

Land tenure in IFAD-financed operations

Land tenure toolkit: an overview



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Madagascar - Agricultural Development
Programme in the Highlands

Introduction

Land tenure refers to the rules, authorities, institutions, rights and norms that govern access to and control over land and related resources. It defines the rules and rights that govern the appropriation, cultivation and use of natural resources on a given space or piece of land. Strictly speaking, it is not land itself that is owned but rights and duties over it.

Land tenure systems are generally highly complex. National and local situations are made up of a multiplicity of overlapping (and at times contradictory) rules, laws, customs, traditions, perceptions and regulations that determine how people use, control and transfer land. This has significant implications for the analysis of land tenure issues and their significance for poverty reduction. In many cases, for example, different people would describe the land tenure situation pertaining to a specific parcel of land in very different terms.

Land tenure governs who can use what resources, for how long and under what conditions.

Secure access to productive land is critical to the millions of poor people living in rural areas and depending on agriculture, livestock or forests for their livelihood. It reduces their vulnerability to hunger and poverty; influences their capacity to invest in their productive activities and in the sustainable management of their resources; enhances their prospects for better livelihoods; and helps them develop more equitable relations with the rest of their society, thus contributing to justice, peace and sustainable development.

Background and context

Why is land tenure security important? Poverty reduction and sustainable use of natural resources depend largely on how people and communities gain access to land.

Land tenure security gives people the ability to control and manage land, to use it and to dispose of its produce, and to engage in transactions, including transfers. It shapes social relations and is one of the requisites for political and social stability. Equitable access to land is linked to equitable economic growth rates.

It favours sustainable land management and conservation of natural resources and fosters investments and the uptake of new technologies.

It allows access to credit as land is a guarantee for credit institutions. Secure ownership and use of land then form a potential source of local government revenues.

However, land tenure security is not – in itself – sufficient for a sustainable reduction of rural poverty and to improve people’s livelihoods. It needs to be supported by other appropriate measures and, therefore, intergrated into a holistic approach to combat rural poverty. Nonetheless, land tenure security is and remains a key element in reaching this goal, especially in a context of increasing commercial pressure on natural resources worldwide.

What is IFAD’s land policy?

The IFAD land policy provides a conceptual framework for the relationship between land issues and rural poverty, and identifies the major implications of this relationship for IFAD’s work.

It sets out principles and practices for IFAD’s interventions.

IFAD policy objectives and guiding principles	IFAD instruments	Lessons learned
<ul style="list-style-type: none"> • Align with national priorities and support to poverty reduction strategies • Adhere to the “do-no-harm” principle at all times • Appreciate the diversity and dynamic nature of existing agrarian structures and tenure systems • Support the centrality of the empowerment of poor rural people and the organizations that represent them • Forge complementary partnerships with like-minded actors • Focus on the gender dimension of land rights • Adhere to the principle of free, prior and informed consent • Support to production services and market linkages to maximize the positive effects of access to land and tenure security 	<ul style="list-style-type: none"> • Results-based country strategic opportunities programmes (RB-COSOPs) • Project design, supervision and implementation support, and monitoring and evaluation • Policy dialogue • Partnerships • Knowledge, learning and innovation 	<p>...from engagement with land policy formulation and/or implementation</p> <ul style="list-style-type: none"> • Securing the right land rights to the right people • Working with existing systems to provide context-specific solutions • Promoting long-term support, partnerships and knowledge-sharing • Building government capacity at all levels and fostering decentralization • Empowering civil society organizations • Valuing land as more than an economic asset • Mitigating and resolving social conflicts. <p>...from the design and implementation of rural poverty reduction programmes and projects</p> <ul style="list-style-type: none"> • Gaining in-depth understanding of land tenure systems • Working with the state • Building up the capacity of local organizations • Ensuring sustainability

Rationale

Land access and tenure security issues are linked, directly or indirectly, to all the strategic areas of IFAD's interventions. Land issues are of particular concern today, when population growth, high food prices, climate change, trade regimes, global consumer- and corporate-driven food systems and growing demand for agrofuels and feed are causing fierce competition for land and very high pressures on tenure systems. In a new era of high food and fuel prices, these pressures are likely to intensify further. They threaten the land and tenure security – and hence the food security and livelihoods – of millions of poor rural people whose access to land was not previously under threat. This in turn raises the risks of environmental degradation and social conflict.

The IFAD policy Improving access to land and tenure security has been formulated to:

- provide a conceptual framework for the relationship between land issues and rural poverty, acknowledging the complexity and dynamics of evolving rural realities
- identify the major implications of that relationship for IFAD's strategy and programme development and implementation
- articulate guiding principles for mainstreaming land issues in the Fund's main operational instruments and processes
- provide a framework for the subsequent development of operational guidelines and decision tools.

The focus on land does not mean that the inherent linkages to other natural resources, especially water, are ignored. Rather, the aim is to ensure a policy, institutional and operational focus that would otherwise be diluted if the scope were broadened to the larger issues of access to natural resources and of governance and management.

The **Land Tenure Toolkit** is a demand-driven, operational and practical product. Its purpose is to help country programme management teams (CPMTs), which include country programme managers (CPMs), country programme officers (CPOs), consultants, project staff, national teams and counterparts,¹ and consultants, to systematically and holistically include – when needed – land issues at all stages of IFAD operations, such as results-based country strategic opportunities programme (RB-COSOP) development, and project design and implementation.

Key aspects of the toolkit

The operational toolkit is:

Demand-driven. It is the outcome of a series of consultations within IFAD. The first was conducted to support the operationalization of the IFAD land policy *Improving access to land and tenure security* into the portfolios of the Latin America and the Caribbean Division and the Asia and the Pacific Division.² As a result, indications were provided by CPMs and consultants on how the Policy and Technical Advisory Division (PTA) could better support their work. A draft concept note on the present toolbox was developed and a second series of discussions were held to further tailor the toolkit to the needs of potential users.³

Focused on key strategic areas and aligned with global and country needs. The toolkit is in line with the IFAD land policy and its principles, and it further builds on the positive momentum at international level due to the recent endorsement of the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGs) by the Committee on World Food Security (CFS) at its thirty-eighth (special) session on 11 May 2012, after consultations that involved more than 700 people from 133 countries.

¹ Design is key but even more important is implementation. Linked to this, there is the need to consider as users the national counterparts (e.g. ministries) who implement projects at the country level.

² See report *Operationalization of Land Tenure Interventions into LAC and APR*, F. Carpano, December 2012.

³ During the whole process, around 15 CPMs, technical advisers and consultants were involved.

Clear, practical and linked to a learning process. Potential users have expressed their appreciation for the length of the toolkit. They highlighted the need for short, user-friendly and concise documents.

Peer reviewed. During its preparation, the toolkit was peer reviewed by a selection of potential users⁴. Collaboration was developed within PTA, i.e. with technical advisers working on gender, youth and livestock and with regional divisions such as the East and Southern Africa (ESA) land tenure programme. External cooperation was also set up with the Food and Agriculture Organization of the United Nations (FAO) and the World Initiative for Sustainable Pastoralism (WISP).

The notes

The tailored notes offer valuable guidelines to help practitioners address the analysis and elaboration of land tenure issues during the design of country strategies and in the design and implementation of programmes and projects.

How to address land tenure in IFAD country strategies (RB-COSOPs)

The note provides guidance on how to carry out a land assessment at the RB-COSOP stage to provide indications on key land tenure issues that the country (or area of interest) is facing and how they could be strategically addressed to achieve the country's strategic objectives. The note also includes a template with terms of reference (TORs) for land tenure assessment at the RB-COSOP level and an outline for the information to be included in the RB-COSOP design document.

How to address land tenure in IFAD project design

The note provides guidance on how to carry out a land assessment at the project design stage. It provides operational indications to be included – in the required and relevant format (working papers, paragraphs in the project design document (PDR), annexes) – in the project document during its design. Through this assessment, it will be possible to identify key land tenure issues in the project area and to indicate how they can be resolved through project activities and interventions. The note also includes a template with TORs for land tenure assessment at the project design stage and an outline of the information to be included in the PDR.

How to do participatory land-use planning

The note provides a description of the participatory land-use planning (PLUP) methodology with the steps that should be followed to implement it in IFAD interventions. It also gives some practical examples of how this has been done.

Conducted mainly at the implementation stage, PLUP is a process that results in a land-use plan or several land-use plans for a given goal, objective or set of objectives.

Lessons learned on youth and land tenure

The note describes how young people are affected by insecurity of land tenure and how this issue has been dealt with in IFAD operations. It offers some concrete examples from IFAD projects, other projects and government programmes.

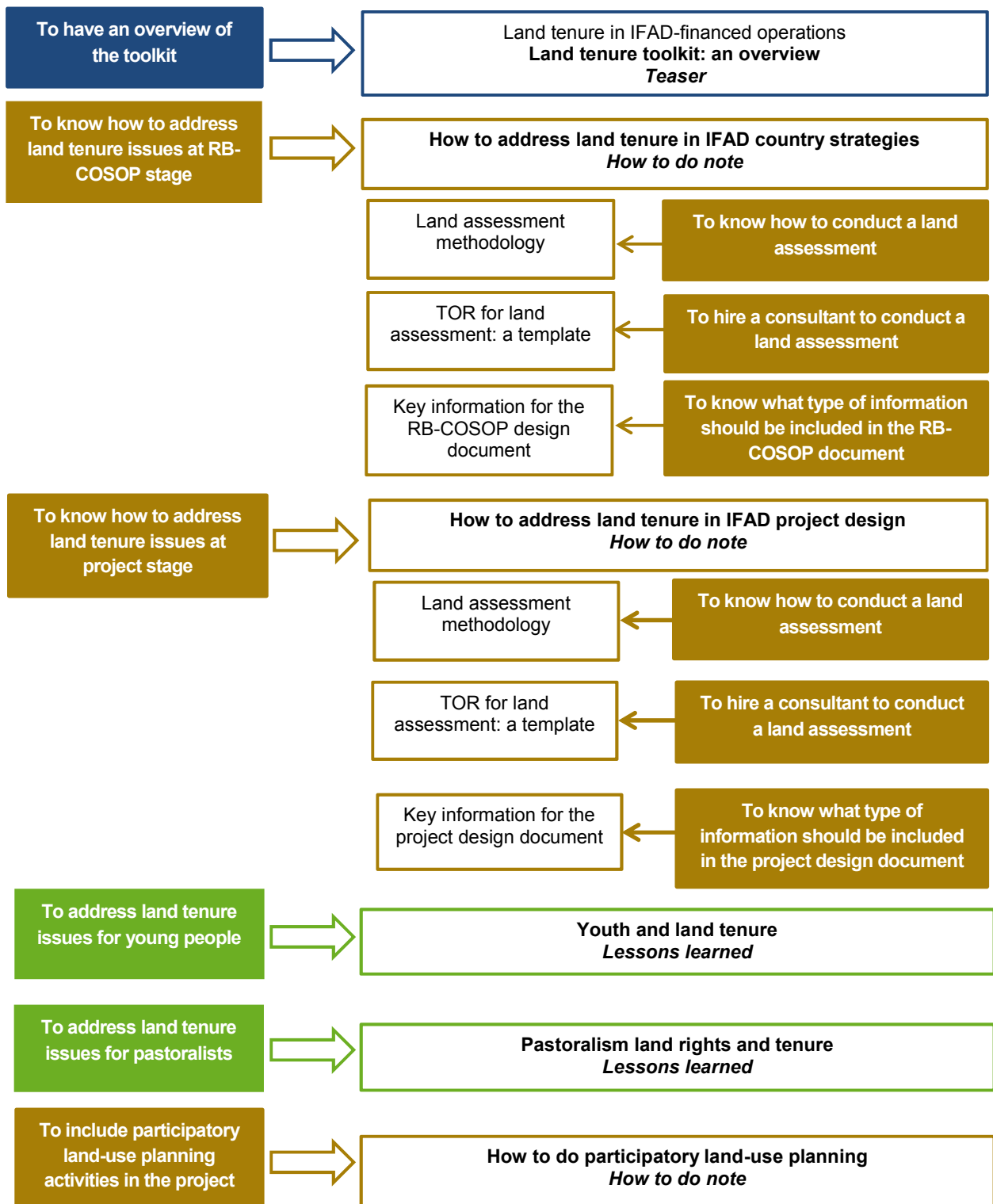
Lessons learned on pastoralism land rights and tenure

The note aims to inform the design and implementation of country strategies and projects from the point of view of land tenure issues faced by pastoralists. It also provides examples of how IFAD has dealt with some of these issues through its programmes and projects.

⁴ The peer review group was formed by: Harold Liversage, Land Tenure Regional Adviser, ESA; Maria Elena Mangiafico, Knowledge Management and Grants Officer, PTA; Norman Messer, Technical Adviser for Rural Development and Institutions (ex-CPM), PTA; and Philippe Remy, CPM, West and Central Africa Division (WCA).

Specifically, contributions and comments were received from: Charlotte Goemans, Consultant, FAO; Steven Jonckheere, Consultant, ESA; Annabelle Lhommeau, WCA CPM; Pablo Manzano, WISP Grant Manager; Norvilus Marcelin, IFAD CPO Haiti, Latin America and the Caribbean Division (LAC); Antonio Rota, Senior Technical Adviser, Farming Systems and Livestock, PTA; and Anne-Laure Roy, Youth and Farmers' Organizations, PTA.

How to use the toolkit



Terms and definitions

ACCESS TO LAND: Access to land refers to “the ability to use land” and “other natural resources to control the resources and to transfer the rights to the land and take advantage of other opportunities”.

There are three main aspects to enhanced access to land: (i) strengthening land tenure security and land rights; (ii) increasing the amount of land that an individual has access to; and (iii) improving the productivity of land. Alternatives to enhancing access to land for agriculture may include promotion of non-farm activities and urbanization.

COMMON PROPERTY: Common property is characterized by the following elements: overarching ritual and cosmological relations with traditional lands; community “rights” of control over land disposal (sometimes delegated to traditional leaders); kinship or territory-based criteria for land access; community-based restrictions on dealings in land with outsiders; and principles of reversion of unused land to community control (Fitzpatrick 2005: 454).

CUSTOMARY RANGELAND MANAGEMENT: Customary rangeland management refers to the traditional institutions, processes and activities that landusers have employed (and continue to employ) to control access to, manage and protect rangeland resources. Customary rights to land and resources are often more flexible and dynamic than statutory systems and better suit the variability of the rangeland ecosystem, allowing for adaptation to climatic changes and the need for overlapping and “fuzzy” access arrangements over common property built upon group reciprocity rather than individual gain.

DRYLAND: Drylands are best defined as areas below a certain ratio of total precipitation to total potential evapotranspiration.

LAND RIGHTS: There are three principal rights linked to the spatial dimension of land: use rights; control rights; and transfer rights. Use rights refer to the right to use land for growing crops, passage, grazing animals and the utilization of natural and forest products. Control rights refer to the right to make decisions about how the land should be used and how benefits should be allocated. Transfer rights refer to the right to sell or mortgage land, convey land to others, transmit land through inheritance and reallocate use and control rights.

These different kinds of rights are often overlapping, thus creating bundles of rights linked to a plurality and diversity of social relations between people, at diverse levels, including at the intra-household (women, men, young people), social class (landlords, peasants, farmers, farm workers), village, community, country (indigenous peoples) and even at the multi-country level (cross-border/multistate pasture resources).

LAND TENURE: Land tenure refers to the rules, authorities, institutions, rights and norms that govern access to and control over land and related resources. It defines the rules and rights that govern the appropriation, cultivation and use of natural resources on a given space or piece of land. It governs who can use what resources for how long and under what conditions. Strictly speaking, generally, it is not land itself that is owned but rights and duties over it.

A land tenure system is made up of rules, authorities, institutions and rights. Land administration itself (maps, deeds, registers, etc.) is only one part of a land tenure system.

Land tenure systems are generally highly complex. Most often, national and local situations are made up of a multiplicity of overlapping (and at times contradictory) rules, laws, customs, traditions, perceptions and regulations that determine how people use, control and transfer land. This has implications for the analysis of land tenure issues and their significance for poverty reduction. In many cases, for example, different people would describe the land tenure situation pertaining to a specific parcel of land in very different terms.

LAND TENURE SECURITY: Land tenure security refers to people’s ability to control and manage a parcel of land, use it and dispose of its produce and engage in transactions, including transfers. There are three main characteristics of land tenure security:

- Duration – how long will different land rights last?
- Protection – will land rights be protected if they are challenged or threatened?
- Robustness – are the holders of land rights able to use and dispose of these rights, free from interference of others?

PASTORALISM: Pastoralism is a collective livestock-based land-use and livelihoods system of which a central feature is the tracking and utilization of resources across a rangeland that experiences low and variable rainfall. Pastoralists may increasingly today be involved in other social, political and economic activities but livestock retains both economic and cultural significance for them.

Terms and definitions (continued)

RANGELAND: Rangeland is the internationally recognized term for land where livestock are grazed extensively on native vegetation and where the rainfall is too low or erratic for agricultural cropping or for improved pastures. Rangelands are ecosystems dominated by grasses, grass-like plants, forbs and shrubs. Rangelands result from a complex interplay of factors: climate, available nutrients and water, fire, herbivores (livestock or wild ungulates) and human impact. Rangelands tend to occur in dryland areas with low and highly variable rainfall and often contain a patchwork of resources that include not only grasslands but also forests, wetlands and mineral sources.

TYPES OF LAND REFORM INTERVENTIONS: Legally imposed controls and prohibitions: these constitute direct intervention by the state in the land market, e.g. nationalization and collectivization; restitution and redistribution policies involving expropriation of land (with or without compensation); expropriation of portions of holdings above a certain size; expropriation of land parcels that are underutilized or owned by absentee landlords and/or foreigners; and slow or sporadic redistribution policies that operate through estate duty laws (death duties) and land taxes.

Inducements or “market-assisted incentives”: These are offered by the state for social and economic reasons and lead to the creation of new property rights or the restructuring of existing proprietary structures, e.g. the privatization of state farms and collectives; the redistribution of state-owned lands; state expenditure on land reclamation and land development and subsequent redistribution as private property; direct state grants or tax concessions to purchase and/or improve private property; state-sponsored credits channelled through a land bank to individuals or through farmers’ cooperatives for land-reform farmers; and support to institutions (statutory or non-statutory) to administer the necessary land acquisition and redistribution to land-reform farmers.

Sources: IFAD (2008), Flintan (2012) and IUCN (2011).

References

- FAO. 2012. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Rome: FAO. <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>
- Fitzpatrick, D. 2005. ‘Best Practice’ Options for the Legal Recognition of Customary Tenure. *Development and Change* 36(3): 545.
- Flintan, F. 2012. *Making rangelands secure: Past experience and future options*. Rome: International Land Coalition. http://www.landportal.info/sites/default/files/rangelands_bookcover_30.1.121.pdf
- IFAD. 2008. *IFAD policy: Improving access to land and tenure security*. Rome: IFAD. <http://www.ifad.org/pub/policy/land/e.pdf>
- IFAD Rural Poverty Portal. Land and rural poverty. <http://www.ruralpovertyportal.org/topic/home/tags/land>
- IFAD. How to address land tenure in IFAD country strategies. <http://www.ifad.org/knotes>
- IFAD. How to address land tenure in IFAD project design. <http://www.ifad.org/knotes>
- IFAD. How to do participatory land-use planning. <http://www.ifad.org/knotes>
- IFAD. Lessons learned on land tenure and youth. <http://www.ifad.org/knotes>
- IFAD. Lessons learned on pastoralism and land rights. <http://www.ifad.org/knotes>
- IUCN. 2011. *Supporting Sustainable Pastoral Livelihoods: A Global Perspective on Minimum Standards and Good Practices*. Nairobi: IUCN.



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Ecuador - Upper Basin of the Canar River
Rural Development Project





International Fund for Agricultural Development
Via Paolo di Dono, 44 - 00142 Rome, Italy
Tel: +39 06 54591 - Fax: +39 06 5043463
E-mail: ifad@ifad.org


www.ifad.org


www.ruralpovertyportal.org

 ifad-un.blogspot.com

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 instagram.com/ifadnews

 www.twitter.com/ifadnews

 www.youtube.com/user/ifadTV

Contacts

Harold Liversage

Senior Technical Specialist, Land Tenure Technical
Policy and Technical Advisory Division
E-mail: h.liversage@ifad.org

Maria-Elena Mangiafico

Knowledge Management and Grants Officer
Policy and Technical Advisory Division
E-mail: m.mangiafico@ifad.org

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The toolkit has been prepared by Francesca Carpano, Land Tenure Consultant, under the supervision of Jean-Maurice Durand, former Land Tenure Technical Adviser, Policy and Technical Advisory division and originator.

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