



LAND AND NATURAL RESOURCE TENURE IN SELECTED COUNTRIES OF EASTERN AND SOUTHERN AFRICA

Synthesis Report

A WORLD WHERE EVERYONE ENJOYS SECURE LAND RIGHTS

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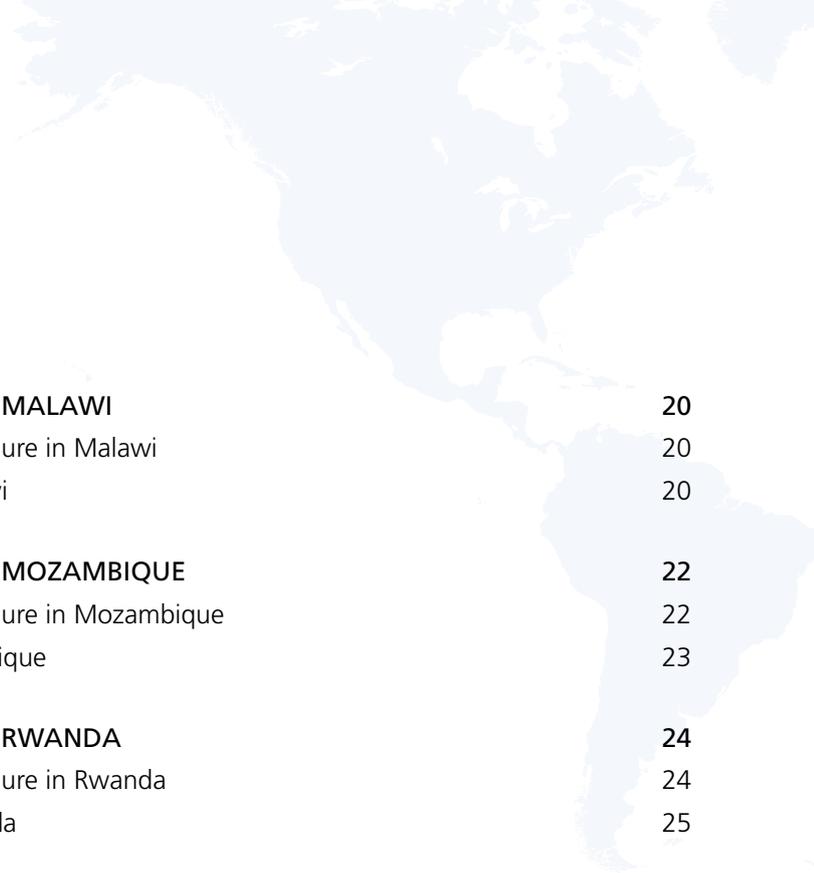
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ACRONYMS/ABBREVIATIONS

AAPS	Association of African Planning Schools
AEMP	Agricultural and Environmental Management Project
AfDB	African Development Bank
AIVeSP	Agricultural Intensification and Value-enhancing Support Project
ALDEP	Arable Lands Development Programme
ASAL	Arid and semi-arid land
ASDP-L	Agricultural Sector Development Programme – Livestock
ASSP	Agricultural Services Support Project
AUC	African Union Commission
CBINReMP	Community-Based Integrated Natural Resources Management
DSLIP	District Livelihoods Support Programme
ECA	Economic Commission for Africa (of the United Nations)
ESA	Eastern and Southern Africa
FAO	Food and Agriculture Organization (of the United Nations)
GEF	Global Environment Fund
GIS	Geographic Information System
GLTN	Global Land Tool Network
IFAD	International Fund for Agricultural Development
ILC	International Land Coalition
ILUMP	Intensified Land-Use Management Project in the Buberuka Highlands
KWAMP	Kirehe Community-based Watershed Management Project
LUSIP-1	Lower Usuthu Smallholder Irrigation Project - Phase I
MKEPP	Mount Kenya East Pilot Project for Natural Resources Management
MOSAP	Market-Oriented Smallholder Agriculture Project
NFCDP	Northern Fishing Communities Development Programme
NPFSRDIM	National Programme for Food Security and Rural Development in Imbo and Moso
PASIDP	Participatory Small-scale Irrigation Development I
PRODIRPA	Securing Artisanal Fishers' Resource Rights Project
ProParcerias	Community Investor Partnerships Project
PROSPERER	Programme for Rural Microenterprise Poles and Regional Economies
PSDMMR	Project to Support Development in the Menabe and Melaky Regions
RFEDP	Rural Finance and Enterprise Development Programme
RLEEP	Rural Livelihoods and Economic Enhancement Programme
RUFIP	Rural Financial Intermediation Project
S3P	Smallholder Productivity Promotion Programme



SAPP	Sustainable Agriculture Production Programme
SAPP	Sustainable Agriculture Production Programme
SDARMP	Smallholder Dry Areas Resource Management Project
SISP	Smallholder Irrigation Support Programme
SmAPP	Smallholder Agribusiness Promotion Programme
SNCDP	Southern Nyanza Community Development Project
STDM	Social Tenure Domain Model
TSLI-ESA	Tenure Security Learning Initiative for Eastern and Southern Africa
UN-Habitat	United Nations Human Settlements Programme
VODP	Vegetable Oil Development Project

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who conducted country case studies on land and natural resource tenure between 2015 and 2016 that constituted the fifteen ESA country reports. These includes: Abayeche Ayele, Francis Elungat, Marilyn Giza, Method J. Gwalabe, Henri Kabanyegeye, Jennilee Kohima, Linus K. Korir, Mtafu A.Z. Manda, Tatién Masharabu, Zebad Alemayehu Mekuria, Seitebatso Mohlahatsa, Christopher Mulenga, Eustaquius Nhime, Pierre Damien Ntihinyurwa, Simon Peter Mwesigye, Gaynor Paradza, Bruce Rukundo, Peterina Sakaria and Leah Chiti Tembo. We also acknowledge Mohammed Adil Sait and Uchendu Eugene Chigbu on their comments on sections of the draft report.

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It is widely recognized that secure land and natural resource rights for all are mandatory for reducing poverty because they ensure social inclusion and economic development. However, land and natural resources are becoming scarce because of climate change, natural disasters and increasing population pressure. Across the African continent, there is a need to understand the changing role of land and natural resource tenure in all countries in order to improve knowledge management strategies and approaches towards a pro-poor land and natural resource agenda. Tenure security is a powerful way of ensuring development as well as being a means of empowering people. This synthesis report presents an overview of land and natural resource tenure activities in Eastern and Southern Africa (ESA). The information in this report is based on research conducted by students of Association of African Planning Schools (AAPS) institutions between 2015 and 2016. In this case there could be a few updates or changes that are not captured in this report. The International Fund for Agricultural Development (IFAD) and the Global Land Tool Network (GLTN) through UN-Habitat partnered with AAPS to engage these researchers from the ESA region to conduct country case studies on land and natural resource tenure.

This synthesis report assesses and addresses issues of land and natural resource tenure in 15 ESA countries where government, civil society, the private sector and development cooperation interventions have been implemented over several decades. The selected case studies represent countries within the same geographic region in Africa, but with different socio-

economic statuses. Many of these countries have completely restructured or reformed their regulatory and legal framework related to land and natural resources in recent decades. They have also tried to harmonize modern statutory laws with customary laws. Despite these efforts, land and natural resource tenure problems (including lack of access to land, social exclusion and insecurity of tenure) persist in these countries.

To address these problems, strategies and tools for increasing poor people's access to secure land and natural resources is crucial; this is why this report addresses these issues in ESA countries where land and natural resource initiatives been implemented by governments, civil society, the private sector and other developmental organizations. The report allows for comparison between the selected countries, which will be helpful for practitioners and students of land-related disciplines and researchers to better grasp the complexities of dealing with land and natural resource tenure in these countries.

This report helps to enhance current knowledge of land and natural resource tenure challenges and hopefully will inspire additional policy debate on implementation of land and natural resources tenure programmes. It will also be useful to GLTN's global partners (Currently more than 75 international partners from international civil society organizations, research and training institutions, bilateral and multilateral organizations, and international professional bodies) in addressing land and natural resource tenure and reform, among other issues.

Secure access to land and natural resources is critical for enhancing economic development, social stability, gender equality and sustainable resource use. When land and natural resources are inequitably distributed or poorly managed, the associated problems that often arise include conflict, environmental degradation, food insecurity and diminished socio-economic development opportunities. The patterns of land and natural resource allocations and levels of tenure security that people have in their use and management of these resources can determine the quality of development in rural and urban areas. Land and natural resource governance poses both political and technical challenges that need to be addressed in sub-Saharan Africa. Land and natural resources matter to all social groups because of their economic and intangible value, and their geo-strategic relevance. When sustainably used and managed, these resources can serve to enhance livelihoods and foster development; however, addressing issues of land and natural resource management in sub-Saharan Africa presents both institutional and social challenges for policymakers, development practitioners and academics.

UN-Habitat (through GLTN and its partners) has, in the last decade, implemented projects and programmes aimed at improving the lives of the poor through land and natural resources tenure security enhancement. The GLTN promotes tenure security in developing countries through tool development and implementation, capacity development, knowledge management improvement, and by developing / strengthening strategic partnerships with other actors working on improving land and natural resource tenure in developing countries. GLTN advocates for the enhancement of security of tenure and the

identification of opportunities to strengthen access to land and natural resources for poor and marginalised groups in sub-Saharan Africa.

IFAD has a pro-poor emphasis in strengthening the linkages between land and natural resource access and the rural poor and vulnerable groups to contribute to the scaling up of tenure security.

Given the limitations of land and related policy implementation, and the need to achieve equitable use and distribution in sub-Saharan Africa, policy dialogues are imperative. This synthesis report presents an abridged version of the Eastern and Southern African perspective of land and natural resource tenure in ways that strengthen lesson sharing and knowledge exchange from the 15 countries among various stakeholders and programmes.

In 2011 GLTN as facilitated by UN-Habitat and IFAD entered into a partnership to implement a project called the Land and Natural Resources Tenure Security Learning Initiative for Eastern and Southern Africa (TSLI-ESA). Its main objective has been to identify common issues and enhance lesson sharing and knowledge management of land-related tools and approaches amongst the various projects, country stakeholders and partners in selected ESA countries. Phase 1 of the TSLI-ESA project (2011-2013) focused on 1) building a more detailed picture of the kinds of tools and strategies that various IFAD-supported projects and programmes are using to address land and natural resource tenure security issues; and 2) identifying what specific tools and approaches within their initiatives may be needed to potentially assist the various projects and programmes. Phase 2 of TSLI-ESA



Participants making notes during the presentation on the 15 country case studies. Photo © UN-Habitat/ Eric Gachoka

(2013-2016) focused on building on lessons learnt in the initial phase to provide tested tools and strategies that may assist in improving tenure security for land and natural resources. The goal of phase 2 was to contribute to the development and integration of pro-poor tools and approaches for securing land and natural resource rights into development programmes in selected countries in the ESA region.

Within the framework of the TSLI-ESA, GLTN as facilitated by UN-Habitat and IFAD approved a collaborative work programme with the Association of African Planning Schools' (AAPS) member schools in ESA countries to carry out country case studies of selected IFAD-supported projects and programmes in the region. These case studies would highlight the current situation, issues and lessons



on land and natural resources tenure security. The implementation of the project was organized through the University of Nairobi's Centre for Urban Research and Innovations (CURI) based in the Department of Urban and Regional Planning—a member of the AAPS network. The overall goal of the collaboration was to improve knowledge management strategies and

approaches towards pro-poor and gender-sensitive land and natural resources tenure rights in selected ESA countries. To achieve the goal, one of the activities was to research and document ESA country experiences of land and natural resources tenure security (in both full and synthesis formats). This report is the result.



01

INTRODUCTION

Land and natural resource tenure is a central, yet often neglected driver for economic development and poverty reduction in the developing world. It entails the political, economic, social and legal structures that determine how individuals and groups access and use land and related natural resources (including trees, minerals, pastures and water). Securing land tenure and natural resource rights in countries is a necessary precondition to addressing climate change challenges, improving natural resource management, food security and agricultural productivity, and empowering women and other marginalized groups in society. Secure land tenure and natural resource rights can also have a positive impact in limiting conflict and ensuring holistic sustainable development in any country, but this is only possible if land and natural resources are viewed from local contexts.

In many developing countries (and cultures), land and natural resources can have different connotations for different groups of people. To farmers and pastoralists, land and natural resources may imply property to be owned and a source of livelihood, and access to (or for controlling) them may be a challenge. To economic investors, land and natural resources could be viewed as marketable commodities through which windfall profits can be made through market speculation mechanisms. To governments, land and natural resources may be seen as institutional and sovereign entities whose boundaries reflect a social, cultural and political identity. To development agencies (and partners), land and natural resources could be a factor of development—or a quantum of goods and services—required for improving people's welfare and prosperity. To custodians of traditional institutions (e.g. traditional leaders and chiefs), land and natural resources may be seen as cultural and spiritual entities representing their heritage or identity. These perceptions roughly translate into different, and often competing, interests in land. It is difficult to produce a single connotation that can adequately reflect these divergent perceptions of land and natural

resources, which is why multifaceted approaches are necessary for tackling land and natural resource tenure problems.

Land and natural resource challenges in most developing countries are economically, environmentally, technically, culturally and politically complex; they demand highly trans-, cross- and multi-disciplinary interventions (Chigbu *et al.*, 2017). A precondition for creating equitable and efficient land and natural resources for all citizens, therefore, lies in the understanding of different delivery systems and associated land and natural resource tenures. A key lesson that has emerged from the works of UN-Habitat, GLTN and IFAD over recent decades of involvement in development projects and programmes is that sustainable use of land and natural resources ensures that renewable resources do not exceed their regenerative rates. When land and natural resources are efficiently and effectively used and managed their availability (or access to them) will not exceed the rate at which they are used, or their renewable substitutes are created.

There is need to scale up knowledge and capacity for the efficient use (and management) of land and natural resources in sub-Saharan Africa. This report explores the current status of land and natural resource tenure in selected countries of East and Southern Africa as a knowledge-generating mechanism necessary for developing tools to respond to land and natural resource challenges in the 15 countries in the region. These countries are Angola, Botswana, Burundi, Ethiopia, Kenya, Lesotho, Madagascar, Malawi, Mozambique, Rwanda, eSwatini (Swaziland), Tanzania, Uganda, Zambia and Zimbabwe. Given the limitations of land titling, and the value of incremental approaches to secure land and natural resource tenure, UN-Habitat and GLTN (and partners, including IFAD) advocate the use of a variety of alternative tenure options that can be easily adapted in these countries. While the continuum of

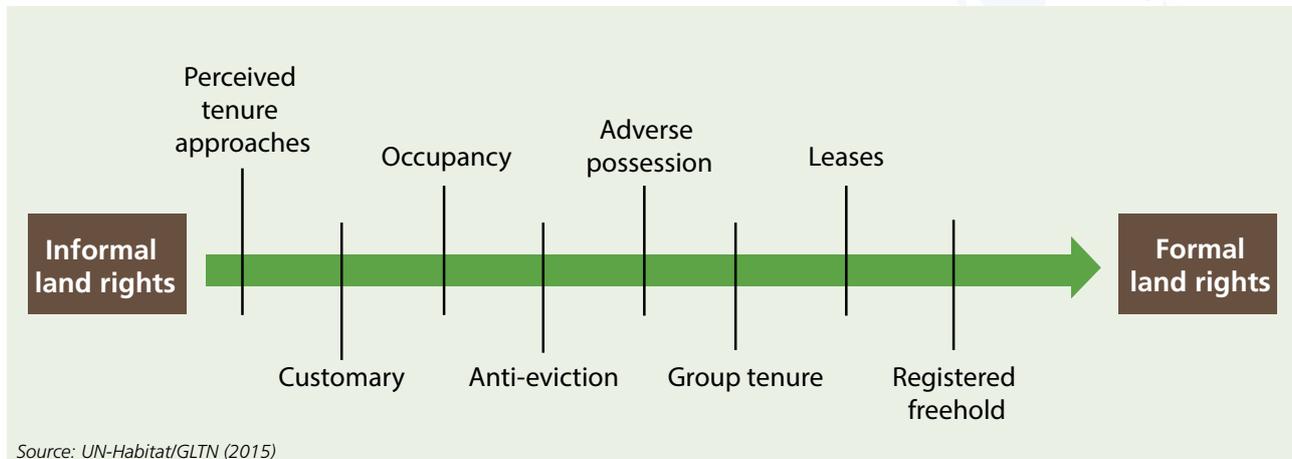


Figure 1: Continuum of land and natural resource tenure and rights

land rights approach to land and natural resource tenure and rights is increasingly being endorsed, important work is still needed to change deeply rooted mindsets on what secure tenure entails.

Although most governments in the 15 countries surveyed for this report have, to varying degrees, recognized a range of different forms of tenure as being legitimate, “tenure security” is still unenhanced in statutory forms of legal security, such as individual land titles. With regard to land, this not only fails to address the realities on the ground, but also severely reduces the number of women and men who can afford such “formal” tenure security, particularly those living in poverty and in rural areas. The use and management of other natural resources (e.g. forests, water and minerals) is also affected by the tenure insecurity embedded in land ownership. As a way forward, the Tenure Security Learning Initiative in Eastern and Southern Africa (TSLI-ESA) provides opportunities for formulating measures for action.

The TSLI-ESA initiative supports the development agenda of FAO’s (2012) Voluntary Guidelines on

the Responsible Governance of Tenure of Land, Forests and Fisheries in the Context of National Food Security (VGGT) and other related global and regional instruments, such as the African Union’s Framework and Guidelines on Land Policy in Africa (AUC-ECA-AfDB Consortium 2010). The VGGT highlight the need for secure tenure rights for local communities (with customary tenure systems) to enhance food security and food sovereignty.

This report specifically contributes to the ongoing frameworks for securing tenure in Africa and has been produced as part of the TSLI-ESA knowledge management platform. It is aimed at those people working on IFAD and GLTN-supported projects in Eastern and Southern Africa, many of whom face issues and challenges in fully understanding the status of land and natural resource tenure in countries in the region. Each section of the report provides important land and natural resource tenure data on each of the selected countries, and the final section includes analyses of the cases presented and a way forward.



LAND AND NATURAL RESOURCE TENURE

	<p>Author: Eustaquius Nhime (Faculdade de Ciências Agrárias)</p>
	<p>Land, water and forest distribution Angola's total land area is 1,246,700 km². In 2017, 46 per cent of the total land mass was classified as agricultural area, just under 3 per cent as arable, 2 per cent of the cropland was irrigated, 43 per cent of the land is forestland, and 10 per cent of total land is in nationally protected areas. Currently, the sizes of forest have dramatically reduced.</p> <p>Tenure Types Customary domain, civil domain, surface rights, temporary leaseholds, customary rights.</p>

2.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN ANGOLA

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	Land Law Act No. 9/04 of 2004; and Traditional Laws.	Ministry of Urbanization and Environment, Ministry of Agriculture and Rural Development.	There are limited rights to access, particularly for women. Most land tenure is informal through customary methods. There is no official right to occupancy.
Water	The Water Law: (Decree No. 06/02), Strategy for the Water Sector Development	National Water Directorate, public sector companies, provincial governments	There is uneven access to water, with some regions having more water sources than others. Water supply in peri-urban and rural areas is poor while distribution is hazardous and unhygienic.
Forest	Law of Agrarian Development; Law No. 6/17 of the Forest and Wildlife Basic Legislation 2017.	Ministry of Agriculture and Rural Development, through the National; Directorate of Agriculture and Forestry and the Forest Development Institute, Ministry of Urbanization & Environment.	Deforestation is widespread. Community members can convert forestland into crops with authorization from the local chief.
Minerals	Law No. 5/79, Mining Law No. 1/92; Law No. 16 / 94- Law of Diamonds.	Ministry of Geology and Mining, Geological Institute of Angola Management of Minerals, provincial directorates of geology and mining services	Global price volatility of minerals (oil, natural gas and diamonds) has caused problems for budgetary frameworks in implementing government land programmes.

2.2 SELECTED IFAD-SUPPORTED PROJECT IN ANGOLA

IFAD has been involved in six projects in Angola that have a total cost of USD 139.7 million, with IFAD financing up to USD 76.0 million of that. These projects have directly benefited 261,600 households in Angola (2017). IFAD's first project in Angola was the Malanje Smallholder Sector Rehabilitation Project, which began in 1991, but this was suspended in 1992 after fighting broke out and it became impossible to maintain a presence in the project area. After the Lusaka Peace Accord was signed in November 1994, IFAD initiated programmes for development. One of them is the Northern Fishing Communities Development Programme.

NORTHERN FISHING COMMUNITIES DEVELOPMENT PROGRAMME (NFCDP)

Prior to the implementation of NFCDP, civil war severely affected coastal areas of Zaire Province. Many people fled the area and much physical and social infrastructure was destroyed. The project was suspended when fighting broke out again in 1998 (IFAD, 2017c). Project activities resumed after the civil war and displaced families and displaced families returning and continuing to make a living as fishers, with many more returnees expected.. However, due to a lack of fishing gear, a lot of people have been forced to rely on subsistence farming.

Project objectives: NFCDP was designed to improve the income and welfare of Angola's coastal populations.

Key facts and figures of the project: NFCDP benefited 400 households and was implemented at a total project cost of USD 9.3 million, with IFAD financing of USD 7.3 million between 1997 and 2006, and the Belgian Survival Fund co-financing the project.

Link to tenure interventions: Food security and capacity development components had loose tenure

linkages, and the lack of capacity for coastal natural resource management, food insecurity and poverty were key challenges alongside the strong insecurity of coastal resources in the project area.

Instruments or approaches used to address

tenure: NFCDP used participatory planning and grassroots organizations to identify development needs and manage development activities. Building a network of traders linked to fishing communities helped to connect suppliers and fish markets. New systems were developed to monitor small-scale fishing and industrial fisheries, and the capacity (of government agencies) was strengthened in monitoring and managing fisheries.

Lessons learned: A key lesson from NFCDP is that capacity development may have both strong and loose linkages to tenure. NFCDP increased food security for households in local fishing communities through increased fish catching and related earnings. The number of household daily meals is reported to have increased from two to three. Social capital was created in terms of institutional capacity building with 18 economic interest groups for fishermen, 145 savings and credits groups for fishmongers and 13 infrastructure committees.

Challenges experienced: During a preliminary three-year phase, the programme served fishing communities in the three coastal *municípios* of Zaire Province, extending over 220 km. However, security deteriorated in the intervention area in 1998 and an estimated two-thirds of the local population left the region. Programme activities were limited to an action radius of 20 km around Soyo. This situation only changed in April 2002 resulting in reduced expected outcomes of the programme.

Recommendations: To address the negative impact of coastal resource degradation, coastal tenure security should be one of the major focal points of programmes dealing with coastal populations.



Author: Chandapiwa Molefe (University of Botswana)

Land, water and forest distribution

Botswana is a land-locked country located within an area of about 581,000 km². The Kalahari Desert covers 60 per cent of the land area. Though only 5 per cent of land is suitable for cultivation, 46 per cent of the land is listed as agricultural land and 21 per cent is categorized as forestland.

Tenure Types

Freehold, leasehold and, customary rights

3.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN BOTSWANA

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	State Land Act 1970, Tribal Land Act, Cap. 32:02, Town and Country Planning Act, Cap. 32:09, Tribal Grazing Lands 1975; and Sectional Titles Act 1999	Department of Lands, Department of Town & Regional Planning, Department of Surveys & Mapping, Department of Housing, Land Tribunal, Deeds, land boards	Triggers include poor record keeping by the land boards, lack of data networks and the limited availability of land for development.
Water	Boreholes Act of 1956, Water Act, (1968), Water Works Act (1962); and Draft National Water Policy (2012).	Ministry of Minerals, Energy and Water Resources, Department of Geological Survey, and Water Utilities Corporation.	Water resources are unevenly distributed. The country is semi-arid and has low, unreliable rainfall and therefore has limited groundwater. There is unsustainable yield from reservoirs.
Forest	National Forest Act, 1968, Wildlife Conservation and National Park Act 1992.	Ministry of Environment, Wildlife and Tourism.	Community-based natural resource management programmes are used as a rural development and conservation strategy to ensure sustainability of resources.
Minerals	Mines and Mineral Act 1967; Mines and Minerals Act 1999; and Competition Act 2009.	Ministry of Minerals, Energy and Water Affairs, Department of Mines, Department of Geological Survey.	Citizens and residents of Botswana can acquire rights to explore and extract minerals. Tribes can mine land from customary land from where it has been the tribe's tradition to take the minerals.

3.2 SELECTED IFAD-SUPPORTED PROJECT IN BOTSWANA

IFAD's projects in Botswana have focused on tackling issues of rural poverty, low agricultural productivity and dependence on imported foods. As of 2017, IFAD has been involved in two projects (one on-going), at a total cost of USD 54.4 million, with IFAD financing up to USD 13.2 million. These projects have directly benefited 31,000 households in Botswana (2017). One of the projects is the Arable Lands Development Programme - Phase I Project.

ARABLE LANDS DEVELOPMENT PROGRAMME (ALDEP-1) - PHASE I PROJECT

ALDEP was conceived by the Government of Botswana (GoB). It was designed within an overall programme in which other multilateral donors were to participate, including the African Development Bank (IFAD, 2017c). It targeted all farming households, except those with more than 40 heads of cattle, within the project area. Due to its success, the GoB financed a follow-up phase after the completion of the ALDEP-1.

Project objectives: ALDEP-1 was designed to raise the production of food grains by small farmers and make the economy less dependent on imported food.

Key facts and figures of the project: ALDEP-1 was implemented at a total project cost of USD 29.4 million, with IFAD financing of USD 5.9 million, during the period of 1981 to 1990. It benefited 11,000 households.

Link to tenure interventions: There was food insecurity due to low agricultural (food crop) yields.

Instruments or approaches used to address

tenure: ALDEP-1 distributed on-farm investment packages, including draught power. It applied gender mainstreaming and incremental food grain production as part of its strategies and used capacity development in row planting, water harvesting and soil and water conservation techniques. Tenure was tackled in ALDEP because there was a need to identify ownership in the entire process.

Lessons learned: Improvements (such as fencing and establishment of reliable domestic water sources) can enhance farmers' physical security and land tenure security. Agricultural technologies can improve crop yields, but their application may not be sufficient to achieve sustainable solutions (e.g. draught animal power) due to the inadequate technical knowledge and capacity of the users.

Challenges experienced: There was low adoption of draught power by beneficiaries. Only about 4 per cent of ALDEP beneficiaries adopted draught power compared with programme's target of 54 per cent. One of the reasons for this low rate was the limited availability of the donkey draft, the least costly type of draft for female-headed households. Therefore, the increase in crop production did not occur fully in accordance with projections due to drought conditions during the implementation of the project.

Recommendations: Despite several overachievements in specific targets of the project, adverse climatic conditions affected some aspects of the project. It is important to prepare at earlier stages of a project for alternative pathways in case unforeseen conditions affect the project during implementation.

	<p>Authors: Henri Kabanyegeye and Tatien Masharabu (Burundi University, Bujumbura)</p>
	<p>Land, water and forest distribution Burundi's territory of approximately 27,834 km² consists of 25,950 km² of land surface, of which more than 15,000 km² is cultivated. Diverse data estimates indicate land use consists of mainly 40 per cent cropland (including farms on hills); 34 per cent pasture; 5 per cent forests (both natural and planted forests); 5 per cent marshlands; and 7 per cent lakes.</p> <p>Tenure Types Private, customary and state land (temporary rights of occupation are provided to citizens on all land classified as private state land).</p>

4.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN BURUNDI

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	Burundian constitution, Land Code Land Code began in 2000, and Land Code 2011.	Ministry of Agriculture & Livestock; Ministry of Environment, Land Management & Public Works; Ministry of Home Affairs & Communal Development; Ministry of Justice & Keeper of Seals.	Land is largely unregistered. Citizens develop and invent their own means of securing tenure based on "small papers", designed heterogeneously.
Water	Water Decree 1954; Law no. 1/010 of 2000, Decree no. 1/41 of 1992,	The Ministry of Water, Land Management, Environment, and Urban Planning; REGIDESO (water and electric authority); Directorate of Hydrology and Rural Energies, Burundi Geographic Institute; and National Institute for Conservation of the Environment and Nature.	There is low rate of access to potable water and sanitation, inadequate infrastructures, low water control capacity for different uses and insufficient data and information on water, key for good planning for development of the resource.
Forest	Forestry Code, and 1985 Environment Code 2000.	Ministry of Territorial Development, Environment & Tourism, Institute for Environment, Conservation of Nature; and Geographic Institute of Burundi.	Land and related forest disputes are many; and they threaten tenure security, social cohesion and peace in the country.
Minerals	Mining Code 1976, Mining Code 2013, Mineral Code 2008, Investment Code 1986, Land Code 2000, and Environment Code 2000.	Ministries of Energy and Mines, Burundi Mining Corporation, provincial, communal and local administrations.	The Burundi Government holds exclusive ownership of minerals. It has to grant authorization to those who want to prospect.

4.2 SELECTED IFAD-SUPPORTED PROJECT IN BURUNDI

For more than a decade, IFAD has implemented several programme and project activities in Burundi, within a challenging political environment. In keeping with its mandate for rural and agricultural development, IFAD supported participation in the social development and cohesion of rural communities. By 2017, IFAD had funded 11 programmes and projects in Burundi for a total investment of USD 235.10 million, with 712,779 households benefiting (IFAD, 2017). IFAD's experience confirms that even under adverse circumstances, programmes and projects conceived and designed on the basis of adequate incentives and consultations with rural communities can help improve household food security. One of IFAD's projects in Burundi is the National Programme for Food Security and Rural Development in Imbo and Moso.

NATIONAL PROGRAMME FOR FOOD SECURITY AND RURAL DEVELOPMENT IN IMBO AND MOSO (NPFSRDIM)

The NPFSRD is currently being implemented to strengthen food security and rural development in the regions of Imbo and Moso (IFAD, 2017c). The programme targets to benefit 225,000 rural people, of whom it is estimated that 50 percent will be women and 30 percent will be young people.

Project objectives: The programme will help to create jobs at husking units, mini mills and in milk collection centres. One of its goals is to develop and rehabilitate 2,470 hectares of marshland and plains.

Key facts and figures of the project: The total project cost (as of now) is: USD 57.9 million, with IFAD financing USD 1 million. The project is designed to run from 2014 to 2020. It has already benefited 11,000 households. The co-financier of the project is Organization for Petroleum Exporting Countries (OPEC) Fund for International Development.

Link to tenure interventions: The development and rehabilitation of marshland and plains involves the identification of land ownership and land rights.

Instruments or approaches used to address tenure: Development and rehabilitation of 2,470 hectares of marshland and plains will increase rice production to nearly 5,000 tonnes per year, hence it will improve food security. The process of land rights/ownership enumerations and documentation will have direct tenure security results.

Lessons learned: Employment generation provides the foundation for rural development in post-conflict states. Cooperation between local authorities and beneficiaries has provided a pathway for stakeholder collaboration in the programme.

Challenges experienced: Participation by local people, especially women, was not encouraging in the earlier part of the programme. However, renewed efforts through stakeholder engagement have yielded improved results.

Recommendations: There is a need to introduce a mechanism for identifying, documenting and disseminating land information (and knowledge) at different levels. It is important to conduct an enumeration of land rights and strict recordation of the same to strengthen or widen the margins of tenure security in the marshlands and plains.



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Land, water and forest distribution

eSwatini's total land area of 17,364 km² comprises of 99 per cent (17,204 km²) land and 1 per cent (160 km²) water. Of the available land, 68.3 per cent is for agriculture and 31.7 per cent is forest. Of the available agricultural land, 9.8 per cent is arable land, 0.8 per cent is for permanent crops, and 57.7 per cent is for permanent pasture.

Tenure Types

Crown Land, Swazi National Land and title deed land/freehold.

5.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN ESWATINI

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	Constitution of 2005, Draft National Land Policy (1999), Urban Government Act (1969), Town Planning Act (1961); and Land Speculation Control Act No.8 of 1972	Land Management Board, chieftaincy, community councils, Ministry of Agriculture, Ministry of Natural Resources, Ministry of Housing and Urban Development.	Women are generally denied the right to access land. Land in eSwatini was lost through alienation to settlers and is in the process of being returned.
Water	eSwatini's Water Act (2003), Water Pollution Regulations (2001), and Natural Resource Act (1952)	Department of Water Affairs (DWA) in the Ministry of Natural Resources, and eSwatini Water Services Corporation.	Allocation procedures for water rights often involve complex negotiations with multiple chiefs, councils and communities.
Forest	Forest Preservation Act of 1907, Private Forests Act No.3 of 1951, eSwatini Environment Act 1992, Flora Protection Act 2001; and Natural Resource Act (1951).	Ministry of Natural Resources, Ministry of Tourism and Environmental Affairs, Swazi Environmental Authority,	Community members have unhindered access to forests, with the exception of protected areas and private plantations forests. Traditional leaders exercise some control over access. Such controls usually limit the extent of forest tenure security that individuals can have.
Minerals	Mines and Minerals Act 2011; Diamonds Act Notice 2011; Explosive Act 1961; Environmental Management Act 2002	Ministry of Natural Resources, iNgwenyama, Minerals Management Board.	Tenure insecurity arises when there is a lack of clarity on regulatory oversight.

5.2 SELECTED IFAD-SUPPORTED PROJECT IN ESWATINI

IFAD started development operations in eSwatini in 1985. Since then, it has been involved in five projects (including an on-going project) at a total cost of USD 163.5 million, with IFAD financing of USD 44.4, directly benefiting 41,555 households (IFAD, 2017). One of the projects is the Lower Usuthu Smallholder Irrigation Project - Phase I.

LOWER USUTHU SMALLHOLDER IRRIGATION PROJECT - PHASE I (LUSIP-1)

LUSIP-1 was implemented in Siphophaneni, one of the poorest regions of eSwatini (IFAD, 2017b). The climate is semi-arid, droughts are frequent and crop yields are unreliable. Most households in the area have access to less than 2 ha of land and can barely grow enough to feed themselves. Households rely heavily on remittances. Land tenure security and access to water for irrigation are key means to improving rural livelihoods and poverty reduction.

Project objectives: The main objective of LUSIP-1 was creating favourable conditions for farmers in the lower Usuthu basin to commercialize their activities and develop sustainable, high-value crop production.

Key facts and figures of the project: LUSIP-1 was implemented at a total project cost of USD 116.5 million, with IFAD financing of USD 15 million. The project duration was 2001 to 2011, and it directly benefited 2,600 households. The co-financiers of LUSIP-1 were the European Union, the European Investment Bank, the Government of Taiwan, the Development Bank of Southern Africa; the Arab Bank for the Economic Development of Africa; the African Development Bank; and the Global Environmental Facility.

Link to tenure interventions: LUSIP-1 involved a large-scale irrigation project dealing with issues related to land tenure security and equitable land access through chiefdom development planning processes. The tenure issues involved in the project were the

resettlement of displaced individuals and resettlement of people affected by infrastructure development. The project was also implemented in a region where women have poor access to land and tenure security.

Instruments or approaches used to address tenure:

LUSIP-1 adopted the following interventions: creating 'community' companies as a new and challenging approach in the face of customary norms for many of the community members; using technically advanced geographic information technologies to map land and natural resource rights; and enabling staff to give advice to traditional land authorities when planning future land use. It also adopted the following strategies for land tenure: recognizing and documenting small-scale farmers' land and water rights in irrigation schemes; recognizing and documenting group rights, focusing on range/grazing lands, forests and artisanal fishing communities; strengthening women's access to land; and also documenting best practices in securing land and natural resource rights through business partnerships between small-scale farmers and outside investors.

Lessons learned: The social and gender equity situation in resource allocation in the project area has improved. A lack of sustainable compensation in cases of land acquisition affects productivity.

Challenges experienced: Disputes amongst the various chieftaincies (mainly boundary conflicts) slowed the pace of project implementation. Mechanisms transferring land rights to farmers' associations were affected by the lack of a clear land policy and appropriate legal tools. The chief's letter of consent has some limitations.

Recommendations: The Land Management Board (LMB) needs to work with community councils instead of chiefs in land administration and management. The piloting and use of the Gender Evaluation Criteria (GEC) and improvement of GIS in subsequent LUSIP-2 is necessary for improved results.



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Land, water and forest distribution

Ethiopia has a total surface area of approximately 1.3 million kms², of which an estimated 34 per cent is agricultural, 9.6 per cent is arable, 3.6 per cent is forested, and woodlands and shrubs cover 48.9 per cent.

Tenure Types

Leasehold, private holding, communal holding and state holding.

6.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN ETHIOPIA

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	Constitution of 1995, Re-Enactment of Urban Lands Lease Proclamation No. 272/2002, Landholding Expropriated for Public Purposes Council of Ministers Regulations No. 135/2007.	The Ministry of Agriculture, Ministry of Urban Development, Housing and Construction, and regional government agencies.	The state has retained ownership of all land and natural resources and the right to seize, distribute, and redistribute as needed. Land rights vary by region with some areas having less land rights than others.
Water	Proclamation No.197/2000, and Water Resource Management Policy	Ministry of Water and Energy, Regional Water Bureau, Zonal Water Resource Development Offices, and Woreda Water Resources Development Offices	Management of water is based on a permit system except for traditional uses. Right holders can claim for compensation if their land rights fall under irrigation infrastructure development.
Forest	Federal Forest Development, Conservation & Utilisation Proclamation No. 542/2007, Participatory Forest Management, Proclamation No. 542/2007, and Regional Proclamations.	Ministry of Environment Protection & Forestry: boosting and protecting forest coverage Forestry and wildlife conservation and development agencies, Ethiopian Agricultural Research Institute.	Communally held forestland may be converted to other uses as necessary. This discourages community members from engaging in conservation activities unless they have assurances of longer forest use tenure.
Minerals	Mining Operations Proclamation 2013, Mining Operations Regulations 1998, Mining Income Tax Proclamation 1996; and Transactions of Precious Minerals Proclamations 2009.	Ministry of Mine, Geological Survey of Ethiopia, regional states	Lack of appropriate compensation and resettlement mechanisms also creates land-use conflicts during exploration and mining developments. This threatens tenure security.

6.2 SELECTED IFAD-SUPPORTED PROJECT IN ETHIOPIA

Since 1980, IFAD has invested a total of USD 398 million in 18 programmes and projects in Ethiopia. These projects have an overall cost of more than USD1 billion. IFAD also provided USD28 million in debt relief under the Heavily Indebted Poor Countries Debt Initiative. IFAD's projects in Ethiopia have benefited more than 11,078,750 households (IFAD, 2017). One of these projects is the Community-Based Integrated Natural Resources Management.

COMMUNITY-BASED INTEGRATED NATURAL RESOURCES MANAGEMENT (CBINREMP)

CBINReMP is being implemented with the aim of reducing poverty for about 312,000 households in the Lake Tana Watersheds. The project preparation process identified the major causes of land degradation in the Lake Tana Watersheds as cropland deterioration, overgrazing, deforestation and overuse of wetlands (IFAD, 2017b).

Project objectives: CBINReMP is designed to enhance the access of poor rural people, especially rural women, to natural resources such as land and water, and to introduce improved technologies for agricultural production through sustainable land management. This is expected to help combat land degradation through the introduction of natural resources conservation measures, and the promotion and up-scaling of sustainable land management practices



Gravel mining in Kilinto, Addis Ababa, Ethiopia.
Photo©Zebad Alemayehu Mekuria.

Key facts and figures of the project: The total project cost for the implementation of CBINReMP (up until 2017) is USD 25.4 million, with IFAD contributing of USD 13 million. The project started in 2009 and was meant to end in 2018. It has already directly benefited 450,000 households. The co-financiers of the project include the Government of Ethiopia (GoE) GOE, Global Environmental Facility, Spanish Fund and the beneficiaries.

Link to tenure interventions: The degradation of natural resources is a crucial issue in Ethiopia. Ethiopia loses an estimated 1 billion tons of topsoil annually as a result of soil erosion alone (Berry 2003). Central to this problem is the lack of land titling, gender parity and ownership. Instruments or approaches used to address tenure: CBINReMP adopted a participatory approach whereby community members are given leading roles in land administration, certification and registration processes. Rural land registration is being used as a support area to conduct first-level certification. With the certification, holders are increasingly aware of their responsibility as owners of land. Joint certification is being used to ensure legal rights to land inheritance and transfer on the death of their husbands (for women). These activities have a strong impact on tenure security.

Lessons learned: Capturing accurate spatial data of a land holding is a costly process and decades are needed to survey, register, verify and provide secured land tenure for beneficiaries. There is need for continuous follow-up and updating of land records in cases of user right transactions.

Challenges experienced: Conflicts between water users over water distribution affected the speed of project implementation. A lack of gender parity (and ownership of land by women) also affected women's active involvement in decision-making on land matters.

Recommendations: There is need for a timely supply of necessary logistics to facilitate secondary certification process. Provision of user-right certification is not a one-time activity. It demands continuous follow-up and updating in cases of user-right transactions.



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Land, water and forest distribution

Kenya has a land area of about 582,646 km² comprising 97.8 per cent land and 2.2 per cent water surface. Of the total land cover, about 2.4 per cent is under indigenous and exotic forests.

Tenure Types

Customary tenure, private freehold, leasehold and public land

7.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN KENYA

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	Constitution of Kenya 2010, National Land Policy 2009, Land Act 2012, Land Registration Act 2012, National Land Commission Act 2012; and Environment and Land Court Act 2011.	Ministry of Land and Physical Planning, National Land Commission, county governments, district and community land boards	Gross disparities in land ownership, gender and trans-generational discrimination in succession, transfer of land and the exclusion of women in land decision-making processes.
Water	Water Act (2002), Environmental Management and Coordination Act 1999	Ministry of Water and Sanitation, Ministry of Agriculture and Irrigation, Ministry of Environment and Forestry, water service boards, and the National Environmental Management Authority	The Water Act does not recognize the existence of a pluralistic legal framework and neither does it recognize customary tenure rights. All rights to water are vested in the state.
Forest	Forest Act 2005, Forest Policy 2005, Environmental Management and Coordination Act 1999	Ministry of Environment and Forestry, National Environmental Management Authority, Kenya Forest Service.	Forests have undergone massive deforestation to pave way for agriculture and construction with the Mau Forest being one where deforestation has had widespread negative impacts.
Minerals	Mining Act (2012), Environmental Management and Coordination Act (1999)	Ministry of Petroleum and Mining, National Environmental Management Authority, Ministry of Energy and Petroleum, Ministry of Environment, Water and Natural Resource.	Ownership of minerals is vested in the state, including minerals in Kenya's continental shelf, territorial waters and the exclusive economic zone.

7.2 SELECTED IFAD-SUPPORTED PROJECT IN KENYA

Since 1979, IFAD has invested a total of USD 319.3 million in 17 programmes and projects in Kenya that

have a total cost of USD 659.0 million, in support of the government's efforts to reduce rural poverty (IFAD 2017). One of IFAD's projects in Kenya is the Mount Kenya East Pilot Project for Natural Resources Management.

MOUNT KENYA EAST PILOT PROJECT FOR NATURAL RESOURCES MANAGEMENT (MKEPP)

Poverty in the project area – the districts of Embu, Meru Central, Meru South, Mbeere and Tharaka – dramatically increased over the past decade prior to the inception of the project with the drop in global coffee prices (IFAD, 2017b). The neglect of coffee plots led to environmental degradation resulting from inappropriate agricultural practices on fragile soil. Deterioration and overexploitation of natural resources, small sizes, and low productivity of landholdings, together with population pressures, contributed to rising poverty levels. Drought, flooding and unregulated water use from rivers were other major causes of food insecurity and poverty.

Project objectives: The project supported the government's goal of promoting environmental conservation to ensure sustainable livelihoods for poor rural people. It helped strengthen capacity for community-based organizations and local groups in formulating regulations for the sustainable management of land and water resources and implementing management plans. It also enabled poor people to increase incomes through food processing or off-farm activities, and promoting improved market linkages.

Key facts and figures of the project: Directly benefiting 60,000 households, total project cost of MKEPP was USD 25.7 million, with IFAD financing of USD 16.7 million between 2002 and 2010, and co-financed by the Global Environmental Facility.

Link to tenure interventions: The rights of downstream users in arid and semi-arid land (ASAL) areas were not recognized with lack of tenure security in terms of certification in the Mwea Irrigation Scheme. Customarily, women were not able to inherit land and, in most cases, not able to purchase land either.

Instruments or approaches used to address tenure: Mapping was used to strengthen community ownership/involvement in land and natural resource

management, with a special focus on co-management and recognition of multiple resource users' rights. There was an inventory of current parcel allocations implementation of community action plans aimed at recognizing downstream user rights in ASAL areas.

Lessons learned: MKEPP strengthened community ownership/involvement in land and natural resource management, specifically focusing on co-management and recognition of multiple resource users' rights. Working through community-based organizations, it contributed to poverty reduction through improved food security and income levels of farmers and rural women, promoting more effective access to water, better farming methods and water management.

Challenges experienced: The main challenge includes low capacity in undertaking mapping processes, poor infrastructure for mapping facilities and the large number of activities in the project, making monitoring difficult. In the course of implementation, contradictory legislation policies, statutes, statutory instruments and policy statements were encountered, including the Water Act, Forest Act, Wildlife Act, Physical Planning Act, Irrigation Act and Environmental Management and Coordination Act, creating conflict during resource management and use.

Recommendations: There is need to improve access to mapping and GIS tools for districts and community organizations and access to cadastral information. It is necessary to integrate natural resource management plans into district and macro-level planning/management processes. This will help to strengthen support for securing land and natural resource rights for IFAD's target groups and put the focus of such support on integrating practical activities, which will strengthen the capacity of local government and sector ministries. Reviewing policies and statutes is necessary to address overlapping and conflicting clauses and aligning them with the constitution.



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Land, water and forest distribution

Lesotho's 30,350 km² land area is situated in an average altitude of over 1000m above sea level. Land area is approximately 9% arable land, and 1.1% water. Highlands occupy approximately 59% Lesotho's land.

Tenure Types

Customary tenure and lease tenure

8.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN LESOTHO

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	Land Act 2010, Town & Country Planning Act 1980, Building Control Act 1995, Legal Capacity of Married Persons Act 2006, Survey Act 1980, Valuation & Rating Act 1980, Deeds Registry Act 1967; and Chieftainship Act 1968.	Land administration authority; customary, local authorities, Chiefs and Traditional Leaders Councils.	There is not enough arable land to be distributed on an equitable basis. Those who do have farms generally hold very little.
Water	Development Plan 2012 to 2017, Water Act 2008, Water & Sanitation Policy 2007, Urban Water Quality of Service & Supply Standards 2013; and Public Health Order 1970.	Water and Sewage Company Lesotho Electricity and Water Authority, Water and Sanitation Policy 2007; and Department of Rural Water Supply	Lesotho Highlands water Project displaced residents and disrupted their livelihoods.
Forest	Forestry Act 1998, National Forestry Policy 2008, and Environment Act 2008	Ministry of Forestry and Land Reclamation, Ministry of Agriculture and Food Security, The Environment Department	Accessing available forest resources is relatively easy; there are opportunities for exploration into forestry for investments in the private sector.
Minerals	The Mines and Minerals Act 2005, Labour Code Order 1992, White Paper on Mining and Minerals (2014), The Environment Act 2008, Mines Safety Act 1981, and Precious Stones Order (1970)	Ministry of Mining (Mining Board).	Open trade and mining laws allow for international investors to own mining rights and conduct mining freely in the country. This is in an effort to grow Lesotho's economy and use its geological resources.

8.2 SELECTED IFAD-SUPPORTED PROJECT IN LESOTHO

Until 2017, IFAD implemented a total of nine projects (including on-going projects) in Lesotho, at a total cost of USD 127.7 million, of which IFAD financed USD 78.9 million (IFAD, 2017). The projects have directly benefited 179,720 households in the country (IFAD, 2017). IFAD's operations started in 1980 (supporting agricultural development) in Lesotho by investing a total over USD 70 million in programmes and projects to reduce poverty in the country's rural areas. IFAD investments currently support efforts of small-scale farmers to ensure food security for their families and improve their incomes. Increased productivity is key to achieving these aims and reducing poverty in rural areas. One of IFAD's projects in Lesotho is the Smallholder Agricultural Development Programme.

SMALLHOLDER AGRICULTURAL DEVELOPMENT PROGRAMME (SADP)

The project area covers four of Lesotho's 10 districts, located along the South African border: Botha-Bothe, Leribe, Berea and Mafeteng (IFAD, 2017b).

Project objectives: The project supports smallholder farmers in exploiting opportunities to increase their productivity and diversify into market-oriented agriculture. Its major objective is to increase market output amongst project beneficiaries in Lesotho's smallholder agriculture sector through creating and increasing agricultural market opportunities and increasing market productivity of smallholder farming activities in the project areas.

Key facts and figures of the project: SADP is being implemented with a budget of USD 24.5 million of which USD 10 million is IFAD financing. This ongoing

project started in 2011 and may be completed in 2017. It has already benefited 15,000 households. Co-financiers include the World Bank and Global Environmental Fund (GEF).

Link to tenure interventions: Lack of diversification in crop planting and unsustainable land management practices leads to soil erosion and declining soil fertility, which in turn impacts food security.

Instruments or approaches used to address tenure: Preparation of agricultural development plans and the use of better technology by smallholder farmers to prompt better use of the natural resources.

Lessons learned: SADP provided loan support to smallholder farmers for farm investments. This helped to ensure food security for their families, raise their incomes and improve overall nutrition. Value chain posters, leaflets, brochures, maps and district workshops were used to create programme awareness. This encouraged rural people's participation in planning and developing income-generating activities, including micro-enterprises.

Challenges experienced: SADP implementation progressed very slowly. This led to moderately satisfactory results in creating agricultural market opportunities for local farmers.

Recommendations: A more robust use of the available natural resources needs to be encouraged so that an equitable and more sustainable use of the natural resources will become available to Basotho. It is essential that the land law, for instance, accommodates all the groups that form the Lesotho nation so that people get equal opportunities to benefit.



Authors: Uchendu Eugene Chigbu (Technical University of Munich, Germany) and Gaynor Paradza (Independent Consultant)

Land, water and forest distribution

Madagascar has a landmass of 587,000 km², of which 21.5 per cent is forest and 71 per cent of it is agricultural area (about 416,800 km² of land), of which only 2 per cent is irrigated. Water makes up about 5,500 km² of the country area and protected areas cover 12 per cent of the country's land. The national population density is 35 people/km².

Tenure Types

Freehold, leasehold and customary

9.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN MADAGASCAR

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	Constitution, Ordinance No. 60-146 of 1960, Law No. 2005-019 of 2005, Law No. 2006-031 of 2006, Law No. 2008-013 of 2008; and Law No. 2008 – 014.	The Ministry of Management territory (Land Tenure) (through its directorates); and the presidency.	Poor land record system, land boundary, land grabbing conflicts and incapacities of available institutions in settling land disputes cause insecurity.
Water	Water Law of 1998; and several Decrees pertaining to water use, management, and consumption	Ministry of Energy and Mines, Ministry of Territorial Development; and National Water and Sanitation Board.	There is inadequate access to water. Deforestation, erosion and sedimentation, overuse, and encroachment in the country threaten water resources and climate change affects the environment.
Forest	National Charter for Environment (Law 90-033), Law No. 97-017 of 08/08/97; and several Decrees.	Ministry of the Environment, Ecology and Forests, Ministry of Agriculture and Rural Development; Ministry of Justice, and Madagascar National Park.	Energy demand is a threat to forest tenure security. Citizens of Madagascar depend on forest wood for 80% of yearly domestic wood consumption.
Minerals	Law No. 90-033 of 1990; Environmental Charter, Decree No. 99-954 of 1999, The 1999 Mining Code (Law no. 99-022 of August 30, 1999), Large-scale Mining Investments Law No. 020/2001	Ministry of Energy and Mines (MEM), Madagascar Mining Cadastre Bureau (BCMM), Local Mining Administration Offices; Bureau administration Meniere (BAM), Direction of Mines and Geology (DMG)	Mining activity is associated with land grabbing - alienation of large tracts of land given by government for mining. Political unrest usually leads to suspension of mining permits thereby paralysing the mining activities.

9.2 SELECTED IFAD-SUPPORTED PROJECT IN MADAGASCAR

IFAD started development operations in Madagascar in 1979. Since then, it has been involved in 15 projects (including on-going projects) at a total cost of USD 635.4 million, with IFAD financing USD 276.5 million, and directly benefiting 694,600 households (IFAD,

2017). One of the IFAD activities is the project to Support Development in the Menabe and Melaky Regions.

PROJECT TO SUPPORT DEVELOPMENT IN THE MENABE AND MELAKY REGIONS (PSDMMR)

Madagascar's Menabe and Melaky regions can be divided into lowlands situated on the coast in deltas, valleys or basins, where the soil is of good quality

and water resources are significant (albeit seasonal), and uplands, where the bare hills are subject to erosion and are generally suitable for extensive livestock production. In the selected zones, practices of slash-and-burn cultivation, clearing, bush fires and indiscriminate logging are all still in use, and land tenure conflicts between farmers and herders still need to be resolved.

Project objectives: PSDMMR (IFAD, 2017b) aimed to make poor rural people's access to land and water secure through productive development of arable land and sustainable management of valley bottoms and micro-catchment areas. These two resources were essential to sustainably improving small farmers' production, making their income secure and integrating people who have recently immigrated into the zone. Parallel with this, the project financed the construction of irrigation networks and rural tracks to connect villages with markets. Lastly, the introduction of new agricultural techniques allowed an increase in agricultural production and the halting of environmental degradation.

Key facts and figures of the project: Total project cost was USD 28.6 million, with IFAD financing of USD 18.7 million. The project started in 2006 and ended 2015. It directly benefited 40,000 households, and was financed by the European Union.

Link to tenure interventions: There was poor access to land rights. Poverty in the rural areas was strongly correlated with low agricultural productivity, lack of transport infrastructure and insecure land rights. There was lack of institutional capacity to solve land conflicts, allocate, manage and administer land and natural resources, and service provision. There was a high rate of deforestation due to poor agricultural practice and the slash and burn agriculture by which the farmers in rural areas clear forests and natural vegetation for rice farming.

Instruments or approaches used to address tenure: PSDMMR addressed land tenure insecurity. There was a demand from inhabitants for increasing tenure security through the issuing of title deeds or recognized tenure certificates, or even legally recognized leases covering at least 10 years. PSDMMR responded to this by facilitating titling making investment in a programme of crop intensification or soil rehabilitation possible. By project end, it was envisioned that half the population in the two regions would benefit from improved tenure security. The also aimed to prevent new conflicts or authorized land appropriation. Specific instruments used in PSDMMR were the development of a National Leadership Programme (NLP) and decentralization of land administration; partnership with national, regional and local institutions, NGO's and other stakeholders who had functions and responsibilities in the project; and environmental awareness and tree planting in schools.

Lessons learned: PSDMMR helped solve earlier institutional incapacities, especially in resolving land disputes, and general service provision. The cost for land certification has also been greatly reduced by 50 per cent for all community members.

Challenges experienced: Inadequate institutional capacity to solve land conflicts slowed down training (and capacity building) on how to allocate and manage land and natural resources, and service provision.

Recommendations: The project should have also focused on the provision of basic education for the people in the two project regions. This would have enhanced understanding and efficient relay of information during training workshops and project evaluation. Evaluation of development and technical partners before the initiation stage of projects to ensure efficiency in service delivery is necessary.

	Author: Mtafu A. Z. Manda (Mzuzu University)
	<p>Land, water and forest distribution Malawi comprises 118,480 km² of which 20 per cent is covered by water. The distribution of land resources in terms of use shows that 18 per cent is protected areas for national parks, forests and game reserves, 13 per cent is farm estate and 1 per cent is occupied by human settlements. About 69 per cent of land is for arable farming and human settlements.</p> <p>Tenure Types Freehold, leasehold and customary land</p>

10.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN MALAWI

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	National Land Policy 2002, Land Act 1965, Registered Land Act 1967, the Customary Land Development Act 1967; and Land Acquisition Act 1970.	Ministry of Lands, Housing & Urban Development, city councils, and institutions of traditional authority.	Men may lose land rights in matrilineal societies after moving to their wives' villages. The same happens to women in patrilineal societies.
Water	Water Resources Act 1969, Water Works Act 1995, Irrigation Act of 2001, Water Resources Act 1969, Water Works Act 1995, Water Resources Management Policy and Strategies document 1994; and Irrigation Act 2001.	Ministry of Water and Irrigation (name is prone to frequent changes due to cabinet reshuffles), Water Resources Board; and traditional chiefs.	There are numerous conflicts in power relations between domestic and productive users arising from development projects.
Forest	National Herbarium Council Act 1987, Forest Policy 1996 and Forest Act 1997.	Forestry and Parks and Wildlife Departments, National Herbarium and Botanical Gardens, Department of Environmental Affairs, National Plant Genetic Resources Centre.	Radical expansion in agriculture (especially commercial agriculture) has led to the loss of forests.
Minerals	Mines and Minerals Act of 1981, Mines and Minerals Policy of 2013, Land Law, and Environmental Management Law.	Department of Mines, A mineral licensing committee, The Ministry of Lands, Department of Environmental Affairs, the Geological Survey Department.	The activity is associated with land grabbing or alienation of large tracts of land given by government for mining.

10.2 SELECTED IFAD-SUPPORTED PROJECT IN MALAWI

Up until 2017, IFAD has had 12 projects (3 on-going and 9 completed) in Malawi. Together, these projects costed USD 441.4 million, with IFAD financing up to USD 224.9 million. The project directly benefited 1,452,950 households (IFAD, 2017). IFAD operations in Malawi cover two groups of people: poor emergent smallholder farmers who are located in medium- and high-potential areas and have the potential for achieving economic independence; and marginal farmers and vulnerable households, including households headed by women, youth and orphans. One of IFAD projects in Malawi is the Sustainable Agriculture Production Programme.

SUSTAINABLE AGRICULTURE PRODUCTION PROGRAMME (SAPP)

SAPP is an ongoing programme which concentrates on enhancing agricultural productivity and improving rural food security through simple affordable technologies that will help smallholder farmers, especially women, to bridge the gap between actual and possible food-crop yields (IFAD, 2017b). Programme activities are being implemented in Blantyre, Chiradzulu, Balaka, Nkhota Kota, Lilongwe and Chitipa.

Project objectives: The major objective of the project is poverty reduction and improved food security among rural populations through sustainable smallholder good agriculture practices (GAPs). A research component of the programme aims to further refine and adapt agricultural techniques to conditions in Malawi. To raise awareness and understanding of these practices, the programme will also make enhanced agricultural extension services accessible to households in the target groups.

Key facts and figures of the project: As of 2017, the total project cost is USD 51.7 million, with IFAD financing of USD 46.3 million. Project's duration is from 2011 to 2020. The project has already benefited 200,000 households.

Link to tenure interventions: There is a fear of loss of land due to programme implementation, particularly in areas where joint agricultural infrastructure will take up space. There are conflicts over ownership of joint property and produce relating to patrilineal and matrilineal societies.

Instruments or approaches used to address tenure: The project trained beneficiaries on good agricultural practices (particularly in land and water management, rotation/intercropping, conservation). Alternative/innovative means of conflict resolution have also been introduced to reduce conflict over land use. There is currently no legal mechanism to resolve problems regarding tenure rights relating to patrilineal or matrilineal gender imbalances. Signing agreements committing farmers to group ethics and ideals to avert individual ethics is being implemented. In Lilongwe, there were proposals for community bylaws relating to use of land resources on government land, where common access was considered to impact negatively on the programme activities.

Lessons learned: Whenever single women are chosen as village heads and are charged with the authority to allocate land, they do not marginalize other women. The negotiation of land solutions can be effective wherever they are accepted as local practice.

Challenges experienced: The programme was not designed to promote group land ownership. This made it difficult to set up the demonstration farms on land owned by the farmers' associations.

Recommendations: In view of the serious shortage of frontline extension agents in nearly all cases, farmer-to-farmer extension services are being undertaken to help sensitization and build farmer capacity. Programmes should promote group land ownership so that demonstration farming takes place on land owned by the farmers' associations and the harvest from such land can then be distributed as seed or food to member farmers.



Authors: Gaynor Paradza (Independent consultant) and Jennilee Kohima (Namibia University of Science and Technology)

Land, water and forest distribution

Mozambique has a land area of 786,380 km² comprising three major geographic areas: plateau and highland region, middle plateau region and low-lying coastal belt. Agricultural land makes up 61.8 per cent of the total land, forestland 24.5 per cent, and nationally protected areas 5.8 per cent.

Tenure Types

Use Right to Land - DUAT (direito de uso e aproveitamento dos terras).
DUAT by occupancy or DUAT by grant.

11.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN MOZAMBIQUE

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	Constitution of Mozambique 2004, Land law 1997, Rural Land Law Regulations 1998, Decree No. 1/2003, Urban Land Regulations 2006	National Directorate of Land and Forests, National Land Registry, Ministry of Justice, Provincial Service of Geography and Cadastre	There is an increase in large-scale land-based investments and expansion of urban areas in Mozambique in places where land is mostly unregistered.
Water	Water Law (1991)	Ministry of Public Works and Housing – National Water Directorate, regional water administrations	A significant amount of the population access water from unprotected wells.
Forest	Forestry and Wildlife Law (1999), and Wildlife Regulations (2002),	National Directorate of Land and Forests, community management committees	Forests are the property of the state but individuals and groups have the right to use them with an exploitation licence. Numerous small and medium enterprises operating in the forestry sector do not operate within the formal law.
Minerals	Mining Law 2002, and Land Law 1997.	Ministry of Mineral Resources and Energy, and state mining company (Empresa Mocambicana de Exploracao Mineira).	The Mining Law 2002 establishes the precedence of mining activities over any other economic activity “wherever economic and social benefits related to these operations are higher”.

11.2 SELECTED IFAD-SUPPORT PROJECT IN MOZAMBIQUE

IFAD began operations in Mozambique in 1983 and has supported up to 12 programmes and projects in the country. They have a total project cost of USD 400.2 million, with IFAD financing of USD 243.9 million. These projects have directly benefited 2,193,489 households. IFAD's country strategy in Mozambique is fully aligned with all the major strategies defining the framework for collaboration between the government and its development partners – including the Poverty Reduction Action Plan, United Nations Development Assistance Framework, Strategic Plan for Agricultural Development, and the Comprehensive Africa Agriculture Development Programme (IFAD, 2017). One IFAD project in Mozambique is the Securing Artisanal Fishers' Resource Rights Project.

SECURING ARTISANAL FISHERS' RESOURCE RIGHTS PROJECT (PRODIRPA)

Beyond its regular programme of work in Mozambique, IFAD also funds projects with small grants. PRODIRPA is one of these.

Project objectives: PRODIRPA is aimed at improving the livelihoods of artisanal fishing communities by strengthening their security over and management of natural resources.

Key facts and figures of the project: The project was implemented between 2013 and 2016, and was implemented in partnership with the Institute for Development of Small-scale Fisheries of Mozambique.

Link to tenure interventions: There were overlapping interests in land in the project area and

resource uses were often a major source of conflict along the Mozambican coastline. Elite capture in the co-management of institutions undermined the voice of the more informal groups of resource users.

Instruments or approaches used to address

tenure: Implementation gave substantial attention to securing artisanal fishers' resource rights. Strategies included documentation of local natural resource management rules and practices (for conflict resolution and the mapping of the spatial extent of users' rights). The project produced community-based coastal natural resource management plans; this was for local use in terms of monitoring, and for advocacy and planning purposes at district and provincial level. It facilitated community land delimitations and other measures for legally securing resource use rights, and the adoption of affordable mapping methods.

Lessons learned: Community-based coastal natural resource management plans for fishing communities (for men, women and youths) can serve for local monitoring of natural resources at both district and provincial levels.

Challenges experienced: Overlapping interests and resource uses caused conflicts among beneficiaries. Resolving these conflicts slowed the pace of the project. However, resolving these conflicts led to security of tenure.

Recommendations: It is important to emphasize the integration of mapping tools and processes and closely coordinate with the various actors engaged in strengthening co-management and securing resource rights. It is also necessary to conduct sustainable development of GIS capabilities and the coordinated sharing of data, including imagery and knowledge.

	<p>Author: Pierre Damien Ntihinyurwa (Technical University of Munich, Germany)</p>
	<p>Land, water and forest distribution Rwanda's land area is 26,338 km². In 2012, about 79 per cent of the country's land area (about 24,700 km²) is classified as agricultural, but only 11 per cent of the land is arable land. Of the total arable land (about 2,294,380 ha), 1,735,025 ha are cultivated with food and cash crops while the remaining land is pasture and forest.</p> <p>Tenure Types Leasehold and freehold</p>

12.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN RWANDA

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	Constitution of Rwanda 2003, National Land Policy 2004, Organic Land Law 2005, Law governing lands 2013, and many other laws, Ministerial and Presidential Orders..	Ministry of Environment, Land commissions, Rwanda Land Management and Use Authority; district land bureaus; sector land management offices and Communities; offices or registry of titles, and abunzi (land mediators).	High fees and procedures involved in land registration processes discourage land titling. Approximately 15% to 20% of Rwanda is unregistered.
Water	Water Law 2008, Organic Land Law 2005, Water Policy 2004,	Ministry of Environment and the new Rwanda Water and Forestry Authority, National Water Commission, Directorate of Water and Sanitation, Ministry of Natural Resources; and district basin Committees.	There is an increasing rate of water speculation which takes the form of rich people being given priority access to water-use permits for vast investments, which are considered to be more profitable to the country.
Forest	Forest Law of 1988 and Forestry Law N°47 2013	Ministry of Lands and Forests, Rwanda Water and Forestry Authority, Rwanda Environmental Management Authority, and District, Sector Offices in charge of forestry and nature conservation.	The law forbids the harvest and rights transfer of forests with sizes exceeding 0.5ha; these cannot be done without government consent.
Minerals	Mining Law 2008, and Mining Policy 2009	Rwanda Mines, Petroleum and Gas Board.	Compensation for the acquisition of mining land does not take into account the value of the minerals, which are considered to be state property in private domain. Only developments on the land are valued.

12.2 SELECTED IFAD-SUPPORTED PROJECT IN RWANDA

Since 1981, IFAD has been working in Rwanda. Up until 2017, IFAD had supported 16 projects (3 are on-going) at a total project cost of USD 517.3 million, with IFAD financing of USD 295.1 million, directly benefiting 634,300 households (IFAD, 2017). Different lessons have been learned from the various IFAD projects. One of the projects is the Kirehe Community-based Watershed Management Project.

KIREHE COMMUNITY-BASED WATERSHED MANAGEMENT PROJECT (KWAMP)

KWAMP promoted a shift from subsistence to intensified market-based agriculture in Kirehe District, a densely populated area threatened by severe soil erosion. KWAMP activities focused on creating strong district, watershed and farmer-based institutions capable of sustaining efficient and non-destructive agricultural and livestock production, and empowering small-scale and landless farmers to plan and implement sustainable market-led investments jointly with the private sector (IFAD, 2017b).

Project objectives: A principal goal of KWAMP was to increase producers' incomes and food security by increasing the production of crops and livestock for markets. Another goal was the stabilization of natural resources in the project area as the base for agricultural production.

Key facts and figures of the project: The total project cost of KWAMP was USD 64.8 million, with IFAD financing of USD 42.2 million which directly benefited 22,500 households. The World Food Programme was a co-financier of KWAMP. The project duration was between 2008 and 2015.

Link to tenure interventions: Tenure insecurity was an issue in the project area because locals did not have formal land ownership. Inequitable distribution of land resulted from certain parcel holders having more land than others. Land was also underused by individuals

with large land tracts. Upstream users were displaced due to the construction of a dam.

Instruments or approaches used to address

tenure: A GIS database was established to obtain spatial data for watershed planning and assessment. A database and GIS were used to compile a list to analyse land allocation and distribution of land to make it more equitable. Upstream owners displaced due to the dam construction have been compensated and, in some cases, reallocated to the land downstream.



Construction of water tunnel supported by UN-Habitat and ONE UN in Rusizi, Rwanda. Photo@UN-Habitat/Julius Mwelu

Lessons learned: A key lesson from this project is that erosion control is important for ensuring tenure security on irrigated land in programmes with a tenure security focus. KWAMP used a special agroforestry technique, called embocagement, to help rural farmers protect their land against erosion.

Challenges experienced: A GIS database was established to obtain spatial data for watershed planning and assessment. There were challenges in developing the human capacity needed to form the management team.

Recommendations: Land that is yet to be claimed (and that is under the state for the 30-year interim period) could have been leased to water user association groups for use in the project. The GIS capacity of the project could be further built on with better storage and expertise for purposes of data collection and analysis.



Author: Method J. Gwaleba (Department of Geospatial Sciences and Technology, Ardhi University, Tanzania)

Land, water and forest distribution
Tanzania covers a total area of about 945,087 km², of which the mainland constitutes an area of 931,000 km² (98 per cent). Of this, 886,000 km² is land and the rest is water. Of the available land area, 40 per cent is forest and 39 per cent is agricultural land.

Tenure Types
Village land, customary right of occupancy, granted right of occupancy, leasehold, residential license.

13.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN TANZANIA

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	Constitution of Tanzania 1977, Land Policy 1997, Tanzania's Land Act 1999, In Zanzibar -The Land Tenure Act of 1992; and Village Land Act 1999.	Ministry of Lands, Housing, Human Settlements and Developments; district land offices, municipal and town councils, village assemblies, township councils.	Insecurity due to informal settlement growth in urban areas and land-use conflicts in rural areas. Absence of adequate and coordinated land information.
Water	National Water Policy 2002, Water Resources Management Act 2009, Water Supply & Sanitation Act 2009; and Zanzibar water Law 2006 (Water Act No. 4 of 2006).	Ministry of Water & Irrigation, National Water Board, water boards, catchment & sub-catchment water committees and water users' associations; and urban water & sanitation authorities.	Land degradation and destruction of water sources. Water scarcity due to low and variable rainfall, climate variability and poor surface-water management.
Forest	Forest Act 2002, The Local Government Act 1982, Forest Resources Management & Conservation Act 1996..	Ministry of Natural Resources & Tourism, district authorities, village councils.	Reliance of wood fuel as a source of energy has led to excessive deforestation which has reduced forest areas.
Minerals	Mineral Policy 2009; and Mining Act 2010	Ministry of Energy and Minerals; and Geological Survey of Tanzania.	Upon discovery of minerals on any land parcel, the land becomes a "minerals land", thereby overriding all categories of land, except conservation areas, in the reserved land category. Illegal mining is prevalent.

13.2 SELECTED IFAD-SUPPORTED PROJECT IN TANZANIA

IFAD has been working in Tanzania since 1978. In that time, IFAD supported 14 projects and as of 2017 had two on-going projects. IFAD's 16 projects in Tanzania have a total cost of USD 908.7 million, with IFAD financing USD 430.1 million. The projects have benefited 3,975,961 households (IFAD, 2017). One of IFAD projects in Tanzania is the Agricultural and Environmental Management Project.

AGRICULTURAL AND ENVIRONMENTAL MANAGEMENT PROJECT (AEMP)

In the Kagera area of Tanzania, an influx of 600,000 refugees, a near 40 per cent increase in the population, had adverse effects on local resources and living conditions. This inflow of refugees originated mostly from Burundi (in 1993) and Rwanda (in 1994) due to the civil wars in the two countries. It worsened the already declining local soil fertility and agricultural productivity, and depleted the vegetative cover on erosion-susceptible lands. The supply of safe drinking water became increasingly scarce with pressure on local health services increasing and infrastructure, such as rural and village access roads, deteriorating. IFAD and the Belgian Survival Fund Joint Programme, among others, were already providing emergency assistance. It had to be supplemented by extended investment and more effective services to protect family livelihoods and enable regional and district agencies to cope with the various problems. That led to AEMP (IFAD, 2017c).

Project objectives: The overall objective of AEMP was to improve household food production and incomes in a sustainable manner; support improved environmental management through tree planting and water hyacinth control; improve access to safe drinking water supplies and health facilities; and improve road access to villages.

Key facts and figures of the project: AEMP was implemented with a total project cost of USD 20 million, with IFAD financing of USD 14.8 million between 1996 and 2003. It directly benefited 171,000 households. The OPEC Fund for International Development and Belgian Survival Fund were co-financiers of AEMP.

Link to tenure interventions: Land and natural resource tenure-related concerns addressed by the project included declining agricultural production and productivity, and environmental degradation caused by inappropriate land use.

Instruments or approaches used to address

tenure: Approaches used included the rehabilitation of the region affected by refugee encroachment; reversal of long-term decline of agricultural production; strengthening of the capacity of district departments; and enforcement of participatory land and natural resource management.

Lessons learned: AEMP targeted women. It proved that even partial internalization of skills, training and participation among beneficiaries help in improved land-use, leading to better food security.

Challenges experienced: The community awareness of land rights was poor which made it difficult to easily mainstream tenure security issues as part of environmental management strategies.

Recommendations: Full tenure security elements should always be mainstreamed into programmes with food security, environmental and natural resource management components.

14

LAND AND NATURAL RESOURCE TENURE IN UGANDA



Authors: Francis Elungat (Directorate of Petroleum, Uganda), Bruce Rukundo (Kampala City Council, Uganda) and Simon Peter Mwesigye (GLTN Uganda)

Land, water and forest distribution

Uganda has a total surface area of 241,551 Km², of which 18.2 per cent is covered by water. Agricultural land is 64 per cent of the total area and forest is 18.4 per cent

Tenure Types

Freehold, Statutory/Leasehold, customary, mailo system and state land.

14.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN UGANDA

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	Constitution of Uganda 1995, Land Act 1998, Public Lands Act 1969, Physical Planning Act 2010, and Land Use Policy 2007	Uganda Land Commission, Ministry of Lands, Housing and Urban Development, district land boards and land committees at various levels.	There are widespread land conflicts between tenants and landlords. There are too many land tenure conflicts between traditional and legal authorities.
Water	Constitution of Uganda 1995, National Water Policy 1999, Water Act 1995, Water Resources Regulations 1998, Water Regulation 1998, National Environmental Management Act 1998.	Ministry of Water, Lands & Environment; National Environment Management Authority, National Water & Sewerage Corporation; and Ministry of Agriculture, Animal Industries & Fisheries.	Unreliable supply-rainfall and low-yielding aquifers. Climate change has led to the drying up of water sources. Poor access to water.
Forest	Constitution of Uganda 1995, National Forestry Policy 2001, National Forestry and Tree Planting Act 2003, National Environmental Management Act 1998	Ministry for Water, Lands and Environment - Forestry Inspection Division, National Forestry Authority, District Forestry Services, and Uganda Wildlife Authority.	Encroachment on the reserved forests. Poor management of the forested areas. Degradation of forests outside the protected estate. Illegal logging and trade. Limited planting and maintenance of trees. Weak technical assistance.
Minerals	Constitution 2005, Mineral Policy 2000, Mining Act 2003, National Environmental Management Act 1998, Petroleum (Exploration and Production) Act 1985	Ministry of Energy and Mineral Development.	Environmental degradation. Corruption in terms of mining leases. Illegal exploitation of minerals.

14.2 SELECTED IFAD-SUPPORTED PROJECT IN UGANDA

For over 30 years, IFAD has been strongly committed to rural poverty reduction in Uganda. Since 1982, IFAD has been involved in 16 programmes and projects

(four are on-going) at a total project cost of USD 1401.9 million, with IFAD financing of USD 385.7 million. The projects directly benefited 4,997,150 households. One of IFAD's projects in the country is the District Livelihoods Support Programme.

DISTRICT LIVELIHOODS SUPPORT PROGRAMME (DLSP)

The DLSP is a programme that builds on the achievements of the District Development Support Programme of IFAD, completed in Uganda in 2006. The DLSP scaled-up the decentralized development approach in 13 districts—Ovam, Bulisa, Kamwenge, Kyenjojo, Bundibugyo, Masindu, Apac, Makaseke, Luweero, Mayuge, Bugiri, Yumbe and Busia—encompassing a population of almost 2 million poor people. The target group included landless people, small-scale farmers and fishers, and women and youths (IFAD 2017b).

Project objectives: The programme was designed to fit within the framework of several key government policies, and specifically supports the objectives of the Local Government Sector Investment Plan. Its major objective was a significant improvement in the standard and sustainability of livelihoods of poor rural households.

Key facts and figures of the project: The total project cost was USD 50.9 million, with IFAD financing USD 47.8 million. It was implemented between 2006 and 2013, directly benefiting 100,000 households.

Link to tenure interventions: DLSP intervened in important aspects of district challenges. Many of the districts experienced incessant land disputes and lengthy land adjudication processes. Costly titling processes and gender inequality in land tenure were other major challenges. All the customs and traditions gave men an unfair advantage in land ownership and women were discriminated against in owning land.

Instruments or approaches used to address tenure: The major interventions were community infrastructure development (mainly construction of rural access roads), agriculture management training, food grants and extension services. Most importantly,

the project directly intervened in enhancing land tenure security—support statutory bodies (district and sub-counties) on land ownership matters (registration and dispute settlement).

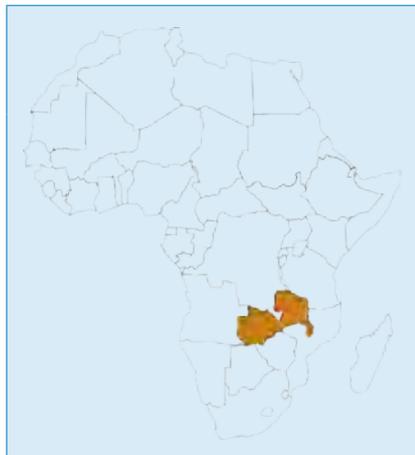


Women harvesting potatoes in Rubaya subcounty, Kabale District in South Western-Uganda. Photo © UN-Habitat/Simon Peter Mwesigye

Lessons learned: DLSP improved poor rural women's access to land by encouraging joint ownership of land between husbands and wives during the processes of land registration. DLSP gave priority to poor households who are willing to have their property registered in a regime of co-ownership, and to female-headed households. A key lesson is that continuous sensitization of men about the need to involve their spouses or partners when applying for land registration is key to securing tenure for women.

Challenges experienced: Co-titling is still not very common in the project area because there is a persistent and strong belief that men are entitled to land as they are considered to be the head of the household. This posed problems in convincing some women to embrace co-titling.

Recommendations: The promotion of community-based initiatives and enhancement of linkages to rural farmers ensures active community participation in land matters, as well as sustainable income-generation opportunities.



Authors: Leah C. Tembo (National Institute of Public Administration, Zambia) and Christopher Mulenga (University of Lusaka)

Land, water and forest distribution

Zambia has a land area of 752,614 km² of which 740,724 km² (around 98 per cent) is land and 11,890 km² (less than 2 per cent) is water. About 44 per cent of the land is used mainly for subsistence agricultural activities, while forest covers about 57 per cent of the total land area.

Tenure Types

Customary and Statutory/Leasehold and occupancies.

15.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN ZAMBIA

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	Town & country planning Act 1971, Housing Act 1975, Land Survey Act 1995, Land Deeds Registry Act 2010, Agricultural Land Act 1960, Land Act 1995, and Environmental Protection and Pollution Control Act 1990	Ministry of Agriculture & Co-operatives, Ministry of Commerce Trade & Industry, Ministry of Tourism & Culture, Compensation & Agricultural Land Broads, Land Tribunal, traditional leadership, and Survey Control Broad	Inequalities exist between landholders of customary and state land. Land registration requires lengthy application procedures, which are compounded by too much paperwork.
Water	Water Act (Cap 198), Environmental Protection & Pollution Control Act of 1990, Public Health Act 1967, Local Government Act 1995, Zambezi River Authority Act 2009; and Forests Act (No. 7) of 1999.	Ministry of Energy & Water Development, Ministry of Lands, Ministry of Agriculture & Cooperatives, Ministry of Mines, Environmental Management Agency, and the Zambezi River Authority.	With increasing conversion of traditional land into leasehold land, rural areas are losing open access to water.
Forest	Zambia Forestry Action Plan 1994; Forest Act 1999; Forest Act 2015; and Forest Development Fund 2015.	Ministry of Energy, Ministry of Agriculture & Cooperatives, Ministry of Lands, Natural Resources & Environmental Protection, and the Zambia Environmental Management Authority.	There is a ban on access to and use of products from local and national forests without licences or other contractual arrangements.
Minerals	Mines and Development Act 2008, Explosives Act 1974, Environmental Protection & Pollution Control Act 1997, Water Resources Management Act 2011, and the Petroleum Act 2008.	Ministry of Mines, Energy & Water Development, Association of Zambian Mineral Exploration Companies, Zambian Chamber of Mines; and Zambia Chamber of Commerce & Industry.	The mining licence provides the holder with the broadest range of rights.

15.2 SELECTED IFAD-SUPPORTED PROJECT IN ZAMBIA

IFAD started its operations in Zambia in 1981. It has carried out up to 15 projects (four are on-going) on

land and natural resource tenure, at total cost of USD 349.2 million, with IFAD financing of USD 225.9 million and directly benefiting 1,014,818 households in Zambia (IFAD, 2017). One of the key projects in Zambia is the Smallholder Agribusiness Promotion Programme.

SMALLHOLDER AGRIBUSINESS PROMOTION PROGRAMME (SMAPP)

SmAPP was a public-private partnership aimed at reducing rural poverty among small-scale farming households. The programme represented a move away from traditional, production-oriented approaches to agricultural development in Zambia (IFAD, 2017b). The programme engaged private sector partners at several levels, including the design and implementation of interventions at critical points in agricultural value chains, adding value to products and connecting farmers with input suppliers and markets.

Project objectives: SMAPP overall objective was to increase income levels of about 24,000 poor rural households by boosting the quality and quantity of production of specific commodities. Of these small-scale farmers, 80 per cent were poor, and 66 per cent extremely poor—and more than half women. They were already engaged in some market-oriented production but needed help to improve market operations, and to diversify production in-order to add value to their produce.

Key facts and figures of the project: The total project cost was USD 23.6 million, with IFAD financing USD 20.2 million, directly benefiting 24,000 households. The duration of the project was from 2009 to 2016. The Swedish Government a co-financier.

Link to tenure interventions: Conflicts arose in areas where ownership and land rights were not well established. In some parts of the project areas, women's land rights, particularly of widows, were not secure and there were some concerns regarding the conversion of customary land to leasehold land for the benefit of large-scale land investments (mostly from foreign investors).

Instruments or approaches used to address tenure: The project was implemented on the principle of land ownership and rights being established before investments were made. It targeted farmers from co-operatives or community-based organizations whose

ownership of land was already established. The approach was to purchase land through farmers' cooperatives whose members had certificates of title as evidence of ownership. In the rural community, community-based organizations obtained the consent from the chiefs or headmen who provided documentations that authorized smallholder farmers to own portions of land. This approach helped reduce land-related conflicts. In cases where ownership was not well established, communities could make alternative land arrangements. However, in urban settings planning authorities had to give their consent or provide assurances of land rights.

Lessons learned: One of the key lessons from these projects in relation to land issues is that, in Zambia, availability of land is not an issue. Major problems relate to a lack of access to land and lack of labour to cultivate land. In most of the project areas, labour was found to pose more of a constraint to increased production than land availability.

Challenges experienced: There was a lack of an adequate assessment of women's specific needs during the commodity screening and value chain analysis. This led to a poor understanding of women's needs in certain components of the programme.

Recommendations: To address issues of women's access to land and natural resources, it is important to assess the specific needs of women during commodity screening and value chain analysis. IFAD should also establish a working relationship with the Office of the Vice President involved in the resettlement of displaced people. This will help in gaining support for addressing land tenure issues in rural communities that are now prone to massive land displacement. It may be necessary to create parallel titling systems to address land titling for smallholder farmers. Chiefs can manage such systems at community level; they can oversee and monitor smallholder farmers who acquire titles. This can be implemented in partnership with local and government leadership helping to accelerate the process of acquiring title for land portions.



Author: Marilyn Gaza (University of Zimbabwe)

Land, water and forest distribution

Zimbabwe is a landlocked country with a land area of 386,000 km². Agricultural land takes up 41.88 per cent of total land area; forests comprise 36.35 per cent of the total land area and settlements constitute 15 per cent.

Tenure Types

State land, communal land areas, commercial areas (freehold) and leasehold.

16.1 THE STATE OF LAND AND NATURAL RESOURCE TENURE IN ZIMBABWE

Natural resources	Major legal framework	Major institutions for administration	Major tenure security issues
Land	Communal Land Act (Chapter 20:04) of 1982, Land Acquisition Act 1992, Agricultural Land Settlement Act (Chapter 20:01), Regional Town and Country Planning Act (Chapter 29:12), Land Survey Act (Chapter 20:12), Deeds Registries Act.	Ministry of Lands & Rural Resettlement, Ministry of Agriculture, Mechanization & Irrigation Development, Ministry of Local Government, Public Works & National Housing; and Zimbabwe Land Commission.	Information on land is limited and needs to be decentralized. Delays in land transfer lead to tenure insecurity among farmers. Selling communal land is not yet permissible.
Water	Water Act (Chapter 20:24) of 1998 and the Zimbabwe National Water Authority Act (Chapter 20:25) of 1998.	Ministry of Lands and Rural Resettlement, Ministry of Environment, Water & Climate, Zimbabwe National Water Authority, Catchment Council; and Water Court,	The right to water is provided for under both customary and formal law. Under formal law, ownership of surface and underground water rests with the state.
Forest	Forest Act, Parks and Wildlife Act, Communal Lands Forest Produce Act	Minister of Water, Environment, and Rural District Councils.	Local people can only use forests for domestic needs. Deforestation is rampant due to population growth.
Minerals	Mining Regulations of 1977, Mineral Marketing Corporation of Zimbabwe Act 1982, Precious Stones Trading Act (Chapter 21:06), and Gold Trade Act.	Ministry of Mines and Mining Development, Zimbabwe Mining Development Corporation, Minerals Marketing Corporation of Zimbabwe, Mining Development Board.	The Mines and Minerals Act does not adequately protect the social, economic and cultural rights of communities where mining takes place.

16.2 SELECTED IFAD SUPPORT PROJECT IN ZIMBABWE

IFAD has been involved in six projects (including an on-going one) in Zimbabwe at a total project cost of USD 266.9 million, with IFAD financing of USD 95.6 million, and directly benefiting 1,168,000 households (IFAD,2017). One of IFAD's project is the Smallholder Dry Areas Resource Management Project.

SMALLHOLDER DRY AREAS RESOURCE MANAGEMENT PROJECT (SDARMP)

The project area was dry. It covered areas of Shurugwi, Mberengwa, Zvishavane, Gwanda and Beitbridge with poor soil fertility (IFAD,2017b). The drought of 1991/1992 particularly struck these areas. Many households lost their livestock. As a result of intensive and continuous farming, land productivity declined sharply. Farmers now struggle to increase production, even in good years. Male migration left a high proportion of women to cope with both farming and household chores. The area became chronically food-deficient and malnutrition was widespread. About 60 per cent of households were unable to meet food requirements from agricultural production alone. Some earned cash through other activities, but many were dependent on assistance from either family or government food aid.

Project objectives: The project was designed to promote sustainable rural incomes for poor farmers in the most marginal and drought-prone areas, and enhance food security. Preservation of the environment through better resource management was also a key objective.

Key facts and figures of the project: SDARMP was implemented with a total project cost of USD 19.8 million, with IFAD financing of USD 13.9 million. It was implemented between 1993 and 2003, directly benefiting 30,000 households. The Government of Australia co-financed SDARMP.

Link to tenure interventions: Land demarcations were unclear in the area. Stream bank cultivation was common as people established gardens where the water was easily accessible to them. However, this led to land degradation. Drought led to lack of adequate grazing lands which, in turn, affected the redistribution of livestock during the restocking exercise. Overall, women and poor members of the community had limited access to land and decision-making.

Instruments or approaches used to address

tenure: Community mapping was used to identify land areas before project implementation. Members of the community and traditional leadership were fully involved in identification and selection of project sites. Small dam construction improved water availability, contributing towards food security and better resource management. Vulnerable and poor community members were identified and benefited from small gardens projects and restocking, improving food security. However, drought affected the restocking exercise. Women were deliberately targeted to benefit in small gardens projects and were given priority in the selection process for restocking, thus improving access to land and food security. The restocking exercise exposed community members to better ways of managing grazing schemes, contributing to better resource management.

Lessons learned: The embracing of a programme by relevant stakeholders creates a sense of ownership and reduces conflicts in land and natural resources. Piecemeal approaches can result in unnecessarily inefficient distribution and use of land resources. Setting criteria for the selection of beneficiaries ensures target groups benefit from the project, providing the bedrock for project success. Giving priority to vulnerable members of society is also an indicator of caring for them and observing their rights.

Challenges experienced: SDARMP targeted households affected by drought – many of whom lost their basic livelihood activities, especially livestock. Since the programme had a humanitarian component which needed urgent implementation, it negated the involvement of beneficiaries at the planning stage. At the earlier stage, this did not empower rural farmers with knowledge on the best ways to access and secure their land and natural resources rights. However, as

the project had a long duration, this was rectified mid-way with capacity building measures.

Recommendations: It is crucial to involve target beneficiaries in project planning and to help farmers get organized and be able to access and secure their land and natural resources rights. There is need for continued government engagement to ensure access to land and natural resources, and tenure security for the rural poor.



A woman tends to her family's land in a UN-supported irrigation project for smallholder farmers. Mtoko, Zimbabwe
© UN Photo/ Milton Grant



CONCLUSIONS

The East and Southern Africa (ESA) region extends from the warm arid and semi-arid tropics through the warm sub-humid tropics to the cool tropics. The population of the region is predicted to increase from around 0.5 billion to nearly 1.5 billion by the turn of the century (IFAD, 2018a). This growth in population will have profound implications for how land and natural resources are accessed, owned and used in these regions of Africa. A stocktaking exercise done on the extent of IFAD's support for land and natural resource tenure security in East and Southern Africa helped to reveal interesting facts about the ESA region. According to IFAD's (2018a: 8) report:

“East Africa is dominated by grasslands, which cover up to 75 per cent of its territory at a very wide range of altitudes. A large spectrum of pastoral groups of various ethnicities, from agricultural or agropastoral societies, live on its land and livestock and game extensively graze the region. In Southern Africa, a subtropical region, the bulk of grasslands are found in its semi-arid to arid high interior and a vast steppe area is found in its centre and western region. Seventy per cent of the territory is freehold and managed commercially, 16 per cent is reserves or freehold industrial and urban, and 14 per cent is communally managed for subsistence, without clear individual boundaries.” ~ IFAD (2018a: 8).

Individually, each of the countries presented in this synthesis report have been fairly successful at defining and redefining their tenure-related legal frameworks over the past three decades. The colonial history of each country and its natural resources management policies (including the socio-political forces within each country) has helped to shape their land tenure systems. One element that all ESA countries have in common is the dual practice of customary and statutory tenure systems. Concerted efforts have been made to address important issues, such as the need for a clearer definition of key terms like ownership, leasehold, private or state land. However, while not

all countries have followed internationally agreed standards regarding these definitions, they have at least embraced land and natural resource tenure debates and allowed these elements to be embedded into broader legal and regulatory frameworks within their tenure systems. Countries where agriculture and renewable natural resources are the main sources of income and sustainable livelihoods—and this appears to be the case with all ESA countries—need the enhancement of security of land and natural resources rights in order to attain sustainable poverty reduction. In all these countries, access to land, water and related production factors is the only way poor rural and urban households can develop sustainable livelihoods.

17.1 GENERAL OVERVIEW OF IFAD-SUPPORTED PROJECTS IN THE ESA REGION

In order to understand the tenure scenarios of IFAD-supported projects analysed in this report, it is important to know the general state of IFAD's engagement in ESA (all projects in the region inclusive). IFAD's engagement in the regions consists of several investment portfolios (far beyond what has been analysed in the case studies presented in this report). As of 2016, IFAD's investment portfolio is spread across 17 of the 22 countries in ESA; it had 44 ongoing loan projects with a total IFAD investment of around USD 1.5 billion - focusing mainly on mainstreaming nutrition, empowering women and youth/ developing agribusinesses and building resilience (IFAD, 2017a: p. 14):

“In ESA, 37 projects were identified [...] as implementing tenure security activities between 2012 and 2016, and an additional five projects are still under design or have not yet entered into force. The 37 projects spent around 4 per cent on tenure security activities. Nineteen projects already ongoing will be active at some point in the next five years and will spend around 4.4 per cent of their budget on tenure

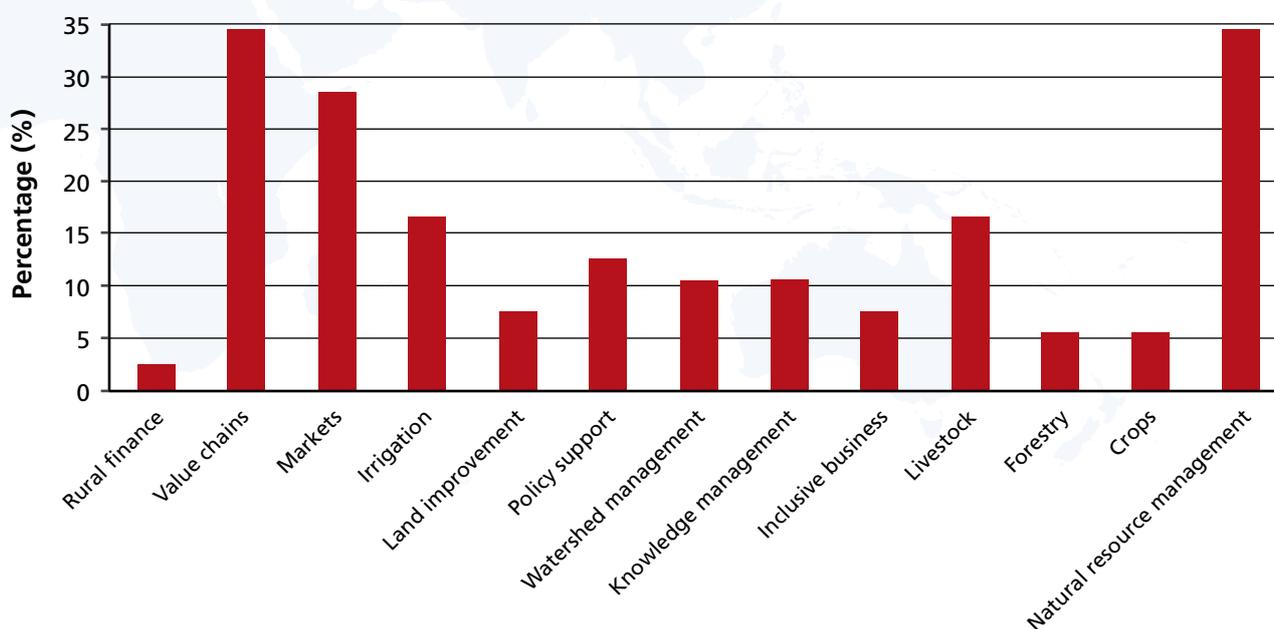


Figure 2: The various type of investment in ESA and the frequency of their application in ESA

security measures. It is important to emphasize that any future projection is based only on projects that are already ongoing, implying that these figures are very likely to change, as new projects are being designed and will enter into force in the years to come. There are five projects under design or still to enter into force, of which four already have a budget, allocating 2 per cent to tenure security measures. ~ IFAD (2018a: p. 14)

IFAD's investments in ESA cut across various projects involving natural resource management, value chains, markets development, irrigation, livestock, policy support, watershed management, knowledge management, inclusive businesses, land improvement, forestry, crops and rural finance.

Figure 2 shows the extent to which these projects have been implemented in ESA in percentage terms. Nearly 35 per cent of them are directly related to natural resource management and value chains, respectively. These are followed by market development (nearly 30 per cent), followed by irrigation and livestock (both above 15 per cent). Other areas of IFAD projects

include knowledge management, land improvement, watershed management and policy support. Forestry, crops production and inclusive business are other important areas of IFAD operations in the ESA region. Most of these projects involved tenure security activities done using approaches capable of improving tenure security.

GENERAL OVERVIEW OF IFAD'S STRATEGY FOR ENHANCING TENURE IN ESA

In total, IFAD has several strategies with which it has mainstreamed tenure security in its projects in the ESA region. Many of these strategies are related to mapping and planning, capacity building, land registration, advocacy and sensitization, knowledge management, policy dialogue, conflict management, group formation, literacy and legal support. Figure 3 shows a summary of tenure security related activities (or strategies) used by IFAD's ESA projects - with a focus on the frequency of their use.

In general, IFAD uses mapping and planning (more than 80 per cent of the time)—followed by capacity building (about 50 per cent) and land registration

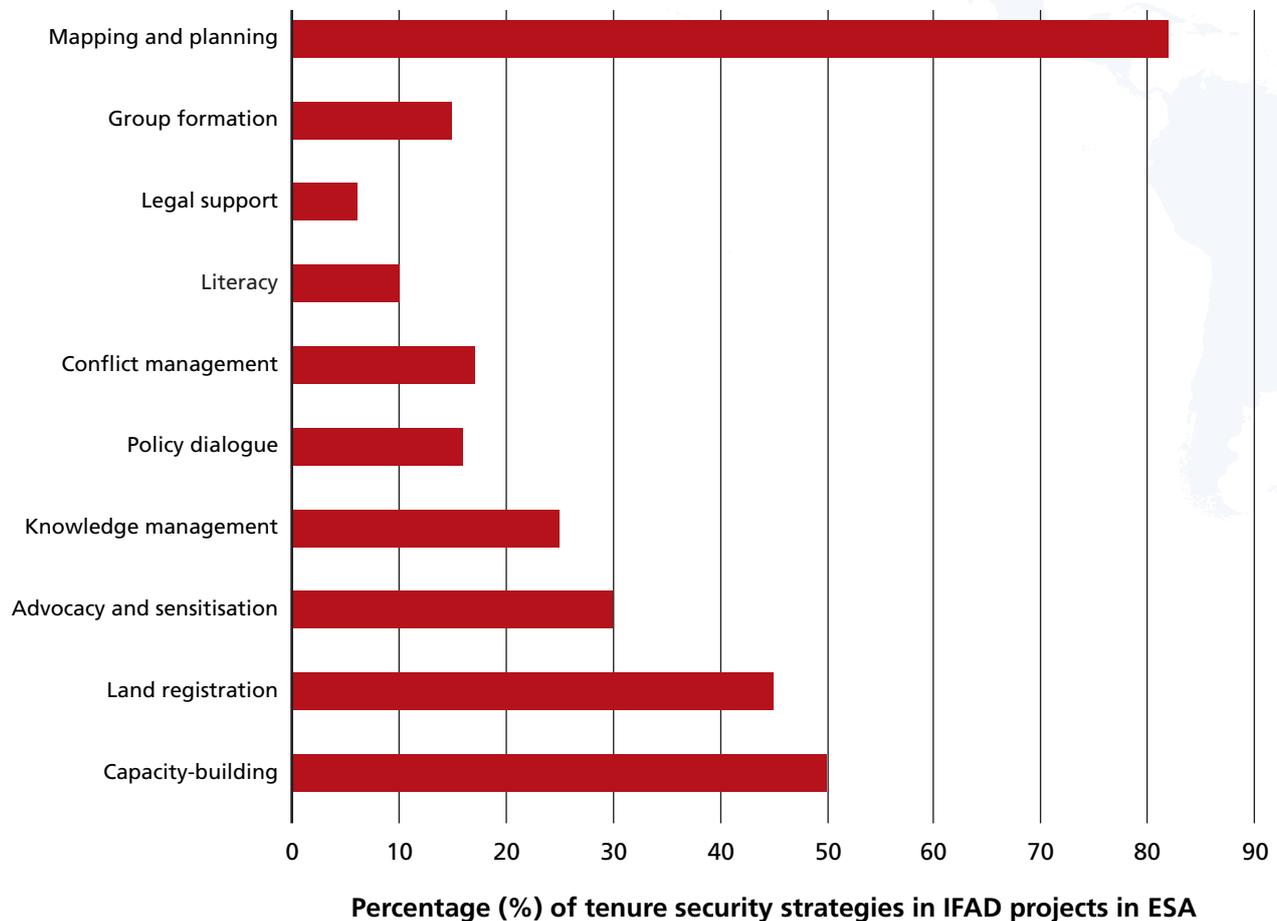


Figure 3: Types of tenure security enhancement strategies involved in ESA projects

(about 45 per cent)—in its projects as a means of securing tenure. Advocacy and sensitization (about 25 per cent), knowledge management (about 23 per cent), policy dialogue (about 17 per cent) and conflict management (about 18 per cent) are other important strategies used, while group formation, literacy and legal support are also important.

OVERVIEW OF THE TARGET GROUPS IN IFAD PROJECTS IN ESA

In scaling up land tenure security results, it is important to target specific groups of people who are most affected by tenure insecurity. All of the above-mentioned projects (and their strategies for enhancing tenure) in IFAD operations in ESA are specifically targeted groups. The four major groups targeted by IFAD projects are women; group rights holders;

pastoralists; and youths. Figure 4 shows these specific target groups in IFAD-supported projects with a focus on the rate at which IFAD targets them in its project implementation in ESA.

Out of the four target groups, IFAD targets women (about 45 per cent) in most of its projects, followed by group rights holders (about 43 per cent), followed by pastoralists (about 25 per cent) and youth (about 6 per cent).

THE STRENGTH AND CHALLENGES OF IFAD-SUPPORTED PROJECTS IN ESA

The strength of IFAD-supported projects lies in their ability to link natural resource management and catchment area protection (and agricultural productivity enhancement) directly to rural

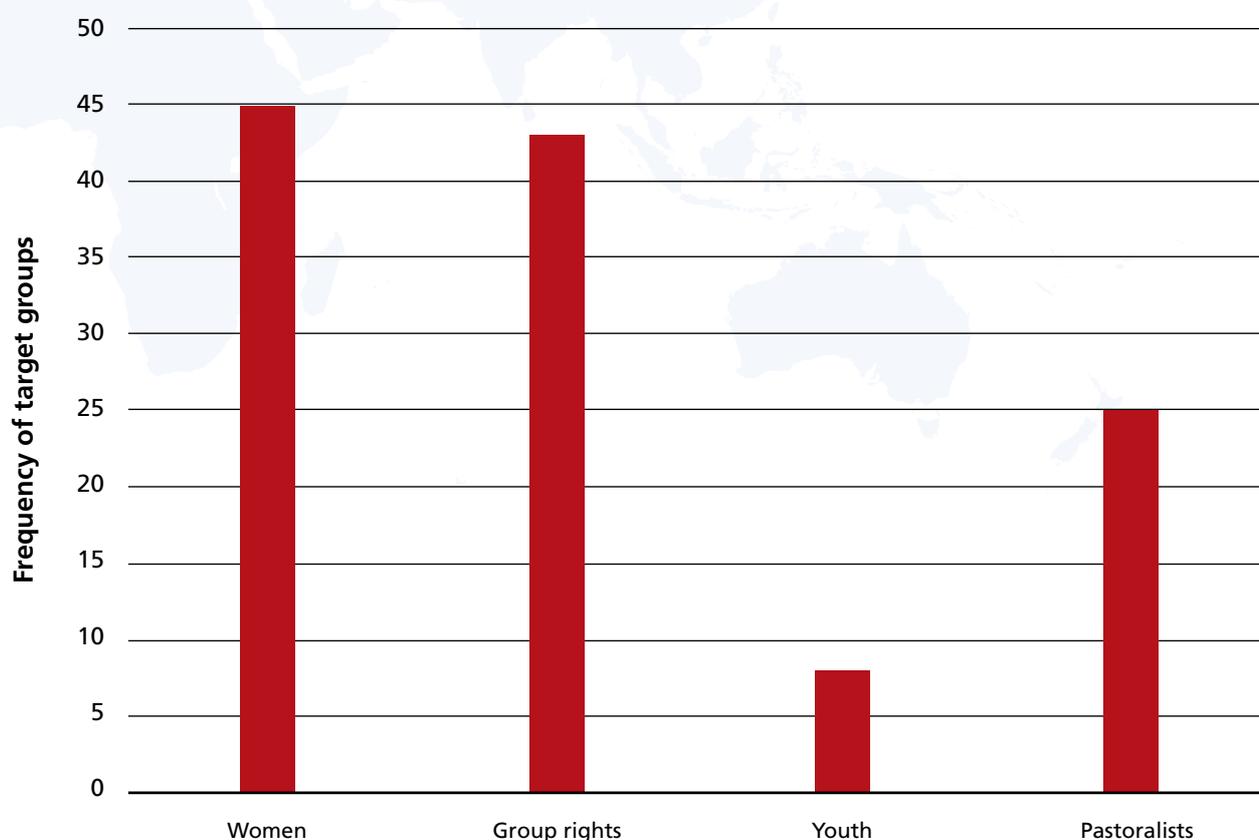


Figure 4: Specific target groups of IFAD-supported projects in ESA

development objectives. This makes the IFAD strategy directly oriented towards enhancing human settlements and livelihood support. In addition, IFAD-supported project/programmes in the ESA region are supported by innovative approaches to securing land and rights to natural resources.

The major challenge of IFAD-supported projects is that they often have limited engagement with land policy implementation. Also, it is usually difficult to ascertain the extent of tenure security improvements caused by IFAD-supported projects. This is because tenure security measures in IFAD projects cut across several components (and subcomponents) of interventions carried out in local communities where “addressing tenure rights is considered politically or socially sensitive, and best dealt with in a less visible manner” (IFAD, 2018b: p. 27).

17.2 CONTINUUM OF TENURE SCENARIOS IN 15 ESA COUNTRIES

All over the ESA region, “most land is de jure owned by the state but de facto governed under diverse customary or local tenure regimes that recognize both group and individual property rights”—and in most countries “the integration of customary or local tenure regimes into statutory systems remains weak, although there is a growing recognition of those rights” (IFAD, 2018: p.8). A necessary component of land and natural resource tenure improvement programmes in ESA countries is an understanding of the existing tenure scenarios. This calls for tenure evaluation.

Land and natural tenure evaluation is a complex undertaking because it is interwoven with numerous other socioeconomic and political factors. Despite its complexity, a basic understanding of tenure situations

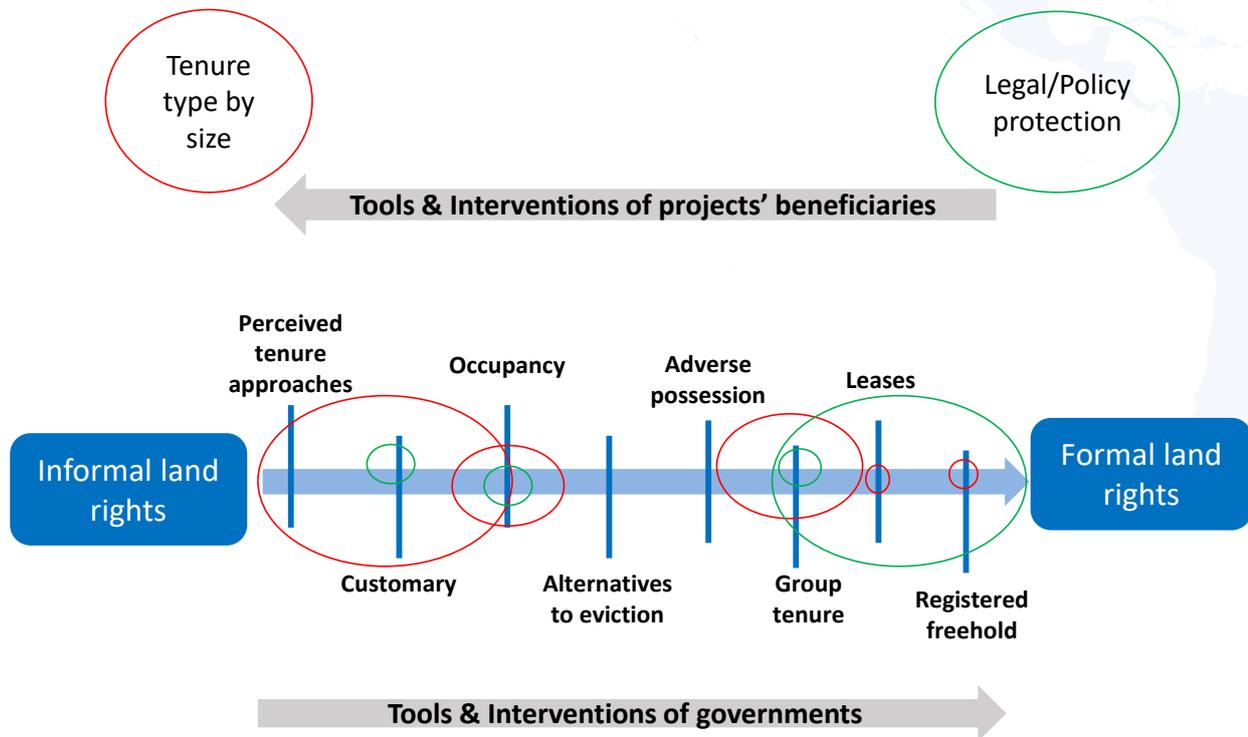


Figure 5: Tenure continuum scenarios of the 15 countries analysed in this report

in ESA countries may provide enough knowledge to help policymakers and practitioners enhance programme design and evidence-based decision-making for improving tenure security in the region. From the case studies presented in this document, it is possible to discern that a basket of tenure types exists in each of the 15 countries.

Generally, it is possible to describe these land and natural resource tenure types in ESA in terms of a continuum of land rights. The scenario of tenure types in the region shows that tools and interventions by governments and project beneficiaries are headed in opposite directions. Governments' tools and interventions are focused on ensuring formal land rights, while those of project beneficiaries are focused on informal land rights. The challenge lies in reconciling and aligning tenure security with the governments' vision and the needs of project beneficiaries (see Figure 2). In terms of the proportion of land under specific forms of tenure (tenure size or proportion of land tenured), most tenure types are

presently hinged on perceived tenure approaches, customary and occupancy, followed by group tenure. The least common tenures (or proportion of land tenured) are in leases and registered freeholds respectively. In terms of legal/policy protection for tenure, most efforts are focused on group tenure, leases and registered freeholds and the least protection is given to customary tenure and occupancy.

The current scenario of land and natural resources in the ESA region therefore calls for legal protection for all existing tenures (especially customary tenure and occupancies) in line with the continuum approach. A continuum approach is exceedingly important in ESA because:

"In East Africa, while post-independence land reforms promoted either privatized land titling on the one hand or more socialist-oriented nationalization or collectivization on the other, in practice, most smallholder agriculture remained under a customary tenure system. More recent reforms have seen a

growing recognition of these customary systems. Southern Africa is the subregion in Africa that has experienced the greatest impact of colonialism, which has resulted in highly skewed ownership in many countries. Commercialization was mainly taken up by large landowners, with smallholder agriculture being practised mainly for subsistence and governed under traditional systems.” ~ IFAD (2018a: pp. 8-9).

The colonial history of ESA countries (with the exception of Ethiopia which was not colonised) has had a significant influence on current land and natural resource tenure scenarios in the region. Generally, a significant portion of land and natural resource interests in ESA is not recorded. This leaves large number of people vulnerable to land and natural resources injustices by the state and other powerful interests. GLTN’s continuum concept “offers an alternative approach to land titling” while promoting “the recognition and increase of tenure security across the continuum, with opportunity for movement or transformation between different tenure forms” (UN-Habitat, 2016).

17.3 OUTLOOK OF TENURE CHALLENGES IN 15 ESA COUNTRIES

The ESA region is facing numerous pressures on its land and natural resources. Significant parts of the region experience frequent droughts, which have substantial negative effects on land and natural resource assets and food security. There is also increasing competition over land and natural resources due to widening margins of competing land uses and land conflicts, and the implication of these pressures is that customary systems of land tenure are frequently challenged. This leads, in turn, to land and natural resource tenure insecurity, which “is also prevalent in the context of the HIV/AIDS pandemic” in ESA where “HIV/AIDS-affected widows and/or orphans are displaced and their lands are often seized following the loss of their land rights, which had been held by the husband/father” (IFAD, 2018: p. 9).

The result of tenure analyses conducted by AAPS-affiliated researchers provides an overview of the major tenure regimes in place. It also exposes some of the trends and land and natural resource tenure challenges that slow the path towards tenure security in the 15 countries. All the countries practise statutory, customary, public and various forms of informality in natural resource tenure systems. No country has a generally endorsed a religiously based tenure system. Of all the challenges identified, nine have strong negative impacts for ESA countries.

The identified challenges include overlapping legal frameworks, legal pluralism, weak institutional frameworks, gender inequality, tenure insecurity, land and natural resource conflicts, evictions, weak conflict resolution mechanisms and corruption in the land and natural resource sector (Table 1). However, there is an overwhelming willingness to participate in land and natural resource tenure activities. The outlook of challenges on land and natural resource conflicts in the ESA region provides evidence of where priority areas for resolution are in order to ensure tenure security regionally.

Overall, tenure trends in all the countries highlight why countries have different approaches to land and natural resource tenure. Issues of land were generally addressed in relation to land management and planning, though different strategies to deal with colonial legacies have emerged. All the countries, with the exception of Ethiopia which has no colonial experience, are either in the process of phasing out colonial legal systems or are having discussions towards phasing them out.

Differentiated approaches and investment emerged due to context and areas of government interest. Structural organization of governance and politics plays a major role in this, as do political, socio-economic and cultural histories – with further reference to gender, age, vulnerability, status and ethnicity. Across the cases, these issues were inter-related but managed separately.

Table 1: General outlook of land and natural resource tenure challenges in East and Southern African countries

Eastern and Southern African Countries	Land and natural resource tenure challenges										Type of tenure*				
	Overlapping Legal frameworks	Legal pluralism	Weak institutional framework	Gender Inequality	Tenure Insecurity	Land/natural resource conflicts	Lack of participation	Evictions	Weak conflict resolution mechanisms	Corruption	Statutory	Customary	Public	Religious	Informal
Angola	✓	✓	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓
Botswana	X	X	X	✓	X	✓	X	✓	✓	✓	✓	✓	✓	X	✓
Burundi	✓	✓	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓
Ethiopia	X	X	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓
Kenya	✓	X	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓
Lesotho	X	X	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓
Madagascar	✓	✓	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓
Malawi	✓	✓	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓
Mozambique	✓	✓	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓
Rwanda	✓	X	✓	✓	✓	✓	X	✓	X	✓	✓	X	✓	X	✓
Swaziland	✓	X	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓
Tanzania	✓	X	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓
Uganda	✓	✓	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓
Zambia	✓	✓	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓
Zimbabwe	✓	X	✓	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	X	✓

*The current land and natural resource tenure situation: X: No ✓: Yes

17.4 LAND AND NATURAL RESOURCE TENURE SECTOR SCENARIOS IN 15 ESA COUNTRIES

An assessment of the current situations and future prospects of land and natural resource tenure—in the context of land, water, forest and mineral sectors—can provide governments and development partners with a scenario of how well case study countries are doing. With an assessment, it is possible to know where to intervene and what strategies to apply in interventions. To understand land and natural resource tenure sector scenarios in the 15 countries, it is important to understand some critical major issues. These include key challenges in these countries, their intervention strategy and capacity needs for future action.

ANGOLA

Land: Angola's civil war disrupted its customary land tenure system and its formal land governance system is still at a rudimentary stage. Efforts have focused on reforming the regulatory system (legal and institutional). There is a need to embark on systematic capacity building in land and natural resource management at the local level. Infrastructure provision for rural and urban dwellers is a priority.

Water: Uneven distribution of water in Angola means some parts have abundant supplies while others have limited water access. Government-initiated programmes have involved expanding water infrastructure as a way of making water accessible to all citizens. There is a need to continue expanding

water access infrastructure in the country until all communities have been reached.

Forest: Forest resource tenure security is hampered by the encroachment of outsiders onto local forest resources. The government has initiated programmes to decentralize decision-making and empower local communities. However, the lack of knowledge about land and natural resource tenure in local communities, makes the outcome of these programmes unsustainable. Capacity gaps need to be addressed including in training in forestry and extension services.

Mineral: Despite oil exports, on which Angola has been over-dependent, the country has not been able to fully alleviate poverty and inequality. Government interventions in the mining sector have focused on legislative and regulatory measures to enhance activity. There is a need to implement a multi-sectoral livelihood strategy focused on rural development programmes as a means of engaging in diversified local socio-economic development.

ZAMBIA

Land: The key challenge in the land sector is traditional inheritance laws and practices that marginalize women; and the encroachment of agriculture, which is leading to reduced land allocated for other uses. The government is using regulatory measures to address this challenge. There is a need to train land professionals who will be responsible for implementing new laws and policies.

Water: Major challenges in the water sector are droughts and flooding. Also, a lot of water is used for agriculture. In addressing this challenge, the government has focused on making and implementing regulatory interventions. There is greater need to train community members to empower them in accessing clean and safe water.

Forest: Challenges in relation to forest tenure include tree harvesting for fuel-wood and sale. Currently,

there is too much focus on regulatory intervention and little on community empowerment. There is a need to educate stakeholders at the community level on environmental awareness and sustainable natural resource use.

Mineral: Major challenges in the mineral sector are environmental. Government regulatory strategies are reducing environmental liabilities associated with the mining sector. While regulatory efforts are important, establishing an environmental management facility to finance and implement environmental and social measures (against priority challenges) will provide added value.

RWANDA

Land: A key challenge is land fragmentation caused by traditional inheritance systems. Land-use (crop) consolidation and regulatory measures have been used to address this challenge, however, there is a need to embrace non-fragmentary land transfer. A support system for conventional land consolidation should be used to reduce land fragmentation. This requires trained experts in land management.

Water: There is a lack of water distribution, which has led to a lack of access to water access. The government has implemented a robust legal and institutional framework for the conservation, protection and management of water resources. Since all of Rwanda's waters are trans-boundary, developing capacity for trans-boundary water management and infrastructure for water distribution is key to ensuring water security.

Forest: Rwanda's forestry sector has inadequate extension services due to the lack of competent personnel and an inadequate budget allocation for forestry. The government has restructured the sector through legal and institutional reforms. There is a need to boost government financial capacity to give poor people access to microcredit for forestry.

Mineral: A major tenure problem in the mineral sector is that during compensation for land acquired, value of minerals is not considered since they are considered to be state property. It is important to provide compensatory measures to citizens whose mineral-rich land has been acquired by the government. This can help improve the livelihoods of such citizens.

KENYA

Land: Inadequate/limited access to land for women, poor people and other disadvantaged groups is a key problem. The Kenyan Government has provided crucial regulatory measures, e.g. Law of Succession Act, granting widows a life interest in the matrimonial home. However, the government has failed to enforce this law adequately (especially in rural areas). Political will to implement legislation is needed.

Water: Water scarcity is a problem compounded by extensive degradation of existing water resources, increasing volatility of rainfall and periodic droughts and floods. The government has focused on decentralizing water management. Projects providing



A smallholder farmer preparing his rice paddy in Mwea Irrigation Scheme in Kirinyaga County Kenya.
Photo © UN-Habitat/Brendah Achungu

water and sanitation services in rural areas (and poor urban areas) are urgently needed.

Forest: Challenges in Kenya's forestry sector include deforestation through illegal logging, agricultural encroachment and charcoal burning. The government has introduced legislation, such as the Forest Act 2005, and other supporting regulations (e.g. Charcoal Rules). However, there is a need to create non-forest livelihood options (jobs) to empower forest communities beyond only forest use.

Mineral: The mining sector in Kenya is fraught with outdated legislation. The government has introduced new legislation to help improve the sector. For a sector in its infancy, enacting people-centred regulations will be key to setting the foundations for benefiting Kenyan citizens. Enacting and implementing tenure responsive regulations will benefit all citizens.

TANZANIA

Land: Only a small percentage of land in Tanzania is registered, and most of what is registered is in urban areas" USAID 2016. Therefore, it is not surprising that the country is burdened with high tenure insecurity and land conflicts. The government is currently establishing land information records and processes for protecting legitimate land claims. However, there is need to improve the capacity for resolving land conflicts.

Water: Water resources are unequally distributed and people do not have regular access to water in either rural or urban areas. The government has developed and implemented various policies and strategies to enhance capacity for citizen's water access, yet problems persist. It is necessary to introduce water supply and distribution infrastructure programmes (backed by community development projects) to enable sustainable access to water.

Forest: Massive deforestation is a critical challenge in many areas. The government has introduced various

community-based forest management programmes to help improve the situation. There is need to integrate tenure responsive land-use planning components into these ongoing programmes, which will help broaden the margins of tenure security for citizens in forest communities.

Mineral: A major problem is that beneficiaries of the sector have been foreign investors and the government has provided legal frameworks to ensure Tanzanian citizens benefit from the country's mineral resources. However, these legal frameworks need to be supported by the political will to implement programmes that put citizens at the centre of participation.

ZIMBABWE

Land: Colonial legislative agendas from the 1930s and their relation to racial debates has been critical to the shaping of Zimbabwe's land tenure system. The government instituted land reforms with controversial outcomes. It is important to introduce post-reform policies which, if implemented, can provide equal access to land for all irrespective of gender, race and social class.

Water: Lack of water access is a major problem in rural areas. Local water point committees already help to control water use from local sources (e.g. springs and boreholes). If supported with training in sustainable water management, these local institutions may help guide sustainable water governance at the local level.

Forest: Despite several legal frameworks provided by the Zimbabwean Government, there is incessant conflict between the rural poor and the Zimbabwean Forest Commission due to the clearing of forests in communal areas that have been demarcated for agriculture. Collaborations between the government agencies and local communities are necessary for conservation and sustainable forest management.

Mineral: Mining is a critical sector, with policies developed in the 1960s still in place and serving

(and laying) the foundations of current regulatory frameworks. There is a need for an overhaul of regulatory frameworks and citizens' participation in processes. Also, local development projects in communities located in mining regions are necessary for citizen's livelihood empowerment.

BOTSWANA

Land: Poor land record keeping is a major challenge in Botswana. The government has introduced land information management programmes to create a comprehensive land database (and computerization of records). Further, it is important to conduct land (tenure and rights) inventories to ensure citizens' land rights are being accurately captured in new systems. This will help to reduce future conflicts.

Water: Water tenure insecurity in Botswana is a reality for various reasons. The country has a limited groundwater supply and all perennial rivers are shared with neighbouring countries. Its storage capacity is one of the lowest in Southern African due to its flat topography. Government efforts in the sector have been largely regulatory. The introduction of community-based initiatives for reducing water loss (or increasing water supply) and conservation is needed.

Forest: Botswana does not have a satisfactory forest income to meet its timber needs. The government has collaborated with development partners in forest protection programmes. However, the most sustainable approach to the problem would be to engage in massive afforestation programmes.

Mineral: Despite Botswana's diamond mining industry, this has fully alleviated poverty and inequality. To tackle over-dependence on mining, the government has introduced a renewed development plan for economic diversification beyond mining. There is a need to implement a multi-sectoral livelihoods approach focused on rural development programmes as a means of engaging in diversified local socio-economic development.

BURUNDI

Land: Despite the existence of legal frameworks for land registration, most land in Burundi is unregistered. Land titles are not sufficiently issued and state lands have not been fully identified. The government is implementing programmes on land certification and better recording of land transactions, but there is inadequate capacity to implement them. Training land professionals is a major need in Burundi.

Water: Water access is a challenge in Burundi. Despite myriads of water institutions and legislation, inadequate inter-agency linkages at different levels of the sector. Harmonizing the roles of water institutions would make water administration more effective. Community-based water management programmes will be key to providing unhindered access to water.

Forest: Civil war in Burundi has meant a reliance on colonial-era legislation in relation to forestry. This has begun to change. Government interventions in the forest sector have focused on producing regulatory and legal frameworks. The government needs political will to implement afforestation and reforestation programmes to reduce the rate at which Burundi's forests are disappearing.

Mineral: Inefficiency in the taxation system (leading to revenue losses) has been a problem in Burundi's mining sector but the government has made progress in introducing legislation and regulation to manage this. It has also formalized artisanal mining (and the organization of artisanal miners) into cooperatives to ensure improved sector operations. Programmes for environmental protection will be key to sustaining mining operations.

ETHIOPIA

Land: Tenure insecurity is a key problem in Ethiopia and affects farmers' use rights. It is worst in regions where participatory local development plans are not fully adhered to. The government has introduced

land registration projects to help improve the tenure security of marginalized groups. There is a need for improved citizens' participation in rural and urban development initiatives.

Water: Water insecurity is a challenge caused by natural disasters (such as droughts) and climate change effects. The government has provided legal frameworks and various training programmes (at all levels of the sector) to help renew water management and water usage skills for local users.

Forest: Deforestation and climate change are major concerns in the forest sector. Government intervention has been geared towards the provision of regulatory frameworks and the implementation of participatory forest management projects. More efforts are needed in relation to reforestation and environmental protection measures. There is also a need for renewed strategies for building the resilience of communities to climate change impacts through participation in improved forest resource management.

Mineral: Inadequate appropriate compensation and resettlement for those on land acquired for mining and prospecting is a major challenge in Ethiopia. The government has provided legal procedures for acquisition of land for mining, but the established procedures leave citizens deprived (rather than compensated) after acquisitions. There is a need to introduce fair compensation for land acquired for mining.

LESOTHO

Land: There is limited arable land for equitable distribution in Lesotho. The government has introduced sectional titles as a way forward and there is a need to leverage on sectional titling by initiating programmes to educate and explain laws that relate land ownership and tenure status to Lesotho's citizens. This will help citizens embrace sectional titling as a means of improving tenure security.

Water: Lesotho is wealthy in water resources but still experiences water management problems in some areas and water scarcity in others. The government's sustained commitment to water provision has made Lesotho a country with one of the highest rates of access to safe water in sub-Saharan Africa. Sustainable water and irrigation projects should be put in place to sustain this success.

Forest: Lesotho is one of the countries with the least forest cover in southern Africa, with drought reducing forest cover. The government has set the regulatory foundation for tackling forestry problems. Massive afforestation and irrigation projects are needed to restore Lesotho's forests.

Mineral: Environmental degradation is one of the key challenges experienced in the mining sector in Lesotho. Its government has made efforts to create an enabling environment (via regulatory frameworks) for mining operations. It is important to create a roadmap that puts people (and their environment) at the centre of mining gains to be established in the country.

MALAWI

Land: Limited access to land and the lack of awareness of the costs of environmental degradation are key problems. The role of matrilineal and patrilineal cultures means land rights and gender empowerment are interlinked issues. The government has attempted land reform to correct challenges of land tenure uncertainty. Gender mainstreaming community-based rural land development projects is needed to tackle land access challenges from the grassroots.

Water: Inadequate infrastructure makes access to water for individuals and communities difficult. Government interventions undertaken in the water sector mainly relate to policy and legal reforms. There is a need to embark on massive community-based water access projects for irrigation and drinking water.

Forest: The use of wood fuel is a threat to forest tenure security since 90 per cent of Malawi's energy comes from wood fuel derived from natural and planted forests. Most of the government's efforts have focused on making legal and institutional frameworks available for better governing of forest resources. However, broadening electricity supply to cater for citizens needs would be a helpful practical intervention.

Mineral: The use of large tracts of land for mining and prospecting impinges on the rights of customary land users with a key issue being the alienation of land from local communities in mining areas. Malawi's government has not been very active at the community development level but has focused on regulatory framework interventions. There is a need to create awareness of land rights in communities located in mining regions to help develop negotiation capacities to deal with government and multinational mining corporations.

MOZAMBIQUE

Land: In Mozambique, customary law dominates the land administration sector. This has led to unfamiliarity with statutory rights hindering the effective enforcement of land rights. The government has intervened, with many community land initiatives designed to strengthen rural communal land rights. However, there is a need to provide basic education for citizens on statutory land matters.

Water: Most of the major rivers in Mozambique originate outside the country, making the country highly vulnerable to water insecurity. The government has implemented institutional and policy reforms that have increased water supply and sanitation. There is a need to increase capacity in trans-boundary water management and improving infrastructure for water distribution to citizens.

Forest: Illegal forest use and encroachment on forest reserves is a challenge. The government's major

intervention is the introduction of the Forestry Law, which provides statutory benefits for communities. However, there is a need to implement forestry projects geared towards resuscitating degraded forests, as well as capacity development in forestry for local communities.

Mineral: Illegal mining is a problem in Mozambique. The government has put regulatory measures in place and has invested in major public infrastructure to facilitate the growth of the mining sector. However, there is a need to improve technical capacity in artisanal mining operations and to introduce local economic development programmes to boost citizens' livelihood options to deter them from illegal mining.

MADAGASCAR

Land: A consequence of over-dependence on the national Torrens system in Madagascar has been a leading cause of tenure insecurity. There are numerous incidents of conflicting and overlapping formal and informal land rights. Several efforts to enact legislation on land have led to administrative pluralism. Current efforts towards land sector reform will be key to addressing these problems.

Water: Water insecurity exists in Madagascar because (despite the country's rich water resources) water resources are unevenly distributed. The government introduced a Rural Drinking Water Supply and Sanitation Programme between 2006 and 2008. There is a need to embark on long-term programmes that provide water distribution infrastructure and capacity building for sustainable water management.

Forest: Demand for energy is a threat to forest tenure security because most people depend on forest wood for their energy needs. The government has been working with development partners in programmes geared towards the protection of Madagascar's natural capital. A solution would be to broaden electricity supplies to cater for all people's needs.

Mineral: Illegal mining is a problem. The government has put in regulatory frameworks for mining but needs to strengthen political will to implement these frameworks. Awareness of the consequences of mining activities on local environments is important to deter illegal mining.

eSWATINI

Land: As an absolute monarchy, the Swazi King entrusts his chiefs and their councils with day-to-day land administration (including land allocation and conflict resolution). This has created a reliance on customary law, which discriminates against women. The government introduced a Draft Land Policy in 1999 to address many issues (including improving gender equity in land allocation and protection of property rights, among other issues) but this has not been formally endorsed by the monarchy. The key to future action is to put the Draft Land Policy into law and begin its implementation.

Water: Frequent droughts and lack of water infrastructure continues to limit rural access to improved water services in eSwatini. The government and its development partners have made efforts in irrigation projects to improve water distribution. There is a great need to protect the land rights of customary landowners whose land is being irrigated. Currently, chiefs take away these rights and reallocate them to water user groups.

Forest: A major challenge for forestry in eSwatini is conflicts between government and local institutions in community forests. This is largely due to a lack of effective rules protecting forests and lack of enforcement of rules that regulate access to forest resources. There is also a need to create a regulatory framework that clearly defines the rules and processes for forestry management and its enforcement.

Mineral: Mineral tenure insecurity arises in eSwatini due to a lack of clarity on regulatory oversight. It is

important to create a regulatory framework clearly defining rules and processes for mineral exploration and enforcement.

UGANDA

Land: Major land-related challenges in Uganda include a lack of recognition of customary land tenure and low rates of land registration. The government is working with development partners to provide an enabling environment for the recognition of customary land tenure systems. There is need to create more awareness to make citizens embrace land registration.

Water: Uganda has major challenges in terms of a lack of service provision for water distribution. Wetlands are also being encroached on for residential and agricultural land uses. Regulatory frameworks are already in place to create efficient land uses. However, there is need for the government to improve its political will in enforcing existing land-use plans and providing infrastructure for water distribution.

Forest: Despite measures put in place to restrict illegal forest use, massive encroachment on forest reserves is common in Uganda. The government has established the Community Tree Planting Programme to support communities in re-afforestation activities. However, stronger political will is needed to enforce Uganda's Forestry Policy to reduce illegal forest activities.

Mineral: The rate of irregular artisanal mining activities in Uganda is high and usually leads to conflicts with holders of mineral rights. The government has established regulatory frameworks for mining. However, there is need for stronger political will to implement the Mineral Policy of Uganda to enable compliance with existing laws and regulations on minerals exploration and the environment.

17.5 TENURE STRATEGIES IN IFAD-SUPPORTED PROJECTS IN 15 ESA COUNTRIES

IFAD's support for land and natural resource tenure security is typically integrated into broader agricultural and rural development projects and programmes, rather than being an investment in stand-alone projects. A land tenure stock-take done by IFAD in 2015 showed that:

"IFAD uses various tools and approaches to strengthen poor rural people's access and tenure, and their ability to better manage land and natural resources, individually and collectively. These include: (i) recognizing and documenting group rights to rangelands and grazing lands, forests and artisanal fishing waters; (ii) recognizing and documenting smallholder farmers' land and water rights in irrigation schemes; (iii) strengthening women's secure access to land; (iv) using geographic information systems to map land and natural resource rights, use and management; and (v) identifying best practices in securing these rights through business partnerships between smallholder farmers and investors." ~ (IFAD, 2018b: p. 14).

Within the context of land and natural resource tenure, a common feature evident in the majority of IFAD's projects is a combination of technical and soft strategies (or approaches) used, in most cases, to partially secure tenure.

Among the various approaches used in the projects are: capacity building, mapping and documentation, alternative means of tenure (e.g. certificates/title), natural resource management, improved agricultural techniques, infrastructure development, financial

Table 2: Combination of approaches used to secure tenure in IFAD-supported projects in Eastern and Southern Africa (Refer to the list of acronyms for descriptions of any programmes shown in Table 2 but not described in this synthesis report)

Approaches used in IFAD supported projects	IFAD Supported Projects in Eastern and Southern Africa																														
	MOSAP	NFCDP	ASSP	ALDEP	AIVeSP	NPFSRDIM	CBINReMP	PASIDP	MKEPP	SNCDP	RUFIP	SADP	PSDMMR	PROSPERER	SuAPP	RLEEP	PRODIRPA	ProParcerias	KWAMP	ILUMP	LUSIP-1	RFEDP	ASDP-L	AEMP	DLSP	VODP	SmAPP	S3P	SDARMP	SISP	
Capacity building																															
Mapping and documentation																															
Alternative means of tenure, e.g. certificates/title																															
Natural resource management																															
Improved agricultural techniques																															
Infrastructure development																															
Financial intermediation																															
Gender/women empowerment																															
Conflict resolution and Institutional strengthening																															
Community participation																															
	ANGOLA	BOTSWANA	BURUNDI	ETHIOPIA	KENYA	LESOTHO	MADAGASCAR	MALAWI	MOZAMBIQUE	RWANDA	SWAZILAND	TANZANIA	UGANDA	ZAMBIA	ZIMBABWE																

Eastern and Southern African Countries

intermediation, gender/women empowerment, conflict resolution, institutional strengthening and policy dialogue, and community participation. Combinations of these approaches in IFAD-supported projects provide a general outlook of IFAD's strategy in tackling tenure issues in ESA (see Table 2). The following approaches are key summaries of specific

measures—approaches or tools—used by IFAD to improve tenure security in their projects:

Capacity building: IFAD uses capacity building and development as a core strategy in educating populations in its project areas on the linkages between land and natural resource tenure security and

their livelihood challenges. IFAD has created strong community outreach in these aspects of training and institutional development.

Mapping and documentation: IFAD has used a lot of mapping in its projects to improve accuracy in land information in its project areas. It introduced community mapping in local communities (and participatory land-use maps) with the help of non-governmental organizations as well as academic and research institutions engaged in land-related agendas. Improvements in land management and cadastral offices through the adoption of digital mapping of land ownership have been a key feature of land institutions across IFAD's project areas.

Alternative means of tenure: Conventional approaches to securing property rights to land include establishing systems of private ownership through individual titling. This approach has been tried in several African countries over the years with mixed results. IFAD's projects have led to the adoption of alternative means of tenure security—for instance, de facto tenure security—due to inventories of land



Mapping of land rights for oil palm farmers in Kalangala, Uganda. Photo © Procasur/Tim Mwaura

and natural resources conducted and recorded (and documented) during project implementations.

Natural resource management: Some of IFAD's projects and programmes have directly focused on natural resource management (including livestock, forest and water). These have also been based on the principles of sustainability with the objective of ensuring protection and renewability.

Improved agricultural techniques: IFAD's investment in the agriculture sector in the ESA region has generated local economic growth and reduction in poverty.

Financial intermediation: Increases in financial donor help and private sector investment have been helpful in increasing rural employment and improving local infrastructure in IFAD project areas.

Gender/women's empowerment: Safeguarding the natural resources on which vulnerable communities depend by giving priority to the needs of women and women-headed households as a means of empowerment is a key to improving livelihoods in IFAD projects.

Conflict resolution and institutional strengthening: In some cases, land-conflict resolution was used to ensure tenure security. In most of these situations, institutional strengthening and policy dialogues played major roles in ensuring that stakeholders (local people, local authorities and local policy makers) respected decisions made in the resolutions.

Community participation: IFAD's adoption of participatory approaches in implementing its projects has led (in most cases) to the introduction of extensive consultation with community and other stakeholders (such as civil society organizations) in developing local policies in land and natural resource management e.g. farming strategies, irrigation/water use and forest use. These activities can generate tenure security.

17.6 LESSONS AND WAYS OF IMPROVING TENURE INTERVENTIONS IN IFAD PROJECTS

THE LESSONS LEARNED

A starting point for proposing operational guidance for IFAD-supported agricultural sector investment programmes is to identify and itemize the most critical lessons learned from these programmes. These lessons can then be mainstreamed into a land and natural resource tenure concept that is responsive to the challenges of land and natural resource tenure security.

Judging from various IFAD-supported projects reviewed in this report, there is still a need to do more extensive reviews on IFAD-supported programmes beyond those reviewed by AAPS researchers in the GLTN/IFAD TSLI-ESA partnerships. Although IFAD has conducted a wide tenure security desk check of its own, IFAD did not include its “stand-alone GEF-financed projects” (IFAD, 2018b: p. 24). Since some of these projects and programmes were designed with tenure security measures, their assessment could provide a clearer outlook of the performance of IFAD-supported programmes with regard to tenure security.

Despite a level of success already in improving tenure security through IFAD-supported projects, there is evidence that more effort is still needed. There is a need to improve the effectiveness of IFAD project impacts on tenure security. IFAD’s Land Tenure desk recognizes that “one of the key activities for the future must be not necessarily increasing the investment per project in tenure security measures, but making those measures more effective” (IFAD, 2018b: p.25). As recognized, IFAD continues to work with GLTN and other global and local partners in supporting projects that contribute to greater tenure security. There is an urgent need to strengthen partnerships and capacities

in land and natural resource tenure in Africa and globally. IFAD’s Land Tenure desk has recognized this by proposing:

“To continue strengthening the integration of tenure security measures into IFAD-supported projects during design and implementation, and to continue strengthening the engagement of our country teams and partners in policy dialogue and lesson-sharing by developing partnerships through our membership in the ILC and the Global Donor Working Group on Land, and collaboration with various partners. The above-mentioned grant also aims at improving the knowledge and awareness of IFAD partners, IFAD-supported projects, GLTN partners and other partners on the framework for measuring impacts of tenure security” ~ IFAD (2018b: p.25).

UN-Habitat and GLTN (and its partners) welcome renewed efforts towards increasing investments in tenure security as measures to contribute to improved sustainable development outcomes. A key aspect of GLTN’s mission has been to work together with its partners (including IFAD) “to develop and implement inclusive fit-for-purpose and gender-responsive land tools to improve living conditions for women, youth and vulnerable groups in both urban and rural settings” (GLTN, 2018: p.14).

The particular experiences from IFAD-supported agricultural-sector investment programmes in the 15 countries surveyed in this document point to the following specific lessons:

- Land, water, minerals, forests, rangelands, wetlands and wildlife resources are the most important sources of livelihoods and food security.
- The poorest people are usually the most tenure insecure or landless individuals.
- Lack of access to land and insecure land tenure rights often result in entrenched poverty, creating impediments to food security.

- Improved access to land allows families to increase household food consumption, thereby helping to ensure household food security.
- Improved access to land usually enables households to gain more income by producing surplus for market sales, widening the options for households to access credit.
- Secure access to natural resources often provides a valuable safety net as a source of shelter, food and income in times of hardship.
- Land rights usually include collective rights held by social groups and rights of access to common property resources.
- The distribution of land and natural resources is closely related to distribution of livelihood options and welfare.
- Poor infrastructure, informational asymmetries and seasonality in rain-fed agriculture all contribute to the weaknesses in agricultural sector investment programmes.
- Poverty reduction is impossible in the long term unless consideration is given to land and natural resources and the environment that people depend on for their livelihoods, health and survival.
- Understanding and adapting the traditional knowledge and indigenous practices of local communities are sometimes essential in making

innovations in agricultural sector investment interventions.

HOW TO IMPROVE TENURE INTERVENTIONS IN IFAD PROJECTS

From these lessons learned, it is possible to devise operational guidance for tenure interventions in IFAD-supported agricultural sector investment programmes. In doing so, seven critical phases are involved. The first four of these are: initiation of the programme, introduction of land and natural resource tenure into the programme, development of operational activities, and analysis of different response options. The other phases include planning and designing strategies for implementing the selected tenure intervention, actual implementation, and monitoring and evaluation. Various activities conducted in each of these phases have the potential to produce forward and backward outcomes that can produce positive effects towards land and natural resource tenure improvements in IFAD-supported agricultural sector investment programmes. Figure 3 (below) represents a generic interaction of activities, which is helpful in making an agricultural investment programme responsive to land and natural resource tenure security needs.

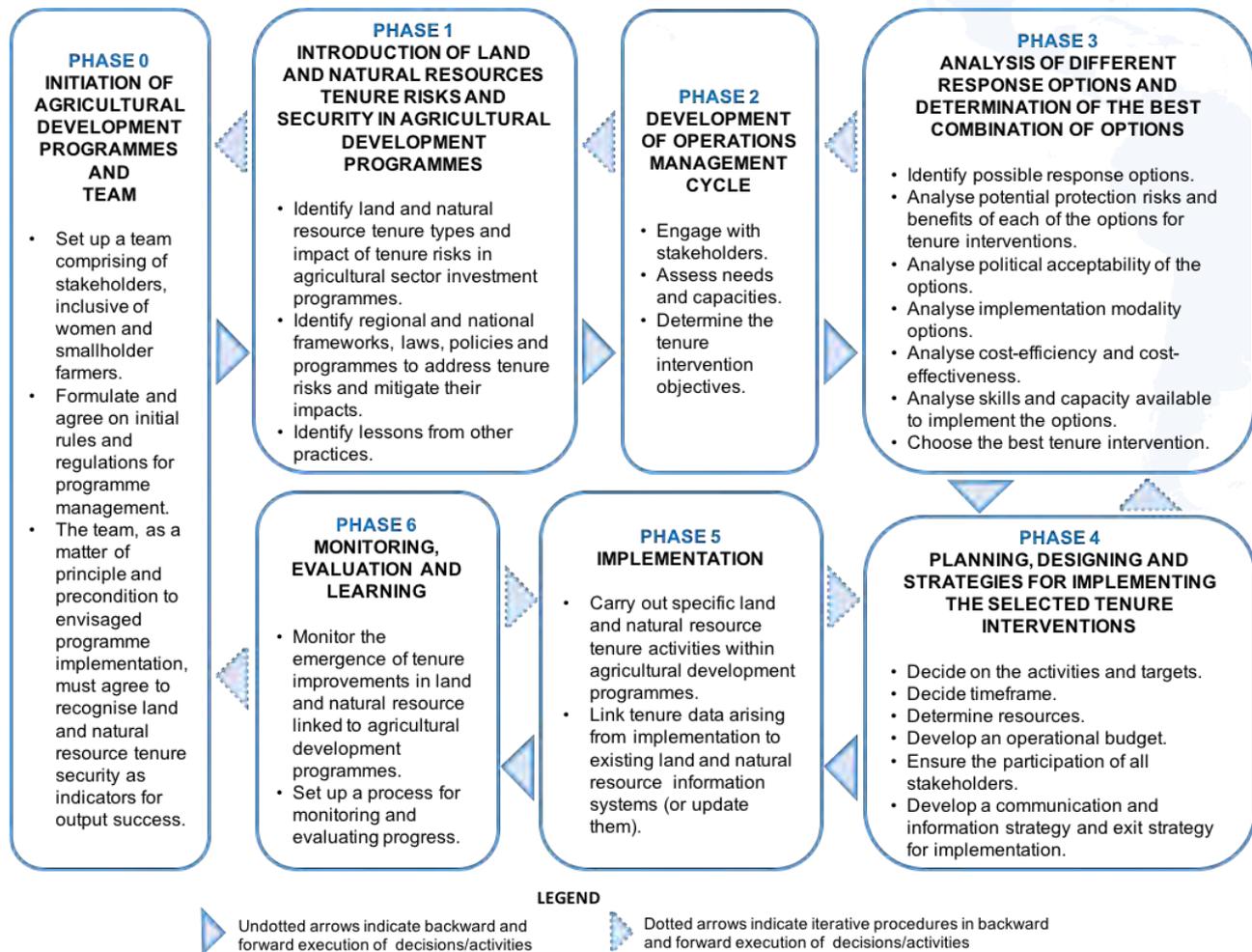


Figure 6: Operational guidance for tenure interventions in IFAD-supported agricultural sector investment programmes

Preliminary stage/preparatory phase – Initiation of agricultural development programmes and team: A starting point is to constitute a team to coordinate and organize the programme process. Another task is to carry out a detailed stakeholder analysis to find out who has what kind of interests. After this, initial rules and regulations for programme management are formulated and agreed upon. This should include an agreement on recognizing land and natural resource tenure security as an indicator for output success.

Phase 1 – Introduction of land and natural resources tenure risks and security in agricultural development programmes: In this phase, it is necessary to identify land and natural resource tenure types and the

impact of tenure risks in agricultural sector investment programmes. This entails analysing legal frameworks, institutions involved in land and natural resource tenure administration, and lessons from past practices. Lessons from past practices can come from previous interventions by governments or in cooperation with development partners.

Phase 2 – Development of operations management cycle: In this phase, it is important to engage with stakeholders in making necessary assessments to determine the scope of intervention objectives, needs and the availability of capacity for implementation. These assessments would help the team to determine the appropriate tenure intervention objectives for the programme.

Phase 3 – Analysis of different response options and implementation modalities: From the outcome of the operational management cycle phase, this phase can be used to identify possible response options (measures for addressing tenure security) and implementation modalities (such as political acceptability, cost-effectiveness and availability of skills/capacity).

Phase 4 – Planning, designing and strategies for implementing the selected tenure interventions: In this phase, it is important to decide on the activities and targets (based on options made in the previous phase). At this stage, it is important to set timeframes, determine resources, develop an operational budget and ensure the participation of all stakeholders. It is also important to develop a communication and information strategy and an exit strategy for the implementation of the programme.

Phase 5 – Implementation: This phase is about carrying out all activities decided on during the planning, designing and strategy-making phase. Specific actions should be implemented. These must include land and natural resource tenure activities within agricultural development programmes. Any tenure interventions in IFAD-supported agricultural sector investment programmes must, as a matter of necessity, embrace tenure enumeration of land and natural resources in project areas. These measures are necessary for the programmes to become responsive to land and natural resource tenure. It is also necessary to link tenure data arising from implementation to existing land and natural resource information systems or to update them (where there is an existing land and natural information system).

Phase 6 – Monitoring, evaluation and learning: This phase entails monitoring the outcome of the tenure intervention and is related to improvements in land and natural resource tenure. It is important to set up a process for monitoring and evaluating the programme's progress. It may be necessary to set up

a monitoring team to carry out post-implementation monitoring, update data and document critical lessons learned for future interventions. "The monitoring and evaluation system should consider effective feedback mechanisms for adoptions, improvements, re-planning or plan update" (Chigbu et al, 2016: p.38; Chigbu et al, 2017). The entire process should be flexible and iterative in execution to enable mistakes to be easily corrected if necessary.

17.7 A GENERIC TOOL FOR TENURE INTERVENTION

Apart from implementing land and natural resource tenure interventions in IFAD-supported projects, it is necessary to develop a tool for implementation beyond IFAD programmes. Generic tools for land and natural resource tenure interventions have, for various reasons, been missing in programme implementation. The complex and spatial nature of land and natural resource rights is among the many reasons that make it challenging to develop a tool for country-level interventions. However, this gap needs to be filled for three main reasons:

- Land and natural resources are fundamental inputs in water, forest, agricultural and mineral production—which constitute the most important sources of livelihood for people all over the world, in particular the most vulnerable segments of societies.
- Land and natural resources are becoming increasingly scarce due to rising demand for and competition over the best land and the most marketable natural resources for agricultural intensification and national income expansion respectively. Urbanization continues to take prime agricultural land out of production and technological advancement is pushing mineral exploitation to its limits. Clean water is becoming scarce. Increasing demand for green energy has made land and natural resource-based energy production a substitute for fossil fuels, which also puts further upward pressure on prices (Holden et al, 2016: p.1).

- Land degradation and climate change pose serious threats to the long-term productivity and sustainability of land and natural resource use. Climate change is expected to cause an increase in agricultural, water, forest and mineral production risks. In particular, “there will be a need to stimulate investment in soil and water conservation in ways that can reduce agricultural production risks and enhance land productivity” (Holden et al, 2016: p.1).

To make meaningful interventions that can address these complex challenges, it is important to have well-defined property rights to access land and natural resources. Tenure security will therefore be crucial to steering any intervention to produce pro-poor outcomes.

PRINCIPLES OF TOOLS FOR LAND AND NATURAL RESOURCE TENURE INTERVENTIONS

Tackling land and natural resource tenure challenges requires technical, financial and human resources. It also requires the application of a land and natural resource tools that are responsive to tenure needs of the majority of people in these countries. This is why two main questions arising from the case studies presented in this document are: what are the best ways to improve or sustain successes already achieved? How can challenges being faced be dealt with and reversed? No matter what answers individuals or organizations may have to these questions, it is important that any tool or approach devised to enhance land and natural resource tenure is based on the following principles:

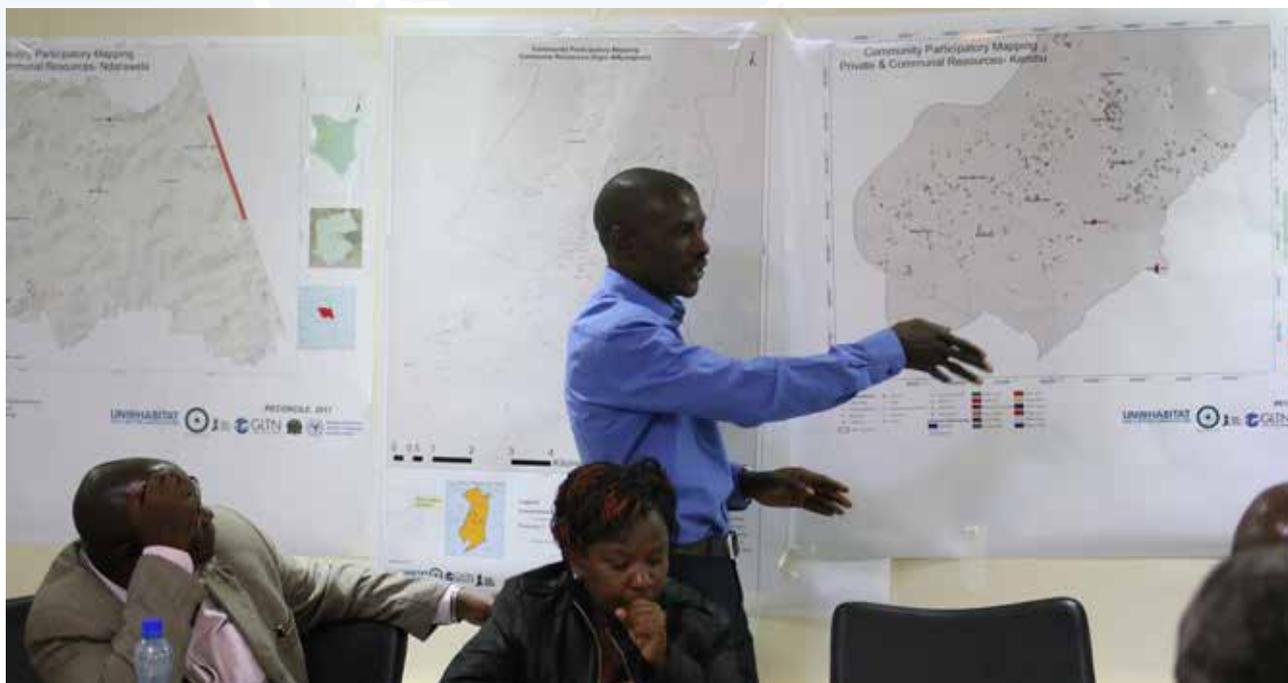
- “Tenure rights to resources play a fundamental role in governing the patterns of natural resource management, as well as in the welfare of individuals and communities dependent on those resources” (Ghee, 2007: p.12).
- Resource tenure rights play a major role in promoting equity of resource distribution, economic growth, sustainability of the resource base and empowerment of the resource user.
- Sensitization of access to land and natural resources is a crucial factor in the eradication of poverty and food insecurity and in the empowerment of youth and women.
- Land and natural resources—together with culture, welfare of people, and place—stand at the core of local community development in developing countries (Chigbu *et al.* 2018).
- Eliminating land and natural resource tenure risks and insecurity is a goal to create sustainable land and natural resource management.
- All implementation activities must be based on responsible land and natural resource management (de Vries and Chigbu 2017).

Apart from developing tools based on these principles, success of land and natural resource tenure intervention tools may depend on data availability regarding land and natural resource tenure challenges that such a tool is meant to address.

DATA REQUIREMENTS FOR LAND AND NATURAL RESOURCE TENURE INTERVENTIONS

Projects under the TSLI-ESA initiatives have already made contributions in the generation of data using STDM. In the ESA region (in Kenya, Uganda and Zambia), STDM has been used to implement tenure regularization of squatter farmers and farmer committees have used STDM data for farmer-to-farmer boundary dispute settlement. The STDM databases produced from these projects have been used to create maps showing locations of all the smallholder farmers and their garden boundaries. STDM has also been used to provide information on the tenure situations of project areas to facilitate field operations.

The TSLI-ESA experience shows that comprehensive data on land and natural resource tenure is important in ensuring potential tools for intervention are tailored to respond to local land and natural resource tenure challenges. Important data needed may include land and natural resource distribution, use, quality and



Stakeholders viewing maps generated through the STDM process showing common resources and used to formulate rules of management. Bomet county-Kenya. Photo © UN-Habitat/ Brenda Achungu

quantity or estimations. Other data needed may focus on inequality, poverty, gender and welfare, and the impact of land and natural resource tenure on poverty and economic development, among other issues. Generally, the need to measure progress in land and natural resource tenure interventions is a strong reason for data requirements. In this regard, measuring tenure security is an important component of assessing progress.

TENURE SECURITY ASSESSMENT FRAMEWORK FOR LAND AND NATURAL RESOURCES TENURE INTERVENTIONS

Improving tenure security is one of the ultimate goals of any well-designed land and natural resource tenure intervention and has become a priority in many national land policies in ESA countries. However, despite widespread consensus on this, there is no agreement within the international community on how to measure tenure security (Simbizi, 2016) or commonly agreed set of indicators to measure it. Based on experience from the TSLI-ESA initiative, the following indicators are the most efficient for

measuring tenure security under programmes or interventions that are based on pro-poor approaches or tools:

- Type of tenure on land and natural resources.
- Extent of land rights recorded in land information system.
- Inheritability and transferability of land and natural resources.
- Saleability: Average time to complete land sale registration.
- Profitability accrualment for use or possession of land and natural resource.
- Type of restrictions affecting land or natural resources.
- Type of responsibilities affecting land or natural resources.
- Possibility of access of to land and natural resources by women.
- Dynamism of tenure on a continuum practice or extent of convertibility of rights.
- Type of development (investment or natural resource) on land.

- Perceived social/legal protection on land and natural resources.
- Degrees of collaterality of land and natural resources.
- Possession of title to land.
- Breadth of land and natural resource rights
- Evidence of and types of disputes over land and natural resources.
- The perception of security.
- previous experience of loss of land.
- The perception of future loss of land.
- Possession of alternative titles.
- Type of rights recognized (or not recognized) by statutory laws.
- Type of rights recognised (or not recognized) by social norms.
- Absence or presence of conflict on land.
- Availability of infrastructure (on or close to land and natural resources).
- Formality or informality status of land and natural resources.
- Location of land (within or outside planned area).
- Duration of possession or use.
- Exclusivity of land or natural resource rights.

Possible indicators for measuring tenure security are extensive. However, the above indicators explain relevant phenomena in land and natural tenure resource tenure that are found in almost all developing countries. They are easy to understand by local people. The data for measuring them is inexpensive, easily accessible to researchers, available regionally and internationally, and can be internationally comparable.

Any indicators for measuring tenure depend on the amount of data available and the purpose. In all cases of measuring tenure security, it is necessary to use data extraction forms to systematically record and enumerate data for measurement. To effectively measure tenure security progress due to the implementation of land tenure and natural resource intervention, there is a need to compare tenure security data gathered prior to the implementation of a programme with post-implementation tenure security changes. No matter what indicators are to be measured during a tenure assessment exercise, it is important to bear in mind that:

“Tenure security is a multi-dimensional concept and hence cannot be measured easily and directly. However, it can be done using tenure security assessment frameworks to determine if there is an improvement during monitoring and evaluation. It is practical because most assessment frameworks in land management use tenure security indicators as a measurement tool” ~ Chigbu et al. (2017:p. 1636).

The most practical approach to assessing tenure security would be to conduct household surveys and gather expert opinions on land and natural resource tenure (Chigbu et al, 2017). However, there are organizations using different tenure security assessment frameworks (e.g. World Bank, Global Land Alliance and the Overseas Development Institute, UN-Habitat, FAO, IFAD and USAID). It is important all those conducting tenure assessments (e.g. policymakers, researchers and practitioners) adopt the

frameworks that best suit the specific tenure security indicators they are investigating.

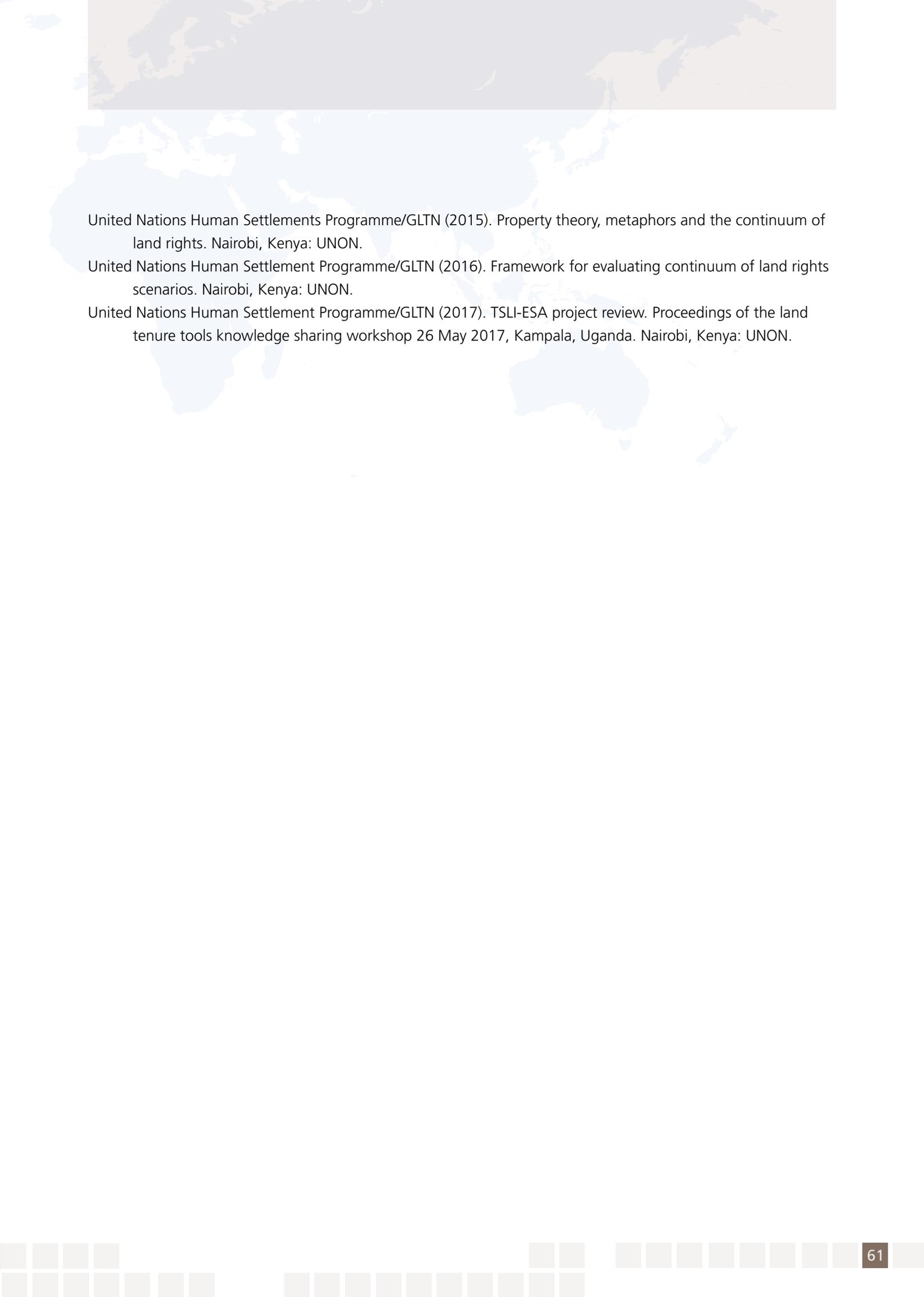
17.8 FINAL REMARKS

Even though many countries in the ESA region have already made some progress in addressing land and natural resource tenure, especially at the legislative level through setting out regulatory frameworks, addressing tenure security problems that affect local people is still a challenge. Women and marginalized communities and groups often remain cut off from access to land in urban and rural areas. This situation persists because rules governing tenure in most of these countries are either too weak, inconclusive, inadequate or are not being properly communicated or implemented in ways that can widen the margins of tenure security for the poor and disadvantaged groups (especially women). A way forward would be

to improve impact assessment in these case studies countries and to develop wider tenure responsive operational guidelines for development partners to use in their tenure intervention projects.

This report has been prepared to present a synthesis of country studies done through the TSLI-ESA initiative. It is based on the premise that an understanding of existing land and natural resource tenure rights—how they are determined and the role of policy in their determination—can lead to the design of successful policies to prevent further depletion of natural resources, enhance the resource base and ensure sustainable resource use, which can, in turn, improve the welfare of the poor. The framework presented here is not in any way conclusive. However, if developed further, it may provide a path to dismantling tenure insecurity in relation to land and natural resources.

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UNITED NATIONS HUMAN SETTLEMENT PROGRAMME (UN HABITAT)

UN-Habitat helps the urban poor by transforming cities into safer, healthier, greener places with better opportunities where everyone can live in dignity. UN-Habitat works with organizations at every level, including all spheres of government, civil society and the private sector to help build, manage, plan and finance sustainable urban development. Our vision is cities without slums that are liveable places for all, which do not pollute the environment or deplete natural resources. More information at www.unhabitat.org

INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT (IFAD)

IFAD is an international financial institution and a specialized United Nations agency dedicated to eradicating poverty and hunger in rural areas of developing countries. Working with poor rural people, governments, donors, non-governmental organizations and many other partners, IFAD focuses on country-specific solutions, which can involve increasing poor rural peoples' access to financial services, markets, technology, land and other natural resources.

GLOBAL LAND TOOL NETWORK (GLTN)

The Global Land Tool Network (GLTN) is an alliance of international partners contributing to poverty alleviation and the Sustainable Development Goals through increased access to land and tenure security for all. The Network's partnership of organizations is drawn from the rural and urban civil society, international research and training institutions, bilateral and multilateral organizations, and international professional bodies. GLTN takes a more holistic approach land issues and improves on global land coordination through development, dissemination and implementation of pro-poor and gender responsive land tools. These tools and approaches contribute to land reform, good land governance, inclusive land administration, sustainable land management, and functional land sector coordination. For further information, visit the GLTN web site at www.glt.net



ABOUT THIS PUBLICATION

This publication features challenges, strategies and tools for increasing poor people's access to secure land and natural resources in countries in East and Southern Africa where land and natural resource initiatives have been implemented by governments, civil society, the private sector and other developmental organizations. It allows for comparison between the selected countries, which will be helpful for practitioners and students of land-related disciplines and researchers to better grasp the complexities of dealing with land and natural resource tenure in these countries.

The report enhances current knowledge of land and natural resource tenure challenges and hopefully will inspire additional policy debate on implementation of land and natural resources tenure programmes. It will also be useful to GLTN's global partners (currently more than 77 consisting of professionals, development partners, research and training institutions, technical and civil society groups) in addressing land and natural resource tenure and reform, among other issues.

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