Lessons Learned from the EEP/Shiree Scale Fund

ACCESS TO LAND
Access to land is inextricably linked with economic development, particularly in rural areas. The potential for the extreme poor to generate income is curtailed by a lack of access to cultivable land, or insecurity of tenure on land that is currently under cultivation. This limits the range of potential income-generating activities (IGAs) that the extreme poor can develop and diversify into, particularly for agricultural pursuits. Ownership or permanent lease of land also increases the social acceptance and dignity of the extreme poor. The Scale Fund (SF) supported several projects which explicitly incorporated a focus on securing access to land for extreme poor beneficiaries, primarily by assisting beneficiary households (BHHs) to submit successful applications for acquisition or long term leasing of unutilised khas land, by organising BHHs into groups linked to advocate for their rights, by directly advocating for government to support BHH access to khas land and waterbodies, and by facilitating multi year leases for BHHs to cultivate crops on privately owned land.

Access to khas land is a long term process
The SF demonstrated that the process of applying for khas land is long and cumbersome. Difficulties encountered included: length of time and number of steps required to process an application; lack of khas land processing capacity in local government; frequent transfer of government officials who have been the focus of lobbying efforts; lack of updated information on khas land and water bodies; and the lack of sustained effort, both from the landless poor and NGOs, to approach land officials and advocate for rights of extreme poor. Khas land processing activities therefore do not neatly fit within the 4 to 5 year donor programming cycle, and may require the longer time scales of multi-phase programmes to see impact.

Temporary settlement as immediate priority
Partner NGOs (PNGOs) with experience in the land acquisition process noted that temporary settlement should be the primary objective of time-bound projects, with a view to achieving permanent settlement where possible. In addition to facilitating formal long-term leasing or ownership of khas land, some PNGOs facilitated access to private land through negotiating long leases with landlords for BHHs to be able to cultivate land on a secure basis. Some PNGOs secured these informal ‘gentleman’s agreements’ with landlords in addition to processing khas land applications, a dual track approach that supported BHH access to land during or in lieu of the long process of applying for khas land leasing or ownership. However SF evidence suggests that this approach can be precarious, as landlords leasing to extreme poor HHs do not always honour gentleman’s agreements, requesting the land back or demanding a higher rental price once BHHs have used their new inputs and skills to improve their plot and their income. This suggests that securing formal, enforceable lease agreements should always be preferred over informal understandings.

Consideration and consultation of land authorities in project planning and inception
Uttaran found that involving government early on in the project cycle helped to garner early support for the issue of access to land. Given the long timescales for supporting BHH access to khas land, involvement of relevant authorities from the early stages of project design and/or inception supports achievement of results during short project durations, and ensures sufficient attention is given to the interests (e.g. publicity and ownership) and constraints (e.g. resource constrains, mobility constraints) of the land administration. Unions where projects work should also be selected based on the availability of khas land, which should factor into the design and geographical targeting of interventions for extreme poor.
Multi-pronged advocacy efforts

PNGOs were able to speed up the processing times of khas land applications by applying different advocacy mechanisms at different levels including: building relationships with the local land administration; involving central GoB officials and the EEP Project Director in discussions over land access; and capacity building and engagement with local media. Successful engagement of the central bureaucracy to generate project ownership was also effective in facilitating dialogue with district and union level land officials. To ensure BHH access to khas land, Uttaran successfully deployed a range of initiatives including: strengthening beneficiary groups and federations and building their capacity to facilitate khas land processing; building the capacity of local government officials to process khas land applications; union and upazila level dialogue events and workshops to create linkages between landless people and the land administration; and workshops for journalists reporting on khas land and water bodies.

Building local capacity for sustainable land advocacy and litigation

Despite the success demonstrated by Uttaran, their project evaluation questioned the sustainability of this model, as beneficiary groups appeared to lack capacity to continue to process applications or spearhead mediation and litigation efforts without PNGO support. Shushilan’s project evaluation also noted that the process of leasing khas land and waterbodies should closely involve the beneficiaries rather than be undertaken on their behalf, so that they can retain and share this knowledge within their communities in the longer term. HSI acknowledged the limitations to this model of staff applying for khas land on behalf of BHHs, and trained Local Service Providers (LSPs) to gradually assume this function, which both augmented results during the project cycle, as well as ensured sustainability beyond the project period.

A strategic and holistic approach to land access

The Uttaran approach was replicated by many SF partners, who attempted during the course of implementation to integrate some of the lessons around access to land into their own projects. This met with varied success, given the length of time and complexity of processes involved. For example, one SF project supported BHHs to achieve only the first of many steps in the land application process but then took this no further. This raises the question of the value of partially investing in land access, given the lack of BHHs capacity to autonomously take this forward, and suggests a more strategic approach is required when addressing complex issues like access to land.

PNGOs as catalysts or facilitators in land acquisition process

Given limited project budgets and the long time scale of facilitating access to land, projects that implemented more catalytic or facilitating interventions—educating beneficiaries on the application process, training community champions or local service providers, linking beneficiaries with legal aid providers or community legal services, and advocating for government support— are likely to be more effective and sustainable than direct interventions that handhold beneficiaries throughout the khas land application cycle.

Recommendations – Access to Land

- A long term outlook is required for khas land programming, premised on a ‘multi-phase’ programme cycle. Project designs should include appropriate mitigating measures in the event where longer term programming cannot be guaranteed.
- Temporary settlement should be the immediate priority, with a view towards long-term permanent settlements where possible.
- Private land leases should be formalised and legally-binding, given the possibility for abuse of ‘gentleman’s agreements’ with landlords.
- Land authorities should be consulted early in project design and/or inception, to garner early support for access to land, to focus project activities on unions with available khas land, and to support achievement of results during short project durations.
- Advocacy efforts at multiple levels and using multiple channels are more effective, engaging and building effective relationships with central as well as district/union administrations, and working with civil society, legal actors, and media.
- Building the capacity of local service providers or community champions increases effectiveness and sustainability of land advocacy and litigation, ensuring applications are taken forward after project funding ceases.
- Complex land access issues require a strategic and holistic approach to land access, instead of tackling smaller parts of a multi-stage process.
- Programme design should acknowledge the catalytic or facilitating role of PNGOs and other development partners, rather than rely too heavily on direct interventions.
This summary of lessons learnt has been produced by Ecorys UK through the Economic Empowerment of the Poorest (EEP) programme. The views expressed in the report are entirely those of the author, and do not necessarily represent the views of the GoB, DFID, SDC, EEP staff nor of PNGO staff.