



Improving access to land and tenure security

Policy

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Abbreviations and acronyms

AUC	African Union Commission
COSOP	country strategic opportunities programme
FAO	Food and Agriculture Organization of the United Nations
ICARRD	International Conference for Agrarian Reform and Rural Development
ILC	International Land Coalition
M&E	monitoring and evaluation
PBAS	performance-based allocation system

Introduction

1

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.

According to the IFAD Strategic Framework 2007-2010,¹ the Fund's first strategic objective is to help "ensure that, at the national level, poor rural men and women have better and sustainable access to ... natural resources (land and water), which they are then able to manage efficiently and sustainably."

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, the impact of 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.

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

In this policy, land refers to farmland, wetlands, pastures and forests. Land tenure refers to rules and norms and institutions that govern how, when and where people access land or are excluded from such access.²

Land tenure security refers to enforceable claims on land, with the level of enforcement ranging from national laws to local village rules, which again are supported by national regulatory frameworks. It refers to people's recognized ability to control and manage land – using it and disposing of its products as well as engaging in such transactions as the transferring or leasing of land.

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.

1 See annex I. This is also in line with Article 17 of the Universal Declaration of Human Rights: "Everyone has the right to own property alone as well as in association with others."

2 IFAD. Guidelines for the Incorporation of Land Tenure Issues into IFAD-Supported Operations in Eastern and Southern Africa. Rome, March 2004.

The IFAD Policy on Improving Access to Land and Tenure Security has been formulated to:

(a) provide a conceptual framework for the relationship between land issues and rural

Conceptual framework and changing context

Land and rural people's livelihoods

Economic growth tends to be higher and more broadly shared when people have equitable and secure access to land. A 2005 World Bank analysis of land policies in 73 countries between 1960 and 2000 shows that countries with more equitable initial land distribution achieved growth rates two to three times higher than those where land distribution was less equitable.³ Similarly, Keith Griffin and his colleagues argue that "Successful land reforms contributed to rapid economic growth. The direction of causality runs both ways. There is evidence that a more equal distribution of land leads subsequently to faster growth, and rapid growth increases the likelihood that a redistributive land reform will help reduce rural and even urban poverty."⁴ Land reform in China, in the late 1970s and early 1980s, has contributed to the largest and fastest rate of rural poverty reduction in modern times.⁵

Land is an economic resource and an important factor in the formation of individual and collective identity, and in the day-to-day organization of social, cultural and religious life. It is also an enormous political resource that defines power relations between and among individuals, families and communities under established systems of governance.⁶

In rural societies, the landless or near landless and those with insecure tenure rights typically constitute the poorest and most marginalized and vulnerable groups. The rights of these groups tend to be secondary, rarely extending beyond use rights; moreover, these rights are often unprotected and weak, especially for women. In India, Nepal and Thailand, for example, fewer than 10 per cent of women farmers own land in their own

right, while in Kenya, where women provide 70 per cent of agricultural labour, only 1 per cent of them own land.⁷ Women's rights are often secondary, derivative and temporary, obtained through marriage, children, or other relationships with men and thus precarious when the male link is severed.⁸

Rural livelihoods are dependent on diverse income sources. Not owning agricultural land does not automatically represent a situation of disadvantage for rural households. However, for the extremely poor and food-insecure rural households – which constitute IFAD's target group – crops, livestock, natural products and forest resources under common property regimes continue to make a decisive contribution to their incomes and diverse livelihood strategies. For them, land access and tenure security are among the main factors influencing their options and prospects – representing a stable basis of food security and income in a context of limited, seasonal and relatively unremunerative rural labour markets.

Land issues affect the everyday choices and prospects of poor rural women and men. Land access and tenure security influence decisions on the nature of crops grown – whether for subsistence or commercial purposes. They influence the extent to which farmers are prepared to invest in improvements in production, sustainable management, and adoption of new technologies and promising innovations. Success of future endeavours to promote new agricultural technologies for climate change mitigation and/or adaptation will be predicated by the security of tenure. Land also acts as collateral and thereby influences people's access to financial services and their capacity to take advantage of markets.

2

3 Deininger, K. (2003). Land Policies for Growth and Poverty Reduction. World Bank Policy Research Report, World Bank.

4 Griffin, K., Khan, A.R. and Ickowitz, A. (2002). "Poverty and the Distribution of Land", *Journal of Agrarian Change*, 2(3): 279-330, p. 315.

5 World Bank. World Development Report, box A2, p 46.

6 Professor Okoth-Ogendo. Keynote Address. Workshop on Land Tenure Security for Poverty Reduction in Eastern and Southern Africa. Organized by IFAD/ United Nations Office for Project Services/Ministry of Lands, Housing and Urban Development, Government of Uganda. Kampala, 27-29 June 2006.

7 These percentages do not include women's secondary use rights or access to common resources, however weak those might be.

8 HIV/AIDS is exacerbating this, especially in Africa.

Land tenure systems have a major impact also on the outcomes of development projects. If insufficient account is taken of land access and tenure issues, the systems themselves can become part of the problem – and threaten poor people's access to land and tenure security. For example, new technologies or irrigation create economic opportunities that increase the value of land and may attract more powerful interests. Construction of roads to facilitate market linkages may invite the influx of new, often better-resourced settlers, thus contributing to competition for resources and to social conflicts. Avoiding these unintended consequences requires that all existing rights, including secondary rights, group rights and multiple-user arrangements, are adequately considered and protected.

Land tenure systems⁹

Land tenure systems are diverse and complex. They can be formal or informal; statutory or customary; legally recognized or not legally recognized; permanent or temporary; of private ownership or of common property; primary or secondary. Tenure systems in many developing countries have been influenced by former colonial land policies that overlaid established patterns of land distribution. Thus, many national and local systems are made up of a multiplicity of overlapping (and, at times, contradictory) rules, laws, customs, traditions, perceptions and regulations that govern how people's rights to use, control and transfer land are exercised.

There is no single 'land' issue, and the forces that bear upon access to, and control over, land among poor rural women and men vary from region to region, from country to country, within single countries and from one community to the next. The answer to one group's land issue may mark the beginning of difficulties for another.

Governments and institutions have promoted land tenure reforms to formalize rights and land title registration, but these have not always produced the expected positive impacts, particularly for the poor.¹⁰ Indeed, promotion of exclusive, alienable and legally registered individual land rights is not always the best solution for poor rural people, many of whom depend on more flexible, diversified, decentralized and common property systems over which they can often exert greater influence and that are more conducive to optimum uses of land.

Land tenure security is necessary, but it is not sufficient for sustainable rural poverty reduction and improved livelihoods. Measures to strengthen land tenure security must be complemented by pro-poor policies, services and investments that reduce vulnerability and enable people to make the best use of their access to land. Furthermore, enabling policies are needed beyond the national level to address issues such as migration, pastoralism and conflicts that cut across national boundaries and even regions, and require multicountry or regional approaches.

Current trends and emerging challenges

According to the World Development Report 2008, "the size of the rural population is expected to continue to grow until 2020 ... South Asia will begin such a decline only after 2025, and Africa after 2030 at the earliest."¹¹ Growing rural populations result in expansion of cultivated areas, encroachment into forests, wetlands and the few remaining natural habitats, but also in increasing landlessness and smaller farm sizes. In India, for example, average landholding size fell from 2.6 hectares in 1960 to 1.4 hectares in 2000 and it is still declining. In Bangladesh, the Philippines and Thailand, over roughly 20 years, average farm sizes have declined and landlessness increased.¹² In Cambodia, rural landlessness went from 13 per cent in 1997 to 20 per cent in 2004, and analysts

9 In relation to the section on land tenure systems, please see annex II, which provides more detailed definitions and concepts.

10 IFAD (2001). Rural Poverty Report, Rome.

11 World Bank. Agriculture for Development. World Development Report 2008. Washington, D.C. October 2007, p. 29.

12 Ibid., pp. 118-119.

believe that the current figure is close to 30 per cent.¹³ Similarly, in Eastern and Southern Africa, cultivated land per capita has halved over the last generation and, in a number of countries, the average cultivated area today amounts to less than 0.3 hectares per capita.¹⁴

In many developing countries, climate change is increasing the incidence of drought, crop failure and livestock deaths, and is accelerating water scarcity, deforestation and serious land degradation.¹⁵ Various sources suggest that, globally, 5-10 million hectares of agricultural land are being lost annually to severe degradation.¹⁶ Poor rural people are the most vulnerable to these impacts, the reversal of which is conditioned by investments in sustainable management and restoration practices – investments and practices which, as a minimum, require security of tenure.

Rising oil and food prices, increasing demand for food and energy, and subsidies are bringing about increased competition for land and encroachments onto marginal and forest areas, indigenous peoples' territories and common property resources. These trends are leading to what the Rights and Resources Initiative, a coalition of international, regional and community organizations engaged in conservation, research and development, has labelled as potentially "the last global land grab".¹⁷

A number of governments are seeking land to buy or lease in developing countries in order to secure their supplies of food, feed and agrofuel production. Public and private corporations and industrial groups are buying millions of hectares of land in Africa, Asia and Latin America to produce food or agrofuels. Investment banks and hedge funds are also buying vast tracts of agricultural land around the world. The speed at which demands for the commercial utilization of land is increasing, is eroding the ability of poor land users to continue accessing it. Poor people with insecure tenure are the most vulnerable

to being dispossessed and forced off their land. Even when the lands taken over are classified as "idle" or "marginal", they may provide a vital basis for the livelihoods of the poor, especially women, including through crop farming, herding, and collection of fuelwood and medicines. In many countries, large areas of forests are being converted into commercial plantations, threatening both the ecosystems and the livelihoods of poor women and men dependent on their products and use for grazing.^{18,19}

For low-income, food-deficit countries, the current challenges are of a very high order, given the fact that, in the face of increased demand for food, increased prices of food on international markets and reduced capacity to import, their domestic food needs have to be met by domestic food production²⁰ – production that in most developing countries in Africa and Asia is carried out by smallholder farmers who are those most threatened by forces pushing for land concentration and consolidation.

Land in the evolving development agenda

Land issues have been recently receiving increased attention by development researchers and practitioners alike. Several factors have contributed to this trend. In parts of Latin America, Southern and Eastern Africa, and Asia the extremely skewed land distribution continues to hamper broad-based growth and has led to civil unrest, natural resources degradation and even violent conflicts. Many parts of sub-Saharan Africa and Asia are characterized by a persisting dualism between statutory and customary rights, which often lies at the heart of land tenure insecurity, environmental degradation and conflicts. Former socialist countries in Eastern Europe and Central Asia have faced huge challenges in the decollectivization and privatization of land, and in creating new legal and institutional frameworks for effective land administration.

13 Shalmali, G. (2006). "Land and Natural Resource Alienation in Cambodia". Focus on the Global South.

14 Jayne, T., Michigan State University.

15 A study recently completed by the Carnegie Institution for Science, Department of Global Ecology (<http://globalecology.stanford.edu/DGE/CIWDGE/CIWDGE.HTML>) shows that crop yields decreased by between 3-5 per cent for every 1 degree increase in Fahrenheit (0.56 Celsius).

16 Ibid., p 87.

17 www.rightsandresources.org.

18 For trends, data and concrete case studies see: (a) International Institute for Environment and Development (IIED) and FAO (2008). "Fuelling exclusion? The biofuels boom and poor people's access to land"; (b) IIED/FAO (2008). "Climate Change, Bioenergy and Land Tenure"; (c) African Biodiversity Network (ABN). "Agrofuels in Africa; The Impacts on Land, Food and Forests" (http://www.biofuelwatch.org.uk/docs/ABN_Agro.pdf); (d) GRAIN (2007). Seedling: agrofuels special issue, GRAIN, Barcelona, Spain; (e) Menon, S. and Merriman, J. "Banks, funds swoop on farmland as commodities boom". London (Reuters), March 13, 2008; and (f) Henriques, D. "Boom in food prices raises appeal of farmland as an investment". International Herald Tribune, 5 June 2008.

19 FAO (2008). "Gender and Equity Issues in Liquid Biofuels Production – Minimizing the Risks to Maximize the Opportunities".

20 World Bank, World Development Report 2008, p. 45.

Increased interest in land tenure and management has also been fuelled by contemporary development research, which, as noted, shows that countries with a more equal distribution of assets experience faster, more sustained and inclusive economic growth than those with a highly unequal asset distribution. Micro level research on the causes and dynamics of rural poverty confirms a close correlation between secure access to land and poverty levels in many rural areas around the globe. There is also evidence that even small incremental gains in secure access to land can have a significant impact in enhancing food security and increasing the resilience of poor rural people to external shocks. Tenure security is not only important to agricultural production: it also provides poor people with the means to equitably negotiate the diversification of their livelihoods and build up their capacity to undertake viable, alternative off-farm activities by using their land as collateral, renting it out or realizing its true value through sale.

Renewed interest in land is also driven by the current recognition of a number of additional issues that cut across land access and tenure security, but have not been addressed sufficiently by past land policies and reforms. These include, among others, women's and young people's rights and the territorial rights of ethnic minorities and indigenous peoples.

At the global level, recognition of the importance of land tenure issues for long-term growth, poverty reduction, peace and civic empowerment has been echoed in recent World Development Reports (2003, 2005 and 2008) and the Human Development Report (2005). Many international development agencies²¹ and NGOs have recently published policy papers and guidelines on land access, tenure security and land reform. Policy development on land issues is also reflected in a growing number of land-related operations. At the World Bank, for example, land tenure-related investments have been the largest growing part of the rural portfolio.²²

In addition, a United Nations-endorsed High Level Commission on Legal Empowerment of the Poor was established with the primary mandate of exploring how "nations can reduce poverty through reforms that expand access to legal protection and economic opportunities for all." Strengthening land tenure security for the poor and enhancing their property rights is a central element of that mandate.²³ With support from IFAD and other partners, FAO organized an International Conference on Agrarian Reform and Rural Development (ICARRD) hosted by the Government of Brazil at Porto Alegre in March 2006. The ICARRD Declaration calls for concerted action to address land issues as they impinge on the prospects of smallholder and family agriculture and food security.

21 For normative statements of other institutions, see annex III.

22 Desk review.

23 Commission on Legal Empowerment of the Poor (2008). *"Making the Law Work for Everyone"*, Volume II, p. iii. (www.undp.org/legalempowerment).

In Bolivia, IFAD supported the self-development of indigenous peoples in Beni to benefit from land reform. The project collaborated with indigenous organizations at the local and regional levels and facilitated legal recognition of indigenous communities, a prerequisite for obtaining collective titles to ancestral land. The implementation of key activities in the land titling process, such as identification and demarcation of land and negotiation with current occupants of that land, was carried out jointly and co-managed by the Agrarian Reform Institute and indigenous brigades. The project benefited 157 indigenous communities, including 7,291 women and 8,374 men. About 1 million hectares of indigenous peoples' land were rehabilitated. Land titling and organizational strengthening of Beni indigenous communities were assessed by the Office of Evaluation as being among the most sustainable achievements of IFAD-supported activities in Bolivia.

At the regional level, the African Union Commission (AUC), United Nations Economic Commission for Africa and African Development Bank under the leadership of AUC are developing a Pan-African land policy and land reform framework to assist African national governments to address the land issues that underpin the objectives of growth and poverty reduction.

At the national level several countries, including Burkina Faso, Kenya, Madagascar, Mali, Rwanda and Uganda are in the process of land policy, legislative and institutional reforms. Beyond Africa, countries in Eastern Europe and Central Asia, as well as Brazil, Indonesia, Nepal and the Philippines are adopting new land policies. To be successful, policy dialogue will be required to ensure a pro-poor focus and direction; capacity-building of all relevant national actors; and substantive and sustained investments to ensure that they are consistently implemented and understood. Where requested to do so, development agencies must be ready to contribute in all these areas, and a number of donors have, indeed, been developing policies to guide them in their engagement with land issues and development.²⁴

IFAD's engagement with land issues and lessons learned²⁵

IFAD has addressed land issues mainly through its projects and programmes, and principally through its investments in irrigation, water and soil conservation, forestry and agroforestry, and natural resources management. In addition, the Fund was one of the founding members of the International Land Coalition (ILC)²⁶ established in 1996, and has been housing its secretariat ever since.

In order to learn from its operational experiences and increase its capacity to work more efficiently around land issues, in 2005, IFAD undertook a stocktaking exercise

of the 300 projects approved and supported by the Fund between 1993 and 2004. The exercise identified 85 projects that addressed access to land in one or more of their components, 35 of which were then analysed in depth. The key areas of land-related interventions in these components included: support to pro-poor land policy formulation and implementation; promotion of access to land through individual titling or land redistribution, either through state-led or market-assisted approaches; enhancing access to common property resources and multiple-user arrangements; strengthening security of land tenure; land conflict resolution; strengthening the links between land-tenure security and land use, and sustainable management of resources; securing ancestral and customary land rights through collective and individual titling; enhancing women's access and tenure security; strengthening decentralized systems of land administration; developing post-agrarian reform services; and access to rangelands by pastoralists.

The lessons learned over the years can be placed within two broad categories: land policy formulation and implementation processes; and the design and implementation of rural poverty reduction programmes and projects.

Lessons from engagements with land policy formulation and/or implementation

Securing the right land rights for the right people. It is necessary to specify what kinds of rights (full private ownership or use rights) and whose rights (individual, family, village, ethnic group, state, etc.) need to be secured. Promoting private ownership by setting up cadastres and distributing formal individual legal titles is not always the best solution, as it is expensive and may benefit elite groups that can influence formalization processes. Securing land-use rights through improved tenancy arrangements may better meet the interests of small and

24 Among them, the European Commission, Sweden and the United Kingdom of Great Britain and Northern Ireland.

25 For more details on lessons learned and specific examples of IFAD operations, see annex IV.

26 See annex V.

landless farmers, and poor rural producers. Formal titles remain an option when no harm is done to existing land access and tenure security mechanisms. Policy frameworks need to accommodate and build upon customary norms and practices, recognize the multiplicity of rights and the coexistence of statutory and customary tenure systems, allow for regional variations, and promote the coherent development of pluralistic systems.

Working with existing systems to provide context-specific solutions. Solutions to the land issues must be sought in situ and informed by the highly diversified and complex realities confronting poor rural women and men. While there is no blueprint solution, the point of departure should be the local land governance system and its economic, political, socio-cultural and ecological contexts. It is often better to build on and foster the progressive evolution of traditional land administration systems (subject to minimum requirements regarding inclusiveness and security of rights) instead of establishing new formal systems at the outset. This is particularly relevant for communal and common property lands, which are very important for the livelihoods of poor rural people and their cultural

values. Sustainable and effective solutions always need to be embedded in a national policy and development planning context. Moreover, transnational migrations and movements of people may require multicountry and regional solutions.

Promoting long-term support, partnerships and knowledge-sharing. Pro-poor land reform requires sustained and adequate investments, long-term political commitment and broad and sustained public consultation and civic education to build and sustain trust and agreement among all social groups. Governments, development partners and civil society should join together under the leadership of the countries themselves to support land reforms in favour of the poor. Securing lessons from the field that can feed into pro-poor policy development is crucial, and IFAD can play an important role in this regard by drawing upon its own programmes and the experience of its partners, including that of civil society and farmers' organizations.

Building government capacity at all levels and fostering decentralization. Home-grown leadership at all levels is a prerequisite for meeting the complex challenges of land-related reform processes for poverty

In the Maghama District of Mauritania, IFAD supported a negotiation process to provide landless families with long-term use rights to newly developed flood recession land. This process involved three phases. First, village committees were created to elaborate an *entente foncière* (land pact between landowners and land users), which was discussed and endorsed by all community members. Second, land tenure assessment was undertaken to identify the most vulnerable groups. The third phase consolidated the land tenure arrangements through a participatory process of negotiation and certification. Negotiations over the *entente foncière* took two years, but eventually led to signing by landowners and poor farmers. By 2004, 28 villages had signed the agreement and a study of its social implications was undertaken. This greatly contributed to strengthening social capital in the area, as demonstrated by landowners agreeing to facilitate land access for people with no formal titles to it, and also to building mechanisms to negotiate shared resource use to prevent and contain conflict. During the second phase, the IFAD-supported Maghama flood recession works also provided about 9,500 hectares of farmland under controlled flooding conditions.

reduction. State institutions need to strengthen their human resources capacity for land policy reforms and actions, especially in handling land administration, land registration, land adjudication, and dispute resolution mechanisms. Interministerial and sectoral collaboration is also essential. Institutional strengthening also applies to local government. Decentralization represents a huge opportunity for integrating statutory and customary tenure systems, providing more refined and contextual responses to local land tenure issues, and for embedding these in a more sustainable institutional framework. However, in certain settings and contexts, decentralized approaches can be highly vulnerable to elite capture. The challenge is to strike a balance between key positive aspects of centralized reform initiatives and decentralized approaches.

Empowering civil society organizations.

While the formulation and implementation of pro-poor public policies are led by government, enforcement and success depend on the active participation of citizens and on a strong and vibrant civil society that can express the will of the people and also represent the interests of the poorest and marginalized groups.²⁷ The advocacy role of civil society needs to be strengthened, as

does its capacity to partner with government. Mechanisms for state-civil society interactions must emerge, expand and be consolidated in order to form a broad pro-poor land reform coalition. Development agencies and solidarity organizations can support the development of a vibrant civil society whose roles may include: research, public consultation and information dissemination; direct support to policy implementation (mainly piloting, monitoring and evaluation [M&E]); advocacy in defending the rights of poor and marginalized groups; and social mobilization to enable poor rural people to play a full role in the policy processes that affect them.²⁸

Valuing land as more than an economic asset.

In all considerations of pro-poor land tenure security, land should not be viewed only as an economic asset, but as an integral part of the cultural and social fabric. However, given asymmetries in power, institutions governing access to land often adopt policies based on the interests of dominant groups and/or only on the principles of economic efficiency.

Mitigating and resolving social conflict.

In order to mitigate conflict, broad stakeholder participation, particularly of rural people and

27 Liversage, H. and Carpano, F. *Integrating the Strengthening of Land Tenure Security into IFAD-Supported Activities in Eastern and Southern Africa*. November 2006. p. 7.

28 Ibid.

In the United Republic of Tanzania, under the Agricultural Sector Development Programme – Livestock: Support for Pastoral and Agro-Pastoral Development, IFAD provides funding to support district and village administrations to pilot a participatory approach to land and natural resource-use planning, including rangeland management. Support is provided to develop participatory methodologies for resolving conflicts, for producing village- and district-level land and natural resource-use plans, and for training national facilitators in the use of such methodologies. The results of these activities are used as inputs for policy dialogue and the modernization of legal and regulatory frameworks.

their organizations, is critical for all land-related policy and institutional reform processes. Given that formal conflict resolution mechanisms, such as the courts, are generally costly and less readily accessible, existing community-based conflict resolution mechanisms (such as the *gacaca/abunzi* [courts/mediators] system in Rwanda) should be drawn upon as a first recourse for solving conflicts, with statutory mechanisms as a final recourse. In this regard, participatory land-use planning and multistakeholder user agreements (e.g. among farmers and pastoralists) are very effective approaches.

Lessons from the design and implementation of rural poverty reduction programmes and projects

Gaining in-depth understanding of land tenure systems. Land tenure systems are critical in determining who benefits and who loses from programmes and projects. They are also key factors affecting poor rural people's incentives and opportunities for long-term investments and adoption of environmental protection measures. A full understanding of these systems is thus a prerequisite for designing effectively targeted programmes and projects and for

sequencing activities to maximize results. Conversely, lack of such understanding may have severe negative impacts on project outcomes, as noted above.

Working with the state. Where requested to do so, development partners should work with government implementation agencies that support poor people's access to land and are able to handle potential resistance to land reform during project implementation. Judicial and administrative reforms need support to make bureaucracies more responsive and accountable to their rural poor constituencies. Capacity- building of state land institutions, at the national, local or community levels, may often be part of that support.

Building up the capacity of local organizations. Given local social stratification and vested interests, projects can help community organizations develop knowledge of land laws and policies so that they can better negotiate and claim their rights. It is also important to build up the capacity of these organizations in order that they may link up with larger and institutionally stronger entities and advocate on behalf of poor rural people at higher political levels. This will contribute to sustaining results after project completion.

The Hills Leasehold Forestry and Forage Development Project in Nepal enabled groups of the poorest people, within highland villages, to access degraded forest areas through long-term leases, and provided technical and financial assistance for reforestation. During implementation, it was found that building "coalitions of the poor" in the form of larger cooperatives of leasehold forestry groups was effective in preventing potential expropriation of resources by local elites. The project also illustrated the importance of security of tenure for successful community-based natural resources management and for poor households. By February 2003, 1,729 leasehold forest groups had been formed. Clear gains were made by group members in terms of confidence and self-esteem, especially with the emergence of intergroups and cooperatives. These supported people in undertaking activities such as cleaning up village environments, improving forest trails, and constructing drinking water systems. They also contributed to conflict resolution. In Makwanpur and Kavrepalanchok, the number of plant species increased by 57 per cent and 86 per cent, respectively, between 1994 and 2000, and the number of trees and tree species increased substantially. Overall, the project demonstrated that the poorest people can contribute to regenerating degraded forests, if tenure is secured.

Ensuring sustainability. Reforming land access and tenure systems requires sustained political will and investment. It demands intensive supervision support and takes time, usually more than the lifespan of a single project. Therefore, the choice of implementing agencies is key to ensuring sustained commitment and support, especially from government. Because the projects IFAD finances are mostly implemented by agricultural ministries while land administration rests with land institutions, it is important to establish mechanisms for interministerial consultation and collaboration. Partnerships with NGOs and rural organizations and the establishment of links between them, community-based organizations and advocacy groups that operate at different levels, are essential. Participatory land-use planning and community-based land management are effective mechanisms to foster self-determination and sustainability. It is very important that support for tenure security be integrated into other activities for pro-poor rural development and poverty reduction, such as pasture improvement or improved management of community-based land systems. Indeed, the failure of a number of land reforms has been often due to the fact that land reform beneficiaries

were provided only with the land but no other inputs and services to be able to cultivate it profitably.

IFAD's comparative advantage

IFAD's comparative advantage in addressing land issues for poverty reduction lies in its understanding of the agriculture-based livelihoods of poor rural women and men; its people-centred approach to rural development; and its experience in targeted action to provide relevant and effective responses to the challenges faced by the poor. These features provide a solid basis to influence policies and investments so that they increase poor people's access to land and tenure security. Particularly relevant strengths are:

- IFAD is both a specialized agency of the United Nations and an international financing institution. Its strategic frameworks, policies and programmes are approved by its Member States and thus provide the legitimacy needed for IFAD to engage with politically sensitive issues, such as those pertaining to poor people's access to land.
- High level of national government ownership of IFAD-supported programmes.

In the context of Brazil's national agrarian reform programme, although landless families have gained access to land, to fully reap the benefits they require access to markets and support services such as extension or credit. IFAD supports federal and state agrarian reform settlements to provide those services. This has allowed beneficiary families to improve their insertion into the local market and manage more efficiently their activities in agriculture, microenterprises and small-scale agro industry. In 2007, the Sustainable Development Project for Agrarian Reform Settlements in the Semi-Arid North-East (known locally as the Dom Helder Camara project) was voted Brazil's best rural development project. Among other things, by the end of 2007, the project had enabled 6,500 beneficiaries to access loans from a government credit programme. More than 700 young men and women were trained in agriculture-related activities, in collaboration with local agrarian schools and farmers' associations, and 14,257 women received identity cards as a result of a documentation campaign.

- Broad partnerships with international development institutions ranging from FAO, the International Food Policy Research Institute, the World Bank and other regional development banks, the first three also being members of the ILC.
- Strong emphasis on innovation and scaling up as described in the IFAD Innovation Strategy.
- A perspective on land issues that is not normative but driven by its understanding of the concrete realities facing poor rural people in specific and diverse situations and contexts.
- Strong collaboration with farmers' and rural producers' organizations, indigenous peoples and civil society organizations engaged with land issues, in particular through the Farmers' Forum process, the ILC and the Indigenous Peoples' Assistance Facility.
- Emphasis on the empowerment of rural women and men by building up their skills, knowledge and confidence and strengthening their organizations to bring tangible benefits to their members and to influence the policy processes that affect them.
- Experience in supporting decentralization and community-driven development.
- An integrated approach that promotes access to land and tenure security with more productive and sustainable use of land, access to credit, technology and markets.
- Capacity to sustain, through its multi-year programmes and projects, the long-term commitment necessary to address highly political and complex land issues.

Policy objectives and guiding principles

3

The conditions of poor people in rural areas vary enormously. Nonetheless, some common factors constrain their ability to enhance their livelihoods, increase their incomes and improve their food security. One critical factor is lack of access to land; another is land tenure insecurity. The Strategic Framework of IFAD recognizes land access and tenure security as critical determinants of the capacity of poor people to overcome poverty. Therefore, IFAD's work must be informed by an understanding of national land tenure laws and systems and an appreciation of the dynamics of land issues facing different groups of poor rural people in their particular cultural, social, political and economic context (on-farm, off-farm and non-farm livelihood strategies, rural-urban linkages, migration, etc.).

The aim of the present policy is to enhance IFAD's ability to achieve the first objective of its Strategic Framework: to promote equitable access to land by poor rural people and enhance their land tenure security. It will do so in direct relationship with its investments for pro-poor sustainable development – increasing productivity and income; reducing vulnerability, insecurity and exclusion; improving sustainable land use; and improving prospects for better rural livelihoods.

In mainstreaming land issues in its engagements and operational instruments (see section IV), the Fund will be guided by the following principles:

- **Alignment with national priorities and support to poverty reduction strategies.** In line with its own constitution and the Paris Declaration on Aid Effectiveness/Accra Agenda for Action, IFAD will ensure that all interventions addressing land issues uphold country priorities and are undertaken on the

request of, and in agreement with, its member countries. In this context, IFAD will participate in national processes that define policies and institutions that bear upon land, such as poverty reduction strategies or agriculture sector-wide approaches. In these cases, IFAD will seek to promote responsiveness to the needs of poor rural people, based on field evidence. At the same time, since land tenure systems are location-specific, tenure issues should also be addressed locally. Local traditional authorities and community-based organizations can play a critical role in providing information and linking the local level to national policies and development strategies. IFAD will also support multistakeholder consultations that are vital for pro-poor and inclusive policies and programmes. It is critical to consider the linkages between the different land-based resources – crop land, pasture, forests, etc – and the different concerns of those whose livelihoods depend on them.

- **Adherence to the “do-no-harm principle” at all times.** A broad range of development interventions, particularly those concerned with agricultural intensification, such as irrigation or technology-based agricultural production, and those focused on afforestation or rangeland management, effectively add value to land. Under such circumstances, there may be the risk that the rural poor, especially women, may lose out to more powerful groups. Projects in these areas must be designed, therefore, in such a way that they ‘do no harm’ to the land tenure interests of the rural poor, especially those of women, indigenous and tribal peoples and other vulnerable groups. Careful measures must always be considered to avoid elite capture or forced

displacement of people, and to address conflicting claims. IFAD must be sensitive to existing and potential situations of conflict, including those that may result from its own interventions. Operational guidelines and decision tools will be developed to enable IFAD to understand the context of its interventions and to ascertain, in an efficient manner, during both design and implementation, whether they may impact negatively on the land access and tenure security of poor people in its project areas. Conflict mitigation strategies need to be developed based on a full understanding of the complexities inherent in such situations, including those linked with project activities, and of the need for inclusive dialogue and negotiation. Addressing land access and tenure security through local participatory land-use planning and management exercises may be an effective approach to conflict mitigation and resolution.

- **Appreciation of the diversity and dynamic nature of existing agrarian structures and tenure systems.** This diversity rejects one-size-fits-all policy prescriptions. It demands context-specific analyses and interventions that recognize the plurality of the forms of access to, and control over, land, and of the ways this access and control can be claimed, (re)allocated, institutionalized or reproduced. It is important to assess the roles of institutions and actors in facilitating or obstructing access by poor rural men and women to land. IFAD recognizes that promotion of land access and tenure security is not synonymous with formal property rights. Rather, it requires an understanding of how overlapping, flexible and plural tenure systems can operate effectively together.
- **Centrality of the empowerment of poor rural people and the organizations that represent them.** Empowerment of poor rural people and their organizations is a prerequisite for sustainable improvements in their access to land and tenure security. IFAD has a significant role to play in

building up the autonomy, inclusiveness and technical and negotiating capacity of small farmers' and rural producers' organizations and in creating spaces for broad social dialogue and consultation on policy and programme formulation and implementation.

- **Forging complementary partnerships with like-minded actors.** Complementary partnerships, particularly with key government actors, civil society organizations and donors, are critical to changing bureaucracies that are inefficient or serve the interest of the landed elite. They are also critical to ensuring that any pro-poor reforms and changes are sustained beyond IFAD's engagement or beyond the tenure of any one particular government. The ILC, bringing together civil society and intergovernmental organizations and facilitating their interactions with governments, can be a very effective instrument for partnership-building.
- **Focus on the gender dimensions of land rights.** Because land tenure issues are inextricably linked to gender relations, a gender analysis is essential for designing effective targeted actions. Women are particularly vulnerable and disadvantaged under most tenure systems. Strengthening their rights to land will contribute not only to gender equality but also to poverty reduction, since women are responsible for household subsistence production and welfare. Complementary measures are often needed to enable women to influence decisions regarding their rights to land.
- **Adherence to the principle of free, prior and informed consent.** Before supporting any development intervention that might affect the land access and use rights of communities, IFAD will ensure that their free, prior and informed consent has been solicited through inclusive consultations based on full disclosure of the intent and scope of the activities planned and their implications. This is of particular importance for most indigenous peoples,

tribal people and ethnic minorities who have culturally distinctive land tenure regimes based on collective rights to lands and territories. Recognition of these regimes and rights is often incomplete, leading to social and political marginalization and land grabbing by the powerful. Mechanisms for securing indigenous peoples' rights to their lands are important for their cultural survival and better livelihood prospects.²⁹

- **Support to production services and market linkages to maximize the positive effects of access to land and tenure security.** Improved access to land and land tenure security, though critical, are not the only factors that determine the reduction of vulnerability and the willingness or capacity of poor rural people to invest in sustainable land management and increased productivity. Addressing constraints on access to financial services and information, markets and agricultural extension is equally important, and IFAD must take responsive and relevant targeted measures.

29 See United Nations Declaration on the Rights of Indigenous Peoples, Article 10.

Operational instruments

4

This section briefly describes the main operational instruments that IFAD will use to address the land issues facing its target groups.³⁰

Access to land is a vital element in rural livelihoods. It is not, however, everywhere a problem. Even where it is, there are not always opportunities for IFAD to work with government, civil society and farmers to solve it.

IFAD conducts regular country performance ratings as part of the performance-based allocation system (PBAS) and rural sector performance assessments.³¹ The latter include an indicator on access to land. The Fund will take all necessary measures to ensure that the ratings on this indicator are reliable, comparable across countries and regions, and conducted through a transparent process that includes consultations with country partners.

IFAD-funded investments, in any given country, are based on demand and opportunities. In some countries these investments may include projects explicitly designed to promote improved access to land and tenure security; in others, they will not. However, implementation of the guiding principles listed above, in particular the 'do-no-harm' principle, requires a thorough understanding of the dynamic land issues in the country concerned, even where projects do not focus specifically on land. The level of effort IFAD devotes into acquiring such understanding will be partly determined by each country's performance rating regarding the land access indicator: the effort will be higher in countries with low rating. Wherever possible, IFAD will draw on analyses carried out by partners.

Decisions on whether or not IFAD's portfolio in a country should include projects and programmes specifically designed to address land issues will be made through the standard COSOP and project design processes, in accordance with countries' own priorities and poverty reduction strategies.

Results-based country strategic opportunities programme³²

In countries where land access issues are a major constraint on rural poverty reduction, i.e. those whose performance rates below 3.5³³ on the land access indicator, IFAD will work with governments and other partners to include an analysis of land issues in COSOP preparation. This analysis will need to be agreed with governments. Generally, the analysis might include a systematic and gender-sensitive analysis of policies and institutions affecting poor people's land access and tenure security. Analysis should determine who has what rights to agricultural land; ascertain the laws and institutions responsible for the administration and enforcement of those rights; and assess the concrete impacts of these rights and institutions on the livelihood strategies of poor men and women. It should also consider the relationship between agricultural land management and climate change mitigation. To that end, there should be an analysis of the linkages between security of tenure and the need for land users to change their agricultural land management practices.

Key issues for such analyses include:

- What are the main land tenure and land access issues affecting poor rural people, in particular, in the areas likely to be targeted by IFAD's country programme?

30 In mainstreaming land issues into its operational instruments, IFAD will link engagement with those issues and the assessment and M&E of such engagement with the various guidelines (for example, the guidelines for preparing COSOPs) and the various quality enhancement and quality assurance mechanisms and ranking tools (e.g. the assessment of programme/project design maturity), the corporate key success factors, and development effectiveness indicators.

31 The Structure and Operation of a Performance-Based Allocation System (EB 2003/79/R.2/Rev.1), annex I: Improving Equitable Access to Productive Natural Resources and Technology, (i) Access to Land.

32 The COSOP represents the articulation of IFAD's country programmes, which comprise a coherent, mutually supportive set of engagements to achieve the Fund's objectives and which are in line with the government's priorities, policies, institutions and programmes for rural poverty reduction.

33 In 2007 assessments, 36 per cent of IFAD borrowing countries scored below 3.5. See annex I, page 5 in document EB 2007/92/R.46/Add.1

- What is the situation regarding land policy and land laws in the country?
- Do the land policy and land laws address the land tenure and land access issues of the poor rural people and vulnerable groups? If not, why not? What needs to happen for these issues to be addressed?
- Are land policies and laws and, in particular, the pro-poor dimensions of them, being implemented and enforced?
- What are the major challenges for implementation of land policies and laws?

Answers to these questions will draw on participatory and consultative processes that ensure reflection of the perspectives of civil society and poor people themselves, through their organizations. In developing such COSOPS, IFAD will consult with local or locally represented members of ILC and with farmers' and rural producers' organizations, in line with COSOP guidelines. Working with these partners will strengthen IFAD's capacity to identify key tenure issues at the national level, from the perspective of poor rural people, and integrate them into its programmes/projects and its policy dialogue and advocacy initiatives.

Analyses of land issues in COSOP development should include an assessment of who is doing what in the formulation and implementation of land policies. Such analysis will contribute to greater harmonization and complementarity among the various initiatives of donors, to forging relevant partnerships, and to informed interaction with government authorities. In low-rated countries, the analyses regarding access to land and tenure security for the rural poor will inform the dialogue with governments and other stakeholders in the development of the COSOP and, in particular, the decisions to engage or not with land issues, whether through policy dialogue, support to land reform or investment in land management and development. In addition, results of such analyses will be very useful in monitoring country performance regarding land access

for the rural poor and in improving the reliability of the land access indicator.

Irrespective of country performance regarding access to land, similar analyses will be conducted when country programmes include plans for major investments in land development in response to country demand. In these cases, such analyses will be carried out either at COSOP articulation or at project design.³⁴

IFAD amends its COSOP guidelines on a periodic basis to take account of new policies, and in accordance with Executive Board and other decisions by Management. The COSOP guidelines will be amended in line with this policy.

Policy dialogue

Where addressing land access and tenure security issues is part of its country strategy, IFAD will identify likely partners and allies within government, among development partners – in particular those that are members of the ILC – farmers' organizations and other civil society organizations to build up alliances for pro-poor land policies and programmes.

Building on its country programmes and the lessons learned therefrom, IFAD will engage in evidence-based and socially-inclusive policy dialogue and multistakeholder policy discussions to promote, within national policy (poverty reduction strategies, sector-wide approaches) and regulatory frameworks, a focus on the land rights of poor rural people. It will also take advantage of its discussion with government in the context of the PBAS and loan negotiations to promote the land interests of poor rural women and men.

IFAD will work with governments and their development partners to strengthen the capacities of public institutions to formulate and promote pro-poor policies and programmes. It will work with local authorities and community-based and

³⁴ In fact, such analyses are already undertaken in most of these cases.

farmers' organizations to increase awareness of policies and laws and the impact that their implementation (or lack thereof) is having on the ground. Country programmes will strengthen the advocacy capacity of local actors to bring these issues before higher-level officials. Support to the organizations representing the interests of poor rural people to engage in land-related policy processes is essential.

At cross-national, regional and global levels, IFAD will engage in policy dialogue through its participation in forums on land issues and rural poverty reduction, and its membership in the ILC. There, too, its contributions will draw upon its field experiences to build up a better global understanding of how best to address these issues at the national level. IFAD will support the participation of the organizations of the poor to contribute to such global-level policy dialogue, including through the facilitation of knowledge-sharing across countries and regions. Such policy and advocacy initiatives will be supported by grant financing.

Project design, supervision and implementation support, monitoring and evaluation

Irrespective of whether the land access issue per se is a major strategic dimension of IFAD's country programme, wherever project activities can affect, or depend upon, land access, IFAD and its partners need to have a sufficiently good understanding of land issues to ensure that interventions do no harm and that opportunities to improve access and tenure security are not missed.

In such cases project design should take account of the national regulatory framework regarding land, and a gender-sensitive land tenure assessment must be conducted in the project area. The latter will be an integral part of household livelihood analyses during project inception/formulation/appraisal and, if necessary, will be deepened through ad hoc

studies during implementation. The aim of the assessment would be to clarify the following five questions – relating either to mitigating potential negative consequences³⁵ or building on potential opportunities:

- Would the current land tenure arrangements seriously hamper the implementation of key project activities or undermine the incentives of IFAD's target groups to participate in project activities (e.g. do the benefits of improved management of a resource accrue to the target groups; is there loss of secondary rights of vulnerable groups)?
- Would project activities have negative impacts on access to land by direct and indirect target groups (e.g. does the rehabilitation of an irrigation scheme lead to the loss of access to water by poor pastoralists; will the increase in land values lead to a loss of land by more vulnerable members of the communities)?
- Should strengthened land tenure security be a pre-condition for the delivery of other project benefits?
- Would current land tenure arrangements undermine the intended distribution of project benefits (e.g. is land tenure security a pre-condition for receiving project benefits such as support to the planting of tree crops or agroforestry activities, soil and water conservation measures, or erosion control activities, etc.)?
- How might the project enhance the land tenure security of poor and vulnerable groups?

This is already best practice in IFAD project design, and through the implementation of this policy will become standard. When they are next revised, the guidelines for project design, quality assurance and quality enhancement will be amended in line with this policy.

Grant financing can contribute significantly to increased national capacity to design projects that address the land rights of poor rural women and men. Grant financing may

³⁵ In doing so, the land tenure assessment will also provide inputs to the overall risk assessment of the project in line with the relevant key success factor (KSF 5.1).

be used to: (i) generate knowledge of the land tenure situation to inform project design; (ii) support the implementation of project components; (iii) finance pilot operations; and (iv) directly support the agenda and activities of community-based organizations, farmers' organizations, and other civil society organizations.

The relationship between land tenure and project activities carries a number of potential risks: the impact of the land tenure situation on distribution of project benefits; the impact of project activities on land tenure; and the resistance by vested interests to any land tenure changes entailed by project activities. This requires continuous vigilance and close supervision, monitoring and implementation support. These are also needed to identify changes in policies and land administration and to assess their implications on ongoing projects and programmes, as in some cases they may challenge the assumptions upon which original project designs were based.

Through supervision and M&E, IFAD will assess these risks and changes together with recipients and implementers. It will ascertain whether and what kind of implementation support is needed (such as technical support, policy dialogue, piloting and experimenting new approaches, adjusting programme and/or project design). Supervision reports and mid-term reviews will identify emerging land-related problems so that adjustments and corrective actions may be undertaken. Such knowledge will inform subsequent project designs, and quality enhancement and quality assurance exercises. Increasing field presence and the constitution of country programme management teams will strengthen IFAD's ability to monitor and evaluate effectiveness in promoting land access and tenure security. Findings will be included in the Report on IFAD's Development Effectiveness, which will periodically report on IFAD's effectiveness in achieving better and secure access to land.

Partnerships

For its engagement with land issues, IFAD relies on partnerships with various stakeholders at the local, national, regional and international levels, ranging from government to international and regional development institutions such as development banks and United Nations agencies, especially the World Bank and FAO; research institutions; the private sector; and civil society organizations. Collaboration with these actors can include: assessing policies and sharing experience and best practices; collectively engaging in policy dialogue at the country level and supporting land reform processes; developing joint programmes; and promoting the land reform agenda at the international level.

IFAD's membership in ILC, which includes civil society and intergovernmental organizations such as the World Bank, FAO and the World Food Programme, is an effective vehicle for facilitating multistakeholder partnerships for learning and joint actions in advocacy campaigns and policy dialogue, and in programmatic collaboration at the country level, including innovative and effective approaches to be replicated or scaled up. The Farmers' Forum is another mechanism through which IFAD can promote multistakeholder partnerships and social dialogue for pro-poor reform, and for more effective and relevant approaches to the land issues faced by poor rural people.

IFAD will work closely with FAO to follow-up on the ICARRD, its Declaration and Plan of Action, including specific programmes at the national level. It will also work in partnership with FAO to promote regional multistakeholder initiatives, such as that of the AUC for the development of a Pan-African framework and guidelines for agrarian/land reform. Proactive joint engagement with land issues may be also pursued in the context of the United Nations

reform and the “Working as One” commitment in pilot countries.

Partnerships with research institutions, such as the International Food Policy Research Institute and other Consultative Group on International Agricultural Research institutions, can contribute to cutting-edge scientific and policy-oriented research around land issues, with IFAD providing evidence from its projects and those of its partners. Collaboration with national research institutions will be actively sought as a means for building permanent capacity at the country level and for arriving at a better understanding of national contexts.

Knowledge, learning and innovation

Land tenure issues require specific expertise, skills and flexibility. Promoting secure access to land and tenure security is a continuous learning process. To engage more systematically with land issues, IFAD will enhance its knowledge and learning on these issues, drawing upon its strategies for knowledge management and for innovation. It will use and expand its knowledge management tools, such as thematic groups and communities of practice, to take stock of the policies and practices of other actors. It will document its own experiences and make the relevant information easily accessible to its partners and thereby enable knowledge-sharing among projects, countries and regions. As part of its Innovation Strategy and with its innovation network, IFAD will also scout for new solutions to the land tenure challenges faced by poor rural people and promote tested solutions, especially the innovations of poor people themselves. It will work with community-based organizations to learn about local dynamics and about what works on the ground, and with national organizations to understand the relevant policy environment and institutions that affect access to land and land security. IFAD's membership in ILC and the Farmers' Forum

process have great potential for identifying effective innovations. As noted, grants are a flexible tool for knowledge generation and identification of innovations and best practices, including via project implementation support and research partnerships, both with in-country stakeholder agencies that have substantial implementation experience and with centres of excellence. All acquired knowledge will feed into COSOP articulation and project design.

As mentioned above, within the PBAS framework, IFAD is already monitoring a set of performance indicators to assess country performance in ensuring that poor people have access to land and tenure security. IFAD will review these indicators with key partners, including ILC members, to improve the methodology and ensure alignment with this policy. As its assessments improve, the Fund will approach its partners in the ILC with a view to contributing to the creation of a global database on pro-poor access to land and tenure security, with special attention to the rights of women, indigenous peoples, pastoralists and other vulnerable groups.

The results and impact of all the above operational instruments will be reported periodically in the Report on IFAD's Development Effectiveness.

Risk mitigation measures

5

In addressing the land issues of poor rural people, IFAD faces risks that need to be considered and addressed by appropriate mitigation measures. These include:

- **Political sensitivities.** Dealing with land issues is often politically sensitive and, if not carefully prepared, may demand more time, intensive supervision and implementation support and/or changes and corrective action. One way of mitigating this risk is to make an initial (modest) investment to address issues of land access and tenure security through participatory planning processes. Pilot and experimental activities can also be undertaken with grant financing, to identify the most relevant and effective approaches that could then be scaled up through country programmes. Knowledge deriving from pilot and experimental activities will feed into IFAD's quality enhancement and assurance systems, and guide design and supervision teams. Flexible lending mechanisms might also be effective in managing risks.
- **Limited staff capacity.** Enhancing land access and land tenure security can be a challenging objective, and IFAD staff capacity must be strengthened to meet the task. Training and building awareness among staff and ensuring commitment and leadership from Senior Management are necessary to contain capacity-shortage risks. Additional capacity will derive through the effective use of consultants, whose expertise includes knowledge of, and experience with, land issues, and the selection, with similar qualifications when required, of field presence officers, project management and supervision teams, technical advisors and other operational staff at headquarters. In addition, partnerships with centres of excellence and organizations that have a common concern and commitment to pro-poor land tenure will contribute to the Fund's capacity to address land access and tenure security issues.

Human resources and financial implications

6

Compliance with the above principles of engagement and the mainstreaming of land issues into IFAD's operations will require focused capacity-building within IFAD itself. This might involve: (a) training of staff; (b) recruitment of specialists within the regional divisions of the Programme Management Department; and/or (c) recruitment of technical adviser(s) with regional specialization, within overall budget constraints.

Analyses to be undertaken in the preparation of COSOPs for low-performing countries and for countries where IFAD will have a major engagement with land issues, will principally rely on: national laws, studies, surveys and

data; the knowledge and expertise of development partners working with land issues in a given country, such as FAO, the World Bank and other donors; consultations with government and civil society, in particular the members of ILC at the country level; and (very importantly) farmers' and rural producers' organizations. Similarly, project design and implementation will rely on and build upon the work and knowledge of partners working at that level. The additional cost of conducting these analyses and consultations at the COSOP stage is estimated at US\$20,000 to US\$25,000 per COSOP for three to four COSOPs per year, thus reaching a total amount of no more than US\$100,000 per year.

Dissemination of policy

7

An in-house training seminar will be organized to ensure institution-wide understanding of the policy. A brochure summarizing the guiding principles, operational implications and related guidelines will be prepared and distributed to all IFAD staff, consultants and key partners, including governments, cooperating institutions and consultants. The policy and subsequent operational guidelines and decision tools will be posted on the Internet for wide distribution. The Farmers' Forum process, IFAD's membership in the ILC, country programme management teams, and field presence structures will be used to share the policy widely. Similarly, regional and country events, such as regional implementation workshops or start-up workshops, will provide additional opportunities for sharing the policy.

ANNEX I

References to land in IFAD's Strategic Framework 2007-2010

The conditions of poor rural people and of small-scale agriculture vary enormously, depending on the level of economic development of the country, agroecological conditions and production systems, gender, and social and economic characteristics. Nonetheless, a limited number of common factors constrain the ability of poor rural people to increase their incomes and improve their food security. IFAD's strategic objectives focus on these factors.

The first strategic objective is to ensure that, at the national level, poor rural men and women have better and sustainable access to, and have developed the skills and organization they require to take advantage of, natural resources (land and water), which they are then able to manage efficiently and sustainably.

IFAD will improve the access of poor rural people to productive natural resources, the security with which they can use and hold them, and the practices they use to manage and conserve them.

For poor rural people, lack of access to resources – agricultural land for crop production, water for irrigation, and common property resources such as forest, rangeland or fishing grounds – is one of the most defining features of their poverty. Access is determined not only by the finite amount of the resource available, but also by its distribution and the rules that govern its use. These governance or tenure arrangements, and the degree of security that they provide, are of critical importance. They govern, for example, the share of the crop that a tenant farmer must hand over to his/her landlord, or the period of the year that fishers can fish or pastoralists can graze their animals, or what happens to the land rights of a widow whose husband has died of HIV/AIDS. In a context of growing population densities, a breakdown of traditional natural resource governance systems, and the emergence of new, commercially-driven governance systems that give inadequate recognition to “secondary rights” of land use, there are even more conflicts over resource access. In most cases, it is the poorest who lose out; indigenous peoples are particularly vulnerable in this regard.

There is a close link between the way in which natural resources are accessed and retained, and the way in which they are managed. The better defined and more secure the tenure or use rights, the more sustainably those resources are managed. Yet, tackling land degradation, or sustainably exploiting rangeland or fisheries resources, are also about improving management and conservation technologies and practices. Here, the issue is one of enabling farmers, pastoralists and fishers – many of them indigenous peoples – to build organizations to manage the resources effectively and generate an income stream that will provide for sustainable resource use.¹

¹ IFAD (2007). Strategic Framework 2007-2010, p. 19.

ANNEX II

Land tenure systems: Terms and definitions¹

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, 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, and so on) is only one part of a land tenure system.

Land tenure systems are 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 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?

Access to land

Access to land refers to “the ability to use land”² and “other natural resources, to control the resources and to transfer the rights to the land and take advantage of other opportunities.”³

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 someone 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.

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 rights 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 the land through inheritance and reallocate use and control rights.

¹ This annex draws heavily on the IFAD stocktaking exercise and on the “European Union guidelines to support land policy design and reform processes in developing countries”. COM (2004) 686 final. Brussels.

² Bruce, J. (July 1998). “Review of Tenure Terminology”, Tenure brief No. 1, University of Wisconsin.

³ FAO 2002. “Land Tenure and Rural Development”. Land Tenure Studies N. 3.

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 and farm workers), village, community, country (indigenous peoples), and even at the multicountry level (cross-border/multistate pasture resources).

Types of land reform interventions⁴

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; support to institutions (statutory or non-statutory) to administer the necessary land acquisition, and redistribution to land-reform farmers.

4 Adams, M. (2000). *Breaking Ground: Development Aid for Land Reform*. London: Overseas Development Institute (United Kingdom).

ANNEX III

Normative statements of other institutions¹

This annex provides an overview of international development agencies' normative statements concerning 12 land-related issues. The following institutional documents have been reviewed.

Institution	Document title	Date
Australian Agency for International Development (AusAID)	Income Generation for the Rural Poor: The Australian aid program's rural development strategy	2000
Canadian International Development Agency (CIDA)	Importance of Urban and Rural Land Policy for Poverty Reduction (draft version)	2003
Department for International Development (DFID) of the United Kingdom of Great Britain and Northern Ireland	Better livelihoods for poor people: The role of Land Policy	2002
European Union (EU)	Land Policy Guidelines	2004
Food and Agriculture Organization of the United Nations (FAO)	Access to Land, Food Security and Poverty Alleviation: FAO's Interventions during the Past Decade	2006
German Agency for Technical Cooperation (GTZ)	Land Tenure in Development Cooperation (executive summary)	1998
Inter-American Development Bank (IDB)	Rural Poverty Reduction Strategy Paper: Strategy for Agricultural Development in Latin America and the Caribbean	1998 1999
International Fund for Agricultural Development	Guidelines for the Incorporation of Land Tenure Issues into IFAD-Supported Operations – Eastern and Southern Africa	2004
International Land Coalition (ILC)	Towards a Common Platform on Access to Land	2002
Ministry of Foreign Affairs – Directorate General for International Cooperation and Development (DGCID) (France)	Land Tenure Issues in West African Rural Development	2000
Swedish International Development Cooperation Agency (SIDA)	Natural Resource Tenure	2007
United Nations Development Programme (UNDP)	Attacking Poverty while Improving the Environment (Poverty and Environment Initiative)	1999
United Nations Economic Commission for Africa (UNECA)	Land Tenure Systems and Sustainable Development in Southern Africa	2003
United Nations Economic Commission for Europe (UNECE)	Social and Economic Benefits of Good Land Administration	2005
United Nations Human Settlements Programme (UN-HABITAT)	Urban Land for All	2004
United States Agency for International Development (USAID)	Nature, Wealth and Power: Emerging Best Practice for Revitalizing Rural Africa	2002
World Bank	Land Policies for Growth and Poverty Reduction (executive summary)	2002

¹ This annex is based on a paper first prepared by the ILC in conjunction with the Collective Action on Property Rights (CAPRI) and the UNDP Global Drylands Initiative, for discussion at the Expert Workshop on Land Tenure for Drylands Development held in Nairobi, Kenya, on 28 February-2 March 2005. It was subsequently revised and expanded for discussion at the workshop on Land and Property Rights for African Development, held in Nairobi on 31 October-3 November 2005.

Land policy reform

For nearly all agencies, the redistribution of rights and/or access to land is a key component of land reform. However, in discussing land reform more broadly, a variety of policy tools are identified, including but not limited to redistribution.

There is strong consensus among the institutions examined that support services – e.g. access to credit and financial services, access to markets, infrastructure, etc. – must also accompany land reform efforts in order for poor households to benefit. Non-governmental organizations and civil society have an important role to play in providing the support services.

Formality and security of tenure

There are different understandings of what defines “security” of land tenure. In this context, while nearly all agencies recognize that customary tenure systems can provide benefits to, and be seen as legitimate by, people living within such systems, they take different views on policy towards customary and statutory tenure where both exist side-by-side.

The IFAD guidelines and SIDA observe that customary tenure is flexible and continuously being modified. This flexibility may or may not benefit poor men and women. In addition, several agencies note that customary tenure is location- and culture-specific, and that its local character will influence how and whether customary tenure can adapt or be adapted (UNDP, USAID). The IDB is the only agency to refer solely to legal frameworks as the source of tenure security.

Communal tenure and common property systems

There is some agreement that access to common property resources is a key issue for poor households, because of their greater reliance on these resources for their livelihood (CIDA, EU, FAO, IFAD, ILC, SIDA). Management of common property is also closely linked to issues of environmental conservation (SIDA, USAID).

The EU policy guidelines consider common property to allow for efficiency, while also balancing other priorities such as equitable access to resources and environmental protection, and note that semi-arid rangeland can be efficiently managed as common property. The World Bank, on the other hand, identifies a trend from common property towards individual rights, because of the individual benefits that may be created through economic development.

Women's secure access to land

Most agencies recognize women's access to land as important both for ensuring equality of basic rights and for reducing poverty and ensuring household food security (AusAID, DFID, EU, IFAD, ILC, SIDA, UNECA, UN-HABITAT, World Bank).

There is recognition that, while women's land rights have become better protected by national laws, discrimination against women stems from both the state (e.g. via administrative processes) and customary systems (CIDA, DFID, EU, FAO, SIDA, UNECA, World Bank). This makes it more critical to look at whether women enjoy equal rights to land, property and natural resources in practice, rather than only under statutory law (UN-HABITAT). As gender equality may challenge deep-seated power structures, legal reform must be accompanied by awareness-raising, capacity-building and improved access to legal services (SIDA).

Land titling and land administration

Many agencies identify the challenge of building on existing rights, often customary in nature, when developing titling initiatives and land administration (CIDA, EU, SIDA). The EU, in particular, perceives titling as neither necessary nor sufficient to secure land rights or increase economic productivity; UN-HABITAT also notes that, in practice, titles have not necessarily increased access to credit or prevented the growth of new informal settlements. Several other agencies note that titling programmes should develop out of a real need – most likely present where population density is high and land transactions are increasing – rather than as a means to stimulate rural land markets.

Many agencies identify numerous implementation challenges – access to information and legal assistance, cost of services, conflict resolution capacity, and accessibility by women and rural households – and identify a number of strategic concerns as to how land administration can be organized specifically to benefit poor households (CIDA, DFID, EU, GTZ, IFAD, ILC, UNECE, UN-HABITAT, USAID, World Bank).

Land markets (sales and rental)

There is consensus that unmediated sales markets do not assist poor and landless households to access land (CIDA, DFID, EU, GTZ, ILC, World Bank). Poor households face numerous obstacles to participating in sales markets, including access to information, and lack of market power and access to credit. These reduce both the equity and efficiency of sales markets. There may be potential for land speculation to develop where land transactions are newly introduced (DGCID).

Rental markets are seen as having both greater political feasibility and more potential to benefit poor and landless families, if long-term leases can be negotiated (EU, World Bank). In leasing arrangements, it is necessary to balance the interests of both the tenant and the owner, so that fairness underpins rental agreements (FAO).

Land, smallholder economies and agricultural trade

Different perspectives are offered on the connections between land and trade, and their impact on poor households. The World Bank analysis proposes a goal of increasing the participation of poor households in agricultural trade, with the assumption that this would allow them to benefit from the growth associated with increased trade.

Reforms to strengthen a country's position vis-à-vis international agricultural trade may further weaken the position of small-scale farmers (CIDA, EU, FAO, GTZ). The poorest smallholders are at greater risk to market fluctuations, particularly in export markets for cash crops, so land-use conversion in response to market demand may even increase their food insecurity (UNDP). Different perspectives also exist on the comparative benefits of small-scale versus commercial farming.

Land and conflict

There is a general recognition that land-related conflict is an increasing challenge. It generates both social and economic costs, creates obstacles to poverty reduction, and, in its extreme form, causes loss of human life. Land disputes also risk widening into broader violent conflict that may have serious political consequences (CIDA, EU, GTZ, World Bank). Both formal and informal mechanisms for conflict management are proposed. SIDA and DFID note that, in post-conflict societies, addressing resource tenure may be a key step towards the consolidation of peace.

Environmental sustainability

There is agreement that land policy must address the key environmental challenges being faced, including erosion, deforestation and desertification. This environmental degradation can reduce agricultural productivity and jeopardizes access to natural resources for future generations (CIDA, DFID, EU, GTZ, ILC, UNECA).

As a general rule, environmental degradation received less attention in agencies' land policy documents than in papers focusing more broadly on rural development, agricultural development or natural resources management. Several agencies do not address environmental issues directly in their land policy papers (DGCID, World Bank).

Indigenous peoples and cultural identity

The agency papers offer limited analysis on the cultural aspects of land access, including some that address this issue in the context of indigenous peoples' land use and access. The EU policy paper notes that recognition of traditional land rights is necessary for indigenous peoples' cultural survival. FAO observes a particular concern for this in Latin America. UN-HABITAT notes that customs and traditions in land tenure systems should be respected, though states have an obligation to make sure these are not discriminatory (e.g. towards women). ILC notes, that for indigenous peoples, land is commonly linked to cultural identity, not only socio-economic development. GTZ refers to the need to integrate indigenous knowledge on land and resource management into broader policy. UNECA notes that indigenous peoples and hunter-gatherers are at particular risk of displacement because of insecure tenure. SIDA points out that recognizing the resource rights of indigenous peoples, or their rights to control their ancestral territories – including protected areas – is consistently demanded by indigenous peoples.

Participation, democracy and governance

There are common references to the importance of participation and democratic processes in ensuring land access. Many agencies express concerns about institutional abuses, such as corruption, that can create efficiency losses and disproportionately affect poor men and women. Citizen oversight and monitoring by community boards, NGOs, peoples' organizations and legislatures are recommended as democratic checks on abuse of power and poor governance (EU, UNDP, UNECA, UN-HABITAT, World Bank).

Most agencies discuss participation within the context of land administration or development projects, with less emphasis on the link between broader democratic development and improved land policies. DFID states that good governance is the vital ingredient for land reform. A similar perspective can be found in SIDA's position paper, which underlines the importance of applying democratic governance principles for establishing effective and equitable tenure systems.

Land and human rights

Only a few of the agencies reviewed include references to human rights in their policy documents. The EU policy notes that access to land is a means to achieving fundamental rights as defined by international covenants, such as the right to food, although it does not refer to access to land itself as a human right. UN-HABITAT sets forth secure tenure as one component of the right to adequate housing, recognized under international human rights law. It also notes that cultural rights have the same legitimacy under international law as civic and political rights, reinforcing the need to respect customs and traditions in land tenure systems. The World Bank paper refers to a human rights basis for recognizing indigenous land rights. SIDA points out that secure resource tenure is also important for ensuring the realization of fundamental human rights, particularly the right to an adequate standard of living, which includes access to water, food and housing. DFID perceives the way a state handles land access as a good test of its broader commitment to human rights.

ANNEX IV

IFAD's past engagement with land issues and lessons learned

Over the years, IFAD has addressed land issues mainly through its projects and programmes, including indirectly through its investments in irrigation, water and soil conservation, forestry and agroforestry, and natural resources management. In addition, in 1996, IFAD was one of the founding members of the ILC, established to strengthen the role of civil society organizations at the country, regional and international levels to engage in the formulation and implementation of policies and programmes for more equitable and secure access to land for poor people. The Fund has housed the ILC Secretariat since 1996.

In order to learn from its operational experiences and increase its capacity to work more efficiently around land issues in the future, in 2005, a stocktaking exercise was undertaken¹ on the 300 programmes and projects approved and supported by the Fund between 1993 and 2004. The exercise identified 85 projects that addressed access to land in one or more of their components, 35 of which were, then, analysed in depth. The key areas of land-related interventions in the latter included:

- Support to pro-poor land policy formulation and implementation (e.g. the Agricultural Development Project in Georgia or the Project to Support Development in the Menabe and Melaky Regions in Madagascar).
- Promotion of access to land through individual titling (e.g. the Farm Privatization Project in Azerbaijan, the Northern Mindanao Community Initiatives and Resource Management Project in the Philippines or the Matale Regional Economic Advancement Project in Sri Lanka).
- Land redistribution, either through state-led or market-assisted approaches (e.g. the Indigenous and Afro-Ecuadorian Peoples' Development Project in Ecuador, the Livelihoods Improvement Project in the Himalayas in India, or the Maghama Improved Flood Recession Farming Project in Mauritania).
- Enhancing access to common property resources and multiple-user arrangements (e.g. the Hills Leasehold Forestry and Forage Development Project in Nepal, the Gash Sustainable Livelihoods Regeneration Project in Sudan or the Rural Income Diversification Project in Tuyen Quang Province in Viet Nam).
- Strengthening security of land tenure (e.g. the Sustainable Rural Development Programme in Burkina Faso or the Smallholder Development Project for Marginal Areas in the United Republic of Tanzania).
- Land conflict resolution (e.g. the Community-Based Rural Development Project in Burkina Faso or the Southern Nyanza Community Development Project in Kenya).
- Strengthening links between land-tenure security and land use and sustainable management of resources (e.g. the Rural Poverty Reduction Programme in Mongolia).
- Securing ancestral and customary land rights through collective titling (for example, the Sustainable Development Project of Beni Indigenous People in Bolivia, the North-East Agricultural Improvement and Development Project or the Second Environment Programme Support Project in Madagascar).
- Strengthening decentralized systems of land administration (for example, the Rural Poverty Reduction Programme in Mongolia and the Umutara Community Resource and Infrastructure Development Project in Rwanda).

¹ Cofinanced by the Technical Advisory Division and the Eastern and Southern Africa Division of the Programme Management Department.

- Developing post-agrarian reform services (e.g. the Sustainable Development Project for Agrarian Reform Settlements in the Semi-Arid North-East of Brazil, or the Sustainable Rural Development Project for the Ngöbe-Buglé Territory and Adjoining Districts in Panama).
- Access to rangelands by pastoralists (e.g. the South Kordofan Rural Development Programme in Sudan or the Agricultural Sector Development Programme – Livestock: Support for Pastoral and Agro-Pastoral Development in the United Republic of Tanzania).

In all areas of intervention, particular focus has been placed on the land rights of women, youths, pastoralists and indigenous peoples and on secondary and communal rights. Similarly, emphasis has been placed on strengthening decentralized land administration systems, both statutory and customary.

The lessons learned over the years, in all the above-mentioned areas, can be placed within two broad categories: land policy formulation and implementation processes; and the design and implementation of rural poverty reduction programmes and projects.

Lessons deriving from engagements with land policy formulation and/or implementation

Securing the right land rights for the right people. It is necessary to specify what kinds of rights (ownership, use, etc.) and whose rights (individual, family, village, ethnic group, state, etc.) need to be secured. Private ownership is often promoted by public policies setting up cadastres and distributing formal legal titles. Apart from being difficult and very expensive in rural areas, this approach, in certain contexts, may benefit the powerful elites who can influence such formalization processes. Securing land-use rights through improved tenancy arrangements may be much more in line with the interests of small and landless farmers, and of poor rural producers. Policy frameworks need to accommodate and build upon customary norms and practices, recognize the multiplicity of rights and the coexistence of statutory and customary tenure systems, allow for regional variations, and promote the coherent development of pluralistic systems. Such systems will recognize and protect the diverse rights of the poor, including under common property systems, ensure the protection of both primary and secondary rights (e.g. for fuelwood collection or seasonal grazing), which are key for women and other frequently marginalized groups such as pastoralists and indigenous peoples.

In the project area of the Hills Leasehold Forestry and Forage Development Project in Nepal, access to the forest was generally regulated by community forestry groups. Experiences with community forestry reveals that all group members tend to receive equal benefits from community forestry management and that groups are not particularly targeted towards the poor. However, farmland is unevenly distributed in rural communities, and landless households depend disproportionately on forest products for their livelihoods. The project enabled groups of the poorest segment within highland villages to access degraded forest areas through long-term leases, and provided further technical (and financial) assistance for reforestation. During implementation it was found that building “coalitions of the poor” in the form of larger cooperatives of leasehold forestry groups was important to counter potential expropriation of resources by local elites. The project also highlights the importance of security of tenure for successful community-based natural resources management. It was found that households can regenerate degraded forest sites, if tenure is secure.

Promoting long-term support and partnerships. Policy reforms related to land tenure are highly political because they affect the distribution of resources, power and wealth. Pro-poor land reform requires sustained and adequate investments, long-term political commitment and broad public consultation and civic education to build and sustain trust and agreement among diverse sectors of society, especially the elite. Governments, development agencies and civil society all have a crucial role to play, both individually and in partnership, in providing and sustaining this long-term support. Given their varying mandates, resources and scales of operation, it is important to promote coordination and harmonization among their actions.

A land certificate, *Kara-tany*, will soon be issued to Ms Félicia, an inhabitant of the Ampasina Maningory community in the north-east of Madagascar. This is the result of her efforts to formalize ownership rights over the 100 m² plot of land she purchased in 1997. Most rural people who own land only possess a document certifying the purchase, which has very limited juridical value and therefore leaves them vulnerable to looting and land tenure claims by others. The certificate secures Ms. Félicia's legal rights to the plot, as if it were a real land title. These titles have become almost impossible to obtain owing to delays and the high cost of land registrations procedures. Furthermore, the certificate allows Ms. Félicia to investments in her land, by allowing her to use the land as collateral for loans, and to pass on her holdings to her heirs without the fear of land disputes. This is just one of IFAD's activities aimed at supporting tenure reform processes in Madagascar, a country where women have traditionally had difficulties in accessing land.

Sharing knowledge for policy dialogue and effective implementation. There is a critical need for experiences and information to be extensively and systematically shared, both horizontally and vertically – and through media that are appropriate to the different stakeholders. Opportunities to discover effective and innovative responses and other experiences in different contexts (across countries, across regions, and globally) help diverse stakeholders enhance their perspectives and understanding in order to be able to provide more effective responses to the land issues of poor rural people.

During the Soviet era, collective and large-scale state-owned farms were the only commercially-operated farms, all of them subject to centralized management and control. IFAD supported the implementation of farm privatization policies that would transfer full ownership rights to a large number of citizens (Georgia) or to all workers on former state and collective farms (Azerbaijan). Both projects built on lessons learned from earlier land reform processes: the need to complement land redistribution with enhanced access to agricultural support services and markets. They were highly successful in developing and scaling up local pilot processes (among others, land surveying and demarcation, and the creation of unified land registries at the local, regional and national levels that would function transparently and at low cost), which led to a considerable improvement of the overall land regularization process.

Nine out of ten poor people in Sri Lanka live in rural areas. The 20-year civil conflict in the north and east of the country had a major impact on poverty, leading to the displacement of about 800,000 people from their homes and sources of livelihood. The IFAD-supported Smallholder Plantations Entrepreneurship Development Programme addresses the needs of rural people resettled on non-viable tea estates, landless people in surrounding villages and small-scale farmers in Moneragala district. These people are among the poorest in Sri Lanka. To improve their livelihoods and social conditions in a sustainable manner, the programme works to improve the productivity of the old tea plantation lands by improving access rights to the land under outgrower schemes, and by supporting crop diversification and increased access to tea markets and services. The programme supports policy dialogue on land tenure and access for the marginal and rural poor, but ongoing political instability poses a number of serious risks.

Building government capacity at all levels. Home-grown leadership at all levels is a prerequisite for meeting the complex challenges of land-related reform processes for poverty reduction. State land institutions need to strengthen their human resources capacity for land policy reforms and actions, especially in handling land administration, registration and adjudication, and in terms of dispute resolution mechanisms. Such institutional strengthening also applies to local government for decentralized action, given the importance of decentralizing land administration systems. Interministerial and sectoral collaboration is also essential to ensure ongoing support for pro-poor land and agrarian reform. In this respect, decentralization represents a huge opportunity for providing more refined and contextual responses to local land tenure issues and for embedding them in a more sustainable institutional framework.

Considering decentralized and centralized approaches. Under most conditions and settings, decentralized land registration processes are better able to recognize and protect rights, and can address inheritance practices and the rights of vulnerable groups, including women, youths, orphans, pastoralists and marginalized ethnic groups. The decentralization of land administration systems under way in many countries provides an important opportunity to strengthen the integration of statutory and customary tenure systems. However, in certain settings and contexts, decentralized approaches may be highly vulnerable to elite capture, especially where the local landed elites control local government units and bureaucracies, and the local power setting. The challenge is to strike a balance between key positive aspects of centralized reform initiatives and decentralized approaches. In all cases, the goal is to decrease vulnerability and create the conditions for investment in the land by those who work on that land.

The incidence of poverty varies greatly across the United Republic of Tanzania, but is highest among rural families living in arid and semi-arid regions that depend exclusively on livestock and food crop production. Policies and strategies related to rangeland management place stress on land-use planning, particularly with respect to assuring tenure, resolution of conflicts over land and water among competing interest groups, and sustainability of the natural resource base. Through the Agricultural Sector Development Programme – Livestock: Support for Pastoral and Agro-Pastoral Development, IFAD provides funding to support district and village administrations to pilot a participatory approach to land and natural resource-use management planning, including rangeland management. National-level support is also provided to develop participatory methodologies for resolving conflicts, for producing village- and district-level land and natural resource-use management plans, and for training national facilitators in the use of such methodologies. The results of these activities may then be used as input for policy dialogue and the modernization of legal and regulatory frameworks.

Unfortunately the implementation of this programme under the sector-wide approach Agricultural Sector Development Programme (ASDP) on the country's mainland, is a constraint on the full implementation of land tenure interventions, as control of what is funded under the ASDP depends on what is reflected in the district agricultural development plan.

Empowering civil society organizations. Poor people's lack of access to land and tenure insecurity are symptomatic of their lack of influence over key social relations, policies and institutions. This is why pro-poor public policies are so critical. While their formulation and implementation are led by government, enforcement and success depend on the active participation of citizens and on a strong and vibrant civil society that can express the will of the people and, in particular, represent the interests of the poorest and marginalized members of society.² Thus, the advocacy role of civil society needs to be strengthened, as does its capacity to partner with government. It is critical that mechanisms for state-civil society interactions emerge, expand and are consolidated in order to form a broad pro-poor land reform coalition. International development agencies and solidarity organizations can play a positive role in supporting the development of a vibrant civil society, the role of which may include: research, public consultation and information dissemination; direct support for the implementation of government policies (mainly piloting and M&E); advocacy in defending the rights of poor and marginalized groups; and social mobilization in opposition to elitist policies.³

Providing in situ solutions informed by broader contexts. Solutions to the land issues must be sought in situ and be informed by the concrete, dynamic and highly diversified and complex realities confronting poor rural women and men. While there is no blueprint solution, the point of departure should be the local land governance system and its economic, political, socio-cultural and ecological contexts. At the same time, in order for solutions to be sustainable and effective, they need to be embedded in a national policy and development planning context. There are also cases where solutions do not lie within a single country. Transnational migrations and movements of people may require multicountry and regional approaches.

In Bolivia, IFAD supported the sustainable self-development of Beni indigenous peoples through capacity-building measures at the grass-roots level. Overall, the project has helped strengthen indigenous organizations in the land reform process. The project collaborated with indigenous organizations at the local and regional levels and facilitated the legal recognition of indigenous communities, a prerequisite for obtaining collective titles to their ancestral land. The implementation of key activities of the land titling process such as identification and demarcation of land, negotiation with current occupants of that land, etc., were carried out jointly between the Agrarian Reform Institute and indigenous brigades (brigades indígenas) within a co-management approach. Most of the beneficiaries thought that the results were sustainable. It is probable that the benefits of land titling will be maintained as they are firmly embedded in Bolivian state structures and are unlikely to be repealed.

Valuing land as more than an economic asset. In all considerations of pro-poor land tenure security, land should not be viewed only from the perspective of its economic asset value but also as an integral part of the cultural and social fabric and dignity of a community. However, given asymmetries in power, institutions governing access to land often adopt policies based on the interests of dominant groups and/or only on the principles of economic efficiency and not on other critical dimensions such as social and cultural dimensions.

2 Liversage, H. and Carpano, F. *Integrating the Strengthening of Land Tenure Security into IFAD-Supported Activities in Eastern and Southern Africa*. November 2006. p. 7.

3 Ibid.

Working with existing systems. It is often better to build on and foster the progressive evolution of traditional land administration systems (subject to minimum requirements regarding inclusiveness and security of rights) instead of establishing new formal systems at the outset. This gradual approach is particularly important for communal and common property lands, which are very important for the livelihoods of poor rural people and the cultural values they embody. In this regard, participatory land-use planning and multistakeholder user agreements (including among farmers and pastoralists) are very effective approaches. The *conventions locales* in Burkina Faso are a good example of such a mechanism, and are renegotiated every year.

In central/northern Burkina Faso, land insecurity is a major concern that sometimes prevents the adoption of measures and actions for the intensification of agricultural production and sustainable management of resources. Farmers who enjoy only use rights – to be renewed every year – are not usually allowed by traditional landowners to undertake land improvements through tree planting and other major land development activities. IFAD supports grass-roots organizations in implementing concrete pilot actions to improve land access and tenure rights on land on which agricultural production is hampered because of conflicts and because of land tenure and resource ownership constraints. This implies the development of diverse devices and mechanisms for creating greater land tenure security (depending on the local context) and of local strategies for empowering the land-insecure. To this effect, the implementation of land-related activities is based on a participatory methodology that seeks to foster and facilitate multistakeholder analyses and negotiation processes.

Mitigating and resolving social conflict. Land is often a key factor in conflict situations. Important prerequisites for avoiding social conflict include recognizing the diverse and often overlapping claims of different resource users – for example, between nomads and sedentary agriculturalists, across ethnic boundaries, or between individuals and the state. In order to mitigate conflict, broad stakeholder participation at all levels, particularly of rural people and their organizations, is critical for all land-related policy and institutional reform processes. Given that formal conflict-resolution mechanisms, such as the courts, are generally costly and less readily accessible, it is important that existing community-based conflict-resolution mechanisms be recognized and drawn upon as a first recourse for resolving conflicts, with statutory mechanisms as a final recourse.

The high incidence of poverty in northern Mindanao (Philippines) may be attributed to a number of factors. The majority of households are extremely vulnerable because of their limited assets. Most are landless, and some resort to farming as tenants or paid agricultural workers. A participatory geographic information system has been adopted to support community initiatives in managing their natural resources in a sustainable manner. The system promotes the participation of all stakeholders involved in addressing the needs of about 58,500 poor and marginalized households. As a result, tribal communities now know the scope and limits of natural resources; boundaries between tribes have been identified, thereby reducing the potential for conflict; the community has developed and manages a sustainable development and protection plan for natural resources; customary laws and practices related to the ownership of communal land and resources have now been incorporated into mainstream policies and procedures; and the commitment of community members to protect and develop their natural resources in sustainable ways has increased. The experience shows that the convergence of multistakeholders for better planning and management of community natural resources is feasible.

Lessons deriving from the design and implementation of rural poverty reduction programmes and projects

Gaining an in-depth understanding of land tenure systems. Understanding land tenure systems – both customary and statutory, and including the laws, values, principles and institutions associated with them – is critical to understanding the broader livelihoods of poor rural people. Land tenure status, type of access and security of rights are often the critical links determining who benefits and who loses. They are also key incentives for poor rural people to undertake long-term investments and to adopt environmental protection measures, which are often key to enhancing and securing their livelihoods and food security. A full understanding is thus a prerequisite for designing effectively targeted programmes and projects, and for sequencing activities to maximize results. Lack of understanding often has severe negative impacts on project outcomes. This applies, in particular, to interventions directly affecting the value of land, such as investments in rural infrastructure, the adoption of new farming technologies and the introduction of environmental protection measures. These interventions have inherent distributional impacts – intended or unintended.

Integrating land and other activities. Modest investments in strengthening land tenure security and access (including collective access and tenure) can have a significant impact, both in providing a critical safety net to poor resource users and in economic, livelihood terms. For that, it is very important that such investments be integrated into other activities aimed at pro-poor rural development and poverty reduction, such as pasture improvement or improved management of community-based land systems. It is equally important to provide the necessary support services to ensure capacity to take advantage of increased land access and tenure security. Indeed, the failure of a number of land reforms was partly due to the fact that land reform beneficiaries were often provided with only the land and no other inputs and services to be able to cultivate it profitably. This was the case, for example, in São Tome and Principe. Explicit linking of efforts to strengthen land tenure security and access, both to complementary investments in areas such as, for example, pasture improvement, and to improved management of community-based land management systems, can be particularly effective, and an important way of strengthening the livelihoods of poor rural people.

One of the main causes of poverty in Brazil is the extreme inequality of land tenure, especially in the north-east and in the country's central regions. Smallholder farms far outnumber large plantations. Most of the 4 million farms in Brazil are very small, and most are dedicated to subsistence production. Huge numbers of smallholder farmers eke out a livelihood by working as day labourers in agriculture. In 1995, the Government launched an ambitious national agrarian reform programme with a commitment to providing access to agricultural land to 280,000 rural landless families by the end of 1998. In order to fully reap the benefits of enhanced access to land, agrarian reform beneficiaries require access to markets and support services such as extension or credit. IFAD therefore supports federal and state agrarian reform settlements to provide those services. This will allow beneficiary families to improve their capabilities and involvement in the local market, and enable them to manage more efficiently, and sustainably, productive activities in agriculture, marketing, microenterprise and small-scale agro-industry.

Working with the state. It is necessary to choose implementation agencies that are able to deal with the resistance to changes in land tenure that will most probably evolve during the course of project implementation. For example, the continuous support of the federal government for the implementation of the Gash Sustainable Livelihoods Regeneration Project in Sudan proved

essential to deal with vested interests at the state level. It is also important to identify reform-oriented state actors, as they are the actual implementers of public policy reforms and are thus key partners for pro-poor land tenure. To further promote a conducive environment for programme and project effectiveness, it is important to support administrative reforms that will make bureaucracies more responsive and accountable to their rural poor constituencies. Similarly, the technical skills of state land institutions, at the national, local or community levels, need to be strengthened to perform their responsibilities.

Building up the capacity of local organizations. In the context of local social stratification and vested interests, projects can help community organizations develop knowledge and raise awareness, at the local level, of land policy and legislation, so that they can negotiate better and claim their rights. It is also important to build up the capacity of these organizations to link their efforts to larger and institutionally stronger entities to bring evidence from the field and advocate on behalf of poor rural people at higher political levels, which will also contribute to sustaining results after project completion.

Building on the traditional values of justice and solidarity, IFAD supported a negotiation process to enhance and secure access to land of the rural poor in southern Mauritania. The aim was to provide landless families with long-term use rights to newly available flood recession land. This process involved three phases. First, village committees were created, which elaborated an *entente foncière* (land pact between landowners and land users) to be discussed and endorsed by all community members. Second, a land tenure assessment was undertaken to identify the most vulnerable groups. The third phase aimed at consolidating the land tenure arrangements achieved under the first phase through a participatory process of negotiation and certification. This experience shows how important it is to work with local organizations so that they provide the solutions – instead of solutions developed elsewhere being imposed.

Ensuring sustainability. Reforming land access and tenure requires sustained political will and investment. It demands intensive supervision support and takes time, usually more than the lifespan of a single project. Therefore, the choice of implementation agencies is again particularly important to ensure sustained commitment and support, especially from government. Partnerships with NGOs and rural organizations and the establishment of links between them and community-based organizations and advocacy groups that operate at different levels are essential.

ANNEX V

International Land Coalition

As a member of the ILC, IFAD will work closely with the Coalition in its efforts to enhance land access and tenure security for its target groups. The mission of the Coalition – secure and equitable access to land for poor men and women – is also one of the Fund's strategic objectives. The Coalition's target groups¹ are the same as IFAD's target groups. Major areas for future collaboration include:

- Advocacy for pro-poor design of, and compliance with, international, regional and national agreements, policies and laws.
- Organization of multistakeholder dialogue on land issues, at the country, regional and global levels, building on the Coalition's role as convener of civil-society, governmental and intergovernmental stakeholders on land policies and practices.
- Consultations with the Coalition's members and partners in over 40 countries for the development of strategies and programmes, and for the implementation and assessment of said strategies and programmes at the national and local levels. This will contribute to achieving greater impact and to the identification of scalable and replicable solutions to land issues faced by the rural poor.
- Knowledge management efforts building on the experience of the Coalition's partners and members and its ties with regional and/or thematic knowledge networks. Activities in this area will include, among others, support to dynamic horizontal thematic exchanges; and creation of effective systems for documentation, dissemination and feedback. In this regard, IFAD will collaborate with the Coalition in all its knowledge management and capacity-building activities, as specified in the Strategic Framework.
- Building collaboration by IFAD with other members of the ILC will also involve working together to build an autonomous, decentralized, globally representative, member-led and financially sustainable coalition.

¹ Small and marginalized farmers, especially women; people reliant on common property resources, including forest dwellers, indigenous peoples, pastoralists; people negatively affected by extractive industries, conservation and tourism; and people affected by land-related conflicts. See: International Land Coalition. Strategic Framework 2007-2011. Putting a Pro-Poor Land Agenda into Practice. Rome, 2007, p. 2.



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