

Scaling up note



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Madagascar - Agricultural Development
Programme in the Highlands

Scaling up results in land tenure security

Equitable access to land and tenure security for IFAD's target groups are essential for rural development and poverty eradication. Tenure security influences the extent to which farmers are prepared to invest in improvements in production and land management. It shapes social relations and contributes to social stability – or rather, situations of tenure insecurity contribute to social instability and conflict. Tenure security influences the sharing of benefits from agricultural activities among different individuals and groups, within both households and communities. It can also have an impact on people's ability to access credit.

In general, poor rural people and marginalized groups have little access to land and weak tenure security. Typically, women have weaker rights than men and are often excluded from key decisions regarding land access and use. Young people also often have difficulties in accessing land due to its scarcity but sometimes also for cultural reasons. Growing populations, urbanization, declining soil fertility, environmental degradation, climate change and new opportunities for agricultural commercialization have all heightened demands and pressures on land resources. These issues have also placed new tensions on tenure systems, including those that govern access to forests, communal grazing lands and other common property resources. In some places, these factors have led to land fragmentation; in others, they have resulted in a consolidation or concentration of ownership.

Box 1: Definitions

Tenure: the rules and norms that govern how, when and where people access and use land.

Tenure security: people's ability to control and manage land, use it, dispose of its produce and engage in transactions, including transfers.

In recent years, there has been a growing international recognition of the importance of tenure security and good land governance. It is seen in the endorsement of the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGTs) by the Committee on World Food Security (CFS) in May 2012 and in the establishment of a Global Donor Land Working Group in April 2013. In Africa, the African Union Commission, the United Nations Economic Commission for Africa and the African Development Bank facilitated a multistakeholder process of developing the *Framework and Guidelines for Land Policy in Africa* (F&Gs), which were endorsed at the Summit of African Heads of State in June 2009. In June 2014, stakeholders in the Asia and Pacific region embarked on a similar process with the aim of developing a framework and a set of guidelines for the region. At country level, several national governments, especially in Africa, have embarked on a revision of their land policies or the formulation of new policies. In many countries, there is a growing recognition of the need to support and strengthen diverse local or customary tenure systems that recognize and balance individual, familial, group and community rights, including those of indigenous peoples. A challenge for many countries, though, is mobilizing sufficient resources for strengthening multidisciplinary land governance services and institutions.

IFAD has supported a range of measures for improving poor rural people's tenure security and access to land. This includes, among other things: recording and registering community, group, familial and individual use and ownership rights, including for indigenous peoples; strengthening decentralized land administration systems; land supporting conflict resolution; improving access to rangelands for pastoralists and agropastoralists; improving equitable access to irrigated land; enhancing access to and management of common property resources through multiple user arrangements; strengthening women's and young people's access and tenure security; securing land rights of its target groups in inclusive business arrangements with the private sector; and supporting multistakeholder dialogue in land policy formulation. In 2008, IFAD's Board approved the Fund's policy on *Improving access to land and tenure security*; since then, IFAD has been developing operational tools to provide guidance for its interventions. IFAD has been a key partner in the formulation and application of both the VGGTs and Africa F&Gs and is collaborating with other donors and development partners in efforts to harmonize and scale up support for land governance through the Global Donor Land Working Group. In partnership with the International Land Coalition (ILC), the Global Land Tools Network and others, IFAD is supporting country- and regional-level lesson-sharing and policy dialogue between IFAD-supported projects and programmes and other implementers, aimed towards the development of tools and approaches for securing land and natural resource rights.

What is to be scaled up?

Recognition and recording of multiple and sometimes overlapping rights in community-level land-use, watershed management, territorial, rangeland and forest management planning processes.

This should entail the formulation of community-based by-laws for governing land use and access, and their approval by relevant community and higher-level authorities. It could also include the recognition and recording of co-management and use arrangements between governments and community groups concerning public forest reserves or other public conservation areas. Special attention needs to be given to the recognition and strengthening of the rights of women, young people, indigenous peoples and other vulnerable or marginalized groups. Community-based land and natural resource use management plans should be developed through participatory processes involving all relevant stakeholders and integrated into higher-level management plans.

Registration of land ownership and use rights. This can involve the registration of community, group, familial or individual ownership or use rights. It can also include the registration of public lands, in particular, forest reserves and other conservation areas owned by different levels of government. The process typically involves identifying, surveying and mapping the boundaries of land parcels and the adjudication of ownership or use rights to these. Mapping can be done through participatory processes, often using aerial photography and satellite imagery, which facilitates the integration of information into national cadastres and land information management systems. Adjudication of boundaries and ownership or use rights should involve legitimate and representative community institutions with clear dispute resolution mechanisms and procedures, as well as recourse to higher-level authorities for dispute resolution. Land parcel registers should preferably be maintained at community level or the lowest level of decentralized government but

should also be integrated into a national cadastre. Specific measures, such as the co-spousal registration of ownership of family land and the revision of inheritance laws, may be required to ensure that women's ownership and use rights are also recognized.

Equitable land access. Depending on the context, this can range from measures that improve access for marginalized and vulnerable groups to land in irrigation schemes or to communal forests and grazing lands, to more ambitious state-supported land acquisition and redistribution programmes. When coupled with economic empowerment and tenure security, it is expected that improved access will increasingly be achieved through land markets, both rental and purchase.

Land conflict resolution and access to judiciary and legal aid. Intra-household, community and inter-community land dispute mediation mechanisms should be used as a first recourse and involve legitimate and representative local leadership. Decentralized and higher-level courts should be readily accessible for arbitration if local mediation fails. Affected parties should have easy access to legal or paralegal services.

Civic education and public awareness-raising. This should be linked to broader community empowerment processes and include specific measures for ensuring that marginalized and vulnerable groups are well informed of their rights. It should also entail awareness-raising for community leadership and higher-level authorities regarding their roles and responsibilities in protecting the rights of such groups.

Scaling up pathways

IFAD can use its main areas of intervention – policy engagement, projects/programmes and knowledge management – to scale up support for activities that promote equitable access to land and tenure security. It can play an important role in mainstreaming tenure security measures for its target groups into broader rural development programmes. IFAD is well placed to strengthen community-based land governance systems and institutions through its targeting strategies and support for community empowerment, the strengthening of community institutions and the formation of producers' groups. Through its partnerships with farmers' organizations and other civil society organizations (CSOs), it can support the piloting of innovative approaches that recognize diverse tenure rights and strengthen civil society involvement in multistakeholder dialogue processes. Building on these and other piloting experiences, IFAD can spur the scaling up of investment in land policy implementation in the projects and programmes it supports. Through its partnerships with various government ministries, it can also strengthen their engagement in land policy formulation and implementation.

Policy engagement

IFAD's engagement in policy dialogue and policy formulation processes depends on the political space and enabling environment for land policy development. In many countries, issues of land tenure and equitable access to land are highly politicized and considered to be sensitive and complex issues. There is also significant variation between countries in the level of political commitment to address these issues. In some cases, policies need to be updated; in others, implementation may be lagging. In strengthening its engagement, it is important for IFAD to demonstrate how improvements in tenure security and equitable access contribute to the positive outcomes of rural development and poverty eradication programmes; or conversely, how a failure to adequately address these issues has a negative impact on outcomes. The endorsement of the VGGTs and Africa F&Gs has opened the political space for engagement in land policy formulation and revision. Increasingly, multistakeholder platforms for policy dialogue are being established, often with the support of the Food and Agriculture Organization of the United Nations (FAO), the World Bank, the Africa Land Policy Initiative or various bilateral partners.

Various tools exist for assessing the status of land policies and their implementation. These include, for example: the *Land Governance Assessment Framework* developed by the World Bank; the *Africa Peer Review Mechanism*, which assesses land governance, among other factors; and the civil society land policy "score cards" and National Engagement Strategies being developed with support from ILC. Governments should take the lead in facilitating the establishment of multistakeholder platforms but there should also be space for CSOs to establish their own platforms. In many countries, donors have established land policy groups in order to harmonize their support to government and civil society.

IFAD's starting point for engagement in land policy dialogue processes should be an assessment of the land tenure security and access issues¹ that may have an impact on the implementation of the projects and programmes it supports, and the extent to which the policy and legal framework addresses these issues. This could be done as part of its country strategy (COSOP) formulation and review processes or as a stand-alone exercise. An assessment should also draw on lessons learned from the past, as well as from ongoing projects and programmes it has or is supporting. Key issues to consider would be: the extent to which diverse tenure systems and user rights are recognized and the extent to which the tenure security and access needs of women, young people, indigenous peoples and other marginalized or vulnerable groups are considered and legally protected.

IFAD should take stock of existing policy dialogue processes and, where appropriate, look for opportunities to strengthen these in partnership with others. This could include creating a space for farmers' and other producers' organizations and NGOs to more actively engage in policy dialogue. It could also include strengthening the engagement of government ministries – such as ministries of agriculture, livestock, natural resources and environmental management – as well as local governments, whose engagement in land policy dialogue processes may sometimes be weak. Under government-implemented projects and programmes, support could be provided for community-based dialogue on tenure security and land access issues, and for public awareness-raising and civic education on existing policy and legal frameworks. Similar support could be provided to CSOs through IFAD's grant programme. Support could also be provided to government projects and programmes for the drafting of new policy and legal frameworks, drawing on lessons learned from IFAD-funded projects and programmes.

Project financing

IFAD's support for measures that improve tenure security and equitable access to land depends on the level of progress made in the development of land policy implementation strategies. In many countries, while enabling policy and legal frameworks may have been developed, their implementation may be lagging. In such cases, IFAD can play an important role in supporting the piloting of new approaches and their scaling up. This could be done through NGOs, or in the form of modest interventions in government-implemented projects and programmes. Lessons learned can inform both the revision of policies, legislation and regulations and the development of national implementation strategies. Where piloting experiences already exist, IFAD can play an important role in the intermediate scaling up of positive results in government projects or programmes.

Typically, IFAD's support for improving tenure security and land access is integrated into a range of agricultural and rural development programmes. This can provide opportunities for replicating such support

Box 2: IFAD support in land policy dialogue

In **Lao People's Democratic Republic**, IFAD – in partnership with the French Agency for Development (AFD) – has supported a multistakeholder review of the land policy dialogue, using its influence as the co-chair of the Agriculture and Rural Development Working Group. This has included supporting the involvement of the National Assembly, the National Agriculture and Forestry Research Institute (a policy think tank) and the Land Issues Working Group (an NGO platform). Lessons learned include: the importance of identifying champions and building trust; the importance of home-grown solutions, drawing on lessons from other countries; and the important role that policy think tanks can play. Lessons learned from Madagascar in the establishment of an independent land observatory are also being adopted. Recently, the National Assembly has requested assistance for training in public consultations.

In **East and Southern Africa**, IFAD is collaborating with the Africa Land Policy Initiative, the European Union (EU), UN-Habitat and the World Bank, among others, to facilitate policy dialogue in six countries that aims to mainstream land governance into the national agriculture investment plans under the auspices of the Comprehensive Africa Agriculture Development Programme (CAADP).

¹ See *How To Do Land tenure in IFAD country strategies* in IFAD's Land Tenure toolkit. <http://www.ifad.org/knotes>

geographically across several projects or programmes. IFAD has never supported “stand-alone” land reform projects or programmes and is unlikely to do so in the future.

While the projects or programmes that IFAD supports may often develop highly innovative approaches, they may not receive the same visibility as those efforts that explicitly focus on land policy implementation. Hence, IFAD should support the documentation and sharing of lessons from such experiences. In some countries, significant progress has been made in developing and implementing ambitious land reform programmes. In such cases, IFAD’s support for tenure security measures and equitable land access should be harmonized with these national programmes. This would also provide further opportunities for raising IFAD’s visibility in the land sector and for strengthening its partnerships with others.

IFAD’s support in the design of new projects or programmes should include an analysis of the land tenure security and access issues that may have an impact on their implementation, and the extent to which the policy and legal framework addresses these issues. The analysis could build on an assessment done during the COSOP formulation or review, taking into consideration the specifics associated with the project/programme focus and the anticipated area of geographic coverage.

Based on this assessment, specific measures could be identified. Typically, these measures could “piggy-back” on other activities, such as: integrating analysis of land tenure and access issues into targeting strategies or participatory community self-analysis of social stratification and poverty; civic education on tenure rights as part of community empowerment processes; recognizing user rights in land-use or watershed management planning processes; introducing measures for ensuring equitable access to land in irrigation schemes; monitoring the changes in the level of land disputes or conflicts as part of the project/programme M&E systems; etc. In so doing, the incremental cost for introducing such measures could be significantly reduced.

Consideration should be given to how specific measures contribute to the overall scaling-up agenda for land policy implementation and indicators should be identified for assessing the extent to which this occurs. Linked to this, provision should be made for documenting and sharing lessons learned in relevant national land policy fora, as well as internationally.

Box 3: IFAD support through projects/programmes

In **Nepal**, IFAD supported a pilot project that aimed to improve **access to forest leaseholds** for poor and landless households. This has since been replicated in three IFAD-supported projects and is now being integrated into other government programmes. Similar support is being provided in **Kenya** for co-management agreements between government and community forest associations, as well as in the **Plurinational State of Bolivia**, focusing on indigenous peoples.

In **Rwanda**, as part of a watershed management programme, IFAD supported the intermediate **scaling up of systematic land registration** in Kirehe District, drawing on lessons from four local pilots projects undertaken by the government with DFID support. Support was provided to strengthen village land committees and train local “para-surveyors” in how to map land parcels using aerial photographs and adjudicate boundary and information ownership ownership disputes. The data was then captured in a newly established computerized national land information management system. The district was the first “rural” district in the country to register all its land. The government went on to register almost all land in the country over a three-year period with the support of several other donors. Similarly, in **Madagascar**, IFAD – together with AFD, FAO, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the Swiss Agency for Development Cooperation (SDC), the World Bank and others – piloted and scaled up support for decentralized land registration by commune land offices. IFAD also supported a national land policy technical unit in the Ministry of Agriculture and an independent land observatory. Similar support has been provided in **Burundi**, in collaboration with the EU and the Belgian Technical Cooperation.

In **Haiti**, the government is developing a new land reform programme, with support from the Islamic Development Bank (IDB) and AFD. At the same time, IFAD has been assisting the National Institute for Agrarian Reform to pilot new approaches for **improving equitable access to land and strengthening tenure security in irrigation schemes**. Opportunities are being explored for sharing lessons learned in the formulation of the national land reform programme. Similar support has been provided in **Malawi** and **Niger**.

Knowledge generation and sharing

Existing experiences in developing and scaling up innovative approaches for improving tenure security and equitable land access should be identified and taken into account in the design and implementation of IFAD-supported projects and programmes. Lessons learned from good practices in these projects and programmes should inform national land policy development, as well as the design and implementation of other projects and programmes. Lessons should be

shared more widely in order to encourage uptake in other countries and regions. Knowledge-sharing should be explicitly built into the projects and programmes that IFAD supports and can be further enhanced by supporting research and knowledge networks through its grant programme. In this regard, ILC, the Global Land Tools Network, FAO and other partners can play an important role. The Land Portal and similar web-based databases can also play an important role. Attention should be given to enhancing the capacity of project/programme implementers to document and share their experiences. The establishment of Communities of Practice should focus on bringing together project/programme implementers and others around specific issues they are facing and tools and approaches that they may be developing. Learning Routes, study tours and exchange visits can support peer-to-peer learning. Lessons can be shared at international conferences, such as the World Bank's annual Conference on Land and Poverty.

Box 4: IFAD support in knowledge management

In **East and Southern Africa**, IFAD is collaborating with the Global Land Tools Network in identifying, documenting and sharing tools and approaches for improving tenure security and access. This includes training and capacity-building in adopting and sharing new approaches.

Across regions, IFAD is collaborating with PROCASUR, ILC and others in organizing Learning Routes on various land tenure-related topics for peer-to-peer learning.

Key spaces for scaling up

In order to successfully implement and scale up land tenure activities, favourable conditions need to exist or be created and obstacles need to be addressed. Key spaces include: political and cultural; institutional and organizational; fiscal and financial; and partnership.

Political and cultural space

Political support for land policy implementation can vary between countries and over time. Where possible, political and social champions should be identified and supported in the introduction of new approaches and policy reforms. Empowerment of the rural poor and their institutions or organizations to engage in land policy dialogue is key. Intergovernmental organizations such as IFAD can play an important role in creating the political space for reformers and community-based organizations.

In many countries, local customs can be an obstacle to scaling up tenure security and equitable land access efforts, especially for women, young people, indigenous peoples, pastoralists and other marginalized or vulnerable groups. However, with sensitization and other community empowerment measures, local customs can be changed. At times, this can be achieved by referring to traditional social equity values, and in other instances by drawing on "modern" values underpinning a country's legal framework – for example, with regard to the recognition of women's ownership and inheritance rights.

Institutional and organizational space

Decentralized government and community-based organizations and institutions have a key role in the development of affordable, transparent and accessible land governance. Often a key challenge for scaling up is strengthening their capacity, especially given their lack of financial and human resources. New approaches for recognizing diverse tenure systems and overlapping ownership and user rights call for multidisciplinary expertise, drawing on resources beyond those of existing government institutions responsible for land administration. Scaling up requires strengthening the interface between community-based organizations, decentralized and national government, NGOs and private-sector service providers, as well as capacity development for all of these entities in a range of multidisciplinary skills. While government institutions are expected to maintain and regulate land governance systems and to facilitate land policy implementation, much of the service provision is expected to be undertaken by NGOs and

private-sector service providers (surveyors, lawyers, land-use planners, etc.). An assessment of the relative strengths and weaknesses of different stakeholders should shape capacity-building strategies.

Fiscal and financial space

The development of good land governance and administration systems requires sustained public investment, with long-term financial sustainability being achieved partly through payments by end-users, including government departments, the private sector and ordinary citizens. This is mainly relevant for land registration, surveying, mapping and legal services. Governments are responsible for maintaining national cadastres, land information management systems, land-use planning frameworks and judicial land dispute resolution mechanisms. Initial investments in large-scale land reforms (including public awareness campaigns and policy consultation processes) and the establishment of land information management and cadastre systems can be high but once policies are passed and systems are established, the costs drop significantly. The introduction of new spatial data systems and technologies (GIS, GPS, satellite imagery, etc.) can significantly reduce the costs of developing accessible and transparent land governance systems. Where appropriate, support for land redistribution programmes also requires significant public investment. Over time, it is expected that ordinary citizens will be in a better position to purchase or lease land with less state support.

Typically, ordinary citizens in developing countries – in particular, the rural poor – have limited means to pay for land governance services. Hence, it may be preferable for them not to have to pay for these initially or to have such services heavily subsidized or supported by NGO service providers. The cost of strengthening community-based institutions and organizations can be offset by integrating such support into broader community empowerment and institution-building programmes. For the foreseeable future, it is expected that the scaling up of land policy implementation will require continued donor funding. The endorsement of the VGGTs and other mechanisms has led to a recent increase in donor commitments to land policy implementation. Private-sector investors could provide financial support for the development of good land governance systems through, for example, independent funding facilities, such as the International Land and Forest Tenure Facility.

Partnership space

At country level, partnerships between the public sector, CSOs, donors, private-sector service providers and investors are vital for scaling up. Establishing multistakeholder platforms for land policy dialogue and implementation is key to building partnerships. Improving donor coordination is also required. At regional and international levels, partnerships between intergovernmental organizations, bilateral agencies and CSOs can play a key role in elevating the importance of good land governance for rural poverty eradication and socio-economic development in general.

Monitoring and evaluation

Monitoring and evaluating progress in supporting a scaling-up agenda in land policy implementation should be done at the project level, as well as the country programme level. In projects/programmes, indicators should measure the outputs/outcomes of specific activities, for example: the number of parcels registered and the impact that this has had on reducing conflicts; people's willingness to invest in sustainable land management and farming; their ability to access credit; the number of land-use plans completed; and the extent to which multiple user rights are recognized. For assessing the project/programme contribution to a scaling-up agenda, indicators should also measure the following: the extent to which the project/programme supported the development or scaling up of innovative approaches; the extent to which the project/programme documented and shared lessons learned; and the extent to which it contributed to creating a space for multistakeholder dialogue and the development of partnerships, including the leveraging of additional resources. Similarly, at country programme level, indicators should measure: the extent to which lessons learned from piloting new approaches or from scaling up specific interventions have been shared and adopted by others within the country and beyond; and the extent to which various interventions supported by IFAD have jointly contributed to policy dialogue and partnership building, including the leveraging of additional resources.

Key messages

- Equitable access to land and tenure security is key for successful outcomes of IFAD's support for rural poverty eradication.
- Among the key challenges for scaling up support for land policy implementation is the development of policy and legal frameworks, as well as the building of institutional capacity at community and decentralized government levels, especially for recognizing multiple ownership and user rights in diverse tenure systems.
- In recent years, there has been a growing recognition of the importance of tenure security and good land governance – as manifested by the adoption of the VGGTs. This recognition is creating new spaces for scaling up support for land policy implementation in partnership with others.
- IFAD can play an important role in piloting and scaling up support for good land governance through the projects and programmes it funds, by working in partnership with others and facilitating enabling policy environments and multistakeholder policy dialogue.
- IFAD can support the strengthening of community-based and decentralized government institutions involved in land governance. It can assist various government and civil society partners – operating at local and international levels – to more effectively engage in multistakeholder land policy dialogue. It can strengthen lesson-sharing on good practices within and across countries and regions, as well as internationally.

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