

Global Food Security Strategy Technical Guidance for Land, Marine, and Resource Tenure

This is one of 18 technical guidance documents for implementing the U.S. Government's Global Food Security Strategy. The entire set of documents can be found at www.feedthefuture.gov and www.agrilinks.org.

Introduction

In response to the Global Food Security Act, the U.S. Government is renewing its commitment to reduce poverty and hunger through inclusive agriculture-led economic growth, strengthened resilience among people and systems, and improved nutrition, especially among women and children. Strengthening resource governance; securing land, marine and resource tenure; and strengthening rights of smallholder producers, women, indigenous communities, investors and other stakeholders drive long-term investments that contribute to sustainable reductions in global hunger, malnutrition, and poverty, as noted in the U.S. Government's Global Food Security Strategy (GFSS).

Secure land, marine, and natural resource tenure promotes resilient production and market systems by creating incentives for short- and long-term investment. Evidence shows that secure land, marine, and resource rights are associated with improved agricultural productivity and higher incomes.¹ Within a supported framework, secure land, marine and resource rights also can contribute to increased access to [credit and financing](#).²

Terminology and Context

This document provides programmatic guidance for addressing the challenges of facilitating host country formulation and implementation of land, marine and natural resource tenure, rights, policy and governance to meet the objectives of the GFSS. It includes the primary GFSS policy areas, which include strengthening the economic and governance drivers of sustainable agriculture as well as improved and secure access to land, marine and natural³ resources.

Common concepts and terms as defined for purposes of this document:

- **Tenure:** The bundles of rights, rules, and institutions that define individual or community access to, and use of, resources such as land and water.
- **Customary tenure:** A system where rights over a unit of resources are allocated according to customary practices, often based on membership in a social group or community defined by clan, sub-clan, or tribe. Customary tenure systems, as statutory systems, are not static: they evolve over time in response to changes in the institutional, economic, and physical environment.
- **Land tenure reform:** Improving the security of property rights to land through formalization or other means.
- **Marine tenure:** The establishment or formal recognition of designated access rights to marine fishing areas and water resources.
- **Tenure security:** Recognition of tenure rights as legitimate and protected, whether by statutory or customary tenure systems.
- **Common property resources:** A resource managed under a common property regime.

Designing Interventions

The following provides guidance for designing activities for land and marine tenure and natural resource governance regarding rights and responsibilities; policy, legal, and organizational frameworks; and delivery of services that are key to long-term sustainable agricultural development:

1. ***Conduct country-level analysis to engage effectively:*** Structuring an intervention should start with a thorough understanding of the country-specific systems, constraints, and root causes of any problems with and between tenure and natural resource rights. Country teams should:
 - conduct reviews of the existing research and relevant policies to assess the extent current land, land use, and resource issues are hindering development goals associated with food security, including assessment of cultural, gendered, governance, and investment context of land use; land tenure; and livelihoods;
 - use impact or performance evaluations to assess current progress in land reform and land use; and/or
 - identify gaps and support building evidence-based decisions for improved programing.
2. ***Identify long and short-term opportunities:*** Depending on the country context, U.S. Government engagements may be short- or long-term and may be aimed at legal and policy reform or other opportunities that increase tenure security and improve governance or reduce land or resource-related risks within site-specific interventions.
3. ***Determine the land, marine, and/or natural resource governance intervention:*** In addition to the specific land policies identified in the Feed the Future country policy matrices, the GFSS acknowledges the importance of country-led policy efforts to improve land, marine, and natural resource governance and rights. Successful investment for food security depends on access to clear and uncontested land rights. Laws and regulations can create opportunities to formalize the variety of land and resource rights that customary users hold and build bridges between the customary and formal legal systems. Where the legal framework for land and resource rights is adequate, governance interventions that build capacity for implementing laws that guarantee land, marine, and resource rights should be prioritized. Some activities to consider include:
 - Clarify and strengthen policy, legal, and administrative frameworks that protect legitimate rights (including customary or informal tenure rights) to ownership, primary and secondary use, and transfer;
 - Increase access to, and security of, rights for women and other vulnerable groups;
 - Map, document, and register land rights, including by developing and integrating new technologies to make surveying and mapping more efficient, inclusive, and cost-effective;
 - Improve the transparency of, and access to, land governance institutions, including institutions that manage land-based transactions;
 - Support land use (and marine use) planning and education on productive and diversified land uses;
 - Facilitate the development of competitive markets by allowing for efficient and cost-effective land registration and transfers;
 - Facilitate access to justice systems to address infringements of legitimate tenure rights. For example, support community-based third-party arbitration courts to resolve disputes; and
 - Support stakeholder outreach and engagement, bringing private sector, civil society, and government, including women and other vulnerable groups, together for consultation about tenure and resource management issues.

Key Lessons Learned

Lesson 1: *Land, marine, and natural resource policies should be viewed as a means to achieve a particular agriculture and nutrition development objective and closely integrated with other relevant policies.* Often, land, marine, and natural resource policies and programs are conceived without careful consideration of what they should achieve. This can lead to siloed policies on land, agriculture, and natural resources, among others. Moreover, land, marine, and resource policies should ensure integration of critical pieces that clearly define the rights to be formally recognized, the means of administering land and resource-related data, and how that data informs land and marine use planning. These should all be part of a coherent framework in order to achieve agricultural productivity and food security objectives. For example, if the goal is to promote increased investment and improved livelihoods for smallholders, then policy should focus on land registration and creating a land information system capable of administering subsequent transfers of land rights.

Lesson 2: *A variety of rights should be formally recognized in a manner tailored to the particular needs of a locality.* Often, governments attempt a one-size-fits-all approach to formal recognition of land, marine, and resource rights by, for example, favoring private individualized rights over collective rights of customary communities. This can lead to unrealistic policies that undermine tenure security and consequently discourage investments to improve agricultural productivity. Support should target countries and communities to respect and promote land, marine, and resource tenure of local sedentary and migratory communities, particularly those of women and smallholder producers.

Lesson 3: *Where governments control and manage land and other natural assets (i.e. water, forests, fisheries), they may be challenged to devolve management control to local institutions.* Government transition from a direct management role to oversight and regulatory or co-management roles may require significant shifts in human and financial resources to undertake these new responsibilities.

Lesson 4: *To the extent appropriate for the local context, prioritizing tenure security for smallholder or medium-scale producers may lead to more inclusive development and significant multiplier effects.* Tenure security for smallholder or medium-sized agriculture can lead to increased investments on the land and resultant improvements in productivity. Over time it also leads to improved land markets and natural resource allocation. People often feel secure when they have a full set of use and transfer rights of sufficient duration to recoup any labor and capital they invest in land or property, and when they are able to enforce those rights against the claims of others.

Lesson 5: *Policy consistency and transparency are important to promoting investment, whether by local or international investors.* Different standards may penalize foreign investors by imposing additional costs and may violate trade agreements. Developing consistent, clear, and publicly available guidelines for these procedures would reduce vulnerabilities for communities and for investors and would help reduce conflicts that increasingly arise because expectations are not aligned. The [Analytical Framework for Land-Based Investments in African Agriculture](#)⁴ is designed to help investors ensure that their land-based investments respect human rights and are inclusive, sustainable, and transparent.

Lesson 6: *Approaches to ownership or use arrangements should encourage commercial investment but not disenfranchise smallholders, women, or vulnerable groups.* In promoting commercial investment, it is important to strengthen the rights of vulnerable communities and individuals to manage and benefit from the use of the land and resources they have traditionally controlled. Commercial investments that rely on participatory engagement of a range of community members can strengthen women's land rights.⁵

Lesson 7: Secure rights for women and vulnerable groups tend to provide greater benefits to households. When women have secure rights to land or resources, they make investments to improve land or natural resources and acquire better quality inputs, participate in land rental markets, and can earn more income — up to 3.8 times more in an example from Tanzania.⁶ These decisions improve the food security and nutrition of the entire household: children whose mothers own land are up to 33 percent less likely to be severely underweight in Nepal⁷ and 10 percent less likely to be sick in Vietnam.⁸ More secure tenure and land use rights also enable smallholders to lease land to increase the size and diversity of their operations.⁹

Programming in Practice

When a country's long-established land policy is being considered for revision, support the policy process with research on its relationship to desired development objectives. In Liberia, the [Land Governance Support Activity](#)¹⁰ helped develop the draft Land Rights Act, which would formally recognize community land rights for the first time in the country's history. To help address some interest group concerns with this new policy, the U.S. Government commissioned research on comparative practices around community land rights recognition and piloted the recognition of community land rights. The U.S. Government also conducted an impact evaluation of a pilot to strengthen community land governance.

In order to ensure a variety of legitimate land rights are respected in a country's land policy, encourage broad stakeholder engagement, inclusive of all types of rights holders. Feed the Future support for [Burma's Land Use Policy](#)¹¹ prioritized nation-wide consultations in an environment in which smallholder farmers and communities are traditionally excluded from policy development. The consultations proved crucial for ensuring buy-in for the policy and were a model for policy reform in a challenging, transitional context.

If smallholder or medium-scale farmers are a priority for effectively implementing a country's land policy, consider innovative technologies to improve tenure security. In [Tanzania](#),¹² Feed the Future is laying the groundwork for sustainable agriculture investment by, in part, scaling up the use of mobile technology to efficiently register the land rights of smallholders, including delivery of the certificates to women.

To improve the productivity of and benefits from wild-caught fisheries, support policies that secure tenure and access for small-scale fishing communities and associations. In Bangladesh, the [Management of Aquatic Resources through Community Husbandry \(MACH\)](#)¹³ activity helped secure long-term lease rights for wild-caught fisheries, established community management councils, and introduced modern fisheries management practices. Villages in Bangladesh restored and improved the productivity of wild fisheries, leading to improved food security and the wellbeing of 184,000 of the country's poorest citizens. Wild-fish catches in project villages rose by 140%, consumption went up 52% (from 32 to 48 grams per person a day), and average daily household incomes increased 33%.

Sustainable economic growth and enhanced resilience relies on promoting responsible land-based investing. In Mozambique the U.S. Government is working with Coca-Cola's largest sugarcane supplier in Sub-Saharan Africa, Illovo Sugar, Ltd. [The partnership](#) is actively striving to: build a better understanding at the community level of Mozambique's land laws; map and record the land rights of smallholders; support participatory land use planning for members of a farmers' association; and create an open and accessible grievance mechanism for community members. Through this work, farmers' land rights and incentives to invest in their land are strengthened while at the same time, Illovo fulfills its commitments to zero tolerance for land grabs and land rights abuses.

Additional Resources and Tools

The U.S. Government [Operational Guidelines on Responsible Land-Based Investment](#)¹⁴ provides information on how to conduct due diligence, consultations, negotiations, and other community engagement efforts to improve land investments in foreign countries. It draws on the [Analytical Framework for Land-Based Investments in African Agriculture](#)¹⁵ that was developed by the New Alliance for Food Security and Nutrition and Grow Africa. These guidelines also comply with the [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests](#),¹⁶ a framework for countries to use for the establishment of laws and policies, strategies, and programs that clarify and secure tenure. Additional resources include:

- [Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication](#): Guidelines for sustainable small-scale fisheries in the context of Food Security.
- [Millennium Challenge Corporation \(MCC\)](#): Reports and briefs on property rights and land policy developed by MCC, illustrating lessons learned and best practices, with a [section specifically on agriculture](#).
- [USAID tools and resources for land governance](#): Resources and tools for land governance developed by USAID for practitioners and Missions.
- [Fact Sheet on Land Tenure and Food Security](#): Information developed by USAID on addressing food security and land tenure.
- [Water and Development Plan](#): A focused approach to USAID's water programming. This five-year strategy provides an increased focus on sustainability, scale and country selectivity, uses emerging science and technology, and embraces partnerships for long-term impact. These include: efficient agricultural water management for food security, emergency water and sanitation, healthy freshwater and forest ecosystems, improved land and resource governance, and well-educated populations.

For further assistance related to this Technical Guidance, please contact: ftfguidance@usaid.gov.

References

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- ¹ Lawry, S., Samii, C., Hall, R., Leopold, A., Hornby, D., & Mtero, F. (2014). The impact of land property rights interventions on investment and agricultural productivity in developing countries: A systematic review. *Campbell Systematic Reviews*, 10(1).
- ² Careful consideration must be given to the particular circumstances and tenure types at issue when securing land, marine, and resource rights to promote access to credit and financing. For most people in the developing world, land is both a social and an economic asset with deep historical, cultural, and familial significance. Thus, landholders are often reluctant to collateralize their land. In addition, law and policy often significantly restricts the use of land as collateral. Finally, financial institutions are often reluctant to lend to landholders, even those with relatively high and stable incomes, because of significant default risks and the high costs of foreclosure.
- ³ The term *natural resources* does not include genetic resources in the context of this document.
- ⁴ Analytical Framework for Land-based Investments in African Agriculture New Alliance for Food Security & Nutrition and Grow Africa https://www.growafrica.com/sites/default/files/Analytical-framework-for-land-based-investments-in-African-agriculture_0.pdf
- ⁵ Using Participatory Approaches to Ensure Women's Access to Justice (2015). Blog Post. <https://www.land-links.org/2015/01/using-participatory-approaches-to-ensure-womens-access-to-justice/>
- ⁶ Knight, R., Adoko, J., & Eliu, T. (2013). Protecting community lands and resources: Evidence from Uganda. Namati, LEMU, and IDLO. <https://namati.org/resources/protecting-community-lands-and-resources-evidence-from-uganda/>
- ⁶ Peterman, A. (2011). Women's property rights and gendered policies: Implications for women's long-term welfare in rural Tanzania. *The Journal of Development Studies*, 47(1), 1–30
- ⁷ Allendorf, K. (2007). Do women's land rights promote empowerment and child health in Nepal? *World Development*, 35(11), 1975–1988
- ⁸ Menon, N., van der Meulen Rogers, Y., & Nguyen, H. (2014). Women's land rights and children's human capital in Vietnam. *World Development*, 54, 18–31.
- ⁹ Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food

Security, FAO, Rome, 2012.

¹⁰ Land Governance Support Activity, USAID Land Projects, <https://www.land-links.org/project/land-governance-support-activity/>

¹¹ Burma Draft National Land Use Policy Open for Public Consultations November 2014 <https://www.land-links.org/2014/11/burma-draft-national-land-use-policy-open-for-public-consultations/>

¹² Feed the Future Tanzania Land Tenure Assistance Activity <https://www.land-links.org/project/feed-the-future-tanzania-land-tenure-assistance-activity/>

¹³ Resilience in Action: Bangladesh's MACH Program, <http://www.wri.org/blog/2008/07/strengthening-poor-roots-resilience>

¹⁴ Operational Guidelines for Responsible Land-based Investment USAID March 2015 https://www.land-links.org/wp-content/uploads/2016/09/USAID_Operational_Guidelines_updated-1.pdf

¹⁵ Analytical Framework for Land-based Investments in African Agriculture New Alliance for Food Security & Nutrition and Grow Africa https://www.growafrica.com/sites/default/files/Analytical-framework-for-land-based-investments-in-African-agriculture_0.pdf

¹⁶ *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security* (VGGT) <http://www.fao.org/docrep/016/i3016e/i3016e.pdf>