

Food and Agriculture Organization of the United Nations





WOCAT - World Overview of Conservation Approaches and Technologies

Questionnaire on Land Tenure for Sustainable Land Management (SLM)

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Table of Contents

| Intro | oduction | 3 |
|---------|---|-----|
| Part | 1: Guide to the Module | 4 |
| d. 6 | | 4 |
| D. | Tenure as an SLIVI priority | 4 |
| C. | The WOCAT SLM database | 5 |
| d. | The Land Tenure for SLM Module | 5 |
| е. | How to implement the Module | 8 |
| Part | 2: Land Tenure for SLM Module | 11 |
| 1. | Chapter 1: General Information | .12 |
| | 1.1 Complier(s) / Facilitator(s) (QG 2.1) | 12 |
| | 1.2 Key informant(s) (QG 2.2) | 12 |
| | 1.3 Data and information used and sources (QG 2.3) | 13 |
| | 1.4 Discussion group (QG 2.4) | 13 |
| | 1.5 Disclaimer on the use of data documented through WOCAT (QG 2.5) | 14 |
| 2. | The SLM practice | .16 |
| | 2.1 Name, implementer and location | 16 |
| | 2.2 Short description of the Technology (QT 2.2) | 16 |
| | 2.2.2 History of the Technology (QT 2.7). | 18 |
| | 2.2.3 Main purpose(s) of the Technology (QT 3.1) | 18 |
| | 2.2.4 Goal of the Technology | 19 |
| | 2.3 Short description of the tenure context | 19 |
| | 2.4 Tenure priorities for the Technology | 20 |
| 3. | The people and the land | .21 |
| | 3.1 Characteristics of the community (QG 3.2) | 21 |
| | 3.2 Land access (QG 3.2.2, 3.6.2) | 23 |
| | 3.3 Land Use | 24 |
| | 3.4 Land and natural resources management (QG 3.4.1). | 24 |
| | 3.5 Security of tenure | 25 |
| | 3.6 Land tenure governance framework (QT 5.8) | 26 |
| | 3.6.5 Land and conflict | 29 |
| 4. | Recommendations and linkages to the tenure technical guide Pathways | .31 |
| | 4.1 Tenure opportunities and challenges for implementation and adoption of the Technology | 31 |
| | | |

Introduction

The 14th & 15th Conference of Parties to the United Nations Convention to Combat Desertification (UNCCD) has acknowledged the importance of governance of tenure to achieve Land Degradation Neutrality (LDN) in Decision 16/COP.14, Decision 26/COP.14, and Decision 27/ COP 15. Decision 26 / COP 14 requested the UNCCD secretariat to produce with FAO support a technical guide on the integration of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) into the implementation of the UNCCD and Land Degradation Neutrality (LDN).

The Technical Guide on the Integration of the VGGT into the implementation of the UNCCD was developed in 2021 and identified nine VGGT-based "pathways" to address land tenure challenges when implementing Sustainable Land Management (SLM) and LDN practices.

To link the existing and future SLM and LDN practices and body of knowledge to the VGGT Pathways, FAO has partnered with WOCAT (the World Overview on Conservation Approaches and Technologies), the manager of the world largest repository of field-tested SLM data, the "Global SLM database". The database's objective is to share and spread land management knowledge, support evidence-based decision-making, and scale up identified good practices, thereby contributing to avoiding, preventing, reducing and reversing land degradation and restoring degraded land.

FAO and WOCAT have identified a gap in the Global SLM database's, showing that the current tools to document SLM technologies and approaches are not designed to capture how tenure governance interventions can contribute to addressing land degradation. This "Land Tenure for SLM Module" has been developed to address this gap and integrate the land tenure dimension into the (WOCAT) Global SLM database.

The Module aims to help land users/managers and project managers/technicians integrate land tenure considerations into SLM practices, linking the existing and future body of knowledge captured in the Global SLM Database to the nine VGGT pathways. The Module takes a people-centred approach in investigating what are the priorities concerning land tenure to support the adoption of SLM practices; assessing how the existing tenure governance system in the practice area is serving the tenure needs of the community (land governance, land use, land access, tenure security, capacity, conflict and conflict resolution); and observing how these needs may be changing as a result of the SLM practice implementation. It then guides communities in linking their observations to the VGGT Pathways to prioritize areas for tenure interventions. The following recommendations focus on the practice's territory/ location/ area and identify options for integration of tenure actions in future practice activities.

The Module comprises basic tenure information, guidance on the SLM-related tenure assessment process and steps, and an annotated questionnaire to guide data-collection and analysis. Although the Module's primary audience are project teams, it caters to the needs of the wider audience, including land users / managers, land tenure technical specialists, policymakers, project managers, UNCCD decision makers, and the wider public.

The Module can be used as an 'add-on' to an already existing SLM Technology and/or Approach to add the tenure dimension, or as a stand-alone tool to facilitate tenure integration in the context of SLM initiatives (practices, projects or programmes). The Module's execution requires the mobilization of technical land tenure expertise. It can be implemented before, during or after the practice implementation and during or after the documentation of SLM practices (Technology/ Approach) into the WOCAT database.

Part 1: Guide to the Module

Part 1 provides an introduction to the Land Tenure for SLM Module. It includes the justification for the Module development, how it fits within the existing WOCAT tools, a description of the Module's contents, and some guidance on how to implement it.

a. Welcome to WOCAT

WOCAT (the World Overview of Conservation Approaches and Technologies) focuses on efforts to prevent and reduce land degradation and restore degraded land to reach land degradation neutrality (LDN) through improved land management practices (technologies and approaches).

WOCAT has developed tools for the documentation and comparison of Sustainable Land Management practices (technologies and approaches). The sustainable land management (SLM) database documents and assesses SLM Technologies and Approaches to share and spread cutting-edge knowledge about land management, support evidence-based decision-making, and promote their scale-up.

To allow SLM practitioners worldwide (land users/managers and project managers/practitioners) to contribute their experiences to the database, WOCAT has developed a flexible and open modular framework for the documentation and assessment of SLM. Specific modules can be added to the WOCAT core SLM questionnaires on Technologies (QT core) and SLM Approaches (QA core)¹ to gain further in-depth knowledge on a particular topic - such as Gender, Carbon Benefits, Climate Change Adaptation, or land tenure - depending on the user's

TENURE AND LAND DEGRADATION AND RESTORATION ARE INTIMATELY CONNECTED WITH EACH **OTHER. INSECURE TENURE LEADS TO LAND DEGRADATION. MORE** SECURE FORMS OF **TENURE ENCOURAGE** USERS TO INVEST IN **PROTECTING AND RESTORING THE PRODUCTIVITY AND** ECOSYSTEM VALUE OF THEIR LAND. (STRENGTHENING **TENURE AND RESOURCE RIGHTS FOR LAND** RESTORATION, 2021, **GLOBAL LAND** OUTLOOK, UNCCD)

interests and needs and provide a more complete picture of an SLM practice. Data documented through WOCAT questionnaires are made available in the open-access online Global WOCAT SLM database² recognized by UNCCD as the primary recommended database for reporting on good practices in SLM.

b. Tenure as an SLM priority

UNCCD defines sustainable land management (SLM) as "the use of land resources, including soils, water, animals and plants, for the production of goods to meet changing human needs, while simultaneously ensuring the long-term productive potential of these resources and the maintenance of their environmental functions". The productivity and sustainability of a land-use system is determined by the interaction between land resources, climate and human activities. Especially in the face of climate variability and change, selecting the right land uses for given biophysical and socio-economic conditions and implementing SLM are essential for minimizing land degradation, restoring degraded land, ensuring the sustainable use of land resources (i.e. soils, water and biodiversity), and maximizing resilience. Sustainable land use and management (human activities) decide land resources' sustainability/resilience or degradation/vulnerability³. The tenure for SLM tool can also inform national Land Degradation Neutrality (LDN) target-setting processes with relevant local tenure illustrations. Tenure integration to LDN target-setting processes is part of Decision 27 / COP 15, "Invites Parties to review their plans and activities to combat desertification/land

¹ <u>https://www.wocat.net/en/global-slm-database/slm-practices-technologies-and-approaches</u>

² <u>https://qcat.wocat.net</u>

³ <u>https://www.fao.org/land-water/land/sustainable-land-management/en/</u>

degradation and drought and to proactively collect data on legitimate land tenure rights in priority areas of voluntary land degradation neutrality plan".

Land tenure is about the relationship between people and the land and how laws and customs define that relationship. Tenure includes the rules, the institutions and the processes that determine the rights, responsibilities and obligations concerning land, including ownership, access, use and security. These have an immediate effect on land restoration, defined as the capacity to avoid, reduce and reverse land degradation⁴.

Tenure has a complex relationship with land use and may be positive or negative depending on the form of tenure and how it is used. As defined in the Voluntary Guidelines on Responsible Governance of Tenure for Land, Fisheries and Forest (the VGGT), responsible tenure governance can help balance diverging interests between various stakeholders. As evidence shows, secured land tenure rights can trigger increased investment and foster sustainable land management and land restoration progress.

Decision 26, adopted during UNCCD COP14, acknowledges that "responsible land governance is a fundamentally important component of sustainable land management and would contribute to the achievement of Land Degradation Neutrality (LDN)". As such, the target set by SDG 15.3 will not be achieved without strengthening land governance and promoting land tenure security.

c. The WOCAT SLM database

The WOCAT Global Database on SLM Technologies and Approaches provides free access to field-tested SLM data from different regions and offers practitioners the opportunity to share their good SLM practice

An SLM practice can be documented in the database as an SLM Technology and/or an SLM Approach. An SLM Technology is a physical practice that controls land degradation and/or enhances productivity, consisting of one or several measures. An SLM Approach captures ways and means to implement one or several SLM Technologies, for example, technical and material support, stakeholder engagement, etc. It describes the process-related aspects that made the practice successful.

The questionnaires guide data capture for the global SLM database. The WOCAT Core questionnaires on SLM Technologies (QT Core) and SLM Approaches (QA Core) contain standardized and categorized key questions on SLM designed to thoroughly document and compare cases, which can be easily accessed through the database search engine and different filters.

A Module is defined as a standardized and categorized add-on tool that focuses specifically on a technical or thematic topic relevant to the practice, providing practitioners with guidance on how to document it and assess its relevance within their Technology and/or Approach. The Module is not only instrumental in documenting, sharing valuable SLM knowledge, supporting evidence-based decision-making, and scaling up identified good practices. It also enables analysis and impact assessment of the technical area of the practice. It helps identify options for improving this interaction between the specific area of focus and SLM.

d. The Land Tenure for SLM Module

In line with Decision 26/ COP 14 of UNCCD, this Module's objective is to integrate the land tenure dimension into the Global SLM database. The Module builds on the "Technical Guide on the Integration of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National

⁴ UNCCD Land tenure <u>https://www.unccd.int/land-and-life/land-tenure/overview</u>

Food Security (VGGT) into the implementation of the United Nations Convention to Combat Desertification and land degradation neutrality (UNCCD)" by FAO and UNCCD.

The Technical Guide identifies nine "pathways" based on the VGGT to address land tenure challenges when implementing SLM initiatives. The Land Tenure for SLM Module helps practitioners (land users/managers and project managers) integrate land tenure considerations into SLM practices. It links the existing and future body of knowledge captured in the Global Database on Sustainable Land Management to the nine VGGT pathways.

The VGGT pathways⁵: The nine action-oriented pathways provide practical solutions to commonly encountered land tenure challenges in the context of national plans, legal frameworks, strategies and action programmes. A flexible pathway approach can be tailored to different national and local contexts. While some pathways are universal – enhancing legitimate tenure rights, consultation and participation, and gender-responsive approaches – others are context-specific and applicable under specific national or local circumstances.

Pathway 1 "Enhancing policy and legal frameworks" focuses on aligning the policy, legal and organizational frameworks for the governance of tenure at the national and local level to promote an integrated and sustainable approach to LDN.

Pathway 2 "Establishing targeted policy coordination mechanisms "addresses sectoral fragmentation and fosters coordination, information sharing, and monitoring in LDN initiatives, by integrating the VGGT principles in an inclusive manner.

Pathway 3 "Securing women's tenure rights and access to land and natural resources" addresses existing gender roles and norms, policies and administrative systems which inhibit women's tenure rights and access to natural resources through understanding and responding to the differentiated needs and roles of women and men.

Pathway 4 "Setting up accessible and transparent grievance and dispute resolution mechanisms" defines ways to address potential complaints and disputes over land that may arise through LDN initiatives, by setting up mechanisms that are transparent, accessible by all stakeholders, and aligned with internationally recognized human rights.

Pathway 5 "Designing and implementing tenure-responsive and participatory integrated land use planning "highlights ways in which legitimate tenure rights can be recognized, respected and safeguarded against threats and infringements through integrated land use planning to more effectively promote sustainable land management practices which sustain land resources for the future.

Pathway 6 "Supporting LDN through land administration tools" focuses particularly on the use of land consolidation or land banking to address land fragmentation, land abandonment and land access problems that lead to land degradation

Pathway 7 "Recognizing and documenting legitimate tenure rights on public lands" identifies ways to ensure the continued use of public lands by legitimate rights holders in a sustainable manner for their livelihood activities, such as agriculture, grazing or forestry, among others.

Pathway 8 "Recognizing and documenting tenure rights for the sustainable management of commons" focuses on how to strengthen the responsible governance of commons to improve land and natural resource management by the recognition of institutions that govern them and the demarcation of their boundaries.

Pathway 9 "Allocating and strengthening rights and duties on private land" focuses on tailoring approaches to the different capacities of private landowners who represent a diverse group of actors in terms of the size of landholdings, the type of tenure rights considered (owner or lessee rights), and the type of actor (natural or legal persons).

Monitoring the implementation of the Pathways, as well as monitoring the tenure aspects of the practices captured by WOCAT, goes beyond the scope of this tool and will not be easy. Tenure is always context-specific, and data-collection is not as systematized as in other areas of work. But different constituencies are working on collecting data, developing land sector indicators and developing tools.

⁵ Technical Guide on the Integration of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security into the implementation of the United Nations Convention to Combat Desertification and land degradation neutrality, FAO, 2022

The SDG indicators directly linked to land governance include: Indicator 1.b.1: Pro-poor public social spending; Indicator 1.4.2: Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure; Indicator 2.3.1: Volume of production per labour unit by classes of farming/pastoral/forestry enterprise size; Indicator 2.3.2: Average income of small-scale food producers, by sex and indigenous status; Indicator 2.4.1: Proportion of agricultural area under productive and sustainable agriculture; Indicator 5.a.1: (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure; Indicator 5.a.2: Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control; and Indicator 8.3.1: Proportion of informal employment in total employment, by sector.

Furthermore, land targets indicators such as LANDex⁶ have been developed by the International Land Coalition members, Prindex has developed a methodology to assess tenure security, land governance indicators are captured by the World Bank Land Governance Assessment Framework (LGAF), and several other instruments exist or are under development.

The Module comprises basic tenure information, guidance on the SLM-related tenure assessment process and steps, and a questionnaire to guide data-collection and analysis. It guides SLM practitioners through assessing the tenure context as part of their practice and devising the linkages between their context and the VGGT Pathways. The following recommendations focus on the practice's territory/ location/ area and identify options for integration of tenure actions in future practice activities.

Although the Module's primary audience is project teams, it caters to the needs of the wider audience, including SLM land users/managers, land tenure technical specialists, policymakers, project managers, UNCCD decision makers, and the wider public.

The Module in form of a questionnaire is presented in Part 2 and is divided into four Chapters: **Chapter 1: General Information** captures information on process of implementation of the Module, focusing on the implementers, their sources, and the data-collection methods.

Chapter 2: The SLM Practice includes a basic description of the SLM Practice itself (technologies and approaches), including the key SLM technical aspects relevant to tenure and needed to analyze tenure implications.

Chapter 3: **The people and the land** looks into the most important aspect of land tenure: the community's relationship with the land. It helps create a common understanding of what is the community's capacity, both in general and in land tenure governance; what are the rules regulating land tenure (legal and policy framework); and how land-related decisions are taken (quality of tenure governance system). Many of the questions capture gender roles and help identify key differences in opportunities for women and men and how they affect their capacity to actively participate in decision-making.

Chapter 4: Findings and linkages to Pathways. Recommendations on how to improve the tenure responsiveness of the SLM Technology uses the VGGT Pathways to guide in identifying areas of tenure-related intervention that can help strengthen the SLM practice.

⁶ LANDex is a global land governance index that aims to put people at the centre of land data, democratising land monitoring and building a data ecosystem that better captures the complex experience of land governance from diverse perspectives (https://www.landexglobal.org/en/about/)

e. How to implement the Module

The Module can be used as a stand-alone tool to facilitate tenure integration in the context of SLM initiatives (practices, projects or programmes and/or as an 'add-on' to the already existing SLM Technology and/or Approach tool to gain further in-depth knowledge on about the tenure dimension. The Module's execution requires the mobilization of technical land tenure expertise as Compiler. It can be implemented before, during or after the practice implementation and during or after the SLM database documentation.

Given the complexity and the scarce documentation normally available in the land tenure domain, the information to complete the Module is collected through literature review, key informant interviews, and focus group discussions.



The Literature review focuses on the statutory system since the customary rules are seldom documented in writing and on the national or subnational (state, regional) level, where the bulk of the normative framework is developed and applied.

The review includes an analysis of the policy and legal framework for land tenure and governance, the identification of the range of rights considered legitimate under the law (and those that exist but are not considered legitimate), the existing land administration services and their accessibility and reach, what land disputes resolution mechanisms exist and how accessible /widespread they are, etc. Sources will include the national/sub-national laws and policies, available sectoral studies, assessments, existing national datasets, reports, scientific articles, or other similar sources as well as the data already available in the WOCAT SLM database⁷. The review must be implemented before the key informant interviews and focus group discussions.



The Key informant interviews target knowledgeable stakeholders (individuals who have a direct or indirect stake in how the land is managed), especially at the community and territorial level, such for example community leaders, elders, religious leaders, local government officials, local civil society representatives, local women or youth organizations, police officers, local tribunals, marginalized group representatives, etc. In addition, key informants should include both women and men, with a representation of different age groups.

The objective of the key informant interviews is twofold:

- 1. To map the customary legal and policy framework for land tenure and identify the range of rights considered legitimate under the customary law (and those that exist but are not considered legitimate).
- 2. To understand how effective tenure governance (statutory, customary or a combination of the two) is in practice, what are the challenges to governance and what are the conflicts around the land.

The key informant interviews directly complement the information collected through the literature review. The literature review and key informant interviews provide essential information that can be used as a foundation for focus group discussions.



The focus group discussion is a qualitative research method and data collection technique to solicit participants' attitudes and perceptions, knowledge and experiences, and practices shared during the interaction with different people.⁸ Focus groups are the primary means to fill in the information in

the questionnaire that is not compiled through literature review or key informant interviews. Responses to

8 https://www.swisstph.ch/fileadmin/user_upload/SwissTPH/Topics/Society_and_Health/Focus_Group_Discussion_Manual_van_Eeuwijk_Angehrn_Swiss_TPH_2017.pdf

⁷ Country specific tenure data to inform the literature review can be found on the Land Portal https://landportal.org/book/countries, Prindex https://www.prindex.net/, LANDex https://www.landexglobal.org/en, or on the FAOLEX data-base https://www.fao.org/faolex/en/

some of the questions can be derived from the literature review and key informant interviews. But stakeholders' involvement in completing the Module will generate a greater sense of ownership of the Module's outcomes and increase the chances that the recommendations will be implemented.

The objective of the focus group discussions is threefold:

- 1. To assess how effectively the existing tenure and tenure governance framework/s are serving the needs of stakeholders involved with the SLM practice implementation;
- 2. To enable stakeholders to identify, based on their local knowledge and experience, the tenure challenges and opportunities concerning their community and the SLM practice under implementation in their community;
- 3. To help stakeholders identify possible solutions to make the tenure system more responsive to their needs.

Planning and managing Focus group discussions

This method is based on the assumption that it is easier to identify and clarify shared knowledge during the discussion among groups and communities rather than through a series of individual interviews. During the discussion, the participants' shared narratives and differences in experiences and opinions are captured.

To organize the discussion group, the Compiler(s) of the tenure for SLM questionnaire - with the help of key informant(s), if applicable - identifies and invites land users of the community who **applied or are applying the Technology/ Approach** under study. The discussion group can include persons whose Technology or the related Approach that were documented.

Schedule the time of the group discussion when land users have less workload, consider gender differences in daily schedules and offer childcare facilities to foster and ease participation of women and men as well as other groups. If necessary, to ensure social inclusion and obtain gender-disaggregated data, **more than one discussion group should be organized.** Sensitivities, e.g., different ethnic, religious, social, or age groups, should be considered. The following options to separate groups should be considered:

- Women separate (young/elderly, married/unmarried/widowed; female-headed households/ male-headed households)
- Men separate (young/ elderly)
- Mixed group (parity between women & men)
- Youth group⁹
- Other groups (e.g. indigenous peoples, caste, religion, etc.)

Based on Compiler and context, the compiler(s) has/have to judge for her-/himself, which types of groups shall be formed.

Homogenous groups encourage a sense of comfort among participants and may facilitate reaching consensus. Diverse (mixed) groups bring together people with various roles and differing experiences and might yield unexpected, varying and broad-ranging results.

If several discussion groups are carried out, a separate questionnaire must be filled out for each group.

Each discussion group should consist of 6-12 participants. A table of participants, recording their name (optional), age, and other relevant characteristics, is filled to give an overview of who in the community is applying the Technology/ Approach.

Conducting the discussion group(s)

Preparation:

• If needed, obtain formal approval for conducting the discussion(s) in the village/community.

⁹ There is no universally agreed international definition of the youth age group. For statistical purposes, however, the United Nations—without prejudice to any other definitions made by Member States—defines 'youth' as those persons between the ages of 15 and 24 years. This definition, which arose in the context of preparations for the International Youth Year (1985) (see A/36/215), was endorsed by the General Assembly in its resolution 36/28 of 1981. All UN statistics on youth are based on this definition, as is reflected in the annual yearbooks of statistics published by the UN system on demography, education, employment and health.(https://www.un.org/en/global-issues/youth)

- Identify a convenient venue for the discussion (e.g., village/ community centre). Consider: familiar setting to ensure participants' comfort, easy access to the venue, levels of distraction in and around the venue, availability of sufficient number of seats.
- Make sure participants know the time and location of the discussion group.

During the discussion group:

- Have the Compiler (s) and discussion group members introduce themselves.
- Give participants an overview and explain the questionnaire's purpose and discussion group. Explain how the group
 members could benefit from participation. By identifying the barriers and framing what women and men's needs
 to adopt the SLM Technology/Approach more widely, the planning, design and implementation of new projects can
 be more gender-responsive.
- Reduce disturbances and create a positive atmosphere by agreeing on a few workshop principles/ the code of conduct the participants and compilers should respect (e.g., commitment to attend, no phone calls, not interrupting one another, etc.)
- Start with an ice-breaker. For example, ask participants to mention two things that come to mind when thinking about gender-responsive SLM.
- Have the questions and note-taker/ recorder ready. Explain to the group that the session will be recorded (if it will be) and/or that a note-taker will capture the discussion and seek formal agreement from the participants.
- Encourage participation by all participants and inform them that topics raised within the group should be treated confidentially by all participants and the Compiler (s) so that people can feel comfortable expressing themselves. Maintain confidentiality.
- Thrive for inclusive and reliable data collection by ensuring that everybody can raise her/ his voice and ensuring that a safe-space and privacy are guaranteed.
- Make sure the flow of the discussion is clear, and there is no major distraction or conflict within the group.
- Make sure to close a topic by summarising the discussion shortly, ask for agreement on the summary and move to the next topic.
- Ensure that the group or the compiler answers all questions Compiler to the discussion or are noted for follow-up.
- If needed, use a flipchart or any other means to capture key discussion points and for participants to refer to throughout the discussion.
- Remain neutral and non-judgmental and remind the participants that the objective of the discussion is to share different perspectives. It is okay to disagree.
- There are no right or wrong answers; the intention is just to understand people's different experiences and opinions. Respect others' right to their opinions.
- Beware of biases affecting group discussions, e.g., the dominance effect (a dominant individual shapes the discussion) or group-think (the members in a group tend to think similarly to maintain group cohesion). For example, allow all group members to have a chance to speak and to receive and respond to feedback; arguments shall be based on the content and not on personalities, etc.
- At the end summarise shortly what was discussed, allow participants to add comments/ suggestions that were not mentioned, explain the follow-up steps, evaluate the group discussion and last but not least thank the participants and close the meeting.
- Once the information is compiled in the QA it is critical to have a validation meeting with stakeholders.

Part 2: Land Tenure for SLM Module

Part 2 of the Module includes the questionnaire and relevant instructions to guide land tenure related data-collection in the context of SLM practices.

The Module is divided in four Chapters:

Chapter 1: General Information Mirroring the "General information" in the SLM database QG, this Chapter captures information on the process of implementation of the Module, documenting the implementers, their sources and methods. Depending on the intended use of the Module (to add on to a practice already documented in the SLM database, or to be implemented independently), the Compiler can select the relevant information in this chapter. If the documentation is intended for the SLM database, all the information should be completed. All the questions in Chapter 1 are linked to QT/QA/QG, and there is no new documentation. It can be compiled from scratch, or the information can be taken from the QG (number in brackets refers to the number of the relevant question in QT/QA)

Chapter 2: The SLM Practice Chapter 2 includes a basic description of the SLM Practice itself, including the key SLM technical aspects of the practice relevant to tenure and needed to analyze tenure implications. Taken mainly from the SLM QT, it can be compiled from scratch or if available, taken from the QT/QA (number in brackets refers to the number of the relevant question in QT/QA). Most questions in Chapter 2 are from QT/QA/QG; only the questions on tenure are new.

Chapter 3: The people and the land 3 looks into the most important aspect of land tenure: the community's relationship with land. It helps create a common understanding of the community's overall capacity and strength; its capacity in terms of tenure governance; the land legal and policy context in which the community operates; and how land-related decisions are taken. It further provides insight into the conflict dynamic and how it has evolved over time. Questions relevant to ownership, access and security are mainly developed for the tenure Module and must be compiled from scratch unless reference is made to the QT, QA or QG. Many of the questions capture gender roles and help identify key differences in opportunities for women and men that affect their capacity to participate in decision-making actively and how. Information on general decision-making can be taken from the QG if available or compiled from scratch.

Chapter 4: Findings and linkages to Pathways. Tenure governance is not an exact science and contemplates no one-fitsall solution. Instead, fit-for-purpose options must be identified that best suit each context's needs. Chapter 4 supports the community in identifying the VGGT technical guide Pathway/s that can be pursued to improve SLM Technology's tenure responsiveness and to identify context-specific entry-points for action. This chapter builds on the common understanding of what are the aspects of tenure that are not effectively serving the needs of the SLM practice built with the support of the tenure expert while completing Chapters 1-3.

1. Chapter 1: General information

this Chapter captures information on the module's implementation process, documenting the implementers, their sources and methods.

Depending on the intended use of the Module (to add on to a practice already documented in the SLM database, or to be implemented independently), the Compiler can select the relevant information in this chapter. All information should be completed if the documentation is intended for the SLM database, if the Module is used as a stand-alone, only relevant documentation should be included. All the questions in Chapter 1 are linked to QT/QA/QG and there is no new documentation.

. It can be compiled from

1.1 Compiler(s) / Facilitator(s) (QG 2.1)

The Compiler(s) is a Person(s), who compiles the information, conducts interviews with key informants, facilitates group discussion(s), and fills in the Questionnaire

| Last | First | Institution | Gender | Sector | Age | Country | E- | Phone (+country |
|-------|-------|-------------|-------------------------------------|---|-----|---------|------|-----------------|
| name: | name | | | | | | mail | code) |
| | | | female male others specify | Government Private sector NGO, CSO Academia Other, please specify | | | | |
| | | | female male others specify | Government Private sector NGO, CSO Academia Other, please specify | | | | |
| | | | | | | | | |
| | | | | | | | | |

1.2 Key informant(s) (QG 2.2)

Key informants are knowledgeable stakeholders. At the community and territorial level, key informants are individuals who have a direct or indirect stake in how the land is managed, and belong to or know well the community where the Technology is applied (community leaders, elders, religious leaders, local government officials, local civil society representatives, local women or youth organizations, police officers, local tribunals, marginalized group representatives, etc.). At the national level, key informants are individuals who have a sound understanding of the policy / legal framework on tenure. Both women and men key informants should be identified and gender parity should be sought.

| Last name | First name | Institution/ status | Gender | Sector | Age | Country | E-mail | Phone (+country code) |
|-----------|------------|------------------------|--------------------------|---|-----|---------|--------|-----------------------------|
| | | | female male others | Government Frivate sector NGO, CSO Academia Other, please specify | | | | |
| | | | ☐ female ☐ male | Government Private sector NGO, CSO | | | | |

| | others | Academia | | |
|--|----------|-----------------|--|--|
| | | 🗖 Other, please | | |
| | | specify | | |
| | 🗌 female | Government | | |
| | 🗌 male | Private sector | | |
| | others | 🔲 NGO, CSO | | |
| | | Academia | | |
| | | 🗖 Other, please | | |
| | | specify | | |
| | 🗌 female | Government | | |
| | 🗌 male | Private sector | | |
| | others | 🗌 NGO, CSO | | |
| | | Academia | | |
| | | 🗖 Other, please | | |
| | | specify | | |
| | | | | |
| | | | | |

1.3 Data and information used and sources (QG 2.3)

The table captures literature review sources, including but not limited to the national / sub-national laws and policies, available sectoral studies, assessments, existing national datasets, reports, scientific articles, etc. and the WOCAT SLM database.

| Type of uata / source of information | Reference | Remarks |
|--------------------------------------|-----------|---------|
| | | |
| | | |
| | | |
| | | |

1.4 Discussion group (QG 2.4)

С

Group of land users / persons from the community where the Technology is applied discuss their experience in implementing the Technology and linked Approach based on the guiding questions. Participants can be divided into different **discussion group types**.

1.4.1 **Tick only one discussion group type per questionnaire**. If in the same community applying the Technology different types of discussion groups were organized and 'interviewed' then please fill a separate questionnaire for each group type. This also applies to splitting the groups into young or elderly women/ men groups.

| | Women group | specify: |
|---|---|------------------|
| | Men group | specify: |
| | Mixed group (parity between women & men) | specify: |
| | Youth group | specify: |
| | Other group (e.g. indigenous peoples, religion) | specify: |
| 1 | 1.4.2 Date and time of conducting group discuss | sion session(s): |

1.4.3 Number of women and men in the group:....

1.4.4 Background information on the participants / composition of discussion group (min 6, max 12):

| | Name | Age | Civil status | Education | Household structure | Status in community |
|----|------|-----|-----------------|-----------|---------------------|---------------------|
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| 4 | | | | | | |
| 5 | | | | | | |
| 6 | | | | | | |
| 7 | | | | | | |
| 8 | | | | | | |
| 9 | | | | | | |
| 10 | | | | | | |
| 11 | | | | | | |
| 12 | | | | | | |

Name: is optional *Age:* youth (15-24 years old), middle-aged, elderly *Civil status:* unmarried married, widowed, etc. *Education:* years *Household structure:* Female/male headed household, etc. (OPTIONAL give reason), migrant household (yes/ no)

Status in community local authorities, landowners, land users, workers, educators, etc.

1.4.5 Why do they participate in the discussion group, what is their stake?

1.5 Disclaimer on the use of data documented through WOCAT (QG 2.5)

Accepting the conditions is necessary to participate in the group discussion if responses are to be documented in the WOCAT database.

- 1.5.1 The compiler/ facilitator, key informants and discussion group members accept the conditions regarding the use of data documented through WOCAT: yes, no
- **1.5.2** The compiler/ facilitator, key informants and discussion group members accept the conditions regarding the use of data documented through WOCAT:
- □ yes □no

Conditions regarding the use of data documented through WOCAT¹⁰

- Data captured through WOCAT questionnaires will be entered, edited, and stored in the WOCAT online database by the compiler/facilitator or a data entry person assigned by the Compiler, whose name will be recorded and given credit in the database or the publication using the documented Technology. Overall responsibility for compilation and data quality lies with the compiler/facilitator.
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2. The SLM practice

Chapter 2 includes a basic description of the SLM Practice itself, including the key SLM technical aspects of the practice relevant to tenure and needed to analyze tenure implications. Most questions in Chapter 2 are linked to QT/QA/QG, only the questions on tenure are new,

It can be compiled from scratch or if available taken from the QT/ QA (number in brackets refers to the number of the relevant question in QT/QA)..

2.1 Name, implementer and location

2.1.1 Name of SLM Technology (QT 1.1), ID of the implementer (Government, NGO, private sector, community, etc.) and name of linked SLM Approach/es if available (QA 1.1 and QA 1.2)

- 2.1.2 Country and region where the Technology / Approach was documented (QT 2.5 and QA 2.5)

2.1.3 Village, town, area etc., where the Technology/ Approach was or is being implemented (take from QT 2.5 and QA 2.5) and coordinates (take from QT 2.5 and QA 2.5)

2.1.4 Name of community/ies (e.g., cooperative, user group, indigenous group) in which the Technology/Approach was or is being implemented

2.2 Short description of the Technology (QT 2.2)

The description should provide a concise but comprehensive picture of the Technology to outsiders. It should therefore address key questions such as: (1) Where is the Technology applied (natural and human environment)? (2) What are the main characteristics/ elements

of the Technology (including technical specifications)? (3) What are the purposes/functions of the Technology? (4) What major activities/ inputs are needed to establish/ maintain the Technology? (5) What are the benefits/ impacts of the Technology? (6) What do land users like / dislike about the Technology? The description should ideally be 500-1,000 characters in length.

2.2.1 SLM Technology group (QT 3.5)

SLM group to which the Technology belongs. Assign the described Technology to one of the following SLM groups. If this is not possible, select several (max. 3) groups to represent the Technology:

 $\hfill\square$ natural and semi-natural forest management

 \Box forest plantation management

 \Box agroforestry

windbreak/ shelterbelt

□ area closure (stop use, support restoration)

□ rotational system (crop rotation, fallows, shifting cultivation)

 \Box pastoralism and grazing land management

□ integrated crop–livestock management

□ improved ground/ vegetation cover

□ minimal soil disturbance

□ integrated soil fertility management

□ cross-slope measure

 $\hfill\square$ integrated pest and disease management (incl.

organic agriculture)

 \Box improved plant varieties/ animal breeds

Natural and semi-natural forest management: encompasses administrative, legal, technical, economic, social, and environmental aspects of the conservation and use of forests.

Forest plantation management: plantation forests comprise even-aged monocultures and are established primarily for wood and fiber production. They are usually intensively managed and have relatively high growth rates and productivity.

Agroforestry: integrates the use of woody perennials with agricultural crops and/ or animals for a variety of benefits and services, including better use of soil and water resources; multiple fuel, fodder, and food products; and habitat for associated species.

Windbreak: or shelterbelt is a plantation usually made up of one or more rows of trees or shrubs planted in such a manner as to provide shelter from the wind and to protect soil from erosion. They are commonly planted around the edges of fields on farms.

Area closure (stop use, support restoration): enclosing and protecting an area of degraded land from human use and animal interference, to permit natural rehabilitation, enhanced by additional vegetative and structural conservation measures.

Rotational systems (crop rotation, fallows, shifting *cultivation)*: The successive cultivation of different crops in a specified order on the same fields. letting it fallow for a period of time. Shifting cultivation is an agricultural system in which plots of land are cultivated temporarily, then abandoned and allowed to revert to their natural vegetation while the cultivator moves on to another plot.

Pastoralism and grazing land management: is the grazing of animals on natural or semi-natural

□ water harvesting

□ irrigation management (incl. water supply, drainage)

 \Box water diversion and drainage

□ surface water management (spring, river, lakes, sea, riparian zone, riverbanks, seashore, lakeshore, spring shed)

□ groundwater management

□ wetland protection/ management

□ waste management/ waste water management

energy efficiency

□ beekeeping, aquaculture, poultry, rabbit farming,

silkworm farming, etc.

□ home gardens

ecosystem-based disaster risk reduction

□ post-harvest measures

□ other (specify):

grassland, grassland with trees, and/ or open woodlands. Animal owners may have a permanent residence while livestock is moved to distant grazing areas, according to the availability of resources.

Integrated crop–livestock management: optimizes the uses of crop and livestock resources through interaction and the creation of synergies.

Improved ground/ vegetation cover: any measures that aim to improve the ground cover, be it by dead material/mulch or vegetation.

Minimal soil disturbance refers to no-tillage or low soil disturbance only in small strips and/ or shallow depth and direct seeding.

Integrated soil fertility management (ISFM) aims at managing soil by combining different methods of soil fertility amendment together with soil and water conservation. ISFM is based on three principles: maximizing the use of organic sources of fertilizer (e.g. manure and compost application, nitrogen-fixing green manure and cover crops); minimizing the loss of nutrients; and judiciously using inorganic fertilizer according to needs and economic availability.

Cross-slope measures: are constructed on sloping lands in the form of earth or soil bunds, stone lines, or vegetative strips, etc. for reducing runoff velocity and soil erosion.

Improved plant varieties/ animal breeds: refers to the development of new plant varieties or animal breeds that offer benefits such as improved production, resistance to pests and diseases, or drought tolerance, in response to changing environmental conditions and land users' needs.

Water harvesting: is the collection and management of floodwater or rainwater runoff to increase water

availability for domestic and agricultural use as well as ecosystem sustenance.

Irrigation management (incl. water supply, drainage) aims to achieve higher water use efficiency through more efficient water collection and abstraction, water storage, distribution, and water application.

Water diversion/drainage: the natural or artificial diversion or removal of surface and sub-surface water from an area.

Surface water and adjacent area management (spring, river, lakes, sea): involves the protection of springs, rivers, riparian zones, lakes, and lakeshores from pollution, high water flows (floods), or overabstraction of water, as well as protection measures against damage from waterbodies (e.g. river bank erosion, floods, tidal erosion).

Groundwater management: involves securing the recharge of groundwater reserves and their protection from pollution, overexploitation/ overuse, and rising groundwater levels leading to salinization.

Wetland protection/management: managing wetland typically involves manipulating water levels and vegetation in the wetland, and providing an upland buffer.

Waste management/ waste water management: is a set of activities that include collection, transport, treatment and disposal of waste, prevention of waste production, and modification and reuse/ recycling of waste. **Energy efficiency technologies**: reduce the amount of energy required to provide products and services, e.g., for cooking and heating, reducing the demand for fuel (fossil, wood).

Beekeeping, aquaculture, poultry, rabbit farming, *silkworm farming, etc.*: allow food production and agricultural products requiring small surfaces of the land.

Home gardens (also called backyard or kitchen gardens): are a traditional multifunctional farming system applied on a small area of land around the family home. They have the potential to supply most of the non-staple foods (including vegetables, fruits, herbs, animals, and fish). They also provide a space for recreation, leisure, and relaxation.

Ecosystem-based Disaster Risk Reduction: is the sustainable management, conservation, and restoration of ecosystems with the aim of enabling these ecosystems to provide services that mitigate hazards, reduce vulnerability, and increase livelihood resilience.

Integrated pest and disease management (incl. organic agriculture): Integrated pest and disease management is a process to solve pest and disease problems while minimizing risks to people and the environment.

Post-harvest measures: encompasses activities to deliver a crop from harvest to consumption with minimum loss, maximum efficiency, and maximum return for all involved – such as drying, storage, cooling, cleaning, sorting, and packing.

2.2.2 History of the Technology (QT 2.7).



Describes why the Technology was introduced

- □ through land users' innovation
- \Box as part of a traditional system (> 50 years)
- □ during experiments/ research
- □ through projects/ external interventions
- □ other (specify):

2.2.3 Main purpose(s) of the Technology (QT 3.1)

B Describes why the Technology was adopted in the first place

- improve production (crop, fodder, wood/ fibre, water, energy)
- □ reduce, prevent, restore land degradation (soil, water, vegetation)
- \Box conserve ecosystem
- \Box protect a watershed/ downstream area in combination with other Technologies \square
- □ preserve/ improve biodiversity
- □ reduce risk of disasters (e.g., droughts, floods, landslides)
- □ adapt to climate change/ extremes and its impacts (e.g., resilience to droughts, storms)

□ mitigate climate change and its impacts (e.g., through carbon sequestration)

- □ create beneficial economic impact (e.g., increase income/ employment opportunities)
- □ create beneficial social impact (e.g., reduce conflicts on natural resources, support marginalized groups)
- □ other purpose (specify):

2.2.4 Goal of the Technology B Describes the Technology's overall goal (QT 3.8)



- □ Reduce land degradation
- □ Restore/rehabilitate severely degraded land
- □ Adapt to land degradation
- □ Not applicable

Prevention: good land management practices already in place on land that may be prone to land degradation. They maintain natural resources and their environmental and productive functions.

Reduction: interventions intended to reduce ongoing degradation and/ or halt further degradation. They start improving natural resources and their functions. Impacts tend to be noticeable in the short to medium term.

Rehabilitation/ restoration: required when the land is already degraded to such an extent that the original use is no longer possible, and the land has become practically unproductive. Here, longer-term and more costly investments are needed to show any impact. Adaptation: applied when rehabilitation/ restoration of the original state of the land is no longer possible or requires resources beyond the means of land users. This means the state of land degradation is "accepted", but land management is adapted to suit land degradation (e.g. adapting to soil salinity by introducing salttolerant plants).

Land Degradation Neutrality: A state whereby the amount and quality of land resources necessary to support ecosystem functions and services and enhance food security remains stable or increases within specified temporal and spatial scales and ecosystems.

2.3 Short description of the tenure context



The description should provide a concise but comprehensive picture of the tenure context to outsiders. It should address critical questions such as (1) Where is the Technology applied (tenure types, public, private, communal land)? (2) What are the main characteristics/

elements of the tenure system/s (including types of legitimate rights, inclusiveness, and quality of governance)? (3) What are the specificities/challenges that the legal and policy framework for tenure pose for sustainable land management in general and the practice in particular? (4) (3) What are the specificities/challenges that the tenure system/s pose for sustainable land management in general and the practice in particular? What do land users like / dislike about the tenure governance system? The description should ideally be 500-1,000 characters in length.

| | | |
|------|------|--------|
| | | |
| | | |
| | | |
| | | •••••• |

2.4 Tenure priorities for the Technology

Captures from the community's perspective what are the tenure priorities in relation to the Technology

2.4.1 Specify what are the tenure-related priorities for the adoption and use of the Technology

- $\hfill\square$ ownership of the land
- $\hfill\square$ secure long-term access to and use of the land
- $\hfill\square$ secure medium-term access to and use of the land
- $\hfill\square$ secure seasonal use of the land
- □ fair and accessible disputes resolution mechanisms
- □ equal rights for all (women, men, youth)
- □ other (specify):
 - 2.4.2 Has the land value increased /is it expected to increase due to technology implementation? Land value increase could lead to an increased threat of land grabbing or land speculation and negatively affect tenure security.

□ Yes

🗆 No

3. The people and the land



Chapter 3 looks into the most important aspect of land tenure: the community's relationship with land. It helps create a common understanding of what is the overall capacity and strength of the community; its capacity in terms of tenure governance; the land legal and policy context in which the community operates; and how land related decisions are taken. It further provides an insight in the conflict dynamic and how it has evolved in time. Questions relevant to ownership, access and security are mainly developed for the tenure Module and, unless reference is made to the QT, QA or QG, must be compiled from scratch..

Many of the questions capture gender roles and help identify key differences in opportunities for women and men that affect their capacity to actively participate in decision-making and how.

3.1 Characteristics of the community (QG 3.2)

 $\begin{array}{c} & & & & \\ & & & & \\ & & & \\ & & & & & \\ &$

3.1.1 *Socio-economic and assets*

The purpose of this part of the questionnaire is to help the group reflect on what are the community's capacities and opportunities, and identify the disparities (if any) between men and women. Though it does not have a specific land focus, it analyses those aspects that will indirectly affect men and women's capacity to understand and fully enjoy their rights to land.

| Characteristics | Categories | Observations |
|-----------------------------|---|--------------|
| Lowest local administrative | □ Village/settlement | |
| unit to which the | □ Municipality/ commune | |
| community applying the | 🗆 Parish | |
| Technology belongs | □ District | |
| | □ Other (specify): | |
| | Traditional leadership (e.g., village chiefs): 🗆 Yes 🛛 No | |
| | Number of households in the community: | |
| Level of wealth of the | 🗆 Very poor | |
| community | D Poor | |
| | □ Average | |
| | □ Rich | |
| | 🗆 Very rich | |
| Socio-cultural context | Multi-religious: 🛛 Yes/ 🗆 No | |
| | Multi-ethnic: 🛛 Yes/ 🗆 No | |
| | □ Other diversity (specify): | |
| | | |
| | | |
| Main type of family system | □ Patrilineal | |
| | □Matrilineal | |
| | □Monogamous | |
| | □ Polygamous | |

| | □Other (specify) | | | | |
|---|----------------------------|--------------------|-------------|-----|--|
| | | | Women | Men | |
| Level of food security | High | | | | |
| , | Medium | | | | |
| | Low | | | | |
| | Other (specify) | | | | |
| | ☐ Potable / drinking water | | I — | | |
| Availability of water for | \square Household | | | | |
| | \square Sanitation | | | | |
| | | | | | |
| | Watering and irrigation | | | | |
| | \Box Other (specify) | | | | |
| | | | | | |
| | What percentage of house | holds has access t | o water for | | |
| | irrigation? | | | | |
| Workload | | Women | Men | | |
| | Household activities | | | | |
| | Fetching water | | | | |
| | Fetching firewood | п | П | | |
| | Farming | | | | |
| | Livestock | | | | |
| | Other | — ПOther | _ □Other | | |
| | | (specify) | (specify) | | |
| Rate/ type of migration | | Women | Men | | |
| from the community | High | | | | |
| (several options possible) | Low | | | | |
| | Permanent | | | | |
| | Long-term | | | | |
| | Seasonal | | П | | |
| | Short-term | | _ | | |
| | Socio-economic | | | | |
| | Climatic and | п | | | |
| | environmental | | | | |
| | Other | | | | |
| | (specify) | | | | |
| | (Speen y) | | _ | | |
| | | | | | |
| | What is the percentage of | | | | |
| | migrant households are | | | | |
| | there in the community? | | | - | |
| Employment (formal and | | | Women | Men | |
| informal) | 🗆 On-farm | | | | |
| | 🗆 Off-farm | | | | |
| | ☐ Migration (migrate elsev | where to work) | | | |
| | Child labour | | | | |
| | □ Other (specify) | | | | |
| Social informal | Cooperative/ producer § | groups | | | |
| organizations/ community User groups and associations | | | | | |
| groups | □ Self –help groups | | | | |
| | ☐ Indigenous groups | | | | |
| | ☐ Youth groups | | | | |

| | □ Other (specify) | | |
|-----------|------------------------|--|--|
| Education | □ Childcare facilities | | |
| | □ Primary school | | |
| | □ Secondary school | | |
| | □ Higher education | | |
| | □ Other (specify) | | |

Definition: Community

3.1.2 Land holding (QG 3.2)

Provides an insight in land holding size and highlights disparity that may exist between men and women. Land holding refers to the land that individuals have secure control over. The landholding can be defined in hectares or acres.

| Description | Women | Men | Observations |
|---|-------|-----|--------------|
| Percentage of land holders in the community | | | |
| Average land holding in the community | | | |
| Largest land hold | | | |
| Smallest land hold | | | |
| Percentage of (female headed and male headed) landless | | | |
| families | | | |
| On average, how many parcels/ fields do landholders have? | | | |

3.2 Land access (QG 3.2.2, 3.6.2)

 $\begin{array}{c} \begin{array}{c} \begin{array}{c} \begin{array}{c} \begin{array}{c} \\ \end{array} \end{array} \end{array}$ Describes how access to the land can be gained and by whom from the community members' perspective

| 0 | | | | | | | |
|-----------------------------|--|-----------|-----|-------|-------------------------------|--|------------------|
| Questions | categories | Wome n | Men | Youth | Secondary right holders | State/ local authorities /others | Observati ons |
| Who can access the land | | | | | | | |
| How can land be accessed | inherited bought leased claimed by clearing authorized by the community authorized by family head authorized by local authorities | | | | | | |
| | other (specify) | | | | | | |

3.3 Land Use

Captures land use type and topography present in the community? (several options possible)

| Land use Type and topography / traditional and | Current | Changes due to | Observations |
|--|---------|----------------|--------------|
| changes | | the Technology | |
| Cropland | | | |
| Grazing land | | | |
| Forest/woodlands | | | |
| Settlements, infrastructure | | | |
| Waterways, water bodies, wetlands | | | |
| Coastal area | | | |
| Flatland | | | |
| Hilly landscape | | | |
| Mountainous landscape | | | |
| Other (specify) | | | |
| | | | |

Definitions: Land use, land cover, land use types...



 $\rightarrow \overset{\downarrow}{\blacksquare} \leftarrow$

3.4 Land and natural resources management (QG 3.4.1).

Captures land and natural resources management roles for different activities undertaken in the community

| Categories | Women | Men | Youth | Children | Other | Observations |
|--|-------|-----|-------|----------|-------|--------------|
| Sustainable Land | | | | | | |
| Management | | | | | | |
| - land preparation | | | | | | |
| - cultivation | | | | | | |
| - fertilization | | | | | | |
| - water management | | | | | | |
| - pest management | | | | | | |
| Cash crop production (grown primarily for sale) | | | | | | |
| Food crop production (grown primarily for household consumption) | | | | | | |
| Home gardens/ kitchen garden | | | | | | |
| Wood/timber production | | | | | | |
| Non-timber forest products production | | | | | | |
| Livestock raising (for own consumption) | | | | | | |
| Animal husbandry (e.g. poultry, dairy for profit) | | | | | | |
| Fishing and fishpond culture | | | | | | |
| Other (specify) | | | | | | |

3.5 Security of tenure

Describes how the community perceives its tenure security. Communities are defined tenure secure where they do not perceive immediate or longer term threats to their capacity to control and access the land.

| Perceived tenure security | | Women | Men | Youth | Secondary right holders | Others (specify) | Observations |
|--|-----------------------|-------|-----|-------|-------------------------------|---------------------|--------------|
| Capacity for long- term planning | low medium high | | | | | | |
| Willingness to invest on the land | low medium high | | | | | | |
| Level of perceived threat to tenure rights | low medium high | | | | | | |
| Level of trust in land governance system | low medium high | | | | | | |
| Level of satisfaction with tenure rights enjoyment | low medium high | | | | | | |
| Level of perceived tenure security | low medium high | | | | | | |

3.6 Land tenure governance framework (QT 5.8)

Describes the legal and policy framework for land tenure governance¹¹; the decision-making processes within the community, focusing on those elements that enable inclusion and participation; and the conflict dynamics and changes happening in the community.

LAND GOVERNANCE CONCERNS THE RULES, PROCESSES AND STRUCTURES THROUGH WHICH DECISIONS ARE MADE ABOUT ACCESS TO LAND AND ITS USE, THE MANNER IN WHICH THOSE DECISIONS ARE IMPLEMENTED AND ENFORCED, AND THE WAY IN WHICH COMPETING INTERESTS IN LAND ARE MANAGED (FAO, 2012)

INCLUSION IS "THE PROCESS OF IMPROVING THE TERMS OF PARTICIPATION IN SOCIETY, PARTICULARLY FOR PEOPLE WHO ARE DISADVANTAGED, THROUGH ENHANCING OPPORTUNITIES, ACCESS TO RESOURCES, VOICE AND RESPECT FOR RIGHTS" (UN 2016, 17).



Land Governance framework

Describes the legal and policy framework for land tenure governance prevailing in the community?

| | Categories | | | | | | | Observations |
|---------------|-------------------------------|-----------|-----|-------|------------|-----|-------|--------------|
| Types of land | | Recorded | | | Not record | led | | |
| | state land | | | | | | | |
| | public land | | | | | | | |
| | customary land | | | | | | | |
| | private land clan /family | | | | | | | |
| | private land nuclear family / | | | | П | | | |
| | individual | | | | | | | |
| | Other (specify) | | | | | | | |
| | Are the types of land clearly | yes | | | no | | | |
| | defined and regulated | | | | | | | |
| Type of | Statutory | | | | | | | |
| system | Customary | | | | | | | |
| | Plural (multiple systems) | | | | | | | |
| | Are the plural systems | yes | | | no | | | |
| | harmonized? | | | | | | | |
| | | Statutory | | | Customa | | | |
| Type of | | Women | Men | Joint | Women | Men | Joint | |
| legitimate | | | | | | | | |
| rights | Individual ownership | | | | | | | |
| | communal ownership | | | | | | | |
| | lease | П | | | | | | |
| | user rights (open access) | | | | | | | |
| | user rights (communal) | | | | | | | |
| | other (specify) | | | | | | | |
| | other (specify) | | | | | | | |
| | | | | | | | | |

Open access: unrestricted access

Communal (organized): means subject to community-agreed management rules

¹¹ https://www.fao.org/land-water/land/land-

 $governance/fr/\#:\sim:text=Land\%20 governance\%20 concerns\%20 the\%20 rules, interests\%20 in\%20 land\%20 are\%20 managed.$

Lease: right to use land for a limited period of time against payment (contract) Individual ownership: property rights pertain to single individual Communal ownership: property rights pertain to community members Lease: An agreement whereby the lessor conveys to the lessee, in return for payment, the right to use an asset for an agreed period of time.

User rights: rights pertain to the user

3.6.2 Do customary rights prevail over national statutory rights to land?

🗆 Yes

🗆 No

3.6.3 Awareness, education and capacity

This also includes the capacities of the duty-bearers to work to fulfil the rights of the rights-holders. The table intends to capture people's perception of the tenure system's capacity to serve them.

| Capacity / Awarene | SS | | Wome n | Men | Youth | Se rij ho | econdary ght olders | Local authorities /others | | Observations |
|---|---------------|--------------------|-------------|-------------|-------|-----------------|---------------------------|---------------------------------|------------------|--------------|
| Knowledge/Awarer | ness of | High | | | | | 1 | | | - |
| land rights | | Medium | | | | |] | | | |
| | | Low | | | | | 1 | | | |
| Capacity / Enabling environment: system preparedness for land rights implementation | | | | | | w | /omen | Men | Youth | Observations |
| Ability and realized obligation to protect, respect and safeguard legitimate tenure rights - Statutory system | | | | | | |] | | | |
| Ability and realized obligation to protect, respect and safeguard tenure rights - Customary system | | | | | | | | | | |
| Framework in place to prevent land grabbing in private and public investments including procedural safeguards | | | | | | |] | | | |
| Processes and institutional arrangements are accessible | | | | | | |] | | | |
| Stakeholders can vo | pice their | opinions and | d spaces fo | or dialogu | e, | |] | | | |
| disagreement, cons | ensus an | d change exi | st | | | | | | | |
| Processes are acces | sible and | secure (not | violent/co | onflictive) | | |] | | | |
| Other (specify) | | | | n | | |] | | | |
| Capacity: Access to financial services | land adm | ninistration a | nd | Women | M | en | Youth | Seco right | ndary holders | Observations |
| Land registration ar | nd land a | dministratior | n services | | | | | | | |
| Financial services | 🗆 Bank | account | | | | | | | | |
| | □ Subs | idies | | | | | | | | |
| | □ Cred | it | | | | | | | | |
| | Com scheme | munity credi es | t | | | | | | | |
| | Incer | ntives (specif | y) | | | | | | | |
| | | | | | | | | | | |

| □ Savings and insurances (agriculture, disaster) | | | |
|--|--|--|--|
| Other (specify) | | | |

3.6.4 Land decision-making

Captures decision-making processes themselves, particularly focusing on who participates and who is excluded and why and why

| | | Women | Men | Youth | Secondary right | Others | Observations |
|------------------------------|---|-------|-----|-------|--------------------|--------|--------------|
| | | | | | holders | | |
| Who participates? | Land use | | | | | | |
| | Land selling / leasing | | | | | | |
| | Land access | | | | | | |
| | Land management | | | | | | |
| Who is left out? | | | | | | | |
| Why are they excluded? | Rights not recognized, not known, not enforced | | | | | | |
| | Cross-cultural differences | | | | | | |
| | Customary rules | | | | | | |
| | Statutory rules | | | | | | |
| | Power unbalances | | | | | | |
| | Social norms | | | | | | |
| | Restriction on mobility | | | | | | |
| | Low literacy and education | | | | | | |
| | | | | | | | |
| | | | | | | | |

3.6.5 Land and conflict

the Captures overall community's perception of stability in the community; and describes typology of existing land-related conflicts and how they are changing, focusing on the accessibility, effectiveness and efficiency of dispute resolution mechanisms.

Land and natural resources are almost never the sole cause of conflict. However, pressures emerging from climate change, population growth, increased food insecurity, migration, urbanization, and other external shocks frequently lead to conflict over access, use, and control of land and natural resources. Even in contexts that appear to be peaceful and stable, it is well documented that new violence may emerge from grievances related to inequitable land use and management; policies that result in expropriation, consolidation, or redistribution; commercial agriculture investments; or unequal access to forests and other natural resources. These latent issues may be triggered in contexts where weak land governance, institutions, administration, and uncertain tenure and property rights prevail.

(Conflict sensitivity in land Governance, CDA Practical Learning for International Action) https://www.cdacollaborative.org/wp-content/uploads/2022/03/Final_Conflict-Sensitivityin-Land-Governance March-30.pdf

| Level of stability in the community | | Women | Men | Youth | Secondary right holders | Others (specify) | | Observations |
|-------------------------------------|-------------|-------|-----------------|---------------|-------------------------------|---------------------|-----|--------------|
| Social | low | | | | | | | |
| | medium | | | | | | | |
| | high | | | | | | | |
| Economic | low | | | | | | | |
| | medium | | | | | | | |
| | high | | | | | | | |
| Other (specify) | low | | | | | | | |
| | medium | | | | | | | |
| | high | | | | | | T | |
| Conflict profiling | | | | | | | Obs | servations |
| What type of disputes | do you norr | nally | Succ | ession confl | icts | | | |
| experience | | | 🗆 Lanc | l ownership | | | | |
| | | | 🗆 Bour | ndary disput | es | | | |
| | | | □ Lanc | l use (encroa | achment) | | | |
| | | | 🗆 Land | access | | | | |
| | | | 🗆 Land | l grabbing | | | | |
| | | | 🗆 Wat | er | | | | |
| | | | 🗆 Graz | ing pasture | | | | |
| | | | 🗆 Othe | er (specify) | | | | |
| What are their root cau | uses | | 🗆 Ρορι | ulation dens | | | | |
| | | | 🗆 Wat | er scarcity | | | | |
| | | | Com | petition for | natural resour | ces | | |
| | | | exploit | ation | <u>.</u> | | | |
| | | | | lapping or C | conflicting land | claims | | |
| | | | | l grabbing | | | | |
| | | | | l degradatio | | | | |
| | | | | ds and natu | | | | |
| | | | L impe | ending threa | | | | |
| | | | (ianu u etc) | evelopment | | | | |
| | | | □ Oth | er (specify) | | | | |

| Who is involved | □ Family | |
|---|--|---|
| | Community | |
| | 🗆 Men against women | |
| | □ Youth against elders | |
| | ☐ Between communities | |
| | \Box Community and external stakeholders | |
| | (investors national government) | |
| | \Box Other (specify) | |
| | | |
| Level of perceived threat to tenure rights | | |
| | 🗆 medium | |
| | | |
| What is the area of the disputes | Localized in one specific area (specify | |
| | name of the place / community), | |
| | Across several families / communities | |
| | □ Across several parishes / sub-counties | |
| | □ Other (specify) | |
| | | |
| How long do the disputes last | □ One-off | |
| | | |
| | \square Several months | |
| | | |
| | Continue through generations | |
| | L They recur every season/year | |
| Line have d'anning the second division the CIAA | | |
| How have disputes changed since the SLM | L Intensified | |
| practice started | □ No change | |
| | □ Diminished | |
| If they have diminished, why | | |
| If they have intensified, why | | Γ |
| Where do you turn in case of disputes | Customary leaders | |
| | 🗆 Clan / family | |
| | Community leaders | |
| | □ Police | |
| | District leadership | |
| | | |
| | \Box Other | |
| | \Box I do not have access to disputes | |
| | resolution | |
| Are these mechanisms equally accessible | | |
| for all | | |
| If no, who is excluded and why | | |
| What is the perceived capacity of the land | | |
| dispute resolution mechanisms | | |
| dispute resolution mechanisms | | |
| | ⊔ high | |
| Are conflicts normally resolved | ⊔ Yes | |
| | LI No | |
| | | |
| If yes, how are they resolved | Compensation | |
| | 🗆 Withdrawal | |
| | □ Compromise | |
| | □ Mutual agreement | |
| | □ Other | |

4. Recommendations and linkages to the tenure technical guide Pathways

Tenure governance is not an exact science and contemplates no one-fits-all solution. Rather, fit-for-purpose options must be identified that best suit each context's needs. Chapter 4 supports the community in identifying the VGGT technical guide Pathway/s that can be pursued to improve the SLM Technology's tenure responsiveness and to identify contextspecific entry-points for action. This chapter builds on the common understanding of what are the aspects of tenure that are not effectively serving the needs of the SLM practice built with the support of the tenure expert while completing Chapters 1-3.

4.1 Tenure opportunities and challenges for implementation and adoption of the Technology

The group should through a facilitated discussion which considers the answers provided in the previous chapters come to an agreement on the answer to the questions listed in the table below.

- If the answer falls under the green column, that is not an area that needs to be prioritized for tenure intervention.
- If the answer falls under the red column, the tenure area should be prioritized for action. The group should further analyse the options for action under the related pathway as listed in the VGGT Technical Guide and possibly seek specialized guidance on how to implement their recommendations.
- If the answer falls under the grey column, it is up to the group to determine whether the specific tenure area should be prioritized for action or not.

| Questions | t require | uire 1 | | Pathway |
|---|-----------|--------------|-------|--------------------------|
| | s not | req | uires | |
| | Does | May atter | Requ | |
| Does the policy and legal framework for land recognize all | YES | In part | NO | Pathway 1 – Enhancing |
| existing legitimate tenure rights? | | | | policy and legal |
| Does the tenure governance system have the legitimacy and | YES | In part | NO | frameworks |
| capacity to protect individual and communal legitimate | | | | |
| tenure rights? | | | | |
| Is the land tenure governance system enabling the SLM | YES | In part | NO | Pathway 2 – Establishing |
| practice objectives? | | | | targeted policy |
| Is policy coordination capacity adequate to optimize SLM and | YES | In part | NO | coordination mechanisms |
| tenure interactions? | | | | |
| Do women have the same socio-economic power as men? | YES | In part | NO | Pathway 3 – Securing |
| Do women have capacity to own land? | YES | In part | NO | women's tenure rights |
| Do women enjoy tenure security? | YES | In part | NO | and access to land and |
| Do women have capacity to access and use land as per their | | | | natural resources |
| needs? | YES | In part | NO | |
| Are women aware of their land rights and responsibilities? | YES | In part | NO | |
| Are women able to participate in decision-making with | YES | In part | NO | |
| regards to land? | | | | |
| Does the community feel tenure secure? | YES | In part | NO | Pathway 4 – Setting up |
| Does the community experience frequent land related | | | | accessible and |
| conflict or disputes? | YES | In part | NO | transparent grievance |
| Is the number and intensity of conflicts or disputes increasing | | | | and dispute resolution |
| after SLM practice implementation? | NO | In part | YES | mechanisms |
| Do community members trust the available dispute | | | | |
| resolution mechanisms? | YES | In part | NO | |
| | | | | |

| Are dispute resolution mechanisms accessible and effective | YES | In part | NO | |
|--|-----|---------|-----|----------------------------|
| for all? | | | | |
| Are dispute resolution mechanisms representative of all | YES | In part | NO | |
| community members? | | | | |
| Does the customary policy and legal framework for land | | | | Pathway 5 – Designing |
| recognize all existing legitimate tenure rights? | YES | In part | NO | and implementing |
| Is there a common understanding in the community of what | | | | tenure-responsive and |
| are the available land and natural resources and how they | | | | participatory integrated |
| should be managed? | YES | In part | NO | land use planning |
| Is the existing division of power and labour among | | | | |
| community members perceived as legitimate? | YES | In part | NO | |
| Is the SLM practice instigating changes in the division of | | | | |
| power and labour among community members? | NO | In part | YES | |
| Is the land use management system enabling optimal use of | | | | Pathway 6 – Supporting |
| the available resources? | YES | In part | NO | LDN through land |
| Are issues such as demographics and intensifying resource | | | | administration tools |
| scarcity affecting land production and productivity? | NO | In part | YES | |
| Does the community feel tenure secure? | YES | In part | NO | Pathway 7 – Recognizing |
| Does the community feel tenure insecure due to external | | | | and documenting |
| claims to land? | YES | In part | NO | legitimate tenure rights |
| Are there many boundary and inheritance conflicts within the | | | | on public lands |
| community? | YES | In part | NO | Pathway 8 – Recognizing |
| Is land degradation prominent on unrecorded land? | NO | In part | YES | and documenting tenure |
| Is there a requirement to invest in the land for the SLM | | | | rights for the sustainable |
| practice implementation? | NO | In part | YES | management of |
| Has the land value increased/is it expected to increase as a | | | | commons |
| result of the SLM practice? | NO | In part | YES | Pathway 9 – Allocating |
| Are people interested and willing to record their tenure | NO | In part | YES | and strengthening rights |
| rights? | | | | and duties on private land |