DEVELOPING CAPACITY ASSESSMENT TOOL FOR LAND POLICY IMPLEMENTATION: EXPERIENCE FROM KENYA: MOZAMBIQUE AND UGANDA

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Abstract

The common usage of the concept "capacity building" gives the impression that one is "building" capacity from scratch and that external expertise is used to create a skill, knowledge, competence infrastructure or facility that did not exist before. This creates a perception of superimposing external/foreign approaches as opposed to local practices, thereby also jeopardizing ownership and sustainability. This paper introduces a new concept of "capacity development" which pre-supposes and emphasizes that inherent capacity and organic development processes already exists in all countries, communities and contexts. It focuses on the need to support, facilitate, complement and further develop processes already underway. The challenge is identifying precisely, the prevailing capacity gaps without losing the essence of inclusive land policy engagement. This paper details the development of a new assessment tool for capacity for land policy implementation, which was validated practitioners and stakeholders in Kenya, Mozambique and Uganda. The tool addresses the problems which contemporary capacity assessment methodologies have by a 4 step process. As the capacity assessment relies on the notion that capacity development is intangible and dynamic, it needs to be both sequential and cyclic. Still, the methodology needs testing in concrete cases of execution.

Key Words: Capacity development, Africa, land policy, assessment methodology

1. Introduction

Land policy is a set of agreed principles to govern tenure, use and management of land resources. It should enhance productivity whilst contribute to social, economic, political and environmental development and poverty alleviation. A land policy is based on both political choices regarding land and the legal and institutional options one can make in an economic, social, cultural and political context and the country's historical background. This broad definition of land policy emphasizes the need to be comprehensive in order to have a significant effect on sustainable development. In addition, land policies need to be inclusive as opposed to discretionary.

Given this nature, a wide spectrum of recent policy, scientific and advocacy documents call for more effective implementation of land policies. Examples of these documents include the 2009 Declaration on Land Issues and Challenges in Africa, Framework and Guidelines on Land Policy in Africa, EU's Guidelines for support to land policy design and land policy reform processes in developing countries and others. All these documents identify that capacity is a crucial challenge in land reform processes. Regardless of this reality, most developing countries have not always been able to make adequate budgetary allocations for land policy development and implementation - including capacity gap assessments, monitoring and evaluation and medium to long term strategies and programs to deal with capacity constraints. Many developing countries have tended to place too much reliance on donor support for policy development, thereby jeopardizing the ownership and sustainability of the entire reform process, especially when donor funds dwindle as a result of donor fatigue or otherwise become unreliable.

The common usage of the concept "capacity building" is misleading giving the impression that one is "building" capacity from scratch; and that external expertise is used to create a skill, knowledge, competence, infrastructure, facility or something that did not exist before, thus creating a perception of superimposing external/foreign approaches as opposed to local practices, thereby also jeopardizing ownership and sustainability. In this paper, we introduce a new concept - "capacity development" approach which emphasizes the inherent capacity and organic development processes that already exist in all countries, communities and contexts. It focuses on the need to support, facilitate, complement and further develop processes already underway. The challenge is identifying precisely, the prevailing capacity gaps without losing the essence of inclusive land policy engagement. A number of methodologies for assessing capacity gaps have been developed and these differ in various aspects. Due to the complex nature of the land domain and variations in the political and social economic characteristics of various countries, selection of a specific assessment methodology for a specific context is necessary.

Characteristics of land domain include:
- High degree of conflicting social and institutional aims and claims in land domain and how land matters should be organised
- Land can be an underlying reason for socio-economic conflicts.
- Local and national contexts are often crucial in organising land matters and solving land problems.
- Multiple disciplines are involved in land matters (notably surveying, law, development, planning, public administration). This contributes to multiple perspectives and – often conflicting - views on solving, studying, addressing land problems.

- Land is often organised at multiple levels and scales – local, regional, national. Scale differences influences differences in views and goals, work flow management problems, bureaucracy of multiple stops
- Land is often organised through different government ministries / agencies, which each pursue their own mandates and operate through their own organisational structures, regulations and bylaws.
- There is a wide variety of stakeholders in land which each operate from their own mandates and perspectives on what is considered good or bad – national, local government, private companies, religious groups, advocacy groups, communities

Existing capacity methodologies do not sufficiently respond to context and do need take previous attempts to assess capacity into account. As a result, the results of many capacity assessments are either insufficient, inappropriate, unworkable or contested. This paper, details experiences in the development of a tool for systematic approach of capacity assessment for land policy implementation which is crucial for achieving requisite capacity. It gives the feedback and validation of the approach received from practitioners and stakeholders in Kenya, Mozambique and Uganda. It asserts that contemporary capacity assessment methodologies are often focused on the individuals in the organizations, are project driven and of a disciplinary nature. Contrary to this, the systematic assessment should focus on the individual, the organization, and the broad institutional and policy environment in which land is managed. It should recognize the need for initial intensive human and organizational capacity development of land agencies ('catch-up'); while also aiming at the assessment of the needs for continuous professional development and strengthening of the organizational learning capacity of land agencies. The assessment should take into account the typical trans-disciplinary and multi-institutional nature of land policy development and implementation. It ought to take into account, previous capacity assessment attempts, and where applicable, learn from and build on those attempts. An additional aspect of the capacity assessment should be the identification and assessment of local institutions capable of supporting capacity development and offering good practice training, with the potential of testing, improving and rolling out the capacity development based on the assessment.

2. Conceptualizing capacity development for land policy

The way in which "capacity" is defined and through which metaphors it is clarified, varies quite a lot over the years and throughout the different types of documents. A first glance, comparing such documents shows a variety in scale: a focus on either individual, organisational or sectoral or institutional capacity. This scale is usually related to discussions about different types of capacity components at each of these levels. These discussions suggest a certain intrinsic capacity at each of these levels and an intrinsic relation between both the levels and the capacities at these levels. In most cases, these capacities are related to abilities at each of these levels to act. This conceptualisation clearly connects capacity to tangible entities such as individuals or organisation, thus making capacity itself a rather measureable and arguably a rationalist construct. Capacity in this view is the combination of capabilities of different entities and at different levels. Associated metaphors are therefore building blocks or cubes of smaller parts of capacities , pyramids of different levels of capacities (Tanner, Rhebergen, Groenendijk, & Durang, 2012), system parts in a complex system (UN Habitat, 2013), atomic functions with different elements of capacities (McKinsey&Company, 2013). In short, the basic ontology (=how does one see the

world) is that the combined parts of capacity (either differentiated in individual, organisational, institutional, sectoral, or separated into functionalities of a certain closed system, or in a distinction between hard and soft skills) form together a certain aggregate capacity which can deliver a certain output, which is preferably in the shape of a desired output. This construct capacity in this perspective is based on an epistemology (=how do we know the world) that capacity can be seen and measured and that a change in capacity can be effectively achieved through targeted interventions.

A second set of articles relates capacity directly to the components within land administration. A subsequent set of papers (Enemark, 2003), (Enemark & Williamson, 2004) and (Enemark & van der Molen, 2008) do not only describe capacity (mostly in line with the conceptualisation of (OECD, 2006)) but also specifically address the sectoral context of land administration / management and its components. Land administration contains the components of land policy, land valuation / taxation, land use (planning), land registration. Hence, capacity is the power of something – a system, an organization or a person to perform and produce properly.(p.7), that is properly in each of the components of land. Whilst this view is strongly based on the institutional and organizational setting in which land administration operates in most countries (given the strong focus on production), it does not include capacity for NGOs, lobby groups or community groups aiming to influence land policy or claiming certain land rights specifically.

In contrast to the previous two views on capacity, a number of academic and professional papers consider capacity as much more emergent, fluid and intangible. Belda, Boni, Peris, and Terol (2012) even denote the previous view as managerialistic with "*blind faith in scientific and rational knowledge*". Instead, capacity is primarily about politically and socially constructed knowledge and about agency derived from interactions between agents rather than by intrinsic capabilities of separate actors or entities. Capacity in this view is not static but dynamic, emergent, unpredictable, and most importantly, not directly measurable. It is primarily constructed by power relations and agenda's, and is this by nature subjective. Some would even argue that the best capacity exists where both successes and failures occur. Dutrénit, Lee, Nelson, Soete, and Vera-Cruz (2013) claim that the process of innovation and capability building *implies the possibility of failure as well as success, as we learn from failures too (p.1).* Capacity is thus not so tied to "success" or "performance" but rather to the emergent changes in the context (in which environment does it operate), agency (which influence can it have on its environment, and which influence does it get from its environment) and (social) embeddedness (using the term from (Cleaver, 2002)). In this third view, capacity is much more dependent on the socio-cultural and political environment in which individuals, organizations of sectors operate, and capacity itself is this a socially and politically constructed concept. The agency of capacity exists through its consequences (in the form of priorities in developments, problems or solutions). If anything changes in the latter, it may be contributed to a change in capacity. So, rather than measuring and clarifying intrinsic capacity, one has to understand and describe the social practices in which (inter-)relational agency is enacted. Or, in other words, understand the factors that steer, drive and influence and that can change behaviour of actors. The basic ontology of this view is that capacity can only be derived from social relation and dependencies, while the epistemology is that capacity is a social construct, meaning it can only be evaluated in its own context at a given time. Changing capacity is continuous and emergent and very dependent on contingencies and local politics.

Constructing a capacity definition based on all views seems impossible, because they are fundamentally different. However, common in the views are:

- Capacity is only relevant when placed in a context of problems for which there are no predefined, "blueprint" solutions. Hence, describing capacity has to be done by unfolding the problems the capacity needs to be associated with. In the sector of land, land policy and/or land administration, the context should therefore be determined by the type of land problems which emerge and which are dealt with.
- Capacity does change. Hence capacity is time and context dependent. This change can either be considered an immediate effect of a capacity intervention, or can be an indirect or emergent effect from contextual influences. In any case, the changes affect the context in which the capacity is acting. Being dependent on context, understand capacity needs to take into account the context of individuals, organizations and sectors as well.

The way "capacity development" is defined in literature follows the three views sketched above. To a certain degree the UN Habitat (2013) and GLTN (Global Land Tool Network) (2012) documents have indeed taken both the intrinsic capacity and the emergent capacity taken into account. The documents are relying on the OECD (2006) definition of capacity building, which is "*the process whereby people, organisations and society as a whole unleash, strengthen, create, adapt and maintain capacity over time*" (p. 15).

At the same time however, the development of capacity in the UN Habitat (2013) and GLTN (Global Land Tool Network) (2012) documents is conceptualized as a process of interaction and continuous development, as they argue that "*Capacity development is thought to emphasise the inherent existence of ongoing internal processes in all countries and communities, and address the need to support and or facilitate processes that are already underway.*" (p.15). This continuous process is even considered emergent as long as the environment can enable "*participation and action learning*" (p. 28, 29). In this sense, it can correspond to the idea of Dutrénit et al. (2013) that *development is a process involving creative destruction* (p. 3). Creative destruction implies that through acting out certain ways of professional activities "old" operations and the associated underlying knowledge weaken, and new ways emerge involving "*both pain and benefits*".

The emergent and political nature of capacity development is most more profound in (Belda et al., 2012) and (Ubels, Acquaye-Baddoo, & Fowler, 2010). (Belda et al., 2012) refers to capacity development as "a discourse concealing an agenda of power', it being nothing more than 'a political technology of neoliberal governance'". Capacity development in this view is a frame (usually by a donor-agency) to convince funding dependent actors to follow certain actions in a particular direction. (Ubels et al., 2010) have a more pragmatic view towards capacity development. They argue that capacity development is "*an endogenous and continuous/spontaneous process (p.4)*" which "*involves unleashing collaboration but also dealing with power and politics (p. ix)*". For this reason (Ubels et al., 2010) prefer to use the term 'capacity development support' when referring to *the practice of deliberate efforts to make capacities grow. Purposeful approaches and the professional repertoire used to deliberately stimulate, guide, strengthen, unleash, nurture and grow capacities beyond the existing condition. (p. 4).* The idea is that with a deliberate effort one can stimulate, advocate or seduce other actors for a particular capacity change, rather than intervene directly in certain capacities.

While both views on capacity development may be contrasting, they share the fact that capacity is developing in a particular contextual environment, which can be 'enabling' or 'framing' (read: politically guiding or restricting). A second characteristic which both views share is that capacity development is the outcome of an interplay between different actors in this enabling or restricting environment. The useful metaphor to characterize this interplay in a controlled environment is the metaphor of a dance – similar to the analogy for innovation by (Kuhlmann, 2007). Capacity is only unleashed if the actors coordinate their dance interplay within a limited stage of windows of opportunity to act and coordinate their interactions, yet with a certain choreography in mind of where they want to start and what they want to end. The beneficiary spectators should get the added value from the dance interplay itself. Given this metaphor one could argue that indeed capacity development is the result of a somewhat coordinated process in a given contextual environment, yet that it is only tangible once the beneficiaries can see and feel the immediate interplay itself. More specifically, capacity development of the land sector is only visible through interacting with land sector actors, and is only unleashing or nurtured through this interaction.

3. The scale of capacity development system for land policy

As capacity development in land can be considered a holistic concept which involves various internal and external drivers which act upon land related activities, it is possible to view capacity development as a system which derives certain outputs and outcomes and which is affected by certain internal and external drivers. Together these drivers and the activities derive societal outcomes, such as division or allocation of land rights, movement of people in relation to land, solutions for land related conflicts, tax generation by means of land related levies, land use plans. Schematically these interactions can be pictured as follows:
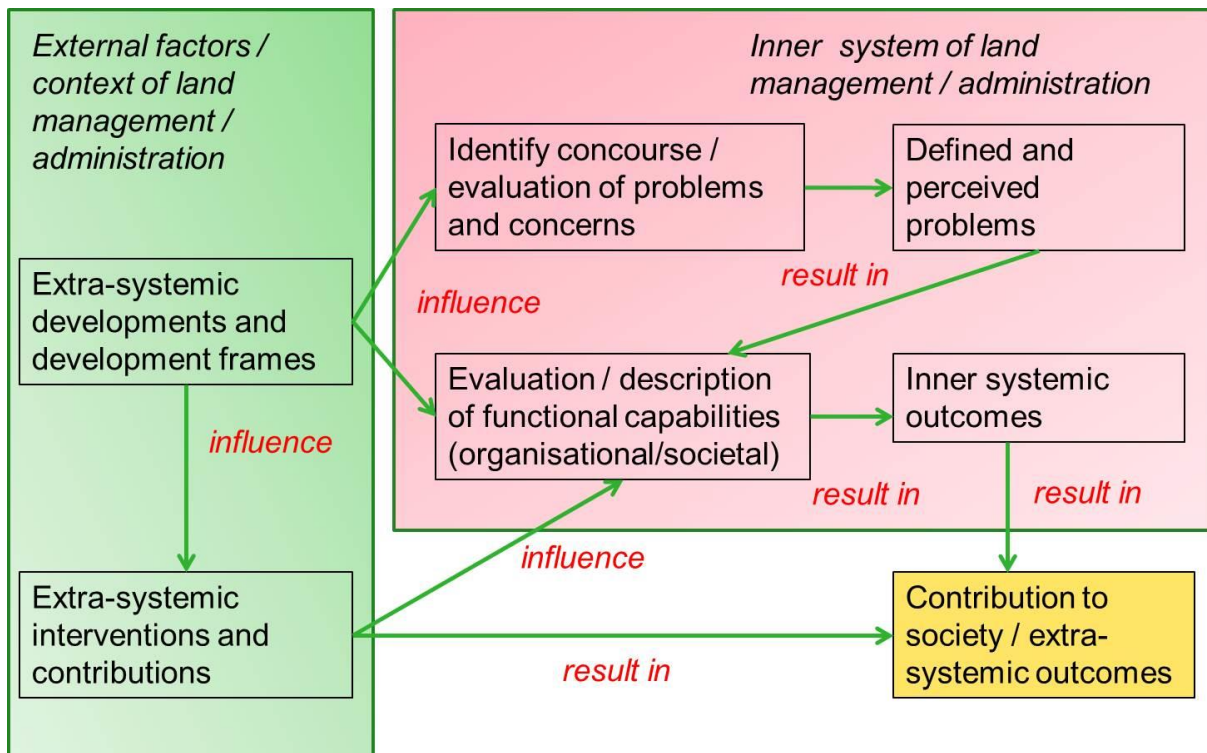
Figure 1. Contribution of land management and land administration capacity to society

This overview distinguishes two main systems - an inner and an outer / external system of land management and administration activities. The inner system comprises of actors who interact on a daily basis on land related matters and decisions, and who do so using their own frames, views and mandates on what is considered good or bad for land management and administration. This arena of policy views tends to derive a certain degree of consensus – either voluntarily or by compliance - which shapes how actors fill in their daily activities. The figure also makes clear that capacity and capacity development has to be judged against both the framing and the desirability of societal outcomes. It cannot be seen in isolation of that.

As a result, any capacity assessment on implementation of land policy will be based on both the degree to which there exists consensus among stakeholders on the goals of the land policy, and the degree to which there exists consensus on the way to achieve the goals. This leads to 4 possible ways in which capacity assessment methods can be formulated. Table 1 below explains this:

Means	Goals – closed (undisputed)	Goals – open (for discussion)
Certain (agreed upon)	1. Structured problem Goal : land policy is undisputed among stakeholders and capacity of each actor active in land policy can be identified Means: capacity can be measured and assessed by agreed method Aim for capacity development assessment: adapt a currently available capacity assessment method such that it more effectively reaches the goals of the land policy	3. Moderately structured problem in goals Goal: land policy is disputed among stakeholders. Is capacity sufficiently / properly understood; is the capacity problem shared and viewed in a similar way by other stakeholders in the land sector; Means: capacity of any component can be measured and assessed by agreed method Aim for capacity development assessment: clarify why/when would capacity be a problem for land related matters, and how the primary values and concepts of present capacity development methods can be conducive to tackle land related problems
Uncertain (to be decided)	2. Moderately structured problem in means Goal – There is agreement on land policy goals or the land policy goals can be known from stakeholders Means: there are different ways of capacity building to reach the goals	4. Unstructured problem Goal: The goals in land policy are highly disputed; there is disagreement on priorities and concepts among stakeholders Means: open analysis

	Aim for capacity development assessment: employ multiple methods when aiming at inducing / supporting the goals of land policy	Aim for capacity development assessment clarify first and foremost for whom and from which perspectives would the capacity problem/solutions correspond to the problems seen by GLTN and the solutions seen by GLTN

Table 1. Relation of governance of problems with type of capacity assessments

A most logical sequence is from 4, via 2 or 3 to 1. Most current methods however tackle this sequence in a different order or tend to focus on different disconnected parts of the systems or subsystems. In the process of a capacity development strategy, this may result in regular recurring debates among stakeholders, because there may be a continuous disagreement on the fundamental values and goals.

4. The process of developing a capacity development assessment methodology

In the context of a GLTN research project on developing a tool for capacity development assessments (project title: GLTN Partnership for Land Tool Development: Development of a holistic tool to assess capacity development needs in country-level land policy implementation) a number of initial documents were created. In March 2014, the project activities had resulted in a draft literature review document (de Vries & Groenendijk, 2014) on the different conceptualizations on "capacity development" and "capacity development assessments", a rough determination of what comprises the land sector or land domain and how the GLTN objectives stand out in this land domain. With regard to the latter it was clear that pro-poor, inclusive and holistic approaches to land management and land administration make the GLTN objectives distinctive, and that an ultimate capacity development assessment should also that these notions into account.

In order to test these conceptualizations as well as the approach through stages three validation activities were scheduled, one in Kenya (April 2014), one in Mozambique (May 2014) and one in Uganda (November 2014). The first two experiences, presented in (de Vries, 2014b) and (Groenendijk, 2014) were combined and summarized in a report (de Vries, 2014a), which includes a number of recommendations on how to revise and reshape the methodology further. These recommendations helped to redesign the concept methodology and derive a set of guidelines which could be used by any assessor of capacity development for land policy. The re-designed methodology is based on the notion that capacity development may be an intangible concept, yet that assessment of capacity development is possible by carefully combining the 3 types of approaches associated with the 3 different views whilst taking into account the specific nature and characteristics of the land administration and land management domain. The resigned methodology contains 4 subsequent phases.

The redesigned methodology was tested with the knowledge and experience of experts in the fields of land administration and management in Uganda via a workshop and a set of interviews in Kampala / Uganda in November 2014 (de Vries, 2014c).

The aims of the final validation included:

1. To test the draft methodology on how to conduct a capacity development assessment for (pro-poor) land policy. In particular, the extent to which the draft methodology is sufficiently holistic, rigorous and flexible to adapt to local country contexts.
2. To learn from experiences and views in Uganda with capacity assessments in the land sector.
3. To extend the network of capacity development assessors, beneficiaries, contractors, knowledge holders, researchers

The redesigned methodology is based on the notion that capacity development may be an intangible concept, yet that assessment of capacity development is possible by carefully combining the 3 types of approaches associated with the 3 different views whilst taking into account the specific nature and characteristics of the land administration and land management domain. The resigned methodology contains 4 subsequent phases (de Vries & Groenendijk, 2015). The 4 phases of the capacity assessment include:

1. **Identify national concourse of land issues at stake, and frame concerns, goals, resources (is assessment needed and why)**
   Identify the broad scope of national and local land issues in the country; the breadth of views and concerns; the claims and arguments; the main funder; urgency of results needed
2. **Scoping of functional assessment and mobilize resources.**
   Prepare a Terms of Reference (ToR) of assessment by: engaging stakeholders, clarifying functional objectives and primary clients, (collectively) determining data and information collection, deciding on the assessment team composition, the cost and duration of the assessment.
3. **Conducting the assessment and interpreting results.**
   Execute assessment through a combination of interviews, focus groups, documentary analysis and collection of indicators. Inform and involve stakeholder where possible and appropriate and validate intermediate results regularly.
4. **Presenting , disseminating and acting upon results.**
   Plan and execute the presentation and dissemination, and design and plan of action based on the capacity assessment results.

The 4 sub phases correspond to the combination of the inner and outer system of land capacity and how this capacity aims to reach societal goals. The first step aims to clarify these goals and to reach a better understanding the breadth of values and opinions which exists on both the fundamental goals and on the societal outcomes. This step is not necessarily a repetition of formulating a land policy, but it is an assessment of the breadth of values that exist on the execution and implementation of the land policy. It thus includes a first assessment on whether there are essential overlaps of views or contradictions of views. The overlaps can be used to stimulate certain outcomes, the contradictions to highlight potential difficulties during the implementation. The second step corresponds to scoping of functional assessment and mobilize resources. The third step corresponds to conducting the assessment and interpreting results. The final step corresponds to presenting, disseminating and acting upon results. With reference to the earlier diagrammatic system the different steps are displayed in Figure 2.
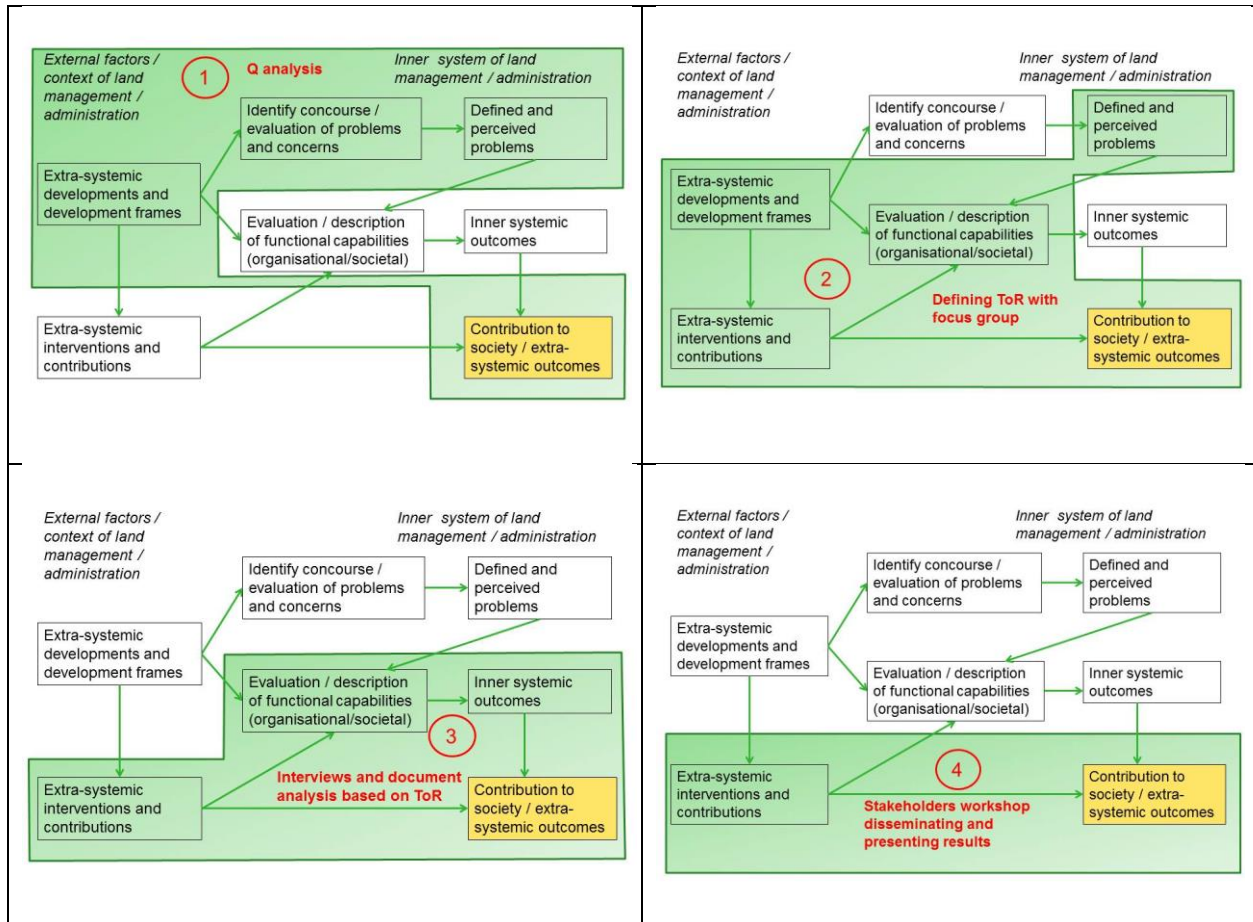
Figure2. Overview of capacity development assessment methodology for land policy

The validation process followed two paths: through interviews and through a workshop with key stakeholders. Stakeholders were asked their opinion about current capacity assessment needs and current methods which were employed. The workshop addressed three aspects of the draft method:

1. The appropriateness of Q statements and Q methodology during the first phase – the identification of the current concourse of land issues and associated policy belief systems
2. The appropriateness, consistency and coherency of the capacity assessment questions posed during the execution phase.
3. The appropriateness, consistency and coherency of the capacity assessment questions specifically related to capacity providers and possible external interventions during the execution phase.

5. Results of validation workshops

Overall, it was acknowledged during all the validation workshops that the land sector is clearly a sector where discussions, recommendations, expectations and follow-up actions can be more sensitive than in other sectors. It is similar to other sectors where it concerns the potential resistance to cooperate in an

assessment when there exists a perception that people might lose their jobs, yet it is dissimilar where it concerns the framing and understanding of the land sector issue itself. A direct consequence of this observation is that the first phase of assessing the concourse and assessing the frames which are current and accepted is a crucial requirement for the capacity assessment methodology. Q methodology (Webler, Danielson, & Tuler, 2009) is one appropriate tool which can help to identify the frames of the operant concourse of land policy development in a national context.

Although frequently used for the purpose of revealing different operant views, Q methodology is relatively novel for the land sector and for capacity development assessments. The Q methodology was not well-known nor easily understood by participants. Though the use of statements was considered acceptable, the content of the statements created discussion and confusion. The guiding factor in evaluating the validity of the Q statement was the current status of land issues in Uganda. As a result, a collective position was derived, being a mix of archetype views, with an inclination towards state-based guidance and control and disfavoring community-based approaches. This was however very much dependent on the group members during the discussion. At the same time, it also derived a set of additional statements, which could be incorporated immediately in the design. In the original design, there were only 24 statements, whereas a number between 35 and 45 seems more conventional. In any case the number of participants completing the Q sort should be less than the number of items in the Q set.

Seeking discussion and subjective feedback is indeed the main purpose of Q methodology in order to get the best overview of the breadth and width of the current policy concourse, but at the same time some alternative statements were constructed to guide any discussion on the statements better. Overall, it was however advised to provide more clarify on the purpose, goals and execution of policy concourse analysis and the way the Q methodology should be carried out to support that. Also provide the opportunity in the assessment sequence to skip this step altogether if the policy goals are already considered widely agreed upon.

Crucial remains the fact that the outcome of a Q analysis needs to be carefully executed and interpreted. A basic set of Q statements is useful to include in the manual for capacity development assessment, but may also need to be extended if considered appropriate in a given case. The execution should always be done with Q participants individually, whereas the interpretation - the description of the concourse and the formulation of the basic policy positions in a national context – may be executed with a focus group of stakeholders. If there is really no debate (possible) about the goals of the land policy, or if the capacity assessment is only relevant in a very limited context (e.g. within a single organization) then the step can be avoided.

The second step, scoping of the assessment and coming to a practical arrangement of who will carry out the assessment for which costs and how, remains intact (as originally designed). A potential problem which may occur at this stage is lack of transparency and accountability. Often local governments and districts lack technical capacity or lack clear resources to actively take part in any assessment exercises, and thereby tend to leave the main responsibility to national government agencies. Part of the reason is that land policies have tended to prescribe a fixed set of human resources and their functional skills levels for local level government offices irrespective of the local context of local need for such resources. In case of administrative reform - usually resulting in more local government offices – the required human

resources cannot be easily attracted or are simply not available. Moreover, capacity assessments should take expectations of local farmers into account. It should provide some hope for local farmers on what will happen to land if they participate in any assessments. Also the assessment should include whether there is any legal aid (pro bono) present for local subsistence farmers.

Another problem in the phase of determining of who carries out the assessment is the potential neglect for customary traditions and rights. Conventional training and capacity building efforts are largely based on how western tenure systems are managed through standard government agencies. There is insufficient attention for assessment of knowledge and acquaintance with customary traditions and rights, such as family rights. Many legitimate land tenants do not know how the registration system works and what the implications are when converting their tenure to rights. Under customary tenure, there are many rights included which may be lost in conversion. Conversion can thus potentially have negative implications for women and children. Both customary land owners and administrators would need to know about such implications. As a result, the assessment needs to incorporate means to assess these issues as well.
The third step, the assessment itself, can be based on a set of basic questions which can be collected and evaluated using a simple spreadsheet. The basic questions may need alteration based on the results of the previous two steps. This step seems indeed very dependent on the previous steps, yet, it should also be noted that certain issues may not necessary need to be collected if they are simply outside of the agreed ToR. Such a ToR is always the result of a consultative process which is by nature unique and idiosyncratic. It is therefore not possible or advisable to adhere to a "one-size-fits-all" approach, but to adapt the approach to local policy debates and institutional and/or organizational contexts.

In the second part of the third step, the assessment of capacity providers, it is crucial to not only consider formal training, education and academic institutions, but also to evaluate the possibilities of in-service training, professional coaching and soft skills training. Furthermore, the academic and other higher education institutions require a sustainable group of human resources, and accredited programs to support capacity development initiatives. The assessment method needs to take this into account.

The final step, presenting and acting upon the results, remains as suggested in earlier documents. There has to be a continuous and comprehensive communication strategy throughout the assessment process, in order to manage realistic expectations and anticipated (strategic) behavior. Although disputed among workshop participants, the end results of the assessment should be available to multiple stakeholders if the assessment relates to the national land policy and the wider system of capacity development (in other words, if capacity and land policy are still unstructured problems). If on the other hand the capacity development assessment refers to the more narrow system of land policy, i.e. the capacity assessment of a single organization such as the land agency and all their respective offices, than a more limited distribution of results would be recommended.

6. Phases of capacity development assessment methodology

Based on both the theoretical review of capacity development, the way in which these can be assessed and the validation workshops targeted towards the land sector, we argue that it is necessary to build an assessment methodology which takes all steps of the system cycle into account (sequentially), while it should also include regular of feedback loops within the cycle. The former is crucial to avoid a recurring

debate about basic values and norms of the land policy (i.e. what is the land policy for, and which values are important or not in relation to land), the latter is crucial for both the continuous communication and continuous adaptation in case the actual outcomes are in conflict with the anticipated outcomes. In this way capacity development assessment is a comprehensive system of both internal and external feedback loops.

More, specifically, each of the 4 phases can be executed with a set of guidelines which contain further details on how and with which methods, tools, questions, systematic prompts or sets of Q statements. The details of each of the phases are presented as worksheet guidelines for assessors. These guidelines indicate:

1. Which part of the assessment it concerns.
2. Which methods are employed to derive results in this component.
3. Which resources can be used.
4. Which type of results are anticipated when completing this phase.
5. For which step these results provide further input.
6. How the method can be executed and how the results can be interpreted once executed. In all component there are suggestions for assessors, either in the form of a set of general questions, or in the form of a set of sample Q statements.

The specific worksheets are further explained and detailed to make the actual assessment operational for each assessor. An example of such a worksheet (for step 2) is given below :

Part of assessment	**2. Scoping of functional assessment and mobilization of resources**
Method (s)	Focus group with selection of stakeholders – include both government and community groups, and a selection of private organizations and knowledge / skills providers.
Resource used	Agenda items / themes for discussion
Type of results anticipated	A consensus statement on what to include and who , which agency will be the owner of the assessment
Results provide input for	Part 3. Conducting the assessment and interpreting the results
Execution	Ideally this process should be open, transparent and be well documented. The discussion would require a moderator. Consensus can be reached by several methods, though a focus group meeting combined with group discussions is the most pragmatic way. **Discuss and find consensus on the following issues / agenda items (list contains suggested item but is not exclusive):**
	How do you rate your own capacity and that of your organization in implementing land policy?
	Which frame of capacity and capacity assessment will be used?
	Who provides the funding for the assessment and how much?
	Which individual, or which agency carries out the main data collection and interpretation of data?
	Who, which agency or which community will be the main beneficiary of the data collection and interpretation?

	Who, which agency or which community will take responsibility to act upon the results once results are compiled?
	Which input will be expected from internal and external parties during the assessment, and how will their input be compensated or otherwise appreciated?
	How do the identified problems or concerns clarify the major output requirements of the assessment?
	Which institutions will be considered in providing training, education, skills development, awareness raising, professional development?
	Which types of external interventions may be considered in the catering of capacity development?
	Where will information on the capacity assessment process be stored, and who administers the agenda and the progress.
	Will there be an audit after the assessment to ensure a minimal degree of neutrality?

Table 2. Worksheet for process step 2 of capacity assessment for land policy.

7. Conclusions and recommendations for further development

As land policies need to be inclusive as opposed to discretionary, we opted to view any development and decision regarding land in a broader holistic system, which involves both external and internal change drivers and outcomes. Steering such a system on only on part will not change the system as a whole. Therefore any intervention to assess and change the capacity must take all parts of the system into account. In contrast to conventional capacity assessments holistic assessments also need to assess capacity change in relation to agreed and disputed societal norms and values regarding land and measured and unmeasured societal impacts of land administration and land management.

Secondly, as most capacity assessment methodologies focus on one part of the systems, we suggest that the capacity assessment method contains 4 phases, which partly overlap the system components yet together allow an assessment of the system as a whole. In some cases, one or more of the phases may already have been carried out separately by one or more agencies, but at least it should be made clear what the outcomes of these earlier executed phases were, and who benefited in which way from the earlier phases.

Thirdly, as the notion of capacity assessments are based on the notion that capacity development may be an intangible and dynamic concept, we concluded that a capacity assessment methodology needs to be both sequential and cyclic. This means that not only are execution of all 4 suggested phases necessary, but it is also required to maintain regular feedback loops in between the phases to allow for flexible adaptation if outcomes are not as anticipated.

Fourthly, we developed a set of practical guidelines and worksheets to execute the assessment in concrete cases, for example within a paricular country, or wihitn a particular organization. With the help of the worksheets assessors can derive assessment results in a comprehensive and comparable way. These worksheets alos allow for more transparency and accountability in the assessment process.

It is finally recommended that the assessment methodology is tested in concrete cases of execution of both national and subnational capacity development strategies. With such expereicnes the methodology could potentially be further finetuned and adapted. This would also allow for further theorization of both the capacity development construct and the capacity development methodology.

Last but not least, the extent to which the capacity development assessment mehtodology is ideosyncratic (related to land policy only, or to national land policy only) or not should be further elaborated. Comparison with similar strategies in other sectors (in particular with water, forest and natural resources sectors) is therefore important.

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