

How to do

Land tenure in IFAD country strategies (RB-COSOP)

Land tenure toolkit



How To Do Notes are prepared by the IFAD **Policy and Technical Advisory Division** and provide practical suggestions and guidelines for country programme managers, project design teams and implementing partners to help them design and implement programmes and projects.

They present technical and practical aspects of specific approaches, methodologies, models and project components that have been tested and can be recommended for implementation and scaling up, including best practices and case studies that can be used as a model in their particular thematic areas.

How To Do Notes provide “tools” for project design and implementation based on best practices collected at the field level. They guide teams on how to implement specific recommendations of IFAD’s operational policies, standard project requirements and financing tools.

The **How To Do Notes** are “living” documents and will be updated periodically based on new experiences and your feedback.

Contacts

Harold Liversage

Senior Technical Specialist, Land Tenure
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

Acknowledgements

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.

October 2014

Table of contents

List of acronyms	ii
Land assessment methodology at the RB-COSOP stage	1
Phasing the assessment.....	1
Phase 1: Initial collection and analysis of background information	1
Phase 2: Fieldwork.....	2
Phase 3: Final analysis and presentation of the information for use	4
Terms of reference for land tenure assesment at the RB-COSOP stage: a template.....	6
Key land tenure information to be included in the RB-COSOP design document.....	9

List of acronyms

CPM	country programme manager
CSO	civil society organization
M&E	monitoring and evaluation
NGO	non-governmental organization
PBAS	performance-based allocation system
RB-COSOP	results-based country strategic opportunities programme
SWOT	strengths, weaknesses, opportunities and threats

Land assessment methodology at the RB-COSOP stage

Conducting a land assessment while developing an IFAD results-based country strategic opportunities programme (RB-COSOP) provides strategic indications on key land tenure issues that the country (or the area of interest of the RB-COSOP) is facing and how they could be strategically addressed to achieve the country's strategic objectives. It is essential that the analysis be done in line with IFAD's mandate, the RB-COSOP's requirements (see Box 1) and the key principles of the IFAD Land Policy (see Box 3).

The key issues identified can lead to a strategic objective in itself or can be a part of it. They can also be dealt with in the pipeline projects indicated in the RB-COSOP or be part of the policy dialogue aspect of the strategy. The recommendations proposed in the assessment (and, if needed or appropriate, included in the RB-COSOP) will highlight what IFAD could concretely and strategically do in the country in the time span of the RB-COSOP implementation.

The land assessment methodology provides indications on what key land-related elements, actors and documents need to be taken into consideration during the assessment. The extent of the assessment will depend on the importance and relevance of land-related issues in the country strategy and future projects.

Phasing the assessment

The land assessment can be divided into three phases.

Phase 1: Initial collection and analysis of background information

This first phase is carried out using the following steps:

- 1 Collect and review the relevant documentation related to the country and to past and ongoing IFAD engagement in it.
- 2 Interview (in person or remotely) resource people (country programme managers [CPMs], consultants who have worked in the country and/or on land tenure in the area, technical advisers, NGOs, government representatives, etc.) to have an overview of the land tenure issues in the country.

Box 1: The results-based country strategic opportunities programme (RB-COSOP)

The key features of a results-based country strategic opportunities programme can be outlined as follows:

- It provides a rationale for the nature of engagement in each country by demonstrating the programme's relevance to the country and to the development agency's goals, mandate and comparative advantage.
- Its programme of assistance aims to maximize selectivity, synergy, coherence, relevance and effectiveness, based on an analysis of the country context (poverty situation, policy context, other donor activities and lessons learned from previous projects).
- It shows how the country programme supports national policymaking through linkages to poverty reduction strategies (or their equivalent) and sectoral strategies. It also indicates areas of complementarity with the activities of other development agencies (thus increasing project selectivity and partnerships).
- It sets out a performance management framework that identifies expected results and corresponding indicators, together with a process for monitoring, reviewing and reporting over time.
- It is a knowledge and learning instrument that builds on experience acquired and lessons learned – using project and country programme monitoring and evaluation (M&E) processes.
- It sets out a strategy for managing risks.

It builds country ownership of the strategy through broad stakeholder consultation and through obtaining agreement/endorsement of the strategy with the government (for example through a final wrap-up meeting in the ministry of finance).

- 3 Based on the reviewed information and interviews, identify key stakeholders at the country level to meet during the second phase of the assessment, i.e. the fieldwork.

Relevant documentation refers to:

The country: general economic situation; national legislation on land and, if applicable, on natural resources (see Box 2); and any key report on the land tenure situation in the country produced by IFAD and other donors and organizations. Attention should also be given to assessments and initiatives that have been carried out by other institutions, e.g. the World Bank Land Governance Assessment Framework.

Box 2: Legal framework

Laws

- | | | |
|--------------------------------|-----------------------------------|---|
| ▪ Constitution | ▪ Mortgage laws | ▪ Pastureland laws |
| ▪ Civil code and rural code | ▪ Registration and titling laws | ▪ Environmental laws |
| ▪ Land laws and regulations | ▪ Expropriation laws | ▪ Land-use regulations |
| ▪ Land policy | ▪ Forest laws | ▪ Other natural resource laws and regulations |
| ▪ Inheritance laws | ▪ Land taxation laws | |
| ▪ Marital property laws | ▪ Land surveying and mapping laws | |
| ▪ Land transfer and lease laws | ▪ Protected area laws | |

Legal pluralism

- Religious laws
- Customary laws

IFAD country activities:

- past RB-COSOPs (<http://www.ifad.org/operations/policy/cosop.htm#list>)
- completed past and ongoing loans and grants documentation of projects that dealt/deal with land tenure issues (<http://www.ifad.org/operations/projects/regions/country.htm>) such as design reports, mid-term review documents, end of the project reports, supervision reports, PBAS) scores and project M&E data;
- country and project evaluation reports (http://www.ifad.org/evaluation/public_html/eksyst/doc/index.htm)
- case studies, factsheets, etc.

Other resources for those who are not familiar with IFAD's operations:

- RB-COSOP guidelines (<http://www.ifad.org/operations/policy/cosop/guidelines/index.htm>)
- IFAD land policy (<http://www.ifad.org/pub/policy/land/e.pdf>)
- IFAD's Strategic Framework 2011-2015 (<http://www.ifad.org/sf/>)

Indicative duration: This phase could take from 3 to 5 days, depending on the extent and depth of the assessment and the availability of secondary data and information.

Phase 2: Fieldwork

- 1 During this phase, meet with key stakeholders and informants to collect information on the key aspects of the land tenure assessment. Visit relevant IFAD projects and meet with project staff, as well as project beneficiaries, to assess what IFAD has been doing in the area and how the beneficiaries have been affected. Carry out individual interviews and group meetings, as appropriate. The information collected should be constantly reviewed and validated during the field visits. If the RB-COSOP includes, or is likely to include, a *geographic focus* on one or more region(s)/district(s)/province(s), fieldwork should be carried out and the aspects listed below addressed in this specific context (especially with respect to customary institutions).

- 2 Assess land tenure aspects (as shown below) and meet with key informants.

On access and tenure

- Forms of land and resource holding: private ownership, collective ownership, common ownership, customary and informal tenure, concession, leasehold, sharecropping, use right, squatting, marital property.
- Pattern of land and resource holding: landlessness, ownership and access by women (within a household and as head), ownership and access by marginalized groups (e.g. indigenous peoples, young people), ownership and access by commercial interests, ownership and access by foreign interests.
- Means of acquiring land and resources: purchase, inheritance, distribution programmes, regularization, restitution, privatization, leasehold, sharecropping, individualization, customary access rights.
- Changes in landholding patterns: land and agrarian reform, farm restructuring, individualization, involuntary resettlement, land allocation, land redistribution, market-assisted land reform, privatization, urbanization.
- Intra-household changes: marriage, divorce, birth, polygamy, death.
- Rights, access and management of natural resources: water, forests, pastureland, wetlands, subsoil resources, reserves, state lands.

Box 3: IFAD's land policy objectives and guiding principles

- Alignment with national priorities and support to poverty reduction strategies
- Adherence to the “do-no-harm” principle at all times
- Appreciation of the diversity and dynamic nature of existing agrarian structures and tenure systems
- Centrality of the empowerment of poor rural people and the organizations that represent them
- Forging of complementary partnerships with like-minded actors
- Focus on the gender dimension of land rights
- Adherence 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

On institutions dealing with land

- Institutions: land and resource-related ministries or departments, decentralized and local land and resource-related bodies, customary tenure and resource allocation bodies.
- Dispute resolution: judiciary, land and resource dispute bodies, customary dispute resolution bodies.
- Land administration: formal and informal recognition of land rights, registration and titling system, cadaster.
- Civil society: NGOs working on land or resource issues, farmers' organizations, water users' associations.
- Private sector: private-sector professional associations of lawyers, surveyors, valuers, real estate agents, bankers, moneylenders.

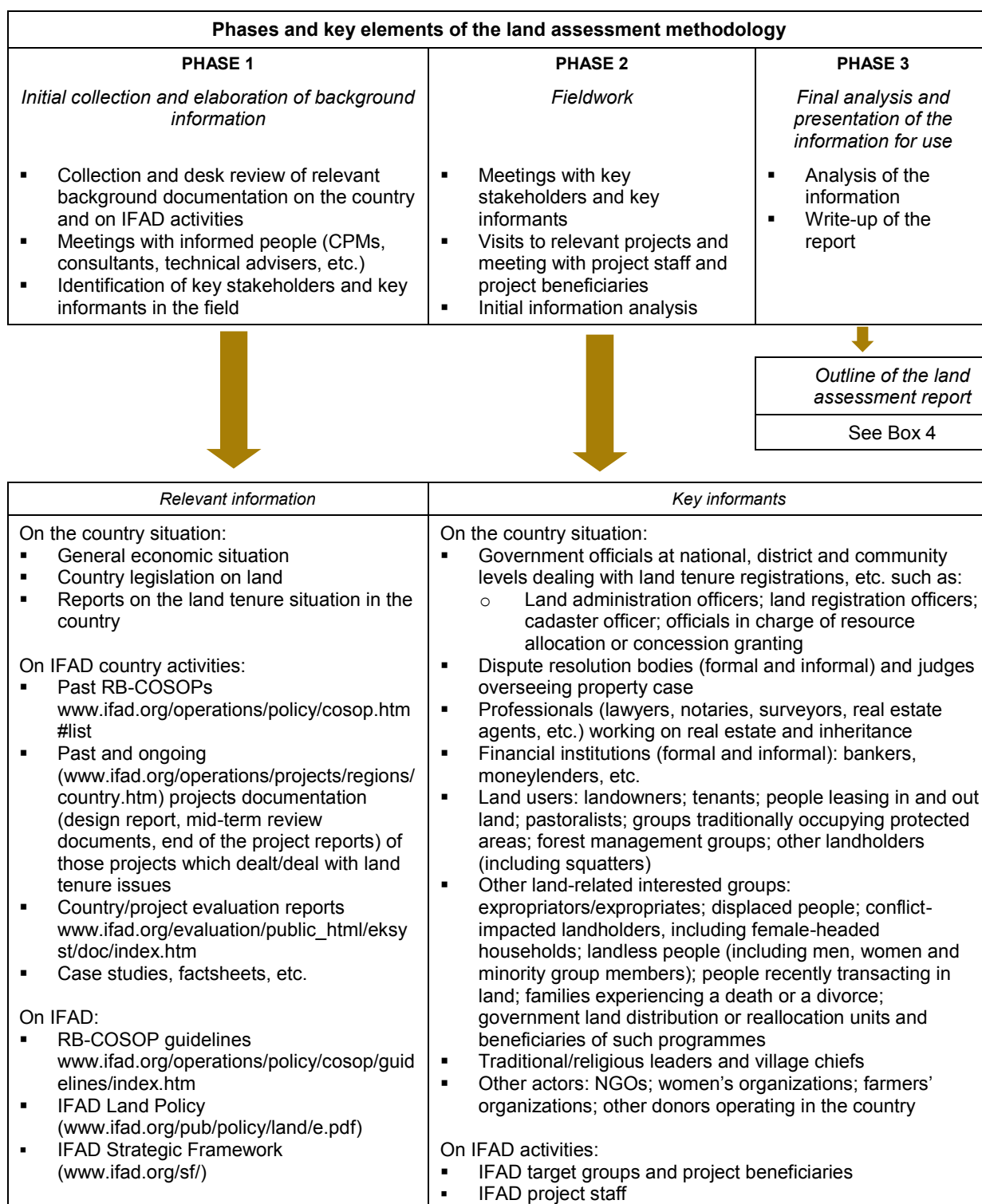
Indicative duration: This phase could take from 10 to 15 days, depending on the extent and depth of the assessment.

Phase 3: Final analysis and presentation of the information for use

Analyse and present the collected information in the most appropriate format, as requested by the CPM. The analysis of the information should fully respect IFAD’s mandate. A possible outline of the land assessment report is given in Box 4.

Indicative duration: This phase could take from 3 to 5 days, depending on the extent and depth of the assessment report.

The figure below summarizes the land assessment process at the RB-COSOP stage.



Box 4: Outline of the land assessment report (working paper type)

1. Introduction
2. The land tenure issues
 - a. Land policies
 - i. National land policies
 - ii. Agricultural policies and agrarian reforms
 - b. Legal framework
 - i. Statutory law
 1. Laws
 2. Institutions
 - ii. Customary norms and socio-economic structures
 1. Traditional ways to access land
 - c. Land tenure situation
 - i. Description of the land tenure structure and identification of rights (including historical overview of land distribution and information on land market)
 - ii. Leases and sharecropping – secondary rights
 - iii. Land tenure insecurity
 1. Gender issues
 2. Youth and heirs issues
 3. Indigenous peoples
 4. Non-residents, internally displaced people, returnees, etc.
 - iv. Conflicts and conflict resolution mechanisms
 - v. Interactions between land and other natural resources
 1. Water (irrigated land, water ponds, fisheries)
 2. Forests
 3. Fodder
 4. Protected and environmentally valuable areas
 - vi. Other relevant trends
3. IFAD land-related experiences in the country
 - a. Previous RB-COSOP(s)
 - b. IFAD-supported projects
4. Land-related Interventions by other actors
 - a. Projects
 - b. Other interventions
5. Lessons learned from past experiences (by IFAD and other actors)
6. Possible synergies with other national and international actors in the country
 - a. International actors (other donors, United Nations agencies, international NGOs, etc.)
 - b. National actors (national NGOs, farmers' organizations, water users' associations, etc.)
7. Implications and recommendations
 - a. For the country strategy (options and strategies for evidence-based policy dialogue should be discussed)
 - b. For the ongoing projects
 - c. For the pipeline projects
 - d. Opportunities for innovation and scaling up
 - e. Risks and mitigation measures
 - f. Possible indicators

Annex 1. List of resource people and institutions

Annex 2. Bibliography

Terms of reference for land tenure assesment at the RB-COSOP stage: a template

What is its purpose? The CPM can use this terms of reference (TORs) template when recruiting consultants to carry out a land assessment. The template should be adapted to the specific needs of the CPM and, therefore, its scope can be wider or narrower depending on the nature and extent of land issues in the country and areas of IFAD intervention, and their relevance within the country strategy under design. The template can, therefore, be used to design TORs for a complete working paper, as well as for a less detailed analysis that will nonetheless contribute to specific sections and paragraphs of the final RB-COSOP document.

At what stage should it be used? At the strategy stage during RB-COSOP design.

What is its content? The template includes aspects that should be analysed on the basis of the current land tenure situation in a given country, as well as what has been done already by IFAD and possibly by other donors, governments, civil society organizations (CSOs), so as to build on past experiences/lessons learned and implications for the focus of a new COSOP. The template is not exhaustive and will need to be adapted to the specific country situation. Therefore, new parts/issues can be added or deleted, as appropriate.

Terms of reference RB-COSOP design consultancy [Add name of the country]

1. Context and brief presentation of IFAD in the country

1.1. IFAD ongoing interventions in the country

Brief description of IFAD ongoing interventions in the country, including:

Brief description of the ongoing projects

Current areas of interventions

Target population

Land issues in completed and ongoing IFAD operations in the country.

1.2. Specific land issues

Brief description of the land issues in the country and/or the targeted areas within the country that will be investigated through the consultancy.

2. Purpose, description and methodology of the assignment

Brief introduction on what is required from the consultancy and a description of what the final product should contain.

Aspects that the consultant needs to investigate are as follows:

- A. Analysis of the current situation: general assessment of the land tenure situation and dynamics in the country and/or the specific areas within the country, including reference to the historical elements leading to the current situation and which affect IFAD target groups' access to land and their land tenure security. Specifically, information should be provided on:

The policy and legal frameworks, including social and customary and religious norms affecting land tenure.

Institutional frameworks: role of land-related central and local governmental and non-governmental (including customary and religious) institutions for the provision of benefits, services and opportunities in the area of IFAD intervention.

The land tenure situation, with special emphasis on the more vulnerable, e.g. women, indigenous peoples, young people (highlighting their land access status and [lack of] opportunities). The consultant will focus, in particular, on the land tenure structure, issues of secondary rights, the rights of sharecroppers, and land conflicts, their origins and the resolution mechanisms.

Existence of other relevant trends (e.g. large-scale acquisition, markets) and existence of secondary data to inform both RB-COSOP design and implementation (e.g. cadastral maps, participatory community maps).

If the project includes irrigation and construction of infrastructure, focus on access to land and water, assess the new situation created by the increased value of land and evaluate the risks related to involuntary displacement and resettlement.

B. Analysis of past experiences and lessons learned by IFAD and other actors (other donors, CSOs, NGOs, etc.):

IFAD-completed interventions linked to land tenure security

Other actors' interventions

Lessons learned.

C. Assessment of potential synergies with other land-related initiatives promoted at the national, regional and local levels to be taken into account by the IFAD country strategy. If relevant, identification of in-country partners and resource persons who could accompany RB-COSOP implementation on land-related issues (NGOs, think tanks, individual consultants, etc.).

D. Implications and recommendations for:

The country strategy

The ongoing projects

The pipeline projects

Opportunities for innovation and scaling up

Possible indicators to be included in the Results Measurement Framework

If land tenure insecurity is a major issue for IFAD target groups, or if IFAD activities are likely to affect their security of tenure, describe strategies that IFAD could pursue in the framework of its country programme to address this situation, in compliance with the principles of the land policy (such as the "do-no-harm" and the free, prior and informed consent principles) and of the Voluntary Guidelines.

Methodology: In order to investigate the above-mentioned aspects, the consultant will carry out a desk review and analysis of the key documents, followed by field visits to meet with key stakeholders and informants at the country level to collect information first-hand and validate the findings of the desk review. The consultant will then analyse the information and produce the outputs as indicated in the following paragraph.

3. Outputs

The possible outputs expected are:

Working paper (or annex of the RB-COSOP; the main text will include some paragraphs reflecting the main findings)

Tables

Annexes.

All relevant documentation collected during the consultancy work should be submitted to the CPM at the end of the contract.

4. Duration and timing

The consultant will deliver *[add output]* of a maximum of *[add number]* pages (excluding/including maps and annexes) in *[add the language]*. The paper has to be enriched with data, evidence and interviews.

5. Consultant's profile and skills

Technical competencies, e.g. expert in land tenure in *[add the area or country]*, including practical and legal knowledge (in some cases, particular skills/knowledge will be requested).

Language competencies: English, Spanish, Arabic and/or French, according to the country.

Writing skills, e.g. good writing capabilities.

6. Management and supervision

Indication of who will monitor the consultant and, if needed, who will review the first draft of the document.

7. Duration, timing and cost

The consultant will be hired for *[add number]* working days within a period from *[add dates]*.

The first draft of the *[add output]* will be delivered by *[add date]*.

The daily fee will be US\$ *[add amount]* for a total of US\$ *[add amount]*.

Key land tenure information to be included in the RB-COSOP design document

What is its purpose? This information list can be used as a reference for CPMs and/or consultants while writing the RB-COSOP document in order to be sure that all the relevant land-related information is contained in the document.

At what stage should it be used? At the strategy level during the writing of the RB-COSOP document and during the annual RB-COSOP review exercises.

What is its content? It indicates what type of land-related information (if relevant) should be included in the various chapters of the RB-COSOP document. The exhaustiveness of the information included will depend on the weight and on the relevance of the land tenure issues in the strategy (e.g. if land tenure-related activities constitute a strategic objective in themselves, if they constitute part of it and/or if they are part of the policy dialogue activities of the RB-COSOP).

Information list

Table of contents of the RB-COSOP document	Land-related information to be included in the document
I. INTRODUCTION	Mention the land assessment study carried out (as part of the preparatory studies).
II. COUNTRY CONTEXT	
A. Economic, agricultural and rural poverty situation	
(i) Country economic background	
(ii) Agriculture and rural poverty	<p>This section should include the following information:</p> <ul style="list-style-type: none"> • Land issues as a cause of rural poverty (and vice versa) and constraints and opportunities for poverty reduction • Specific information on smallholders (provide national definition of 'smallholder' if available), with a special emphasis on vulnerable groups, e.g. women, young people, indigenous peoples • Key structural and emerging land-related issues (e.g. fragmentation, large-scale acquisitions, environmental degradation) • Perspective and priorities related to land by the rural poor. <p>This information should be reflected in:</p> <ul style="list-style-type: none"> • Key file 1: Rural poverty and agricultural/rural sector issues • Appendix VI: Poverty analysis • Appendix VII: Agriculture and rural development.
B. Policy, strategy and institutional context	
(i) National institutional context	<p>This section should include the following information:</p> <ul style="list-style-type: none"> • Intended partner institutions (government and CSOs) for RB-COSOP implementation on land issues • Existing and intended platforms of policy dialogue addressing land issues. <p>This information should be reflected in:</p> <ul style="list-style-type: none"> • Key file 2: Organizations matrix (SWOT analysis).
(ii) National rural poverty reduction strategy	<p>This section should include the following information:</p> <ul style="list-style-type: none"> • Country national policy on land, legal framework and main customary norms and on other natural resource strategies (if relevant) • Contribution of RB-COSOP to the above. <p>This information should be reflected in:</p>

Table of contents of the RB-COSOP document	Land-related information to be included in the document
(iii) Harmonization and alignment	<ul style="list-style-type: none"> Appendix VIII: Matrix showing the strengths and the weaknesses of the national poverty reduction strategy. <p>This section should include the following information:</p> <ul style="list-style-type: none"> Any IFAD partnership relevant to land issues, e.g. dissemination and implementation of the Voluntary Guidelines; grant activities with CSOs, universities, etc.; joint land studies (e.g. on women, on public/private partnerships). <p>This information should be reflected in:</p> <ul style="list-style-type: none"> Key file 3: Complementary donor Initiative/partnership potential.
III. LESSONS FROM IFAD'S EXPERIENCE IN THE COUNTRY	
A. Past results, impact and performance	<p>This section should include the following information:</p> <ul style="list-style-type: none"> Evaluation of the achievements from IFAD activities related to land, in relation to loans, grants, policy dialogue, partnerships and knowledge management. <p>This information should be reflected in:</p> <ul style="list-style-type: none"> Appendix IV: Previous COSOP Results Management Framework.
B. Lessons learned	<p>This section should include the following information:</p> <ul style="list-style-type: none"> Lessons learned from IFAD land activities during the previous COSOP period, related to loans, grants, policy dialogue, partnership and knowledge management.
IV. IFAD COUNTRY STRATEGIC FRAMEWORK	
A. IFAD comparative advantage at the country level	<p>This section should include the following information:</p> <ul style="list-style-type: none"> Land as a key thematic field where IFAD has demonstrated its value in the country and where the government would like IFAD to focus Which strong partnership IFAD has in place with a specific institution or a combination of institutions Activities, regions, target groups or subsectors related to land where no other donors are active.
B. Strategic objectives	<p>This section should include the following information:</p> <ul style="list-style-type: none"> The strategic objective(s) (or part) related to land tenure. <p>This information should be reflected in:</p> <ul style="list-style-type: none"> Appendix II on how to complete a Results Management Framework Appendix III on indicators for a Results Management Framework.
C. Opportunities for innovation and scaling up	<p>This section should include the following information:</p> <ul style="list-style-type: none"> Any potential innovation ideas and areas for the strategic objective(s) related to land The intended innovation approach, e.g. scoping, testing, validation, communication of results, replication Any possible link with existing or planned grant activities which foster and facilitate the scaling up of land-related activities.
D. Targeting strategy	<p>This section should include the following information:</p> <ul style="list-style-type: none"> Any targeted group or subgroup that will specifically deal with land issues. <p>This information should be reflected in:</p> <ul style="list-style-type: none"> Key file 4: Target group identification, priority issues and potential responses.
E. Policy linkages	<p>This section should include the following information:</p> <ul style="list-style-type: none"> Any policy dimension related to land linked (or not) to the strategic objective(s) Any IFAD proposed role in assisting the government with land policy (re)formulation.
V. PROGRAMME MANAGEMENT	
A. RB-COSOP monitoring	<p>This section should include the following information:</p> <ul style="list-style-type: none"> Any information related to the monitoring of land activities in the country programme (monitoring system, indicators, etc.).

Table of contents of the RB-COSOP document	Land-related information to be included in the document
B. COSOP management	Indicate land-related expertise, if any, to be included in the country programme management team.
C. Partnership	<p>This section should include the following information:</p> <ul style="list-style-type: none"> • Any partnership (with government agencies, donors, NGOs, farmers' organizations, indigenous peoples' representatives, community-based organizations and the private sector) that is intended to be established for the delivery of the strategic objective(s) related to land • Information on the purposes of these partnerships, i.e. for project implementation, policy dialogue, innovation or knowledge management • Information on how these partnerships will be implemented, e.g. preparation of partnership-tracking matrixes, regular strategic bilateral meetings, video conferencing. <p>This information should be reflected in:</p> <ul style="list-style-type: none"> • Key file 3: Complementary donor initiative/partnership potential.
D. Knowledge management and communication	<p>This section should include the following information:</p> <ul style="list-style-type: none"> • Any knowledge management activity specifically linked to land tenure (including the communication strategy that will be put in place) • Land-related knowledge gaps to be followed up on, potential "action research" topics.
E. PBAS financing framework	<p>This section should include the following information:</p> <ul style="list-style-type: none"> • PBAS score for "access to land" and explanation thereof.
F. Risks and risk management	<p>This section should include the following information:</p> <ul style="list-style-type: none"> • Any risk (in terms of policy, institutional, natural, technical, political or financial/economic) that is related to the strategic objective(s) on land or that may affect the strategic objective(s) (not related to land) • Any action that will be taken to mitigate these risks.




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

 www.facebook.com/ifad

 instagram.com/ifadnews

 www.twitter.com/ifadnews

 www.youtube.com/user/ifadTV