



COMITE SCIENTIFIQUE ET TECHNIQUE POUR L'EAU AGRICOLE (COSTEA)

TERMS OF REFERENCE

UNDERSTANDING IRRIGATED LAND TENURE DYNAMICS IN SOUTH EAST ASIA

CONTEXT: UNDERSTANDING LAND TENURE DYNAMICS IN RELATION TO IRRIGATION

1. **The rehabilitation and construction of irrigation systems raise specific land (tenure) issues** such as (1) the identification and displacement of the people affected by rehabilitation/construction works; (2) the modalities through which compensation rules for affected people are elaborated and implemented – most importantly the rules that determine access to and use of irrigated land; (3) the modalities and scale at which multiple land tenure arrangements are made secure and respected.
2. **In view of these issues listed, land (tenure) dynamics in an irrigation context have been identified as a key area for knowledge generation and exchange** by the Scientific and Technical Committee for Agricultural Water (COSTEA, <https://www.comite-costea.fr/>), a program funded by AFD and implemented by the AFEID (French Agency for Water, Irrigation and Drainage) with partners.
3. The COSTEA, in collaboration with the Land Tenure and Development Committee (CTFD, also funded by AFD) has conducted and/or planned activities that address the interconnected issues of land and irrigation in West and North Africa, and, in a comparative perspective, wishes to **explore the relevance to conduct similar studies in the context of continental South East Asia, especially the Greater Lower Mekong Region** (Cambodia, Laos, Myanmar, and Vietnam).
4. **Access to land is a hotly debated topic in the Greater Lower Mekong Region but remains mostly discussed in relation to deforestation and the development of concessions and/or special economic zones in upland and peri-urban areas.** Further, land tenure policies –and notably land titling reforms initiated from the 1980s onwards- in the Lower Greater Mekong Region have been intensively studied, notably in the context of the Mekong Region Land Governance (MRLG) project funded by the Swiss (SDC) and German (GIZ) cooperation and under CTFD. **However, how these reforms play out in relation to irrigation and the specific dynamics of access to and use of irrigated land are little documented despite the large scale irrigation investments the region witnesses.**

OBJECTIVE OF THE WORK

5. The study has a dual objective: (1) Elaborating an analytical framework that will allow for assessing the land issues at play in the framework of irrigation projects (rehabilitation/construction of infrastructures) and the ways different actors (governments, donor agencies) currently address these

(or not) – this will be done on the basis of a literature review of available documents and selected case studies (see below) and (2) identifying topics for further study and exchange in the context of the COSTEA.

6. While keeping in mind the general land issues at play in the region, **the idea is to highlight the specific questions that irrigation and irrigation projects raise**, in a context where land tenure is often more secured (and has been relatively stable for several decades) than in rainfed/forested areas that have attracted the most attention to date.

SCOPE OF THE WORK

7. *Context:* The study will provide an overview of the main issues and debates that relate to land and irrigation worldwide and describe the legal and judiciary frameworks for land and land reforms in the different countries of the Lower Greater Mekong Region (over 30 years). The specific objective here is to assess whether the regulatory frameworks have accounted for the specificity of irrigation and/or played out differently in irrigated areas than in rainfed and/or forested areas and why.
8. *Land tenure arrangements:* The study will provide an overview of the diversity of arrangements that govern land tenure in irrigated areas, notably investigating (1) at which level access and use rights are recognized and (2) the extent of large scale land acquisition and (formal or informal) land rental and how these play out in different irrigation contexts
9. *Irrigation Systems:* In a region where significant irrigation is based on partial (drainage) water control and takes place in areas that can be flooded part of the year (with, sometimes, different land tenure arrangements depending on the season), the study will endeavor to analyze how generic land and irrigation issues play out in different irrigation contexts (reservoirs and canals systems, run-off the river system, pumping systems, controlled drainage systems, etc.).
10. *Actors:* The study will identify the major donors that currently invest in the irrigation sector in the Greater Lower Mekong Region (World Bank, ADB, AFD, DFAT, JICA, KOICA, Chinese cooperation, etc.) and their respective safeguards policies as far as they relate to land. How these safeguards play out against the backdrop of national regulatory framework will be further investigated.
11. *Case studies:* The study will include two detailed case studies, one in Cambodia and the other in Myanmar where AFD has on-going irrigation projects. The case studies will draw specific attention to the following issues: the recognition of different tenure rights, practices of displacement/resettlement and related compensation, farmers' (land) contribution to irrigation development infrastructure, land re-allocation if relevant. One objective of the case study will be to assess the interplay between different institutional formal or informal arrangements for the allocation of irrigated land in the context of rehabilitation/construction programs. In Cambodia, these issues will be analyzed in the context of long standing AFD investments in irrigation schemes. The study will assess to which extent lessons learnt in the context of AFD (and other donors' projects) have fed national/regional policies and to which extent activities financed under these projects conform today to the existing legal and regulatory framework.

Methods

12. The study will cover the 4 countries of the Greater Lower Mekong Region identified above while detailed case studies will be conducted only in Cambodia and Myanmar. In his/her proposal, the consultant will detail how s/he will approach the theme developed in the current terms of reference and the time devoted to each country and why.
13. It is expected that the consultant will coordinate with MLRG, CTFD but also the AFD agencies and project officers of the relevant countries to gather available documentation on land tenure in the region.
14. At the end of the study, the Consultant will organize a regional workshop to discuss the main results of the analysis and to identify ways forward. .
15. The consultant will make use of the COSTEA network and of her/his own knowledge of the issue to identify the relevant literature and identify key resources person.

WORK SCHEDULE

16. The study will take place over a period of 12 months.
17. The study is structured according to the following milestones, from the start of work:
 - a. After two months, an inception report presenting a detailed analytical framework including (1) the literature used for the analysis, (2) planned key informants interview (if deemed relevant); (3) a proposition for structuring the case studies. This inception report will be discussed and validated by the Permanent Secretariat of the COSTEA and notably the COSTEA coordinator for South-East Asia and relevant AFD project officers and staff in AFD country-offices.
 - b. After 8 months, case study reports (leaving a period of 6 months for case study documentation and in-depth field work in selected irrigation schemes). Case study documentation can either be conducted by the consultant(s) or by national partners and/or Master students.
 - c. After 10 months, a draft report, drawing lessons from the case studies and presenting preliminary results and recommendations for future activities to be conducted as part of the COSTEA2 as well as a list of key resource persons. The report will lay the ground for a regional workshop to be organized (likely in Bangkok).
 - d. After 12 months, the organization of a regional workshop bringing about 20 participants knowledgeable about land and irrigation in the Greater Lower Mekong Region to discuss the draft report.
 - e. After 12 months, a final report. The report will be made available online on the COSTEA website.

EXPECTED OUTPUTS

18. Inception, case study reports, draft and final reports will be submitted in word format in English.
19. A short workshop report will be submitted in word format in English.

20. All relevant literature used to support the writing of the reports will be packaged and transmitted in a folder with each file indicating author, date and key words in their title.

SUPERVISION OF THE WORK

21. The contract will be managed by the AFEID for the COSTEA.
22. The permanent secretariat of the COSTEA, notably the COSTEA coordinator for South-East Asia and relevant AFD project officers and AFD country-offices staff, will work closely with the Consultant regarding the identification of the strategic orientations of the study and methodological development.
23. The permanent secretariat of the COSTEA will support the Consultant regarding the organization of the regional workshop. It will also facilitate contact with members of the COSTEA (AFD agencies in the Greater Lower Mekong Region, Non Governmental Organizations and ministries in the study countries if relevant)

REQUIRED EXPERIENCE

24. Individual consultants or teams (max 2 or 3 person) are eligible to apply
25. The applicant(s) should demonstrate a minimum of 10 to 15 years of professional experience in relation to land issues and natural resources management as well as the practices and policies of irrigation development in the Greater Lower Mekong Region. Disciplinary profile may vary (geographer, anthropologist, agronomist, socio-economist, law) but the applicants should demonstrate an ability to assess the multiple dimensions of land dynamics.
26. The team is expected to be multidisciplinary and composed of experts and researchers (specialized in social science). It is suggested to mobilize students (master/PhD) and/or partners in the case-study countries for extensive field studies.

EXPECTED BUDGET

27. Expert fee: to be defined based on time involvement
28. Field Work Cost: 15,000 Euros
29. Organization of the regional workshop: 20 person at 1,000 Euros/person=20,000 Euros (includes plane ticket, per diem, accommodation and the cost of the venue)