



Securing smallholder farmers' land and water rights in irrigation schemes in Malawi, Rwanda and Swaziland

Irrigation schemes raise specific issues in relation to both water and land rights. Water rights issues concern two main “levels”: the right to abstract water from the natural source to feed the irrigation scheme, a right held by the irrigation agency usually through a “licence” or “permit”; and water delivery rights, held by individual water users – the farmers – on the basis of a contract with the irrigation agency and in return for a water fee. To further complicate the picture, over the past few years responsibility for the operation and maintenance of state irrigation schemes has been (partly) transferred to water users. Key water delivery rights issues include farmers' security of access to water, nature and level of the water fee, accountability mechanisms to ensure timely and effective water delivery, and the responsibilities and functioning of water users associations. As to land tenure, irrigation schemes raise three broad groups of issues. Firstly, with regard to the very creation of the scheme – which may entail the expropriation of existing land rights, and the reallocation of land-cum-water rights to new users? Secondly, with regard to the land tenure security enjoyed by farmers on irrigated plots (nature and duration of use rights, etc). Thirdly, with regard to land transactions fostered by the increased land values that irrigation brings about. These issues are closely linked to the water delivery rights issues identified above. For instance, in many schemes non-payment of the water fee entails loss of land use rights – with clear implications for land tenure security. IFAD has provided significant support to securing land and water rights of smallholder farmers and ensuring equitable access to land in government irrigation and watershed management projects. Examples can be found in Malawi, Rwanda and Swaziland.



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Kirehe Watershed Management Project in Rwanda

Projects such as the Kirehe Watershed Management Project (KWAMP) in Rwanda are supporting the development of new approaches for securing land and water rights. The government, with the support of KWAMP and other initiatives is also promoting irrigation schemes on family-owned land. Registration of this land presents new opportunities for commercial development but could restrict the government's ability to provide access for needy small-holder farmers. KWAMP aims to irrigate 1,500 hectares in government-owned marshlands and 1,500 hectares of family-owned customary land. The project is influencing the development of new and innovative irrigation regulations that include provisions for securing small-holder farmers' land rights.

Irrigation, Rural Livelihoods and Agricultural Development Project in Malawi

In Malawi, government schemes are being rehabilitated, with the support of the World Bank and IFAD, through the Irrigation, Rural Livelihoods and Agricultural Development Project (IRLADP), among others. The project aims to support the rehabilitation of 1,800 hectares of government-owned

irrigation schemes, and 900 hectares in small- and mini-scale irrigation schemes on customary owned land. For government schemes, ownership and management responsibility is being transferred to Water User Associations (WUAs). This includes granting lease titles. Transparent and equitable parcel allocation procedures are being developed and land and water rights of individual members are being recognized. In small and mini-scale irrigation schemes being developed on customary land, land sharing arrangements are based on customary practices of seasonal land sharing. There are concerns among some customary owners that such schemes could result in the loss of their land but procedures are being developed to document agreements between landowners and WUAs to allay these fears while at the same time enabling more equitable access to non-owners. The lessons learnt in IRLADP and other projects have resulted in the development of innovative regulations for strengthening ownership and for securing land and water rights.

Lower Usuthu Small-holder Irrigation Project in Swaziland

The Lower Usuthu Small-holder Irrigation Project (LUSIP) in Swaziland aims to irrigate up to 6,000 hectares of land in a first phase for use by small-holder farmers. In the absence of a new policy and legal framework, LUSIP has developed practical options for securing equitable access and tenure security within the existing policy and legal framework. Procedures have been developed by the project for land sharing between those whose land is being irrigated and those without access to irrigated land. Initially the project tried to do this across chieftaincies but this was found to be unworkable. The focus is now on local arrangements. Land rights by customary owners whose land is being irrigated are relinquished through the chief and allocated to water user groups, of which the previous owners are members. This process is being documented through an “enhanced” Chief’s Letter. Consideration is now being given to granting lease titles to these groups. This would better enable them to access credit but there are concerns regarding the administration of leases.

Conclusion

The experiences from the three countries provide useful lessons on securing smallholder farmers land and water rights for other countries who wish to extend their areas of irrigated land, especially in Africa. The projects mentioned focus on promoting smallholder agriculture and provide an alternative to large-scale acquisitions by outsiders as a basis for mobilizing investment in rural areas. Securing land rights of smallholders and providing for equitable access to others whose land is not being irrigated is essential, but this has challenges. So does ensuring that those affected by the development of irrigation infrastructure are adequately compensated and also benefit, as does extending project benefits to users of rain-fed land as part of broader watershed management processes. The various projects mentioned have tried to ensure that issues of land tenure security and equitable access for smallholder farmers are addressed prior to major investments in engineering works, but this has proved difficult to enforce.



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Land and Natural Resources Learning Initiative for East and Southern Africa

IFAD and UN-Habitat, through the Global Land Tool Network (GLTN), have entered into a partnership to implement the ‘Land and Natural Resources Learning Initiative for Eastern and Southern Africa (TSLI-ESA)’. The initiative aims to improve knowledge management strategies and approaches towards pro-poor and gender-sensitive land and natural resource tenure rights in selected East and Southern African countries.

TSLI-ESA focuses primarily, but not exclusively, on the following five themes:

- i. Using technically advanced geographic information technologies, such as aerial photography, remote sensing technology and Geographic Information Systems (GIS) for mapping land and natural resource rights, use and management.
- ii. Recognising and documenting small-scale farmers’ land and water rights in irrigation schemes.
- iii. Recognising and documenting group rights, focusing on range and grazing lands, forests and artisanal fishing areas.
- iv. Strengthening women’s access to land.
- v. Documenting best practices in securing land and natural resource rights through business partnerships between small-scale farmers and investors.