



TERMS OF REFERENCE

FOR A CONTINENTAL STUDY TO STRENGTHEN THE EVIDENCE BASE FOR EQUITABLE LAND GOVERNANCE AND FOOD SOVEREIGNTY

Background

The Alliance for Food Sovereignty in Africa (AFSA) recognizes land use, access and management as an important area of intervention to fulfil its vision.

One of the legacies of colonial occupation in Africa was a multiplicity of land administration systems. Indeed, the imperial regimes (and subsequent post-colonial national governments) claimed all land, water and sub-surface resources to be property of the State, with large parcels of land expropriated and used for the production of export-oriented commodity crops, or designated for mining, and the introduction of private property laws akin to those in Europe. Yet in practice, most decisions regarding land use and distribution were still made via traditional (usually patriarchal) customary practices, often mediated by local chiefs and elders.

Over recent years, this legacy has become highly problematic, as a confluence of social and economic pressures have triggered changing demands on land use. The pressures include:

- Growing interest in African land from foreign and domestic investors, both to meet various demands on international commodity markets, and for speculative purposes
- Increasing population that is set to nearly double by 2050
- Huge internal migration within the continent, including people seeking livelihood opportunities, as well as internally displaced persons (IDPs) fleeing persecution, conflict, disasters and large-scale development projects
- Rapid urbanisation, with a soon-to-be predominantly urban population
- High-level political initiatives such as agricultural 'growth corridors' and the G8-backed New Alliance for Food Security and Nutrition have been targeting new investments into large-scale commercial farming.

These pressures have triggered a huge surge in large-scale land acquisitions that have displaced millions of rural Africans. Between 2000-2016, African governments concluded 422 large-scale land deals with investors, covering an estimated ten million hectares. This new wave of 'land grabs' has been associated with multiple human rights abuses and social injustices. Poor land governance in Africa is also associated with persistent poverty, food

insecurity, inequality, conflict and land degradation. Women are particularly vulnerable due to their weaker status as land claimants under both customary and formal land governance systems.

In response to widespread land grabs in Africa and other parts of the world, a number of international, continental and regional policy processes have arisen over the past decade to help promote responsible land governance:

- Voluntary Guidelines for the Responsible Governance of Tenure of land, fisheries and forests (VGGT). These guidelines provide a progressive set of principles to guide governments in developing and implementing laws that strengthen community land rights and also carry a high degree of legitimacy and enjoy widespread support. The FAO has been working to operationalise the VGGT at the national level in a number of African countries.
- The *UN Declaration on the Rights of Indigenous Peoples*, which recognises indigenous peoples' rights to their ancestral lands, including those traditionally held by indigenous peoples but now controlled by others. The Declaration also instructs States to take measures to uphold and promote the rights of indigenous peoples relating to their lands and resources.
- The *Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)* is an important framework with particular regards to women's land right. It commits that State parties to ensure the right for women: "to have...equal treatment in land and agrarian reform as well as in land resettlement schemes".
- The African Union Declaration on Land Issues and Challenges in Africa, which endorsed the "Framework and Guidelines for Land Policy in Africa" (F&G). This framework provides the rationale for strengthening community land tenure protections within the African context, as well as giving guidance on how to develop policies that can achieve this.

These policy processes are not entirely favourable to communities and food sovereignty; they are also applied differently according to countries and regions, making communities still vulnerable vis à vis corporates and new land players.

Since 2013, AFSA has implemented various activities to advance community land rights for sustainable and fair access and use, at various levels. Among other activities, these include a comprehensive study on "Understanding International and Regional Land Policies in the African Context", participation in key regional and international policy and advocacy forums on land, and currently, the development of land case studies to showcase community-friendly land use management in the context of land grabbing.

The Study

As part of its commitments, AFSA is now commissioning a **continental study to strengthen the evidence base for equitable land governance** and food sovereignty.

Study objectives

1. **Develop a ranking system for regional economic communities (RECs) and other regional policy bodies**, with a set of criteria designed to assess the degree to which their land policies and practices adhere to and align with international guidelines (VGGT, F&G, etc.). Once developed, the criteria of this ranking system will be applied to the various RECs to develop an index, ranking the RECs performance from best to worst.
2. **Develop a ranking system for national use**, with a set of criteria designed to assess the degree to which their land policies and practices adhere to and align with international guidelines (VGGT, F&G, etc.). Once developed, the study will apply the criteria to eight (08) African countries to develop an index, ranking the 8 countries performance from best to worst. This ranking system could then be used by AFSA members and CSOs to evaluate their national land policy and land transactions (by the state, district, municipality, etc.). It will also allow AFSA to feed back its reports at international meetings/forum.
3. **Identify ten (10) countries on the continent** - two (02) in each region (North, East, West, Central and Southern Africa)- that are already working to integrate the VGGT and/or F&G into their national land policies, and briefly document their progress, including the engagement of civil society in these policy processes. This will inform national CSOs advocacy work to integrate both the VGGT and F&G into national policy frameworks.
4. **Recommend action to support civil society networks to develop advocacy strategies** promoting the implementation of land related policies within the NAFSIPs, and the mainstreaming of land governance in national and agricultural plans under CAADP, using the VGGT and the F&G as guides to minimum standards.

Outputs

- A total of 8 cases of good land governance identified and documented within West, Central, East and Southern Africa.
- Easy to use score card to assess RECs' practices in land management, that can be disseminated among audiences.
- Easy to use criteria to assess the status of national land policy in relation to food sovereignty principles
- Recommendations for policy change related to VGGT, F&G and agricultural plan under CAADP
- One comprehensive study report (40-50 pages) plus references
- A PowerPoint presentation (with speaker notes) summarizing the study findings
- A summary report of key findings and recommendations (4 pages)

- The required format for the report is attached as Annex 1.

The consultant/s shall be expected to:

- Prepare draft and final study reports, incorporating feedback comments from Client representatives and partners.
- Present the results of the study to stakeholders during a one-day workshop to be arranged at a later date. (Transport and accommodation will be provided separately for this).

Profile of the Consultant

The consultant should have the following minimum qualifications:

- Postgraduate qualifications in a relevant discipline, and significant research experience in this sector;
- Considerable experience and detailed knowledge of the land rights sector in Africa;
- Excellent writing and communication skills in the language/s of the policy frameworks.

Study scope

The research should cover the different regions of the continent so that identified cases can be used by all AFSA network members, wherever they are, to strengthen their advocacy for better land governance that benefits the communities they serve. Southern Africa, Central Africa, East Africa and West Africa being AFSA's focus areas, obtaining cases in North Africa would, however, help to better operate in this region.

Audience

CSOs, media and policy makers

Duration

The research is planned for a duration of 45 days and starts with the signature of the contract

Submission of tenders

Eligible consultants are invited to submit technical and financial proposals to undertake this work by 2018, April 12.

Technical and financial proposals should be sent to million.belay@afsafrica.org and CC copied to famara.diedhiou@afsafrica.org indicating 'Proposal – Land Governance Study' in the subject line. Proposals should include the CV/s of the proposed Consultant/s and the proposed timeline.

Annex 1. Proposed Format for the Study Report

Title Page, including project title and number, date of report, authors and their affiliations;
Citation page.

Executive Summary (4 pages):

- Brief project description and context
- Purpose and expected use of the study
- Objectives of the study
- Principal findings and conclusions
- Key recommendations
- Summary of lessons learned

Main Report (40-50 pages)

- Table of Contents
- List of Abbreviations
- Purpose of the study
- Objectives of the study
- Study findings, documented by evidence
- Conclusions: insights into the findings
- Recommendations (based on evidence and insights)

Annexes to the study report:

- List of documentation reviewed