consensus or what constitutes best practice. This approach is similar to 'good practice' criteria proposed by Steudler (2004). The quantitative benchmarks can be based either on international standards for particular indicator or the target of the project. This method is named as 'structure + management + budget → output' model. The framework of this method is as mentioned in Table 3-4. The source of benchmarks, whether best practice or some standard value, is to be included in the source column.

Table 3-4: Evaluation Method developed by Bandeira et al. (2009)

<b>Goal</b>	<b>Indicators</b>	<b>Benchmark (BM)</b> (Yes/No/ ..%, value)	<b>Source</b> (Best Practice or literature or project result, etc)
1. Goal 1	1.1 Indicator 1 for Goal 1	BM1	Best Practice (e.g.)
	1.2 Indicator 2 for Goal 1	BM 2	...
2. Goal 2	2.1 Indicator 1 for Goal 2	BM4	...
...	2.2 Indicator 1 for Goal 2	BM5	

### 3.3.3. Comparison of reviewed assessment framework and methods

Previous section (3.3.2) reviewed a framework and method for evaluating LAS developed by Steudler (2004), a mixed-method approach adopted by Datar et al. (2009) for assessing impact of a project in

agricultural productivity and food security in Malawi, LFA method used for evaluating LAS projects of international donor agencies, and Evaluation method developed by Bandeira et al. (2009) for national LAS.

Among these methods, Steudler's framework and method covers the system to be evaluated in a holistic way and all the elements of a system are taken into consideration. For the next three examples, they are basically used for evaluation of a specific project in input- output model that is how efficiently the resources have been utilized and to what extent results have been achieved within given time frame. These methods do not include the system as a whole under assessment, for example evaluation of policy issues is missing. However, their approach of evaluation can be useful. For example, Datar et al. (2009) used quantitative and qualitative indicators for evaluation, their idea of choosing indicators can be useful. Similarly, the assessment method developed by Bandeira et al. (2009) uses 'best practice' method as 'good practice' method used by Steudler (2004).

Analysing the characteristics of each method, Steudler's (2004) framework and method is useful for the purpose of this research. The evaluation framework (Table 3-2) including the evaluation method has also been adopted by Steudler et al. (2004) for assessing LAS, Steudler and Williamson (2005) for evaluating National LAS of Switzerland and Rajabifard (2006) for evaluating spatial data infrastructure (SDI). Recently published book by Williamson et al. (Williamson, Enemark et al., 2010) also adopts this methods as the method for assessment of LAS. The speciality of this framework is that it covers all facets of a system and is best applicable for the evaluation of the overall system.

### **3.4. Framework and Methods for Land Reform Assessment**

This section, first defines the aspects of assessment followed by the description of the assessment method, and finally defines indicators and good practices.

#### **3.4.1. Defining aspects of assessment**

The section 3.2.3 identified core elements of a system assessment that incorporate overall system of land reform. Now it is important to decide which aspect of the system should be assessed.

These assessment elements, defined in section 3.2, can be linked to different organisational level such as policy level, management level, and operation level, as did by (Steudler, 2004; Steudler, Rajabifard et al., 2004; Steudler and Williamson, 2005). For this research, overall system in general is looked at with the focus whether appropriate concerns are given to benefit SED people. Thus, adopting Steudler's concept of correlating assessment elements with organisational levels, the elements can be correlated with the general aspects of the system such as policy aspect, management aspect, and operational aspect. The policy and objectives can be correlated to policy aspect, the strategy to the management aspect, and the implementation and outcomes to the operational aspect of the system (Figure 3-2).

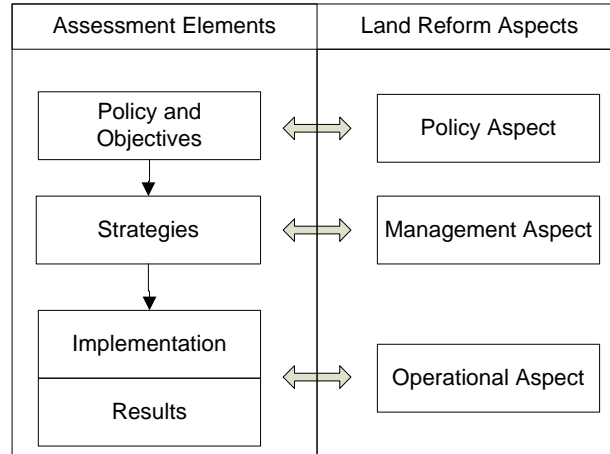


Figure 3-2: Assessment elements and organisational aspects (adopted from (Stuedler, 2004))

The importance of assessing impact of land reform in SED people’s livelihood has already been discussed in the section 3.2.3. Therefore, impact of land reform on SED people's livelihood is another important aspect to be assessed. Furthermore, there are two other important aspects to be assessed; external factors and post reform support. External factors can have strong influence in the success of a program, as an example beneficiaries' capacity to invest for access to land. Similarly, without post reform support, improvement in SED people's livelihood is almost impossible. Therefore, it is a matter of assessment whether a land reform program is followed by post reform support. The relation of these aspects is as given in (Figure 3-3). In our understanding, External factors have influence on policy, management, and operational aspects, and also on impact. If external factors are in the favor of land reform program, it will create positive impact. Post reform support should begin from policy aspect that is it should be included in policy and strategy.

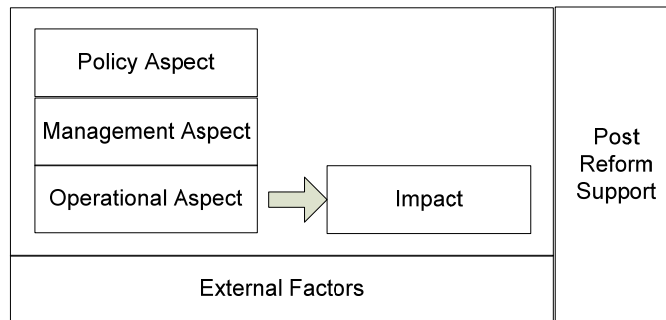


Figure 3-3: Aspects for the assessment of land reform approaches

Each aspect is further discussed in following sections:

**c) Policy Aspect**

Land reform is one of the main instruments of a government to implement its broader land policy with respect to redistribution and economic growth (van der Molen, 2009). It should be integrated with broader policy for rural development and poverty reduction (Deininger, 2003). Therefore, the policies formulated for the land reform should be based on land administration policies and the national strategy of uplifting SED people's livelihood. We have identified following elements having important role in land reform policy aspect:

- **Existence of policy:** First of all, existence of policy is necessary before implementing any program. Then its position on national broader policy matters in the success of the program implemented based on this policy. If any policy is included in national broader policy framework, there are higher chances of implementation of the programs with priority. Therefore, the status of land reform policy in national broader policy framework is one of the elements of assessment of policy aspect.
- **Policy formulation approach:** The approach of policy formulation determines whether a policy is really focussing on the beneficiaries' interest. The modality of policy making, for example top-down or bottom-up, affects the inclusion of the ground interest. It is believed that the bottom-up approach incorporates ground interests better than top-down approach. There are higher chances of participation of potential stakeholders in bottom-up approach. At the same time, political support is highly important for the successful implementation of the programs.
- **Provision of access to land:** Selection of beneficiaries and privileges to SED people for land access are other important issues to be incorporated in land reform policy. The policy should include unambiguous provisions of defining eligibility of beneficiaries of a particular program. Special privileges through the principle of positive discrimination would support the SED people for getting easy access to land. The way of getting access to land is the other important issue to be included in land reform policy, for example how a beneficiary acquires land, is it free or through land market or any other provision. It is important to look whether the beneficiaries can get benefited from the existing provisions.
- **Provision of equity in access to land:** Consideration of equality in terms of women's access to land and treatment with the entire mass of beneficiaries are important to bring effective and justifiable outcome of any land reform programs. Referring to the Article 14 of the Convention for eliminating all forms of Discrimination against Women (CEDAW), Hellum and Derman (2004) stress the need of ensuring equal treatment between men and women in any kind of land reform activities. Unjust distribution of land and land resources results with chaos and conflict within societies. Therefore, these two aspects should be well incorporated in land reform policies.
- **Tenure Security:** Acquiring land without secured tenure does not make any sense in the livelihood of SED people from land reform programs. Registration of rights, provision of compensation in case of public expropriation, freedom of using rights etc determine the level of security of tenure. Land reform policy should include proper provisions of tenure security over the land redistributed or reallocated or changed tenure-ship.
- **Land Acquisition:** This factor is applicable for redistributive form of land reform. This is the challenging task for the government to acquire necessary land for the targeted beneficiaries. Mostly applied tools for land acquisition are privatisation of state land, imposing ceilings on land holdings, land market, land banking, etc. These different tools have some disadvantages. The policy should identify the tool which is economically and environmentally viable, and also within the reach of SED people. Protection of human rights while acquiring land for redistribution should be well taken care. For example, in some countries land is confiscated from large landholders violating their basic human rights.
- **Sustainability:** Concerns on the issues of sustainability is also the most important part of land reform policies. Any program implemented should be economically and environmentally sustainable. For example, in some countries like Nepal, privatisation of state land is the mostly used source of land acquisition. In this course, there is growing deforestation over the years. The impact

of deforestation in environment, wildlife and other sector of human lives have not been well taken care. Appropriate policy measures are needed to maintain the sustainability of the programs. At the same time to make the impact of land reform sustainable, proper measures for post reform support should be included in the policy.

- **Defining Objectives:** Objective of any program, which is guided by relevant policy, should be well defined with specific, measurable and attainable goals and targets.
- **Land Reform Approach:** Selection of land reform approaches should be done in such a way that it fits with the ground situation. Tenure security, source of land acquisition, and sustainability depends upon the land reform approach chosen. Proper consultation should be done with the beneficiaries and proper study of ground situation should be done before choosing land reform approach.

The discussion above has been summarised in the following Table 3-5. The table includes the elements under policy aspects and questions to be addressed in the assessment corresponding to each element. These questions can also be regarded as the indicators for the assessment.

*Table 3-5: Elements and corresponding questions for assessing policy aspect*

Elements	Questions to be addressed in assessment
Status in national broader policy	– Is the land reform policy included in national broader policy framework?
Policy Formulation approach	– How is the modality of policy making, top-down or bottom-up or both? – Is the approach participatory? – Is there sufficient political support available to the policy?
Access to land	– Is the condition of eligibility to be a beneficiary clear enough to get right person or household? – Are there any special privileges for SED people? – What is the provision for getting access to land?
Equity	– How is it ensured that equality is maintained for women's access to land? – How is it ensured that equality is maintained for each of the beneficiaries' access to land?
Tenure Security	– Are the land rights registered? – How is the freedom for using rights? – What is the level of security of land rights? – What happens if a land parcel is expropriated, in terms of compensation? – Are there any cases of conflicts or disputes?
Land Acquisition	– What is provision for acquiring land for redistribution? – How is the protection of human rights ensured during land acquisition?
Sustainability	– What are the strategies to ensure economic sustainability? – What are the strategies to ensure environmental sustainability such as forest conservation, to cope with the effect of climate changes, etc – What are the measures included in the policy for post reform support?
Defining objectives	– Are the objectives well defined? – Are the goals and targets (long term) specific, measurable, attainable, and time bound?
Land Reform Approach	– Does the land reform approach included in policy fits with the ground situation? – Was there enough participation of beneficiaries and stakeholders before choosing land reform approaches?

**d) Management Aspect**

Management aspect of land reform process belongs to the task of defining strategy, institutional and organisational arrangements, and resource arrangement. Assessment of management aspect is

important because for the effective achievements proper management is needed and timely improvement can be made in case of any weaknesses. This aspect can be assessed based on following elements:

- **Defining strategies:** Defining strategy is the most challenging task for the officials involving with management level, as the strategies should be defined to meet the objectives. Setting short term targets, defining strategies for post reform support should also be included in the task of defining targets.
- **Institutional and Organisational arrangement:** Proper institutional and organisational arrangement such as assigning roles and responsibilities to the organisations involving in the implementation of land reform, mechanism of coordination among them, preparation of implementation guidelines, coordination mechanisms among the stakeholders such as beneficiaries, community and other organisations, etc should be done for the effective and efficient implementation of the program. Decentralised administration of land reforms would be preferred by SED people as such arrangement provides them better opportunities to access policy makers and in the definition and implementation of programs (Bobrow-Strain, 2004) so that their interests could be incorporated, and such arrangement lessens the chances of corruption, and enhances efficiency and effectiveness of the program (Deininger, 2003).
- **Availability and Management of Infrastructure and Resources:** A good LAS, as an infrastructure, is required because it better facilitates land reform programs (UN/ECE, 1996). Similarly, adequate resources such as human, physical and financial, are required as they play important roles in the timely success of land reform programs. Therefore, these elements also deserve important place in the assessment of land reform.

The discussion above has been summarised in the following Table 3-6. The table includes the elements under management aspect and questions to be addressed in the assessment corresponding to each element. These questions can also be regarded as the indicators for the assessment.

*Table 3-6: Elements and corresponding questions for assessing management aspect*

Elements	Questions to be addressed in assessment
Defining strategy	<ul style="list-style-type: none"> <li>– Are the strategies clearly defined?</li> <li>– Is there any strategy for post reform support?</li> </ul>
Institutional and organisational arrangement	<ul style="list-style-type: none"> <li>– Are the roles and responsibilities of stakeholders adequately assigned?</li> <li>– Are there proper guidelines and directives available?</li> <li>– Is the land reform administration is centralized or decentralized?</li> <li>– Is the authority to deal with implementation sufficiently delegated?</li> </ul>
Availability and management of Infrastructure and Resources	<ul style="list-style-type: none"> <li>– How effective is the LAS?</li> <li>– How is the institutional capacity to deal with the land reform program?</li> </ul>

#### **e) Operational Aspect:**

Operational aspect, as we consider here, belongs to the implementation of land reform programs based on the policy, objective, and strategies mentioned above, to achieve desired outcomes. Adoption of principles of good governance in implementation, as mentioned by Zakout et al. (2006) in case of land administration, would enable a program to come up with desired outcomes in an effective and efficient

way. Therefore, following some important elements of good governance can be used to assess the operational aspect of land reform:

- **Participatory:** SED people and other stakeholders at local level should be given opportunities in the implementation process so that they could play active role and their interested could be incorporated without any prejudice. Stakeholder participation also helps to expedite the progress of implementation through their support at local level. Therefore, participation in implementation is important and hence it can be an assessing element for operational aspect.
- **Rule of Law:** Impartial and transparent enforcement of legal provisions should be maintained during the implementation of land reform program to get all the beneficiaries equally privileged. At the same time, basic human rights should be protected during the enforcement of law. SED people should feel that the legal enforcement is equal to everybody otherwise it will create chaos and conflict during the implementation of program.
- **Transparency:** Transparency is an important tool to build trust between beneficiaries and implementing authority by reducing possibilities of biasness, corruption and malpractices. Therefore, transparency plays important role in maintaining efficacy in the implementation of a system. Transparency can be ensured by providing easy access to information and institution, informing the stakeholders about the state of the affairs of the progress. Also it is important to let the stakeholders know in time if they have to fulfil any liabilities.
- **Accountability:** Accountability is important as it ensures the beneficiaries and its stakeholders that the implementing authority is highly responsible and answerable to them. Standard procedures of implementation, responsiveness of the staff to their duties, and provisions of grievance handling are some indicators of accountability.
- **Efficiency and Effectiveness:** According to Chimhamhiwa et al. (2009), "effectiveness refers to the extent to which [beneficiaries' expectations] are met" and "efficiency measures how economically the organisational resources are utilised". Moreover, procedures to be followed by the beneficiaries should be simple and less time consuming. Actually, the overall strength of an implementation of any program is reflected on its efficiency and effectiveness. Therefore, it is another important element for assessment.

The discussion above has been summarised in the following Table 3-7. The table includes the elements to assess operational aspect and questions to be addressed in the assessment corresponding to each element. These questions can also be regarded as the indicators for the assessment.



*Table 3-7: Elements and corresponding questions for assessing operational aspect of land reform*

Elements	Indicators/ Questions to be addressed in assessment
Participatory	– How is the participation of stakeholders, especially SED people as beneficiaries, in the implementation process?
Rule of law	– Is there any biasness in enforcing legal provisions? – How is the concern on the protection of basic human rights given during implementation?
Transparency	– How well are the beneficiaries informed about the land reform programs, the benefits and their liabilities? – How easy is to have access to information and institution for beneficiaries? – Is there any biasness in implementation?
Accountability	– Is there any standard framework for the procedures of implementation? – How responsible are the staff to perform their duties? – Is there any provision of grievance reporting and hearing?
Efficiency & Effectiveness	– How simple are the procedures to be followed by the beneficiaries? – How efficiently is the resource being utilized? – Is the process being completed in time?

#### **f) Post Reform Support Aspect**

According to Deininger (2003), land reform cannot be limited to providing land. The households benefited from the program should also be supported in the post reform phase to bring improvement in their livelihood. Some supportive measures like capacity building through training, development of necessary infrastructure, agricultural subsidies, access to credit market etc. would bring improvement in the livelihoods of SED people. At the same time, the opportunities of credit market should be available to the SED peoples. Koch et al. (2001) also mention that the land provided to the beneficiaries should be sustainable and productive. This may be possible by providing opportunities of access to credit market, research into agricultural productivity, and provision of technical services. It falls under the responsibility of the government to provide such supports to SED people in post reform phase. Thus, impact of post reform support can be assessed based on following elements:

- **Capacity building:** Capacity building refers to the measures taken to make SED people capable to earn enough for their livelihoods. Skill based training for farm or off-farm employment, necessary technical assistance and agricultural subsidies such as subsidies on fertilizer, seeds etc, and development of infrastructures like irrigation facilities, agricultural roads etc can be the measures that can help to build the capacity of SED people.
- **Access to Credit Market:** SED people's access to credit market supports them for investing either in farming activities or for off-farm entrepreneurship so that they could earn more to meet their needs. Therefore, support for access to credit market is important for SED people.

The discussion above has been summarised in the following Table 3-8. The table includes the elements that assess the post reform support and questions to be addressed in the assessment corresponding to each element. These questions can also be regarded as the indicators for the assessment.

*Table 3-8: Elements and corresponding questions for assessing post reform support*

Elements	Indicators/ Questions to be addressed in assessment
Capacity Building	<ul style="list-style-type: none"> <li>– Are there any programs of capacity building like training, technical assistance, or else?</li> <li>– How is the condition of basic infrastructure?</li> <li>– Is there any provision of complementary investment to improve the productivity?</li> </ul>
Access to land and credit market	<ul style="list-style-type: none"> <li>– Are there any restrictions on land to use for mortgaging or any other financial activities?</li> <li>– How is it easy to have access to land / credit market for SED people?</li> </ul>

### **g) External Factors Aspect**

Like other systems, e.g. in LAS as described by (Stuedler, 2004), there are some external factors that influence land reform processes, such as beneficiaries' capacity for investments, adequate skill for farming, expectations from land reform programs, etc. These external factors influence overall process of land reform from policy making to the post reform impact. For example, there higher chances of success of market based land reform where the beneficiaries are capable to invest or earn to invest in the market for improving access to land. Therefore, assessment of external factors is essential. Some major elements of assessments can be as follows:

- **Beneficiaries' Expectations:** Beneficiaries' expectations influence the progress of implementation. Therefore, it is essential to assess whether the expectations are attainable or within the scope of particular program.
- **Beneficiaries' Capacity:** Assessment of beneficiaries' capacity is important to predict the future and sustainability of any land reform program. Access to land only is not sufficient to improve their livelihoods, they should be able to produce sufficient enough for their livelihood. Otherwise there remain possibilities of recurring landlessness. At the same time, the strategy for post reform support can be influenced by beneficiaries' capacity, such as to provide the amount and sort of support from the state or other agencies.

The discussion above has been summarised in the following Table 3-9. The table includes the elements for assessing the influence of external factors and questions to be addressed in the assessment corresponding to each element. These questions can also be regarded as the indicators for the assessment.

*Table 3-9: Elements and corresponding questions for assessing influence of external factors*

Elements	Indicators/ Questions to be addressed in assessment
Beneficiaries' Expectation	<ul style="list-style-type: none"> <li>– What are the expectations of beneficiaries?</li> <li>– Are the expectations attainable?</li> </ul>
Beneficiaries' capacity	<ul style="list-style-type: none"> <li>– Is the beneficiaries' capacity reviewed before formulating strategies?</li> <li>– How is the capacity of beneficiaries for investment and utilization of land resources?</li> </ul>

### **h) Impact Aspect**

Assessment of impact is one of the crucial aspects in land reform. According to Deininger (1999) impact assessment is concerned with the ultimate impact of land reform both directly and indirectly for households wellbeing, agricultural productivity, environmental sustainability and institutional strengthening. Achievements of results from a particular land reform program do not necessarily mean

it has positive impact on the livelihoods of SED people, as the impacts can be positive or negative, even if the desired outcomes are achieved (World Bank, 2005). Therefore, it is important to assess the impacts to find out whether a particular approach is appropriate. Some major elements of this aspect are as follows:

- **Improvement in socio-economic condition of SED people:** The assessment of the impact of land reform in improving socio-economic condition of SED people can be performed based on the improvement in their access to land, income, household wellbeing.
- **Equality in land access:** Equality in land access is the measure of proper and effective implementation of land reform programs. In principle, every beneficiary should be treated equally and the women should get equal treatment like men. The assessment of de facto situation can result with important input for future implementation of the programs. The situation of conflict due to inequality in land access can also reflect the situation of equality in land access.
- **Beneficiaries Satisfaction:** Implementation of a land reform program makes sense if it is successful to satisfy the beneficiaries' expectations. Therefore, it is essential to assess the level of beneficiaries' satisfaction, though it is quite subjective.

The discussion above has been summarised in the following Table 3-10. The table includes the elements of impact assessment and questions to be addressed in the assessment corresponding to each element. These questions can also be regarded as the indicators for the assessment.

*Table 3-10: Elements and corresponding questions for impact assessment*

Elements	Questions to be addressed in assessment
Improvement in socio-economic condition of SED people	<ul style="list-style-type: none"> <li>– How is the impact of land reform program in improving income level of SED people?</li> <li>– How is the impact of land reform program in improving the productivity of land?</li> <li>– How is the impact of land reform program in improving social status and household wellbeing of SED people?</li> </ul>
Equality in land access	<ul style="list-style-type: none"> <li>– Is there any improvement in SED People's access to land?</li> <li>– Is there equality in terms of access to land?</li> <li>– Do women have equal right like men?</li> </ul>
Beneficiaries' satisfaction	<ul style="list-style-type: none"> <li>– Are the beneficiaries satisfied with the approach?</li> <li>– Did the program meet the beneficiaries' expectations?</li> <li>– How is the condition of conflicts due to inequality in land access?</li> </ul>

### **3.4.2. Assessment method**

As described in the section 3.3.3, the method developed by Steudler (2004) for the assessment of LAS has been chosen as a reference for the purpose of this research. According to this method, the aspects of land reform system to be incorporated in the assessment need to be identified, as it has been done in the section 3.4.1. Indicators need to be developed for each aspect so that overall system can be incorporated in the assessment. Since 'Good practice' criteria has to be used for the assessment, optimal performance of each indicators should be defined as 'good practice' for comparing with the actual performance of the system. This comparison finally brings the result of the assessment. The 'good practice' performance can be defined on the basis of the actual objectives and strategies of the program, the results of previous lesson learning and comparison, broad international consensus, and international standard for particular indicator(Steudler, 2004; Bandeira, Sumpsi et al., 2009).

### 3.4.3. Developing indicators and good practices

In this section, we develop the indicators and define good practices for evaluation. The indicators are based on discussion made in the section 3.4.1. Each of the aspects and elements have been defined in that section. Questions to be addressed during the assessment have also been mentioned along with the elements. Important of those questions for which data has been collected have been chosen as the indicators. List of indicators corresponding to each aspect and element is given in the following Table 3-11. Then, each indicator has been defined a ‘good practice’ as described in the section 3.4.2. The list is given in following Table 3-11.

Table 3-11: Indicators and good practices for land reform assessment

Aspects	Elements	Indicators	Good Practice
(land reform) Policy	Status in national broader policy	– Existence of government policy for land reform	– Implementation of land reform is included in national agenda for improving SED Peoples' access to land
	Policy Formulation approach	– modality (top-down or bottom up or mixed)	– The policy formulation is based on bottom-up approach so that the interest of SED people are accommodated in the policy
	Access to land	– Eligibility of beneficiary	– The provision is sound enough to identify right person or household as a beneficiary
		– Means of land access	– The means of land access is feasible for the targeted beneficiary
	Equity	– Women's access to land	– Special provisions are made to ensure equality in women's access to land
	Tenure Security	– Registration of rights	– all rights are registered
		– Freedom of using rights	– There is no any discrimination in using land rights
	Land Acquisition*	– source of land	– Commonly accepted, in the given context, method of land acquisition is implemented
	Sustainability	– Economic sustainability	– Proper measures are formulated to ensure land reform program economically viable and sustainable
		– Environmental sustainability	– Due concern is given to preserve forest land and maintain environmental sustainability
Defining Objectives	– Objectives, goals and target	– The objectives are well defined with achievable goals and targets	
Land Reform Approach	– Choice of land reform approach	– Choice of land reform approach is based on ground situation	
age men t Asp	Defining Strategy	– Strategies	– Strategies are well defined – Strategies for post reform support are available

	Institutional and organisational arrangement	- Decentralisation	- Institutional arrangement is decentralised
		- Authority delegation	- Authority is sufficiently delegated to local organisation
	Availability and management of infrastructure and resources	- LAS	- Existing LAS is capable for implementing intended land reform program
		- Institutional capacity	- The responsible organisation at operation level is sufficiently equipped with necessary resources like human capacity and other infrastructure
Operational aspect	Participatory	- Participation of stakeholders	- All the stakeholders including beneficiaries are sufficiently participated in the implementation process - The interests of beneficiaries are well addressed
	Rule of law	- Enforcement of legal provisions	- Legal provisions are impartially enforced
	Transparency	- Information to the beneficiaries	- Beneficiaries are sufficiently and timely informed about the benefit, their obligations and the prerequisites to be benefited from the program
		- Fairness	- There is no any biasness regardless of the ground where a beneficiary belongs to
	Accountability	- Responsible staff	- Staff involving with the implementation of land reform program are highly responsible
	Efficiency & Effectiveness	- Simplicity	- The procedure to be followed by beneficiaries are short and simple
		- Utilization of resources	- Best use of resources has been done to optimally benefit the beneficiaries
- Completeness		- The program is completed in the targeted time	
Post Reform Support	Capacity Building	- Training	- Opportunity of supportive training for improving productivity is offered to the beneficiaries
		- Technical Assistance	- Technical assistance in farming is offered
		- Infrastructure development	- Infrastructures like road, irrigation, etc are developed
		- Complementary Investment	- Support for investment in farming activities such as for fertilizers, seeds etc. is provided
	Access to land and credit market	- Eligibility to mortgage, sale etc	- The land can be used for mortgaging and there are no any restrictions for market activities
External Influencing Factors	Beneficiaries' Expectation	- Expectations of beneficiaries	- Beneficiaries have attainable expectations from a particular land reform program
	Beneficiaries' capacity	- Beneficiaries' capacity to invest for land access	- Beneficiaries are capable to invest for land access or beneficiaries are capable to earn to pay back the loan, if received from any banks for investment

Impact / Results	Change in socio-economic condition	- Change in Income level	- Beneficiaries' income level has improved
		- Change in productivity **	- The productivity after land reform is improved
		- Indirect benefits	- It is easier to get loans - The social status has improved
	Equality in land access	- Improvement in land access	- Improvement in beneficiaries' access to land have been witnessed
		- women's access to land	- Women have equal rights on using and holding land
	Beneficiaries' satisfaction	- Beneficiaries' satisfaction	- Beneficiaries are satisfied with the approach

\*: applicable only for redistributive land reform \*\* .Applicable for cases like LC

### 3.4.4. Summarising the assessment framework

The assessment framework has been summarised as given in Figure 3-4. First, we need to determine the requirements of assessments (section 3.2). Based on the requirements, we need to determine which aspects we are going to define (Subsection 3.4.1). A method is needed for the assessment. Indicators and examples of good practice are the basis for the assessment (sub-section 3.4.3). Finally, it should be checked whether the assessment results meet the requirements of the assessment.

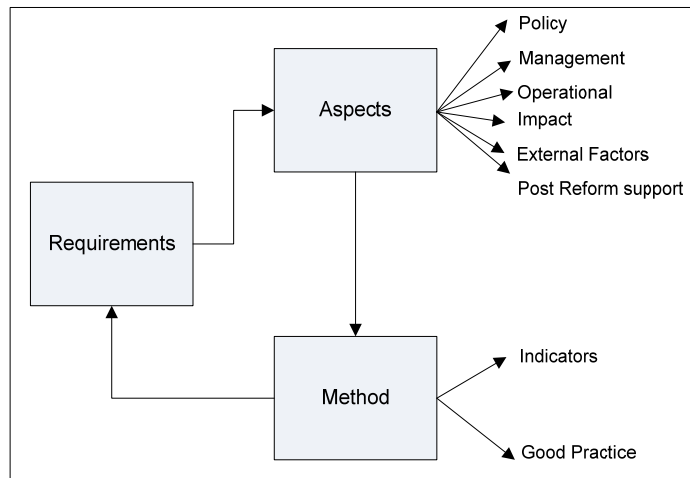


Figure 3-4: Summarised assessment framework

### 3.5. Concluding Remarks

This chapter was devoted to design a framework and define a method for assessing land reform systems so that it can be useful for the assessment of land reform approaches. A well designed and formalised assessment framework is needed for comprehensive assessment incorporating all the information within the scope of assessment. In the case of present research, the scope is entire system of land reform based on given approach with the consideration of benefits to SED people. Policies and objectives of land reform, strategies adopted, approach of land reform program implementation,

outcomes achieved, and impacts on SED people's livelihood are the five core elements for evaluation of land reform system.

These core elements can be correlated with the different aspects of land reform system such as policies and objectives to policy aspect, strategies to management aspect, and implementation and outcomes to operational aspects of the system. The other three important aspects of the land reform system are external factor, post reform support, and impact of land reform programs. These six aspects cover entire system of land reform. Each aspect is further broken down to their respective elements and several indicators corresponding to the elements are defined. The performance of the system based on the defined indicator can be compared with the respective 'good practice' examples for performing the assessment.

## 4. Data Collection Methodology

### 4.1. Introduction

An assessment framework and method required for this research is described in the previous chapter. This chapter aims to describe the approach followed for the collection of data required to carry out the assessment based on the framework and method developed in Chapter 3. The section 4.2 gives general introduction to the case study areas in Nepal and Vietnam. The approach followed for designing questionnaire is described in the section 4.3. The type of data and collection techniques are described in the section 4.4. The section 4.5 briefs the data processing approach. Finally, the section 4.6 concludes the chapter with some remarks.

### 4.2. Introduction to the case study area

#### 4.2.1. Case study in Nepal

As mentioned in Chapter 1, the case study in Nepal belongs to a redistributive land reform program implemented through state-led approach for *Mukta Kamaiya* households. The people from this community are scattered in the five districts namely Dang, Banke, Bardiya, Kailali, and Kanchanpur. Among them, Bardiya has the highest concentration. Therefore, this district has been chosen as a case study area. Some four Village Development Committee (VDC) areas were selected for carrying out household surveys. The four VDCs are Dhadwar, Deudakala, Kalika, and Magaragarhi, with their geographical locations as shown on the following map (Figure 4-1).

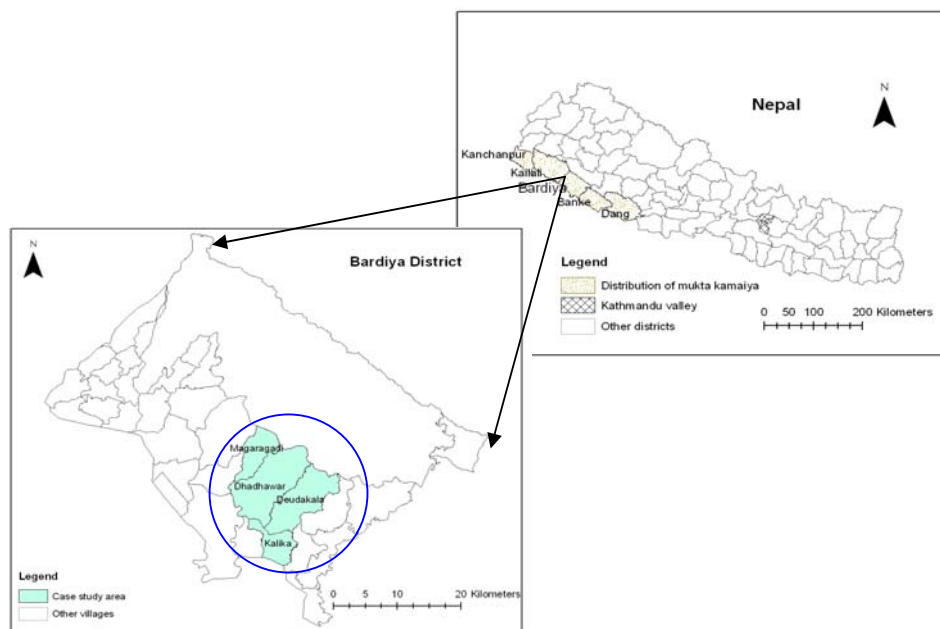


Figure 4-1: Map showing the location of case study area in Nepal



#### 4.2.2. Case study in Vietnam

As mentioned in Chapter 1, the next case study belongs to a land consolidation program in Vietnam. Pham Tan village in Hai Duong province has been chosen as case study area. The village is about 50 km South East from Hanoi city. The LC programs for two rounds have already been completed in 2005. There are two reasons behind the selection of this village as case study area: 1) most of the households have participated in the LC program, and 2) easier to access for household surveys and other relevant data. The location of the case study area is given in the Figure 4-2.

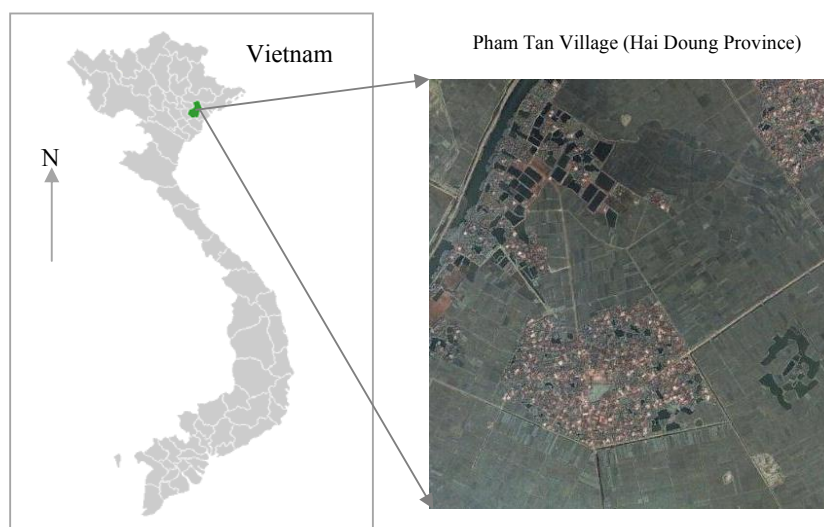


Figure 4-2: Map showing the location of case study area in Vietnam

#### 4.3. Approach for Designing Questionnaires

Questionnaire is an important research tool that reflects the quality and comprehensiveness of the data to be collected. Well designed questionnaires are required to acquire quality data. Before going for the designing of questions, it is essential to get acquainted with the data to be gathered from the questionnaire. It was clear to us about the types of data needed for this research from the research objectives and research questions.

Then, the next step is to choose appropriate group of respondents. Since the objective of the research is to assess the land reform approaches to benefit SED people, it was evident to choose beneficiaries as the most important group of respondents. The major contributor in the process of land reform such as officials, civil society leaders, and the local political leaders were also targeted as the respondents. Inclusion of opinions of experts and academia cannot be ignored for the improvement or assessment of any system, therefore, experts and academia were the other group of targeted respondents.

After identifying the content to be included in the questionnaire and groups of respondent, the next step was to design questionnaires. Questionnaires were developed for households surveys, questionnaire surveys, interviews, and discussion. Each group of targeted respondents have separate set of questionnaires (Appendix 1 -7). Questions have to be designed in such a way that information about the entire system or approach could be acquired. Before designing the questionnaire, indicators for data collection were defined. A tentative assessment framework was conceptualised. In principle, the assessment framework, as described in chapter 3, should have completed before the data collection, but due to short period of time before the departure for data collection it could not be managed. The

limitation with the questionnaire designing is that it could not incorporate all the indicators in the questionnaire.

As it was not possible to acquire data for overall process of land reform in the given time duration, major concern has been given to the assessment of land reform's impact in improving SED people's access to land and the change it brought in their livelihoods. Though some important issues like implementation of the process, roles of different stakeholders to improve the effectiveness and efficiency of land reform process etc have been included in the questionnaire. The socio economic condition of the beneficiaries has also been included in the questionnaire to relate with the resulting impact of the land reform programs. The questions have been grouped in the following sections while designing the questionnaire:

Section 1: Socio-economic condition of the beneficiaries

Section 2: Condition of beneficiaries' access to land or possession of land

Section 3: Impression on land reform program in place

Section 4: Roles and responsibilities of the state, community, land market, and individuals in land reform

The first section acquires data about the socio economic condition of the beneficiaries. The second and third sections acquire data about implementation issues of land reform program and its impact of beneficiaries' livelihoods. The fourth section acquires data about the expected roles and responsibilities of, and the respondents' opinion on the potentials of state, community, land market and individuals in making land reform approaches to benefit SED people better.

The orientation of questionnaire was maintained towards the achievement of the objective of the research. The questionnaires, especially designed for the household surveys, were tested before conducting household surveys to check whether the questions are understandable and clear. For this purpose, at least one person was interviewed before conducting the surveys at each case study area. The translator in Vietnam and surveyors in Nepal were explained the questionnaire well. Once the household survey was completed, the trend of responses was confirmed by giving a cross checks on their responses with other group of targeted respondents.

#### **4.4. Data Collection**

This study is based on primary as well as secondary. A field visit, distant communications, and desk search were performed for this purpose. Field visit and distant communications comprise of the collection of necessary primary and secondary data including official reports and legal documents, whereas desk search comprises of the searching of literatures to acquire text data related to land reform policy issues and other relevant information. A brief discussion is given in following sections:

##### **4.4.1. Primary data collection**

The techniques used for primary data collection from both the case study areas were almost the same. However, the mode of data collection was different. A field visit was done for the case in Vietnam whereas means of distant communication was used for the case study in Nepal. The methods used are as in the following sections. The strategy of data collection such as designing questionnaires, selecting sample size etc are described after discussing the techniques.

#### **4.4.1.1. Data collection methods**

##### **a) Household survey**

Separate sets of questionnaire were developed to conduct household surveys in case study areas in Nepal (*Appendix 1*) and Vietnam (*Appendix 4*). Most of the questions of the questionnaires are multiple choice and some are open ended. The responses on open ended questions were noted in summarized form.

In Nepal, two staff under Survey Department (DoS) were appointed as surveyors. Both of the staff are Land Surveyors by profession and they had been involved with the process of land redistribution to the targeted households in the past. Necessary instructions and set of questionnaire was sent by distant communications.

In the case of Vietnam, a three week visit to the case study area was done. The household surveys were conducted with the help of a local translator. Before going for the household surveys, the translator was trained and the questions were explained to make understandable to him.

##### **b) Interviews**

Some civil society leaders, officials, and some personalities from academia were interviewed. Household survey was also a part of the interview. The interviews were structured as well as unstructured and open. The sets of questionnaires, for structured interview, used for this purpose are given in the *Appendix 2* for Nepal and *Appendix 5 and 6* for Vietnam. The unstructured and open ended interviews were recorded and field notes were made. Later on the content of the interviews was transcribed into usable form.

##### **c) Focus Group Discussion**

This technique was only used for the case in Vietnam. A focus group discussion of local political leaders who actively involved in the LC program was organized in the Pham Tan village. The main objectives of the discussion were to acquire additional information that could not be acquired from household survey and validate the responses of the household interviews. The list of discussion points is given in the *Appendix 7*. The discussion was recorded and later transcribed to usable form.

##### **d) Questionnaire Survey**

The technique was applied only for Nepalese case study. A set of questionnaires was sent to high level government officials and civil society leaders cum land reform experts in Nepal. The set of questionnaires is given in the *Appendix 3*.

##### **e) Field Observation**

This technique was also only used for the case in Vietnam. During the three week field trip to Vietnam, a field observation was performed. The main objective of this technique was to observe the average socio economic status of the households in the village, the farming structure and impact of LC in their livelihoods. Communication with the local people was not possible without translators. However, utmost efforts were made to draw a general impression on the desired issues. The other objective of the field observation was to find out the change in land use after the implementation of LC program in the village, but no any change was found. The impression of the field observation was noted on field note.

#### 4.4.1.2. Number of respondents reached for data collection

Following Table 4-1: The number of respondents expected and responses received shows the number of requests made for responses and the number of successes to get the response.

Table 4-1: The number of respondents expected and responses received

Respondents	Household		Civil Society / Community Leader		Government officials		Experts / Academia	
	A	S	A	S	A	S	A	S
Nepal	50	50	2	1	5	1	1	1
Vietnam	40	40	10	8	5	2	4	3

A: Approached, S: Succeeded

#### 4.4.2. Secondary data collection

Following data sources have been used to acquire secondary data.

##### a) Document collection

The following documents (Table 4-2) were collected in Nepal and Vietnam related to the case studies:

Table 4-2: Official documents, as a secondary data source, collected from field work

Case study areas	Documents collected
Nepal	<ul style="list-style-type: none"> <li>- The report of High Level Land Reform Commission,</li> <li>- The latest report of the Commission for Rehabilitating <i>Mukta Kamaiyas</i>, and</li> <li>- Land laws</li> </ul>
Vietnam	<ul style="list-style-type: none"> <li>- Reports on LC Program in Pham Tan, and</li> <li>- Land Law</li> </ul>

##### b) Radio Discussion Program; *Sajha Sawal* (Common Questions)

A radio discussion program on Nepalese land reform broadcasted through BBC Radio, Nepali service on November 8, 2009 is also adopted as a data source for this research. The discussion program was developed by a weekly program of the radio, "*Sajha Sawal*" (Common Questions). The program was launched by the BBC World Service Trust (WST) in November 2007 in an effort to support the peace process and good governance in Nepal and to seek "spark dialogue between those in power and members of populations that have traditionally been excluded, including women and those living in rural communities" (*URL 1*) or between the people in power and SED people.

The discussion is a useful source of data for this research in many respects; mainly content-wise, participant-wise, and context-wise. The discussion is fully concentrated with the land reform issues in Nepal. It discusses about the pitfalls of land reform in the country and the difficulties landless people have to face. Main speakers of the discussion are three leaders of the major political parties of the country namely; Mr. Haribol Gajurel from United Nepal Communist Party (Maoist) and Chairman of the Land Reform Commission, Government of Nepal; Mr. Hem Raj Tated from Tarai Madhesh Democratic Party and Member of the Parliamentary Committee on Distribution of Land Resources and Authorities, and Mr. Keshav Badal from Nepal Communist Party (United Marxist and Leninist) and the then Chairman of the High Level Land Reform Commission constituted in late 1990's by the Government of Nepal. In the audience, there are about 200 people, mostly from SED group such as

landless, *mukta kamaiya*, attending the program. The audience has also participated by posing relevant questions to the main speakers. The views of major political parties regarding land reform and SED people's expectations from land reform are the main attraction of the program.

## **4.5. Data Processing**

Processing of data collected from different means in a proper way is essential for efficient and effective analysis of data. In this section, the approach followed for the data processing has been explained. The data analysis has been discussed in the next chapter.

### **4.5.1. Quantitative data processing**

Structured interviews obtained quantitative data during data collection phase. For the processing of this kind of data databases were created in the statistical software SPSS, Version 16, separately for the two case studies. Appropriate coding was done to the responses and then entered into the SPSS database. The functionalities available in SPSS were utilized to analyse the results from the data entered. In some cases, Microsoft Excel was used to acquire results in graphical form.

### **4.5.2. Qualitative data processing**

Qualitative data were collected from semi-structured and open ended questionnaire, open interviews, radio program, and literature reviews. Manual method was used for processing of the data to make usable for the purpose of this research. Since, the volume of data was manageable, the manual method was sufficient for processing.

## **4.6. Concluding Remarks**

The approach followed for the collection of data required for the purpose of this research has been described in this chapter. Four villages of Bardiya district in Nepal, and Pham Tan village in Vietnam were chosen as the case study areas for data collection.

The questionnaires were designed based on the indicators required for the assessment and focused to the respondents such as beneficiaries, civil society leaders, local leader, academia and experts, and officials. The questionnaires were used for the collection of primary data with the techniques of household survey, interviews, questionnaire survey, focus group discussion and field observation. Necessary documents and literature were collected for acquiring secondary data. For the processing of data, SPSS for quantitative data and manual method for qualitative data were used.

## 5. Data Analysis and Assessment

### 5.1. Introduction

Previous chapter 4 described the data collection techniques used and types of data collected. This chapter aims to analyse the data and then use the results for the assessment of the two land reform programs studied for the research.

The section 5.2 presents the results of data collected for case study in Nepal. In the first subsection, the case has been reviewed on the basis of secondary data. The next subsections present the results based on primary data. The results of primary data are presented under the headings socio-economic conditions, condition of access to land, the program and its impact, and different stakeholders in land reform. The next section 5.3 repeats the same approach, as in the section 5.2, for the case of Vietnam. The section 5.4 aims to assess the land reform programs in place. The assessment is based on the framework and methods developed in chapter 3. The results of data presented in previous sections are analysed to acquire the empirical evidences for the assessment. The main idea of the assessment is to assess the impact of land reform approaches in the efficiency and effectiveness of the land reform programs. Comparison of the best practice of each indicator, as defined in chapter 3, is done with the relevant ground situation of the two cases. The subsection 5.4.3 summarises the assessment results, and then the issues having gap in their performances have been identified in the sub section 5.4.4. Finally, the chapter ends with concluding remarks in the section 5.5.

### 5.2. Case Study in Nepal

#### 5.2.1. Case review

In this section, we have briefly reviewed the case of land redistribution to *mukta kamaiyas*, especially relevant facts and figures. The objective of the review is to derive complementary information such as policy issues, organisational arrangement, the progress up to the date, among others, required for the assessment of the approach. The information provided in this section, other than explicitly cited, are taken from MoLRM (2009), the authentic governmental publication in this case.

##### a) Background

In the past, there were some practices of forced or bonded labour and slavery in Nepal. *Mukta kamaiya* community is an example of the people who, not only in individual basis but also household basis, suffered from the system of bonded labour. The people are from an indigenous community spread all along the southern flat (*tarai*) region, mostly in the five districts of the western part of the country; Dang, Banke, Bardiya, Kailali and Kanchanpur. Individuals and households from this community were greatly exploited by landlords mostly hill migrants to work on their farms or households as bonded labour or slaves. The people working under this system were commonly known as *kamaiya* (bonded labourer). This system was openly in existence until 2000 when the government declared the system illegal and freed them through an executive order, a historic declaration, on 17<sup>th</sup> of July 2000.

Abolition of *Kamaiya* system of bonded-labour brought a big challenge to government for their rehabilitation. The condition of the households was so vulnerable that nearly 85 % of the families were landless among which about 52% were homeless as well. To address this challenge the government initiated some rehabilitation programs. Land redistribution is the program with highest importance and priority. This program has not only gained national priority in terms of land reform program, but also the due attention has been paid through constitutional recognition. The Interim Constitution of Nepal, under the article 33 (f) and (i), assigns the government a responsibility of implementing progressive land reform program to end the feudalistic landownership structure and providing land to the SED communities including *mukta kamaiyas* among others (Interim Constitution of Nepal, 2007).

At the abolition of the system, the households were categorized in terms of their land holding and accordingly different cards were assigned to each household (Table 5-1). The aim of this categorisation was to make the implementation of the rehabilitation program easier, as the landholder households were not regarded as the beneficiaries of land redistribution.

Table 5-1: Categorization of *mukta kamaiya* households based on land holding (MoLRM, 2009)

Category	Description	Card Type
A	The households having no land at all	Red
B	The households occupying unregistered land in informal settlements	Blue
C	The households having less than 2 <i>kattha</i> (677.26 sq. m) of registered land	Yellow
D	The households having more than 2 <i>kattha</i> (677.26 sq. m) of registered land	White

Enumeration for the number of *mukta kamaiya* households was conducted three times; in 1995, 2000 and 2002. The number of households kept growing in each enumeration. The first enumeration in 1995 recognised 15,152 households as *kamaiyas*. The number in the second enumeration in 2000 reached to 18,400, and for the third time in 2002, the number reached to 32,509. The detail of final enumeration, households based on cardholders throughout the country is presented in the Table 5-2. The households that fall under the category 'A' and 'B' are only targeted as the beneficiaries of the land redistribution program. Thus the number of households to be benefited from the program is 27,570 (sum of the columns 2 and 3 in Table 5-2).

Table 5-2: Distribution of *Mukta Kamaiya* households as of 2002 (MoLRM, 2009)

District	Red Card Holders (A)	Blue Card Holders (B)	Yellow Card Holders (C)	White Card Holders (D)	Total
Dang	302	403	397	324	1426
Banke	1118	803	135	260	2316
Bardiya	6469	5082	1115	1833	14499
Kailali	3758	5217	189	598	9762
Kanchanpur	3923	495	33	55	4506
Total	15570	12000	1869	3070	32509

#### b) Organisational arrangement

Ministry of Land Reform and Management (MoLRM) is the responsible ministry of the Government of Nepal for implementing the rehabilitation programs including land redistribution. Before making newer arrangement in 2006, the implementation was supervised by a wing at the ministry and implemented by the Land Reform Offices (LRO), district level organisations under the ministry. As

the implementation of the program could not meet the expected progress, the government decided to make new organisational arrangement in 2006 for the second time. A Committee for Implementation of *Mukta Kamaiya* Rehabilitation, headed by a secretary level bureaucrat under the MoLRM was constituted to coordinate the implementation of land reform programs. Even with the newer arrangement, the redistribution activities could not be implemented effectively. For the third time the government constituted a fully authorised Commission for Resolving the Problems with the Rehabilitation of *Mukta Kamaiyas* in January 2009. The minister for Land Reform and Management chairs the commission. The implementation of the program at district level takes place through LROs as before under the supervision of District Level Committee for Implementing *Mukta Kamaiya* Rehabilitation program. The committee is led by the Chairperson of District Development Office, which is supposed to be politically elected but as the local political bodies are not elected since a long time. Therefore, the committee is led by the Local Development Officer (LDO). This committee is given full authority of implementation including land acquisition and distribution. Majority of the members are from government organisations, though there is a representation of major political parties and *Mukta Kamaiya* people. The implementation is fully funded by the government. However, some NGOs and INGOs are also working for capacity building across the country but without any coordination with the government organisations such as LROs.

**e) Land redistribution criteria**

As mentioned above, 27570 households, are eligible for acquiring land through this program. According to the government's policy, the redistribution takes place based on the location of the land, especially regarding the area of land to be allocated. The amount of land based on the specified location per household is redistributed as in the Table 5-3. Only one criterion applies per household.

*Table 5-3: Basis for determining area of land to be distributed to each family (MoLRM, 2009)*

S. No.	Location description	Area of land per family
1.	Land within municipality or adjacent to highways	Max. 1 <i>Kattha</i> (338.63 sq. m.)
2	Land around highways	Max. 2 <i>Kattha</i> (677.26 sq. m.)
3	Land in rural areas	Max. 5 <i>Kattha</i> (1,693.15 sq. m.)

**d) Land Acquisition for redistribution**

Three main sources of land have been identified in the policy documents; redistributing surplus land gained from land ceilings, purchased land, and privatising state land. However, the contribution of the first approach is almost null, the second is negligible and the third is most often used. The type of land that can be acquired for this program is as follows: (MoLRM, 2009):

- Any unused land titled to the state or any state agencies
- Outskirts of forest land without or little forest cover but not delegated to any Community Forestry Groups
- Riverbanks or reclaimed / abandoned land from changed river course
- State land gained from evacuating illegally occupied by the adjacent private owners or informal settlers
- Land already distributed but not used due to various reasons
- Land acquired by different commissions in the past for the purpose of settlement but not used purposefully, most of it being similar kind of state lands



### e) Redistribution Progress

The progress of redistribution is very slow. The Table 5-4 shows the progress until July 2009. In a decade of abolition of the system, only about 75% of the households (20402 out of 27570 households) have received land from the program. The rest of the households are staying in informal settlements or camps established by the government. Until now, some 2,796.7 ha (4,129-06-11 *Bigha*) of land has been redistributed.

Table 5-4: District-wise progress of household allocation of land until July 2009 (MoLRM, 2009)

District	Total households	Distribution completed	Yet to be distributed
Dang	705	705	0
Banke	1921	1921	0
Bardiya	11551	7100	4451
Kailali	8975	6526	2449
Kanchanpur	4418	4150	268
Total	27570	20402	7168

### f) Arrangement for complementary and post reform support

Various other programs are implemented by the government especially for capacity development of the households, though none of the programs are explicitly mentioned as post reform support programs. A grant of NRs 10,000 per household along with some amount of timber for house construction is the complementary support with land redistribution. The other programs as mentioned in previous sections are capacity development programs through skill-based training, arrangement of different schemes like mobile fund scheme, earning scheme, compulsory saving scheme, education and awareness scheme, establishment of Employment Contact Centre (*Rojgar sampark kendra*) etc. Until now, support of a sum of NRs 110,294,000 (about 1.5 Million US \$) has been granted to 11,786 households. Similarly, 90,408 Cu. Ft. (8,400 cu. m.) of timber has been distributed to 2,728 households. Various kinds of trainings like carpentering, mason, bike repairing, barbing, sewing, etc have been provided to some members from *mukta kamaiya* households. There are no any post reform support programs for improving productivity or alike.

Until now, we reviewed the case based on secondary data. It covers the overall population of the *mukta kamaiya* households. We presented the state of the affairs of the program, as of mid July 2009, which is based on the latest progress report (MoLRM, 2009), an authentic government publication. In the following sections, we present our results from the case study areas.

**5.2.2. Socio-economic conditions**

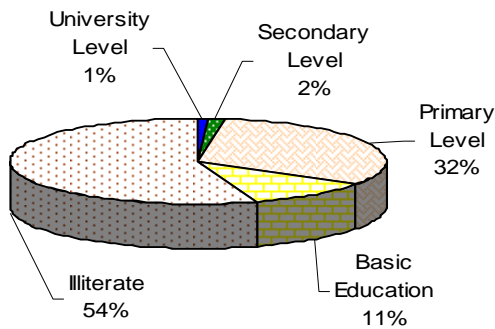
**Results obtained from the household survey**

Some fifty households of *mukta kamaiyas* were interviewed in four villages of Bardiya district; Dhadwar, Deudakala, Kalika, and Magaragarhi. To acquire the socio economic status of the sample population, the household survey was conducted with education, income, employment, access to basic facilities, house types, and sufficiency of monthly income for livelihood, etc being major indicators. Some important Figures, as found from the household survey are as shown in the Table 5-5:

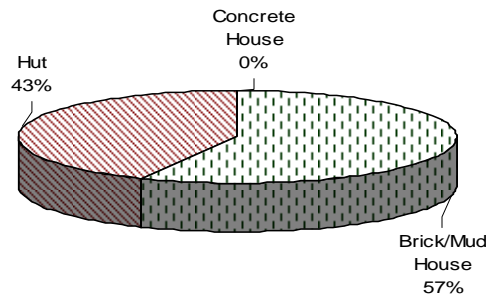
*Table 5-5: Socio-economic condition of mukta kamaiyas*

Indicator	Value
Total population of the sample survey	257
Average household size	5.24
Literacy rate	46%
Annual Income (in cash) per household (US \$)	185
Per-capita income (in cash) (US \$)	35
Land area per household	1180 m <sup>2</sup>
Adult-land ratio	1adult: 360 m <sup>2</sup>

The literacy rate is found to be 46% (Table 5-5), university and secondary level being 1% and 2% respectively, (Figure 5-1). 38% of the population is less than the age of 18, which is the normal age limit for primary to secondary level of schooling. The result shows that 32% of the population is at primary level, which reflects that the literacy rate of adult population is significantly low.



*Figure 5-1: Education level of interviewed households in case study area of Nepal*



*Figure 5-2: Type of house of the interviewed households in the case study area in Nepal*

The living standard of the household is poor. None of the adults from the interviewed households have a permanent type of employment including any access to public sector employment. The monthly income of the households is not sufficient for their livelihood for all the households interviewed. None of the households has a good quality house. Still 43% of households live in huts or a very low quality houses made of straw with mud, whereas rest of the households have mud or brick house (Figure 5-2). The family structure is male dominated. Only 29% of the households have female as the head of household. Access to the basic infrastructure like road access, electricity, telephone and supplied water is quite poor (Figure 5-3).

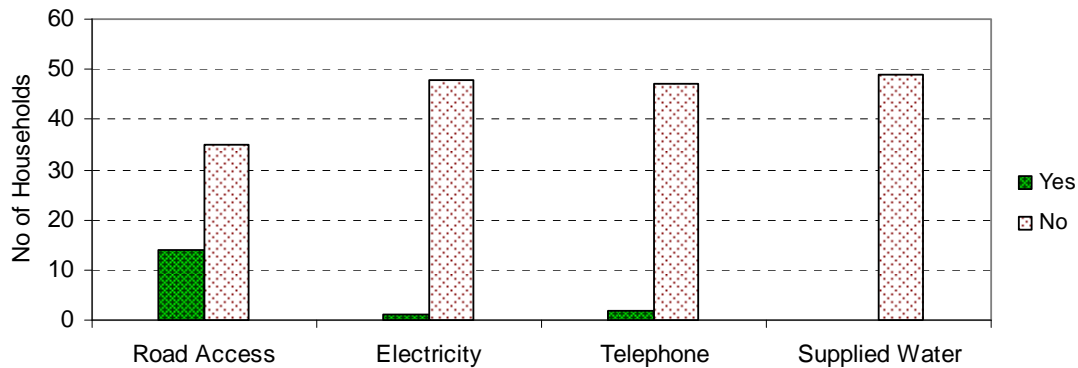


Figure 5-3: Access of the interviewed households to the basic facilities in case study area in Nepal

### Opinions of the civil society leaders, officials and experts

Civil society leaders, officials and experts were asked about their observation regarding the socio-economic condition of the *mukta kamaiya* households. Their general impression is that the households are still struggling to live an average standard of life.

### Evidences from secondary data sources

No any recent study on the socio-economic condition of *mukta kamaiya* households is found. The latest report published by the Commission for Rehabilitation of *mukta kamaiya*, an authentic government publication, does not include any information about the latest socio-economic condition of the households. However, the report gives some information about the socio-economic condition of the households in 1995, when the government first time conducted an enumeration to find out the number of affected households by the system of bonded labour. Not all the information provided in the report can be relevant to this date. However, some information can be used for a reference. According to the report, the households were not only landless and homeless but also the other sector of their livelihood was very poor. They had very poor quality of housing. None of the households had a permanent type of house or concrete house. About 26% of the households were living in the house provided by their landlords, 57% of the households were living in huts with very poor quality, and some of them, about 12%, had wooden houses (Figure 5-4) Similarly, the literacy of the population was quite poor, which was recorded 11.2% in 1995 (MoLRM, 2009).

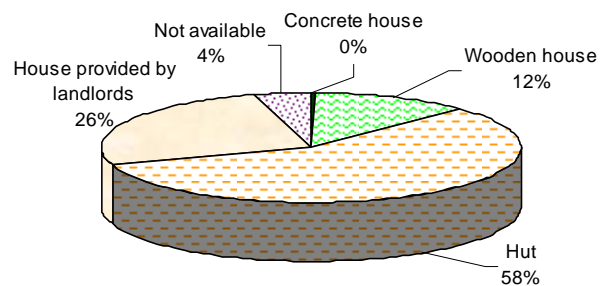


Figure 5-4: House types of *mukta kamaiya* households, nationwide, as of 1995 (MoLRM, 2009)

Not all the information provided in the report can be relevant to this date. However, some information can be used for a reference. According to the report, the households were not only landless and homeless but also the other sector of their livelihood was very poor. They had very poor quality of housing. None of the households had a permanent type of house or concrete house. About 26% of the households were living in the house provided by their landlords, 57% of the households were living in huts with very poor quality, and some of them, about 12%, had wooden houses (Figure 5-4) Similarly, the literacy of the population was quite poor, which was recorded 11.2% in 1995 (MoLRM, 2009).

### 5.2.3. Access to land

#### Results obtained from the household survey

It is already mentioned that the *mukta kamaiya* households were almost landless and homeless before the liberation in 2000. They were working for landlords for generations as bonded labourer (Figure 5-5). Generation, here, means the step in the family descent, respondent, his/her parents, and his/her grandparents.

There were some efforts of land reform in the past, especially to assign tenancy right to the tillers, and redistribution of lands to landless people. It is found that the households had little knowledge of the programs and they did not receive any right or land from such programs. One of the respondents was found who tried to acquire tenancy right but could not succeed (Figure 5-6). Only 39% of the respondents were aware of the land redistribution program for the landless people in the past, 16% of them tried to acquire land from the programs but none of them could succeed.

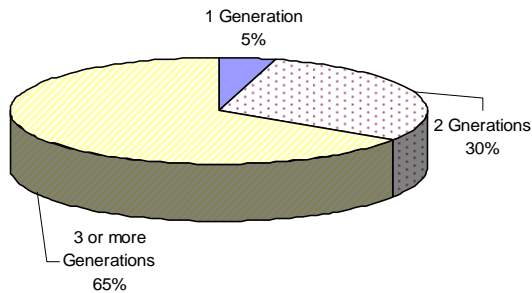


Figure 5-5: No of generations mukta kamaiya households worked for landlords as bonded laborer

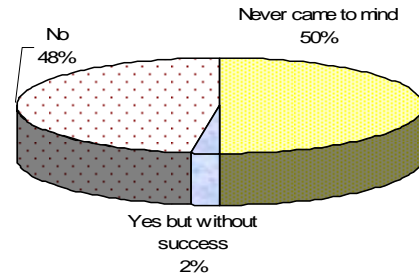


Figure 5-6: Efforts to claim tenancy rights in the past

The land redistribution program implemented by the government after the liberation made the households' access to land possible. 98% of the respondents have already received land from the program and the rest 2% is waiting for the title. As mentioned in Table 5-1, the area of land distributed to each household is 1180 m<sup>2</sup> in average. On asking if this much amount of land is sufficient enough for them, the respondents (cent percent) viewed that the agro production from the land they have accessed is not sufficient to sustain their livelihoods.

#### Opinions of the civil society leaders, officials and experts

The officials, civil society leaders, and experts echo the governments' negligence about addressing *mukta kamaiyas* as landless people. Before freeing from *kamaiya* system, the government never treated this group of people as landless. However, the program which is currently under progress is highly devoted to the wellbeing of these households. None of the program implemented for landless people in the past were so much focused for the beneficiaries. This program is almost at the priority of the government, though the efficiency is hindered by different factors.

#### 5.2.4. Land redistribution program and its impact on beneficiaries' livelihood

The government implemented land redistribution program for rehabilitating *mukta kamaiya* households in 2000. Until now, 98% of the respondents have received land. The **efficiency** of land redistribution has remained weak as some households have to wait 9 years to receive a piece of land after being freed from *kamaiya* (Figure 5-7). If the overall situation of the country is considered, still 25% of the households are waiting for the land under this program (MoLRM, 2009).

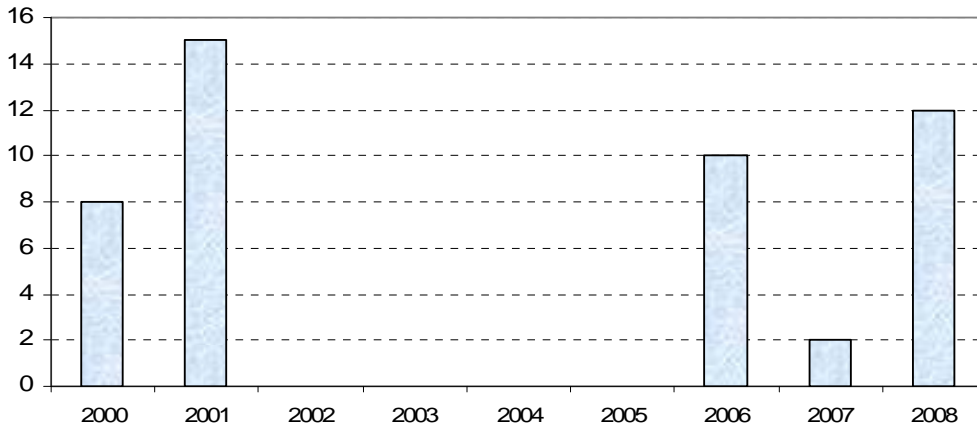


Figure 5-7: The year of beneficiaries' household benefited from the program

Regarding the equality in land access, we asked two questions, one regarding women's access and the other regarding to all the households. The women's access to land does not have satisfactory results, as only 37% of the respondents in total (Figure 5-8) and also the similar percentage of female respondents (Figure 5-9) have been found to see the women's equal access to land. Majority of the respondents do not have any idea in this regard.

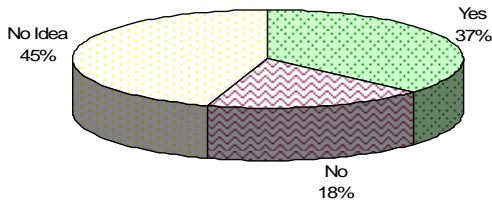


Figure 5-8: Respondents' view on equality in women's access to land

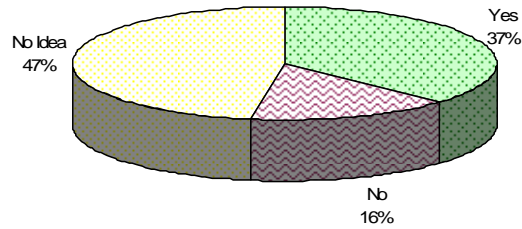


Figure 5-9: Women respondents' view on equality in women's access to land

On the other hand, cent percent of the respondents see the equality in land access to each household. This result contradicts with the area of land each household has received. Family size has been neglected in the allocation of land. (Table 5-6)

The rehabilitation program of the government has brought little improvement in their living conditions than the condition they were facing before being freed. While asking if there is any improvement, only 10% denies the improvement, the rest view either somehow or yes (Figure 5-10). Further, when 90% of the respondents, who were in favour of improvement in their livelihoods, were asked if the land reform has brought the change, majority of them responded positively except 4% (Figure 5-11).

Table 5-6: Area of land received by the households of different size

Household size	No of households based on the area of land received		
	675 m <sup>2</sup>	1000 m <sup>2</sup>	1700 m <sup>2</sup>
< 5	6	3	12
5-7	6	9	5
8-10	1	3	0
> 10	0	0	3

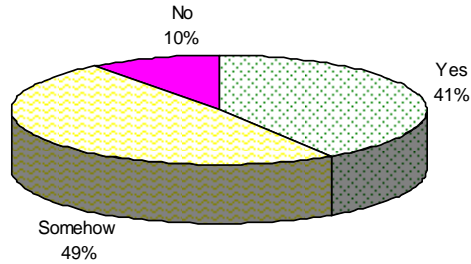


Figure 5-10: Improvement in livelihood after being freed

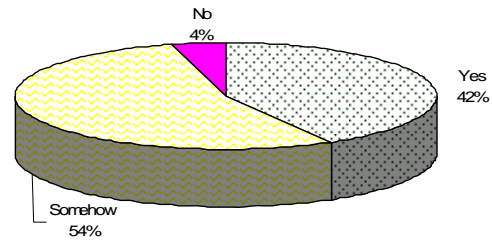


Figure 5-11: Land Reform to improve livelihood

The improvement presented in this section is relative to the condition of livelihood before being freed but in actual the living conditions are very poor as mentioned in section 5.2.3.

### 5.2.5. State, community, land market and beneficiaries in land reform

#### State

State has the overall **responsibility** of land redistribution program from policy making to implementation at local level. All the activities are run by the government organisations. The respondents viewed that there was no any involvement of beneficiaries in the process of the program, except little informative participation in land allocation, as mentioned in the section ahead. The respondents, further, showed their high disagreement with the statement “Government can incorporate all the interests of beneficiaries and stakeholders even without their involvement”.

To assess the **accountability** of the staff working with land redistribution program, we asked two questions; one related to the responsiveness of the officials and the other easiness in communication. 67% of the respondents approached officials during the course of land redistribution to seek their interests incorporated. 47% of them found the officials highly responsive whereas the rest found the officials are somehow responsive to them. However, the respondents did not mention the way how their interests were incorporated. Regarding the easiness in communication with the officials, 57% of the respondents communicated with the officials. Majority of them did feel easiness in communicating, except those of 4% (Figure 5-12).

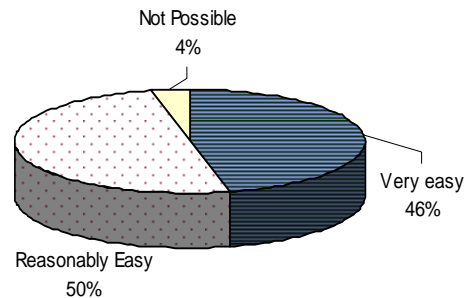


Figure 5-12: Easiness in communication with officials

Regarding the **fairness** and maintaining the **rule of law** in land redistribution, 95% of the respondents viewed that they did not find any household being benefited more than others on any ground like closeness to political leaders.

The implementation of the program is not **dispute** free. According to 25% of the respondents, they have experienced resistance from different groups including state agencies that resist the implementation of the program, especially for acquiring land for redistribution. The groups resisting land acquisition are; local people, landless people other than *mukta kamaiyas*, community forestry groups, beneficiaries themselves, and state agencies. The reason of resistance is mostly acquisition of forest lands for redistribution. Local people, community forestry groups, and the forest organisation

itself (state agency) resist the government to acquire forest land for redistribution (Figure 5-13). The resistance from beneficiaries comes when they do not like a particular place acquired for redistribution, rather they expect high value land near to the urban area. Sometimes, the government wants to evacuate informal settlement occupied by other groups of landless people, commonly known as *sukumbasi*. At such condition, government faces high resistance not only to acquire land but also their demands of equal treatment with them.

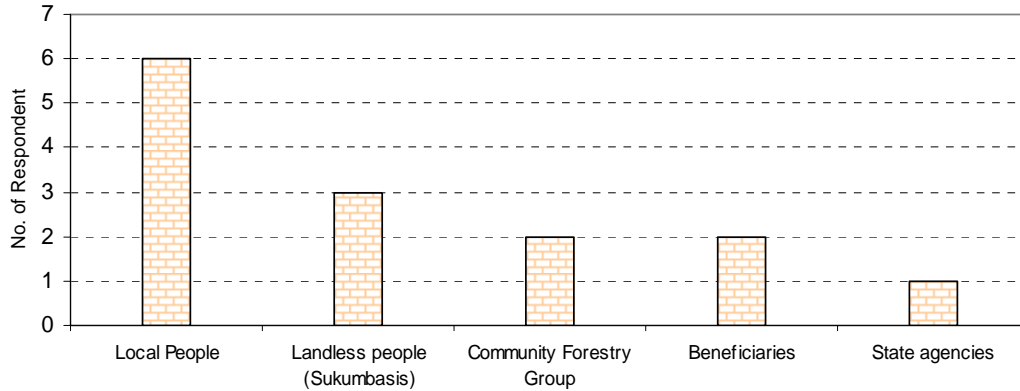


Figure 5-13: The groups that resist the process of land acquisition.

**Community**

The government has facilitated *mukta kamaiyas* to form their groups commonly termed as "*Mukta Kamaiya Samuha (Mukta Kamaiya Group)*" so that they can make collective efforts for improving their socio-economic standard and common well beings. 98% of the respondents are aware of these groups. The activeness of these groups for common benefit is well recognized by the respondents as shown in Figure 5-14. However, according to the respondents, the groups' participation in land redistribution activities is not satisfactory. 50% of the respondents viewed the groups never participated in the land redistribution activities (Figure 5-15). Only 29% of the respondents see the participation of the groups in redistribution activities.

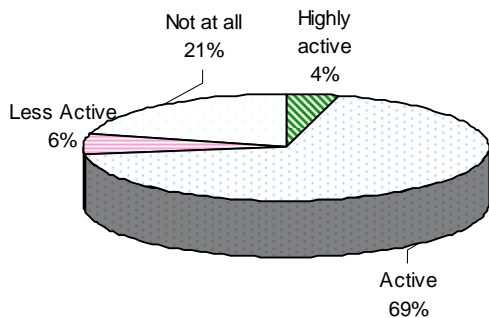


Figure 5-14: Activeness of mukta kamaiya groups for common benefit

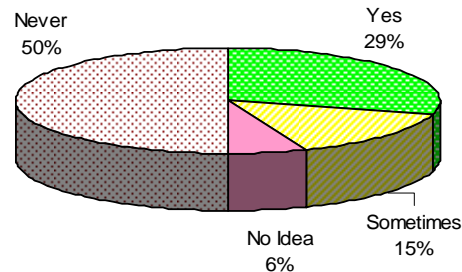


Figure 5-15: Mukta kamaiya groups' participation in land redistribution activities

**Land market**

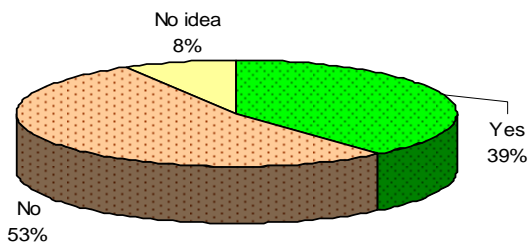
One of our objectives of data collection was to find out how land market can play a role in improving beneficiaries' access to land. As the respondents were already provided land by the government under the land redistribution program, our concern was to see if they can

*Table 5-7: Choice of investment options for accessing additional land*

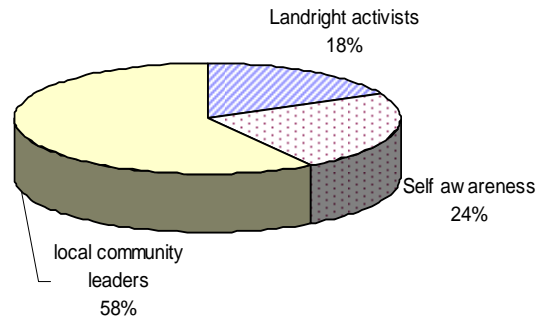
Option \ View	Yes (%)	Would think (%)	No (%)
Self Investment	0	0	100
Soft Loan	71	2	21
Subsidy	98	2	0

access additional land through land market. We searched three options; self investment, soft loan, and government subsidy. For the first option, none of the respondents are able to invest themselves for accessing additional land. For the second option, 71% of the respondents could accept soft loan for accessing additional land. However, 27% do not want to accept and 2% would think before accepting the loan for this purpose. The third option, subsidy, most of the respondents would accept it for accessing additional land, except 2% who would think before accepting it (Table 5-7).

The government initiated a program of land banking in 2004. As an immediate action of the program, the government decided to provide soft loan to the 'red' cardholder households for purchasing agricultural land. The program was introduced so that beneficiaries' would accept the loan and could purchase land from the market at the place of their choice. The maximum amount of the loan could be up to NRs 150,000, at 3% interest per annum and to be refunded within 15 years. One of the other precondition was that the interested household should buy at least about 3310 m<sup>2</sup> (10 *kattha*) of agricultural land and the loan to be agreed by the government authorities. Only 115 households throughout the country could benefit from this program and later due to the resistance from beneficiaries and their unions, the program was stopped (MoLRM, 2009). We wanted to know if the households of the case study areas were aware of this program. On investigating, it was found that about 73% of the respondents were aware of the program, and out of those, 39% of the respondents would accept the loan (Figure 5-16). Rest of the respondents, who were not in favour of the program were either self motivated, or educated from local community leaders or land right activists against the program as shown in Figure 5-17



*Figure 5-16: Preference of the loan under land banking*



*Figure 5-17: Source of motivation for not accepting the loan program*

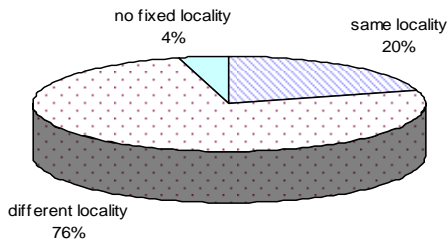


**Beneficiaries:**

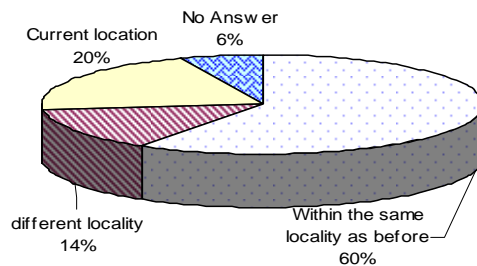
We have already presented the results regarding beneficiaries' socio-economic condition, access to land and their impression from land reform. Here we discuss **expectations** from and **participation** in land reform during and post reform phase.

Most of the respondents (92%) expected sufficient land for residential as well as farming purpose. The rest 8% expected only agricultural land. In a response to their preference with 'sufficient land for farming' versus 'land with residential purpose with employment opportunities' for their livelihoods, 80% of the respondents preferred the first option. This result reveals that access to land matters significantly for *mukta kamaiya* households for their livelihoods. The main reason is the community lacks relevant capacity to work on the sector other than farming.

The result of beneficiaries' participation in land redistribution process is weak. None of the beneficiaries have participate any process of policy formulation or decision making. Only 43% of the respondents participated in land redistribution activities and the participation was just informative. We asked for their opinions regarding their satisfaction with the current location where they have been allocated land. Majority (76%) of the households were rehabilitated to the current location from outside (Figure 5-18). If they were asked their preferences of location before the allocation of land at the current location, majority (60%) of them, all outsiders, would have chosen the same locality where they were staying at that moment (Figure 5-19). However, by now, almost every household (96%) is happy with the current location.



*Figure 5-18: Location of mukta kamaiya households prior to the rehabilitation*



*Figure 5-19: Preference, in case they would have been asked before rehabilitation*

Despite various weaknesses such as a long awaiting for receiving land, less opportunities of participation, insufficient care about equality, majority (55%) of the households are satisfied with the land redistribution program (Figure 5-20). Most interestingly, 75% of the households that received 650 m<sup>2</sup> of land after 9 years of being freed are the most satisfied households. While asking the reason, it is due to the high value of land which is near to the urban area with better infrastructure. The households with 1700 m<sup>2</sup> of land are least satisfied, as the land lies in rural areas where the value is very low and infrastructure are not available (Table 5-8).

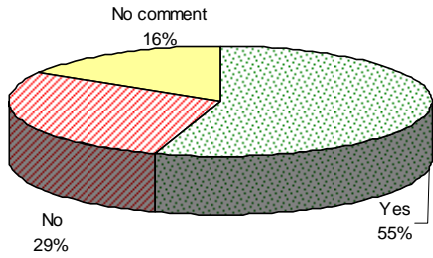


Figure 5-20: Respondents' satisfaction with land redistribution program

In our query about their willingness in participation in land reform activities, about 70% of the respondents viewed that they would be happy to participate in the activities like decision making, site selection for rehabilitation, and during the land redistribution. Among them majority (88%) would like to participate in the implementation of land redistribution so that their interest could be met (Figure 5-21).

Table 5-8: Satisfaction of households based on area of land received

Area of land received (m <sup>2</sup> )	Yes (%)	No or No Answer (%)
650	62	38
1000	80	20
1700	30	70

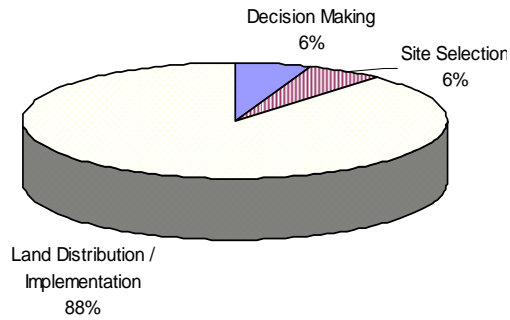


Figure 5-21: Expectations of beneficiaries regarding their participation in land reform

In the case study areas, no any **post reform activities** have been found. Sometimes, some kinds of trainings are conducted either by LRO or NGOs/INGOs but the programs are conducted in district headquarters. The eligible candidates from

the village cannot manage their participation in the training programs. As we have already mentioned that the land they have received is not sufficient for their livelihoods, they have to work out of their homes. None of them have any kind of permanent jobs. Therefore, they have some expectations from the state. On our questions about their expectations, the responses were;



Figure 5-22: Beneficiaries' post reform expectations

job oriented trainings, additional land for farming, off-farm employment opportunities, better infrastructures such as irrigation facilities, and subsidy for housing (Figure 5-22).

### **5.3. Case Study in Vietnam**

#### **5.3.1. Case Review**

This section reviews the case in Vietnam. The objective of the review is to derive complementary information such as policy issues, organisational arrangement, and the progress up to the date, among others, required for the assessment of the approach.

##### **a) Background**

As mentioned in Chapter 2, section 2.6.2, the Vietnamese government started household allocation of land since late 1980s as a contract system and after the enactment of Land Law in 1993 permanently and stably. The allocation was done on equitable basis that is based on quality of soil, distance from house, and proportional to the household size, among others. The consequences of equitable allocation caused extensive fragmentation of farm lands. As of 2000, there were 75 million land parcels, on average 8 to 10 per households. Around 10% of these plots were with an area of 100 m<sup>2</sup> or less. This situation of extensive fragmentation triggered an initiation of land consolidation (LC) in Vietnam (Marsh and MacAulay, 2006; Tuan, 2006).

The LC process was started from 1994, especially in the region of red river delta in the Northern Vietnam. The process continued until 1998. After stepping in the free market economy, industrialisation took place in a high speed. The industrialisation brought the need of conversion of agricultural land to industrial land. Therefore, since 1998, the government prioritised the land conversion process, which shadowed the process of LC and almost the process got stopped. Later, again after the enactment of the third Land Law in 2003, as the process of land conversion was almost over for the time being, the government again initiated the process of LC. Since then, once again, different provinces of the country have resumed the implementation of LC programs.

LC in Pham Tan, under Ngo Quyen commune, Thanh Mien district of Hai Doung province, is the result of this development. Pham Tan has also experienced the LC program in both of these periods that is from 1994 to 1998, and later from 2003 to 2005.

##### **b) Organisational Arrangement and LC procedure**

LC in Vietnam is fully decentralised though it is implemented in a top-down approach. State government issues policies and legal provisions, and provides guidelines for the implementation of the programs in the country but does not take any hold in the implementation. The lower levels of the government are more responsible for LC issues in the country. Provincial level people's committee drafts guidelines based on the state guidelines for LC including aims, principles, and procedures. Then the guidelines and other legal documents are adopted at the district level people's committee. Then the committee at district level directs the people's committee at commune level for the implementation of LC within the commune. The committee at the commune level first adopts the guidelines, and procedures issued by the higher level of administration. The commune level people's committee then establishes the commune's steering committee and assistant unit. Awareness programs are organised for the party members and officials. The steering committee with the help of assistant unit then proposes LC projects. The projects need to be approved the people's committee at the commune level. If the project is approved, concerning village is asked to implement the LC program (Tuan, 2006).

At the village level, a group of beneficiaries is formed or a steering committee at village level to facilitate and supervise the implementation of the program. In case of Pham Tan, the local sell of

communist party, farmers union, youth union, women's union, and Red Cross also contributed in the implementation of the program. After the formulation of beneficiaries group, LC plan is formed. Willing households are asked to register their interest to join the program. Necessary awareness programs are organised to include more and more households. The plan formed for the implementation of the program is then discussed in the public meeting. If the meeting unanimously agrees, then the implementation takes place. During the implementation, households are grouped based on the location and interest of land exchange. As the process of making a list of parcels to be consolidated, the new parcels are allocated at the field. The officials at commune level, responsible for cadastre and land administration, are mobilised in the leadership of a person politically appointed for the implementation. After the completion of the process, the records are handed over to the cadastre and land administration unit of the commune for reissuing the title with new ownership status and accordingly cadastral maps are updated. (Tuan, 2006)

**e) Criteria for Exchanging land for Consolidation**

The LC is voluntary based. First of all, the landowners are asked if they are willing to participate. Then households are grouped based on their interests for exchange. The selection of parcel for exchange is based on quality of soil without any proper valuation method. After the list agreed by the concerned households, the parcels are selected based on lottery system. This approach is to assure the households that there is no any biasness in the exchanging of land.

**d) LC progress**

LC program, as mentioned before, is fully decentralised to the lower levels of the government. Therefore, the progress of the LC program varies according to the provinces or districts. The LC program in Pham Tan has already got completed.

**e) Arrangement of post consolidation phase**

There is no any arrangement for post consolidation support in the case study area in Vietnam.

**5.3.2. Beneficiaries' socio economic conditions**

**Results obtained from the household survey**

We surveyed some forty households in Pham Tan village of Hai Duong Province in Vietnam, most of them being beneficiaries of the LC program. The survey for socio-economic condition was based on the indicators like, income, employment status, access to basic facilities, house types etc. The objective of acquiring socio-economic status is to identify whether the population is SED. Some important Figures derived from the survey are mentioned in the Table 5-9.

The income presented in this Table does not include their farm production. This Figure is their income in cash that they earn from off-farm engagement. In reality, they have better per capita income. Their

*Table 5-9: Socio-economic condition of beneficiaries in Pham Tan*

Indicator	Value
Total population of the sample survey	141
– Average household size	3.6
Annual Income (in cash) per household (US \$)	1040
– Per-capita income (in cash) (US \$)	288
Land area per household	3628.2 m <sup>2</sup>
– Adult-land ratio	1adult: 1310 m <sup>2</sup>

living standard justifies that the per capita income is better than what they mentioned. As an example, all the respondents have a permanent type of good quality houses (Figure 5-23).

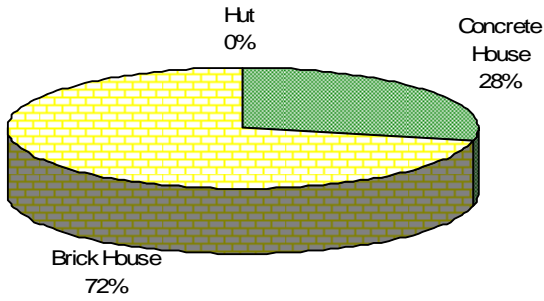


Figure 5-23: House type of the respondents

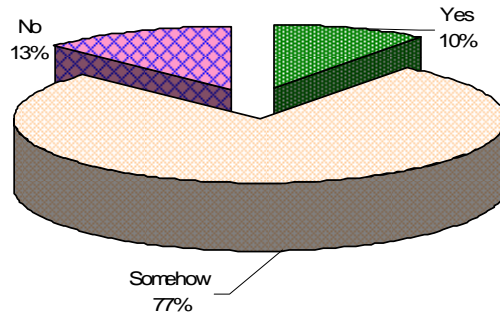


Figure 5-24: Sufficiency of income from farming for livelihood

However, in terms of land holding they can be regarded as smallholders, as the average land per household is only about 0.36 hectares. They have surplus of farm labour and the income from farming is not sufficient for all the households, though it is somehow manageable for majority of them as shown in Figure 5-24. As a result of which, most of them look for off-farm employment opportunities and about 87% of the adult population from the respondents' households are engaged with farming or some kind of other off-farm employment like small businesses, construction industries, fisheries, pig farms, and overseas employment (Figure 5-25).

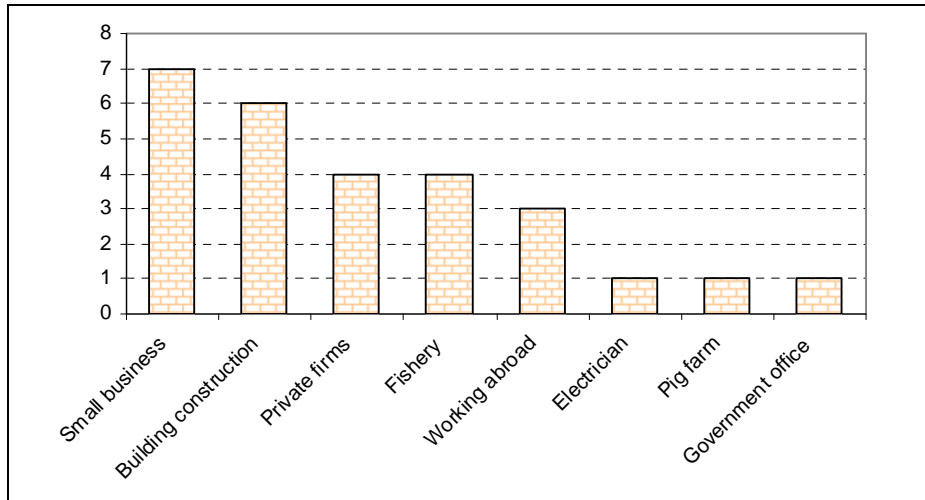


Figure 5-25: Off-farm employment of the adult population from beneficiaries' households

The people in Pham Tan village have very good access to basic facilities like road, electricity, and telephone. The

access of the respondents' households to these facilities is as shown in Figure 5-26. Lacking of access to supplied water is not a problem for the villagers, as they use ground water for daily use over the years.

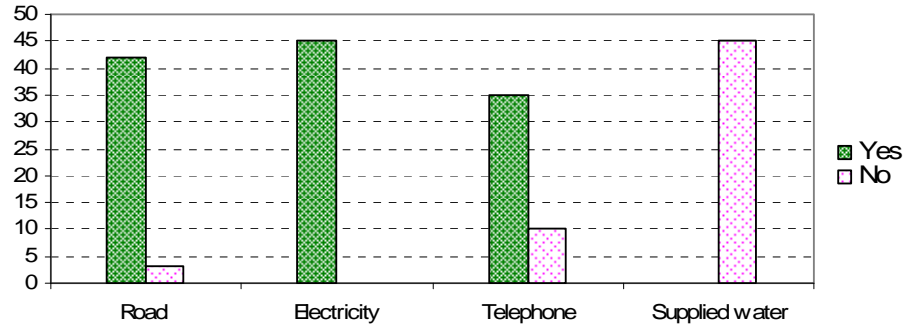


Figure 5-26: Access to basic facilities in Pham Tan village

The family structure in the village is male dominant. About 90% of the households of the respondents are headed by males. Majority of the respondents were having basic education (Figure 5-27) and according to them, the village has good literacy rate, though we did not collect the data in detail.

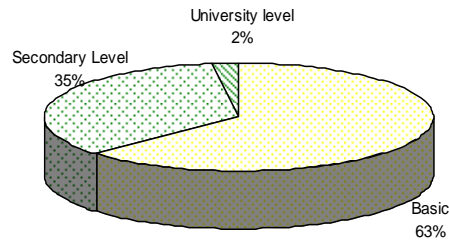


Figure 5-27: Academic level of the respondents

**Impression from Field Observation**

From the field observation, during the stay in the village for almost two weeks, it was noticed that every household has a good house. Most of the households visited have got television, motorbike, and beautiful sets of furniture. These observations were convincing to the fact that the people of Pham Tan has a good living standard. Women are found to be hard workers and are the main farm labours in the village. Men work outside of the village or for off-farm activities in the village. The local community leaders and politician confirm that the socio-economic condition of the village is above average compared to the neighboring villages.

**5.3.3. Condition of beneficiaries' access to and possession of land**

According to the office of Ngo Quyen Commune, no any landless households are recorded in Pham Tan village. The reason is, the government allocated land to each household in 1990s. From the household surveys, we found that the average size of land possessed by each household, of the respondents, is 0.36 ha. About 94% of the households possess the land that they received from the government under the household allocation program. About 3% have purchased from others, whereas 3% of the respondents have inherited (Figure 5-28). They have five kinds of land use rights; transfer, exchange, lease, inherit, and mortgage. As mentioned in the previous section,

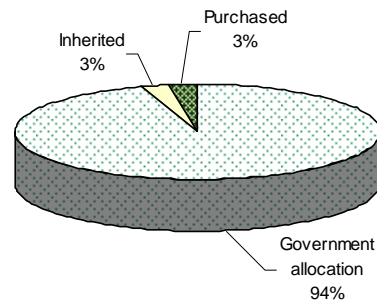


Figure 5-28: Source of land the household possess

the land was allocated on the basis of equality in terms of soil type, distance, household size etc, each household has more than parcels and scattered around the agricultural land cover of the village. Before the LC, the number of parcel per household of the respondents is found to be 9 in average, which has been reduced to 5 in average per household after LC. The land is not sufficient enough to produce to meet the basis needs of their livelihoods of normal standard.

Regarding the equality in terms of access to land, this program has nothing to impact the existing

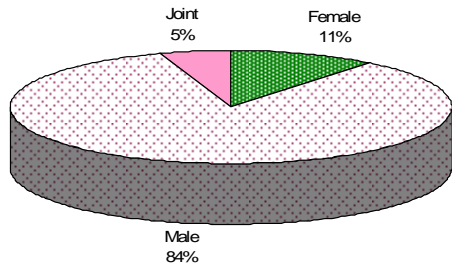


Figure 5-29: Ownership structure in Pham Tan village

situation of equality, as the program was just exchange of existing land for the purpose of consolidation. However, we looked at the equality aspect considered during the household allocation of land. The respondents viewed that there is no any discrimination gender wise or household wise. The allocation was based on the number of member in a family including female population. To ensure the equal right to women, the Vietnamese Land Law of 2003, introduced a provision of issuing title with joint ownership, husband and wife wherever is applicable. However, in

Pham Tan, still majority has male dominant ownership (Figure 5-29). The reason is that the titles were

issued before the inclusion of such legal provisions. According to the experts, the government has a plan to reissue a title with joint ownership. There are other stronger provisions for ensuring the protection of women's use right. The use right inherits to wife from husband. Women are major labour force for farming activities and therefore they have stronger position in any land issues. In the past, women did not have right to inherit. While asking women respondents how much they feel secure about their use rights, 73% responded 'yes' (Figure 5-30).

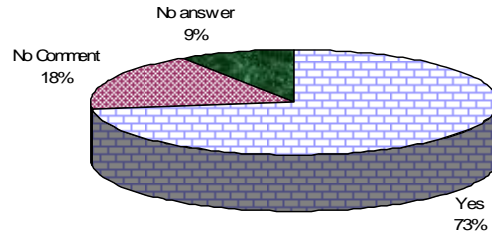


Figure 5-30: Women respondents' feeling of security in land use rights

**5.3.4. LC and its impact on beneficiaries' livelihood**

As mentioned in the section 5.3.1, LC in Pham Tan was implemented twice; from 1994 to 1998 for the first time, and from 2003-2005 for the second time. There are 435 households in Pham Tan. Most of the households participated in the LC program. In our sample population, 92% households have been benefited from the program. The consolidation process has completed in the second attempt in 2005. Before the consolidation, the average number of parcels per respondents' household was 9. The consolidation program could reduce the number to 5 only. About 34% of the households still expect further consolidation, whereas the rest viewed that the program has remained successful to some extent. The respondent who denied the program as successful claimed that the program is nothing than just exchange of parcels as it could not bring to one or two parcels to each household after consolidation.

Special consideration does not apply for LC. The reason is all the households were equally treated at the time of household allocation of land, as mentioned before. However, there was special consideration during land allocation for wounded armies, disabled people, and old people. Such households were allocated a good quality land parcel near their house. They were given the

opportunity to choose themselves. So, during LC, there was no need of further concerns to them as they already have a single parcel.

According to the respondents, majority of the people prefer area of land for exchange whereas nobody takes care of price. Quality and distance from house are the second and third priorities for the exchange (Figure 5-31).

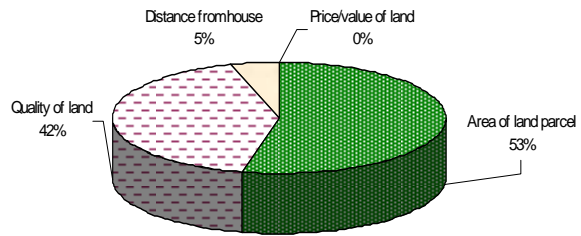


Figure 5-31: Preference of land exchange

LC has brought positive impact on the livelihoods of the beneficiaries. According to

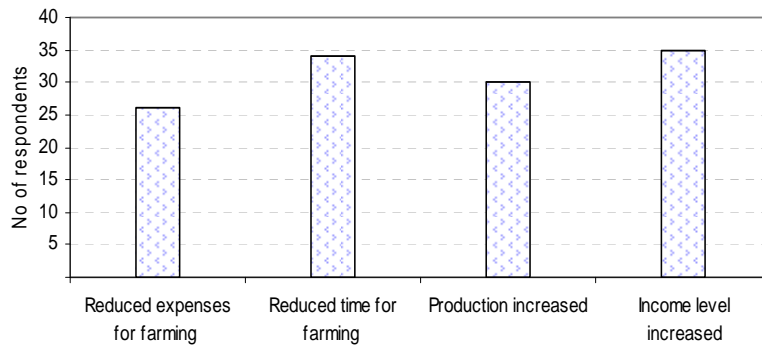


Figure 5-32: Benefits from LC as experienced by beneficiaries

the respondents, after the LC they have noticed improvement in production, saving of timing, saving on cost of agricultural activities; ultimately income level has increased. Increase in income level was also due to an indirect effect of LC. As the time for working at the farm reduced, they used the leisure time to work for off-farm

activities, which helped them to increase their income level (Figure 5-32).

### 5.3.5. State, community, land market and beneficiaries in land reform

#### State:

The **responsibility** of LC is almost decentralised in Vietnam. There are four level of government in Vietnam; state, provincial, district, and commune level. The state government provides certain guidelines and motivations for participating in consolidation process. Provincial governments are responsible for formulating necessary policies, whereas district level is responsible for implementation of the programs. Commune level government involves in the implementation at ground level. According to the respondents, none of them were involved in the process of policy making; however during implementation they have significant participation, as mentioned in the section ahead. In connection with policy formulation and decision making, the respondents feel that the government does not seek any participation of beneficiaries and local communities in these processes, and they believe "a government cannot incorporate all the interests of beneficiaries and stakeholders without their involvement". Therefore, they would prefer the approach in which beneficiaries, communities, and state equally participate in such processes.



Regarding the **accountability** of the officials involving with the implementation of consolidation process, the respondents have positive responses. The respondents (100%) found the officials 'highly responsive' to hear their interests to be addressed during the implementation. About 54% of the respondents communicated with the government officials in this regard and 85% of them felt very easiness in communication.

Regarding the **fairness** and maintaining the **rule of law** during the implementation of LC, only 56% of the respondents responded positively (Figure 5-33). The question was asked if any household was benefited better than another on the ground of their close relations with officials or political leaders.

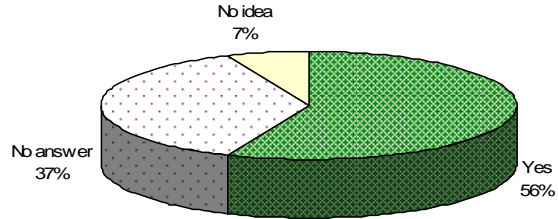


Figure 5-33: Fairness in implementation of LC

About 13% of the respondents reported the case of unfairness and disputes. According to them some people received good quality land with rich soil, and the program is lacking awareness as a result of which people either hesitate to take part in the program or feel inconvenient and insecure from the program. Further, they are not happy with the governments' control over price in land market.

**Community**

LC in Pham Tan is greatly supported by local community. The commune level of the government is the authority at the local level for the implementation. The local cell of communist party, farmers union, youth union, women's union, and Red Cross are found to have contribution to the implementation of the program. Moreover, a group of beneficiaries is formulated at each village for proper coordination with beneficiaries and the process of implementation. 91% of the respondents viewed that their community and groups were highly active in the implementation of LC. Mostly, the participation was done through meetings. They played major role in enhancing awareness among the villagers and facilitated in grouping of households. The respondents see high importance of community involvement in LC. They have realised that there was a lack of awareness even after communities' strong efforts. According to them, the community people should be made involved even during the policy formulation so that they could represent local people's views (Figure 5-34). The officials who involved during the implementation of the program acknowledged the support they received from the community and different groups. According to them, involvement of community builds better understanding between the beneficiaries and officials, trust about the future advantages from the program.

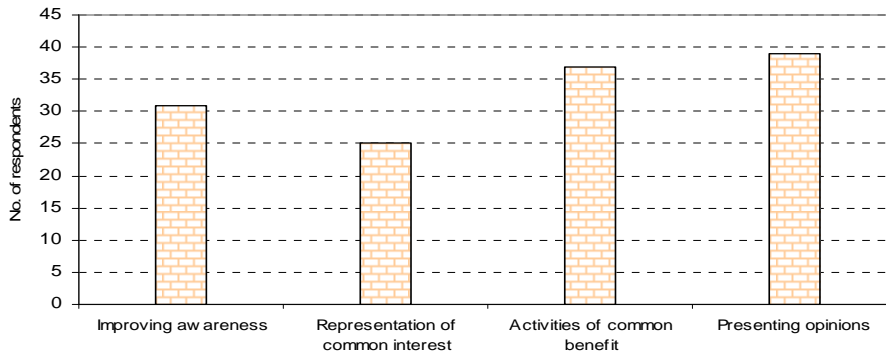


Figure 5-34: Benefits from LC experienced by the beneficiaries in Pham Tan

## Land Market

Land market is well functioning in Vietnam. The main activities of the market are transferring (buying and selling), renting, leasing, exchanging, lending and borrowing, and mortgaging of land. The market

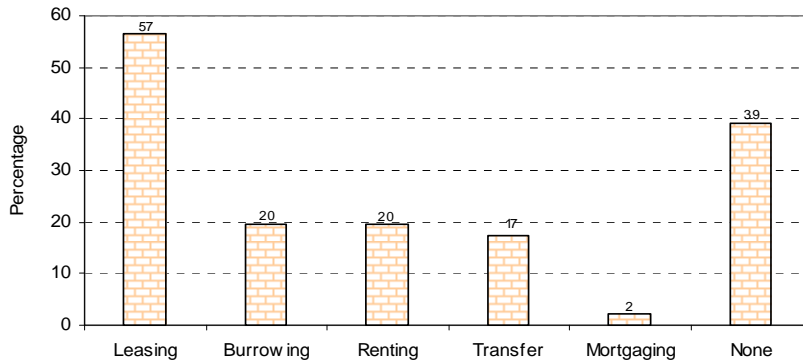


Figure 5-35: Land market activities in Pham Tan

is also functioning in Pham Tan village. About 61% of the respondents have experienced some kind of market activities, as given in Figure 5-35. Leasing has the highest position in the land market activities, whereas mortgaging is the least. Borrowing is an activity, which works in informal market. 20% of the households have

borrowed land from others. They pay either in cash or some quantity of rice in return of the land. Borrowing takes place for one year to five years. Officials have knowledge of this approach but they do not keep record of it. The percentage of transfer is relatively low. One of the reasons is almost all the villagers are smallholders and they do not want to sell their land rather use temporary means of transferring use rights to manage their short term needs.

Regarding the beneficiaries' willingness to accept subsidy or soft loan, if government offers, to buy additional land, 66% of the respondents would accept any of the two. The rest 34% neither would accept loan nor subsidy. The later response was from the respondents who were at the age of 50 or above. The reason may be they did not want to bear the risk of land market, though the reason was not asked. While asking, why they did not invest for accessing additional land, majority of the respondents would invest for off-farm activities like fish pond or pig farm or small business. The reason, the off-farm activities have better opportunity of earning.

About 74% of the respondents, based on their past experiences, believe that land market can facilitate to access additional land. According to them, land market has provided an opportunity to buy or sale or lease or rent land through secured transaction. The respondents are equally in favour of land market activities through informal market, especially for short term. The reason they mentioned is that the formal market is time consuming and have to pay tax. In a nutshell, land market can facilitate to access the additional land, if financial support is provided, and majority of the households in Pham Tan are capable enough to bear the risk of land market.

## Beneficiaries

We have presented various issues related to beneficiaries in previous sections, for example their socio-economic status, condition of access to or possession of land, and their experiences with state, community and land market in relation to LC and access to land. In this section, we present their position on **participation** and **post consolidation** expectations.

As we mentioned before, 92% of the respondents are the beneficiaries of the LC program in Pham Tan. About 87% of them are positive about the current approach of LC and the approach adopted for exchanging land. 97% of the beneficiaries of LC participated in LC process. The mode of participation

was the attendance at the meetings called by the officials or the committee at village level constituted for facilitating the implementation of LC program. They did not have significant input in the meeting rather they were informed about the process of the implementation or the obligations to be fulfilled by them in the implementation process. The participation was something like informative. They would rather expect active role in the overall process of LC. About 64% of the respondents expect their role in decision making, 13% in decision making and implementation, and the rest had no comments. However, as the committee formed from their representation has better participation, they did not have much complaint against the program.

The beneficiaries believed that their participation would enhance the efficiency and effectiveness of the program, the officials would have better understanding of their interests, the outcome could have better impact on the beneficiaries' interests, and the awareness regarding the advantages would have enhanced (Figure 5-36).

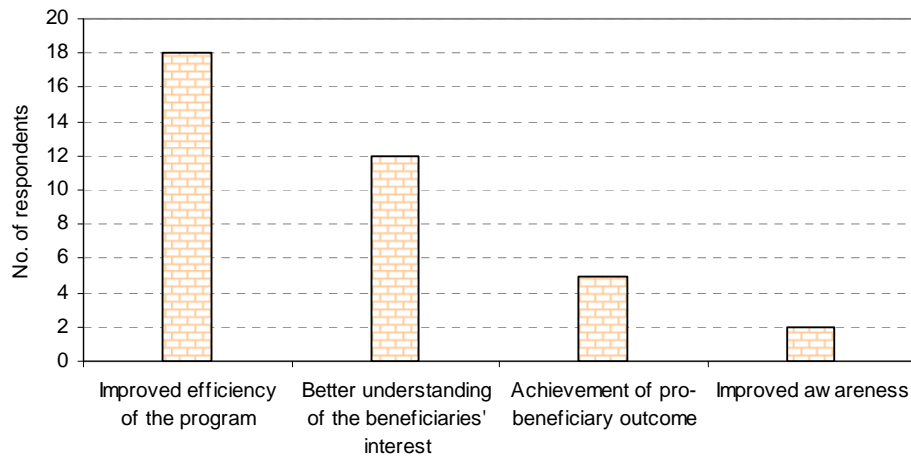


Figure 5-36: Advantages of beneficiaries' participation in LC process

There are no any post consolidation activities implemented by the government. Not much improvement has been noticed after the implementation of LC, as still there are many parcels per household. As an important step to improve the agricultural productivity, the Vietnamese government initiated LC. Therefore, to achieve even better outcomes, the beneficiaries' expect post consolidation support from the government. According to their expectations, the government should provide some supports such as; further consolidation to bring bigger parcel sizes, adequate training for better farming, subsidies on agricultural materials such as seeds, fertilizers, etc, construction of physical infrastructures like irrigation and access roads, implementation of flexible land use policy, and price control in land market (Figure 5-37). Regarding the flexible land use policy, one of the respondents raised very interesting issue during the field survey. He wants to extend his fish pond up to 3600 m<sup>2</sup> of land area but the government does not allow more than 1800 m<sup>2</sup>. He has much better earning from fish ponds but due to complicated land use system of the government, the extension is not possible.

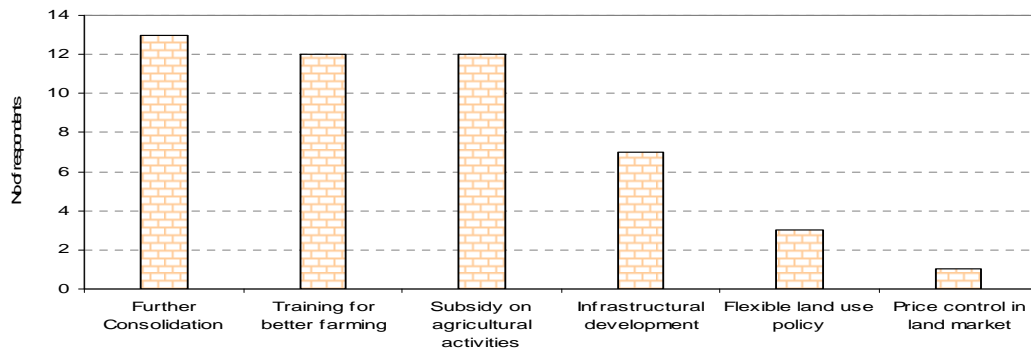


Figure 5-37: Post consolidation expectations of beneficiaries

## 5.4. Assessment of Land Reform Approaches

We have already presented the results of data, primary and secondary, in previous sections. Now, we will use the results to assess the approaches adopted for the land reform programs related to the case studies. The assessment is based on the framework and method we described chapter 3. Different aspects of land reform, implemented with state-led approach, are assessed based on the corresponding indicators as mentioned in the assessment framework. The statements of 'good practices' are used as reference for the assessment. The assessment results are supported by the analysis of the results we presented in this chapter in above sections. The idea of assessment, here, is to identify performance gap in each of the aspects so that they can be used to identify the factors of urgent attention for better benefit to SED people. On the basis of the factors, an alternative but innovative approach will be proposed in the next chapter. The performance gap is summarised in tabular form. This Table will lead us for the discussion in Chapter 6.

### 5.4.1. Assessment of land reform in Nepal

The assessment of land reform approach adopted for land redistribution program in Nepal is assessed as following.

#### a) Policy Aspect

##### Existence of policy:

The country does not have explicitly defined land policy, however the issue of redistributing land to SED people including *mukta kamaiyas* is a responsibility of the state as per the Interim Constitution of Nepal, 2007 (Section 5.2.1(a)). Land redistribution to *mukta kamaiyas* is a program of special priority of the government as mentioned in its three year interim development plan. The government allocates budget every year for the implementation of this program. From these all efforts of the government, there is no doubt to say that there exists a government policy of land reform for improving SED people's access to land.

##### Policy formulation approach:

The modality of policy formulation is based on top-down approach. None of the respondents in case study areas participated in any activities related to policy formulation. The beneficiaries do not have any opportunity to have their say in this process (Section 5.2.5: Beneficiaries).

**Provision of access to land:**

The eligibility of beneficiaries is explicitly defined as mentioned in Table 5-1. Only the red and blue cardholders are eligible to be a beneficiary of the program. If a household would have been assigned a particular card fairly, there is no any fear of getting other than beneficiaries benefited. Since, the land is being distributed free of cost, access to the minimum amount of land as prescribed by the government is not a problem. However, the time that it takes to get all the process completed for the allocation is a problem.

**Provision of equity in access to land:**

Women's equal right in land is ensured with the provision of mentioning their names along with spouse's names in the title issued for the land received from the program. Eligibility for receiving land (Table 5-1 and Table 5-2), and amount of land to be received (Table 5-3) are clearly defined but the size of a household is not taken care (Table 5-6). A household with only 2 members is allocated same amount of land that a household with 14 members has been allocated. Even though the respondents do not have any objection regarding equality to every household, the size cannot be neglected. It will result, in case of large household size, in sooner fragmentation of the small piece of land ultimately causing landlessness.

**Tenure security:**

Once a household receives a title to the land it is occupying or allocated, all the rights that a normal household in the country enjoys are registered. The student researcher has some experiences that in some cases one household may receive a title to certain piece of land, which is already occupied by other. In such cases, it is almost difficult for a household to occupy the land. However, none of such cases are experienced in the case study areas. There is no any discrimination in using the registered rights on land, except that a household cannot sell the land within 10 years of the date when the title is issued (MoLRM, 2009).

**Land Acquisition:**

State land is the main source of land acquisition for redistribution (Section 5.2.1(d)). Most of the land is either forest land or low quality barren land such as river banks. Coverage of forest land is being declined, which is also not accepted by the local people, community forestry groups, and even the government agencies related to forest land (Section 5.2.5.: State, Figure 5-13). Similarly, the beneficiaries have not accepted the low quality land around the river banks and disaster prone areas. The government has recognised the obstruction from these groups in the progress of land redistribution (MoLRM, 2009). Therefore, the approach followed by the government cannot be regarded as the commonly accepted approach.

**Sustainability:**

No any concerns are seen in terms of economic and environmental sustainability. Implementation of programs is financed by the state under government's regular budget. There is no any mechanism that would reduce the government's burden for the implementation. On the other hand, state land being the main source of land for redistribution, forest cover or the potential forest area is continuously declining. No any concern has been seen to address the impact of environmental degradation and

climate change that is being affected by declining forest cover. Current approach of land acquisition is not only applied for this case but also for the other land redistribution programs or resettlement programs that were implemented in the past. Therefore, it can be claimed that no any concern for sustainability, especially economic and environmental, has been given in the current land reform program.

#### **b) Management Aspect**

##### **Institutional and organisational arrangement**

Institutional arrangement for administration of land reform program is centralised but the implementation takes place from LROs, the district level organisations of MoLRM, supported by the District Level Committee for Implementing *Mukta Kamaiya* Rehabilitation program. The authority for implementation of program in normal situation is delegated to the district level committee (Section 5.2.1.(b)). From this analysis, we can say the institutional arrangement is semi decentralised. However, some authorities have been delegated at the district level.

##### **Availability and Management of Infrastructure and Resources:**

Nepalese LAS is traditional. The country has nationwide coverage of cadastre but in analogue form. The coverage does not include any kind of land beyond the settlement areas. Only the private, state and public lands within settlement area are included in the cadastre. As the government looks for unused state land, forest land with little or no cover, river banks, or something alike, in most of the cases, such lands are not included in the cadastre. Consequently, it is not easier to find out how much land is available and at which place. Original survey has to be carried out to prepare the cadastre for the newly rehabilitated area. According to (MoLRM, 2009), the information lacking for suitable land for redistribution is one of the reasons of hindrances to the progress of the program. This situation shows that land administration system requires further improvement to be able to cope with the requirement of the land redistribution program.

Regarding the institutional capacity of the organisations at district level is not sufficient in terms of human resources as well as other necessary physical infrastructure.

#### **c) Operational Aspects**

##### **Participatory:**

The participation of beneficiaries in the implementation of land redistribution program is weak. Only 43% (Section 5.2.4, Beneficiaries) of the respondents participated in some activities of land redistribution. Since 60% of the respondents wanted to stay within the same locality (Figure 5-19) where they were staying before the rehabilitation, but it was not possible for them. At the same time, the participation of local community, *mukta kamaiya* groups, in land redistribution activities is also weak. Only 29% of the respondents confirm the participation of these groups (Figure 5-15) in land redistribution activities. However, we could not contact any leaders of these groups during data collection. Thus, we can say that the participation was weak and the interests of the beneficiaries were not really considered during the implementation of the program.

**Rule of Law:**

The legal provisions were impartially enforced. Most of the respondents (95%) found that no any household received additional privilege or benefit on the ground of its access to power or relation with political leaders (Section 5.2.5: State). With this example, and as there are no any other complaints found during data collection, we can say that rule of law was maintained during the implementation of the program.

**Transparency:**

According to the most of the respondents (95%), fairness has been maintained in the in implementation process (Section 5.2.5: State).

**Accountability:**

Among the respondents who have approached the officials in relation to their concerns with land redistribution activities, 96% found the government officials easy to communicate and almost all the staff are responsive to the citizens (Section 5.2.5: State, Figure 5-12).

**Efficiency and Effectiveness:**

The processes to be followed by the beneficiaries for receiving land are quite complex and time taking. They have to wait until the district level body involved in the implementation of land reform program find a location for distribution. If majority of the households agree with the location, all the processes of first registration, including cadastral surveying, are carried out in the location. As mentioned in Figure 5-7, it took 9 years to some households to receive land after being freed. Still 2% of the respondents do not have their title at hand. If we consider the situation throughout the five districts of the country, still 25% of the beneficiaries are waiting for land (Table 5-4). Regarding the optimal utilisation of resources, no any serious concern has been seen. As the state land is being redistributed, no any effort for reducing such approach of distribution has been found in the policy document of the government. Therefore, the efficiency and effectiveness of the approach is not satisfactory.

**d) Aspect of Post Reform Support:**

Referring to the sections 5.2.1.(d) and 5.2.5 (beneficiaries), there is lack of post reform support. Some complementary efforts are underway but without any effect. The beneficiaries do not have access to basic facilities like road, electricity, irrigation, etc (Figure 5-3). Adult population do not have good opportunity of employment due to lack of education and relevant trainings. The respondents expect support from the government in post reform phase like job oriented trainings, additional land, employment opportunities, better infrastructure, etc. (Figure 5-22). This situation reveals that adequate support in post reform phase is lacking in all aspects.

**e) External Factors:****Beneficiaries' expectations:**

Beneficiaries expect sufficient land for their livelihoods, and support in post reform phase as we mentioned before. Further, beneficiaries expect their participation in the land reform activities mainly during implementation. These expectations can be regarded as attainable expectations but proper measure is required to address them.

**Beneficiaries' capacity:**

Beneficiaries are not capable for investing themselves to access additional land. However, majority of them would have accepted soft loan for this purpose provided that opportunities for earning to pay back the loan are available (Table 5-7). From their present household income and living conditions, we cannot claim that they are capable for accessing additional land from land market.

**f) Impact Assessment****Change in socio-economic condition**

In fact, the beneficiaries' socio-economic conditions are still poor (Section 5.2.2). However, majority of them feel that after being freed, their livelihoods have been improved and the land redistribution is the reason for it (Section 5.2.4, Figure 5-10 and Figure 5-11). Since all the rights are registered they can use the land for credit purpose, except selling within 10 years of receiving it, but the land being a small piece they cannot get enough loan from it and no any examples have been found during data collection. Before being freed they were working as slaves but now they are free and can do whatever they feel better for their livelihoods. They have their own house and land. Therefore, there has been improvement in social status as well.

**Improvement in Land Access:**

They do not have access to additional land than the government provided under the land reform program. There, we cannot say that there has been improvement in access to land. However, since they were landless before the program, we can say that they have at least access to land through this program. To ensure the equal right of women in land, the government has made a provision of mentioning the names of both husband and wife wherever is applicable. However, only 37% of the respondents see that there is equality in women's access to land (Figure 5-8 and Figure 5-9).

**Beneficiaries' satisfaction:**

Only 55% of the respondents were found to be happy with the land redistribution program (Figure 5-20). They did not respond their view on the approach directly but from their denial with the market approach, as mentioned in the section 5.2.5: land market, they are in favour of state-led approach. The other reason is that they cannot access the land unless fully supported by the government. They expect, even additional land, free of cost. Therefore, even though they are not satisfied with the efficiency of the approach, they are still in its favour. We have rated their satisfaction 'somehow'.

**5.4.2. Assessment of land consolidation in Vietnam**

The assessment of land reform approach adopted for LC program in Vietnam is assessed as following.

**a) Policy Aspect****Existence of policy:**

Vietnam is the second largest country in the world to export rice. Various measures have been implemented by the government to keep up the agricultural production throughout the country. LC is one of the tools of the government in this regard. The LC policy does not address the issues of SED people explicitly but aims to bring the improvement in the livelihoods of smallholder farmers (Section 5.3.1(a)). Therefore, we can conclude that there exists a government policy of LC for improving smallholder farmers' livelihood.



**Policy formulation approach:**

The modality of policy formulation is based on top-down approach (Section 5.3.1 (b)). None of the respondents in case study areas participated in any activities related to policy formulation, though they have a good participation on implementation phase. Therefore, the beneficiaries did not have any opportunity to have their say in this process (Section 5.3.5: Beneficiaries).

**Provision of access to land:**

After the enactment of second Land Law in 1993, each of the household was allocated land on equity basis. The approach of equity based allocation resulted to a number of parcels and fragmentation of land resulted in the degradation of productivity. Therefore, the LC approach was introduced to reduce the fragmentation and improve productivity. This is voluntary based approach. A household has full right of taking decision whether to participate in the program. Therefore, this program does not have anything to make changes in access to land.

**Provision of equity in access to land:**

The allocation of land, as mentioned before, was based on equity principle. The LC does not make any change in the pattern of land holding. On the other hand, the Land Law in 2003 has introduced a provision of mentioning joint ownership, husband and wife, in the land title, which ensures gender equality as well.

**Tenure security:**

Basically, LC does not make any change in tenure pattern of the land brought under the program. However, it needs to be registered to the new owner after LC. This process of registration is very slow. Once the exchanged parcel is registered, there is no any problem with tenure security.

**Land Acquisition:**

In fact, land acquisition of LC is just the exchange of land. It is not compulsory for every household to participate in the program. Only the households willing to participate in the program has to deal with the land exchange (Section 5.3.1 (c)). About 87% of the beneficiaries are happy with the approach of land exchange (Section 5.3.5: beneficiaries). The rest of the respondents viewed that this approach of land acquisition does not ensure equality in quality of land after exchange. Therefore, it can be revealed that though majority of the landowners accept the process of land acquisition, further consideration is required for maintaining equality in the quality and value of the land parcels

**Sustainability:**

Since the LC does not change the coverage of land area, therefore there is no any negative impact in the environment. Regarding the economic sustainability, the LC does not need additional investment, other than the expenses of the mobilisation of staff for the implementation, and hence there is no long term burden. The policy on this issue seems neutral.

## **b) Management Aspect**

### **Institutional and organisational arrangement**

Institutional arrangement for the administration of LC program is fully decentralised to the district level. The district level organisation is fully authorised for the implementation of LC program. The district level further delegates authority for implementation to the commune level. The resources required for the implementation are born by the commune level government (Section 5.3.1.(b)). Therefore, there is not doubt to confirm that the institutional and organisational arrangements are fully decentralised.

### **Availability and Management of Infrastructure and Resources:**

LAS in Vietnam is quite traditional. The country lacks systematic cadastre, especially up dating point of view. As observed in Pham Tan village, the records have not been updated for long time. The parcel identifiers are not defined well. It is quite difficult to find a parcel of interest. Before consolidation, the cadastre has to be updated first. At the same time, due to delay in registration process after the consolidation, sometimes earlier agreements on land exchanges are broken. With this situation, it can be concluded that the LAS in Vietnam is not efficient enough to cope with the timely need of LC program.

Regarding the institutional capacity of the organisations at commune level is not sufficient in terms of human resources as well as other necessary physical infrastructure.

## **c) Operational Aspects**

### **Participatory:**

The household survey has found that there was a significant participation of beneficiaries in LC program. About 97% of the beneficiaries of the respondents participated in the LC implementation process. The participation was just informative but beneficiaries expect active role, not only in implementation but also in policy formulation and decision making process (Section 5.3.5, Beneficiaries). Since the beneficiaries, despite their significant participation in implementation, were not found happy to have meaningful input, we cannot claim the process fully participative. However, it is somehow participative but being voluntary based they can report their interests well during the implementation.

### **Rule of Law:**

Only about 56% of the respondents are in favour of 'rule of law' during the implementation of LC program (Figure 5-33). The beneficiaries, who were not happy with the fairness and the situation of rule of law, claimed that the officials did not take care of equal opportunity to get land with good quality and rich soil (Section 5.3.5: State). Since majority of the respondents were happy, we can grade the situation of the 'rule of law' as 'somehow'.

### **Transparency:**

Since there was enough involvement of the beneficiaries in the implementation of LC program, they have opportunities to access the information. However, there was lacking awareness about the better approach of land exchange. About 13% of the respondents explicitly mentioned that there was lack of transparency (Section 5.3.5: State).

**Accountability:**

Contrary to the results of rule of law and transparency, all the respondents found the officials highly responsive to their interests and about 85% of the respondents who communicated with officials found easier in communication (Section 5.3.5: State).

**Efficiency and Effectiveness:**

The processes to be followed by the beneficiaries for LC are clear but it takes quite a long time to get the title after LC. On the other hand the number of parcels could be reduced to only about 50%, with which the beneficiaries are not happy. They expect further consolidation to one or two parcels. Being voluntary based and maximum participation of the beneficiaries, the implementation of the program completed within expected time. However, the nationwide progress is not similar in each province or the districts. Regarding the utilisation of resources, according to the officials, the program has remained quite successful. Based on ground situation and beneficiaries further expectations of consolidation, we cannot conclude the program as fully effective rather it has somehow achieved effectiveness and efficiency from the implementation.

**d) Aspect of Post Reform Support:**

There is no any arrangement for post consolidation support (Section 5.3.1 'e'). The beneficiaries expect post reform support such as further consolidation to bring bigger parcel sizes, adequate training for better farming, and subsidies on agricultural materials such as seeds, fertilizers, etc, construction of physical infrastructures like irrigation and access roads. Further, they expect implementation of flexible land use policy and price control in land market as mentioned in Figure 5-37. However, beneficiaries do not have any obstruction to go to credit market.

**e) External Factors:****Beneficiaries' expectations:**

Beneficiaries expect the LC program to bring the number of parcels to one or two. Further, beneficiaries expect their participation in policy formulation and decision making process so that their interests could be incorporated in the policy and implementation strategies. These expectations can be regarded as attainable expectations but proper measure is required to address them.

**Beneficiaries' capacity:**

Majority of the beneficiaries (64%) are capable and willing to accept government support, either of subsidy or soft loan to access additional land. If the government sufficiently motivates, the process of LC would be even easier through market approach. However, the respondents above the age of fifty did not show their interest on subsidy of soft loan to access additional land (Section 5.3.5: land market).

**f) Impact Assessment****Change in socio-economic condition**

In fact, LC did not bring significant change in socio-economic conditions of the beneficiaries in Pham Tam. However, the program has brought some positive changes such as efficiency in farming, increased production, and increased income level (Section 5.3.4; Figure 5-32). Further, consolidated

parcel of bigger size has increased the value of land, from which beneficiary can get bigger amount of credit, if needed.

#### **Improvement in Land Access:**

LC does not have any contribution to improve land access rather it helped getting parcels of bigger size for easier farming and improved production.

#### **Beneficiaries' satisfaction:**

Despite various weaknesses of the LC program, as the beneficiaries responded in different contexts, most of them (87%) are satisfied with the approach (Section 5.3.5: Beneficiaries). The other reason of their satisfaction is, no matter how the approach is, most of them have been benefited with reduced cost and time of farming. It has made their life easier. At the same time, the bigger sizes of the farm have offered an opportunity of mechanising the farming from which the farmers who are not capable of working at farm can also optimally utilise their land.

### **5.4.3. Summary of the assessment**

Assessment of land reform programs in the previous section has been summarised and included in the *Appendix 8*.

### **5.4.4. Identification of issues having gaps in performances**

The assessment has found that there exists gap in the performance of various aspects of the approach, in both the cases. However, the most important issues of further considerations are identified, based on their relation with other aspects of the approach, as follows:

- a) **Policy formulation:** The approach of policy formulation in both the cases is top-down. Beneficiaries expect their meaningful participation in policy formulation so that their interests from the land reform programs could be incorporated in policies, which is lacking in both the cases.
- b) **Land Acquisition:** The approach of land acquisition in Nepal is against the preservation of state land. Almost every land reform programs are relying on state land. The impact of constant declining of state land, especially forest lands, to the environment has been overlooked. The issues of economic as well as environmental sustainability have not been well addressed. In case of Vietnam, the participation in the program is voluntary. The selection of land for exchange is made mainly on the basis of quality of soil but not on the overall valuation such as area, distance from house, infrastructure available, etc. Though majority of the respondents find the approach fair enough, there are still voices that this approach fails to equalise the overall quality or value of land to be exchanged.
- c) **Land redistribution / Reallocation:** Equity in land redistribution or reallocation is essential and sensitive issue for beneficiaries. In Nepal, the redistribution process does not care the household size, quality and value of land, and beneficiaries' interests. Similarly, in Vietnam, the allocation of land is based on lottery system, which sometimes fails to equalise the value or land exchanged.
- d) **Post Reform Support:** Post reform support is lacking in both the cases, which is supposed to be important for facilitating beneficiaries in post reform phase. The beneficiaries of both the

case study areas expect support from the government mainly for capacity building, accessing additional land, and better infrastructure.

## **5.5. Concluding Remarks**

This chapter focused on two main contents; results and analysis of data, and the assessment. In the first phase, the results of the data collected for the two case studies were presented.

The household survey carried out for this research has showed that the beneficiaries in Nepal are still in the state of SED. Their livelihood is still quite poor. The adult population is unemployed. The income from farming is not sufficient for their livelihoods. The access to basic infrastructure like road, electricity, telephone is quite poor. However, current land reform program, which is especially implemented for them, has offered them an opportunity of accessing at least a piece of land. Relative to their previous living conditions, this program has brought little improvement in their access to land and livelihoods. Regarding the implementation of land reform program, the state is fully responsible. The beneficiaries do not have meaningful participation in the implementation process. However, the groups formed at local level participate in the implementation but quite a little. Post reform support is lacking. The beneficiaries expect additional land sufficient for their livelihoods but it is not possible for them to access from land market with their self investment. Most of them would expect subsidy from the government for this purpose.

On the other hand the beneficiaries in the case study area in Pham Tan, Vietnam have better living conditions, better access to infrastructure and better opportunities for livelihood. The LC program in Vietnam is implemented for reducing land fragmentation to improve agricultural productivity. The focus is not explicitly given to SED but to benefit smallholder farmers. Most of the households have been found participated in the LC program. The implementation mechanism is decentralised and the beneficiaries have comparatively better opportunities to have meaningful participation in the implementation of the program. The households participating in the program have noticed some benefits from LC such as improvement in productivity and income level, and efficiency in farming in terms of cost and time. The consolidation brought only about 50% reduction in the number of parcels. The beneficiaries still expect further consolidation. The LC program is greatly supported by local community. However, the program lacks post consolidation support, which is expected by majority of the beneficiaries.

The assessment of land reform programs, performed in the second stage found that there exists gap in the performances of four major issues of land reform policy formulation, land acquisition, redistribution/reallocation, and post reform support. If the two case studies compared with each other, the position of Vietnamese case seems better than that of Nepalese case. The main reason is that the participation in Vietnam is voluntary and the beneficiaries are already landholders whereas the beneficiaries in Nepal were landless before the implementation of the program. The individual capacity of the beneficiaries in Vietnam is better than that in Nepal.

## **6. Discussion and Pluralistic Approach of Land Reform**

### **6.1. Introduction**

Previous Chapter 5 presented the analysis of data collected with different means as described in Chapter 4 and then assessed the two empirical cases of land reform. The assessment identified gaps in the performances of four major issues such as policy formulation approach, land acquisition, land redistribution or reallocation, and post reform support. This chapter aims to carry out further discussion on these gaps and proposes an innovative approach to address the gaps.

The discussion on the gaps is included in the section 6.2 and its sub-sections. The sub-section 6.2.1 discusses the gaps on the basis of empirical evidences from the two cases with the perspective of state-led approach. The next two sub-sections 6.2.2 and 6.2.3 discuss the possibilities with community-based and market-assisted approaches to address the gaps respectively. The sub-section 6.2.4 synthesises the discussion and explores a need of an alternative approach to address the gaps. The section 6.3 discusses the proposed approach with its essential components in the subsequent sub-sections. Finally, the section 6.4 concludes the chapter with some remarks.

### **6.2. Discussion**

#### **6.2.1. Findings from the assessment**

The gaps identified in different issues of land reform from the assessment of land reform programs in Nepal and Vietnam implemented through state-led approach are described as follows:

##### **a) Gaps in the issue of policy formulation approach**

From the assessment it is found that the policy formulation approach for both the cases is top-down and there is lack of beneficiaries' participation in its process. According to the good practice criteria, the method used for the assessment, the modality of policy formulation is supposed to be bottom up approach and beneficiaries' participation to be ensured.

Almost all the respondents we interviewed during the household surveys suggested that the policy should be formulated to address the local situation and there should be meaningful participation of beneficiaries in policy making process. Similar, responses were received from the community leaders and experts in this regard. Further, land reform professionals, such as Koch et al (2001), also advocate the need of bottom-up approach to make land reforms effective and realistic to benefit SED people rather than following state prescribed model without considering the interests and conditions of local society, economy and geography. Therefore, formulation of policy with bottom-up approach is important. Participation of stakeholders in policy making is obviously embedded with the bottom-up approach. Participation helps policy makers understand the ground reality, beneficiaries' needs and priorities, common interest of the stakeholders, and ensures transparency to the stakeholders, among others.

If the government policy in Nepal for land redistribution to the *Mukta Kamaiya* households is considered, there are some examples where the beneficiaries' interests have been ignored in the policy. According to the respondents, 20% of them would have preferred a piece of land sufficient for residential purpose but with opportunities of non-farm employment (Section 5.2.5: Beneficiaries). Their participation in policy making would have recognised their interest by including at least two options for the beneficiaries; either to choose land for agricultural purpose or for residential purpose with opportunities of non-farm employment. Similar is the situation regarding the location of land. About 60% of the respondents viewed that they would have preferred to stay in same locality where they were living for many years (Section 5.3.5: Beneficiaries, Table 5-9). They might have sentimental feeling with the location where they had been living for several years or generations. The government could have looked for the possibilities to find out land for them within the same locality. Due to the lack of proper dialogue between the government and beneficiaries, the land banking program implemented in 2004 had to be halted. It was because of the resistance from the beneficiaries and their unions (MoLRM, 2009). However, still 39% of the respondents who were aware of the program would have accepted loan from this program (Section 5.2.5, Figure 5-16). According to them, they were not well communicated about the pros and cons of the program. Land right activists and local leaders advocated against the program, which influenced their decision. Participation of beneficiaries including land right activists, local leaders and civil society organisations working for them from the inception of this concept could have facilitated smooth implementation of the program. Additionally, the participation and bottom-up approach would have emphasized the need of post reform support, which is missing but highly demanded at the moment.

In the case of Vietnam, the gap in this issue has affected beneficiaries' interest. First of all, the consolidation program could not reduce the number of parcel to the required level. The average reduction is 5 out of 9 in average. The policy did not consider how maximum participation could be attained. The strict land use plan has affected the beneficiaries in improving their income. As per the respondents, one cannot change a land use type of more than 5 *sao* of the land, for example changing farm land to fish pond. The experts and community leaders viewed that there was lack of awareness among the farmers how the program would benefit them. Like in the case of Nepal, the need of post reform support is missing.

#### **b) Gaps in the issue of land acquisition**

According to the good practice criteria the method and source of land acquisition are supposed to be commonly accepted by its all the stakeholders, and economically and environmentally sustainable.

From the assessment, it is found that major source of land acquisition in Nepal is state land, most of which is either forest land or low quality barren land such as river banks. Constant declining in forest area and low quality land around river banks and disaster prone areas is not accepted by the local stakeholders including beneficiaries and even conflicts are reported in the local level (Section 5.2.5.: State, Figure 5-13). At the same time, the impact of constant declining of state land, especially forest lands, to the environment has been overlooked.

In Nepal, about a million landless households are estimated throughout the country (MoLRM, 2009) and there are mounting pressures on implementing land reform to provide land to landless people. If state land is the major source, the question comes where from this much amount of state land would come. In case, each household is provided 1700 m<sup>2</sup> of land (the latest standard of agricultural land being redistributed to landless *Mukta Kamaiyas* in the rural part of Nepal), 170000 ha of land is required. If the governments keeps on distributing state land, deforestation can only be solution to

bring this much amount of cultivable land. The government has already faced problem to redistribute lands to *Mukta Kamaiya* households, the progress of which is only 75% throughout the country and, according to the government, unavailability of suitable land for redistribution is one of the hindrances to the success. Furthermore, the exploitation of state land cannot be economically and environmentally sustainable.

The worsening situation regarding the availability of land for redistribution has been realised by the every sector in the country. The participants of the debate on *Sajha Sawal* (BBC radio program produced in land reform issues of Nepal) have suggested alternative source of land such as use of underutilised land by universities, temples, and trust lands. Similarly, the land owned by absentee landowners should be taken by the government for this purpose. Imposing ceilings on land holding could be the other solution.

In case of Vietnam, the situation of land acquisition is better than that of Nepal. The main reason is no additional land is needed to be acquired but consensus among the participating farmers is required for exchange and also it is voluntary. The basis for land exchange is mainly on quality of soil but majority preferred the valuation based on area of land (Section 5.3.4, Figure 5-31), though the results have found that majority of the respondents are happy with the approach. However, if we look at the changes in the number of parcels the program brought after the consolidation, the acceptance of the approach is not satisfactory. The program brought the average number of parcels per households from 9 to 5 only at the end of the program. The respondents expect further consolidation to 1 or 2 parcels. If the approach of the land exchange would have been well accepted by the farmers, the result would have been better. According to the respondents, the approach does not ensure equality in the overall value of the land after exchange. Farmers have exchanged only those parcels which are either too far from their houses or the quality is poor. Regarding the sustainability issue, the case has no any additional impact in environment as well as no additional resources, other than administrative costs, are required as it is just the exchange of land already in use.

#### **c) Gaps in the issue of land redistribution / reallocation**

Land redistribution or reallocation in both the cases is based on top-down initiative and implemented through bureaucratic modalities. This initiative has mainly ignored the equality aspect of the access to land, which is essential and sensitive issue for beneficiaries.

In Nepal, the redistribution process does not care the household size, quality and value of land, and beneficiaries' interests. The criteria for land redistribution are based on the location of land and on ad-hoc basis. As mentioned in (section 5.2.4, Table 5-6), a household with family members less than 4 is equally treated as a household with more than 10 members. As per the existing criteria (Section 5.2.1'c', Table 5-3), a household if allocated within municipal area receives land with an area of 1 *kattha* (338 m<sup>2</sup>) whereas a household if allocated in rural area receives up to 5 *katthas* (about 1700 m<sup>2</sup>) of land depending upon its location. If the market value of the land is compared, the market price of land with less area exceeds that of the land with more area. From an investigation the latest market price per *kattha* (338 m<sup>2</sup>) of land in municipal area of Bardiya district is found to be about NRs 300,000 to NRs 550,000 (about 4000-7500 US\$, whereas the price of 5 *katthas* (1700 m<sup>2</sup>) of land in rural area is hardly from NRs 100,000 to NRs 200,000 (about 1500-3000 US\$). Furthermore, the households receiving land near municipal area or highways have better access to infrastructure and off-farm employment opportunities whereas the households receiving land in rural areas do not have these opportunities. The research has found that only 30% of the households receiving land in rural



areas are satisfied and the satisfaction level of the households receiving land near municipality and highways is higher (Section 5.2.5: Beneficiaries, Table 5-8).

In Vietnam, the situation is different. The reallocation does not mean that any landowner receives additional land but is supposed to receive different piece of land with equal value as before. As mentioned in the discussion on land acquisition, the participation is voluntary and consensus is required before reallocation. The valuation is based on quality of land but most of the respondents preferred the valuation based on the area of land (Section 5.3.4, Figure 5-31) and the reallocation is based on lottery system. According to the officials to maintain transparency and avoid biasness. However, beneficiaries responded that some of the households received high quality land whereas some poor quality land. A proper valuation method based on the preferences of beneficiaries (e.g. as in the section 5.3.4, Figure 5-31) would require so that the exchange of land would bring win-win situation for both the parties.

#### **d) Gaps in the issue of post reform support**

Post reform support is lacking in both the cases, which is supposed to be important for facilitating beneficiaries in post reform phase. According to the good practice criteria, the beneficiaries should be provided opportunities of capacity building such as training that can guarantee employment, technical assistance, construction of necessary infrastructure for farming like irrigation, and access to credit market.

In the case of Nepal, the government has been conducting some programs on capacity development through skill-based training, arrangement of different schemes like mobile fund scheme, earning scheme, compulsory saving scheme, education and awareness scheme, and establishment of Employment Contact Centre, but it was found that these programs are not effective for the improvement of beneficiaries' livelihoods. In the case of Vietnam, no any programs at post reform phase are available. Option for access to credit market is possible but being smallholders it does not make any significant contribution from credit market, as no any cases of mortgage was found in Vietnam. The beneficiaries of both the case study areas expect support from the government mainly for capacity building, accessing additional land, better infrastructure for irrigation and access road, and other non-farm employment opportunities of improving their livelihood.

### **6.2.2. Community-based approach to address the gaps**

The previous section 6.2.1, discussed the gaps identified in different issues of land reforms from the assessment of land reform programs implemented through state-led approach. This section discusses the possibilities with community based approach to address those gaps.

#### **a) Issue of policy formulation approach**

Emerged as an alternative to state-led approach, community-based approach is supposed to be more responsive to local interests, institutions and practices. According to the respondents interviewed during the field work, communities' participation in policy making is a must from the very beginning as a community can represent the interest of the beneficiaries and present the ground situation. The community leaders who were involved in the implementation of LC in Vietnam mentioned that the their participation in policy making would have suggested to make the flexible land use policies so that the consolidation could have brought the number of parcels to less than what resulted with existing policy. Further, their support in implementation was highly acknowledged by the officials. According to the officials, the community leaders coordinated the households willing to participate in

the program, formed their groups, and organised awareness program. Such potential of the community also could help the policy makers to formulate the policy according to the local need. Scholars like Sikor and Muller (2009) also find the potentials with the community based approach such as its responsiveness to local livelihoods, connections with broader dynamics of authority, interactions with social inequalities, and environmental repercussions, which can better address the gaps identified in case of state-led approach. Therefore, it can be concluded that the community based approach has potential to facilitate the government in policy making process with 'bottom-up' initiatives and can address the gap in the issue of policy formulation approach in a better way.

**b) Issue of land acquisition**

The main potential of community based approach in land acquisition is that the source of land identified by the community can have less or no conflict at local level. The reason is community has close relations with local condition and it can interact with the local people and circumstances before making any decision or choice. Furthermore, community can have better concern about the protection of forest land considering the future consequences and environmental impact. For example, one of the resistances to the progress of land reform program in Nepal is the obstruction created by local people and community to protect the forest area belonging to their community. One of the other potentials of a community is that it can negotiate and help minimizing speculation of price in land market to bring the price affordable to SED people. In case of LC, community can help improve awareness of the local people about the benefits of the program and facilitate to identify the land for exchange with win-win situation to both the parties involved. Thus, it can be concluded that community can facilitate the state's initiative of land acquisition making it acceptable to the local conditions and environmentally sustainable.

**c) Issue of land redistribution / reallocation**

In the community based approach, there are better chances of the selection of right beneficiaries and ensure equality in reform benefits, as a community deserves well acquaintance with the society. In most of the cases, state-led approaches have ignored the potential of society in this respect. For example, in the Nepalese case, local communities have not been meaningfully involved in the process of land redistribution. However, in the case of Vietnam, communities have played important role in implementation phase by facilitating coordination, awareness and mediation in conflicts.

**d) Issue of post reform support**

Community based approach can greatly contribute for the improvement of productivity or income level in the post reform phase. Some practices of communities' involvement in common wellbeing of the beneficiaries were observed during the field work. In the case study area in Vietnam, the villagers have informally initiated cooperative approach of farming. The village leader is responsible for organising the willing farmers to join the approach, fund raising and arranging other essentials for farming. According to the beneficiaries, the approach has brought positive changes such as the households which are not capable of farming by themselves are greatly benefited and also for the others it has saved their time and efforts. In case of Nepal, *Mukta Kamaiya Samuh* are formed and mobilised for conducting activities of common benefits such as income generation, training, etc. Their performance has positive impact in the society but the need is that their activities have to be recognised and the communities' capacity has to be developed adequately.

### **6.2.3. Market-assisted approach to address the gaps**

To follow the discussion on how the gaps identified from the assessment of land reform programs implemented through state-led approach (section 6.2.1) would be addressed from other approaches, this section looks the potentials of market-assisted approach.

#### **a) Issue of policy formulation approach**

Market may not play direct role in policy formulation as it is the state which brings the policy whether to adopt market-assisted approach. State is the responsible for formalising, regularising and controlling the land market. Our intention is to have a bottom-up approach of policy formulation with participation of beneficiaries and other stakeholders. The actors of land market may not initiate for policy making from below but they can contribute by providing the potentials of land market that can assist the government's objective of improving access to land.

#### **b) Issue of land acquisition**

In this approach, land market plays a role in providing access to the land through land transactions between seller and buyer, or between large landowners and landless or smallholders. SED people are supposed to be facilitated by financial support from the government to acquire land from land market. Therefore, the main issue in this approach is to ensure enough supply of land in the market. Land use planning, progressive taxation, and land banking could be some of the potential tools for this purpose. Implementation of these tools depends upon the government's policy. This approach is applicable only for the land which is already in private use, therefore, this approach has high potential to protect state land and also reduces the inequality in land holding as the large landholders sell their land to small holders or landless people.

#### **c) Issue of land redistribution / reallocation**

Fundamentally, market-assisted approach is voluntary in nature, where land transaction takes place between willing buyer and willing seller. Therefore, the willing buyers can only be the beneficiaries of this approach. The participation of targeted group depends upon their capacity to invest or the environment that governments create to motivate them for participation. The environment of motivation means the type of financial support, transparency in land market, secured future of investment and so forth. Being voluntary, the issues of equality in terms of access to land, household wise, does not make sense. However, the equality in terms of women's access should be ensured. As Deininger (2003) mentions, this approach of land reform may not be suitable where distribution of land is extremely unequal and inefficient like the case of *Mukta Kamaiyas* in Nepal. A land reform expert and land right activist strongly denied, in an interview during data collection, the concept of this approach and argued it should not be implemented for the landless people in the country. The participants of the debate (*Sajha Sawal*) also argued in favour of free distribution of land to the landless rather than any other approaches. However, it can help improving the progress of LC, if implemented fairly. During the fieldwork, Dr. The Dzung, a land reform expert affiliated to World Bank in Vietnam, claimed, based on his research and experiences, that if farmers are provided financial support and motivated for land consolidation based on their direct negotiation with neighbouring farmers (farmer to farmer direct contact), LC can be more effective and efficient. This farmer to farmer direct contact approach provides them to come to the consensus for buying or selling or exchanging land if both parties are agreed and there are no any chances of a party getting better benefit than others.

Based on the two cases, it can be concluded that market approach can address the equality aspects in the issue of land redistribution or reallocation in a better way but the approach may not be acceptable for/by the landless people.

**d) Issue of post reform support**

This approach has better potential in post reform phase. Transparent land market, government's support, and possibility of timely return of the investment determine the willingness of the beneficiaries to decide to go for additional access to land. In the post reform phase, the beneficiaries deserve better capacity for investment and they can bear the risk of accepting subsidised loan. In case of Nepal, about 71% of the respondents (Section 5.2.5: Land Market) would accept the soft loan to access additional land in the post reform phase, who denied it before the redistribution of land. Similarly, 64% of the respondents (Section 5.3.5: Land Market) in Vietnamese case would accept soft loan for this purpose. Therefore, the potential of land market could be exploited for improving access to land in post reform phase.

**6.2.4. Synthesising the discussion**

In the sub-section 6.2.1, we discussed the gaps identified from the assessment of land reform programs implemented through state-led approaches in Nepal and Vietnam. Further discussion is carried out in the sub-sections 6.2.2 and 6.2.3 to look at how the community-based and market-assisted approaches respectively would address the gaps. In this section, we synthesise the discussion so that the issues of further consideration for achieving better benefit from land reform programs. The discussion is centred to the gaps discussed above.

Table 6-1: Synthesis of the discussion

	<b>State-led Approach</b> (results of empirical cases)	<b>Community-based Approach</b> (potentials to address)	<b>Market-assisted Approach</b> (potentials to address)
Policy formulation approach	<ul style="list-style-type: none"> <li>• Top down</li> <li>• Less participative</li> <li>• Chances of overlooking the ground reality</li> </ul>	<ul style="list-style-type: none"> <li>• Bottom-up initiative</li> <li>• Participative</li> <li>• Well representation of local interest</li> </ul> <p><i>However, has important role</i></p>	<ul style="list-style-type: none"> <li>• Contribution in Policy implementation rather than formulation</li> <li>• Potentials of land market can be reported</li> </ul> <p><i>Depends upon the state's policy</i></p>
Land acquisition	<ul style="list-style-type: none"> <li>• The approach is not well accepted</li> <li>• Lacking concerns of sustainability</li> <li>• State land being the target</li> </ul>	<ul style="list-style-type: none"> <li>• Legal recognition is required</li> <li>• Can facilitate in the identification of suitable land for redistribution</li> <li>• Better concern for sustainability, protection of forestland</li> <li>• Awareness about the program</li> <li>• Negotiation in the land market</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure transparent market and enough supply of land in the market</li> <li>• This approach would prevent the extensive exploitation of state land</li> </ul> <p><i>Without government support this approach may not be successful</i></p>
Land redistribution	<ul style="list-style-type: none"> <li>• Equality concern has not been well taken care</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitating selection of right beneficiary</li> <li>• Better concerns of maintain equality</li> <li>• Mediation of conflicts, if any</li> </ul>	<ul style="list-style-type: none"> <li>• Being voluntary, willing buyers can only be benefited</li> </ul> <p><i>Depends upon the policy of the state, how far it is accepted by the targeted people</i></p>
Post reform support	<ul style="list-style-type: none"> <li>• Not available</li> </ul> <p><i>(Some efforts of capacity building are implemented in Nepal but without any effect)</i></p>	<ul style="list-style-type: none"> <li>• Can facilitate in local capacity building; e.g. training,</li> <li>• Better farming approach, e.g. cooperative farming</li> <li>• The capacity to be developed</li> <li>• Negotiation in the land market</li> </ul>	<ul style="list-style-type: none"> <li>• Being voluntary, willing buyers can only be benefited</li> <li>• Has high potential</li> </ul> <p><i>But depends upon the policy of the state, how far it is accepted by the targeted people</i></p>

- . From the above table (Table 6-1) and discussion, we can come up with following statements
- The policy of the state determines the strength of the community-based and market-assisted approaches.
  - If policy prevails, community-based approach has better position in policy formulation approach as it can better represent the ground reality and ensure beneficiaries' meaningful participation
  - Community can negotiate in the land market to bring the price affordable to the beneficiaries
  - Community can facilitate in selection of right beneficiaries and identification of suitable land for redistribution purpose
  - Community can mediate in the cases of conflict at local level
  - Community can better mobilise the group efforts for the betterment of society in the post reform phase and negotiate in the land market, if exists, for affordable price.
  - The performance of market-assisted approach depends upon the financial support provided to the beneficiaries.
  - Market-assisted approach would prevent the exploitation of state land and reduce inequality in landholding and being voluntary there is no any voice against the equality issues. Nonetheless, women's equal access has to be ensured.

- Market-assisted approach has better potential in the post reform phase as there are more interests from the beneficiaries to make use of land market for access to additional land. The success depends the provision of financial support to the beneficiaries.

From these statements, it can be revealed that any approach in isolation cannot bring expected benefit to the beneficiaries or SED people. The gaps identified from the assessment cannot be addressed well by any of the approaches. Therefore, we can consider these gaps; policy formulation approach, land acquisition, land redistribution or reallocation, and post reform support as the issues of further consideration. Apart from these issues, we have noticed that participation of stakeholders in the process of land reform plays important role in improving efficiency and effectiveness of the programs, involvement of stakeholders in efficient use of resources could be another issues to be addressed.

From the above discussion, it is found the actors of each approach have their specific potentials to address the issues in a better way, though none of the approach in isolation can address the gaps well. We have noticed that lack of adequate participation of the stakeholders in the process affects the success of the program, and absence of post reform support hinders in bringing positive impact on the livelihoods of the beneficiaries. The potentials of community and land market can be exploited to reduce the hindrances to the success of land reform programs. Similarly, different stakeholders could be mobilised for the efficient utilisation of scarce resources.

To exploit the potentials available with community and land market, as mentioned above, in an integrated way, an innovative approach of land reform is proposed with the name ‘Pluralistic approach of land reform’. The concept of this approach is discussed in the following section 6.3.

### **6.3. Pluralistic Approach of Land Reform**

Pluralistic approach is a mechanism of sharing responsibilities and organisational arrangement among the stakeholders (Lizarralde and Davidson, 2001). As described in Chapter 2, the major stakeholders of land reform are state, community, the actors of land market, and beneficiaries. Furthermore, this is also an approach where the efforts of the stakeholders are integrated to accomplish the respective interests. This approach is proposed so that their potentials and integrated strength could be exploited for optimising the benefits to SED people from land reform programs.

#### **6.3.1. Experiences on integrated efforts for land reform**

This sub-section provides two examples of successful land reform programs implemented through integrated efforts of its stakeholders.

##### **a) Land reform in Japan:**

Land reform in Japan has been discussed in Chapter 2, section 2.6.3. This case is considered to be a successful case of land reform where state and community worked together using the tools of land market and came up with successful implementation. Land was acquired from the landlords with little compensation and also the peasants, tenants, landless, and poor people were distributed in extremely low rates. Land commissions were formed during the implementation of the program. The commissions consisted of 18 members; five tenants, five owner-cultivators, five landlords and three other members of high moral reputation. The land reform law made a provision that landlords should sell their lands to the government and the government sold the land to the tenants through land commissions. This provision was intended to eliminate the possibilities of personal controversy, illegal bargaining and other deals which the tenant would normally be the loser.

**b) Land Reform in South Korea**

Land reform in Korea, as discussed in Chapter 2, section 2.6.4, is the other successful case of land reform. In this case, state acted as an arbiter between landlords and tenants. The land redistribution was not free of cost but farmers did not pay money in cash for the land. The farms were sold at prices expressed in measures of grain. The price of each plot of land was set at three times its average annual yield. The farmer could pay in 15 years and no interest was charged.

**c) Land reform in Philippines**

This is an additional example of land reform in the Philippines, particularly adopted from Borrás (2001) for this chapter. The case belongs to the Comprehensive Agrarian Reform Program (CARP) implemented by the government of the Philippines. This is also an example of successful case where the state achieved better results than expected. It was possible because of the close tie between state and autonomous societies' relations in its implementation. Borrás argues that "redistributive land reform can be implemented in a politically hostile situation when initiatives by state reformists 'from above' positively interact with social mobilization 'from below'" and reports that the program has achieved significant success. The interaction between state reformists from above and social movements from below took place in the mid- to late-1990s. The state actors remained supportive to the social mobilization to achieve the success of the program.

Above three examples show that integrated effort of the stakeholders can achieve better results for the land reform programs. Therefore, it can be expected that if each stakeholder is given proper role and responsibilities, and integrated efforts are made a land reform can achieve desired success providing better benefit to SED people.

**6.3.2. Pluralistic approach to address the gaps**

As mentioned before, this approach has been proposed to exploit the potentials of the stakeholders to benefit SED people from land reform programs. Based on the potential roles and responsibilities of the stakeholders as described in the section 2.5 and 6.2.4, following roles and responsibilities (Table 6-2) can be assigned to the stakeholders to achieve benefit to SED people. As there is no empirical evidence for this approach, best possible roles and responsibilities based on the findings from the desk research and data collection are assigned to each stakeholder to address the gaps.

Table 6-2: Pluralistic approach to address the gaps (source: summary of the discussion )

	State	Community	Land Market	Beneficiary
Policy formulation approach	<ul style="list-style-type: none"> <li>• Initiatives for policy formulation with the participation of stakeholders based on the interest from below (bottom-up approach)</li> <li>• Motivates for communities and beneficiaries for active participation</li> </ul>	<ul style="list-style-type: none"> <li>• Active participation</li> <li>• Awareness at local level</li> <li>• Lobbying for pro-SED policy</li> <li>• Networking</li> <li>• Communicating local capability</li> </ul>	<ul style="list-style-type: none"> <li>• Reporting the possibilities available in the market</li> </ul>	<ul style="list-style-type: none"> <li>• Active Participation</li> <li>• Communicates with community about the interest to be incorporated in the policy</li> </ul>
Land acquisition	<ul style="list-style-type: none"> <li>• Adopts policies acceptable to the all stakeholders</li> <li>• Pays attention to the sustainability issues</li> <li>• Does not target the state land rather looks for other alternatives</li> <li>• Ensures the stakeholders their full participation</li> </ul>	<ul style="list-style-type: none"> <li>• facilitate in the identification of suitable land for redistribution</li> <li>• pays attention on sustainability issues</li> <li>• lobbies for protection of forestland</li> <li>• organises awareness programs</li> </ul>	<ul style="list-style-type: none"> <li>• Ensures transparent market</li> <li>• enough supply of land in the market</li> </ul>	<ul style="list-style-type: none"> <li>• Active Participation</li> <li>• Communicates with community about the interest to be incorporated in the policy</li> </ul>
Land redistribution	<ul style="list-style-type: none"> <li>• Adopts good governance principles</li> <li>• Ensures the stakeholders their full participation</li> <li>• Pays special attention to maintain equality</li> <li>• Provides financial support to the beneficiaries to access land from land market (if applies)</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitates selection of right beneficiary</li> <li>• Pays attention to maintain equality</li> <li>• Mediates the local conflicts</li> <li>• Negotiates in the land market for affordable price</li> </ul>	<ul style="list-style-type: none"> <li>• Makes best effort to attract SED people</li> <li>• enough supply of land in the market</li> </ul>	<ul style="list-style-type: none"> <li>• Active Participation</li> <li>• Follow-up if the redistribution or reallocation going in a justifiable way</li> <li>• Examines the benefit of market option</li> </ul>
Post reform support	<ul style="list-style-type: none"> <li>• Implements programs of capacity building</li> <li>• Seeks support from community and land market</li> <li>• Regularise and controls land market</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitates in local capacity building; e.g. training,</li> <li>• Better farming approach, e.g. cooperative farming</li> <li>• Negotiates in the land market for affordable price</li> </ul>	<ul style="list-style-type: none"> <li>• Ensures transparent market</li> <li>• enough supply of land in the market</li> </ul>	<ul style="list-style-type: none"> <li>• Active participation</li> <li>• Exploits the opportunities available</li> <li>• Examines the benefit of market option</li> </ul>

It is important to note that without appropriate organisational and institutional arrangement, financing mechanism, resource allocation, and supporting legal framework, this approach may not be workable. For this time, we have assumed that these pre-conditions are fulfilled prior to the implementation of the approach. We assume that government organisations take lead role in the process, where the community and beneficiaries have active participation and necessary financial resources have been managed by the state.



### **6.3.3. Risks of pluralistic approach**

The main risk in the implementation of the pluralistic approach can be conflict of interest among the stakeholders. For example, state machinery may like to follow the traditional bureaucratic model and undermine the potentials of other stakeholders. In the same way, community leaders may want to keep their saying above others and raise unattainable demands from the land reform. The actors of land market may want to influence the policy to meet their demands. The beneficiaries mostly do not want to invest for land access, rather expect free distribution from the government. The location selected for distribution may have differences with the beneficiaries. Thus, there is a possibility of tussle among the personal interest of these different stakeholders. Proper mechanism and approach should be followed for the conflict management.

## **6.4. Concluding Remarks**

The assessment of land reform programs in Nepal and Vietnam implemented through state-led approach identified four major issues having gaps in their performance such as; policy formulation approach, land acquisition, land redistribution or reallocation, and post reform support. Policy Formulation approach is top-down and there is no any participation of beneficiaries and local community in policy formulation process. The land acquisition in Nepal is not well accepted at local level as state land, mostly forest land, is being acquired and there are some cases of conflict/disputes. The approach of land acquisition for the exchanging in Vietnam is missing proper valuation. Though the approach is voluntary, the approach is not fully supported by the beneficiaries. Land redistribution in Nepal has failed to maintain the equality of access to land whereas lottery system of land allocation in Vietnam also misses to maintain equality in terms of quality of the soil. Post reform support is missing in both the countries, which is highly demanded. The consequences of these gaps have hindered the programs to be successful to provided adequate benefit to the beneficiaries.

A discussion on how community-based land reform approach would address these gaps found that community based approach, more specifically community, have some potentials it can support the policy making with bottom-up approach, represent ground reality, facilitate implementation of programs, have better concern about the protection of forest land and environmental concern, and awareness programs to the beneficiaries among others to address these issues but without the government's policy and support it cannot be materialised. Similarly, market-assisted approach could address the gaps only if the beneficiaries would be granted financial support to access land from the market. The synthesis of the discussion concluded that the potentials of each stakeholder of land reform can be integrated to achieve better benefit to SED people and an innovative approach is proposed with the name 'Pluralistic Approach of Land Reform'.

The idea of pluralistic approach is to set a mechanism of sharing responsibilities and organisational arrangement among the stakeholders. The two successful cases of land reform programs, implemented through integrated efforts of stakeholders, in Japan and the Philippines show that functioning of the pluralistic approach is possible. Managing conflict of interest can be a major risk in the implementation of land reform programs with this approach.

## 7. Conclusion and Recommendations

### 7.1. Introduction

This chapter presents the conclusion of the research and recommendation for further research.

### 7.2. Conclusion

This research has been carried out with an objective of assessing land reform approaches to benefit SED people. The objective is supported by three sub-objectives. The achievement of the sub-objectives is summarised as under:

*The first sub-objective: to identify the expectation of SED people form land reform*

The research revealed that the SED people mainly expect improvement in the access to land and productivity, and reduction in the inequality in terms of access to land from land reform. Access to land is important because they can use it for farming for their livelihood as well accessing financial markets through credit. Furthermore, their access to credit ultimately contributes in poverty reduction, economic growth, and empowering themselves. From the empirical case of redistributive land reform studied in Nepal, the SED people mainly expect land for housing and farming purpose. As they were landless and homeless before being allocated the land, they do not have higher expectation. The land and complementary assistance, whatever they have received, are not sufficient for their livelihoods. However, in the post reform phase, they would expect opportunities of capacity building through skill based or job oriented training, additional land for farming, non-farm employment opportunities, and infrastructural development like irrigation and road. Similarly, the beneficiaries of the case, land consolidation, in Vietnam would expect the consolidation of land to one or two parcel, which has only reduced to about 50% even after the completion of the program. They also have some expectation in the post reform phase such as further consolidation to one or two parcels, infrastructural development, job opportunities, and flexible land use policy. The beneficiaries from both the case study have expected support in the post reform phase.

*The second sub-objective: to assess whether the expectations of SED people are met from the land reform programs implemented through the existing approach*

The assessment is based on a framework developed on the basis of six aspects of land reform; policy aspect, management aspect, operational aspect, impacts, external factors, aspect of post reform support, which covers entire system of land reform, using good practice criteria. The research investigated that though there has been little improvement in the access and productivity of land, it is not sufficient for their livelihoods. The support in the post reform phase is lacking. Aforementioned expectations of the beneficiaries are still valid. The assessments have found major four issues having gaps in this respect; 1) policy formulation approach, which is top-down and less participatory, 2) land acquisition approach, which is not well accepted by the all stakeholders and lacks proper concerns about economic and environmental sustainability, 3) redistribution or reallocation, which lacks proper concern on maintaining equality, and 4) post reform support, which is lacking in both the cases but

highly demanded. A discussion on how community-based land reform approach would address these gaps found that community based approach, exploiting the communities' acquaintance with ground reality and capability of mobilising local resources, could address these issues better but without the government's policy and support cannot be materialised. Similarly, the other discussion found that market-assisted approach could address the gaps only if the beneficiaries would be granted financial support to access land from the market. Nonetheless, it is found that if the potentials available with the actors of these approaches; state, community, and land market including beneficiaries could be exploited in an integrated way, the gaps could be addressed better.

*The third sub-objective: to propose an innovative approach to address the limitations of existing approaches*

The potentials of state, community, and land market with the active involvement of beneficiaries, as investigated from empirical case study and desk research triggers to propose an innovative approach. Since all the major stakeholders will be involved in the process, the approach is named as 'Pluralistic Approach of Land Reform'. The major stakeholders; state, community, land market, and beneficiaries share responsibilities in this approach. State is mainly responsible for initiating policy issues, and managing necessary arrangement for the implementation and resources. Community mainly facilitates the government thorough local knowledge and mobilising local resources. Land markets ensure transparency and affordable market for the SED people. The beneficiaries involve actively in the process and take advantages of the opportunities. The approach deserves a potential to benefit SED people better, provided that it functions well.

To sum up the conclusion, the research investigated that though the land reform programs in place implemented through state-led approaches have brought little improvement in the access and productivity of land but it is not sufficient for the livelihoods of the SED people or the beneficiaries. The community-based and market-assisted approach also cannot offer expected benefits to SED people, if implemented in isolation. Proposed innovative approach, Pluralistic Approach of Land Reform, deserves a potential to benefit SED people better.

### **7.3. Recommendations**

Following recommendations have been proposed for further research:

- 1) The assessment framework designed in Chapter 3 is intended to cover entire system of land reform for comprehensive assessment. The indicators identified for the assessment are supposed to incorporate entire facets of the system. Currently, only the indicators, for which data was collected, are incorporated in the framework. Further research is required to incorporate all possible indicators of a land reform system. At the same time, further research is required to validate the strength of the framework.
- 2) This research does not incorporate any empirical case of the community-based or market-assisted approach rather uses desk research to discuss its potentials to benefit SED people. Further research is required to assess the contribution of these approaches in this direction.
- 3) The pluralistic approach proposed in this research is just an attempt to show that such an approach can be useful for the implementation of land reform as well but does not incorporate its organisational, legal, technical, and financial aspects. Furthermore, the approach has not been tested. Therefore, further research is recommended to design the approach within its

entire system components including organisations and institutional aspects, legal aspects, technical aspects and financial aspects, and then to test it with empirical case.



## References

- Adhikari, C. and Chatfield, P. (2008). *The Role of Land Reform in Reducing Poverty across Nepal*. Third Annual Himalayan Policy Research Conference Nepal Study Centre, Madison, the United States.
- Badal, K., Devkota, D., et al. (1995). *Report of High Level Land Reform (Badal) Commission (in Nepali Language)* Kathmandu, Nepal, High level Land Reform Commission-1994 (Badal commission), Government of Nepal: 187.
- Baird, M. (1998). *The Role of Evaluation*. Public Sector Performance- The Critical Role of Evaluation K. Mackay. Washington D.C., The World Bank: 7-12.
- Bandeira, P., Sumpsi, J. M., et al. (2009). "Evaluating Land Administration Systems: A Comparative Method with an Application to Peru and Honduras." *Land Use Policy* 27(2): 351-363.
- Besley, T. and Burgess, R. (2000). "Land Reform, Poverty Reduction, and Growth: Evidence from India." *The Quarterly Journal of Economics* 115(2): 389-430.
- Bobrow-Strain, A. (2004). "(Dis)Accords: The Politics of Market-Assisted Land Reforms in Chiapas, Mexico." *World Development* 32(6): 887-903.
- Borras, S. M. (2001). "State-Society Relations in Land Reform Implementation in the Philippines." *Development and Change* 32(3): 545-575.
- Bouquet, E. (2009). "State-Led Land Reform and Local Institutional Change: Land Titles, Land Markets and Tenure Security in Mexican Communities." *World Development* 37(8): 1390-1399.
- Bryden, J. and Geisler, C. (2007). "Community-Based Land Reform: Lessons from Scotland." *Land Use Policy* 24(1): 24-34.
- Cavaye, A. L. M. (1996). "Case Study Research: A Multi-Faceted Research Approach for Is." *Information Systems Journal* 6(3): 227-242.
- Chimhamhiwa, D., Molen, P. v. d., et al. (2009). "Towards a Framework for Measuring End to End Performance of Land Administration Business Processes - a Case Study." *Computers, Environment and Urban Systems* 33(4): 293-301.
- Crisp, B. R., Anderson, M. R., et al. (2005). *Learning and Teaching in Social Work Education: Textbooks and Frameworks on Assessment* Bristol, the United Kingdom Social Care Institute for Excellence, Glasgow School of Social Work, University of Glasgow 210.
- Darke, P., Shanks, G., et al. (1998). "Successfully Completing Case Study Research: Combining Rigour, Relevance and Pragmatism." *Information Systems Journal* 8(4): 273-289.
- Datar, G., Carpio, X. D., et al. (2009). *Can a Market-Assisted Land Redistribution Program Improve the Lives of the Poor? Evidence from Malawi*. Policy Research Working Paper 5093. P. R. W. P. 5093, The World Bank; Independent Evaluation Group; Corporate, Global and Methods Division.
- Deininger, K. (1999). "Making Negotiated Land Reform Work: Initial Experience from Colombia, Brazil and South Africa." *World Development* 27(4): 651-672.
- Deininger, K. (2003). *Land Policies for Growth and Poverty Reduction: A World Bank Policy Research Report*. A World Bank Policy Research Report, The World Bank: 239.
- Ghimire, K. B. (2001). *Regional Perspectives on Land Reform: Considering the Role of Civil Society Organisations*. Whose Land? Civil Society Perspectives on Land Reform and Rural Poverty Reduction: Regional Experiences from Africa, Asia and Latin America\_K. B. Ghimire and B. H. Moore. Rome (Italy) and Geneva (Switzerland), International Fund for Agricultural

- Development (IFAD), The Popular Coalition: to eradicate hunger and poverty, and United Nations Research Institute for Social Development (UNRISD): 13-56.92-9072-012-3
- Gorton, M. (2001). "Agricultural Land Reform in Moldova." *Land Use Policy* 18(3): 269-279.
- Grad, A. J. (1948). "Land Reform in Japan." *Pacific Affairs* 21(2): 115-135.
- Groenendijk, E. M. C. and Dopheide, E. J. M. (2003). *Planning and Management Tools* Enschede, International Institute for Geoinformation Science and Earth Observations, ITC,
- Hellum, A. and Derman, B. (2004). "Land Reform and Human Rights in Contemporary Zimbabwe: Balancing Individual and Social Justice through an Integrated Human Rights Framework." *World Development* 32(10): 1785-1805.
- Interim Constitution of Nepal (2007). *Interim Constitution of Nepal, 2007*. Kathmandu, Nepal, Madhuwan Prakashan,
- Koch, E., Massyn, P. J., et al. (2001). *The Fate of Land Reform in Southern Africa: The Role of the State, the Market, and Civil Society* Whose Land? Civil Society Perspectives on Land Reform and Rural Poverty Reduction: Regional Experiences from Africa, Asia and Latin America\_K. B. Ghimire and B. H. Moore. Rome (Italy) and Geneva (Switzerland), International Fund for Agricultural Development (IFAD), The Popular Coalition: to eradicate hunger and poverty, and United Nations Research Institute for Social Development (UNRISD): 129-163.92-9072-012-3
- Lizarralde, G. and Davidson, C. (2001) "Towards a Pluralist Approach in Post-Disaster Housing Reconstruction in Developing Countries." *Models of Reconstruction Projects* (<http://www.grif.umontreal.ca/pages/a2main.html>; Accessed date: 2010/01/29).
- Macmillan, D. C. (2000). "An Economic Case for Land Reform." *Land Use Policy* 17(1): 49-57.
- Manji, A. (2006). *The Politics of Land Reform in Africa : From Communal Tenure to Free Markets*. London and New York, Zed Books.1-84277-495-6, pp.149
- Mannan, M. (2001). *South Asia's Experience in Land Reforms: The Role of Ngos, the State and Donors*. Whose Land? Civil Society Perspectives on Land Reform and Rural Poverty Reduction: Regional Experiences from Africa, Asia and Latin America\_K. B. Ghimire and B. H. Moore. Rome (Italy) and Geneva (Switzerland), International Fund for Agricultural Development (IFAD), The Popular Coalition: to eradicate hunger and poverty, and United Nations Research Institute for Social Development (UNRISD): 81-102.92-9072-012-3
- Marsh, S. P. and MacAulay, T. G. (2006). "Land Reform and the Development of Commercial Agriculture in Vietnam: Policy and Issues " *Australasian Agribusiness Journals - Online* 10.
- May, H. and Lahiff, E. (2007). "Land Reform in Namaqualand, 1994-2005: A Review." *Journal of Arid Environments* 70(4): 782-798.
- May, J., Stevens, T., et al. (2002). "Monitoring the Impact of Land Reform on Quality of Life: A South African Case Study." *Social Indicators Research* 58(1): 293-312.
- McCune, S. (1948). "Land Redistribution in Korea." *Far Eastern Survey* 17(2): 13-18.
- Mitchell, C. C. (1949). "Land Reform in South Korea." *Pacific Affairs* 22 (2): 144-154.
- MoLRM (2009). *Report on Mukta Kamaiyas' Rehabilitation and Capacity Building (in Nepali Language)*. Kathmandu, Nepal, The Commission for Mukta Kamaiya Rehabilitation, Ministry of Land Reform and Management (MoLRM), Government of Nepal: 102.
- Rajabifard, A. (2006). *Developing National Sdis: Understanding the Main Challenges and Issues*. Workshop on Exploring Spatial Data Infrastructure. Wageningen, The Netherlands, RGI Kennisportaal (<http://kennis.rgi.nl/?page=publications&sub=details&id=1299>).
- Regmi, M. C. (1961). "Recent Land Reform Programs in Nepal." *Asian Survey* 1(7): 32-37.
- Regmi, M. C. (1974). *Land Ownership in Nepal*, Adroit Publishers, Delhi - 110 053.81-87392-00-2,
- Sikor, T. and Müller, D. (2009). "The Limits of State-Led Land Reform: An Introduction." *World Development* 37(8): 1307-1316.

- Simmons, C., Walker, R., et al. (2009). *"Doing It for Themselves: Direct Action Land Reform in the Brazilian Amazon."* World Development In Press, Corrected Proof.
- Stedler, D. (2004). *A Framework for the Evaluation of Land Administration Systems*. Department of Geomatics. Melbourne, Australia, University of Melbourne. Ph.D.: 177.
- Stedler, D., Rajabifard, A., et al. (2004). *"Evaluation of Land Administration Systems."* Land Use Policy 21(4): 371-380.
- Stedler, D. and Williamson, I. P. (2005). *"Evaluation of National Land Administration System in Switzerland - a Case Study Based on Management Model."* Survey Review 38: 317-330.
- Stibbe, B. and Dunkley, G. (1997). *Land Reform and Land Taxation; Localising the Habitat- Agenda at Municipal Level*. United Nations Regional Conference on 'Localizing the Habitat - Agenda at Municipal Level', 6-8 October 1997 Beirut
- Toulmin, C. e. and Quan, J. e. (2000). *Evolving Land Rights, Policy and Tenure in Africa*. London, International Institute for Environment and Development (IIED).1-899825-51-7,
- Tuan, T. A. (2006). *Institutional Analysis of the Contemporary Land Consolidation in the Red River Delta: A Village-Level Study on Dong Long Commune in Tien Hai District, Thai Binh Province, Vietnam*, Graduate School of Letters, Kansai University, Japan.
- Tuladhar, A. M. (2004). *Parcel - Based Geo - Information System : Concepts and Guidelines*. ITC Dissertation;115. Enschede, the Netherlands, International Institute for Geo-information Science and Earth Observations, ITC. PhD: 252.
- UN/ECE (1996). *Land Administration Guidelines, with Special Reference to Countries in Transition*. New York and Geneva, Economic Commission for Europe, United Nations,
- URL 1. *"Sajha Sawal (Common Questions)."* Retrieved November 20, 2009, 2009.
- van der Molen, P. (2009). *Lecture Notes on Land Reform*, International Institute for Geoinformation Science and Earth Observations, ITC.
- Waeterloos, E. and Rutherford, B. (2004). *"Land Reform in Zimbabwe: Challenges and Opportunities for Poverty Reduction among Commercial Farm Workers."* World Development 32(3): 537-553.
- Williamson, I., Enemark, S., et al. (2010). *Land Administration for Sustainable Development*. Redlands, USA, ESRI.978-1-58948-041-4, pp.487
- Wolfe, L. (2009). *"Definition of "Socially and Economically" Disadvantaged Individuals."* Retrieved 2009/11/26, from <http://womeninbusiness.about.com/od/smallbusinessfunding/a/sbadefsociodis.htm>.
- World Bank (1975). *Land Reform: Sector Policy Paper*, World Bank.
- World Bank (2005). *The Logframe Handbook : A Logical Framework Approach to Project Cycle Management*. 1818H Street, NW, Washington DC 20433, USA, The World Bank. Working Paper: 113.
- Yin, R. K. (1994). *"Case Study Research: Design and Methods."*
- Zakout, W., Wehrmann, B., et al. (2006). *Good Governance in Land Administration: Principles and Good Practices* Washington D.C., USA, The World Bank and The Food and Agricultural Organisation (FAO).
- Zaman, M. A. (1978). *"The Role of Land Administration in Agricultural Development."* Agricultural Administration 5(3): 219-230.



# Appendices

## Appendix 1: Questionnaire for household survey in Nepal

### Introduction / Socio-economic condition of the respondent and his/her household

1. Age: \_\_\_\_\_ Sex: \_\_\_\_\_
2. Are you from a freed bonded labourer family? *(yes, no)*  
2.1 If yes, which card do you hold? *(red, blue, green, white)*
3. What is your academic level? *(IA or more, SLC, basic, cannot read & write)*
4. Where is the schooling of the child/children from your household?  
*(private school, public school, no schooling, not applicable)*
5. How many members of your household has/have attained following academic level?
 

M.A	B.A.	I. A.	S.L.C.	Primary	Basic	None
.....	.....	.....	.....	.....	.....	.....
6. How many members are in your household? *More than 18 yrs* \_\_\_\_\_ *Less than 18 yrs* \_\_\_\_\_
7. Who is the household head? *(Male, Female)*
8. What is your house type? *(concrete house, mud house with stone, hut)*
9. What do you do to earn for your livelihood? *(work at own farm, work as a labour at others farm, have own business, have a Government job, others)*
10. How many members of your family are employed? \_\_\_\_\_, *None*
11. What is the monthly income of your household? \_\_\_\_\_ *(NRS)*
12. Is the monthly income enough for livelihood of your household? *(yes, somehow manageable, no)*
13. Which of the following basic facilities are available at your house?  
*(road access, electricity, telephone, supplied water, sewerage)*

### Possession of land

14. Do you possess any land? *(Yes, No)*  
*If yes, please, follow the questions ahead.*
15. What is the size of land in your possession? \_\_\_\_\_ *(kattha, local unit)*
16. Is the land in your possession in registered? *(Yes, No)*  
*If yes, who owns the land? (Husband/Male, Wife/Female, Joint)*  
*If not, what kind of land are you occupying? (Ailani, Parti, Forest, Public, don't know)*
17. If you possess registered land, how did you get it? *(Redistribution program, Purchased, Inherited)*
18. Before being freed, for how much land did you have to work for the landlord? \_\_\_\_\_ Bigha

19. How long had you been working for the land lord? \_\_\_\_\_*years/generations*
20. Did you ever try to appeal for tenancy right over the land you were working for landlord? *(yes, no)*
21. Why do you think land is necessary? *(Farming, shelter, both)*
22. If you were given two alternatives: 1) A small piece of land is provided with an opportunity of employment elsewhere based on the skill deserved, and 2) a piece of land that sufficiently would support your livelihood, which one alternative would you have chosen? *(The first , the second)*

#### **Land Reform (redistribution) issues**

23. Were you aware of land distributions by the government to landless people in the past? *(yes, no)*
24. Were you ever asked to apply for land from those programs? *(yes, no)*
25. Did you ever try yourself to apply for land from these programs? *(yes, no)*  
     If yes, did you get the land? *(yes, no)*  
     If yes, is the land still in your possession? *(yes, no)*  
         If not, what did you do with the land? *(Sold, bankrupted, Other (Please, specify))*
26. Did you get any land from the government under the Freed Bonded Laborer Rehabilitation Program? *(yes, no)*  
     If yes, is the land still in your possession? *(yes, no)*  
     If not, what did you do with the land? *(Sold, bankrupted, Other (Please, specify))*  
     How much land did you get under this program? \_\_\_\_\_*Kattha*
27. After how many years of being freed did you get the land ownership? \_\_\_\_\_*Years*
28. Do you think due care was taken to ensure equal right to women to own the land in this program? *(Yes, No, No idea)*
29. Do you think due care was taken to ensure equality in terms of distributing land to each households in this program? *(Yes, No, No idea)*
30. Are you satisfied with the approach of land distribution? *(Yes, No, No comment)*
31. Where were you staying before getting the land in your possession currently? *(Within the same locality, Different locality, not fixed)*
32. Are you satisfied with the locality of the land you were provided from the program? *(Yes, No, No comment)*
33. Did the government officials ask you before entitling the land whether you liked its location or not? *(Yes, No.)*
34. In which locality would you prefer to get entitled the land from the program? *(within the same locality as before, different locality, no comment)*
35. Do you have better condition of livelihood after being freed? *(yes, somehow, not at all, no comment)*
36. If you have better condition of livelihood after being freed, is it due to the land you were entitled with? *(yes, somehow, not but it's due to the off-farm employment)*

#### **Roles and Responsibilities**

**a) State**

37. “Government can incorporate all the interests of beneficiaries and stakeholders even without their involvement.” What is your position with this statement? (*highly agree, agree, disagree, highly disagree, no idea*)
38. “Government cannot incorporate the interests of beneficiaries and stakeholders without their involvement.” What is your position with this statement? (*highly agree, agree, disagree, highly disagree, no idea*)
39. Did you ever try, whether the government officials were responsive to meet your interest from the land distribution program? (*Yes, No, Did not try*)
- If yes, how responsive did you find the staff in this regard? (*Highly, Somehow, not at all*)
40. Did you ever try to communicate with government officials in the matter of your interest related to the land reform? (*Yes, No, Never tried*)
- If yes, how easy is it to communicate with the government staff in this regard?
- (*Very easy, reasonably easy, Not easy, Not possible*)
41. Did you ever experience any household being benefited more than you or others on the ground of their close relation with the political leaders from the program? (*Yes, No, No idea*)
42. Did you ever face any dispute or obstruction or difficulties while occupying or using the land you got from the program? (*Yes, No, No idea*)
43. Who are/were the reasons of for delaying the progress of land distribution to the households like you? (*Targeted families, Government Officials, Political leaders, civil society*)

**b) Community**

44. Is there any ‘Freed bonded-labourer group’ formed in your locality? (*Yes, No, don’t know*)
45. If yes, how active is your group to voice in favour of the households like yours and issues of common interests? (*Highly active, active, less active, Not at all, No idea*)
46. Did the group you belong to ever participate in the land distribution activities?
- (*Yes, indeed, Sometimes, Never, No idea*)
47. Are there families from other part of origin, especially migrated people from hilly region, in your locality? (*Yes, No, don’t know*)
48. If yes, do these people speak in favour of your community? (*Yes, Sometimes, Never, No comment*)

**c) Land market**

49. Would you prefer to buy a piece of land at the place of your interest, rather than accepting wherever it has been allocated currently, if financially supported through subsidy or soft loan by the government? (*Yes, I would think of it, No, Cannot say*)
50. If the government would provide some subsidies would you buy additional land? (*Yes, I would think of it, No, Cannot say*)
51. If the government would provide soft loan to buy land, would you accept it?
- (*Yes, I would think of it, No, Cannot say*)
52. If you would like to buy a piece of land what kind of support would you expect from the government? (*Price control, subsidy, soft loan, No any*)
53. Do you think land market can help to improve the access to land for poor people? (*Yes, No, No idea*)

54. Did you ever hear about the government's initiation of land banks and a soft loan of NRs 150,000?  
(Yes, No)

If yes, did you like the concept? (Yes, No)

If not, who convinced you that the program is not in your favour?

(Myself, local community leaders, land right activists, government officials, NGOs/INGOs)

**d) Beneficiaries**

55. Were you involved in the land distribution program? (Yes, No)

56. If yes, in which stage of the program were you involved? (More than one answer is possible)

(Decision making, Site selection, Land allocation, Others)

57. Where would you expect your participation in the process of land reform?

(Decision making, Site selection, Land allocation, not really required)

58. Is there anything else you would like to add? \_\_\_\_\_

## *Appendix 2: Questionnaire for Experts and Civil society leaders in Nepal*

1. How would you see/evaluate the condition of Socially and Economically Disadvantaged (SED) People's access to land in Nepal?
2. What is your opinion about the contribution of land reform program implemented in the past to improve the access to land for SED people in the country?
3. *Mukta kamaiya* households were not benefited from the provision of acquiring tenancy right on the land, which they were tilling for long time, during the implementation of land reform program in the past. How would you react to this statement?
4. *Mukta kamaiya* households were not incorporated in the program of land distribution to landless people from different commissions, such as *Sukumbasi Samassya Samadhan Aayog*, in the past. How would you evaluate the government's policy in this respect?
5. The progress of the land distribution to the *Mukta kamaiya* households under the Government's program of rehabilitation of those households seems quite slow. What reasons have you experienced in this delay?
6. It has been seen that *Mukta kamaiya* households, landless people, or rehabilitated people from different projects have been distributed state land. Would you suggest any alternative approach for acquiring land for this purpose?
7. What is your opinion about the program of Land Banking initiated by the government in the past? How it could have been implemented effectively?
8. In your opinion, how can targeted group of people, community and state work together in the process of land reform to make the program effective and efficient, and how do you see the role of land market in this process?
9. Would you like to have some additional suggestions, remarks or say about the issues discussed before?

### Appendix 3: Questionnaire for Government Officials in Nepal

1. How would you evaluate the condition of Socially and Economically Disadvantaged (SED) People's access to land in Nepal?
2. *Mukta kamaiya* households were not benefited from the provision of acquiring tenancy right on the land, which they were tilling for long time, during the implementation of land reform program in the past. How would you react to this statement?
3. *Mukta kamaiya* households were not incorporated in the program of land distribution to landless people from different commissions, such as *Skumbasi Samssya Samadhan Aayog*, in the past. How would you evaluate the government's policy in this respect?
4. The progress of the land distribution to the *Mukta kamaiya* households under the Government's program of rehabilitation of those households seems quite slow. What reasons have you experienced in this delay?
5. It has been seen that *Mukta kamaiya* households, landless people, or rehabilitated people from different projects have been distributed government land. Is there any plan of the government to go for any alternative to this approach? How would you suggest as an alternative approach in this regard?
6. How would you evaluate the program of land distribution to *Mukta kamaiya* households in general?
7. In your opinion, how can targeted group of people, community and state work together in the process of land reform to make the program effective and efficient, and how do you see the role of land market in this process?
8. Would you like to have some additional suggestions, remarks or say about the issues discussed before?

## *Appendix 4: Questionnaire for household survey in Vietnam*

### **Introduction / Socio-economic condition of the respondent and his/her household**

1. Age: \_\_\_\_\_ Sex: \_\_\_\_\_
2. What is your academic level? (*university, secondary, basic/primary, cannot read & write*)
3. Who is the household head? (*Male, Female*)
4. How many people are in your family? (*More than 18 yrs \_\_\_\_\_, Less than 18 yrs \_\_\_\_\_*)
5. What is your house type? (*Concrete House, Mud house with stone, Hut*)
6. Where is the schooling of the child/children from your household?  
(*private school, public school, no schooling, not applicable*)
7. What is your occupation? (*farming, off-farming, both*)
8. How many members of your family are employed? \_\_\_\_\_, *None*
9. What is the monthly income of your household? \_\_\_\_\_
10. If your occupation is farming, is the income enough for livelihood of your household?  
(*yes, somehow manageable, no*)
11. Which of the following basic facilities are available at your house?  
(*road access, electricity, telephone, supplied water, sewerage*)

### **Possession of land**

12. Do you possess any land? (*yes, no*)  
*If yes, please, follow the questions ahead ...*  
If not, could you please, specify the reason why you do/could not possess land? \_\_\_\_\_
13. What is the size of land in your possession? \_\_\_\_\_ (*local unit*)
14. How did you get the land? (*Government allocation, purchase, inherited, leased-in, rented*)
15. Which right can you exercise on the land you possess? (more than one answer is possible)  
(*transfer, exchange, lease, inherit, mortgage*)
16. Who is the use right registered with? (*male, female, joint*)

### **Land Reform issues (Land allocation, exchange, and consolidation)**

17. Which of the following system(s) of land use / allocation in Vietnam are you aware with? (more than one answer is possible)
  - *Collectivisation of agricultural land (1950s-1970s)*
  - *Household allocation with product contract (1980s)*
  - *Household allocation with 'five rights' (late 1980s to the date)*
18. Which one of these systems of land use/allocation do you favour most?
  - *Collectivisation of agricultural land (1950s-1970s)*
  - *Household allocation with product contract (1980s)*
  - *Household allocation with 'five rights' (late 1980s to the date)*

19. Are you satisfied with the latest approach of household allocation with 'five rights'? (*yes, no*)  
 If yes, why? \_\_\_\_\_  
 If not, why? \_\_\_\_\_
20. Did you ever involved in the land allocation process? (*yes, no*)  
 If yes,  
 a) In which stage of the process did you involve? (More than one answer is possible)  
 (*policy/decision making, implementation, others: Please, specify \_\_\_\_\_*)  
 b) How was the involvement? \_\_\_\_\_
21. (a) Do you think due care was taken to assure equal opportunity to women to hold use right on the land during land allocation? (*yes, no, no idea*)  
 If yes, how was it done? \_\_\_\_\_  
 If not, what is your experience? \_\_\_\_\_
- (b) Do you think due care was taken to maintain equality in terms of holding land use rights to each households during land allocation? (*yes, no, no idea*)  
 If yes, how was it done? \_\_\_\_\_  
 If not, what is your experience? \_\_\_\_\_
- 21A: If you are woman respondent, do you feel secure with your land use right? (*yes, somehow, no, no comment*)
22. Did you encounter any problem at the time of land allocation? (*yes, no, don't know*)  
 If yes, what kind of problem(s)? \_\_\_\_\_
23. Did you feel any political influence at the time of land allocation? \_\_\_\_\_
24. Did your household benefit from the current land reform program in the village? (*yes, no*)  
 If not, a) *Could you please specify the reason why you did/could not be a beneficiary of the program?* \_\_\_\_\_  
 b) *Please, jump to the next section, i.e. Q. No. 31 and onwards*
25. Are you satisfied with the current approach of land exchange? (*yes, no, no comment*)  
 If not, why? \_\_\_\_\_
26. In which order would you prioritize the following factors to make your decision for land exchange? Please, order as 1, 2, 3, and 4 according to your priority.  
 (*distance from house, quality of land, price/value of land, area of land parcel*)
27. How many parcels did you have before? \_\_\_\_\_
28. How many parcels do you have now? \_\_\_\_\_
29. What benefit(s) did you achieve after the implementation of this program? (more than one answer is possible) (*Less expense for farming, less time required for farming, production increased, income level is increased, No any benefits achieved*)
30. What is your general opinion on this land reform program? \_\_\_\_\_

### **Roles and Responsibilities**



**e) State**

31. Who makes the decision for the implementation of land reform program like the one is currently in practice?
- *Government alone*
  - *Government in consultation with the community*
  - *Government in consultation with the community and beneficiaries*
  - *No idea*
32. Which approach of decision making for the implementation of land reform would you prefer?
- *Government alone*
  - *Government in consultation with the community*
  - *Government in consultation with the community and beneficiaries*
  - *No idea*
33. “Government can incorporate all the interests of beneficiaries and stakeholders even without their involvement.” What is your position with this statement?
- (highly agree, agree, disagree, highly disagree, no idea)*
34. “Government cannot incorporate the interests of beneficiaries and stakeholders without their involvement.” What is your position with this statement?
- (highly agree, agree, disagree, highly disagree, no idea)*
- (34+). Did you ever try, whether the government officials were responsive to meet your interest from the land reform program? *(yes, no, did not try), If yes ... (Q 35)*
35. How responsive did you find the government staff involved with land reform program to meet your interest? *(Highly, Somehow, not at all)*
- (35+). Did you ever try to communicate with government officials in the matter of your interest related to the land reform? *(yes, no, did not try), If yes ... (Q 36)*
36. How easy is it to communicate with the government staff in the matter of your interest related to land reform *(very easy, reasonably easy, not easy, not possible)*
37. Did you ever experience any household being benefited more than others on the ground of their close relation with the political leaders during land allocation / land exchange?
- (Yes, No, No idea), If yes, please specify \_\_\_\_\_*
38. Did you ever experience any problems during the implementation of the land reform (land allocation and/or land exchange) program in your village? *(Yes, No, No idea), If yes, please specify \_\_\_\_\_*
39. What support do you expect from the government to get better benefit from the current land reform program? \_\_\_\_\_

**f) Community**

40. How active is your community to raise the voice in favour of the people of your community and the matters of common interest? *(highly active, active, less active, not at all, no idea)*
41. Did your community ever participate in the land reform activities?
- (Yes, indeed, sometimes, never, no idea); If yes or sometimes, how? \_\_\_\_\_*
42. Which issues of common interest could be better addressed by the community than the state? \_\_\_\_\_
43. In your opinion, what are the benefits of community involvement in the land reform process? \_\_\_\_\_

**g) Land market**

44. Have you ever exercised following approaches on the land in your possession?  
(*transfer, leased-out/-in, rented-out/-in, mortgaging, none*)
45. If the government would provide some subsidies would you buy additional land?  
(*yes, I would think of it, no, cannot say*)
46. If the government would provide soft loan to buy land, would you accept it?  
(*yes, I would think of it, no, cannot say*)
47. If you would like to buy a piece of land what kind of support would you expect from the government? (*Price control, subsidy, soft loan, no any*)
48. Do you think land market can help to improve the access to land for poor people? (*yes, no, no idea*) If yes, how it can? \_\_\_\_\_
49. Do you have any view on the role of land market in land reform? \_\_\_\_\_

**h) Beneficiaries**

50. Were you ever involved in the latest land reform program that is land exchange program for consolidation? (*yes, no*)
- If yes,
- a) In which stage of the process were you involved? (More than one answer is possible)  
(*decision making, implementation, others: Please, specify \_\_\_\_\_*)
- b) How was the involvement? \_\_\_\_\_
51. Are you aware with the importance of land reform program in your place? (*yes, a little, no*)  
If yes, what is it? \_\_\_\_\_
52. Where would you expect your participation in the process of land reform?  
(*decision making, implementation, not really required*)
53. What can be the benefit(s) of your involvement, as a beneficiary of the program, in the process of land reform? \_\_\_\_\_
54. What role would you expect as a beneficiary of the land reform program in the process of its implementation? \_\_\_\_\_
55. Is there anything else you would like to add? \_\_\_\_\_

## *Appendix 5: Interview questionnaire for civil society members/ community leaders in Vietnam*

### **Introduction of the respondent**

1. Age: \_\_\_\_\_ Sex: \_\_\_\_\_
2. What is your academic level? (*university level, secondary level, basic, cannot read & write*)
3. What is your role in your community? (*leader, active member, member, informally involved*)
4. How is your acquaintance with land reform issues? (*sufficient, a little, not at all*)
5. What is your occupation? (*farming, others: please, specify \_\_\_\_\_*)
6. What is average socio-economic status of the community you belong to?  
(*Above average, average, below average, no idea*)
7. Which of the following basic facilities are available in your locality? (more than one answer is possible) (*road, electricity, telephone, supplied water, sewerage, others: please, specify \_\_\_*)

### **Land Reform issues (Land allocation, exchange, and consolidation)**

8. Which of the following system(s) of land use / allocation in Vietnam are you aware with? (more than one answer is possible)
  - *Collectivisation of agricultural land (1950s-1970s)*
  - *Household allocation with product contract (1980s)*
  - *Household allocation with 'five rights' (late 1980s to the date )*
9. Which one of these systems of land use/allocation would you favour most?
  - *Collectivisation of agricultural land (1950s-1970s)*
  - *Household allocation with product contract (1980s)*
  - *Household allocation with 'five rights' (late 1980s to the date )*
10. Are you satisfied with the latest approach of household allocation with 'five rights'?  
(*yes, no, no comment*): If not, why? \_\_\_\_\_
11. Were you ever involved, as a member of community, in the land allocation process? (*yes, no*)  
If yes,
  - a) In which stage of the process were you involve? (More than one answer is possible)  
(*Decision making, Implementation, Others: \_\_\_\_\_*)
  - b) How was the involvement?
- (11A). Do you think due care was taken to assure equal opportunity to women to hold use right on the land during land allocation? (*yes, no, no idea*)  
If yes, how was it done? \_\_\_\_\_  
If not, what is your experience? \_\_\_\_\_

(11B) Do you think due care was taken to maintain equality in terms of holding land use rights to each households during land allocation? *(yes, no, no idea)*

If yes, how was it done? \_\_\_\_\_

If not, what is your experience? \_\_\_\_\_

12. Did you ever feel any political influence at the time of land allocation? *(yes, no, don't remember)*

If yes, how? \_\_\_\_\_

13. As a member of community/civil society, were you consulted the implementation of the current land reform program? *(yes, no, not applicable)*

If yes, for what purpose? \_\_\_\_\_

14. Are you satisfied with the current approach of land exchange? *(yes, no, no comment)*

If not, why? \_\_\_\_\_

15. In which order would you prioritize the following factors that the beneficiaries chose to make their decision for land exchange? Please, order as 1, 2, 3, and 4 according to your priority?

*(Distance from their house, quality of land, price/value of land, area of land parcel)*

16. How would you assess the land reform program in terms of its pro-SED people approach?

*(very good, good, average, not at all, no idea)*

17. If you find that the program is pro-SED people, how do you justify your finding? \_\_\_\_\_

18. What is your general opinion on the current land reform program? \_\_\_\_\_

### **Roles and Responsibilities**

#### **a) State**

19. In your understanding, who makes decision for implementation of land reform program like the one is currently in practice? *(Government alone, Government in consultation with the community, Government in consultation with the community and beneficiaries, No idea)*

20. Which approach of decision making for the implementation of land reform would you prefer? *(Government alone, Government in consultation with the community, Government in consultation with the community and beneficiaries, No idea)*

21. "Government can incorporate all the interests of beneficiaries and stakeholders even without their involvement." Based on your general impression, what is your position with this statement?

*(Highly Agree, Agree, Disagree, Highly disagree, No idea)*

22. "Government cannot incorporate the interests of beneficiaries and stakeholders without their involvement." Based on your general impression, what is your position with this statement?

*(Highly Agree, Agree, Disagree, Highly disagree, No idea)*

23. Did you ever experience whether the government officials were responsive to meet the interests of the beneficiaries from the land reform program? *(yes, no, don't know): If yes (Q 24)*

24. How responsive did you find the government staff involved with land reform program to meet the interest of beneficiaries? *(highly responsive, somehow responsive, not at all)*

(24+). Do you have any experience about the general public's difficulties/easiness in communicating in the matter of their interest related to land reform with the officials? *(yes, no, did not try)*

*If yes ... (Q 25)*

25. How easy is it to access the government staff for a general public to communicate about the matter of his/her interest related to land reform? (*very easy, reasonably easy, not easy, not possible*)
26. Did you ever experience any household being benefited more than others on the ground of their close relation with the political leaders during land allocation / land exchange?  
(*most often, sometimes, never, no comment/Idea*): If yes, please specify \_\_\_\_\_
27. Did you ever experience any problems during the implementation of the land reform (land allocation and/or land exchange) program in your community? (*yes, no, no idea*)  
If yes, please specify. \_\_\_\_\_
28. In your experience, what support do beneficiaries expect from the government to get better benefit from the current land reform program? \_\_\_\_\_
- b) Community**
29. How active is your community to raise the voice in favour of the people of your community and the matters of common interest? (*highly active, active, less active, not as expected*)
30. Did your community ever participate in the land reform activities? (*yes, sometimes, not really*)  
If yes or sometimes, how was it? \_\_\_\_\_
31. Which issues of common interest could be better addressed by the community than the state? \_\_\_\_\_
32. If you were asked to suggest the roles & responsibilities to be born by the community to better contribute to improve the effectiveness and efficiency of land reform, what would you suggest?
- c) Land market**
33. Which of the following approaches is/are exercised by the use-right holders on the land of their possession in your community? (*transfer, lease, rent, mortgaging, none*)
34. In your opinion, if one likes to buy a use right in a piece of land what kind of support would he/she expect from government? (*Price control, subsidy, soft loan, no any*)
35. Do you think land market can help to improve the access to land for poor people? (*yes, no, no idea*)  
If yes, how can it? \_\_\_\_\_
36. Do you have any view on the role of land market in land reform? \_\_\_\_\_
- d) Beneficiaries**
37. Is it that the government agencies involved the beneficiaries and stakeholders in the process of land reform programs? (*yes, no*)  
If yes,  
a) In which stage of the process were you involved? (More than one answer is possible)  
(*decision making, implementation, others: Please, specify \_\_\_\_\_*)  
b) How was the involvement? \_\_\_\_\_
38. Was there any program for awareness about the importance of land reform program organized in your community for the beneficiaries before its implementation? (Yes, No, No idea)  
If yes, how was it? \_\_\_\_\_
39. Which phase of the land reform processes would need the participation of beneficiaries for better achievements? (Decision making, implementation, not really required)
40. What can be the benefit of beneficiaries' participation in the process of land reform? \_\_\_\_\_

41. How can state, community, land market, and beneficiaries work together in a land reform process to better benefit SED people? \_\_\_\_\_
42. Is there anything else you would like to add? \_\_\_\_\_

## *Appendix 6: Interview questionnaire for Government officials in Vietnam*

### **Introduction of the respondent**

1. Age: \_\_\_\_\_ Sex: \_\_\_\_\_
2. With which organisation are you affiliated? \_\_\_\_\_
3. What is the administrative level of your organisation? (*national, provincial, district, commune*)
4. What is the position that you hold at your organisation? \_\_\_\_\_
5. Which of the activities fall under your responsibility?  
(*Policy making, decision making, managing, implementation, Others: please, specify \_\_\_\_\_*)
6. How long have you been involved with land reform and related activities? \_\_\_\_\_ years
7. Do you hold any academic degree on the domain of land reform? (*yes, no*)  
If yes, please, specify: \_\_\_\_\_

### **Land Reform issues (Land allocation, exchange, and consolidation)**

8. How would you define ‘Socially and Economically Disadvantaged (SED)’ people in Vietnam?
9. How is position of SED people in terms of their access to land in Vietnam? \_\_\_\_\_
10. Is there any problem of landlessness in Vietnam? (*yes, no*)  
If yes, what are the possible reasons: \_\_\_\_\_
11. Based on your experiences, which of the following system(s) of land use / allocation was/is the most favored one by the beneficiaries?
  - *Collectivisation of agricultural land (1950s-1970s)*
  - *Household allocation with product contract (1980s)*
  - *Household allocation with ‘five rights’ (late 1980s to the date)*
12. Based on your experiences, is the approach of household allocation with ‘five rights’ liked by the beneficiaries? (*yes, no*)  
If not, what can be the reason(s): \_\_\_\_\_
13. What are / were the basis for land allocation? \_\_\_\_\_
14. How was it taken a due care to assure equal opportunity to women to hold use right on the land, and to maintain equality in terms of holding land use rights to each households during land allocation with special focus to SED people?

	<i>Land Allocation</i>	<i>Land exchange / consolidation</i>
<i>Women’s access</i>		
<i>Individual households</i>		

- (14A). How would you distinguish the approach of land reform in Vietnam?

*(State-led, community based, market-led, hybrid)*

15. State-led approach is said to be having more politicized during implementation, do you think it is the case in Vietnam too? (*yes, no*): If yes, how? \_\_\_\_\_

16. Is there any provision of involving beneficiaries, stakeholders, and local community in the process of land reform programs? (yes, no)

*If yes,*

a) In which stage of the process is the involvement made? (More than one answer is possible)

*(decision making, implementation, others: Please, specify \_\_\_\_\_)*

b) How advantageous is the involvement? \_\_\_\_\_

c) How often is it made? (*most often, sometimes*)

17. Do you think, beneficiaries are satisfied with the approach of land exchange such as in Pham Tam village? (yes, no): If not, why? \_\_\_\_\_

18. In which order would you think the beneficiaries prioritize the following factors to make their decision for land exchange? Please, order as 1, 2, 3, and 4 according to the priority.

*(distance from their house, quality of land, price/value of land, area of land parcel)*

*Others, please specify. \_\_\_\_\_*

19. How would you assess the land reform program in terms of its pro-SED people approach?

*(very good, good, average, no special consideration is required)*

20. If you opine that the program is pro-SED people, how do you justify your opinion? \_\_\_\_\_

21. What is your general opinion on the success of current land reform program? \_\_\_\_\_

### **Roles and Responsibilities**

*a) State*

22. How does the government take initiatives for policy/decision making for the implementation of land reform program like the one is currently in practice?

- Government alone*
- Government in consultation with the community*
- Government in consultation with the community and beneficiaries*

23. Which approach of policy/decision making for the implementation of the land reform has been favored by general public or beneficiaries?

- Government alone*
- Government in consultation with the community*
- Government in consultation with the community and beneficiaries*

24. “Government can incorporate all the interests of beneficiaries and stakeholders even without their involvement.” What is your opinion with this statement?

*(highly agree, agree, neither agree nor disagree, disagree, highly disagree)*

25. “Government cannot incorporate the interests of beneficiaries and stakeholders without their involvement.” What is your position with this statement?

*(highly agree, agree, neither agree nor disagree, disagree, highly disagree)*

26. How easy do the beneficiaries feel to approach the government staff to communicate about the matters of their interest related to land reform?

*(very easy, reasonably easy, mostly hesitating, no comment)*



27. What kind of problem(s) have you experienced during the implementation of state initiated land reform program? \_\_\_\_\_

28. How would you expect the role of the government in land reform processes? \_\_\_\_\_

**b) Community**

29. How has the communities role been recognised by the government in the process of land reform? \_\_\_\_\_

30. How active are the communities in the country or your region to raise the voice in favour of the people of their community and the matters of common interest?

*(highly active, active, less active, not as expected)*

31. Did any community ever participate in the land reform activities? *(yes, sometimes, not really)*

If yes or sometimes, how did it? \_\_\_\_\_

32. Which issues of common interest could be better addressed by the community than the state? \_\_\_\_\_

33. If you were asked to suggest the roles and responsibilities to be born by the community to better contribute to improve the effectiveness and efficiency of land reform, what would you suggest?

**c) Land market**

34. Which of the following approaches is/are exercised by the use-right holders on the land of their possession in the country or your region?*(transfer, lease, rent, mortgaging, none)*

35. In your experience, if one likes to buy a use right in a piece of land what kind of support would he/she expect from the government? *(price control, subsidy, soft loan, no any)*

36. Do you think land market can help to improve the access to land for poor people? *(yes, no)*

If yes, how can it? \_\_\_\_\_

37. How would you see the role of land market in land reform? \_\_\_\_\_

**d) Beneficiaries**

38. Is it that the beneficiaries, local communities and stakeholders are involved in the process of land reform programs? *(Yes, No)*

*If yes, a) In which stage of the process are they involved? (More than one answer is possible)*

*(Decision making, Implementation, Others: Please, specify \_\_\_\_\_)*

*b) How is the process of involvement? \_\_\_\_\_*

39. Is there any provision of organizing awareness programs about the importance of land reform to the beneficiaries and local community before its implementation? *(Yes, No)*

*If yes, how is it done? \_\_\_\_\_*

40. Where would you expect the beneficiaries' participation in the process of land reform?

*(Decision making, implementation, not really required)*

41. What can be the benefit of beneficiaries' participation in the process of land reform? \_\_\_\_\_

42. Is there any plan of the government to mobilize the state, community, land market options and beneficiaries' involvement together for the better implementation of land reform programs?

*(Yes, No) If yes, how? \_\_\_\_\_*

43. In your opinion, how can state, community, land market, and beneficiaries work together in a land reform process to better benefit SED people? \_\_\_\_\_

44. Is there anything else you would like to add? \_\_\_\_\_

### *Appendix 7: Questions for Focus Group discussion & Interviewing Local Leaders in Vietnam*

1. Which group of people does not have access to land?
2. What are the reasons of landlessness in Vietnam?
3. Many people liked the household allocation of land, what can be the reasons?
4. What was the basis of land allocation?
5. Where sisters/daughters counted as the member of a household for the purpose of land allocation?
6. Each household did not have equal amount of land, is it right?
7. How the equality in terms of quality of land was maintained in the land allocation?
8. How were the citizens, communities involved in the process of land allocation?
9. Was there any special priority to the people of disadvantaged group like disabled, poor etc. If yes, how was it done?
10. Some households have many land parcels whereas some have less, what is the reason?
11. Any political influence in land allocation?
12. What is the approach of involving citizens, community in land consolidation program?
  - a. Citizens or households?
  - b. Community
13. What is the general impression of the local people from the land consolidation program? How did they like?
14. What was the process of the government in decision making for land consolidation program?
15. How closely did government staff work with community and the people?
16. Can you please, explain briefly the process of land consolidation in Pham Tan?
17. What kind of improvement would you suggest in the existing process of land consolidation, based on your experience?
18. How important do you find the role of community in land consolidation process?
19. How can a community work for the betterment of the local people?
20. What are the activities of land market mostly practiced in this community, like transferring, renting, leasing etc?
21. It is understood that borrowing land takes place most often in this village, in general for how long does it take place and how?
22. Was there any awareness program organized for the households/citizens before the implementation of the land consolidation program?
23. In your opinion, how can the government, community and people work together?
24. What are the advantages of land consolidation?
25. What are the disadvantages of land consolidation?

## *Appendix 8: Land Reform Assessment Summary*

Elements	Indicators	Good Practice	Nepal	Vietnam
<b>Policy Aspects</b>				
Status in national broader policy	Existence of government policy for land reform	– Implementation of land reform is included in national agenda for improving SED Peoples' access to land	yes	yes
Policy Formulation approach	modality (top-down or bottom up or mixed)	– The policy formulation is based on bottom-up approach so that the interest of SED people are accommodated in the policy	No, its top down	No, top-down
Access to land	Eligibility of beneficiary	– The provision is sound enough to identify right person or household as a beneficiary	yes	yes
	Means of land access	– The means of land access is feasible for the targeted beneficiary	yes	yes
Equity	Women's access to land	– Special provisions are made to ensure equality in women's access to land	yes	yes
Tenure Security	Registration of rights	– all rights are registered	yes	yes
	Freedom of using rights	– There is no any discrimination in using land rights	yes, except sale within 10 years	yes, within the five rights
Land Acquisition	source of land	– Commonly accepted, in the given context, method of land acquisition is implemented	No	Yes (87%)
Sustainability	Economic sustainability	– Proper measures are formulated to ensure land reform program economically viable and sustainable	No	Neutral
	Environmental sustainability	– Due concern is given to preserve forest land and maintain environmental sustainability	No	Neutral
<b>Management Aspects</b>				
Institutional and organisational arrangement	Decentralisation	– Institutional arrangement is decentralised	Semi	Yes
	Authority delegation	– Authority is sufficiently delegated to local organisation	Some	Yes
Availability and management of infrastructure and resources	LAS	– Existing LAS is capable for implementing intended land reform program	Not capable enough	Not capable enough
	Institutional capacity	– The responsible organisation at operation level is sufficiently equipped with necessary resources like human capacity and other infrastructure	not sufficiently	not sufficiently
<b>Operational Aspects</b>				
Participatory	Participation of beneficiaries	– All the beneficiaries are sufficiently participated in the implementation process – The interests of beneficiaries are well addressed	less than 50%  No	Yes  Some how
Rule of law	Enforcement of legal provisions	– Legal provisions are impartially enforced	Yes	Some how

Transparency	Information to the beneficiaries	– Beneficiaries are sufficiently and timely informed about the benefit, their obligations and the prerequisites to be benefited from the program	No	Some how
	Fairness	– There is no any biasness regardless of the ground where a beneficiary belongs to	Yes	Some how
Accountability	Responsible staff	– Staff involving with the implementation of land reform program are highly responsible	Yes	Yes
Efficiency & Effectiveness	Simplicity	– The procedure to be followed by beneficiaries are short and simple	No	Yes
	Utilization of resources	– Best use of resources has been done to optimally benefit the beneficiaries	No	Yes
	Completeness	– The program is completed in the targeted time	No	Some how
<b>Post Reform Support</b>				
Capacity Building	Training	– Opportunity of supportive training for improving productivity is offered to the beneficiaries	Yes but insufficient	No
	Technical Assistance	– Technical assistance in farming is offered	No	No
	Infrastructure development	– Infrastructures like road, irrigation, etc are developed	No	No
	Complementary Investment	– Support for investment in farming activities such as for fertilizers, seeds etc. is provided	No	No
<b>External Factors</b>				
Beneficiaries' Expectation	Expectations of beneficiaries	– Beneficiaries have attainable expectations from a particular land reform program	Yes	Yes
Beneficiaries' capacity	Beneficiaries' capacity to invest for land access	– Beneficiaries are capable to invest for land access or beneficiaries are capable to earn to pay back the loan, if received from any banks for investment	No	Yes (60%)
<b>Impact</b>				
Change in socio-economic condition	Change in Income level	– Beneficiaries' income level has improved	relatively yes but not sufficient	Yes
	Change in productivity	– The productivity after land reform is improved	NA	Yes
	Indirect benefits	– It is easier to get loans – The social status has improved	Yes Yes	Yes Yes
Equality in land access	Improvement in land access	– Improvement in beneficiaries' access to land have been witnessed	Yes, but not other than they received	NA
	women's access to land	– Women have equal rights on using and holding land	Somehow	NA
Beneficiaries' satisfaction	Beneficiaries' satisfaction	– Beneficiaries are satisfied with the approach	somehow	Yes