

# TENURE CHECKLIST

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## Who is it for?

The checklist is designed to guide project and programme developers to consider tenure aspects in land-based projects and programmes. It provides guiding questions to help identify key tenure issues in the target project/programme area and to design appropriate interventions to address them.

## What types of projects and programmes?

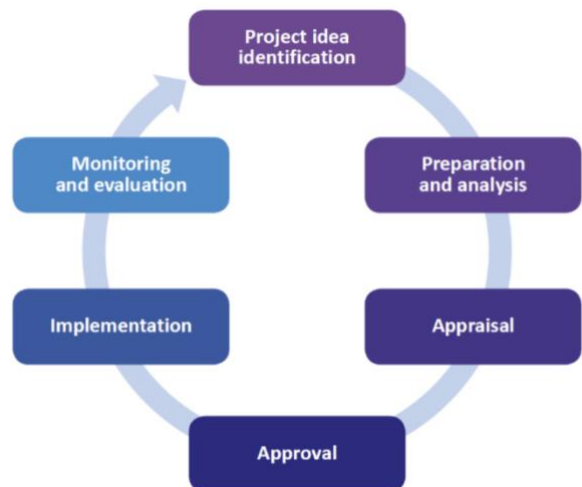
The guiding questions aim at supporting the integration of land tenure security into projects and programmes aiming at land degradation neutrality and related climate, biodiversity, environment, and development outcomes. The aim is not to guide the development of tenure-specific projects, but rather to ensure that projects and programmes with a focus on land are at least gender- and tenure-sensitive and do no harm.

## When should it be used?

This checklist is designed to support the early design of projects and programmes and to be used at the project idea identification stage and/or the preparation and analysis stage in the project development cycle. It lays out the foundation for a 'tenure-responsive' project and programme design to identify appropriate measures to mitigate potential tenure-related risks and to abide with environmental and social safeguards as well as internationally recognized guidelines on responsible governance of tenure. The checklist pinpoints areas and issues to consider in the project design phase but does not go into the technical details as this requires specialized expertise and knowledge of the tenure issues in the project/programme context and area. Indeed, the checklist provides guidance on when and how to engage tenure experts in the project design and implementation.

## How should it be used?

The checklist should be used as a set of non-exhaustive guiding questions to identify further actions to integrate tenure considerations in project and programme design and implementation. It is a checklist of issues to consider rather than a blueprint and needs to be adapted to the project and specific programme context and goals. Not all questions are relevant to all projects and programmes. Where relevant, references to further resources are provided for more detailed guidance. Where more technical expertise and input is required, it is recommended to engage tenure expertise, a sample Terms of Reference is provided in the annex.



**Figure 1. Project Development Cycle**

(Source: UNCCD Global Mechanism, 2019. Land Degradation Neutrality Transformative Projects and Programmes - Operational Guidance for Country Support)

## Guiding questions for project/programme idea identification, preparation and analysis

	QUESTION	YES	NO	PARTIALLY	COMMENTS
Project context analysis and background	<p>1. Does the project context analysis and background examine the tenure arrangements in the project/programme area?</p> <ul style="list-style-type: none"> <li>➤ For a justification and background information on 'why invest in tenure', check the business case<sup>i</sup>.</li> <li>➤ Check the Land Portal country profiles<sup>ii</sup> for a country overview (policies, legal instruments and action plans for land management).</li> <li>➤ Consider also the potential gender disparities and power imbalances in land rights.</li> </ul>				
	<p>2. Are there overlapping tenure arrangements (eg. customary and statutory tenure) in the project/programme area?</p> <ul style="list-style-type: none"> <li>➤ Consider eg. who owns the land in the project area and what kind of land rights (eg. to use, access or manage) do different stakeholders have? Is there a need to secure tenure rights in order to safeguard legitimate tenure rights and de-risk project/programme activities?</li> </ul>				
	<p>3. Is a tenure assessment planned with an analysis of the relevant policy and enabling framework as well as power dynamics and potential inequalities in land ownership, access, use and management (eg. of women, indigenous peoples and local communities, and youth)? (see Annex 2)</p> <ul style="list-style-type: none"> <li>➤ Note that in some cases, tenure elements may be included in the gender assessment, risk analysis/ safeguards.</li> <li>➤ Check the WOCAT Global Database on Sustainable Land Management Technologies<sup>iii</sup> and potential gender/tenure assessments linked to the recorded technologies and approaches.</li> </ul>				
Safeguards and risk management	<p>4. Is there a plan to integrate tenure considerations into safeguards and/ or risk analyses or due diligence procedures of donors e.g. on FPIC, resettlement, establishing a grievance mechanism?</p>				
	<p>5. Is there a risk of only targeting areas under secure tenure and leaving behind the most vulnerable and marginalized, such as women, youth, Indigenous Peoples and local communities, and persons with disabilities?</p>				
Results framework	<p>6. Are tenure-specific outcomes, outputs or activities needed to reach the project/programme overall goal?</p> <ul style="list-style-type: none"> <li>➤ Check the technical guide on tenure and LDN for potential activities at national and local level.</li> <li>➤ Check the business case for a cost-benefit analysis of potential tenure interventions.</li> </ul>				
	<p>7. Does the results framework include tenure-relevant indicators, actions, targets, and a baseline to monitor results?</p>				
	<p>8. Is gender catered for in the results framework? Do the indicators monitor sex-disaggregated data where possible?</p> <ul style="list-style-type: none"> <li>➤ Check the Manual for Gender-responsive LDN transformative Projects and Programmes, Annex 3 on Sample indicators for gender-responsive LDN transformative projects and programmes</li> </ul>				

Stakeholder engagement and participation	<p>9. Are there organizations or groups that work on land tenure issues in the targeted project area?</p> <ul style="list-style-type: none"> <li>➤ Check the stakeholder mapping and the members of the UNCCD Gender Caucus</li> <li>➤ Do these organizations or groups have technical personnel to support also gender mainstreaming in their policies, strategies, and action plans?</li> </ul>				
	<p>10. Do these organizations or groups operate on the ground directly with IPLCs, women, youth etc.?</p>				
	<p>11. Are specific activities planned to engage key stakeholders and/or project beneficiaries? Are these activities gender- responsive?</p> <ul style="list-style-type: none"> <li>➤ Consider the Free, Prior and Informed Consent principle, check the technical guide.</li> <li>➤ Note that funding windows might have specific requirements for stakeholder consultations.</li> </ul>				
	<p>12. Are there specific capacity needs that need to be addressed to meaningfully engage e.g. women, IPLCs or youth in the project/programme?</p> <ul style="list-style-type: none"> <li>➤ Check technical guide and manual on gender-responsive TPPs for further guidance on how to meaningfully and inclusively engage.</li> </ul>				
Technical Capacities	<p>13. Is tenure technical expertise available to provide technical capacity in the full project development and/or implementation?</p> <ul style="list-style-type: none"> <li>➤ Check annexes for a sample Terms of Reference</li> </ul>				
	<p>14. Is gender technical expertise available to provide technical capacity in the full project development and/or implementation?</p> <ul style="list-style-type: none"> <li>➤ Check the Manual for Gender-responsive LDN Transformative Projects and Programmes</li> </ul>				
	<p>15. Is there a mechanism to ensure that tenure analysis is integrated into other technical analyses e.g. for gender, youth, on land degradation etc.</p>				
Implementation	<p>16. Do new tenure arrangements (e.g. lease contracts) need to be made for the implementation of the project/programme in the targeted area?</p>				
	<p>17. Is there a project/programme-level grievance redress mechanism in place or planned?</p> <ul style="list-style-type: none"> <li>➤ Check pathway 4 of the technical guide</li> </ul>				
Data collection, monitoring and evaluation	<p>18. Will the project/programme collect and use sex-disaggregated data and qualitative information to analyse and track the tenure issues it addresses?</p>				
	<p>19. Will the project/programme collect and use data to analyse and track its impact with regards to environmental indicators e.g. soil carbon content, vegetation cover, carbon sequestration etc.?</p>				
	<p>20. Are there knowledge management actions/ products planned to analyse the project/programme data to evaluate how the tenure and environmental outcomes of the project are interlinked?</p>				

<b>Budget</b>	21. Are the budget needs for the above issues assessed? For instance, is there a need to add budget allocations for tenure assessments, organization of community consultations, hiring of tenure and gender experts, setting up of a grievance redress mechanism, hiring of a monitoring and evaluation specialist etc.?				
	22. Given that some land tenure interventions can be costly and time-consuming, is it possible to link the planned project/programme to an ongoing land tenure project/programme by other actors in the form of partnership and/or co-financing?				
	23. Are there other funding opportunities that could be explored to leverage further funding for the tenure aspects of the planned project? ➤ Check the stakeholder mapping				

### Funding specific guidance

Depending on the targeted funding for the project/programme, the funding institution, window or donor may have specific requirements for proposals and project that they fund. Be sure to check the requirements, particularly the environmental and social safeguards and gender requirements, of the targeted funding window. The stakeholder mapping includes an overview of the safeguards in key funding institutions and donors, but note, these may change over time.

The Global Mechanism provides support to countries in the early stages of project preparation and may provide technical and financial support for the preparation of project documents such as funding proposals and concept notes, feasibility studies, gender assessments and action plans, etc. or for identifying technical and financing partners. Moreover, in some cases the funding institutions themselves may provide technical or financial support for the development of a full-pledged project/programme proposals including conducting of feasibility studies, gender assessments, due diligence processes etc. If a gender assessment or action plan is required for a funding window, it is highly recommended that tenure elements be incorporated into relevant sections under these project documents.

### Further resources

This checklist has been developed in the context of the UNCCD and responds to the mandate given to its secretariat and the Global Mechanism. It is framed by the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT)<sup>iv</sup> and the LDN Conceptual Framework<sup>v</sup> and aims to further operationalize the Technical Guide on the integration of tenure into LDN<sup>vi</sup> in the context of developing land-based projects and programmes. The checklist can be utilized in parallel with the LDN Checklist<sup>vii</sup> and the Manual for gender-responsive LDN transformative projects and programmes<sup>viii</sup>.

<sup>i</sup> UNCCD Business case on land tenure (to be published)

<sup>ii</sup> Land Portal country profiles: <https://landportal.org/book/countries>

<sup>iii</sup> WOCAT Database: <https://qcat.wocat.net/en/wocat/>

<sup>iv</sup> Voluntary Guidelines on Responsible Governance of Tenure: <https://www.fao.org/tenure/voluntary-guidelines/en/>

<sup>v</sup> Scientific Conceptual Framework for Land Degradation Neutrality: <https://www.unccd.int/resources/reports/scientific-conceptual-framework-land-degradation-neutrality-report-science-policy>

<sup>vi</sup> Technical Guide on the Integration of the VGGT into the Implementation of the UNCCD and Land Degradation Neutrality: <https://www.unccd.int/resources/publications/technical-guide-integration-voluntary-guidelines-responsible-governance>

<sup>vii</sup> Checklist for Land Degradation Neutrality Transformative Projects and Programmes: <https://www.unccd.int/resources/manuals-and-guides/checklist-land-degradation-neutrality-transformative-projects-and>

<sup>viii</sup> Manual for gender-responsive Land Degradation Neutrality transformative projects and programmes:

<https://www.unccd.int/resources/publications/manual-gender-responsive-land-degradation-neutrality-transformative-projects>