

EVALUATION DESIGN REPORT

MCC – Namibia

Communal Land Support Sub-Activity

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Abbreviations

CLAM	Communal Land Administration Manual
CBRLM	Community Based Rangeland and Livestock Management
CLB	Communal Land Boards
CLS	Communal Land Support
FGDs	Focus Group Discussions
FGDC	Focus Group Discussion Contractor
KIIs	Key Informant Interviews
MCA-N	Millennium Challenge Account Namibia
MCC	Millennium Challenge Corporation
MLR	Ministry of Lands and Resettlement
MRLGHRD	Ministry of Regional and Local Government, Housing and Rural Development
NCA	Northern Communal Area
OA	Operational Area
NCLAS	Namibian Communal Land Administration System
QKAT	Quantitative Knowledge Assessment Tool
TA	Traditional Authorities
TIA	Training Impact Assessments
UDCP	Updated Data Collection Plan

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1. INTRODUCTION

1.1 Background

The Millennium Challenge Corporation's (MCC) Compact with the Government of the Republic of Namibia (GRN) aimed to reduce poverty through economic growth fostered by investment in the education, tourism and agriculture sectors. MCC's investment in the agriculture sector included the Communal Land Support (CLS) Sub-Activity to improve land use and management in the Northern Communal Areas (NCAs) of Namibia.

The Northern Communal Areas are the lands in rural northern Namibia, along the border with Angola. The primary economic activities on communal land in the NCAs are livestock rearing and small-scale farming. Historically, communal lands in the NCAs have been managed at a local level according to a "customary law" system based on traditional practices and systems. Typically, use of the land was governed at the village level by village headmen or women or local kings who granted rights to individuals to use and/or occupy (but not own) individual parcels. After independence in 1990, the Constitution stipulated that this communal land was "vested" in the State, and that the State is under a duty to administer communal lands in trust for the benefit of the communities residing on these lands and for the development of the Namibian people.¹ At the time of independence, there were ongoing problems in the NCAs related to land grabbing, illegal fencing of common grazing areas, and varying capacities of traditional authorities to manage the land in these areas due to lack of appropriate laws and policies, poor institutional capacity, and citizens who were unaware of their rights related to land.

In 2002, the GRN passed the Communal Land Reform Act (CLRA), which was subsequently updated in 2005 and remains the key legislation governing land rights in the NCAs. The CLRA put into action a number of key land rights reforms, following the guidelines found in the Land Policy. The Act codified and legitimized the "customary law" system; all rights to land (including those previously granted by local leaders) were required to be officially registered and recognized through an official process that includes not only a legally recognized local

¹ This is contrast to the system of private ownership that prevails in the area south of the Cordon Veterinary Fence, i.e., the fence that separates the NCAs from the rest of the country.

leadership entity, but also newly created “Communal Land Boards” (CLBs) that govern each region. The CLBs were created to provide an additional level of governance to the communal land rights process. Communal Land Boards (CLBs) also create and maintain registers for land allocations, transfers and cancellation of land rights and advise the Minister on regulations to be made to meet the objectives of the Act.

The Act stipulates two kinds of rights to communal lands: 1) Customary land rights, which are to be used for residential and farming units. Traditional Authorities (TA), the traditional leaders of a particular community, who have been recognized as such under the Traditional Authorities Act,² have the power to allocate customary land rights. However, CLBs must ratify the allocations before they become legally effective; 2) rights of leasehold, which are rights to use land for commercial purposes, paid by a lease of a fixed term. Leasehold rights are granted by the Communal Land Boards of the designated area but are subject to the consent of the Traditional Authority. Finally, there are common grazing areas in the communal lands, sometimes referred to as “commonage” (a term distinct from communal land). The Act also stipulated that fencing of commonage (other than fences for homesteads, cattle pens, water troughs and other similar uses) is prohibited unless permission is granted for the erection of a fence. All pre-existing fences (with the exceptions noted above) require authorization to remain on the land. Importantly, the Act also allows for some compensation for improvements to the land (i.e. wells, crops, etc.) in the transfer of land rights, (transfer is allowed but only with the approval of Traditional Authorities for customary rights, or Communal Land Boards for leasehold rights). Also, the Act gave new rights to women: it grants women equal rights when applying for rights to communal lands and protects the surviving spouse of a deceased holder.

The NCAs are subject to the Communal Land Reform Act; however, despite the many reforms and the groundwork the Act has laid in terms of land policies, procedures, and administration, significant communal land use and management problems remained in the NCAs pre-Compact. Land-grabbing of common grazing land by local elites at the expense of the poorest, who rely

² Legal Assistance Center, Namibia National Farmers Union. (2009). Guide to the Communal Land Reform Act, No. 5 of 2002, 2nd edition. Windhoek, Namibia.

heavily on common grazing land, remained a critical problem pre-Compact.³ Overuse of common grazing land had led to widespread degradation, with implications for the livelihoods of livestock owners as well as the sustainability of the land.⁴ Locals often allocated commonage land for individual use without transparency, accountability or written record. In addition, a great deal of communal land (both individual plots and common grazing land) was still not documented or registered despite the CLRA's requirement to do so.⁵ Transferability of land rights in the NCAs was limited, which can lead to underinvestment in the land, and impede commercialization of the agricultural sector. Finally, a lack of knowledge and capacity of rural land users, Traditional Authorities, Communal Land Boards, and other government officials regarding land rights impeded the full execution of the CLRA.⁶ Because of the importance of land, especially grazing land, to the economy of the NCAs, land issues represented a significant constraint on the potential for sustainable and equitable economic growth.

Namibia's Millennium Challenge Account (MCA) Compact included the Communal Land Support Sub-Activity (CLS), which was intended to address some of these challenges related to land issues in the NCAs. The CLS program began in March 2010 and ended in June 2014, and was administered by MCA Namibia (MCA-N). The overall objectives of CLS were to empower residents and land holders in the NCAs to more effectively participate in the use and management of their land resources; and to improve the administration and management of these communal lands, in order to better utilize communal land, maximize economic growth and alleviate poverty in the NCAs. To achieve these objectives, CLS included four components: 1) a comprehensive public awareness and outreach campaign to educate the public regarding their land rights, 2) capacity building and training for actors within the land administration system, including TAs, CLB members and Ministry of Lands and Resettlement (MLR) staff, 3) a

³ Odendaal, W. (2011). Elite land grabbing in Namibian communal areas and its impact on subsistence farmers' livelihoods. Policy Brief 33. PLAAS, University of the Western Cape, Werner, Wolfgang. (2011) "What has happened: The complexity of Fencing in Namibia's Communal Areas." Namibia Legal Assistance Center, Sasman, C. (2012, March 14). "Illegal fencing remains a hot potato." *The Namibian*.

⁴ Rothauge, A. (2007). Some Principles of Sustainable Rangeland Management in Namibia. *Agricola* 2007(17).

⁵ Matthaei, Elke. The Communal Land Rights Registration Process in Namibia. (2013). *GIZ Namibia*, (retrieved 3/2014)

⁶ As reported by MCC, MCA-N (i.e., the accountable entity implementing MCC's Compact with the GRN), and, the implementer of the land intervention funded under the Namibia Compact.. The lack of progress has been documented in the press: Lands and Resettlement Plan Vague. (2013, October). *The Villager*. Editor.

systematic verification and registration process for the formalization of land rights in certain parts of the NCAs, and 4) support for policy and procedural reforms.

MCC has contracted NORC at the University of Chicago to undertake an independent evaluation of the CLS Sub-Activity in order to assess the impact of the program on economic and social outcomes, as well as to draw programmatic lessons to inform the design of similar interventions in the future.

NORC is currently engaged in the design phase of the evaluation, which began in December 2013. This is a process of research, analysis, and discussion in order to arrive at a final design for the evaluation. The design phase included a site visit to Namibia in April 2014, as well as previously submitted deliverables consisting of a Preliminary Evaluation Design Memo, Annotated Bibliography and Revised Program Logic, and Trip Report.

1.2 Purpose of the Report

The present document is the Evaluation Design Report (EDR), which represents the final step in the evaluation design process. The purpose of the EDR is to propose a detailed approach for the evaluation of the CLS Sub-Activity.

2. Overview of the Compact and the Interventions Evaluated

2.1 Overview of the Project and Implementation

The Compact between the Millennium Challenge Corporation and the Government of Namibia was signed in 2008. The goal of the Compact was to promote economic development and reduce poverty in Namibia through three program components: education, agriculture, and tourism. CLS was a Sub-Activity of the Agriculture Project, whose overarching aim was to increase income from indigenous natural products and livestock, a major economic driver in Namibia, particularly in the NCAs where CLS is being implemented. Approximately 60% of the population of Namibia, including the majority of the poor, lives in the seven regions of the Northern Communal Areas that the CLS program sought to benefit.

The CLS Sub-Activity began in March 2010 and ended in June 2014, with a final report submitted in August 2014. The project was administered by MCA-N, Namibia's local accountable entity, which managed and oversaw all aspects of implementation. The project was initially implemented by GIZ, but this initial contract was amicably ended in July of 2012 and the remaining CLS work was implemented by ORGUT/COWI. The CLS program evolved considerably during the course of implementation. Following the original contract with the first implementer, there was a shift in the emphasis of CLS from registration primarily of large parcels (defined by regulation as those that exceed 20ha) to a more broad-based approach to securing property rights. Under the second contract, the scope of CLS was expanded, but the target coverage area was reduced, and it was stipulated that program activities should be fully completed in program villages before expanding into other villages (this approach was referred to by MCC and MCA-N as "the focused approach"). The intention was to achieve a more comprehensive set of program objectives in each community, serve as a role model for future expansion, and ensure sustainability by completing as much as possible before handover of program villages to the MLR upon completion of work in each area. Relatedly, quantitative goals, such as the number of registrations, were reduced in favor of training events and activities related to the automation of the registration system. The majority of activities carried out under the CLS were implemented based on this focused approach.

The project focused on 7 regional CLBs and 16 recognized TAs, as well as village heads in the NCAs. Operational areas, , are outlined below, along with the number of associated villages and parcels. All Operational areas had reached 70% application/ completeness rate by project end, based on the Implementer’s Final Report (dated August 28, 2014).

Phase I Areas:

Operational Area	Number of Villages	Number of Parcels
<i>OMUSATI REGION</i>		
Ongandjera	16	1,079
Uukwaluudhi	6	578
<i>OMUSATI/OSHANA BORDER</i>		
Uukwambi*	9	669
<i>OSHIKOTO REGION</i>		
Onalusheshete	10	479
<i>OHANGWENA REGION</i>		
Okongo	43	2,123
<i>Total</i>	84	4,928

Phase II Areas:

Operational Area	Number of Villages	Number of Parcels
<i>OMUSATI REGION</i>		
Uukwambi	7	1,320
Ongandjera 2	3	971
Ongandjera 3	1	10
<i>OHANGWENA REGION</i>		
Omauni	28	1,020
Okongo West	31	1,109
<i>Total</i>	70	4,430

CLS included four main program areas as follows:

- 1. Civic Education and Outreach Campaign:** A key goal of CLS was to inform and mobilize communities in the NCAs through outreach and education. A Communication and Dissemination Plan was developed by the Phase 1 Implementer and was used and revised by the

Phase 2 Implementer. An extensive multi-media campaign, especially radio, was a key mechanism for outreach and education. Radio outreach under Phase 1 included 60 live radio programs, 60 interviews in 3 languages, and a weekly radio program on Communal Land Registration. Seven TV mini-series were also produced. Print outreach in Phase 1 included 60,000 flyers and 700 posters in 6 languages, comics, and FAQ sheets. Radio announcements and bulk SMS messages were used to promote training and registration activities and SMS was also used to follow-up on registration. As part of Phase 2, communication materials were revised for hand-over to the MLR.

In addition to media outreach, grassroots localized outreach and education at the village level was also included as part of the “focused approach.” This involved holding community meetings to promote awareness, explain the provisions of the CLRA and solicit for land registration applications. The goal was to promote a better understanding of the CLRA, the preservation of commonage and better land management practices at a local level. Consequently, with improved awareness, more people were expected to apply for the registration of their land rights. A total of 241 community meetings were held over the course of the program through June 2014 (per the Implementer’s Final Report).

2. Training and Capacity Building: The second component of CLS included support for institutions and authorities at various levels of the land administration system. These included local bodies through which communities could exercise their land rights (village committees, TAs, and CLBs). At the TA level, training objectives were to increase knowledge of TA leaders and local headmen regarding the laws and procedures of communal land registration, and create an awareness of their specific roles and responsibilities in the overall process. At the CLB level, trainings aimed to enhance the skills and knowledge of CLB members in order to provide effective leadership and control over the allocation and management of communal land. CLB members were trained specifically on areas such as effective enforcement of CLRA, leadership, the revised Communal Land Administration Manual (CLAM), and communal land management and economic development. At the Ministry level, trainings aimed to improve competencies of MLR staff so that they could provide support to CLBs through education on the improved policies, procedures, manuals and forms. Capacity building of the MLR was also intended to ensure sustainability of CLS improvements. In addition, to further ensure sustainability,

Training of Trainers was carried out with MLR officials and selected TAs. Training on the Namibian Communal Land Administration System (NCLAS), software used for mapping and registration, was also provided to MLR and local support staff. To ensure that trainings were on target, a Training Impact Assessment (TIA) was conducted and training materials were revised based on findings of that assessment. The TIA Report was delivered by the Phase 2 Implementer in July 2013. All training targets set for the Phase 2 Implementer were met or exceeded.

CLS implemented trainings on a variety of topics at the TA, CLB, and Ministry level. Under Phase 1 of CLS, 20 TA training events were held (over 1000 participants), 4 CLB orientations, and one MLR training (40 participants). As of June 2014 (per the Implementer's Final Report), Phase 2 included 10 large TA trainings, four additional TA trainings based on demand, and TA "refresher" courses were carried out with eight groups of TAs to ensure any new policy or procedural changes were communicated to TAs. Phase 2 also included ten CLB Training Events on Group Rights and two "women in leadership" trainings. Finally, Phase 2 included four large MLR training events, trainings for all seven CLBs, and close-out/hand-over trainings were scheduled for all areas. Although we do not have information on whether close-out/hand-over were held in all areas, according to the Final Report, a stakeholder Close-Out Workshop was organized in Oshakati on June 30th 2014, with attendance of the MLR (including Permanent Secretary), MCA-N staff, CLBs and TAs representative from all 7 regions. Training materials were also refined for handover to the MLR, including six TA Training Modules, six CLB training Modules, and three MLR Training Modules.. A formal handover for materials, documents and assets was also organized according MCA-N and MLR handover protocol on August 15 2014.

3. Land Verification and Registration: The third component of CLS was a process of mapping, verifying, and registering customary land rights. This component identified and mapped village boundaries, verified and secured individual customary and leasehold rights through registration, and sought to increase the efficiency and effectiveness of land rights registration and the maintenance of accurate and up-to-date registers, including identifying and securing rights to commonage.

As part of this process, CLS supported the development of the NCLAS, a computer system with spatial and database technology for data management of the mapping and registration. However, the NCLAS suffered from technology issues and the Phase 2 Implementer transitioned to a separate system (originally called the Land Application Tracker System now redefined as NCLAS 2). The Phase 2 Implementer migrated existing NCLAS records into NCLAS 2 (60,000 records). Supporting material for the use and operation of NCLAS 2 was developed for handover, including recommendations for future sustainability.

The land verification and registration process included the following steps:

- **Mapping and verification-** Mapping of village and parcel boundaries was carried out with the aid of aerial mapping technology. Boundaries were adjudicated, mapped, and verified by the operational field teams, and digitized into the NCLAS land information system. As part of the CLS verification process, maps and plots were posted in a central location in the village for public discussion and verification.
- **Registration-** Application forms for registration were collected and presented to the CLBs for approval. Official land rights certificates were issued to each landholder. CLS also facilitated dispute resolutions at this stage, and developed an official dispute register and dispute resolution process. NCLAS was also utilized for data management of the completed registrations. Finally, the existing paper-based filing and record system was enhanced at the village level to administer land information and registration certificates.
- **Handover of Operational Areas (OAs) and records-**As the Compact prepared to close, the implementer also prepared and submitted OA handover reports to the MLR as part of the agreed handover procedures. These reports presented the completed activities for each OA, highlighted the activities achieved and the most significant issues that remained pending in the OA, and indicated activities that the project would continue to support until Compact end. Registration maps, village maps and land application books, NCLAS data, certificates, and the dispute registers were all handed over at an official ceremony. All data was migrated to NCLAS at the time of the Implementer's Final Report (August 2014).⁷

⁷ For more details, see Implementer's Final Report (August 2014).

- In Phase II, CLS met the Implementation Target for certificates handed over and for village and registration maps. All Operational areas reached a 70% application/ completeness rate. All 58 villages were successful adjudicated; maps were produced and endorsed by both TAs and CLBs. This is the first time in Namibia that village boundaries have been mapped and successfully adjudicated. The maps provided will enable TAs and communities to use maps in their planning and land management activities.
- According to the Implementer’s Final Report, during the course of CLS, at least 5,800 parcels have been mapped under the verification and registration process, over 4,600 certificates were issued by CLBs⁸, 154 publicly verified village registration maps were produced, and 86 village boundaries were adjudicated and mapped, all of which have been handed over to the MLR, as shown in the Table, below.⁹

Totals	No of villages mapped	No of land parcels mapped	No of village boundaries adjudicated and mapped	No of certificates issued by CLBs
Phase 1	70	4363	3	887
Bridging Phase	14	725	25	1200
Phase 2	70	2560*	58	2560**
TOTAL	154	5,807	86	4647

* 2560 is the number of parcels that were mapped *and* for which certificates were issued. (This number refers only to parcels <20 ha). The figure for the number of parcels mapped (without certificates, and of all sizes) is not available; however, one earlier quarterly report suggested the total number of parcels mapped under the program was 9,000.

**This figure is for parcels <20 ha. An additional 524 parcels > 20 ha were recommended to the Minister by CLBs for issuance of certificates in Phase II.

4. Policy Review and Procedural Work: The fourth component of CLS consisted of reviewing and facilitating the reform of land-related policies and procedures. As a first step in this process, CLS commissioned a comprehensive policy review report that included over 60 recommendations for reform. However, MCC considers several of the policy recommendations as overlapping, and some as inconsistent with each other.¹⁰ The report was submitted to the

⁸ An additional 524 parcels > 20 ha were recommended to the Minister by CLBs for issuance of certificates in Phase 2.

⁹ Per Implementer’s Final Report (August 2014).

¹⁰ Informal communication from MCC Land Sector team to the NORC Evaluation Team.

MLR in October 2012 for consideration, with key points presented to the Bank of Namibia and Parliament.

Following the policy review and subsequent consultative process, CLS identified a number of priority areas in which to pursue policy reform, carry out policy memorandums, and propose regulations and amendments to the CLRA. These included: 1) spousal and joint registration of communal rights, 2) transferability /tradability of customary land rights, 3) expansion of permitted land uses under customary rights, 4) clarification of the role of village communities in the adjudication and allocation of rights (including access to commonage), 5) establishment of qualifications for CLB membership, 6) clearer rules regarding expropriation of customary rights, including commonage, 7) further protection of the rights of surviving spouses on the death of a landholder, 8) development of a process for establishment of leasehold levies and conditions, and 9) authorization of local authorities to establish locally-appropriate parcel size limits.¹¹ The Phase 2 Implementer submitted 11 policy memorandums and 11 proposals on legal amendments or draft regulations.

Within the policy and procedural reform component, the CLS developed a Communal Land Administration Manual (CLAM), an extensive piece of policy and procedural work that aimed to streamline and improve the registration process. In Phase 2, CLS provided recommendations on 12 issues related to Procedures, Operations, and Systems¹² which were approved by MCA-N and the MLR, implemented and included in the CLAM. They address a number of issues including data formats, record management and archiving; cadastral base map standards; guidelines for surveying, adjudication, and mapping; procedures / guidelines for public display of maps; GIS and lease data requirements; complaint procedures, and professional development. CLS also developed new application forms that allowed land to be registered to husbands and wives jointly which are now in use, and worked with the MLR to integrate land information systems. A final

¹¹ For a complete list of policy recommendations submitted, see Table on pg. 33 of Implementer's Draft Final Report.

¹² See Table 6: POS issues and achievements, in Implementer's Draft Final Report, and for a list of recommendations and progress, please see Final Report, Annex 5: Procedure, Operations And Systems Recommendations.

version of the CLAM was delivered to MCA-N with the Implementer's Draft Final Report (dated July 2014).

In addition, CLS piloted an approach to registering group rights on commonage with five accompanying case studies, and carried out three policy workshops on group rights during Phase 2: one with the MLR and main policy stakeholders in June 2013, the second in the NCA with the main local stakeholders in February 2014, and finally one in June 2014 with the MLR and main policy stakeholders to conclude recommendations, lessons learned, and discuss future steps for the MLR on group rights. The Phase 2 Implementer made a number of recommendations on group rights' policy principles in its Case Studies and Handover Report, including five group rights' objectives, 18 policy principal recommendations, 14 strategic recommendations, 11 process recommendations, 9 recommendations for implementation support, and several proposed legal changes.

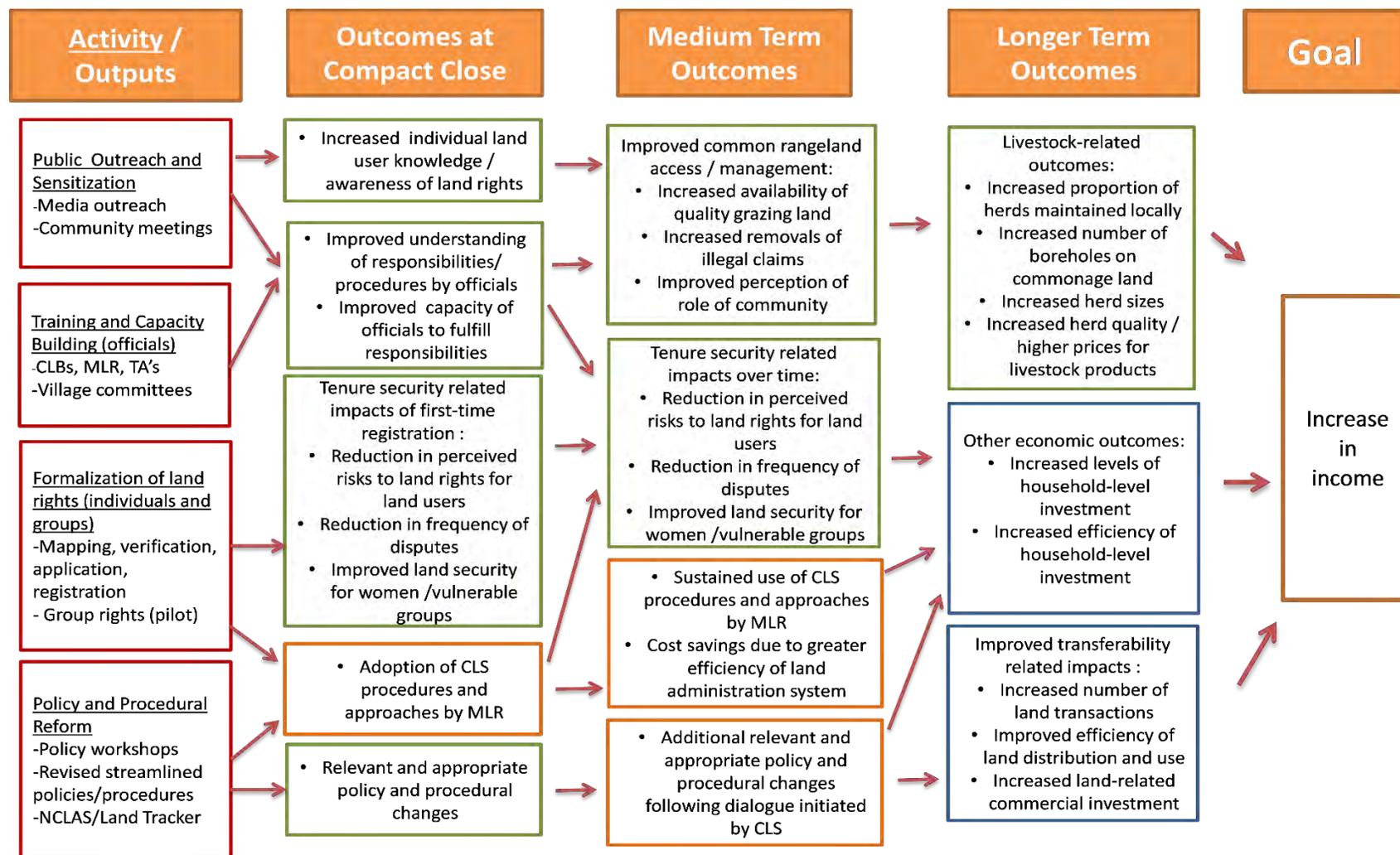
2.2 Program Logic

The evaluation design process included a thorough review and revision of the program logic diagram prepared by MCC, which was submitted by NORC as part of an earlier deliverable. The Evaluation Team's initial revision substantially expanded on the MCC's diagram in order to provide a comprehensive and detailed elaboration of all potential benefit streams; the result appears in the form of three separate logic models that explore in depth the following types of benefits: greater security of individual land rights, improved land access and transferability, and improved management of commonage.¹³ In the course of the evaluation design process, the Evaluation Team identified the particular benefit streams of relevance in the context of the land tenure issues in NCAs as well as the specific aims of CLS, leading to the more simplified program logic presented in Figure 1. This revised program logic includes all of the benefit streams identified in the original program logic, but changes the organization to track more closely with the evaluation questions and outcomes, and avoid unnecessary detail on less important benefit streams, such as investment related to improved tenure security.

¹³ The original MCC program logic and the Evaluation Team's initial revision are presented as Annexes.

The program logic in Figure 1 is organized into five columns. The first illustrates the four components of CLS, while the second contains those outcomes that would be expected to be observable immediately at Compact close. Outcomes that unfold over time are presented in the third column, and the fourth column shows those outcomes that are expected to occur only in the longer term. The final column shows the ultimate goal of CLS to increase income. The third and fourth columns illustrate a conceptual distinction between outcomes that occur sequentially at different points in time. However, it is important to bear in mind that the literature is not sufficient to allow for more precise statements about the timing of outcomes. As the Evaluation Design elaborates, the second and third columns correspond broadly to the subject matter of the Initial Performance Evaluation and Follow-On Performance Evaluation, while the fourth and fifth columns contain outcomes that are largely outside the scope of the evaluation. We defer a thorough discussion of the substance of the evaluation to the presentation of the research questions in Section 4 to avoid duplicating the discussion.

Figure 1. Program Logic



2.3 Link to ERR and Beneficiary Analysis

During the Due Diligence process, MCC carried out a preliminary Economic Rate of Return analysis that combined CLS with the CBRLM (Community Based Rangeland and Livestock Management) Sub-Activity. MCC subsequently revised the ERR model to separate the CLS and CBRLM costs and benefit streams, which was provided to the Evaluation Team in July 2014 to be reviewed for an earlier draft of this report. The Evaluation Team's review of the CLS ERR model raised several issues, most importantly the limited evidence base upon which the assumptions of the model could be based. The Evaluation Team concluded that under the circumstances, it would not be possible to develop a meaningful ERR model of the CLS project. MCC subsequently issued an internal memorandum that was provided to the Evaluation Team in January 2015 indicating that the revised ERR model would no longer be used, and the CLS project should be considered as not having a cost-benefit analysis or ERR model at this time. The main rationales presented in the memo were the uncertain and potentially long timeframe over which the outcomes of economic benefits related to livestock would occur, as well as further uncertainty related to broader benefits such as the impact of the project on land transactions. The ERR model may be revisited in the future, as there is the possibility that a follow-up round of data collection may be used to help quantify benefits that is not possible at this stage.

MCC's approach to the ERR and the discussion in the internal memorandum is consistent with the Evaluation Team's understanding and previous recommendations related to these issues. Given the limited evidence base and uncertainty related to many key benefits, the Evaluation Team agrees that an ERR model based on currently available information would be highly imprecise and inadvisable to undertake.

3. LITERATURE REVIEW

3.1 Summary of Existing Evidence

A substantial literature exists on both the economic implications of securing property rights along similar lines to CLS in other contexts. The Revised Program Logic and Annotated Bibliography deliverable that the Evaluation Team submitted in February 2014 included a detailed review of this literature. Here, we provide a brief summary in light of the proposed evaluation,¹⁴ with the annotated bibliography included as an annex.

The existing literature describes a number of underlying mechanisms whereby interventions such as CLS generate economic benefits by addressing issues related to weak property rights. Where rights to land are insecure, landholders perceive risks of conflicts related to land or expropriation by more powerful government or non-government actors. This risk weakens investment incentives by reducing the expected payoff to certain types of investment. Investments that are immobile or that pay off over time (e.g. wells, soil conservation measures, etc.) are less attractive if it is uncertain that land rights will be maintained during the time horizon over which the returns to the investment accrue (Besley 1995). Programs such as CLS aim to reduce these perceived risks and the propensity to make sub-optimal investment decisions, leading to an increase in more productive investments that are longer term or tied to the land.

Insecure property rights may also have adverse impacts by inducing cultivators to allocate resources to defending property rights that could otherwise be put to productive use. Sjaastad and Bromley (1997), among others, have noted that certain types of visible investment such as non-productive tree planting are frequently made to strengthen recognition of property rights under the informal system. Field (2007) finds that insecure property rights can result in re-allocation of labor to watch over property and prevent competing claims. Where property rights are secure, investment and labor allocation strategies can instead be undertaken to maximize returns. Based on the Evaluation Team's fieldwork, these kinds of unproductive, defensive investments appear to be minimal in the Namibian context.

¹⁴ As we discuss later in the report, an impact evaluation will not be feasible given the circumstances of CLS. As a result, our review of the literature does not include previous approaches to evaluating the impacts of property rights interventions.

Weak property rights also limit the transferability of land. Where land cannot be easily transferred from one user to another, farm sizes will tend to be sub-optimal as households are unable to adjust their land endowments to match their endowments of other factors and access to capital. In addition, the value of investments in land cannot be recouped in the land market if rights to land cannot be sold, which Brasselle et al. (2002) term “the realizability effect.” On a broader scale, limited transferability may also reduce labor productivity by limiting the propensity of workers to migrate from areas where land-related employment is scarce to areas where land-related employment is abundant.

In the context of the NCAs, there are some important limitations to transferability of land. Though informal land transactions occur, the functioning of land markets may be hindered by the fact that land is not privately owned. For example, customary and leasehold rights to communal land are transferable but only with the approval of Traditional Authorities or Communal Land Boards, respectively, thereby imposing constraints on transferability. Despite these restrictions, one of the broad goals of CLS was to “improve efficiency of transfer and tradability of land rights,”¹⁵ and a number of specific activities under CLS attempt to address this issue. Given the context, the role of CLS in leading to improved transferability is most appropriately conceived of as part of a broader, and perhaps longer term, process of changes in attitudes, policies, and legislation related to transfers.

Property rights play an important role in the management of common property resources. Nobel Prize-winning work by Elinor Ostrom (1990) has highlighted the complex interrelationships between interests, institutions, and policies in managing a variety of common-property resources including ground water, irrigation systems, and pasture land. Ostrom identifies a set of “design principles” for institutions that lead to stable management, including clearly defined boundaries, rules regarding appropriation and provision that are appropriate to the local context, collective-choice arrangements that allow most of the resource appropriators to participate in the decision-making process. These issues are particularly important in the present context, as the majority of the population in the NCAs is engaged in livestock-related activities. The Communal Land

¹⁵ “One-pager of CLS Overall Objectives.docx,” document prepared by MCC and provided to NORC in December 2013

Reform Act designates grazing areas that have not been allocated to individuals as “commonage.” Previous research has identified significant problems related to overgrazing and ineffective range management of commonage (e.g. Rothauge 2007). Addressing these issues to promote more effective management of rangeland was an important focus of CLS.

Finally, the literature also recognizes that the formalization and strengthening of property rights can allow landowners to use their property as collateral to obtain loans from financial institutions thereby improving access to credit. This argument was popularized in Hernando de Soto’s *The Mystery of Capital* (2003). In the NCAs in Namibia, customary and leasehold rights are not likely to result in a short term increase in access to credit because of the immaturity of formal markets in these land rights, the requirements for approval of transfers, and other factors which make collateralized lending unattractive to lenders (e.g., higher returns from other types of lending, and lack of experience with foreclosure procedures). The potential benefit of increased access to credit, while not an expected short term benefit of CLS, may be relevant in the NCAs in the longer term as land rights markets mature and the conditions for collateralized lending improve.

3.2 Gaps in Literature

As the proposed methodology is not a rigorous impact evaluation, the CLS evaluation is geared more towards understanding the outcomes and generating programmatic lessons specific to CLS and its particular context, rather than addressing gaps in the broader literature. As CLS to some extent represents a piloting of new approaches to addressing land issues in Namibia, an evaluation would contribute to a better understanding of these issues in the context of the existing literature.

4. EVALUATION DESIGN

4.1 Policy Relevance of the Evaluation

Given the nature of the program, an evaluation of CLS would have a high level of policy relevance. In some respects, CLS was a piloting of alternative approaches to activities that the GRN or NGOs in Namibia are already engaged in. Most importantly in this respect, the GRN is engaged in an ongoing process of land registration in the NCAs, and a thorough understanding of the successes and failures of the CLS approach that the evaluation would provide could directly inform that process. Moreover, the civic education, outreach, and training components of CLS will have important lessons that the GRN and Namibian NGOs that are engaged in similar activities could draw on.

In addition, an evaluation of CLS would have policy relevance for land policy and programming in other contexts. Throughout the developing world, many governments are engaged in ongoing processes of land registration, institution and awareness building, and policy reform. An evaluation of the CLS approach to these issues could provide insights for other initiatives with similar aims.

4.2 Overview of Evaluation Approach

The proposed evaluation design consists of two main activities, which are elaborated in greater detail in the remainder of this section. The first of these is an Initial Performance Evaluation (IPE), to be carried out in 2015. The IPE will focus on a set of research questions that reflect short-term outcomes for which we expect to be able to observe changes shortly after the end of the Compact. These include: (i) improvements in knowledge and awareness as a result of the CLS training and outreach components; (ii) the effectiveness of CLS on the land policy dialogue; (iii) the ways in which the CLS approach to land administration reflects improvements on previous approaches, and the extent to which the MLR plans to carry these improvements forward; and (iv) changes in tenure security for individual and communal land users that may have occurred over a short time frame.

Data that will be collected and analyzed for the IPE will consist mainly of 58 focus group discussions. These will be conducted with land users in the project area, as well as government

officials, Traditional Authorities, and members of Communal Land Boards. These FGDs will be supplemented by a limited set of 19-23 key informant interviews that will be carried out by the evaluation team in the course of overseeing the FGD training and initial data collection. Finally, a Quantitative Knowledge Assessment Tool (QKAT) in the form of a brief questionnaire measuring knowledge of land issues will be administered to the approximately 40-60 government and traditional authorities who participate in the focus groups. Further details related to data collection are presented in Section 5.

The second proposed activity will be a Follow-On Performance Evaluation (FOPE) to be carried out in late 2016. The FOPE will consider the potential impacts of CLS that require a longer time frame to unfold. These include economic outcomes for participating households, the sustainability of CLS, as well as some of the outcomes considered in the IPE that would be expected to further evolve over time, such as tenure security and the MLR's continued utilization of processes and tools developed by CLS. The approach to data collection will be broadly similar to the IPE, consisting of FGDs, KIIs, and the QKAT. The specifics of the FOPE will be revisited following the IPE in order to draw on lessons learned from that process.

These proposed activities and the research questions and methodologies they reflect are the result of an extensive process of discussion between NORC, MCC, and MCA Namibia. In previous drafts, NORC provided a broader set of research questions and potential options for approaches to addressing them. The activities presented in this version of the Evaluation Design Report reflect the research questions and methodological approaches that MCC and MCA-Namibia prioritized in response to these earlier drafts.

Table 1: CLS Evaluation Design Matrix

Evaluation Questions and Sub-questions	Outcomes	Respondents	FGDs	KIIs	QKAT
<i>1). How has CLS contributed to increasing knowledge and awareness about land rights, laws, and procedures in the CLRA?</i>					
1a). Do individuals know what land registration means? Are they aware of their responsibility to register land or their rights and responsibilities to participate in community-level land management? Are they aware of the obligation various levels of leadership have under the Land Act? Are they aware of the venues for appealing land decisions? To what extent have the communication and civic education components of CLS contributed to individuals' understanding of these issues? Have the CLS outreach and communication activities changed citizens' views about land issues, and if so how?	Expressed confidence in knowledge of land rights, roles and responsibilities currently and relative to pre-CLS period, views on the role of CLS in changing knowledge of land rights	Residents of NCAs where outreach / communication were conducted	x		
	Leaders perceptions of residents' knowledge of land rights currently and relative to pre-CLS period, views on the role of CLS in changing knowledge of land rights	Local leaders, TAs, CLB members, MLR officials	x		
	General perceptions of effective / ineffective aspects of CLS communication / outreach	Residents of NCAs where outreach / communication were conducted	x		
1b. Do authorities with responsibilities under the CLRA (including local community leaders, TAs, CLBs, and MLR officials) understand i) land rights under the CLRA as well as ii) their roles and responsibilities under the law? Are they capable of carrying out those responsibilities? To what extent has this understanding improved as a result of the CLS training activities?	Ability to correctly answer questions related to land registration and land rights	Local leaders, TAs, CLB members, MLR officials who attended CLS trainings			x
	Expressed confidence in knowledge of land rights, roles and responsibilities currently and relative to pre-CLS period, views on the role of CLS in promoting knowledge of land rights, roles and responsibilities, confidence in ability to perform new responsibilities	Local leaders, TAs, CLB members, MLR officials who attended CLS trainings	x		
	General perceptions of effective / ineffective aspects of CLS communication / outreach	Local leaders, TAs, CLB members, MLR officials	x		

Evaluation Questions and Sub-questions	Outcomes	Respondents	FGDs	KIIs	QKAT
1c) To what extent have female land users and authorities/leaders roles changed as compared to prior to CLS? To what extent are they more empowered and effective? To what extent is this due to CLS?	Perceived effectiveness and empowerment of female land users currently and relative to pre-CLS period; perceived impacts of CLS outreach / communication for women	Residents of NCAs where outreach / communication were conducted Female residents of NCAs where outreach / communication were conducted	x		
	Perceived empowerment of female land users currently and relative to pre-CLS period; perceived impacts of CLS outreach / communication for women	MLR officials, CLB members, TAs, local leaders (including female leaders)	x		
	Perceived effectiveness of female authorities currently and relative to pre-CLS period; perceived impacts of CLS training for women leaders	local leaders TAs(including female leaders),, CLB members, MLR officials who attended CLS trainings	x		
1d). How do individual land holders assess the performance of various authorities (TAs, MLR officials, etc.) in their roles under the Land Act?	Perceived capacity and performance of authorities on the part of land users	Residents of NCAs where outreach / communication were conducted, including focus groups comprised of women *	x		
	How authorities think they are perceived by land users/how authorities perceive their interactions with land users	Local leaders, TAs, CLB members, MLR officials	x		

* Prior to data collection, NORC will identify if there are any other vulnerable groups that should be included and formulate the best way to incorporate them into the data collection and evaluation.

Evaluation Questions and Sub-questions	Outcomes	Respondents	FGDs	KIIs	QKAT
2). To what extent was the support for policy dialogue provided by CLS effective?					
2a). In the priority policy areas in which CLS support focused, what changes in legislation, regulations, or procedures have been adopted?	Changes in legislation and regulation and perceived view of role of CLS	Local land experts, MLR officials, representatives of civil society / NGOs		x	
2b). To what extent were CLS's priority policy areas focused on underlying sources of problems for the holders of rights on the ground, as opposed to issues that may not bring benefits to land users?	Perceptions of residents of NCAs	Residents of NCAs where outreach / communication were conducted, including focus groups comprised of women *	x		
	Views of land experts and other stakeholders about problems addressed by CLS	Local land experts, representatives of civil society / NGOs		x	
2c) To what extent has CLS, its support for policy dialogue, and its outreach and communications campaigns contributed to or changed the debate about land issues in Namibia?	Views of land experts and other stakeholders about influence of CLS	Local land experts, representatives of civil society / NGOs, MLR officials	x (MLR only)	x	
3). To what extent has CLS had broader impacts on the approach to land registration in Namibia?					
3a). In what ways do the various components of the CLS approach to land administration reflect improvements over previous approaches to land registration in Namibia along the dimensions of transparency, accountability, cost effectiveness, quality and accessibility of information, and/or sustainability?	Perceptions of improved processes / procedures	National and regional MLR officials, implementer staff, community leaders, MCC, **, local land experts, representatives of civil society / NGOs		x	
3b). To what extent did CLS result in changes to the registration process followed by the MLR? To what extent are these changes sustained over time?	Adoption of CLS materials / procedures or changes to existing approaches as a result of CLS by MLR	National and regional MLR officials, local land experts		x	

* Prior to data collection, NORC will identify if there are any other vulnerable groups that should be included and formulate the best way to incorporate them into the data collection and evaluation.

** ** NORC would also like to conduct KIIs with former MCA-N staff, but given that the Namibia Compact has ended MCC is unsure if this will be possible; however, NORC will attempt KIIs with MCA-N former staff with MCC assistance.

Evaluation Questions and Sub-questions	Outcomes	Respondents	FGDs	KIIs	QKAT
3c). Are there aspects of CLS that reflect improvements over previous approaches along dimensions of transparency, accountability, cost effectiveness, quality and accessibility of information, and/or sustainability, but were not adopted by MLR? If so, what are these aspects and why didn't the MLR adopt them?	CLS procedures not adopted by MLR	National and regional MLR officials, implementer staff, community leaders, MCC,**, local land experts, representatives of civil society / NGOs		x	
3d). Did procedures introduced by CLS improve the inclusion and participation of residents and landholders in land registration and land management processes? Did procedures result in the perception of increased transparency and accountability?	Views of citizens in CLS registration areas on land users' participation; transparency, and accountability of procedures	Residents of NCAs in areas where registration has been carried out	x		
	Views of stakeholders on land users' participation; transparency, and accountability of procedures	National and regional MLR officials, implementer staff, community leaders, local land experts, representatives of civil society / NGOs		x	
3e). To what extent is the information that was generated by the mapping, registration, and verification components integrated with the MLR's cadastral systems? Are MLR staff able to effectively access and update this information? Is the NCLAS still in use?	Reported integration and accessibility of information, use of NCLAS	National and regional MLR officials, local land experts, representatives of civil society / NGOs		x	
4). How and to what extent has CLS helped improve perceptions of tenure security? To what extent has CLS helped to improve perceptions of tenure security for women and other vulnerable groups¹⁶?					
4a). To what extent do holders of land rights in the NCAs perceive those rights as secure? What are the main sources of tenure insecurity? How have these perceptions changed since implementation of CLS, and to what extent were they affected by CLS? How do these perceptions differ among different types of land users, as well as women, the poor, and vulnerable groups?	Perceived levels and types of risks / threats to land rights currently and relative to pre-CLS period	Residents of NCAs in areas where registration has been carried out	x		
	Reported links between changes in tenure security and CLS project components	Residents of NCAs in areas where registration has been carried out	x		
	Views of stakeholders on CLS's impact on tenure security	National and regional MLR officials, CLB members and TAs, implementer staff, community leaders, MCC,**, local land experts, representatives of civil society / NGOs	x (for MLR, CLB, TA only-all others in KII)		x

¹⁶ Prior to data collection, NORC will identify if there are any other vulnerable groups that should be included and formulate the best way to incorporate them into the data collection and evaluation.

Evaluation Questions and Sub-questions	Outcomes	Respondents	FGDs	KIIs	QKAT
4b) What kinds of land disputes are common, and how prevalent are they? How has the prevalence of various types of disputes increased or decreased over time, and to what extent is CLS responsible for any changes? How do these perceptions differ among different types of land users, as well as women, the poor, and vulnerable groups?	Reported types / frequencies of land disputes currently and relative to pre-CLS period	Residents of NCAs in areas where registration has been carried out	x		
	Reported links between changes in land disputes and CLS project components	Residents of NCAs in areas where registration has been carried out	x		
	Views of stakeholders on CLS's impact on land conflict	National and regional MLR officials, CLB members and TAs, implementer staff, community leaders, MCC**, local land experts, representatives of civil society / NGOs	x (for MLR, CLB, TA only-all others in KII)	x	
4c) How has the capacity of authorities (i.e., TA, CLBs) to resolve land disputes changed as a result of CLS?	Perceived effectiveness / capacity of authorities in resolving land disputes, currently and in relation to pre-CLS period	Residents of NCAs in areas where registration has been carried out	x		
	Confidence in ability to resolve disputes, currently and in relation to pre-CLS period	Local leaders, TAs, CLB members, MLR officials who attended CLS trainings		x	
	Views on impact of CLS on capacity of authorities to resolve disputes	National and regional MLR officials, CLB members and TAs, implementer staff, community leaders, MCC**, local land experts, representatives of civil society / NGOs	x (for MLR, CLB, TA only-all others in KII)	x	
4d) Has CLS led to a greater sense of empowerment and control for women over household land resources? Did joint application forms have an effect on spousal rights?	Perceptions of women related to joint application forms	Women in areas where registration has been carried out	x		
4e). What are the perceived benefits and drawbacks (if any) of registering land and obtaining leaseholds?	Perceived benefits and drawbacks of registering land and obtaining leaseholds	Residents of NCAs in areas where registration has been carried out	x		

Evaluation Questions and Sub-questions	Outcomes	Respondents	FGDs	KIs	QKAT
5). To what extent has CLS contributed to improved economic outcomes?					
5a). How have patterns/levels of investment and land use by individual land users changed since CLS? To what extent has CLS resulted in changes?	Types and levels of investment with longer time horizons or that are fixed in land, changes over time	Residents of NCAs in areas where registration has been carried out	x		
	Increased investments attributed to CLS or the issues it addresses	Residents of NCAs in areas where registration has been carried out	x		
	Increased investments attributed to CLS or the issues it addresses	Regional MLR officials, CLB members and TAs, community leaders		x	
	Increased land transfers	Residents of NCAs in areas where registration has been carried out	x		
	Increased land transfers	Regional MLR officials, CLB members and TAs, community leaders		x	
5b). To what extent have new investments on commonage land, such as boreholes, occurred since CLS? How has community mobilization and/or group registration under CLS contributed to these new investments?	Investments on commonage, changes over time	Regional MLR officials, CLB members and TAs, community leaders		x	
	Increased investment attributed to CLS or the issues it addresses	Regional MLR officials, CLB members and TAs, community leaders		x	
5c). To what extent have grazing practices changed as a result of village committee activities and other intended outcomes of the intervention, e.g., clearer articulation of land rights?	Reported changes in grazing practices	Livestock owners in areas where registration has been carried out	x		
	Reported changes in grazing practices	Regional MLR officials, CLB members and TAs, community leaders		x	
5d). Has commercial investment increased as a result of CLS making land more accessible?	Changes in commercial investment over time	Regional MLR officials, CLB members and TAs community leaders		x	
	Views on changes in accessibility of land for commercial investors	Local land experts, representatives of civil society / NGOs		x	

4.3 Evaluation Questions, Outcomes, and Measurement

Table 1 presents the Evaluation Design Matrix (EDM). The EDM includes the research questions and sub-questions¹⁷ that the evaluation will consider, the associated outcomes, and the data collection method and type of respondent for each outcome. The EDM is structured such that research questions 1-4 are those that will be addressed in the Initial Performance Evaluation. Question 5 will be reserved for the Follow-On Performance Evaluation, which will also re-visit the impacts related to the first four questions over a longer timeframe.

The five research questions presented in the EDM are as follows:

1. How has CLS contributed to increasing knowledge and awareness about land rights, laws, and procedures?

This question investigates outcomes associated with the communication and civic education component of CLS. As result of CLS, we expect beneficiaries to have a better understanding of the Communal Land Reform Act and associated regulations and procedures. For individuals, this understanding should be reflected in a greater awareness of individual rights under the CLRA, how those rights can be exercised and protected, and the limitations of those rights. For authorities within the land administration system such as TAs, CLB members, and MLR staff, improved knowledge would be reflected in a better understanding of roles and responsibilities under CLRA, as well as perceived effectiveness in carrying out those responsibilities.

Outcomes related to this research question will be addressed using FGDs and the QKAT as part of the IPE. FGDs will be conducted with both land users and authorities within the land administration system in order to assess how participants assess their own level of understanding and the role of the CLS training in contributing to that understanding, as well as citizens' views of the awareness of the roles and responsibilities of the authorities with whom they interact. The QKAT will aim to provide objective measures by testing the knowledge of the MLR officials, CLB members, and Traditional Authorities who participated in CLS trainings. The QKAT will

¹⁷ Note that the research questions in the EDM reflect the underlying issues that the evaluation will seek to answer, and the FGD and KII instruments will be designed separately to gather data that allows the Evaluation Team to address the questions. These research questions should not be interpreted as questions that will be included in data collection instruments and asked directly to respondents in FGDs or KIIs.

be administered to approximately 40-60 respondents. This research question will also be considered as part of the FOPE in order to determine the levels of knowledge and awareness over a long period of time. The specific approach of the FOPE will be determined on the basis of what aspects of the IPE yielded the most useful information.

2. To what extent was the support for policy dialogue provided by CLS effective?

The second research question concerns outputs related to the policy and procedural reform component of CLS. For each of the key areas that CLS sought to influence, the IPE will identify any changes in legislation, regulations, procedures or the policy debate that have taken place since relevant CLS activities began, while the FOPE will assess further progress over the ensuing two-year period. In addition, the IPE will consider the relevance of each of the priority reform areas under CLS from the standpoint of whether they can be linked to problems that exist on the ground, as opposed to less meaningful reforms that are not relevant to issues of concern for stakeholders. In addition, this question will consider more generally how the policy dialogue and other aspects of CLS have influenced the broader policy debate on land issues in Namibia.

Addressing this question will rely primarily on key informant interviews with experts in land issues and land policy in Namibia, in addition to review of documents. Data from FGDs with land users will be used to assess the extent to which the priority policy areas reflect problems on the ground. It is important to bear in mind that given the inherent difficulty in assessing policy reforms as well as the limited scope of data collection, the evaluation may not be able to yield strong findings related to the policy and procedural reform component.

3. To what extent has CLS had broader impacts on the approach to land registration in Namibia?

The CLS land registration component was intended in part to serve as a pilot of an alternative approach to formalizing land rights in Namibia. It is thus important to assess the ways in which CLS was an improvement over previous approaches to land registration in Namibia, as well as the extent to which any improvements have led to changes in MLR policies, practices, or the views of MLR staff that will be carried forward. The IPE will consider the CLS approaches to various aspects of formalization of land rights compared to previous approaches along several dimensions, including transparency, accountability, cost effectiveness, quality and accessibility

of information, and sustainability. It is important to note that an improvement along one dimension may not imply improvements along other dimensions- for example, greater transparency and accountability may entail reduced cost effectiveness. The IPE will focus on the extent to which the MLR uses CLS approaches, and the FOPE will focus on the extent to which the MLR continues to use CLS approaches two years after the end of the Compact.

The data to address this question would come from KIIs, primarily with MLR staff but also with other local leaders and land experts. To ensure that this issue is being adequately addressed, KII data collection will include a range of MLR staff at various levels and locations. In addition, views of citizens in CLS registration areas on land users' participation, transparency, and accountability of procedures will be considered, through FGD's with these residents.

4. How and to what extent has CLS helped improve perceptions related to tenure security?
To what extent has CLS helped to improve tenure security for women and other vulnerable groups?

The fourth question turns to the broader impacts of CLS for land users. An important consideration in this regard is tenure security. The evaluation will assess the main sources of threats to the security of rights that land users perceive, as well as whether CLS addressed these concerns and if they resulted in improvements. Similarly, the evaluation will look at the incidence and severity of disputes over land, capturing views on whether the CLS intervention has resulted in improved capacity to resolve disputes.

Of particular concern with respect to these issues are the differential experiences and impacts for women. For example, a particular concern for women in the NCAs is the potential for threats to widows' land rights by their husbands' relatives. As a result, the evaluation will include a separate focus group comprised of female land users, and KIIs with local leaders will include questions designed to illuminate these differences.

Both the IPE and the FOPE will address issues related to tenure security, as impacts related to tenure security can unfold in a variety of ways over different time periods. For example, issuing a land certificate may lead to an immediate increase in the perceived security of rights in some contexts. However, the full impacts in this regard may occur only when the landholder has been able to observe how institutions perform under the new system and whether they can be relied

upon to protect formal property rights. The data to investigate issues related to tenure security for both the IPE and the FOPE will be derived primarily from FGDs with land users and land authorities (regional MLR staff, CLB member, and TAs and/or community leaders, as well as with some KIIs with informants (e.g. land experts, implementer staff) who are knowledgeable about land issues to capture broader perspectives.

5. To what extent has CLS contributed to improved economic outcomes?

Ultimately, CLS is expected to result in economic gains for participating households in the NCAs. Improved tenure security creates incentives to invest, in the context of individual rights, as well as strengthening group rights and investments in common rangeland. Improved access to and management of rangeland should result in economic benefits related to livestock production. Finally, the role of CLS in promoting transferability may result in an additional benefit stream in terms of improving access to land for commercial investment. It is important to bear in mind that because these economic impacts stem from other outcomes related to CLS, they are likely to unfold over a longer period of time than previously discussed outcomes. As a result, consideration of economic outcomes will be deferred to the FOPE.

As the evaluation methodology is primarily qualitative, assessment of economic outcomes will be based on perceptions of these impacts of the program drawn from FGD data. As a result, the evaluation will not be able to provide a precise quantitative measure of the impact of the program on household incomes. However, qualitative research can yield useful insights in terms of the pathways by which economic benefits have or have not been realized, as well as validating the links in the causal chain as presented in the program logic.

4.4. Timeframe of Exposure

The anticipated timing of the impacts and outcomes described in the previous section varies and has important implications for the approach to evaluation. As discussed above, the IPE will consider those outcomes for which we expect to observe changes induced by CLS in the period following implementation, which are reflected in research questions 1-4. However, the FOPE is also included because of the fact that a longer time period is needed for the evaluation to more fully capture the benefits of CLS. Many of the outcomes related to how land users perceive their tenure security would occur only as land users are able to fully observe and understand the

changes brought about by CLS, as would the subsequent behavior changes that are expected to lead to economic outcomes. Many of the policy reforms following from CLS support for dialogue were still in progress at Compact close and will not be finalized until additional time has passed. In addition, issues related to sustainability are most appropriately considered after some time has elapsed following implementation.

An important consideration for the evaluation is the timing of the FOPE. The optimal timeframe for considering these outcomes and impacts reflects a tradeoff: a longer timeframe allows more time for outcomes and impacts to unfold, but makes it more difficult to distinguish between the results of the program as opposed to other contextual changes that will increasingly occur over time. Ideally, we would draw on the literature on similar interventions, but in this case there is no previous research that we are aware of that would provide a sound basis for determining an optimal timeframe for the FOPE. Based on previous experience with land tenure programming and qualitative data collection methods, the Evaluation Team recommends carrying out the FOPE approximately two years after conclusion of the program. In addition, a sufficient time should elapse between the IPE and the FOPE such that the follow-up QKAT yields useful information. On the basis of these considerations, the FOPE is planned to begin in late 2016.

4.5 Methodology / Evaluation Design

4.5.1 Evaluation Type and Approach

As per the definitions in the MCC Independent Evaluation Fact Sheet,¹⁸ our proposed evaluation type is a performance evaluation rather than an impact evaluation. As the Fact Sheet describes, the distinction between the two relates to the nature of the evidence that the evaluation is intended to produce. Impact evaluations measure the causal impact of the MCC program on outcomes for participants using a statistical model based on a counterfactual. Performance evaluations such as the proposed CLS evaluation seek to explain how the MCC program affected outcomes for participants, but without generating statistical evidence of causality, and using qualitative and quantitative descriptive data to address research questions related to the impact of the MCC program.

¹⁸ <http://www.mcc.gov/pages/docs/doc/factsheet-mccs-independent-evaluations>

The Evaluation Team considered a number of potential approaches to including a rigorous impact evaluation as part of the methodology. However, for several reasons an impact evaluation of CLS was ruled out. First, the timing of implementation relative to the evaluation severely limits the scope of possible impact evaluation methodologies. Most impact evaluation methodologies use data collected both before and after program implementation, so that the evaluation can use panel data methods to measure changes in outcomes, such as in the case of a difference-in-difference model. In the case of CLS, however, implementation of the program had been ongoing for several years prior to the design of the evaluation. As a result, it will not be possible to collect true baseline data for the evaluation. A possibility that was also considered was to focus the evaluation on areas where implementation was in preliminary stages or had not yet begun. However, following detailed discussions with the implementer, it is clear that there are few project areas where implementation was not sufficiently advanced such that baseline data would accurately reflect pre-project outcomes.

The Evaluation also considered an approach using Propensity Score Matching (PSM), which can be used even in the absence of a baseline to conduct an ex post impact evaluation using endline data only. However, because of the approach to selecting the particular areas where CLS activities were implemented, using matching to select a comparison group would be problematic from the standpoint of identification. The criteria for selecting where CLS would be implemented were based on the priorities of the MLR, willingness of the local Traditional Authorities to cooperate, and other factors that would be difficult to pin down and replicate in potential comparison areas. As many of these factors are likely to be correlated with outcomes of interest, ex post selection of a comparison group using PSM would not be able to avoid serious concerns about selection bias driving the results. This is a common concern with quasi experimental ex post PSM evaluations, which are generally considered to be less rigorous than those that include purposively designed baselines.¹⁹

Finally, some aspects of the Namibian context suggest that the anticipated outcomes of the project are not well-suited for an impact evaluation. Typically, evaluations of land tenure

¹⁹ Sekhon, Jasjeet (2009) “Opiates for the Matches: Matching Methods for Causal Inference” *Annual Review of Political Science* 12, pp. 487–508

programs such as CLS focus on the benefit stream associated with greater tenure security leading to improved investment incentives for landholders, and ultimately higher incomes as result of these investments. This benefit stream is readily observable and measurable using household surveys and standard impact evaluation methodologies such as difference-in-difference.

However, our fieldwork and discussions with experts suggest that individual tenure security is unlikely to be an important channel of impact in the Namibian context. In general, claims to land are relatively secure under the traditional system, and insecurity is not a major deterrent to investment by individual landholders. Thus, we would not expect the CLS to have a significant impact on investment incentives and the evaluation should not focus on this type of benefit stream.

Instead, we anticipate the main impacts of the CLS to occur through other channels such as contributing to increased transferability, improving the efficiency of land use in the long run, and reducing the incidence of disputes. While these are important benefits, these kinds of outcomes do not lend themselves to standard impact evaluation methodologies, as they are difficult to measure at the level of the individual as well as to compare to a counterfactual. Qualitative methods can yield useful insights in terms of the validity of the causal hypotheses in the program logic, as well as identifying which benefit streams program participants indicate are more or less important. However, a large scale household survey in the context of a rigorous impact evaluation is not liable to be cost effective under the circumstances.

NORC's approach to performance evaluation entails qualitative methods that reflect the program logic, research questions being addressed, and outcomes of interest. The analysis will incorporate local context and represent concrete examples that illustrate in greater detail the findings. NORC proposes to conduct the CLS evaluation in a holistic manner, analyzing the achievements of targeted results, verifying implementer reports, considering the opinions and recommendations elicited during the KIIs and FGDs, and undertaking analysis of the results of the QKAT, and secondary data provided by ORGUT COWI, the CLS implementing organization.

4.5.2 Evaluation Activities

As outlined in Section 4.2, the proposed methodology will include an Initial Performance Evaluation (IPE) to be carried out in 2015, and a Follow-On Performance Evaluation (FOPE) to

assess longer-term impacts in 2016. In this section, we provide greater detail on both of these proposed activities.

Initial Performance Evaluation (IPE): The IPE will be carried out in the period following implementation end (2015), and as discussed above will consider those outcomes where we would expect immediate observable changes as a result of the program. An important focus of the IPE would be to provide a set of policy and programmatic recommendations related to aspects of CLS that could be carried forward, or complementary programs that could leverage the gains of CLS.

An Initial Performance Evaluation carried out following implementation could be particularly useful in the present context for two reasons. First, an important function of CLS has been to demonstrate new approaches to issues and activities that the MLR and other Namibian NGOs are also engaged in, including land registration, public consultation, and outreach and training related to land laws and issues. The MLR and NGOs are aware of the CLS efforts and in our discussions with them have expressed interest in carrying forward certain aspects of the approach. A set of programmatic recommendations following clearly from the data collected in the course of the evaluation that identifies and proposes refinement to the most effective and appropriate components of CLS could provide an important basis for MLR's efforts going forward.

Another reason for developing a set of programmatic recommendations is that the outcomes of CLS may also suggest additional follow-on activities. For example, all large land claims that the CLS mapping process has identified were not fully adjudicated by the end of the program. Follow-on programming could thus be designed to carry this process through. Similarly, the results of the evaluation could serve to underscore the need for follow-on "refresher" trainings for Traditional Authorities, Communal Land Board members, and others trained as part of CLS in order to most effectively maximize the returns to MCC's investment in these areas.

Data for the IPE will be collected in the form of FGDs, KIIs, and the QKAT. The Evaluation Design Matrix presented in Table 1 shows the data collection approach that will be used to measure each outcome.

Follow-On Performance Evaluation (FOPE): The second activity will consist of follow-up data collection and analysis to be carried out in 2016. As described above, the FOPE will consider impacts that may only be observable over a longer timeframe than the IPE, particularly those related to investment, grazing practices, and other economic outcomes. In addition, the FOPE will address the sustainability of the project by re-visiting a number of outcomes considered by the IPE, including the extent to which the MLR has continued to utilize the procedures and inputs developed by CLS, subsequent policy changes that have occurred in the CLS priority areas, and longer-term impacts on tenure security.

The specifics of the methodology for the FOPE will be developed in coordination with MCC following the IPE. At a minimum, the FOPE will be based on KIIs collected in the course of a single field visit by 2-3 members of the Evaluation Team. MCC may also opt to include additional FGDs and/or QKAT rounds in the FOPE. This determination will be made following the completion of the IPE, so that the outcomes of the IPE data collection can be used to assess the expected benefit of carrying out similar activities for the FOPE.

4.6 Study Sample

An important consideration for the IPE is the selection of respondents for the FGDs, KIIs, and QKAT. In qualitative data collection, sampling typically involves identifying appropriate categories of stakeholders to interview based on the research questions and outcomes, with individual respondents selected from those categories. In this section, we explain the approach to sampling.

4.6.1 FGD and QKAT Sample

For any qualitative evaluation using FGD data, the number of FGDs that will be conducted depends on a number of factors. FGD data collection typically requires the design of multiple FGD protocols, which are sets of questions and guidelines for conducting discussions. The number of protocols depends on the context of the evaluation. The content of the research questions typically requires collecting different data from different groups of stakeholders through protocols uniquely created for each group. For example, in this case, questions related to tenure security are most appropriately addressed by land users in the project area, while addressing questions related to the CLS training for land administration authorities require the

perspective of authorities who participated. Moreover, multiple perspectives on the same research question are needed for issues that may affect different stakeholders in different ways, and require multiple focus groups of different types of respondents. In addition, data that can be collected in a single focus group is constrained by the fact that discussions must be limited in length. Thus, in some cases the breadth of information that is needed may require more than one focus group, even for the same type of respondent. Finally, each focus group should ideally be composed of respondents who are as homogenous as possible, bringing together people of similar backgrounds and experiences, who have experienced the program in a similar way, so that they can speak of shared experiences and generate responsive discussion.²⁰

In addition to the number of protocols that must be developed, another consideration is the number of focus groups within each respondent category. There is no hard and fast rule for determining how many focus groups are needed- more focus groups can provide additional perspectives and insights, but returns are diminishing as additional focus groups may repeat the same responses and ideas. As a rule of thumb, Morgan (1998) suggests a minimum of 3-5 focus groups per protocol for less complicated subjects, with additional focus groups for subjects that are more complex or where a diverse range of opinions and views is expected; CLS is considered more complex, with multiple operational areas and villages over vast, sparsely populated areas having been covered by the program.

The IPE will include 58 FGDs reflecting eight different protocols²¹ as shown in table 3. Four of these protocols (Protocols 1-4) will be developed to administer to land users in the project area. These will cover the topics of awareness of land laws and interactions with authorities, CLS land registration, as well as tenure security, land disputes, and land management for both holders of individual rights and users of commonage, with each protocol administered to twelve focus groups. Each of these land user protocols will be carried out with residents from three villages per operational area (recall there are four operational areas), for a total of 12 FGDs per protocol, and 48 total land user FGDs. An additional protocol will be developed focusing specifically on gender issues for focus groups comprised of female-only land users, to be carried out with one

²⁰ For more detail, please see the Annex for an excerpt from a NORC memo that outlined NORC's FGD sampling strategy.

²¹ The number of protocols has been developed based on the research questions and needs of the evaluation, while the number of focus groups per protocol has been determined as the minimum required for meaningful analysis of the research questions.

group of females in each of the four operational areas, for a total of four female-only FGDs. To address research questions related to CLS training as well as to obtain additional perspectives on other topics, protocols will be developed for regional MLR staff, Communal Land Board members, and Traditional Authorities, with two focus groups carried out for each of these groups. As described further in Section 5, each FGD will include approximately 8-10 participants.

The QKAT is a short questionnaire designed to provide an objective measure of knowledge of the CLRA and relevant provisions related to the CLS training component. The QKAT will be administered to the MLR staff, CLB members, and TAs participating in FGDs, and will be administered concurrently with the FGDs, to a total of approximately 40-60 respondents (based on the number of invited FGD participants who actually show up for the discussion). Carrying out the QKAT at the same time as the FGDs allows this component of the evaluation to be included at minimal additional cost.

The precise geographic sites for the FGDs/QKAT have yet to be determined. In consultation with MCC and the data collection contractor, the evaluation will identify three villages in each operational area that the IPE will focus on for FGDs with individual land users (protocols 1-4), reflecting the fact that a maximum of 12 FGDs will be conducted for each of these protocols. Areas will be selected from among the Phase 2 Operational Areas to ensure an accurate reflection of the fully evolved CLS approach. For the FGDs with land authorities (protocols 6-8, 2 FGDs per protocol) we will attempt to represent as much geographical diversity within the entire program area as feasible. For protocol 6, Regional MLR Staff, we will invite a selection of staff from all 4 regions in which the program was implemented; for protocol 7, Communal Land Board Members, we will invite a selection of members from all 7 CLBs, and for protocol 8, Traditional Authorities, we will invite a selection from as many of the 16 TAs as feasible in the project area, keeping in mind that they may not all be willing or able to attend, and that we do not want any given FGD to exceed 8-10 participants.²²

²² One local perspective indicated CLB member and MLR staff are more likely to travel for FGDs than TAs as their role is (i) formal and (ii) paid.

Table 2: Preliminary Study Sample for Evaluation Options

Protocol (Respondent Type: Topic)	# of FGDs
1. Individual Land users: land registration	12*
2. Individual Land users: awareness of the law and interaction with authorities	12*
3. Individual and Commonage users: tenure security, land disputes, land management	12*
4. Holders of individual rights: tenure security, land disputes, land management	12*
5. Female land users: Gender Specific Issues	4**
6. Regional MLR staff: CLS Training and Other Topics	2
7. Communal Land Board Members: CLS Training and Other Topics	2
8. Traditional Authorities: CLS Training and Other Topics	2
Total	58

4.6.2 KII Sample

The IPE will supplement the FGD and QKAT data with a limited set of KIIs. These KIIs will be carried out by the Evaluation Team directly in conjunction with oversight of the FGD training and initial data collection process. KII respondents have been identified on the basis of evaluation questions and outcomes described in the EDM. The precise number of KIIs that can be carried out will depend on logistics and the availability of respondents during the allotted time in the field. The Evaluation Team will attempt to complete 23 KIIs but will ensure that a minimum of 19 KIIs are completed.

Table 3: Preliminary Study Sample for KII's

Group	# of KIIs
MLR Staff in Windhoek	5
Local land experts / representatives of NGOs and civil society	2-3
CLS implementation contractor staff	2-3
MLR Staff in Regional Offices	2 per office in 2-3 regional offices (4-6 total)
Village headmen	3
Traditional Authorities	3
MCC Staff	1
Total	20-24

4.7 Analysis Plan

The analysis of the data for the IPE report will follow best practices in qualitative data analysis. Transcriptions of FGDs will be translated and coded using a software package such as NVivo or Dedoose. Coding allows for detailed queries of the data by topic and respondent type in order to allow for a more systematic analysis of responses. The team will look for common themes across the diverse sample of respondents to ensure reliability, triangulating findings from among different groups of stakeholders with different interests. The analysis will also identify any contradictions or disagreements between responses from different sources, and consider potential explanations and interpretations. The findings and conclusions of the IPE will follow from the data, and will be appropriately caveated with care taken to avoid over-emphasizing any conclusions that are based on limited information. KIIs will be recorded and transcribed if respondents allow. If not, detailed notes will be taken. Notes and/or transcripts may be coded, if enough interviews are able to be obtained for a particular research question and/or within a particular respondent category. Otherwise, detailed field reports will be completed for KIIs, similarly looking for common themes among different stakeholders as will be done for FGDs.

4.8 Limitations and Challenges

A number of limitations and risks to the design should be borne in mind as follows:

- **Evaluation type and strength of findings:** As discussed above, timing and other circumstances rule out the possibility of the evaluation including an impact evaluation based on a counterfactual. Instead, the evaluation will be a performance evaluation based on qualitative research methods. While we expect these methods to generate useful findings and insights, the evaluation will not be able to provide rigorous statistical evidence of the impact of the program, nor can it provide quantitative evidence of the magnitude of impacts.
- **Availability of respondents for KIIs:** As described above, the IPE will utilize data from approximately 19-23 one-on-one interviews with a variety of stakeholders. Conducting these interviews relies on the availability and willingness of the respondents to speak with the NORC Evaluation Team. NORC's data collector will contact all respondents in advance to verify their willingness to participate and identify alternative respondents in

cases of refusal. However, in some cases unwillingness to participate can take the form of not showing up to scheduled appointments, which could present challenges for completing the KIIs. In addition, some respondents may require formal introductions and/or permissions in order to participate. MCC support may be needed to identify and facilitate the appropriate approach.

- **Halo bias:** There is a known tendency among respondents to under-report socially undesirable answers and alter their responses to approximate what they perceive as the social norm (*halo bias*). The extent to which respondents will be prepared to reveal their true opinions may also vary for some questions that call upon the respondents to assess the attitudes and perceptions of their colleagues or people on whom they depend upon for the provision of services. To mitigate this limitation, the NORC Evaluation Team will ensure confidentiality and anonymity guarantees to all who participate in KII, FGD, and QKAT respondents. The Evaluation Team will also conduct the interviews in as neutral a setting as possible where respondents feel comfortable.

5. DATA SOURCES AND DATA COLLECTION

5.1 Data Collection Plans

As described in Section 4, data collection for the evaluation will include FGDs, KIIs, and the QKAT. Section 4 described how the selection of respondents and design of the instruments will be structured to address the research questions that the evaluation considers. In this section, we describe our overall approach to data collection and summarize the timing and steps that will be involved.

NORC's staff is experienced in operationalizing research questions into specialized, deliberately crafted survey instruments and data collection plans. NORC understands the critical need for a well-designed instrument, be it an FGD guide, KII guide, or QKAT, in order to elicit information from respondents in a way that reduces observational errors, specifically instrument error, due to ambiguous question wording or illogical questionnaire flow. Both the land and evaluation expert and senior analyst/program manager on the team have experience designing and testing data collection instruments. Within this context, the Evaluation Team will carefully review the internal logic of each question developed for the instruments to ensure that questions are not cognitively difficult, double barreled, culturally insensitive, or include words that may create biased responses. In addition, questions will be analyzed for their ability to link back to key indicators and research questions, and for their contribution to the overall evaluation design.

i. Focus Group Discussions

NORC currently anticipates all FGDs for the IPE will be conducted by the local firm contracted by NORC to collect qualitative data for this evaluation. NORC will work closely with the focus group discussion contractor (FGDC), training their moderators to solicit responses from participants by asking neutral probes and not interjecting their own biases. NORC will ensure that the FGDC moderators understand the project and FGD protocols and can moderate the discussion to obtain maximum response and discussion. NORC will also supervise the initial data collection in-country and remain in close contact remotely.

Our methodology for conducting the FGDs is as follows. Each FGD will consist of a maximum of 10 participants, with perhaps up to 15 participants initially invited to account for refusals and

no-shows.²³ We will aim at having a minimum of 4 participants to conduct the FGD; if fewer than 4 participants show up we will conduct KIIs instead, following the same discussion guide as the FGD. The methodology used by the team in conducting the FGD and KII is outlined in Figure 2 and Figure 3, respectively.

Figure 2: Methodology for Conducting FGDs

- Each FGD will include a maximum of 10 participants who will engage in an open discussion structured around predetermined questions (included in a discussion guide) led by a moderator.
- The moderator will be assisted by a note taker, and all FGDs will be recorded with informed consent obtained from all participants prior to the start of the discussion.
- The discussion guide will include 9-12 questions for a 90 minute focus group discussion, starting with broad questions and moving into narrower or key questions. The following types of questions will be used: opening, introductory, transition, key, and ending. The questions will be neutrally worded and neutral probes will be used.
- Each FGD will be recorded and transcribed for ease in analysis. In addition, the note taker will record key words, expressions, silences and non-verbal language of the participants.
- Reports of the FGD will include a general summary of participant's response to each question – highlighting the range of responses and experiences. This will be supported by quotes from the participants.

ii. Key Informant Interviews

KIIs will be conducted by the Evaluation Team directly in conjunction with overseeing FGD data collection. The Evaluation Team will work with MCC to identify the particular respondents and obtain their contact information. The Evaluation Team will contact each respondent to schedule an appointment at least 2 weeks in advance. Appointments will be confirmed 1-2 days prior to each interview.

Figure 3: Methodology for Conducting KIIs

- A KII guide will be prepared in advance of each interview outlining the key questions and probes to be addressed during the interview.
- The interviewer will attempt to record interviews where possible and appropriate, after obtaining consent from the respondent. Where unable to record interviews, the interviewer will take notes during the interview, especially noting key quotes, and within 3-4 hours of the end of the interview he/she will complete a detailed set of notes.
- The interview will start with the more structured questions and pre-determined topics and will end with more open-ended questions that may reveal unanticipated topics and themes.
- Analysis of the KIIs will include a summary of common themes that emerge in response to each topic in addition to "outliers" – highlighting the range of responses and experiences. This will be supported by quotes from the participants.

²³ This will be discussed with the FGDC and an appropriate number will be invited based on the FGDC's experience of no-shows in the country; the objective is to have a discussion group that is not too large, and to give everyone an opportunity to express their views within the FGD allocated time.

iii. Quantitative Knowledge Assessment Tool

The QKAT will be administered to land administration authorities at the national MLR, as well as regional MLR, CLB, and TA officials who participated in the CLS outreach and/or training and are part of the FGDs. Questions will be slightly different for each of the four types of respondent, depending on their trainings and roles/responsibilities under the CLRA. The QKAT will be a written, 2-3 page survey that will be completed by respondents immediately following the focus groups or KII as appropriate; it is expected to require 5 – 10 minutes to complete. Administering the QKAT after the focus groups rather than before will ensure that respondents are aware of the purpose of the QKAT, minimizing the potential for discussion about the instrument after it is distributed.

5.2 Proposal to measure implementation fidelity

The IPE will review program documentation in order to assess the extent to which planned activities were implemented and related output targets were achieved. In the case of CLS, no further measures to ensure implementation fidelity are needed. Implementation has concluded, and thus unlike evaluations in which baseline data has been collected, the CLS evaluation does not rely on assumptions about the implementation process.

5.3 Data Needs

The main sources of data for the evaluation will be the FGDs, KIIs, and QKAT that will be collected as part of the evaluation as described above. Additional data will be drawn from project documents such as implementation reports, which MCC has already provided to the Evaluation Team.

6. ADMINISTRATIVE

6.1. Summary of IRB requirements and clearances

NORC has extensive experience in preparing the documentation necessary to secure Institutional Review Board (IRB) approval. NORC has its own IRB, which follows a formal process for examining all research projects to assure human subjects protection. NORC's IRB is registered with the HHS Office of Human Research Protection and has a Federal-wide assurance (FWA 00000142). The IRB takes an active role in helping guide protocols to meet the highest standards for human subject protections.

Prior to beginning field work, NORC will submit a formal research protocol that presents the purpose of the project, procedures to which respondents are subjected, and the research benefits and risks. The protocol will detail the methods used to ensure confidentiality of the data and the process of obtaining informed consent from respondents. The NORC team will work with MCC to determine the appropriate level of confidentiality. Once a determination is made then NORC can tailor the IRB protocol and adapt MCC's consent script as appropriate.

6.2. Preparing data files for access, privacy and documentation

The NORC Team is firmly committed to protecting the confidentiality of all respondents for all of our data collection. The confidentiality of respondents and establishments participating in the *MCC-Namibia CLS Evaluation* will be protected at all stages of the study, including sample preparation, data collection, data processing, and data delivery stages. We understand that the response and sample data are to remain confidential and we will not release the names of participating respondents or establishments to any other party for any reason. NORC's IRB can provide guidance on developing appropriate consent scripts that convey this information to reassure respondents of all stakeholders' commitment to protecting their information.

Like MCC, NORC seriously considers the ethical and privacy implications of research involving human subjects. Thus to protect the rights and privacy of individual respondents to MCC-funded quantitative and qualitative data collection under the CLS evaluation, NORC will ensure that public use data files are free of personal or geographic identifiers that would permit unassisted identification of individual respondents or their household members, and to exclude variables

that introduce reasonable risks of deductive disclosure of the identity of individual subjects. When providing response data to MCC, NORC will work with data collection contractors to remove identifying information from the quantitative and qualitative data to protect the respondent and ensure confidentiality.

In order to facilitate access to and usability of data, all datasets delivered to MCC will be accompanied with completed documentation, in the form of standardized metadata. NORC will work with data collection firm(s) supporting the evaluation and make sure that MCC templates that specify the required metadata elements for documentation purposes are correctly prepared; and that the documentation is compliant with the international Data Documentation Initiative (DDI) and Dublin Core Metadata Initiative (DCMI) standards, enabling compatibility with various data archiving systems.

6.3. Dissemination Plan

NORC will advise MCC on any opportunities to publicly disseminate the results of the evaluation, and will collaborate with MCC and the relevant stakeholders as appropriate to lead these public dissemination efforts, which may include local workshops, conferences, presentations, briefing papers, and additional opportunities that NORC or MCC identify.

6.4. Evaluation Team Roles and Responsibilities

Benjamin Linkow (Evaluation Expert) As the Evaluation Expert/Senior Analyst, Dr. Linkow will be responsible for providing technical and methodological leadership to the project, designing the evaluation, overseeing its implementation, and conducting the analysis. He will also draw on his significant knowledge of cadastral and land registration practices from different countries, and his experience conducting evaluations of land rights and land tenure projects to bring subject matter expertise to the project, defining appropriate research questions and indicators, and developing instruments for the evaluation. He will make at least one more trip to Namibia.

Ritu Nayyar-Stone (Program Manager) As program manager, Dr. Nayyar-Stone will provide administrative oversight for the project, and ensure that all contractual obligations are being met in a timely manner. She will work with the Evaluation Expert to coordinate NORC's evaluation

team to ensure technical activities are aligned with project objectives and timelines are designed to meet contractual deadlines. Dr. Nayyar-Stone will review all deliverables for content and quality prior to submission to the client. She will serve as the point of contact with MCC for all contractual and administrative matters. She will also manage the overall budget and monitor consultants and subcontractors to ensure efficient implementation of the contract. In addition to her management role, Dr. Nayyar-Stone will take the lead on the design and analysis of qualitative data for the project and review and assist with the collection and analysis of quantitative data as needed. She will make at least one trip to Namibia.

Mawadda Damon (Junior Analyst) As the Junior Analyst, Ms. Damon will primarily be responsible for supporting the Evaluation Expert on all aspects of the evaluation, with particular emphasis on oversight and quality assurance for all data collection activities including instrument design, enumerator training, quality control of field work, and ex-post data quality review. Depending on the design option chosen, Ms. Damon may also assist in conducting in-country KIIs. Ms. Damon will also be involved in the preparation of datasets, analysis of data and preparation of deliverables. She will make at least one trip to Namibia.

Local Data Collection Firm In addition to the core team described above, NORC will rely on a local Namibian survey research firm to administer the FGDs and QKATs. However, NORC will provide oversight and quality assurance support for all data collection tasks linked to the evaluation, including sample design, questionnaire design and revision, survey preparation and implementation plans, quality control measures, and all survey firm deliverables. The full extent of oversight will be agreed with MCC. NORC will also participate in person in data collection pilot activities, observe initial data collection field work, and maintain weekly contact during remaining survey periods. NORC will review data, and advise on data preparation, cleaning and imputation issues, and other issues as necessary to ensure that the data are of the quality needed for the evaluation.

6.5. Evaluation timeline

Data collection for the Initial Performance Evaluation will begin as soon as possible, in order to collect administrative documents and conduct KIIs with the implementer and MCA-N, to the extent they can be located and are willing to participate given that the Compact has closed.

7. References

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8. Annexes

Annex 1 Annotated Bibliography

I. Namibia Communal Land Laws

Land Laws. Namibia Legal Assistance Center.

Provides a listing of all Namibian Land Laws (acts and proclamations) and outlines the relevant regulations, legal cases, and articles for each. Covers the period 1919 to present. In addition to communal land laws, includes the National Resettlement Policy of 2001 (those from communal areas are prioritized in resettlement), the Agricultural (Commercial) Land Reform Act (ACLRA) No. 6, and the Land Acquisition Program.

Legal Assistance Center, Namibia National Farmers Union. (2009). Guide to the Communal Land Reform Act, No. 5 of 2002, 2nd edition. Windhoek, Namibia.

The updated Guide to the Communal Land Reform Act of 2002 offers an annotated and simplified version of the Act. It outlines the Act's provisions, regulations, and the procedures to be followed in registering existing land rights.

Republic of Namibia (1998). National Land Policy. Windhoek, Namibia

Namibia's most recent Land policy, it is based on constitutional principles and on the national commitment to redress the social and economic injustices from the colonial past. The policy strives to promote decentralization and community involvement. It builds on Article 16 of the Constitution by stating that "all citizens have equal rights, opportunities and security across a range of tenure and management systems" and that "several forms of land rights" will be accorded equal status before the law. It also makes provision for different categories of holders of land rights including "legally constituted bodies and institutions." This definition enables groups of communal area residents to become holders of land rights. Such groups include conservancies, community forest management bodies, water point associations and other bodies constituted to serve the interests of communities of residents.

Republic of Namibia (2008). National Land Tenure Policy. Windhoek, Namibia

Makes provisions for residents of villages to demarcate and register their village land and legally constitute themselves as a group which holds rights over land and resources within the village boundary.

Republic of Namibia (2002). Communal Land Reform Act, No. 5 of 2002. Windhoek, Namibia.

This Act provides for the allocation of rights in respect of communal land. According to the Act, all communal land areas vest in the State in trust for the benefit of the traditional communities residing in those areas. The Act establishes Communal Land Boards and provides for the rights and powers of traditional leaders and Communal Land Boards in relation to communal land. The Act came into operation on March 1, 2003. This is also the relevant date in respect to section 18 (on fencing), and section 28(2) and (3) (the date which begins the three-year period for application for recognition of existing customary land rights and fences). Provision is also made for residents to have access to common grazing lands subject to conditions made by a Chief or TA.

Republic of Namibia (2005). Communal Land Reform Amendment Act. Windhoek, Namibia.

Amends Section 1 and Schedule 1 of the Act. The amendment's effect is to add and amend certain definitions, to incorporate certain portions of unalienated State land into existing communal land areas and to replace an incorrect reference in the description of the Damaraland Communal Land Area.

Republic of Namibia; Ministry of Lands and Resettlement (2007). Strategic Plan, 2011-2016. Windhoek, Namibia.

Namibia's Land Reform Program, it was first released in 2005 to cover the period from 2006-2010. The Plan was later amended to align to the policy directives based on the Fourth National Development Plan (NDP4). The second version was released in 2011, covering period 2011-2016.

II. Public Information Documents

Namibia Land Management Series No. 2: Communal Land Registration (2009). Namibia Institute for Democracy (NID), Ministry of Lands and Resettlement, funded by GTZ (Germany).

This thirty-two page brochure provides information for people living in communal areas in order to have their land rights registered. It also explains why their land has to be registered, who is responsible for the various aspects of the process, and how land disputes are handled.

Republic of Namibia; Ministry of Lands and Resettlement. Importance and benefits of Communal Land Registration. Windhoek, Namibia.

From the Namibia Ministry of Lands and Resettlement Website documents archive. Provides an overview of the Communal Land Reform Act for people in communal areas and general public.

Republic of Namibia; Ministry of Lands and Resettlement. Allocation of new customary land rights. Windhoek, Namibia.

One- page overview of the land rights registration process aimed at people in communal areas and the general public, from the Ministry of Lands and Resettlement Website documents archive.

Republic of Namibia; Ministry of Lands and Resettlement. Communal Land Reform Regulations. Windhoek, Namibia.

A document with public notices of the components of the Communal Land Reform Act. Includes related enacted regulations. From the Ministry of Lands and Resettlement Website documents archive.

Republic of Namibia; Ministry of Lands and Resettlement. (2011, November/December). Illegal Selling and Buying of Communal Land. *The Land*. Issue 2, p.1.

"The Land" is a newsletter published by the Ministry of Lands and Resettlement (MLR). Released every three months, it informs citizens about important decisions, services, news and events relating to land in Namibia. This article explains buying or selling communal land is illegal, and explains the official process for obtaining communal land.

Republic of Namibia; Ministry of Lands and Resettlement. Resettlement Criteria: Point Scoring. (2011, August/September). *The Land*. Issue 1, p. 2.

The Ministry of Lands and Resettlement explains the newly introduced 'Point Scoring Resettlement Criteria.' The criteria were adopted to ensure a transparent, efficient and fair selection process. Explains the point scoring criteria, its purpose, and who gets priority.

Republic of Namibia; Ministry of Lands and Resettlement. (2011, August/September). Importance and Benefits of Registering Communal Land Rights Part 1. *The Land*. Issue 1, p. 4.

The Ministry of Lands and Resettlement explains the reasoning behind the Communal Land Reform Act. It outlines the benefits of the new law and the rights it affords, as well as provides brief details of the registration process.

III. Nambian Communal Land Rights Evaluations and Reports

Mendelsohn, J. (2008). Customary and legislative aspects of land registration and management on communal land in Namibia. Report for Ministry of Lands & Resettlement.

Senior members of the traditional authorities were consulted on how communal land is managed and on the registration of customary land rights. The study found that with respect to the management of land, TAs are weaker than is assumed. Most people appear well informed of the need to register their land rights but there is an obvious need for the MLR to accelerate its work on CLR, and to issue clear guidance to dispel misunderstandings. Other recommendations include the importance of using lower, local levels of traditional authority to check and endorse applications for customary land rights. The study found neither government legislation nor traditional law has much control over commonages. It also found changes are needed to limit the capturing of resources by the elite, and to give local residents both security of tenure/resources. It also recommended that tenure systems give long-term leaseholds to residents on communal land.

Mendelsohn, J.; Nakamhela, U.; Werner, W.; and Jones, B. (2011). Review of policies concerning tenure in communal areas for the Communal Land Support project of the Millennium Challenge Account. Commissioned by Millennium Challenge Account Namibia with funding from the MCC.

The report describes tenure systems in Namibia's communal areas as well the difficulties faced by residents as a result of present tenure arrangements. It outlines the most important constraints and makes recommendations to stimulate economic growth by giving land value and making it easier for investments to be made in communal areas. The report states that many of the problems concerning processing of land tenure applications stem from a lack of public information and awareness, particularly on issues concerned with rights and responsibilities and recommends substantial nationwide campaigns and an operations and procedures manual to guide the processing of applications for land registration and tenure changes.

Werner W., Mendelsohn J. & De Klerk N. (2012). Support to Land Reform and Infrastructure development in Communal Areas. Road map report for Ministry of Lands & Resettlement and kfW.

Discusses the Namibian land reform program's current successes and makes suggestion for the communal land component, in light of its key objectives: 1) Development of under-utilized or virgin land for agricultural purposes (i.e. establishment of small-scale commercial farms (SSCFs)); 2) Improving tenure security and granting of long-term leaseholds in communal areas; and 3) Accelerating the production of Integrated Regional Land Use Plans (IRLUPs) with active participation of major stakeholders covering all communal areas. Examines the registration process in broader context of the National Land Policy framework. Discusses the decreasing relevance of the SSCF component of the program and makes recommendations by region.

IV. Progress of Land Reform

Harring, S; Odendaal, W. (2012). Land Rights, Conflict, and Law in Namibia's Caprivi Region. Namibia Legal Assistance Center.

This Legal Assistance Center article focuses on Community-based natural resource management (CBNRM) and conservancies in Caprivi, the poorest region in Namibia. Caprivi, located in the North, is entirely communal land with well-organized traditional villages, many ethnic divides and conflicts, and is one of the only tropical zones in Namibia. It has 13 registered conservancies and seven "communal forests" (another form of conservancy under the Ministry of Agriculture, Water and Forestry.)

Lands and Resettlement Plan Vague. (2013, October). *The Villager*. Editor.

This news article criticizes the slow progress of land reforms in Namibia. It points to the fact that only 3 fences have been removed, and criticizes the fact that there has been no study of the impact of Communal Land Reform registration.

Mendelsohn, J; Shixwameni, L and Nakamhela, U. (2011). An Overview of Communal Land Tenure In Namibia: Unlocking Its Economic Potential. Paper presented to the Bank of Namibia Annual Symposium.

Tenure systems in communal areas of Namibia provide fewer opportunities for economic development than elsewhere. Incentives for investment are limited by several factors, including complex procedures to acquire commercial land rights. Substantial opportunities for economic development lie in the use of individual property rights as investments and financial instruments if land rights can be traded, sub-divided, assigned and used for commercial enterprises. The provision of secure tenure over commonage land rights would help safeguard resources for local residents.

V. Registration Process

Matthaei, Elke. The Communal Land Rights Registration Process in Namibia. (2013).

This is a power point by GIZ Namibia. It provides a history and explanation of land ownership and land reform in Namibia. It also discusses the communal land registration process, including achievements and challenges.

Meijs, M.; Kapitango, D and Witmer, R. (2008). Land Registration using aerial photography in Namibia: Costs and lessons.

This report discusses the use of aerial photos to fast track the process of land registration in Namibian communal areas, including the development of the Namibian Communal Land Administration System (NCLAS) to provide an improved means of storing digital data on communal land rights. Discusses status of the registration process, aerial methods, and the roadmap ahead, including challenges.

VI. Land Grabbing

Odendaal, W. (2013, August 6). The Failure of Law and Politics. *Insight*.

This magazine article discusses Land Grabbing in the Namibian San areas by cattle farmers from neighboring regions. It says such incidents are exposing weaknesses in state protections of the rights of marginalized communities.

Odendaal, W. (2011). Elite land grabbing in Namibian communal areas and its impact on subsistence farmers' livelihoods. Policy Brief 33. PLAAS, University of the Western Cape.

This brief examines some emerging trends and dynamics in changing power relations in rural Namibian communities due to emerging new elites and the threats to subsistence farmers' access to communal land and natural resources

Wily, L. (2011). Nothing New Under the Sun or a New Battle Joined? The Political Economy of African Dispossession in the Current Global Land Rush. Paper presented at the International Conference on Global Land Grabbing.

This paper focuses upon local conditions which allow governments of agrarian economies in Sub Saharan Africa to lease rural lands at scale to investors without the consent of customary owners. The key enabler examined is persisting failure in many domestic laws to recognize customary interests as amounting to rights of real property. Related problems highlighted include the failure of decentralization

to restore meaningful authority over land disposition to rural communities, and insufficient rule of law to curtail the ability of state actors and elites to abuse principles of public interest for private gain.

VII. Land Reform Beyond Namibia /Meta-Data

Lawry, S; Samii, C; Hall, R. Leopold, A; Hornby, D; Mtero, F. (2014). The Impact of Land Property Rights Interventions on Investment and Agricultural Productivity in Developing Countries: a Systematic Review. *The Campbell Collaboration Library of Systematic Reviews*, 10 (1).

The quantitative results presented are based on 20 studies focusing on the impact of land rights formalization at the level of the farming household. The evidence suggests benefits of land tenure interventions, and suggests that long-term investment and increases in perceived tenure security are plausible channels through which tenure recognition may contribute to welfare. However, the credit channel finds no support. Finds gains in productivity from increased tenure security are significantly greater outside Africa and in wealthier settings.

Sjaastada, E; Cousins, B. (2009). Formalisation of Land Rights in the South: An overview, *Land Use Policy*, 26(1), pp. 1–9.

This article argues that historical evidence with regard to the benefits of land tenure formalization programs is mixed, and current universalist proposals contain numerous flaws. It argues a more context-specific and flexible approach is needed, with greater attention to local settings and specific objectives and tools. Posits that property formalization should not be considered merely a technical tool but must take account of politics and culture.

Wily, L. (2011). The tragedy of public lands: The fate of the commons under global commercial pressure. The International Land Coalition.

This paper looks at the impact of commercial pressures upon common lands. Its main task is to identify the factors which make local possession of the commons vulnerable to involuntary loss in the face of such pressures.

VIII. Cost/Benefit Analysis

Deininger, K. (2003). Land Policies for Growth and Poverty Reduction. World Bank and Oxford University Press.

This World Bank policy research report is a literature review on the topic of land policies and how they affect prospects for long-term growth and poverty reduction in developing countries. It emphasizes how the experience gained in the past decades has increased the scope of land policy since the World Bank's 1975 "Land Reform Policy Paper."

Jacoby, H. & Minten, B. (2007). Is Land Titling in Sub-Saharan Africa Cost-Effective? Evidence from Madagascar. *The World Bank Economic Review*. (21) 3, 461–485.

This analysis uses a large sample of plots from an intensively titled rice-growing area of Madagascar and compares land-specific investments, land productivity, and land values for titled and untitled plots cultivated by the same household. The analysis finds that having a title has no significant effect on plot-specific investment and correspondingly little effect on land productivity and land values. These results are consistent with a simulation of a theoretical model of investment under expropriation risk calibrated to the same data. A cost-benefit analysis suggests any new system of land registration would have to be quite inexpensive to be worthwhile.

Platteau, J.P. (1996). The Evolutionary Theory of Land Rights as Applied to Sub-Saharan Africa: A Critical Assessment. *Development and Change*, (27)1, 29-86.

This article looks critically at the relevance of the evolutionary theory of land rights as currently applied to Sub-Saharan Africa. In particular, the question of whether the establishment of private property rights is an advisable structural reform in the present circumstances is examined, in the light of evidence accumulated so far. It will be argued that most of the beneficial effects usually ascribed to such a reform are grossly over-estimated and that, given its high cost, it is generally advisable to look for more appropriate solutions that rely on existing informal mechanisms at community level.

IX. Agricultural Productivity/Investment

Atwood, D. (1990). Land registration in Africa: The impact on agricultural productivity. *World Development* 18(5), 659-671.

This article challenges the view that land titling or registration is needed to encourage land transfers to more productive farmers, improve farmer access to credit, and create incentives for investment in land improvement, soil conservation and new technology. In spite of growing pressure on land resources and on existing land tenure systems, it argues that there is evidence from many parts of Africa that titling is not always the ideal policy. The costs of land titling may be quite high, and its effects contrary to expectations. A number of cheaper alternatives to land titling may be more effective in guaranteeing the land rights of African farmers in situations of growing land tenure change and uncertainty.

Besley, T. (1995) Copyright by University of Chicago Press.

This paper examines the link between property rights and investment incentives. The author develops three theoretical arguments based on security of tenure, using land as collateral and obtaining gains from trade. The paper presents empirical evidence from two regions in Ghana. The author explores possibility that farmers make improvements to enhance their land rights. Finally, he suggests further tests to explain the results.

Brasselle, A.S., Gaspart, F. & Platteau, J.P. (2002). Land tenure security and investment incentives: puzzling evidence from Burkina Faso. *Journal of Development Economics*, 67(2), 373-418.

Using original data collected in Burkina Faso, this study investigates land security and investment by usage of econometric methods. The results find little evidence of a systematic influence of land tenure security on investment. Taking into account skepticism in the recent literature, concludes that the traditional village order, where it exists, provides the basic land rights required to stimulate small-scale investment.

De Soto, H. (2000). *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*. New York, NY: Basic Books.

In this book, DeSoto out to solve the mystery of why some people in the world can create capital and others cannot. Outside the West, he proposes the reason is a lack of a legal process for making property systems work. He believes governments must focus upon the needs of their poor in developing a legally integrated property system that can convert their work and savings into capital. DeSoto argues that political action is necessary to ensure that government officials seriously accept the real disparity of living conditions among their people, adopt a social contract, and then overhaul their legal system.

Field, E. (2007) Entitled to Work: Urban Property Rights and Labor Supply in Peru. *The Quarterly Journal of Economics* 122 (4): 1561-1602.

The Peruvian government instituted the largest titling program targeted at urban squatters in the developing world. This paper examines the labor market effects of increases in tenure security from the program. To isolate the causal role of ownership rights, the author exploits differences across regions in the timing of the program and differences across target populations in level of pre-program ownership rights. The estimates suggest that titling results in a substantial increase in labor hours, a shift in labor supply away from work at home to work in the outside market, and substitution of adult for child labor.

Holden, S., Deininger, K., & Ghebru, H (2009). Impacts of Low-Cost Land Certification on Investment and Productivity. *American Journal of Agricultural Economics* (91)2, 359-373.

This article assesses the investment and productivity impacts of the recent low-cost land certification implemented in the Tigray region of Ethiopia, using a household and farm-plot-level panel data set, with data from before and up to eight years after the reform. Alternative econometric methods were used to test and control for endogeneity of certification and for unobserved household heterogeneity. Significant positive impacts were found, including effects on the maintenance of soil conservation structures, investment in trees, and land productivity

Linkow, Benjamin (2012). Burkina Faso Rural Land Governance Project Economic Rate of Return Analysis. NORC Report commissioned by Millennium Challenge Corporation.

The Millennium Challenge Account Compact with Burkina Faso includes a Rural Land Governance (RLG) project intended to strengthen property rights and improve the security of land tenure. NORC performed an analysis of the data collected during the pilot phase, estimated missing ERR parameters, and present the ERR for the RLG project. Both the ERR model and the methodology for estimating the missing parameters were peer-reviewed and approved by MCC's economics team.

Place, F. (2009). Land tenure and agricultural productivity in Africa: A comparative analysis of the economics literature and recent policy strategies and reforms. *World Development* 37(8), 1326- 1336.

This paper examines economic studies of the relationships between land tenure security and agricultural productivity in Africa and how these results have been incorporated into recent agricultural, poverty alleviation, and land policy documents. The paper finds that there are both areas of convergence and divergence in the economics literature. Similarly, perceived effects of land tenure on productivity vary considerably in the policy literature. The significant variation in findings suggests that policy must pay attention to local context and the macro and sectoral conditions within which tenure systems operate.

Place, F. & Swallow, B. (2000). Assessing the relationships between property rights and technology adoption in smallholder agriculture: review of issues and empirical methods. CAPRI working paper 2. IFPRI. Washington DC.

Analyzing previous studies, this paper identifies key issues and develops guidelines for conducting research on the relationships between property rights and technology adoption in smallholder agriculture. The topics addressed in the paper are: definition of scope and terms; key issues pertaining to the relationships between technology adoption and property rights variables; data collection and measurement issues; and analyses and interpretation of findings.

Sjaastad, E., & Bromley, D. W. (1997). Indigenous Land Rights in Sub-Saharan Africa: Appropriation, Security and Investment Demand. *World Development*, 25(4), 549-562.

The authors discuss the links between rights appropriation, tenure security, and investment demand in sub-Saharan Africa. They argue that land use and investment among African farmers have two motives- productivity and rights appropriation. They offer a model to show that indigenous tenure may provide equal or higher investment incentives than private rights, and may promote modes of rights appropriation that are productive.

Smith, R. (2004). Land Tenure, Fixed Investment, and Farm Productivity: Evidence from Zambia's Southern Province. *World Development*, (32)10, 1641–1661.

Using original data from an area of Zambia with differing land tenure regimes (state and customary), the study finds farmers with leases or titles have higher fixed investment and productivity than those without documentation. Results indicate that productivity also improves with documentation, via cotton planting, cattle ownership, and fixed investment. Undocumented farms on state land performed similarly to those on customary land. These results provide somewhat stronger support than previous studies for the association of tenure security with farm performance in sub-Saharan Africa

X. Grazing/Commonage Management

Ostrom, E. (1990). *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge, MA: Cambridge University Press

After critiquing the foundations of policy analysis as applied to natural resources, Elinor Ostrom provides a unique body of empirical data to explore conditions under which common resource problems have been satisfactorily or unsatisfactorily solved. She uses institutional analysis to examine different ways of governing the commons. In contrast to the tragedy of the commons argument, she argues common pool problems sometimes are solved by voluntary organizations rather than by a coercive state.

Rothauge, A. (2007). Some Principles of Sustainable Rangeland Management in Namibia. *Agricola* 2007(17).

Namibia's economy is heavily dependent on livestock ranching on natural rangelands. Current management techniques are unsustainable, resulting in landscape-level bush encroachment and costing beef producers N\$700 million per year in foregone income. A variety of rangeland management solutions are suggested. The author says a combination of these techniques could improve Namibia's savanna rangelands and make profitable, extensive livestock production sustainable.

XI. Fencing

Odendaal, W. (2011, September 9). Communal fencing: Who's benefiting? *The Namibian*, (retrieved 3/2014).

This article is from a Namibian newspaper, "The Namibian," written by a Legal Assistance Center Researcher. It provides a useful brief history of fencing, including pre-independence customary law.

Sasman, C. (2012, March 14). Illegal fencing remains a hot potato. *The Namibian*, (retrieved 3/2014).

This article discusses the Ministry of Lands and Resettlement's "failure" to deal with fencing. It says that the Lands Ministry developed guidelines on the removal of the fences during the 2012/13 financial year which were to be immediately implemented, but this has been postponed to the end of February 2014, which is the deadline for the submission for existing customary land rights by the ministry.

Werner, Wolfgang. (2011). What has happened: The complexity of Fencing in Namibia's Communal Areas. Namibia Legal Assistance Center.

The Ministry of Lands and Resettlement (MLR) requested the Legal Assistance Center (LAC) to provide this report to advise them on how to deal with fencing applications (for existing fences) after the Communal Land Reform Act of 2002 was passed. The report concludes that although fencing appears to amount to self-enrichment by a few, such fencing was often granted by TA's and is actually therefore legal according to the current law. It discussed history of how the enclosures developed, and argues an important factor which has facilitated the enclosure of communal land is that the accountability of traditional leaders to the community has diminished over the years. This remains an issue as the Communal Land Reform Act does not provide for improved accountability of traditional leaders.

XII. Gender Issues

Ali, D.A., Deininger, K. & Goldstein, M. (2011). Environmental and Gender Impacts of Land Tenure Regularization in Africa. *World Bank Policy Research Working Paper No. 5765*.

This paper evaluates the short-term impact of Rwanda's nation-wide and relatively low-cost land tenure regularization program by examining the program pilots using a geographic discontinuity design with spatial fixed effects. Three key findings emerge from the analysis. First, the program improved land access for legally married women and prompted better recordation of inheritance rights without gender bias. Second, the analysis finds a very large impact on investment and maintenance of soil conservation measures, particularly female headed households. Third, the program did not cause a wave of distress sales or widespread landlessness by vulnerable people.

Werner, Wolfgang. (2008). Protection for Women in Namibia's Communal Land Reform Act: Is it Working? Land, Environment and Development Project, Gender Research and Advocacy Project. Namibia Legal Assistance Center.

This study investigates the extent to which the provisions of the Act are known to women, and whether those who do know the provisions are able to claim their rights. Questions include: Are the regional Communal Land Boards and Traditional Authorities supportive of widows' rights, and are they able to enforce the provisions of the law? This study also investigates a wider range of issues relating to women's land rights and rights of inheritance. The report concludes that while land rights of widows are now much more secure, they remain vulnerable to 'property grabbing' of families of deceased husbands justified by referring to traditional matrilineal inheritance rules. A major issue they found is that the majority of customary land rights holders appear to be unaware of their rights in terms of the Act. The report also questions whether the Act itself goes far enough to bring about more secure land rights, particularly for women.

XII. Tourism/Leaseholds

Marthinussen, M. (2013). Democratic participation in the formulation of the communal land policy in Namibia. OAIster serial online.

This dissertation examines the democratic participation in the formulation of the communal land policy in Namibia. The analysis of data integrated both qualitative and quantitative methodologies. Three regions in Namibia namely, Oshikoto, Hardap and Otjozondjupa were randomly selected to participate in this study. The study concluded that democratic participation in the formulation of the communal land policy in Namibia is very low. The major challenges that remain are to encourage public and inter-sectoral debate, to improve the ability of the relevant stakeholders to support development in Namibia, and to clarify Namibia's vision for democratic public participation.

Massyn, P. (2007). Communal Land Reform and Tourism Investment in Namibia's Communal Areas: A Question of Unfinished Business? *Development Southern Africa*, 24(3), 381-392.

This article traces the policy and legislative history of natural resource management and illustrates some of the advances and difficulties that have emerged to create durable tenure security in communal areas. It describes the gains but notes the limits of reforms: the restricted powers of conservancies impede their ability to offer investment partners basic security of tenure, and the tourism leases available under the new system of communal land administration are of questionable commercial value. It also touches on the complexity of a modernizing reform process alongside long-established customary systems of land tenure and management.

XIII. Botswana Communal Land Reforms

Adams, M., Kalabamu, F. & White, R. (2003). Land tenure policy and practice in Botswana: Governance lessons for southern Africa. *Journal für Entwicklungspolitik* (Austrian Journal of Development Studies), XIX (1), pp. 55-74.

Like other countries in the region, Botswana inherited a dual system of statutory and customary tenure at independence. Despite the contrasting characteristics of these two systems, the authors say it has developed a robust land administration, which has greatly contributed to good governance and economic progress. Its land tenure policy has been described as one of careful change, responding to particular needs with specific tenure innovations. Botswana continues to adapt its land administration, based on customary rights and values, to a rapidly urbanizing economy and expanding land market. Its approach is of interest because it is finding solutions to problems that continue to elude its neighbors.

Magole, L. (2009). The 'shrinking commons' in the Lake Ngami grasslands, Botswana: the impact of national rangeland policy. *Development Southern Africa*, 26(4), pp. 611-626.

As part of the Cross-Sectoral Commons Governance of Southern Africa (CROSCOG) project, looks at the evolving land management policy for rangeland in Ngamiland, Botswana. The post-independence land reform policy has affected the traditional pastoral livelihoods of the San (Basarwa) and Bakgalagadi. Land Boards had taken over management of land from traditional leaders at independence. Makes the case that communities were dispossessed of their land and disregarded in land use decision-making favoring the wealthy.

Makepe, P. (2006). The Evolution of Institutions and Rules Governing Communal Grazing Lands in Botswana. *Eastern Africa Social Science Research Review*, (1), p. 39.

This paper traces the tradition and evolution of the institutions and rules governing communal grazing lands in Botswana. It shows how resource overuse arose partly from the dismantling and delegitimization of traditional resource management institutions during the colonial period, and was later reinforced by a newly independent government, increased market activity, high population pressure and other changes. While privatization has been the most popular policy, this paper highlights the potential role collective action can play in addressing the problem of resource overuse as part of a community based resource management strategy in parts of the country with poor ecological conditions and high population density.

Malope, P., & Batisani, N. (2008). Land Reforms That Exclude the Poor: The Case of Botswana. *Development Southern Africa*, 25(4), 383-397.

Land reforms in Botswana, unlike those in other southern African countries, were not undertaken with the primary objective of redistributing land, but rather with the three objectives of increasing agricultural productivity, conserving range resources and improving social equity in rural Botswana. While there was modest success with the first two goals, the authors say the same cannot be said for the third. They claim the two agricultural land reform policies (the Tribal Land Grazing Policy and the National Policy on Agricultural Development) harmed many poor households living in communal areas. Poor people were excluded by constraints. Complementary programs in the form of innovative loan products and cash grants are needed to compensate them and so help them participate in the land reform process.

Annex 2 Logic Models

Figure 4: Original CLA Program Logic Model

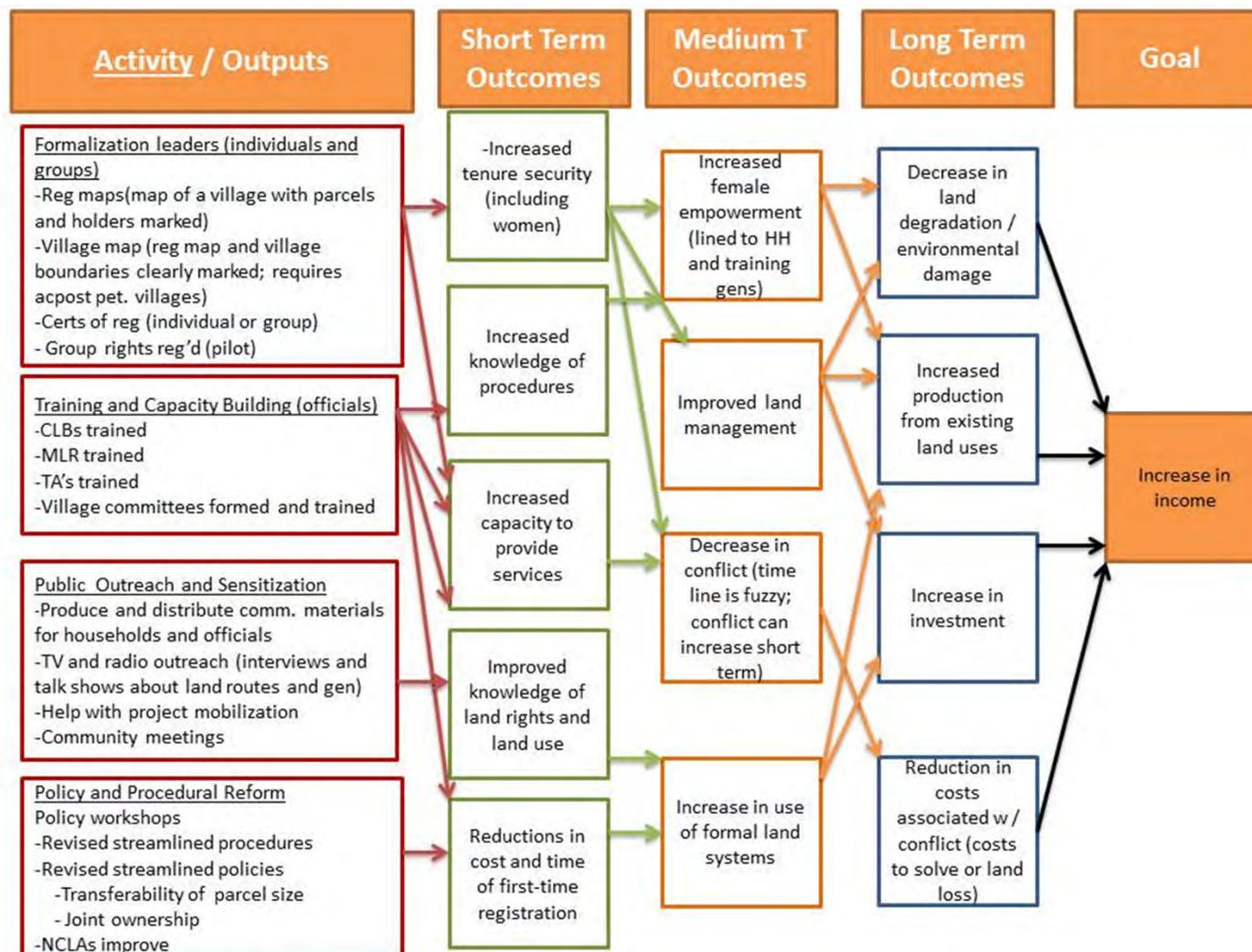


Figure 5: Greater Security of Individual Land Rights

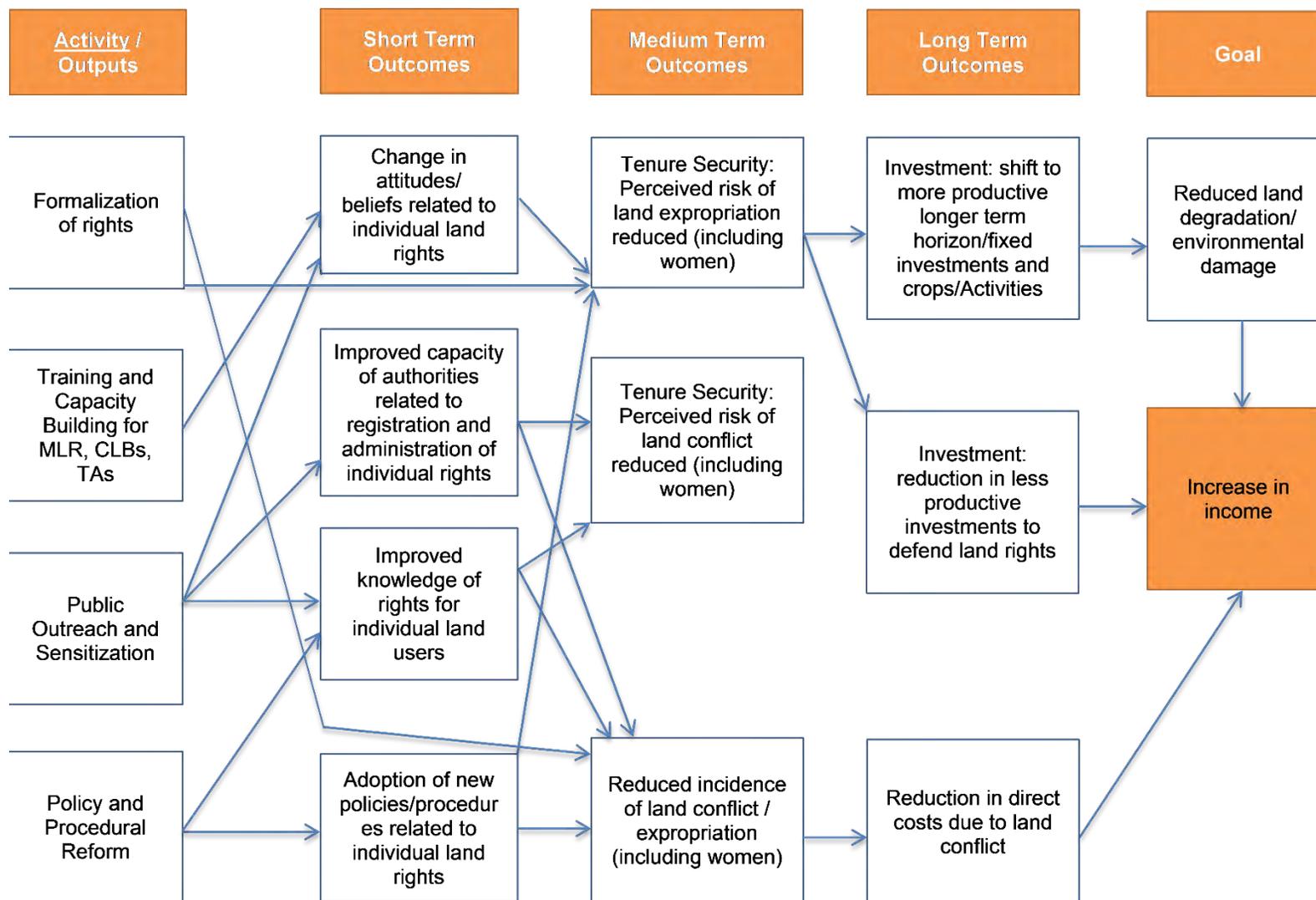


Figure 6: Improving Land Accessibility and Transferability

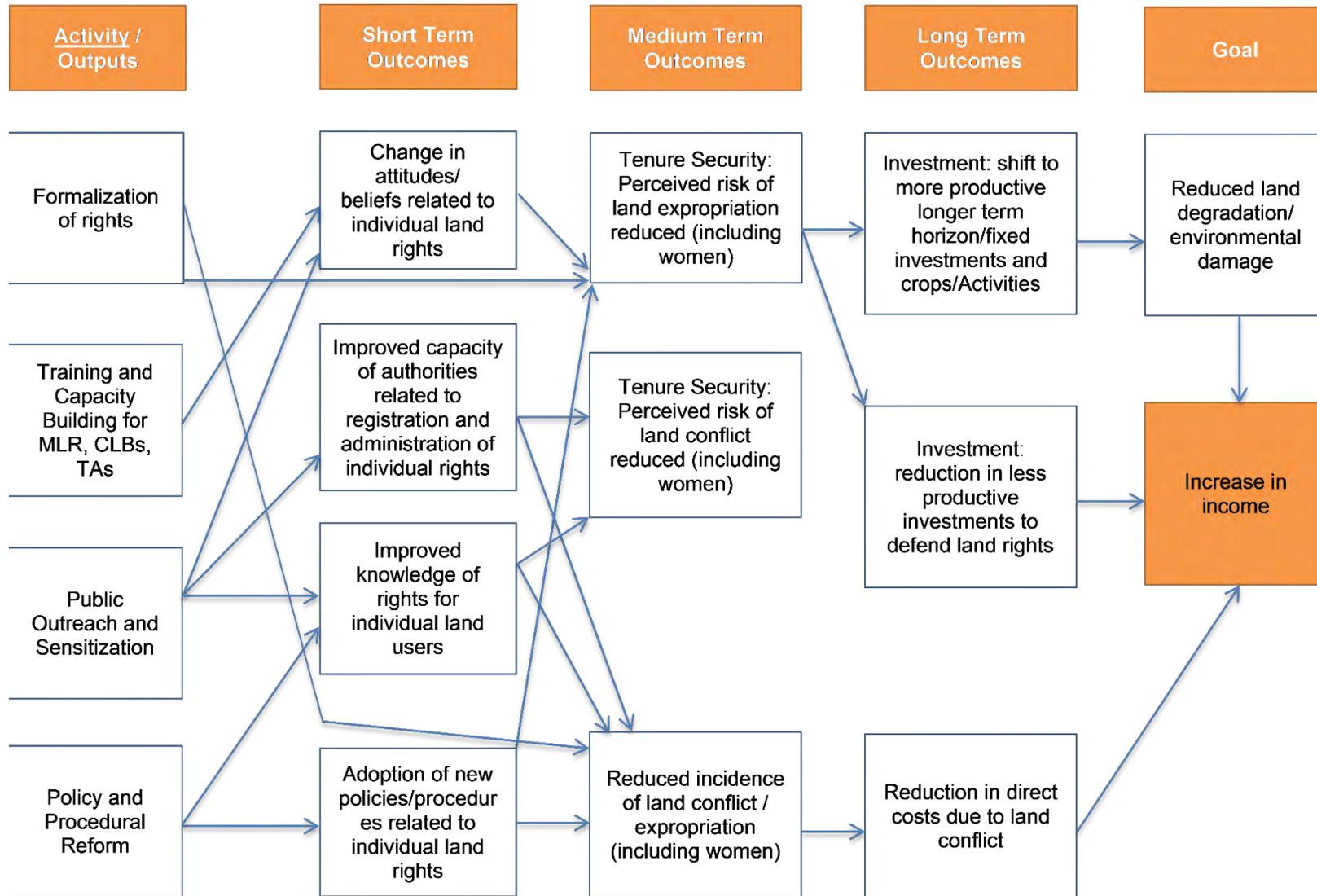
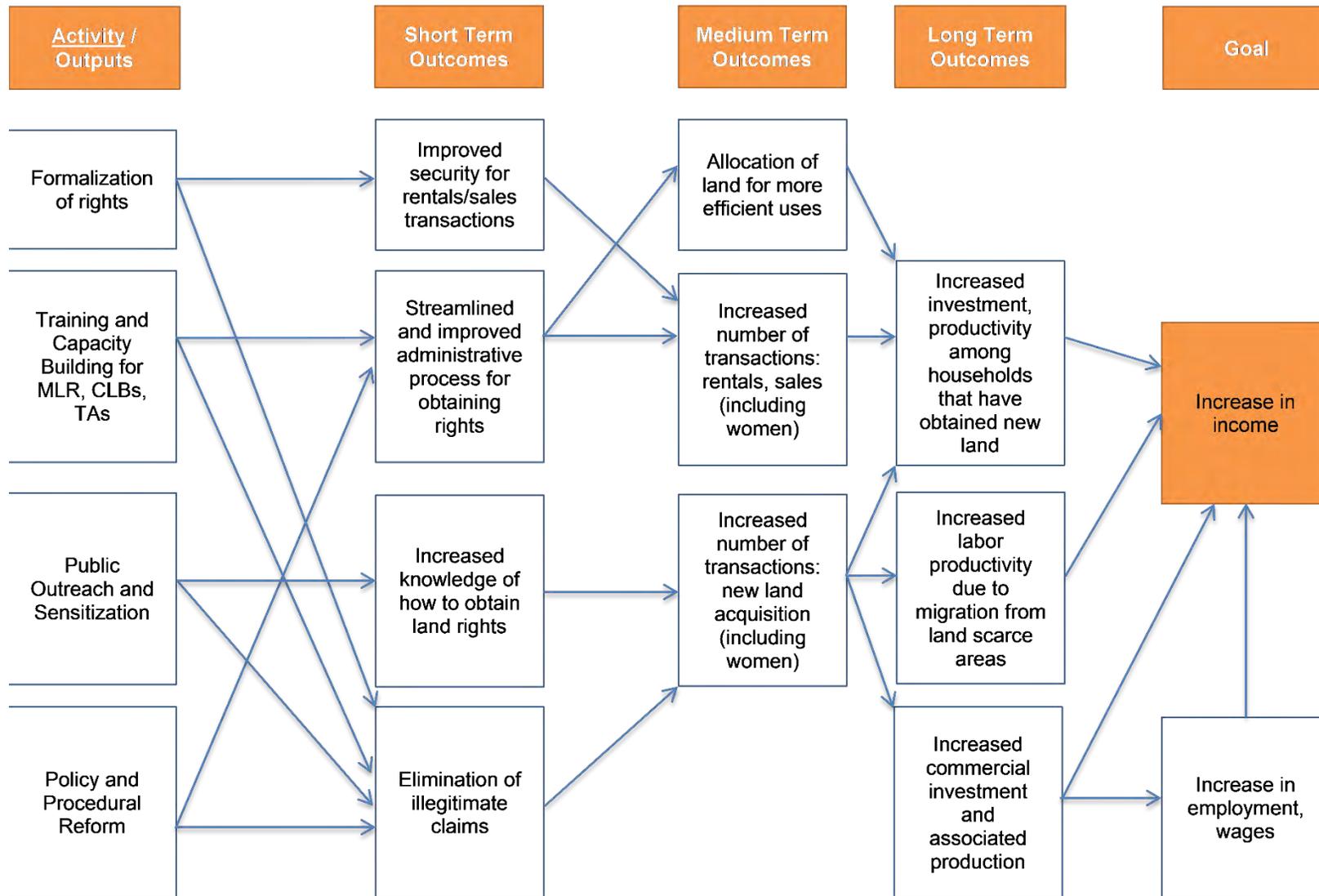


Figure 7: Improving Management of Commonage



Annex 3: Excerpt from MCC-N CLS FGD Sampling Strategy Memo (dated February 12, 2015)

Background

In NORC's evaluation of the MCC-Namibia Communal Land Support (CLS) Project, we are employing primarily qualitative research methods. While quantitative research typically utilizes a random and statistically representative sample of the program's population, which allows the evaluation to generalize findings from the sample to the program's population as a whole, qualitative sampling, by contrast, relies on *purposeful* sampling. In purposeful sampling, researchers intentionally choose certain cases that they believe are *information-rich*, that is, cases from which they think they can learn the most about issues of central importance to the purpose of the inquiry. Studying these cases allows for insights and in-depth understanding not possible through quantitative study. And although results cannot be considered statistically representative or empirically generalizable,²⁴ through the various sampling strategies we outline below, the data obtained can still allow us to make statements about central experiences of the program, while at the same time capturing detailed experiences of particular demographics (i.e. operational areas, women, officials). Finally, qualitative research allows us to obtain key information on processes and performance- how the program functioned in practice and why, including best-practices and lessons learned (and pitfalls to avoid), which are highly relevant, as a key part of the evaluation is to inform future land tenure programming in Namibia and elsewhere.

MCC-N CLS Sampling Strategy

For the MCC-N CLS evaluation, our sampling strategy is stratified, or multi-pronged. We first begin by grouping our research questions into protocols, or topics, and determining which stakeholder (types) are best positioned to address the questions. For example, questions and topics about individual land registration (Topic 1, in Table 1, below) are best answered by speaking directly with program beneficiaries (villagers). Our FGDs are broken down into 8 different protocols by the research topics to be addressed and the appropriate respondent types for the research question. Table 1 below illustrates the respondent type, unit of analysis and

²⁴ Terms and details from the widely-recognized, authoritative expert on qualitative research Michael Quinn Patton, in this text *Qualitative Research and Evaluation Methods, Edition 3, 2002*.

coverage area. (Although not noted in the table, each individual FGD will aim to have 8-10 respondents).

Table 4: Study Sample for FGDs

Protocol (Topic)	Respondent Type	Unit of analysis/ per FGD
Land registration	Individual Land users/ Villagers	Village/one per FGD
Awareness of the law and interaction with authorities	Individual Land users/ Villagers	Village/one per FGD
Tenure security, land disputes, land management	Individual and Commonage users / Villagers	Village/one per FGD
Tenure security, land disputes, land management	Holders of land rights/ Villagers	Single Shared Commonage (multiple Villages) /one per FGD
Gender Specific Issues	Female land users/ Villagers	TA / one FGD
CLS Training and Other Topics	Regional MLR staff	Entire program area /2 regions/FGD
CLS Training and Other Topics	CLB Members	Entire program area /3-4 CLBs/FGD
CLS Training and Other Topics	TAs	Entire program area /8 TAs/FGD
Total		

For each protocol, we must then decide the unit of analysis for the FGD. The unit of analysis should be a characteristic or dimension along which the program is experienced differently. For protocols 1-4, with residents, given the village-level authority structure, governance and land registration practices can and do vary from village to village; therefore, the village is the appropriate unit of analysis. However, given the geographically large, sparsely populated program area, and limited resources for focus groups, we cannot cover all program villages or even villages from all 16 traditional authorities. Therefore, within this protocol, we propose *maximum variation sampling*, a strategy that aims to obtain the most variation in the sample units as possible, in this case with the unit of variation being geographical location (and its governance structure), i.e. the village. We have FGD’s in each of the four (large) Phase 2 Operational Areas. This strategy will allow us to obtain two very different types of findings:

- 1) High quality, detail-rich data for different villages/TAs/Operational areas, *as well as*
- 2) Common patterns that cut across these very different cases.

If common patterns emerge among these large variations in geography (and local governance), we can then make reasonable assumptions that these patterns speak to a general, shared experience of the program. The inherent weakness of the research (the small, diverse) sample therefore becomes strength.²⁵

The village unit of analysis will nonetheless rely on individual residents to speak of their experience with land registration in the FGDs. We use the widely accepted *within-FGD homogenous sampling strategy*: bringing together people of similar backgrounds and experiences, who have experienced the program in a similar way. For example, the residents of a given village are all under the authority of one TA, so they should have had a similar experience with the CLS program. However, residents in a different village, under a different TA, may have experienced the program differently. Therefore, within a resident FGD (protocols 1-4), all the respondents should be from a single village. We think women may have experienced the program differently; hence we have unique women-only FGDs (protocol 5)

In terms of which village to choose for resident FGDs (protocols 1-4) within each of the four operational areas, given the limited scope, we propose *intensity sampling*, that is, choosing information-rich cases that represent a “typical” case—that is, not an extreme case (i.e. not a village that was an outlier in terms of success or failure, but one that represents a more “average” case.) These cases are to be chosen based on further examination of implementer documentation, discussion with MLR contacts and land experts, and in close consultation with the local data collection partner.

Due to the interrelated nature of the topics in protocols 1-4, our research team strongly prefers to hold protocols 1-4 in the same villages, in order to form a holistic picture of the local situation and how the program functioned there, linking the different components of the protocols 1-4 in order to understand how the program functioned under each particular TA. These villages are to be chosen based on further examination of implementer documentation, discussion with MLR contacts and land experts, and in close consultation with the local data collection partner.

²⁵ Patton, 2002.

For Protocol 5, with female residents, we propose the methodology of *extreme/outlier sampling*, whereby we sample women from TA's that were particularly successful in registering women and involving women.²⁶ We propose to bring together female land users from a number of villages (maximizing variation) yet under a single Traditional Authority, given the localized governance structure and the potential for differing associated female land experiences. By comparing this case to more "typical" cases, we can learn what factors influence success, as well glean best-practices and as well as identify impediments to success.

For protocols 6, 7, and 8, regarding training and experiences of land administration officials, all the respondent-types within a single protocol (MLR staff, CLB members, and TAs, respectively) will have received similar trainings and experienced the CLS program in a manner that transcends any one village, so a homogenous unit of analysis is simply the respondent type itself in this case; no further geographic breakdown is needed for sampling purposes. Therefore, for protocols 6, the strategy is quite simple: we attempt to speak with MLR staff from all four MLR regions in the program area. For protocols 7 and 8, the strategy is similar: we attempt to speak with members of all 7 Communal Land Boards (CLBs) and all 16 Traditional Authorities (TAs) in the program area. For protocols 6, 7, and 8, we will ideally cover the entire geographic program area; a local source²⁷ has informed us that MLR staff and CLB members are likely to speak to us as they view their involvement with CLS as part of their job.

²⁶ To be chosen based on further examination of implementer documentation and discussion with MLR contacts and land experts.

²⁷ The local source was a local Namibian data collection firm, SusDAf.