

# EVALUATION REPORT

Near-End of Phase II External Evaluation Mekong Regional Land  
Governance (MRLG) project



Final version, MARCH 2022

## Contents

EXECUTIVE SUMMARY.....	5
1. BACKGROUND AND INTRODUCTION.....	11
The External Near End of Phase Evaluation (EPE) .....	11
Background.....	11
2. DESCRIPTION OF THE MRLG II PROJECT .....	12
Justification for the MRLG II Project.....	12
MRLG's II Result Framework .....	12
MRLGs' II Modus Operandi and Theory of Change .....	13
3. FINDINGS PER EVALUATION INDICATOR.....	14
3.1 RELEVANCE .....	14
Direct beneficiaries.....	14
Intermediate Beneficiaries .....	15
3.2 COHERENCE .....	15
Internal Coherence.....	16
External Coherence .....	17
3.3 EFFECTIVENESS.....	18
Partner choice & Alliance composition .....	18
Consolidating.....	19
Policy influencing through advocacy & collaboration.....	20
Financing modalities.....	22
Thematical choices & Workstreams.....	23
Regional scope.....	23
Pilots .....	24
Activities under direct PIU Management .....	25
PIU .....	25
3.4 EFFICIENCY.....	25
3.5 IMPACT .....	27
The Rubric Scale on responsible land and forest governance.....	30
3.6 SUSTAINABILITY .....	30
4. CONCLUSIONS .....	32
5. LESSONS LEARNED & RECOMMENDATIONS .....	33
APPENDIX 1: TERMS OF REFERENCE .....	36
1. Introduction.....	39
2. Background information and context of the evaluation.....	39

3.	Objective, scope and focus of the evaluation .....	42
3.1.	Evaluation object.....	42
3.2.	Purpose and objectives .....	42
3.3.	Scope .....	42
3.4.	Indicative evaluation and formulation questions / key focus area.....	42
4.	Evaluation process and methods .....	45
4.1.	Evaluation methodology .....	45
4.2.	Roles and responsibilities of the evaluator(s) .....	46
4.3.	Evaluation process and timeframe.....	46
5.	Deliverables .....	47
6.	Reference Documents .....	48
7.	Competency profile of the evaluator(s) .....	49
8.	Reporting .....	50
9.	Contracting .....	50
10.	Annex.....	50
	APPENDIX 2: OECD-DAC ASSESSMENT GRID EVALUATION.....	51
	APPENDIX 3: LIST STAKEHOLDERS INTERVIEWED .....	56
	APPENDIX 4: EVALUATION METHODOLOGY & PROCESS .....	59
	APPENDIX 5: QUANTITATIVE ASSESSMENT ACHIEVEMENTS AS PER RESULT FRAMEWORK .....	62
	APPENDIX 6: DOCUMENTS CONSULTED .....	65
	APPENDIX 7: BENEFICIARIES PER WORKSTREAM.....	66
	APPENDIX 8; ASSESSMENT AND RECOMMENDATIONS PER WORKSTREAM.....	68

## Terms and Abbreviations

AFA	Asian Farmers Alliance
AI	Appreciative Inquiry
ASEAN	The Association of Southeast Asian Nations
B2B	Business to Business
BMZ	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung
CCNRM	Climate Change and Natural Resource Management
CDE	Centre for Development and Environment
CEC	Party's Central Economics Committee (CEC) Vietnam.
CLIPAD	Climate Protection through Avoided Deforestation (project)
CLMV	Cambodia, Laos, Myanmar, Viet Nam
CS	Civil Society
CSO	Civil Society Organisation
CT	Customary Tenure
CTR	Customary Tenure Rights
DAPB	Detailed Activity and Budget Proposal
DAC	Development Assistance Committee
DP	Development Partner
ELG	Evaluation Lead Group
ELTeS	Enhanced Land Tenure Security (project)
EPE	End of Phase Evaluation
EPEPF	End of Phase Evaluation and Project Formulation
FLEGT	Forest Law, enforcement governance and trade.
FGD	Focal Group Discussion
FPIC	Free Prior Informed Consent
GDP	Gross Domestic Product
GESI	Gender and Social Inclusion
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GRET	Professionals for Fair Development
IF	Innovation Fund
ILC	International Land Coalition
KfW	Kreditanstalt für Wiederaufbau (German Banking Group)
KM	Knowledge Management
K4D	Knowledge for Development (SDC financed project in Laos)
L&A	Learning and Alliance
LEI	Land Equity International
LNOB	Leave No One Behind
MAF	Ministry of Agriculture and Forestry
MoNRE	Ministry of Natural Resources and Environment
MRCP	Mekong Regional Cooperation Programme (SDC)
M&E	Monitoring and Evaluation
MRLG	Mekong Region Land Governance
MTR	Mid-term Review
NGO	Non-Government Organisation
OECD	The Organisation for Economic Co-operation and Development
PIU	Project Implementation Unit
P&P	Policy and Practice
PSC	Project Steering Committee
QDF	Quick Disbursement Fund
RA	Reform Actor
RAC	Regional Advisory Committee
RAI	Responsible Agriculture Investment
SDC	Swiss Agency for Development and Cooperation

SOP	Standard Operations Procedures
TLI	Transformative Land Investment
SWOT	Strength-Weakness-Opportunity-Threat analysis
TWP	Thinking and Working Politically (approach)
TOC	Theory of Change
TOR	Terms of Reference
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure
WB	World Bank
WS	Workstream

## EXECUTIVE SUMMARY

The “Mekong Region Land Governance” (MRLG) project aims to improve the land tenure security of female and male smallholder farmers (with a focus on ethnic minorities and indigenous peoples) in the Mekong Region through contributing to the development and implementation of appropriate land policies (policy and legal framework) and practices.

The MRLG project is in essence a technical assistance oriented and policy level project in which field level interventions function to build evidence base and proof of concept around selected policy options. MRLG’s most eminent operational feature is that rather than being an implementing agency itself, it has adopted the approach of implementation through alliances of stakeholders, grouped around selected policy issues and enabling one consolidated voice. These alliances follow regional or national-level work streams facilitating improvements towards policy and practices across two thematic areas - Customary Tenure (CT) and “Responsible Agricultural Investment” (RAI).

The MRLG has evolved as an acknowledged and trusted entity in the land governance arena in the Mekong region, known for its subject-matter expertise, professionalism and convening and linking capacity. In assessing MRLG’s effectiveness, the mission has looked into the most important roles the MRLG plays to achieve its goals: binding of stakeholders into alliances, bonding those alliances around a common agenda and workplan and linking the consolidated alliances to policy makers in an effort to influence policies and practices.

The End of Phase Evaluation (EPE) of the MRLG was conducted by a team of external consultants from the 11<sup>th</sup> of January to the 28<sup>th</sup> of February 2022. The evaluation indicators of OECD-DAC evaluation framework have been leading in the assessments and in documenting the findings. The evaluation is done 8 months before the end of the project. Given the long leadup time in preparation of the project phase, these months are crucial, given that some impact-relevant outcomes are in process and still have a reasonable expectation of success (see table 6 in main report). Particularly, the impact indicator would probably be judged higher (satisfactory) in case pipe-line policy trajectories indeed deliver before the end of MRLG II.

**Relevance:** The MRLG project is considered relevant particularly for governments and/or development partners (DPs) that engage in policy development or policy influencing in the area of land governance and (customary) tenure. The relevance for direct beneficiaries, being (ethnic) smallholder women and men, is, although equally high, less direct, as (legislative confirmation of) secured tenure is only one of the many conditions that need to be addressed to enhance their livelihoods. Relevance for direct and intermediate beneficiaries will in the future only increase further due to increased pressure & competing claims on land and Natural Resources. **Relevance Score:** 1 (highly satisfactory).

**Coherence:** Striving for coherence is embedded in the MRLG design and approach. The MRLG is designed as a convening and consolidating entity that in essence is not an implementing party in itself but does look for common ground, synergies and complementarities amongst existing initiatives with the aim to foster and convene joint action in promoting equitable access to and control over agricultural land and forest in the Mekong region. However, MRLG’s dominance has also been alienating alliance partners. **Coherence Score:** 2 (satisfactory)

**Effectiveness:** Effectiveness of the MRLG project is largely determined by how well MRLG plays its institutional role as convening and consolidating party in the sphere of policy influencing regarding smallholder tenure rights. In this sense, the MRLG has established itself as a respected and influential party that is able to consolidate stakeholders and their agendas around customary tenure rights and is delivering quality Knowledge Management services to a broad spectrum of stakeholders. Moreover, the MRLG II project was, despite delays in the first two years and further implementation restrictions due to the Covid pandemic, able to meet the majority of its quantitative output and outcome targets. In order to capitalise on quantitative achievements at output and outcome levels for reaching impact, outputs and outcomes have to improve quality-wise and be better integrated and linked. **Effectiveness score:** 2 (satisfactory).

**Efficiency:** The MRLG project is a highly complex project, working at sub-national, national and regional level in a very sensitive area. On the positive side, the potential results in terms of number of beneficiaries and the

impact on their livelihood is enormous. The character and complexity of the MRLG justifies relatively high personnel and operational costs, yet in some aspects efficiency can be improved as currently almost 74% of total the disbursement is dedicated to operational and personnel costs. The lengthy preparatory process of the workstream alliances and the Covid restrictions being the main causes. In order to improve on efficiency, MRLG has to focus on investments that benefit large numbers of vulnerable smallholder women and men and can be realistically result in policy changes within a foreseeable time-frame. **Efficiency score:** 2 (satisfactory)

**Impact:** Facilitating policy level changes is a lengthy and unpredictable process. Policy change is then again only a (necessary) first step in the implementation of, and compliance with, those policies. The foreseen impact of the MRLG in terms of securing tenure rights for millions of smallholder men and women in “Cambodia, Lao PDR, Myanmar and Viet Nam” CLMV, will only materialise when developed “Policy & Practice” (P&P) improvements are applied, rolled out and implemented at scale. By the time of the evaluation (February 2022) this is happening for only one (the Lao Customary Tenure (CT) workstream) of the 10 workstreams with an estimate of 1.5 million policy beneficiaries. Taking into account the likelihood and feasibility of targeted P&Ps to be scaled, should much more determine the strategic choices and selection of policy options to be piloted and advocated for. The rubrics scales, which are used to measure the institutional and legal framework in the CLMV countries, indicate a paradigm shift towards recognition of smallholder tenure rights, including customary tenure, and providing more space for smallholder-based development options. In some instances (Laos, Vietnam and Myanmar before the coup), MRLG and its alliances have tangibly played an important role in the increased openness and changed narrative of governments. Yet, clear causal linkages are, because of the nature of legislative processes and their complex externalities, difficult to capture and report upon. **Impact score:** 2 – 3 (satisfactory to not satisfactory).

**Sustainability:** MRLG accelerates and steers land governance related policy-making processes towards “Customary Tenure” (CT) recognition. The policy processes will continue also without MRLG as MRLG was never owning or fully dominating or financing those processes. The final results of the processes are legislative frameworks or guidelines, conducive to or safeguarding CT recognition for smallholder men and women in CLMV. Such legislation and guiding frameworks will remain valid and leading beyond MRLG’s existence. Particularly, formal legislative frameworks developed with support of MRLG will be long-lived (with a typical time-span of 10 years). On the short term, due follow up on legislative changes through safeguarding policy gains by defining conducive sub-legislation and implementation guidelines as well as due compliance, is essential to continue to capitalise on, and sustain, achievements in legislative sense. The most important, yet less visible or tangible result, is the (early signs of) paradigm shift amongst governments in accepting smallholder agriculture as part of the development model. This mind-shift will sustain and hopefully allow for further scaling of CT and RAI models. **Sustainability score:** 2 (satisfactory)

Looking at the indicator scores, the MRLG project provides an un-balanced picture; while the scores of almost all indicators are highly satisfactory or satisfactory, the final impact score is lagging behind. The quantitative assessment of the Logical Framework (provided in appendix 5) shows a similar picture: while Outcome areas show for an almost 100% (or over) achievement, the achievement rate of the Intermediate Goal is only 25%. The mission believes that the current in-balance shown has a few reasons:

- The formation and consolidation of stakeholder alliances per workstream took much more time than anticipated, resulting in substantial delays in the actual implementation of strategic activity plans. With a one to maximum two years of implementation time per workstream it is relatively early to judge MRLG on its impact.
- Policy influencing is a very unpredictable process and success (thus impact) cannot be planned logically in rigid cause-effect relations or in defined timeframes (as per logical frame).
- The Military Coup in Myanmar forced MRLG to cease promising policy development trajectories.
- The different roles the MRLG plays did not receive equal attention, with much effort spent on alliance forming and joint visioning and planning, while the mission feels that more consideration should have been given to the actual policy advocacy work.

Reflecting on realized results per SDC result levels, the following can be concluded:

**Policy level;** i) Concrete stipulations in the Lao Land and Forest Laws allow for land titling / land use arrangements for smallholder women and men including collective tenure in forest lands ii) Recommendations shared about the Draft Environment and Natural Resources Code of Cambodia including a chapter on Collaborative Management. iii) Recommendations shared to consider community rights including customary tenure in the Forestry Law and Draft Forest Rules in Myanmar. iv) development of a policy framework to support the implementation of the Forestry Law and a handbook on Guidelines on Community Forest Management in Vietnam and policy advice to the Vietnam Party's Central Economics Committee (CEC) on forest allocation to communities. v) ASEAN Working Group on Social Forestry formally agreed to develop Guideline for the Recognition of Customary Tenure in Forest Landscapes.

**Institutional and Organisational levels;** i) Enhanced collaboration between the "Ministry of Agriculture and Forestry" (MAF) and the Ministry of Natural Resources and Environment (MoNRE) in Laos, ii) Effective linkages between policy makers in CLMV and other stakeholders including Civil Society (CS). iii) Nine operational alliances, combining forces in advocating for Customary Tenure (CT) / Responsible Agriculture Investment (RAI) in CLMV, iv) Increased awareness, knowledge and skillsets around CT and RAI with stakeholders, v) Move towards evidence-based decision and policy making with key decision makers in CLMV and mind-shift towards accepting smallholder as relevant economic and development force.

**Beneficiary (smallholder) level:** i) Legal backing for 1.5 million largely ethnic people in Laos living in forest lands to assure their tenure rights, ii) 16,700 people benefitted from awareness raising about their tenure rights and/or had their tenure secured in pilot sites in CLMV.

## RECOMMENDATIONS.

Based on the findings of the evaluation of MRLG Phase II, the mission has formulated the following recommendations for MRLG III. We propose that the recommendations that are endorsed by the PSC, will be put into process already during the balancing period of MRLG II, to allow for a smooth start of MRLG III.

### Result Framework

- The MRLG II Logical Framework (LF) shows some inconsistencies in terms of causal attribution between result levels and in terms of defining tangible yet realistic (and fair) indicators for result areas. This has hampered objective monitoring of progress. In addition, the focus on formal endorsement, being the most unpredictable part of policy influencing, has put the success of MRLG II vis-a-vis its objectives at risk.

PROPOSAL MRLG III: Revise the LF indicators at inter-mediate objective level formulating indicators and related targets that better capture and at the same time give sufficient credit to the less-tangible achievements and results that characterize policy advocacy work.

- In order to capitalise on conducive policy changes in terms of customary tenure, additional or complementary investments are necessary. Indicators should capture progress in the entire process from Policy formulation and approval, to formulation of sub-legislation, implementation and compliance.

PROPOSAL MRLG III: Broaden the scope thus result framework of MRLG III by adding result areas and related indicators that interpret, monitor and measure progress in the development of sub-legislation and the scaling and quality of policy implementation.

### Approach

- The land governance sector is a complex, highly politicized sector requiring substantial investments in time and resources to pursue changes, particularly if land tenure security is addressed. Regarding the complexity and required resources, operating in isolation is not effective and the chosen approach of the MRLG striving for impact through enhanced coordination, alignment and pursuing (and financing) joint agendas of like-minded stakeholders, is regarded good practice and the way forward.

PROPOSAL MRLG III: Retain the Alliance approach as main implementation modality.

- The Talking and Working Politically (TWP) approach, applied in MRLG II has proven to allow for identifying and capturing evolving opportunities and characterizes MRLG's agile working mode.

PROPOSAL MRLG III: Retain and further strengthen / deepen the TWP approach.



- The core of the TOC and result logic of the MRLG project is that policy options (P&P) are developed and tested with reasonable likelihood that they will be applied and rolled out for the future benefit of a large number of the target beneficiaries (millions). In order to turn MRLG's policy beneficiaries into direct beneficiaries that have indeed secured tenure and/or access over customary land, policies have to be implemented.

PROPOSAL MRLG III: Align future investments with most promising scaling scenarios. Only P&P options that combine a high likelihood to be adopted plus benefitting large numbers of target beneficiaries (ethnic female and male smallholders) through implementation or application at scale, should be pursued.

- The actual engagement with policy makers around targeted policy changes is so far the least effective and successful result area of MRLG. Effective policy advocacy requires a careful, well thought-through and planned process. Well- developed advocacy strategies are essential to engage in effective policy advocacy.

PROPOSAL MRLG III: Re-evaluate the collective expertise of MRLG (PIU and Alliance members) and identify key strengths (individuals and institutions) in this area and ensure that these are sufficiently capacitated and their strengths strategically leveraged for maximum impact. Expanding in-house and alliance-based training and co-designing in policy advocacy and influencing specific to workstream agendas consistent with the TWP approach of the project.

### Thematical and geographical focus

- The two thematical areas i) Customary Tenure (CT) recognition and ii) Responsible Agricultural Investment (RAI), are well chosen in relation to the overall MRLG goal. The further channelling to customary rights and the focus on ethnic households and tenure of forest lands, provides the MRLG a niche and enhances its relevance. However, both workstreams are not having the same potential or equal relevance in all 4 target countries or regionally. Within RAI, working areas like the development of contract-farming legislation, providing legal frameworks for Business-to-Business (B2B) arrangement, are considered to have limited influence on land governance and MRLG's engagement should be reconsidered.

PROPOSAL MRLG III: Let go on the segregation between both RAI and CT thematical areas and workstreams and the two workstreams per country / regionally approach. Consider a more integrated thematical approach instead. Reduce the number of workstreams and re-enforce focus on land governance related themes. Focus RAI workstreams on regulating (concession type) foreign investments in land.

- The mission believes that it is justified and feasible to continue engagement (supported by SDC and Luxembourg) with civil society in Myanmar, at least at minimum levels that allow selected civil society partners to participate in learning and exchange events and further enhance their capacities related land governance in general and policy advocacy on improving land governance in particular. Regarding the future MRLG engagement in Cambodia, the mission recommends the back-donors to consider more direct engagement with the government at national and sub-national level in cases showing opportunities for conducive policy development, without losing out or passing by, the current civil society partners.

PROPOSAL MRLG III: Retain MRLG engagement in Myanmar and assess/consider options for broadening engagement in Cambodia including with government partners in cases found appropriate and promising in terms of anticipated policy changes.

- MRLG reports a successful roll-out of the MRLG Gender Strategy, trainings and the development of national Gender Action Plans; the external evaluation agrees with this finding, even though we need to keep in mind that implementation success varied significantly between the four countries, which might be an element of a-synchronicity for a Phase III Gender Strategy.

PROPOSAL MRLG III: The implementation of GESI strategies developed by stakeholders under MRLG II should at least be financially covered and put in practice during MRLG III.

### Supporting services and knowledge management

- While it is acknowledged that a certain amount of targeted academic research is needed to provide for a solid evidence base, it is recommended that the MRLG will focus more on KM products that are tailored to support the policy advocacy trajectory. In addition to the traditional policy briefs, reports etc. the MRLG could make use of a broader spectrum of KM products by using more multi-media tools like videos, social media etc. in its policy advocacy efforts.

PROPOSAL MRLG III: Reduce academic level research and mandate research only if the research questions directly address issues as felt by policy makers (rather than peer academics). Focus on KM products directly geared towards decision makers. Apply existing evidence-base if available and apply complementary multiple media tools to convey messages.

- Many stakeholders express their appreciation for the provision of “safe space” to engage, exchange and learn. MRLG is as a neutral and trusted partner uniquely positioned to convene such safe exchanges.

PROPOSAL MRLG III: Providing “safe Space” for dialogue and exchange as well as the organisation of the Mekong Land Forum should be retained / continued.

- The logic of making successful pilots to feed to policy advocacy is not really feasible within a relatively short timeframe available for the project. At the time of this evaluation, most of the pilots have just put in good shape and links to policy advocacy were found to be not always effective. With such time constraint, it would be more appropriate to document existing practices in case available.

PROPOSAL MRLG III: Finalise and document experience gained through ongoing pilots. Only start new pilots if required evidence base is not yet available and results can timely feed into the policy advocacy project (within the time frame of MRLG III)

### Alliance forming and roles

- An alliance structure that has overlap between regional and national alliance partners or allies would be an additional asset as to guarantee smooth regional-national linkages and coordination. MRLG could make better use of the fact that quite some alliance members (AFA, NTFP-EP, AIPP, Grow Asia) are regional alliances or membership organisations themselves or have regional as well as national presence (RECOFTC, Oxfam).

PROPOSAL MRLG III: Assess Alliances and task division within Alliances. Make use of existing regional-national linkages of Alliance partners. In dividing roles and functions respect core business expertise of stakeholders.

- Efficiency of the project was, at times, undermined by cumbersome and multi-layer coordination. Also, the multi-layered outsourcing of research or contractual arrangements for field level interventions added to the coordination costs.

PROPOSAL MRLG III: Cut back on multi-layered out-sourcing. Assign ground-level interventions (research, pilots) directly to national level stakeholders preferably within the framework of existing projects or programmes

The MRLG II evaluation also revealed certain levels of dissatisfaction amongst some partners regarding the coordinating and financing role of the MRLG. Dissatisfaction centres around the dominant role of the MRLG in claiming (joint) achievements, allocating grants, agenda setting and gate-keeping contacts.

PROPOSAL MRLG III: In order to foster sustainability of the collective partnership (alliance) approach, MRLG III has to apply considerate and proportional financing of Alliances and partners and to allow alliances and partners certain autonomy, also in engaging with donors and governments.

### Partnerships and synergies

- The biggest issue for most western donor-funded projects dealing with development issues, is how to engage with Asian business interests that have such a large impact on the region. Asian enterprises are the dominant players and increasingly shaping the landscape including the land governance landscape. The MRLG alliances are by missing out on private sector partners thus private sector-based solutions.

PROPOSAL MRLG III: Intensify engagement with private sector entities with a particular outlook on the Chinese private sector as dominant player in the Mekong region. Align with the newly launched Transformative Land Investment (TLI) project that is amongst others implemented by LEI and RECOFTC to develop engagement modalities with the private sector.

- The fact that the most vulnerable are also the ones most affected by land-bond FDI investments, facing expropriation and resettlement, countervailing forces are needed. Within MRLG there has been little attention to the power imbalance and no attempts to level the playing field by empowering CS and/or citizens. Building expertise on land tenure within local CS, to be able to play a meaningful role in policy dialogues but also as respected partner to governments, should be regarded as an objective in itself. Actively promoting membership of (sub-) national stakeholders to the International Land Coalition (ILC), would strengthen a collective advocacy force in the region and in a way sustain MRLG's achievements.

PROPOSAL MRLG III: Engage in capacity building (coaching, mentoring, training, joint-implementation) with interested local CS organisations on land governance issues. Establishing a grant facility for civil society-local government partnerships in P&P implementation/piloting at the ground should be considered. Promote future International Land Coalition membership and assess possibilities for establishing National Land Coalitions in Laos and Vietnam.

- In order to effectively benefit from the conducive policy changes on land tenure, beneficiaries require access to additional support services like financial services or technical support services. MRLG would benefit from engaging / partnering with more implementation related programmes providing financial services or chain development or access to markets projects.

PROPOSAL MRLG III: Create linkages and foster actual collaboration with more holistic rural development initiatives, preferably financed through MRLG's back-donors.

- There still exists a gap in causal attribution between the Overall Goal (secured tenure) and the Intermediate Outcomes. This gap can only be bridged by stronger linkages with implementing partners that are able to put conducive legislation into practice on the ground.

PROPOSAL MRLG III: Lobby for integration and inclusion of CT recognition and RAI in the programming of back-donors and other land governance related initiatives including forest carbon conservation programmes. Establish working relations with the main global carbon sequestration initiatives like reduced emissions from deforestation and forest degradation in developing countries (REDD+).

## 1. BACKGROUND AND INTRODUCTION

### The External Near End of Phase Evaluation (EPE)

The EPE was mandated by SDC to a team of external consultants and conducted from the 11th of January to the 28th of February 2022. The objective of the EPE is to evaluate MRLG II results and achievements, based on the project's relevance, coherence, effectiveness, efficiency, sustainability and impact according to OECD/DAC criteria and draw the main lessons learned. The findings, lessons learned and recommendations of the MRLG EPE will feed into the development of a Concept Note guiding the formulation of the next (and last) phase of the MRLG. Appendix 4 provides a more detailed description of the evaluation methodology applied. The detailed ToR for the EPE is provided in Appendix 1.

### Background

Land governance continues to be at the centre of development challenges in Cambodia, Laos, Myanmar and Vietnam (CLMV). While there are certainly political and cultural differences between the CLMV countries regarding land tenure, the core developments and trends show great regional similarities. Since over two decades governments in the region have been promoting large-scale agriculture and granted economic land concessions over formerly family-farmed land to corporate investors for activities which often requires that more land be excluded from its former use. These policies are derived from the priority given to economic growth and largely ignore the economic and production potential of smallholders as contributors to development. This has led to a sharp increase of competing claims over natural resources, particularly land, in the CLMV region. Due to the uneven power balance and a lack of an operational rule-of-law context, smallholders are hardly able to defend their interests in cases of competing claims. The roles of women and men smallholders are further challenged by market-led shifts in the agricultural sector, and changes in land use and land ownership have significant implications on gender relations – some beneficial, some detrimental. Besides having led to a reduction in land area available for family agriculture, concessions have played a major role in deforestation and thus reduced access to forests by communities that used to contribute to family farmers' food security.

However, in recent years, there is a growing recognition by the states that large-scale concession policy has had negative consequences for the poorest and has created many conflicts, in some cases leading to political crisis, and has not brought the expected results in terms of agricultural production and GDP growth. Increasingly, there is a shift from regarding smallholders merely as a problem, to the perception that smallholder agriculture could, perhaps, be part of the solution.

This paradigm, conceiving smallholders as a stand-in-the-way or threat, particularly if it comes to management of natural resources, is still dominant among governments and its agencies, however. The perception that government has to protect natural resources against citizens and that governments are the dedicated guardians of natural resources is still strong and leads to thinking in restrictions and responsibilities for citizens when it comes to management of natural resources. Creating room for bringing in ownership, rights and benefits (besides responsibilities) for citizens into the legislative picture requires a change in the dominant paradigm and often threatens vested interests.

The fact that pro-smallholder changes in the legislative frameworks around tenure require such paradigm shift and at the same time threaten vested interest, makes it politically sensitive, delicate and lengthy processes. The new Land Law in Laos that was promulgated in August 2020 and replaced the Land Law of 2003 took a four-years drafting process and was preceded by a process to develop a National Land Policy (NLP) that took almost a decade while the revision of the Land Law in Vietnam has been a continuous a process since 2013.

The fact that most of the major Land governance related programmes and projects currently in operation are actually follow-up projects (GIZ/BMZ, WB etc.), trying to capitalize earlier investments of predecessor projects, is characteristic and typical for working in the land governance sector. For Development Partners (DP) to enter this playing field requires courage and patience and the acceptance that change will be largely unpredictable and incremental.

## 2. DESCRIPTION OF THE MRLG II PROJECT

### Justification for the MRLG II Project

The Mekong Region Land Governance project (MRLG) was formulated to respond to the described challenges (and opportunities) and the first phase was launched in 2014.

The MRLG is a project of the Government of Switzerland, through the Swiss Agency for Development and Cooperation (SDC), with co-financing from the German Federal Ministry for Economic Cooperation and Development (BMZ) and the Government of Luxembourg. The MRLG project is implemented by Land Equity International (LEI) in partnership with GRET Professionals for Fair Development (GRET) and supported by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

The MRLG project aims to improve the land tenure security of smallholder women and men farmers (with a focus on ethnic minorities and indigenous peoples) in the Mekong Region through contributing to the development and implementation of appropriate land policies (policy and legal framework) and practices. This aims to help farmers have secure access to agricultural and forest lands, make sound decisions on land use and management and eventually build improved livelihoods. This therefore responds to national priorities in terms of reducing poverty, supporting smallholder farmers and increasing economic development. MRLG operates in Cambodia, Laos, Myanmar and Viet Nam (CLMV) and has a regional presence in Laos. MRLG started with Phase 1 that ran from April 2014 to 2018. The current Phase II runs from 2018 to September 2022. The total budget for Phase II is USD 13,675,000.

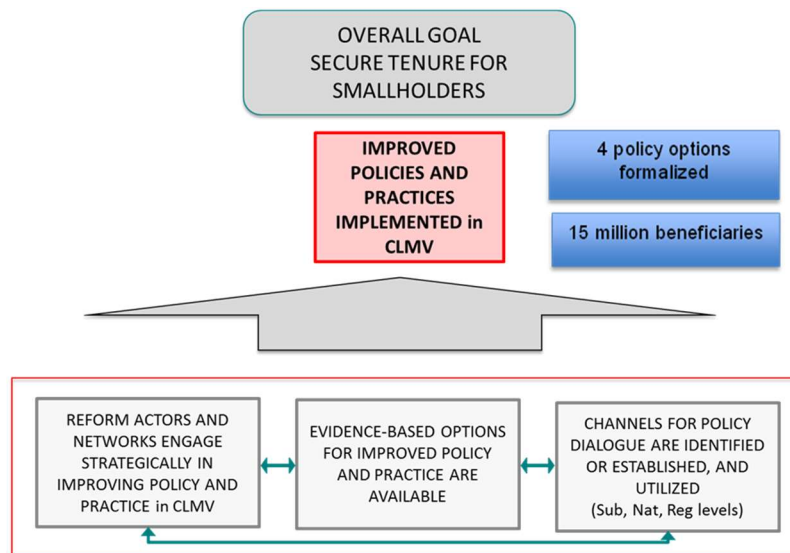
While having an overall focus on land tenure security for small holder farmers, Phase II focuses specifically on two inter-linked thematic areas relating to Customary Tenure recognition (CT) and Responsible Agricultural Investment (RAI). Land tenure and customary land tenure systems and arrangements are notoriously complex and have evolved from the interplay between the different systems and practices of different peoples and more modern land parcel-based systems in different geographical locations over historical time. The current situation is different across and within different countries and is heavily influenced by the socio-political context.

MRLG Phase II builds strongly on the experiences and successes of Phase I, but uses a much more focused, strategic approach based on an Alliance of partners developing and implementing a Workstream according to a coherent Theory of Change (TOC).

The Gender Strategy for Phase II was developed in Year 2 with the aim to provide a roadmap towards more equitable practices within the workstreams, create in-depth knowledge through thematic research, and to enhance the capacities of the “Project Implementation Unit” (PIU) and Alliance members to identify issues and opportunities regarding equitable land governance. The strategy was implemented successfully in Vietnam and Cambodia and did well in these two countries in tackling the capacity and knowledge gaps which had previously been identified to have been bottlenecks for promoting GESI aspects in Phase 1 and the beginning of Phase 2.

### MRLG’s II Result Framework

The ‘hierarchy of objectives’ defined for MRLG II recognises that secure tenure for family farmers in CLMV remains the overall goal to which MRLG Phase II will contribute. The project cannot directly be held accountable for achievement of this goal, however, as many factors outside the control of the project (externalities) affect the final goal. What MRLG should be held accountable for is the achievement of the objective of improved policies and practices (P&P) implemented, as a combined result of the 3 defined Outcome areas. The evaluation therefore did focus on assessing the causal attribution in terms of actual improvements and practices attributing to secure tenure for smallholders in CLMV.



In this sense, the evaluation exercise assessed the tangible evidence of adopted policy and practice changes in the field of (customary) tenure rights that have the potential to benefit smallholder farmers, particularly women, ethnic minorities and other vulnerable groups in CLMV. It particularly looked into causal attributions of MRLG to the formalisation and scaling of improved P&Ps contributing to set targets of 4 policy options (P&Ps) formalised resulting in 15 million beneficiaries.

**Figure 1: Results Framework MRLG.**

## MRLGs' II Modus Operandi and Theory of Change

MRLG not only operates in 4 countries. At the same time, it employs a combination of regional-level, national-level and sub-national-level approaches that allow land governance issues to be addressed at different levels.

MRLG Phase I used a flexible and experimental strategic approach to stimulate and support a wide range of innovative initiatives with different stakeholders based on quick disbursement funding and range of supporting activities. This was a flexible and agile programme that generated some useful successes, knowledge and networks yet lacked focus and was heavy on administration, with around 50 sub-project contracts.

The strategic approach for Phase II was quite different and designed to be much more focused and consistent. MRLG II uses a strongly systematic and participatory multi-step process to build the multi-stakeholder Alliances of Reform Actors (RA) and help them develop coherent Workstreams per country and regionally around two selected themes: i) Tenure Security Recognition (TC) and ii) Responsible Agricultural Investments (RAI). Developing the thematical workstreams per country / regionally was done using a theory of change (TOC) methodology as a key tool to help build understanding, coherence and consensus per Workstream Alliance. The main steps involved the development of Political Economy and Stakeholder Analysis (PESA) studies, the elaboration of a TOC (TOC), an overall Strategic Work Programme (SWP) document, Detailed Activity and Budget Plan (DABP) documents, and contracting, with review and approval at key stages.

MRLG's TOC makes the assumption that reform actors have the willingness and capacity to influence policy and practice and finally policy changes. It is important to notice that the results framework as well as the TOC acknowledge that the MRLG project does not have a direct influence on the highest result level (overall goal). Yet, in its strategic choices, MRLG can enhance the likelihood that targeted P&Ps are actually accepted and scaled and thus will contribute to MRLGs overall goal.

Regarding GESI, the experiences from Phase 1 had indicated that most reform actors lacked both capacity and a sense of urgency, particularly in addressing gender inequality in land governance issues. Those reform actors with increased willingness in that matter were found to be scattered and mainly from the CSO sector. With the (belated) design of a gender strategy, Phase 2 addressed these challenges in i) supporting the development of a network of GESI leaders on regional and national level, ii) focussing on thematic capacity development of the Alliance members, and iii) deepening the regional and national knowledge base on GESI and land issues through research efforts.

### 3. FINDINGS PER EVALUATION INDICATOR

In this chapter the missions' finding per indicator of the OECD-DAC evaluation matrix are provided. A summary of major findings and justification for the scoring per indicator is provided in Appendix 8.

#### 3.1 RELEVANCE

The MRLG project is considered relevant particularly for intermediate beneficiaries that engage in policy development or policy influencing in the area of land governance and (customary) tenure. The relevance for (ethnic) smallholder women and men as direct beneficiaries is, although present and relevant, less direct, as (legislative confirmation of) secured tenure is only one of the many conditions that need to be addressed to enhance their livelihoods. Relevance to smallholders will in the future only increase due to increased pressure & competing claims on land and Natural Resources.

**Relevance Score: 1 (highly satisfactory)**

The aspect of relevance is focusing on the question of institutionalization, more than the relevance for the direct beneficiaries. This does not exclude an analysis of the relevance for smallholder men and women as direct beneficiaries – which can be viewed rather as a precondition for developing the systems in the first place.

##### Direct beneficiaries

Access to land and secured tenure are without doubt themes that are relevant to MRLGs direct beneficiaries being (ethnic) smallholder women and men farmers in CLMV. Access to land is a prerequisite for rural people's livelihood, determining access to food and economic means. Moreover, secured land tenure provides protection against appropriation. The strategic choice of the MRLG project to include a focus on the securing of customary tenure in forest areas adds to the complexity of the project, yet enhances the relevance for the specific MRLG target group being ethnic smallholder men and women, tending to depend on forest (-land) more often. Additionally, the causal link from securing tenure to improving livelihoods is likely to be stronger for those (ethnic) households making a living in forest areas.

The two thematical areas, CT recognition and RAI seem well chosen in terms of complementarity and relevance. A recent CDE study of the "Centre for Development and Environment" (CDE) from August 2021 on commercial investments in land in Laos concluded in this sense that pathways towards mitigating negative impacts of commercial investments in land and enhancing local communities' wellbeing include most importantly the protection of land rights but also the integration of consent seeking (FPIC), impact assessment, and due monitoring.

At the same time, there is a substantial difference in relevance between countries and within countries, depending largely on the level of land shortage or competition over land. In this sense, tenure rights are in Vietnam with its high population density a more pressing subject and higher on the agenda than in Laos, where farmers residing in accessible areas will feel a higher priority and at the same time more possibilities, to arrange for land tenure than farmers living in remote mountainous communities (for now, this might change rapidly however).

Overall, the importance of (secured) access to land cannot be disputed; the sharply increasing number of land disputes, or the overwhelming percentage of land-related complaints received through citizen feed-back arrangements like hot-lines underline that secured tenure has high priority for beneficiaries.

It has to be taken into account however, that the MRLG project by itself will, except for households covered in the pilot sites, not directly establish secure and formalised tenure rights at beneficiary level. MRLG will work towards the formulation and endorsement of conducive policies for CT recognition but not directly support the implementation of such policies and/or compliance with developed policy frameworks at scale. Follow up interventions, taking up and scaling the implementation of, and compliance with, developed policy and legislative frameworks, are required to arrive at concrete relevance of MRLG interventions for direct beneficiaries. Without such follow-up investments, the relevance of developed policy frameworks for direct beneficiaries is limited.

The notoriously weak law enforcement, particularly when it comes to legislation regulating business operations and environmental laws, and the tendency of lower-level governments to over-rule or rather ignore national level policies, further diminishes the relevance of “only” having legal frameworks in place without secured implementation and/or due compliance. Putting in place policy monitoring arrangements and grievance procedures is key to compliance. MRLG has been addressing this through developing sub-legislations and guidelines, plus testing processes in real-life to inform policy making and the development of tools and processes that are not based on legal framework only (CT documentation, mediation, etc).

The same counts for improvements in the livelihoods of targeted beneficiaries that can be attributed to MRLG. Secured access to land is an essential precondition for smallholders to make a living. Yet, to support improvements in socio-economic conditions, additional interventions in terms of access to financial services, technical advisory services and markets, are required plus improved financial and market literacy of smallholder men and women. Within the RAI workstreams such alignment of complementary services for example through fair and transparent contracting arrangements is better aligned and socio-economic impact is more likely to be achieved.

Both workstreams (CT and RAI) would benefit from and enhance their relevance through partnering with more implementation-oriented projects. For CT workstream in Laos, the obvious projects are land-titling projects like the WB’s Enhancing Systematic Land Registration Project and GIZ’s ELTeS or the upcoming KfW land programme in Laos, for RAI, securing effective linkages to value chain / access to markets or agro-ecology oriented projects (like ASSET / ALISEA) would raise relevance scores from the perspective of direct beneficiaries.

### Intermediate Beneficiaries

The structure, modus operandi and services rendered by the MRLG project are predominantly geared towards intermediate beneficiaries. Intermediate beneficiaries all engage (although for various reasons) in policy making and/or influencing and the MRLG activity and service portfolio is designed to support those intermediate beneficiaries to do their job better in terms of consolidating and maximizing their engagement and contribution to secured tenure rights for men and women smallholders in CLMV.

For intermediate beneficiaries, being governments, private sector, academia and development partners the agenda of the MRLG project seems in this sense highly relevant. The level of, and reason for, its relevance might vary however.

The (economic) growth agenda of governments and DPs, as well as their poverty and food security targets are benefitting from good land governance. Also, the contribution of secured tenure towards climate change adaptation and mitigation is increasingly recognized. Formalised land tenure allows also for customized taxing regimes and contributes to social order (avoids land conflicts).

The reason of relevance might vary per stakeholder. While governments focus on economic, social order and revenue-based arguments, DPs and CS will emphasise the importance of secured tenure for the livelihood security of smallholders, poverty alleviation or food security purposes. Within the workstream alliances, MRLG has however been able to find sufficient common ground among all stakeholders to strive for a common agenda (ToC), relevant to all stakeholders.

The KM products as well as the additional interventions, directly under the PIU (Summer School, Land Governance Symposia etc.), are perceived as highly relevant by consulted intermediate stakeholders.

## 3.2 COHERENCE

Striving for coherence is embedded in the MRLG design and approach. The MRLG is designed as a convening and consolidating entity that in essence is not an implementing party in itself but does look for common ground, synergies and complementarities amongst existing initiatives with an agenda to promote equitable access to and control over agricultural land and forest in the Mekong region. However, MRLGs (financial, networks) dominance has also been distancing and alienating partners.

**Coherence Score: 2 (satisfactory)**



The level of coherence is very much linked to the level of relevance and effectiveness of the MRLG project. Policy advocacy and required follow-up can never be through institutionally isolated or stand-alone investments and requires complementary trajectories, thus effective partnerships. Also, as the MRLG project is rather a convening facility than an implementing body, in order to reach its objectives striving for coherence with existing initiatives its key to its effectiveness.

### Internal Coherence

The SDC Mekong Region Cooperation Programme (MRCP) 2022–2025 (Draft, December 2021) has laid down the future framework for SDC portfolio in the Mekong region. The thematic focus of the MRLG remains relevant, so a level of continuity is key to further strengthening the sustainability of current results. The MRCP foresees at the same time in a strong focus on Climate Change Mitigation and Adaptation, which will be taken into account in formulating MRLG III. Besides having a regional focus, the MRCP does include Cambodia and Laos as focus countries.

The MRCP does focus strongly on disadvantaged groups, in particular poor people, women, ethnic and religious minorities, migrants and smallholder farmers, and aligning to the “Leave No One Behind” (LNOB) agenda. As before, the MRLG project with its focus on CT recognition and RAI remains highly relevant in this context.

Climate change, both in terms of adaptation and mitigation, is given greater prominence in the MRCP and a dedicated focus area Climate change and natural resource management (CCNRM) portfolio is added to the Swiss portfolio. The Swiss portfolio outcome (SPO) in the CCNRM reads: *“People in the Mekong region, in particular young people, women and disadvantaged groups in Cambodia and Laos are more resilient to climate change and disasters, have more secure and equitable access to natural resources (land, forest and water) and manage them sustainably”*. The MRLG will be pivotal in contributing to this outcome area and is in full coherence with the MRCP 2022-2025.

The flagship report “State of Land in the Mekong Region” was a successful cooperation between MRLG and CDE. The MRLG was also well aligned with the recently completed Swiss funding to ASEAN-Swiss partnership on Social Forestry. MRLG III could possibly built further on the results of this partnership. MRLG continued its collaboration around KM and for example the Land Portal. The support to Grow Asia and IISD, both being MRLG alliance members, in developing the Asian RAI guidelines, complements MRLG RAI efforts at regional level.

At country level, internal coherence is equally important. In Laos the SDC is co-financing two other crucial land governance projects; the WBs *“Enhancing Systematic Land Registration”* and the *“Public Information and Awareness Services for vulnerable communities”*. Both can be considered as crucial follow-up projects to the MRLG as both actual land titling as well as building safeguards for compliance through awareness and access to counselling services are conditions for beneficiaries to actually benefit from the revisions in Land and Forest laws confirming CT rights. Also, the long- standing support from SDC to the CDE / University of Bern (LAO DECIDE, now K4D) in the provision of cross-sectoral data and information to support evidence-based policy dialogue and informed decision-making links very close to the MRLG and is complementary to MRLGs results framework. Also, the new WB (Japan Development Fund)/SDC financed and Helvetas implemented project on access to land information and legal services is very complementary to MRLGs work and a very welcome follow-up to the changes in the Land and Forest laws in Laos.

Moreover, the MRLG governance and advisory structure is geared towards maximizing coherence. The co-financing arrangement of 3 main donor agencies (SDC, BMZ for GIZ and Luxembourg) guarantees a certain level of coherence. Besides being a co-donor and strategic MRLG partner with a seat on the PSC, GIZ has current work through the “Land Management and Decentralised Planning” project (LMDP) and the “Enhanced Land Tenure Security project” (ELTeS) and CLiPAD that highly complement the work of MRLG. The LMDP-3 project focusses on capacity development of responsible authorities (MoNRE, MPI and MAF) in Laos at all levels towards using land-use planning instruments to manage natural resources. There are strong interlinkages especially with the CT and RAI workstreams, which are working with the same partner ministries on similar topics especially towards sub-legislation. The ELTeS-2 project in Laos is a country package of the Global Program “Responsible Land Policy”, which focusses on improved access to land for certain population groups, especially women and marginalised groups, in five districts in northern Laos. Specifically, the CT-Workstream of

MRLG in Laos, which is piloting mechanisms to secure customary tenure of villages within forest land in Khammuane province is creating valuable lessons learned for the ELTeS-2 project, aims at developing procedures for the formalisation of customary land rights in forest land. The RAI-Workstream of MRLG in Laos is piloting the implementation of the previously developed “Instruction on Investment Approval and Land Management Mechanism for Leasing or Concession to Cultivate Crops” and the roll-out of those experiences could be complemented by the “Quality Investment Promotion” (QIP) component of ELTeS-2. Technical Experts of the ELTeS project are also part of the respective “National Advisory Committee” (NAC) in Laos. On the contrary, linkages and engagement of MRLG with BMZ/GIZ’s green-sector project portfolio in Vietnam and Cambodia is very weak or none existing.

The SDC funded Transformative Land Investment (TLI) project is being launched and synergies with MRLG are envisioned, and in particular complementing private sector engagement, localisation as well as support to multi-stakeholder platforms which already exist and were largely established under MRLG.

### External Coherence

The land-governance sector is a rather congested arena in CLMV. As land governance is core to economic development but also a decisive factor in poverty alleviation, food security, climate change adaptation/mitigation, biodiversity conservation, GESI etc, it is of interest to many players and crucial to multiple agendas.

In essence, the MRLG has, besides an implementing role a strong convening, facilitating and linking function. The MRLG is literally implemented through its network or alliance partners. For the MRLG to be allowed to play a convening role requires an acknowledged status as being a relatively neutral yet well informed and expert party. Coherence in its approach and way-of-working is the *raison d'être* of the MRLG.

The main guiding frameworks for good land governance at global level, taking into account secure tenure including customary tenure recognition, are the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) regarding CT recognition and Free, Prior and Informed Consent (FPIC) and Forest Law Enforcement and Trade (FLEGT) frameworks on RAI, while for the Mekong region the ASEAN Guidelines a Responsible Agricultural Investments (RAI) and the ASEAN Guidelines on CT recognition (in development) are the leading regional benchmarks. MRLG is not pushing its own framework or set of guidelines but looking for coherence, synergy and cross-fertilisation between existing normative or legislative frameworks, taking a highly agile and pragmatic approach. The blending of VGGT / FLEGT in ASEAN level guidelines is regarded an advantage as developed and communicated through ASEAN or ASEAN related bodies, such guidance is perceived as less alien (or foreign) and more likely to be accepted and owned.

The FAO and the WB, both leading actors in land governance sector in the region, being Strategic Partners further enhances coherence from the DP side. Already in Phase I of the MRLG project a very broad constellation of regional and national level partners actively engaged with MRLG. This legacy of a broad partner base was taken further by MRLG II and been more effectively capitalized upon by defining joint TOCs per separate workstream. The regional advisory committee and 5 national advisory committees (in Laos one MRLG – Government of Laos (GoL) and one MRLG – Civil Society (CS) committee) assure further alignment and provide stakeholders ample opportunity to coordinate and align.

A few development organisations dominate the land governance arena in the region with respect to improving tenure security: the FAO, GIZ/BMZ, KfW and the WB. MRLG has maintained close contact with the World Bank team who have initiated the next phase of the Laos Land Titling project that is co-funded by SDC. Complementing the World Bank project, KfW, is also initiating systematic land registration, focusing on upland areas. MRLG has also been in regular contact with the KfW team in both Germany and Laos, in order to keep respective projects appraised of plans and progress and to ensure complementarity of activities.

The FAO continued its involvement in the Regional Advisory Committee (RAC) and maintained representation and active involvement in Regional CT and Regional RAI, as well as Lao CT. FAO were also actively engaged in the planning and delivery of the Mekong Regional Land Forum in May 2021 and the FAO course on “Governing land for women and men” was the basis for MRLG’s recent gender and land trainings.

Another major regional support initiative related to land governance starting up is the Agroecology and Safe food System Transitions in Southeast Asia (ASSET) project. The EU-AFD funded ASSET project has a strong policy advocacy orientation and shows for plenty of opportunity for synergies with MRLG. As GRET is co-implementing ASSET due coordination seems evident.

In terms of Knowledge Management (KM), research and learning efforts, the land governance sector is very crowded and productive. MRLG is an important and acknowledged player enforced through flagship events (Mekong Regional Land Forum) and Report (State of the Land report) as well as innovative new events such as the recent “Conversation Forum: Creating transformative shifts for gender equality”. In addition, MRLG collaborates with the International Land Coalition (ILC) and their Land Collaborative initiative at global level offering capacity building initiative and community of practice for alliance and networks that are working on RAI. Yet, increased efforts, for example to more effectively link to other KM / research efforts like the FAO-led surveys and research in the framework of the VGGT (comparative studies, technical guidelines etc.) or the CDE-led publications, would further enhance coherence.

The mission noted however also another tendency of alliance partners having lost motivation to engage with MRLG and considering the MRLG as hijacking existing initiatives and/or functioning as gate-keepers towards governments or donors. This sentiment was noticed among several stakeholders at both, high (regional) as well as national and sub-national levels.

### 3.3 EFFECTIVENESS

Effectiveness of the MRLG project is largely determined by how well MRLG plays its institutional role as convening and consolidating party in the sphere of policy influencing and development regarding smallholder tenure rights. In this sense, the MRLG has established itself as a respected and influential party that is able to consolidate stakeholders and their agendas around customary tenure rights and is delivering quality KM services to a broad spectrum of stakeholders. Moreover, the MRLG II project was, despite delays in the first two years and further implementation restrictions due to the Covid pandemic, able to meet the majority of its quantitative output and outcome targets. Yet, in order to capitalise on quantitative achievements at output and outcome levels in terms of impact, strengthening causal linkages to the Intermediate Objective (P&Ps) seems necessary.

**Effectiveness score: 2 (satisfactory)**

The MRLG project is in essence a policy-level project, and its effectiveness should be judged on the level of effective policy influencing and policy implementation in favour of RAI and CT recognition and practice for (ethnic) smallholder men and women in CLMV.

At Outcome and related Output level, the MRLG achieves the outcome and output indicators (or is close to achievement). Although quantitative targets are met, the mission considers that there is still room for improvement in qualitative sense regarding some outcome areas. This is largely caused by unclarities in the qualitative formulation of results and unclear causal relations underlying the result framework logic. An illustrative example is outcome 3, guided by the qualitative indicator of 10 effective policy-channels identified (indicator Outcome 3.1) of which 8 are used (indicator Outcome 3.2). MRLG reports 10 for 3.1 and 8 for 3.2, in a quantitative sense overachieving, but the question of contribution to the overall outcome has a rather qualitative dimension. The evaluation mission believes that in order to improve effectiveness, the questions on how policy channels are defined, and even more so how the “use” of the identified channels is defined, requires more clarity and depth in terms of a plausible causal link to MRLG’s ultimate impact and overall goal.

#### Partner choice & Alliance composition

The fact that the MRLG was able to establish 10 vivid Alliances around the selected thematical areas, consisting of high level and relevant stakeholders (Outcome area 1) and the responses of the stakeholders during the interview sessions, confirm that the MRLG PIU has without doubt performed in its binding function.

**Table 1: Progress to-date Outcome Area 1**

Description Outcome area	Target (planned)	Realized
In each country and at regional level an active network/alliance of reform actors design and actively engages in at least one strategic work stream.	10 strategic Alliances formed and operational	10 strategic Alliances formed and operational, (9 still operational by February 22) <sup>1</sup>

The PESA including due stakeholder analysis have been key to informing the partner selection process. Positioning implementing partners in their organisational strengths, meaning to engage them in the functions/roles (implementation, lobby/advocacy, research etc.) close to their core business, is in this sense, recommendable.

Direct support for government is not allowed in Cambodia under the SDC / BMZ agreement and government partners do not attend Alliance meetings unless invited by MRLG. The Vietnam CT government partners also did not participate in all Alliance meetings unless invited by MRLG. The situation in the MPI and MONRE/MAF "Alliance" in Laos is different however, and the government partners are in the driver's seat. Particularly in the multi-stakeholder arrangement the power-balance and relations between governmental stakeholders and CS require attention. CS stakeholders indicate that they feel at times not well respected and in the case of the government dominated workstreams find it difficult to manifest themselves and bring in their own agenda and interests. In the land governance sector in the Mekong region, Asian enterprises are the dominant players and increasingly shaping the landscape. Although it is realized that engaging with the private sector is not easy, the MRLG alliances do include very few private sector partners (only indirectly represented through Oxfam or Grow Asia), missing out on the potential of private sector led solutions as a result. Due alignment with the TLI project will possibly provide new entry points to MRLG in engaging with the private sector.

### Consolidating

The MRLG project has spent substantial input and time in the consolidation of selected stakeholders around a common TOC and Strategic Work Plan. Although this is a crucial phase for the MRLG in organizing selected stakeholders effectively around its agenda, the mission agrees with the MTR that it has taken too much energy and time from partners and the PIU. MRLG has responded by simplifying the processes and allowing selected activities to start-up prior to formalizing the TOC and activity plans.

Outcome areas that can be captured under MRLG's stakeholder consolidating role are provided below. MRLG is (over-)achieving formulated targets:

**Table 2: Progress to-date Outcome area 2.**

Description Outcome area	Target (planned)	Realized
Reform Actors have identified strategies to address issues of policy and practice in land governance in CLMV based on political stakeholder analysis and sound Theory of Change, including GEED assessment	10 strategic work plans prepared that respond to context analysis and TOC	10 strategic work plans prepared that respond to context analysis and TOC
Priority smallholder related research and/or lesson learning activities contributes to national or regional identification and/or development of policy options for RAI and/or recognition of CT within at least 4 identified work streams.	4 policy options developed	6 policy options developed

Good supporting documents like the PESA, TOC and Strategic Work Plans / Advocacy Plans are crucial but it is obvious that the better plans are developed by the better functioning Alliances that are highly informed, well embedded in the sector and obviously having a strong consensus about the purpose of the alliance, like for

<sup>1</sup> The RAI Workstream in Myanmar was ceased as a result of the Military coup.

example the Lao CT Alliance (also referred to as Advisory Group). In this sense the weaker alliances (like CT Cambodia), producing weaker documents are double handicapped, as particularly in those alliances, good supporting documents allowing for joint / coordinated and aligned efforts, are the more so a requirement.

The mission is, contrary to the opinion and recommendations of the recent MTR, not too concerned about the quality of the TOCs. The TOCs seem well-linked to the overall result framework and contributing to the overall objective of the MRLG and at the same time sufficiently clear to guide the joint planning process per workstream. During the reflection workshops per workstream alliance in 2021, revising the TOCs was considered, based upon the recommendations of the MTR, but concerned stakeholders did not consider the existing TOCs a hampering factor.

The mission feels that the core to the success of the MRLG The development of well justified and documented evidence-based policy options and communicating those effectively and strategically to targeted policy makers. Policy options are currently formulated too vaguely or premature, resulting in far more policy options than foreseen (4 defined, 5 in the pipeline) in the target setting but with not all holding the same potential and feasibility (also regarding the project's timeframe). In general, it is difficult to distinguish between a policy option and a KM related investment, while both should have a different scope and purpose.

For GESI issues, Civil Society stakeholders drive regional and national dialogue, but traditionally yield least influence on policy level. MRLG II has started to engage a wider range of reform actors to integrate GESI aspects more effectively. This approach needs to be deepened in Phase III, with an emphasis to invite more Government and private sector stakeholders into the process. In the case of Laos, some civil society actors indicate some level of frustration regarding their role in the alliances and regarding the received support, particularly financial support to scale field-level interventions, through MRLG. While they have been on the forefront of advocating and piloting RAI (Helvetas) and CT recognition (VFI), there exists a perception that this is not fully acknowledged by MRLG.

### Policy influencing through advocacy & collaboration

The most decisive stage to success is the approaching of, and engagement with, actual policy makers as captured in Outcome area 3. Policy advocacy is a distinct profession, requiring specialised knowledge, skills, expertise and, above all, careful planning. At the same time, the mission does fully acknowledge that changes at policy level in essence involves politics, making outcomes highly unpredictable.

The Outcome areas that are relating to MRLGs' Outcome area 3 and the respective achievements per indicator are provided below.

**Table 3: Progress to-date Outcome Area 3.**

Description Outcome area	Target (planned)	Realized
Work stream alliances have identified at least 1 effective channel (platforms) for contributions into policy and practice processes in CLMV and Regional per work stream.	1 channel identified per work stream (in CLMV & R) by 2020 – 10 in total	10 effective channels identified (1 per workstream), 9 still operational (RAI Myanmar was ceased)
Reform Actors demonstrate in 8 cases the use of pre-identified channels for policy change processes.	8 channels used	10 channels used

MRLG has in quantitative sense achieved its outcome objectives under Outcome 3, however, such did not in all instances lead to tangible contributions at the level of Intermediate Objective indicators. A positive exception is the Lao CT workstream.

### Success factors CT workstream Laos in influencing policies at national level

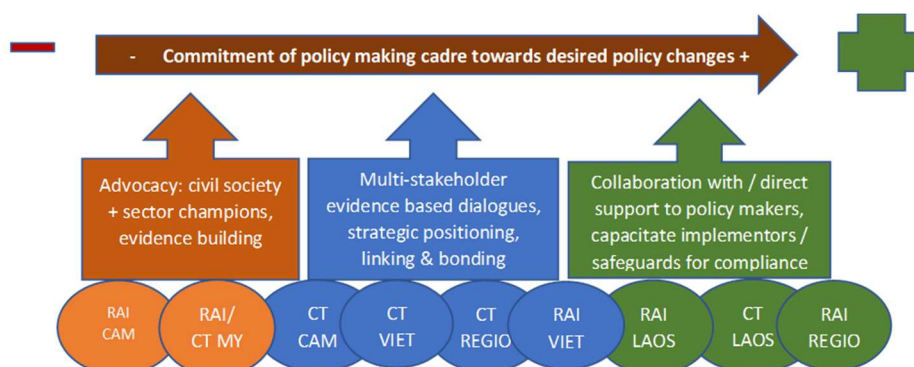
As policy advocacy is a very contextually and tailored process, that surely does not listen to blue prints, it is difficult to provide general conditions or denominators for success. In the successful efforts to include CT in the Lao land and forest laws some factors that contributed to the success of the advocacy trajectory can be distinguished however:

- Building on an existing strong and well-functioning group of stakeholders that established well-developed connection and trust-relations to policy makers.
- The successful facilitation by MRLG regarding MoNRE-MAF cooperation
- A well thought through and informed policy advocacy plan
- Close and long-term engagement with policy makers (MoNRE, MAF, NPC) leading to a relation of trust between policy makers and Alliance members including CSOs and the recognition of their subject-matter expertise
- Complementary pro-active lobby from large donors like WB and KfW with the perspective of substantial funding becoming available in case legislation is passed. At the same time, this ensures the necessary implementation after legal endorsement.
- A powerful and committed advocate from within the policy makers side in the form of the minister of MoNRE.
- Mind-shift within government concerning CT and smallholders' role in development.

Regarding the above, the mission regards the (capacity to) development Policy Advocacy and Communication Plans as pivotal exercises and documents determining main targets, timing and communication approaches in engaging with policy makers. The development of a specialised advocacy and communication plan was initiated more systematically rather late (2021) in the MRLG implementation process. Also, not all workstreams have developed an advocacy and communication plan and of the ones developed some are weak (RAI Vietnam) or only partly-done (CT Cambodia). An excellent example of a well thought-through policy advocacy and communication plan is the plan developed by the CT Alliance (or WG) in Laos, led by the LIWG, that has proven its effectiveness.

The level of engagement with decision-makers depends largely on their commitment regarding targeted policy changes. In workstreams that have relatively committed policy makers that support targeted policy changes, direct engagement with national / regional governments is leading, (direct engagement or collaboration modus for example CT Laos workstream), while in situations where desired policy change is not yet embraced by policy makers / private sector, selected civil society might be assigned a leading role (for example advocacy modus in RAI Cambodia). In the in-between mode in which policy makers are interested but not yet convinced, a mixed, multi-stakeholder approach seems to be appropriate. (see figure 1 below)

**Figure 2: Forming balanced & context specific Alliances**





In the Cambodian case, both workstreams have, in the light of the restrictions regarding direct engagement with the government, opted for a strategy of “practice focused change” by strengthening the capacity of communities to engage with government-led processes and protect their customary practice through sound evidence – based documentation.

The Gender Strategy was developed only in Year 2 and hence is not systematically aligned with the remaining strategies from the start. However, the Gender Strategy identified main bottlenecks for GESI integration and presented a realistic roadmap to enhance GESI capacities of the Alliance partners and fill knowledge gaps. The mission regards the implementation of the Gender Strategy as successful in Cambodia and Vietnam. Laos presented a major challenge in identifying and bonding reform actors and GESI experts, while the expectations for Myanmar had to be shifted towards safeguarding of Alliance partners. The regional GESI efforts struggled with the lack of specialists as well but managed to build a workable foundation for a defined “community of practice” in Phase III

For some workstreams it is unlikely that new legislation will be adopted in the remaining timeframe of the project. In these cases, the focus should therefore be on solid advisory inputs and written recommendations towards the desired policy documents.

The KM efforts largely covered under Outcome 2, are effective in strengthening policy influencing efforts. Illustrative examples are the comparative study on CT P&Ps in all 4 countries under the regional CT workstream, the study on contract farming in Thailand in the framework of the regional RAI workstream or the comparative analysis on CT stipulations between the Lao Land Law and the Lao Forest law in support of the CT workstream in Laos.

Based upon achievements at Intermediate Objective level in terms of policy changes formally endorsed, the mission considers the final and essential step of effective engagement with policy makers (largely under Outcome 3), the relatively weakest point in the overall performance of the MRLG. The formulation of promising policy options (promising in the sense of a feasible and considerable contribution to the overall MRLG goal and reaching large numbers of beneficiaries) linked to the ability to formulate and adequately act upon quality advocacy and communication plans around such promising policy options, largely determines the overall effectiveness of the MRLG project.

### Financing modalities

Another typical feature of the modus operandi of the MRLG project is the relative limited financial contribution per Workstream / implementing Reform Actor (RA). From the perspective of implementing partners, the MRLG project functions as donor merely as a co-financer of existing initiatives and/or provides additional budget to engage in complementary activities. This has advantages and dis-advantages. From the positive side, co-financed initiatives are less donor-driven as own financial contributions are necessary, also confirming a certain level of intrinsic commitment, from the other side, many implementing partners consider the MRLG (co-)financed interventions not always as core to their organisation, at times hampering full commitment towards the MRLG objectives / TOC. In these cases where MRLG offers limited or no financial support to an Alliance member and the MRLG objective is only a part of the Alliance members agenda (ASEAN, SFWG), the expected success of the joint endeavour cannot be guaranteed by the MRLG project and is largely depending on the commitment and good-will of the concerned partner. This is particularly the case with larger, influential partners that are crowded by DPs / donors, like ASEAN related Working Groups.

Some caution should be considered in issuing grants to individual stakeholders in an alliance as this can weaken cohesion and commitment. For example. In order to strengthen the ownership of the GoVN agencies, the project provided a separate grant to the GoVN partners such as GDLA and VUSTA to implement activities that were closely related to the WS focuses. For instance, GDLA received a significant grant of nearly US\$ 94,000 for an activity to support the development of policies on agricultural land concentration and accumulation. This grant focus almost overlapped with one (out of two) focuses of the RAI WS (that was to advocate for pro-smallholder agricultural land concentration and accumulation in the amend Land Law). This single grant was about one third of the total RAI WS budget. In fact, it was greater than the budget allocated to Agroinfo for

implement the RAI WS focus on agricultural land concentration and accumulation. Also in Laos, the substantial grants allocated to GoL partners were not well received by other (particularly CSO) stakeholders.

### Thematical choices & Workstreams

The two thematical themes i) Customary Tenure (CT) recognition and ii) Responsible Agricultural Investment (RAI), are well chosen in relation to the overall MRLG goal. The further channelling to customary rights and the focus on ethnic households and tenure of forest lands, provides the MRLG a niche and enhances its relevance. Both themes are inter-connected and complementary, allowing for sufficient synergies (for example CT and RAI in protected areas in Cambodia).

Yet, not all workstreams have the same potential or are equal relevance in all 4 target countries or regionally. In other cases, the development arena around certain workstreams is already very crowded and/or has a clear lead (RAI regional with Grow Asia, IISD, FAO) and the added value of MRLG's additional presence can be questioned. The obligatory or automatic choice to start up and engage around both workstreams in all 4 countries and regionally, has in this sense lowered overall (relevance) and effectiveness of the MRLG. Due to the segregation of workstreams, inter-relations and synergies between both workstreams are not always captured well (for example between regional RAI and CT workstreams). Detailed assessments per workstream are provided in Appendix 8.

Cross cutting issues of conflict mediation and transformation and land rights education and awareness raising seem to be addressed merely at the level of the pilot sites. In the Lao CT case, awareness raising efforts were not always effective. The mission regards access to justice however as a core dimension in securing tenure rights. Closer linkages (joint pilots?) with specialised projects around access to juridical services (mobile clinics, para-legal advisors, arrangements for local conflict mitigation etc.) would enhance MRLG's profile in this regard. For Laos a link with the PIASVC project (Public Information and Awareness Services for Vulnerable Communities) implemented by Helvetas is worth considering.

### Regional scope

The MRLG has been designed as a regional project with the purpose to deliver major outcomes at both regional and national levels. The SDC MRCP (December 2021) states that SDC supported initiatives should strive for strengthening coherence and synergies throughout the Mekong region. Regional projects must according to the MRCP contribute to at least one of the following:

- i. Setting/revising regional standards/policies and supporting their implementation at national level (implementation can be assured by complementary national projects)
- ii. Exposing countries in the region to other countries' approaches and experiences (peer exchange)

The MRLG contributes to both through frequent exchange of experiences and the development and promotion of regional (RAI, CT) standards that are further customized to national level conditions.

The MRCP furthermore indicates that both regional and country-level projects have to complement each other to enhance development effectiveness through i) regional projects explicitly complementing country-level projects and country-level projects gaining from regional standards setting and peer-learning. The MRLG is actively using its regional scope in for example bringing in experiences from Thailand with contract farming in the country level RAI process, or using the ASEAN RAI guidelines to further develop national level frameworks concerning RAI. The other way around, the comparative assessments on CT recognition at country level, effectively feed into the development of regional CT guidelines.

The regional-national linkages are somehow weakened by the fact that the national alliances and the regional alliances formed consist mostly of different stakeholders that share little history of cooperation. It would be an advantage to have a larger institutional overlap (like RECOFTC in regional CT and country CTs workstreams).

Regarding GESI, the interviewed stakeholders shared the view that the regional set-up can contribute to valuable exchange of best practices and provides a safe/r space to voice out sensible issues than national forums do. Transformative change towards gender justice and inclusion, however, can only be initiated



nationally, with a strong emphasis on strengthening lower-level implementation of the envisaged legislation and policies.

### Pilots

The field level pilots do fulfil a supporting role in providing lessons and/or “proof of concept” to allow for evidence-based advocacy for selected policy options (P&Ps). Yet, most pilots faced delays due to the lengthy preparation process consolidating workstreams and joint planning and Covid 19 related restrictions. Thus, the documentation of lessons learned is equally delayed and will not be fitting timely into advocacy trajectories.

For the CT pilots in Vietnam it was concluded that the link between alliance members conducting the pilots and alliance members engaging in policy advocacy or development was rather weak, diminishing the value of the pilots as evidence base. Nevertheless, it was indicated by the partners that some early experiences from the pilots were documented by the partners and shared to VNFOREST for their consideration. In addition, the pilots were also documented to be used for the Handbook on CBFM, which was proposed by the CT WS to be developed in replacement for the legal documents on CBFM envisaged in the original design. This Handbook was not completed at the time of this evaluation and hence further assessment is not possible. However, it was anticipated that the pilots will be introduced as example in that Handbook – being a technical guideline of VNFOREST that carries no legal bidding. In the case of Laos, the alliance members conducting the pilots are also those engaging in the policy advocacy or development (IPD, DoF, DoL and DaLAM; RECOFT). However, it has been observed that the policy advocacy capacity of especially ministry level stakeholders is still limited. Awareness and capacity of district and provincial staff about the real purpose of the pilots as to serve as evidence-based advocacy for policy development (P&Ps).

GESI mainstreaming was reported to be inconsistent amongst the different pilots, as the quality of inclusion efforts depended very much on the pre-existing capacity of the piloting partner. Whilst most pilots ensured some degree of separation of men and women in certain activities, reports on pilots mostly do not make a reference to the way different voices were carried into further activities, and to what result.

### GESI Strategy

The Mid-Term Review (MTR) noted that MRLG Phase 2 has made a concerted effort towards GESI, however, with an overall limited effect. The notable efforts at the time of the MTR included focus on Gender and Social Inclusion (GESI) in the PESAs, gender audit and analysis, Gender Equality and Ethnic Diversity (GEED) assessments, specifying output level targets for workstreams and knowledge products to address GESI, gender training, and a Gender and Land bibliographical review for the region. The MTR also noted that MRLG follows “Do No Harm” principles, the PIU had appointed regional and national gender focal points staff and engaged a Gender Specialist to enhance gender mainstreaming. At the time of the MTR, most recent achievements had not been accomplished yet, hence the moderate assessment. The main factors contributing to the late take-off and recent delays of GESI activities were:

- The lack of dedicated staff for GESI issues, which was dealt with the appointment of a gender focal point in the regional team and on country level, in addition to gender consultants
- The challenge of finding staff/consultants who are specialized on the gender-land nexus
- And the recent pandemic restrictions, leading to limitations for field work and restriction to online training.

The budget for gender mainstreaming in Phase 2 was at 140,000 USD. As gender-focused activities started only late during Phase 2 and GESI mainstreaming was an add-on task for MRLG’s CT advisor, the budget covered what was done. It is highly recommended to allocate more budget for GESI work in Phase 3 to allow for one dedicated GESI advisor on regional level (at least part-time), gender consultants at national level as in Phase 2, and sufficient budget to support the implementation of the recently produced gender action plans in the countries. Further budget should be allowed to foster the established gender networks and a long-term community of practice, scale up the FAO gender and land training and support GESI-focused pilot activities. The M&E system of MRLG features sex-disaggregated data on direct beneficiaries and accounts for ethnicity in the pilot activities. According to national gender experts, relevant gender information, however, is often lacking in the reports from pilot activities, e.g. differentiated information on potential FGDs and their outcome, and how

different voices have been accounted for in the further implementation Overall, it has been determined that about 48% of beneficiaries will be women, and 31% from ethnic minorities.

### Activities under direct PIU Management

Some complementary investments are financed and managed under the direct management of the PIU. Nine students (from targeted 8) students received a scholarship for an International Masters stream on land governance of which 3 graduated already. The Mekong Regional Land Forum has gained a prominent place in the agenda of land governance related actors and proven to add value in terms of knowledge development and sharing. Three Summer Schools and a one-week intensive programme on land governance at the Regional Center for Social Science and Sustainable Development (RCSD) of Chiang Mai University have been organized so far with approximately 25 participants each. The Summer School brings together participants from different sectors to study and discuss pressing CT/RAI issues in the Mekong region. The event is regarded an excellent opportunity for building linkages and empowering CS stakeholders through connecting with researchers and government scholars. The scholarships as well as the Summer School are rather long-term investments and effectiveness (nor impact) can be judged at this moment. Yet the investments are considered relevant and appropriate for a project like MRLG.

### PIU

MRLG has a highly effective project team and its adaptive management capacities have been demonstrated through its sensible adjustments to the Alliance and Workstream development and operationalisation process and its complementary support. The MRLG PIU has demonstrated extreme agility in responding to the changing externalities like the Covid pandemic and the military coup in Myanmar, still being able to keep up part of the programme. The team is highly acknowledged amongst partners for its subject matter expertise and professionalism.

## 3.4 EFFICIENCY

The MRLG project is a highly complex project, working regionally in a very sensitive area. On the positive side, the potential results in terms of number of beneficiaries and the impact on their livelihood is enormous. The character and complexity of the MRLG justifies relatively high overhead costs, yet in some aspects efficiency can be improved as currently almost 72% of total the disbursement is dedicated to personnel and operational costs while only 28% on activity costs. The lengthy preparatory process of the workstream alliances and the Covid restrictions are the main causes. In order to improve on efficiency, MRLG has to focus on investments that benefit large number of beneficiaries and can be realistically result in policy changes within a foreseeable timeframe.

**Efficiency score:** 2 (satisfactory)

The nature of the MRLG mandate (policy advocacy at sub-national, national and regional level) combined with its geographical coverage (CLMV) does require and justify a robust management and operational structure and relatively high TA inputs. The extensive organisational structure with a main coordination office (Vientiane) and 3 country offices seems therefore fully justified. The project's budget is rightfully generous regarding operational costs with 58% of the total budget allocated to operational costs, (the ProDoc mentioning 62% or USD 7,121,282), of total budget allocated to "Project Management and staff".

The actual project expenditure for Year 3 (1/10/20 – 30/9/21) was USD 2,872,712 as compared to a budgeted figure of USD 3,534,501. The majority of the variance (76%) for Year 3 came from Part 4 – Administrated Project Funds. The table below provides the overall expenditures (planned versus actual) for the project period up to September 2021.

**Table 4: Planned versus actual expenditures per September 2021**

	Original Budget	Actual Project Expenditure to 31 Dec 2021	Forecast Project Expenditure to 30 Sept 2022
Services Headquarters	332,536	210,026	292,999

Long-term experts	6,649,602	4,899,977	6,388,082
Short-term experts	200,431	80,662	143,486
Local Support	807,714	528,852	708,156
Administrated Project Funds	5,688,718	2,256,168	5,447,276
Total Cost	13,679,001	7,975,685	12,979,999
Operational/overhead costs	7,990,283	5,719,517	7,532,723
Activity costs	5,688,718	2,256,168	5,447,276
Operational %	58%	72%	58%
Activity %	42%	28%	42%

With reference to the realized expenditures to date as per table above, operational costs initially foreseen are 58%, while 72% was realised, while for activity cost 42% was foreseen and only 28% was realized. With currently only 28% of the total disbursement being activity costs, the MRLG is relatively underspending on activity costs. The current disbursement figures would normally indicate challenges in reaching 100% disbursement by project end, but the PIU indicates that particularly under the Activity budget, standing commitments which do not figure in the table above, will assure higher disbursement levels. While impact at the current stage is limited, promising policy trajectories are in the pipe-line and could possibly materialise within the framework of MRLG II conditioned that an extension period is approved. Approval for a no-cost extension would apply re-allocating part of the balancing activity budget to cover for personnel and operational costs during the extension period.

The high operational and personnel costs are partly (Covid 19 being another major reason) caused by the slow process of forming alliances and formulating TOCs and Strategic Work Plans per workstream, taking considerable time from the PIU. The whole process took from one to over two years (regional workstream on RAI) per Workstream from launch to contracting, with the first Workstream starting in July 2019. Stakeholders, particularly non-governmental stakeholders engaging through the workstream alliances, frequently mentioned the lengthy and cumbersome approval procedures. The MTR commented already on the length and complication of the process and the MRLG took steps to speed up the process after the first batch of Workstreams. This included more proactive TOC and document preparation, reducing the time between workshops, financing some parts earlier etc. The MRLG governance structure, with a Steering Committee and additional five national and one regional advisory committee, assures participatory project steering and due coherence but adds to the operational burden of the PIU.

Another main factor contributing to the relatively high operational costs (or rather lower than foreseen activity costs) is the Covid-19 pandemic and related restrictions in movement causing delays in particularly the implementation of pilots at field level.

Special attention should be given to the efficiency of field level pilots. For one, the implementation of pilots is a core part of the activity budget and secondly the pilots perform an important role in the overall MRLG approach. The pilots connected to the country level workstreams serve an evidence- building purpose, providing “proof of concept” for proposed policy options and are in this sense crucial tools and inputs in the advocacy efforts of the MRLG. The relevance, effectiveness, impact and efficiency of the pilots should be judged in this framework and not as stand-alone investments. Nevertheless, there are indications that pilots are not always implemented in the most efficient manner (evaluation report on Lao pilots, in progress) which counts particularly for the government-led pilots and due and close guidance of MRLG is required. The recently Added TA for guidance and oversight of the pilot is for this reason considered a justified move and welcome investment.

Efficiency of the project was at times undermined by cumbersome and multi-layer coordination. In Vietnam workstreams were in addition to the coordinators of the WSs (CCRD for LANDA and SEGORN for FORLAND), also “coordinated” through the national and regional arrangements. In addition, separate grants made to the

GoVN agencies might not be the best option for MRLGII as it partly eroded the partnership among the WS partners. An example of overly complicated constructions is the arrangement to have field level research done on the impact of CT recognition in the RAI regional workstream. MRLG contracts NTFP-EP, who engages AFA, who engages Lao Farmers Network, who engages one of its members to conduct the research in their area. MRLG, NTFP-EP, AFA and LFN are all alliances or networks with members in target countries. This has two consequences affecting efficiency i) overhead costs for MRLG and alliance partners and ii) the actual research is not connected to a member of the Lao CT alliance and its operational target area, meaning results and receivers / users are somehow detached.

Overall effectiveness, in total number of beneficiaries is difficult to judge at this moment. The overall number of the combined direct beneficiaries from the pilot sites is estimated at 16,700 persons (see Appendix 7). A large number of those beneficiaries benefitted from awareness raising and/or training activities and not from actual secured land tenure. An exception is the LAO CT pilots with a total of 8,900 beneficiaries benefitting from secured tenure right. At the same time, the mission perceives the number of beneficiaries from the individual pilot sites not as a relevant indicator for overall efficiency as the pilots serve a strategic purpose rather than being designed to reach out to a maximum number of beneficiaries. Yet, retaining an overall target in number of beneficiaries remains valid as to gear MRLG's planning and implementation towards strategic and systematic change that benefits large numbers (millions) of beneficiaries.

### 3.5 IMPACT

Facilitating policy level changes is a lengthy and unpredictable process. Policy change is then again only a (necessary) first step in the implementation of, and compliance with, those policies. The foreseen impact of the MRLG in terms of securing tenure rights for millions of smallholder men and women in CLMV, will only materialise when developed P&P improvements are applied, rolled out and implemented at scale. So far, this is happening for only one (Lao CT, amendments to the Land and Forest Laws and subsequent formulation and approval of sub-legislation, particularly the approval Instruction 6377 on Land Survey and Cadastral Mapping) of the 10 workstreams with a potential of 1,5 million of beneficiaries. Due assessments of the likelihood and feasibility of piloted P&Ps to be scaled should much more determine the strategic choices and selection of policy options to be piloted and advocated for. However, in the increasing openness to accept CT and the changed narrative of governments regarding the role of smallholders (from threat to part of the solution in resource management and agricultural development), MRLG and its alliances have played a pivotal role.

**Impact score:** 2 – 3 (satisfactory to not satisfactory)

The foreseen impact of the MRLG in terms of securing tenure rights for millions of smallholder men and women in CLMV, will only materialise when developed P&P improvements are applied, rolled out and implemented. The main mechanism for scaling up and impact is the rollout and implementation of the P&P improvements established at pilot sites. In this sense, the (future) impact of the MRLG is determined by the likelihood of piloted P&Ps being scaled successfully. Due assessments of the likelihood and feasibility of piloted P&Ps to be scaled should much more determine the strategic choices and selection of policy options to be piloted and advocated for. Pilots are essential to build evidence-based knowledge and proof of concept on concerned P&Ps, not only in their effectiveness (number of direct beneficiaries reached) but also in terms of efficiency (costs per beneficiary or geographical area), required capacities to implement and scale, GESI considerations, required timeframes etc.

The expected impact of the MRLG is described through the Project Objectives or Intermediate Goals: improved P&P implemented in CLMV. Below, the impact targets against achievements are provided with particularly the target for number of direct beneficiaries lagging behind.<sup>2</sup>

Special considerations apply for Myanmar in terms of impact reached. While both CT (drafting National Land Law) and RAI (Standard Operations Procedures – SOP for banana plantations in Kachin State) workstreams

<sup>2</sup> This picture might look substantially different when ongoing policy trajectories that are in a relatively far stage of resulting in (formalised) policy changes indeed deliver. The final approval of revisions in the Land Law in Vietnam would for example add millions of policy level beneficiaries.

were well underway to reach tangible impact on policy formulation in Myanmar, this was all ceased because of the Military coup.

**Table 5: Progress to-date against Intermediate Objectives**

Impact description	Target (planned)	Realized
At least 8 MRLG work streams result in policy and practice changes towards improved responsible agricultural investment and the recognition of customary tenure across CLMV that benefit smallholder women and men farmers	<ul style="list-style-type: none"> <li>➤ 8 Workstreams have documented results.</li> <li>➤ Of which 4 Workstreams have formalised policy change documented</li> </ul>	► 3 in total, of which 1 has been formalised.
15 million smallholder men and women farmers have improved recognition of their rights to land and forest resources of which at least 50% are ethnic minorities	15 million smallholder women and men	Approx. 16,700 Smallholder women and men as direct beneficiaries through implementation of pilots and 1,5 M Policy beneficiaries (policy change in CT Laos)

In addition to the above the following legislation is in a far and final process of development and likely to be approved within the course of 2022.

**Table 6; Policy formulation trajectories in an advanced stage of development.**

Policy Trajectory	Expected date of finalisation / endorsement	Expected number of policy beneficiaries
Approval and adoption of Ministerial Instructions 6377 (Cadastral Survey and Mapping) and about to approve Ministerial instruction on Land Registration and Titling in Laos as follow up (sub-legislation) to amended Land and Forest Laws <sup>3</sup>	Approved 6377, under consideration instruction on Land Registration and Titling.	No clear picture yet, but potentially large numbers of policy beneficiaries (up-to 1,5 Million).
Policy inputs on the revision of the Land Law in Vietnam to Vietnam's Politburo land policy channelled through its CEC with support of the WB	In the course of 2022	9 – 21 million policy beneficiaries (FAO Factsheet)
Approval of the ASEAN Secretariat to include recognition of customary tenure in the ASEAN Plan of Action	Development of guidelines in the course of 2022	The to be developed guidelines are voluntary guidelines and not legally binding. In case being translated / adopted to national level legislative frameworks large number of policy beneficiaries. <sup>4</sup>

The MRLG reports that 6 policy options have been developed, yet 8 evidence-based policy recommendations have been documented. The mission failed to get a clear picture on the difference between the two outputs (policy options developed and policy recommendations documented) and the graduation of policy recommendation to policy option. Listed Policy Options and listed Policy Recommendations do partly (marked

<sup>3</sup> It is not clear to the mission how to judge the approval of sub-legislation in terms of target to the Intermediate Goal. The mission standpoint is that the major law change is counted for (revisions of Forest and Land Laws) and not the individual pieces of sub-legislation. It is recommended to include an additional indicator to measure progress with regards to sub-legislation and implementation instructions of approved overarching policy changes in the framework of MRLG III.

<sup>4</sup> The ASEAN guidelines are voluntary guidelines. Experiences with prior frameworks of voluntary guidelines like the VGGT have shown that take up at country level is very limited. So far (after more than a decade of very intensive lobby) only 2 countries worldwide have adopted the VGGT (TLI Project Document).

in green below in the table below), but not completely overlap. The 6 listed Policy options are under Outcome 3 being presented to policy makers as evidence-based Policy Recommendations.

**Table 7: listed Policy options developed and Evidence-based Policy Recommendations published as per Progress Report (September 2021).**

6 Policy Options developed	8 Evidence-based Policy Recommendations published
<ol style="list-style-type: none"> <li>1. Laos – Development of eight Briefing Notes for improvements to the draft Land Law – presented to the National Assembly in November 2018 (also part of 2.3 and 3.3-a), updated 2021</li> <li>2. Lao - Discussion Note: Land tenure security in '70 percent forest land policy' of the Lao PDR (Lao, September 2019)</li> <li>3. Cambodia - DN: Review, Comments and Recommendations on the Draft Environment and Natural Resources Code (Version 11) of Cambodia; An unpublished analysis of the ENR Code by Vishnu; Drafting of a chapter of the ENR Code on Collaborative Management by Brian Rohan</li> <li>4. Myanmar - DN: Strengthening Customary Tenure in the Forest Law (2018) and draft Forest Rules in Myanmar</li> <li>5. Vietnam RAI - Policy Report/Brief on Land concentration and accumulation</li> <li>6. Vietnam RAI - Policy Report/Brief on land acquisition, compensation, support and resettlement</li> </ol>	<ol style="list-style-type: none"> <li>1. Laos – Development of eight Briefing Notes for improvements to the draft Land Law – presented to the National Assembly in November 2018</li> <li>2. Lao - Discussion Note: Land tenure security in '70 percent forest land policy' of the Lao PDR (Lao, September 2019)</li> <li>3. Cambodia - DN: Review, Comments and Recommendations on the Draft Environment and Natural Resources Code (Version 11) of Cambodia; An unpublished analysis of the ENR Code by Vishnu; Drafting of a chapter of the ENR Code on Collaborative Management</li> <li>4. Myanmar - DN: Strengthening Customary Tenure in the Forest Law (2018) and draft Forest Rules in Myanmar</li> <li>5. Myanmar - SWOT Analysis of the Kachin State Government Draft Standard Operating Procedure for Investment in Tissue-Propagated Banana Plantations (Jan 2021)</li> <li>6. Laos - Assessment of the new Land Law and Forest Law in Lao People's Democratic Republic: Customary Tenure Rights over Land and Forests (April 2021)</li> <li>7. Regional - Summary Report of the Third Mekong Regional Land Forum (Sep 2021)</li> <li>8. Cambodia - The Feasibility of NTFP Commercialization and Supply Chain Management (Sep 2021)</li> </ol>

In addition, 6 research-based thematic studies have been published and 2 Lessons Learned products published (update per September 2021). In December 2021, 5 Policy Discussion Notes were published.

So far, one targeted policy option has been endorsed in the form of the legal openings for CT recognition in the Land and Forest laws in Laos. This policy change potentially benefits the 3,000 villages that are in forest land with an average size of 91 HH / 500 persons, therefore resulting in an estimated 1.5 Mio beneficiaries. It should however be noted that the 1,5 Mio beneficiaries are still "potential" beneficiaries. The Lao government has set a target of issuing another 1.2 million titles by 2025 (the WB targets 1 Mio. titles in the framework of the ESLR project). Moreover, priority will be given to non-forest areas in the titling efforts.

The development and endorsement of the Lao regulatory land and forest frameworks providing pathways for the recognition of CT, can be directly attributed to MRLG supported interventions. Based on the responses from CT Lao stakeholders, it is safe to say that without MRLG, the legislation would not have been equally beneficiary to future CT recognition thus (ethnic) smallholders in Laos. The comparative study on the Forest and Land laws and particularly the facilitation of collaboration between DoL (MoNRE) and DoF, DaLAM (MAF) have been impactful investments. MRLG, WB and GIZ are in the process of assisting the Lao government in drafting sub-legislation like implementation decrees. Two of which have been approved (one signed, the other passed but awaiting Minister's signature), both Ministerial Instructions issued by MONRE This is still a sensitive job as gains in terms of CT recognition in the Land law must be carried over and safeguarded through sub legislation.

Such clear causal attribution features as in the Lao CT case are not always evident. The mission received quite mixed messages from stakeholders regarding the actual causal contribution or added value of the MRLG towards approved or to-be approved policy changes. While some stakeholders regard MRLG's role as pivotal, others feel that MRLG is over-estimating its role. As factual proof of either side was not convincing, we left this notice largely

outside the evaluation report. However, better defined and reported causal linkages between MRLG supported interventions and achievements in terms of conducive policy changes, would be useful to clarify MRLGs actual achievements. In the same fashion, defining better in what ways and to what extent, the realized policy changes differ from prior legislation and are conducive to CT recognition or RAI acceptance, would clarify MRLG's added value further (for example regarding the revisions in the Lao Land and Forest Laws).

Regarding the CT workstream in Vietnam, a policy framework was developed by VNFOREST to support the implementation of the Forestry Law. VNFOREST has not been able to develop a legal document to guide this CBFM during two phases of a bigger CBFM projects (with more than US\$10 mil). Along the project implementation, VNFOREST decided not to further pursue such legal document. In such changing context, the Alliance members have agreed with VNFOREST to develop a Handbook on CBFM – being a technical guidance (still in development). For such complex trajectories with many conflicting interests like CBFM, a technical Handbook seems only be of limited value.

In terms of direct beneficiaries MRLG counts 16,700 smallholders (of which 45% are women and 53% ethnic minorities) expected to benefit directly from the pilot sites of Vietnam, Cambodia and Laos.

The core of the TOC of the MRLG project is that policy options (P&P) are developed and tested with reasonable likelihood that they will be applied and rolled out for the future benefit of a large number of the target group (millions). In order to enhance its effectiveness, the MRLG should deepen its assessments and related considerations regarding the likelihood and conditions under which such scaling of targeted P&Ps will materialize and align future investments to most promising scaling scenarios. For example, the piloted Village Forest Management Planning (VFMP) approach within the LAO CT workstream seems to have limited potential to go to scale (evaluation report CT pilots Laos by Julian Derbidge) and should thus be dropped as a policy option to be promoted. Yet, some aspects of the approach like recognizing tenure of collective agriculture land areas, should be incorporated in other CT advocacy initiatives.

### The Rubric Scale on responsible land and forest governance

MRLG has, in collaboration with SDC, developed a Rubrics Matrix to align directly with the SDC Agricultural and Food Security Domain within the scope of the SDC Mekong Regional Strategy. The Rubrics Scale will be used to measure the context setting of the overall Project Goal and indicate where the MRLG project Phase II may have contributed. The developments per indicator and related score do not have a direct causal link to MRLG. Developments and scores are provided around two major dimensions related to secured and equitable access to and control over agricultural land and forest for Smallholder women and men farmers:

- Dimension 1: institutional and regulatory framework supporting land tenure security among all smallholders.
- Dimension 2: citizens, including women and ethnic minorities, know their tenure and land use rights and defend them.

The mission considers the exercise useful and complementary to the regular M&E work based upon the project's Logical framework, but attribution questions limit the relevance of the rubrics scale for evaluating and judging the performance of the MRLG project. Yet, the rubrics indicates a paradigm shift towards recognition of smallholder tenure rights, including customary tenure, and providing more space for smallholder-based development options. In some instances (Laos, Vietnam and Myanmar before the coup), MRLG and its alliances have surely played a crucial and decisive role in the increased openness and changed narrative of governments. Clear causal linkages are, because of the nature of legislative processes and their complex externalities, difficult to capture and report upon. Government partners in Vietnam and Laos do confirm during interviews the important supporting role of MRLG in policy development.

## 3.6 SUSTAINABILITY

MRLG accelerates and steers land governance related policy making processes towards CT recognition. The policy advocacy processes will continue also without MRLG as MRLG was never owning or fully dominating or financing those processes. The final results of the processes are legislative frameworks or guidelines, conducive to or

safeguarding TC recognition for smallholder men and women in CLMV. Such legislation and guiding frameworks will remain valid and leading beyond MRLG's existence. Particularly, formal legislative frameworks developed with support of MRLG will be long-lived (typically 10 years plus) and benefit direct beneficiaries far beyond the MRLG lifespan. Yet, due follow up, safeguarding policy gains through defining conducive sub-legislation and implementation guidelines as well as due compliance, is required to capitalise on, and sustain, achievements in legislative sense. Even more importantly, the mind-shift towards recognition of customary tenure and smallholder agriculture as potential economic force will sustain.

**Sustainability score:** 2 (satisfactory)

The MRLG outputs and outcomes are merely "soft" results in the sense of enhanced capacities, improved linkages and partnerships or strengthened institutional frameworks around CT recognition. KM products and knowledge sharing events geared towards evidence based and informed dialogues and decision making are also serving a soft purpose.

MRLGs approach to support, strengthen and consolidate existing efforts and initiatives, rather than being an implementing agency by itself, plus the fact that the MRLG is merely a co-financer, enhances sustainability. Supported interventions are not directed, dominated or fully financed and thus not (fully) depending on MRLG.

The establishment of alliances (linking) and the consolidation of alliances around joint workplans and advocacy efforts (bonding) is not likely to continue at the same level without MRLG facilitation. Most stakeholders indicate that they experienced working in an alliance as effective. Stakeholders do also indicate that established linkages, particularly those with "like-minded" stakeholders in the land governance sector have their value beyond the MRLG operations and lifespan and express their intention to pursue those linkages and partnerships. Some alliance members consider the MRLG alliance as project-driven and fear that these will not sustain. The stronger alliances, like the CT alliance in Laos, that saw already concerted efforts around land-tenure before the interventions of the MRLG, are committed to continue. In addition, opportunity- or event-based alliances will most likely evolve, possibly based on earlier linkages established in the framework of the MRLG.

It has to be noted that the results derived from the MRLG project are well documented and widely shared and well acknowledged by other stakeholders. The results of thematical research and studies and field level pilots intended to deliver proof of concept, will remain valid beyond MRLGs lifespan. The fact that the MRLG has actively documented and shared the outcomes through quality KM products enhances the sustainability and value of these investments.

Other crucial interventions, like the Regional Land Governance Forum or inter-governmental exchanges around CT recognition, will only continue if another external donor will replace the contribution (financing, facilitation) of the MRLG. Regarding the success of particularly the forum such scenario seems feasible.

The continuation of joint advocacy around identified policy options and the use of identified "policy channels" is not yet assured. A lot will depend on how developed institutional alliances and linkages will further evolve and whether or not policy issues at hand will have sufficient commonality to trigger a common agenda.

In terms of sustainability of obtained results at a higher result level positive changes in guiding frameworks and actual legislation will remain valid and beneficiary to (potential) beneficiaries beyond MRLGs presence. Yet, due follow-up and general attention to safeguards in further formulation of sub-legislation, implementation and compliance is needed to reap and sustain the benefits from the conducive legislation and policy frameworks. An illustrative example of the need for due follow-up on achievement in policy influencing is the follow up on the Land Law in Laos. In order to capitalize on the legislative gains in terms of CT recognition it is needed to safeguard these gains through developing equally CT favorable sub-legislation like implementation decrees.

A note of caution refers to MRLG's relatively dominant position in the Mekong land governance arena. Being a temporary entity, MRLG should use its position to enhance and sustain ongoing policy advocacy trajectories. Enhancing sustainability implies pro-actively sharing its linkages and networks (instead of gatekeeping) and



considering the added value of MRLG's supporting role towards existing initiatives (not taking over and/or creating dependencies).

Perhaps the most important, yet less visible or tangible result, is the (early signs of) paradigm shift amongst governments in accepting smallholder agriculture as part of the development model. Indications of such mind-shift were reported during the interviews with government partners and will sustain and hopefully allow for further scaling of CT and RAI models.

## 4. CONCLUSIONS

The MRLG project has evolved as a well-established and well-respected and trusted actor in the land-governance sector in the Mekong region. The services rendered by the MRLG are very well received by a broad constellation of stakeholders in the land-governance arena.

The assessment of the performance of the MRLG using the OECD-DAC indicator framework provides a somewhat un-balanced picture; while the scores of almost all indicators are highly satisfactory or satisfactory, the final impact score is lagging behind. The quantitative assessment of the Logical Framework (provided in appendix 5) shows a similar picture: while Outcome areas show for an almost 100% (or over) achievement, the achievement rate of the Intermediate Goal is only 25%. The mission believes that this has a few reasons:

- The formation and consolidation of stakeholder alliances per workstream took much more time than anticipated, resulting in substantial delays in the actual implementation of strategic activity plans. With maximum 2 years of implementation time per workstream it is relatively early to judge MRLG on its impact.
- The Military Coup in Myanmar forced MRLG to cease promising policy development trajectories that were about to deliver.
- Policy influencing is a very unpredictable process and success (thus impact) cannot be planned logically in rigid cause-effect relations or in defined timeframes (as per logical frame). Moreover, required "soft diplomacy" is not always tangible thus well recorded in result frameworks.
- The links between the different roles the MRLG plays did not receive equal attention, with much effort spent on alliance forming while not sufficient considerations and thoughts were given to the actual policy advocacy work.
- There is still a gap between the Overall Goal (secured tenure) and the Intermediate Outcomes. While policy formulation and endorsement are essential, it is only a first step in the necessary sequence of legislation formulation, implementation and enforcement.

Reflecting on realized results per SDC result levels, the following can be concluded:

**Policy level;** i) Concrete stipulations in the Lao Land and Forest Laws allow for land titling / land use arrangements for smallholder women and men including collective tenure in forest lands with causal attribution to MRLG's interventions, ii) Recommendations on the Draft Environment and Natural Resources Code (Version 11) of Cambodia including the drafting of a chapter of the ENR Code on Collaborative Management, iii) Draft Forest Rules in Myanmar iv) Technical advice on Land concentration and accumulation and on land acquisition, compensation, support and resettlement in Vietnam and policy advice to the Vietnam Party's Central Economics Committee (CEC) on forest allocation to communities and v) ASEAN Working Group on Social Forestry formally agreed to develop Guideline for the Recognition of Customary Tenure in Forest Landscapes.

**Institutional and Organisational levels;** i) Enhanced collaboration between MAF and MoNRE in Laos, ii) Effective linkages between policy makers in CLMV and other stakeholders including CS. iii) Ten operational alliances, combining forces in advocating for CT / RAI in CLMV. iv) Increased awareness, knowledge and skillsets around CT and RAI with stakeholders, v) Move towards evidence-based decision and policy making with key decision makers in CLMV and mind-shift towards accepting smallholder as relevant economic and development force.

**Beneficiary (smallholder) level:** i) Legal backing for 1,5 million, largely ethnic, people, in Laos living in forest lands to have their tenure rights legally confirmed through national law making, ii) 16,700 people benefitted from awareness raising about their tenure rights and/or had their tenure secured in pilot sites in CLMV.

## 5. LESSONS LEARNED & RECOMMENDATIONS

Based upon the findings the mission has formulated the following lessons learned and recommendations to adapt future actions. The mission recommends to start addressing and putting in process, or at least preparing for, recommended changes and adaptations during the balancing project period of MRLG II and continue implementing recommendations during MRLG III.

### CONTINUE / RETAIN

- The land governance sector is a complex, highly politicized sector requiring substantial investments in time and resources to pursue changes, particularly if land tenure security is addressed. Securing rights for local households over land and natural resources required a paradigm shift and often threatens vested interests. Yet, secured land tenure is a prerequisite for smallholder women and men to advance their livelihoods and built resilience against external factors varying from competing claims on their land to climate change adaptation. Regarding the complexity and required resources, operating in isolation is not effective and the chosen approach of the MRLG striving for impact through enhanced coordination, alignment and pursuing (and financing) joint agendas of like-minded stakeholders, is regarded good practice and the way forward.
- MRLG reports a successful roll-out of the MRLG Gender Strategy, trainings and the development of national Gender Action Plans; the external evaluation agrees with this finding, even though we need to keep in mind that implementation success varied significantly between the four countries, which might be an element of a-synchronicity for a Phase III Gender Strategy. Further the evaluation was able to identify a more pronounced GESI focus in the CT workstreams in comparison to the RAI workstreams. The implementation of GESI strategies developed by stakeholders under MRLG II should at least be financially covered by MRLG III. Further, Phase III design should entail a strategic decision on what GESI must entail to be both effective and relevant; ethnic groups have so far majorly been addressed more by thematic choice than by implementation design; gender aspects have been addressed in specialist forums mostly; and other aspects of inclusion such as disability or youth have not been addressed at all.
- Many stakeholders express their appreciation for the provision of “safe space” to engage, exchange and learn. MRLG is as a neutral and trusted partner uniquely positioned to convene such safe exchanges. Providing “safe Space” for dialogue and exchange as well as the organisation of the Mekong Land Forum should be retained as tool.
- The mission believes that it is justified and feasible to continue engagement (supported by SDC and Luxembourg) with civil society in Myanmar, at least at minimum levels that allow selected civil society partners to participate in learning and exchange events and further enhance their capacities related land governance in general and policy advocacy on improving land governance in particular.

### RE-FOCUS

- Direct engagement with policy makers (Laos, Vietnam, Myanmar before the coup) has shown to be effective in fostering policy changes. Regarding the future MRLG engagement in Cambodia, the mission recommends the back-donors to consider more direct engagement with the government at national and sub-national level in cases showing opportunities for conducive policy development, without losing out or passing by, the current civil society partners.
- The MRLG II Logical Framework (LF) shows some inconsistencies in terms of causal attribution between result levels and in terms of defining tangible yet realistic (and fair) indicators for result areas. This has hampered objective monitoring of progress. In addition, the focus on formal endorsement, being the most unpredictable part of policy influencing, has put the success of MRLG II vi-a-vis its objectives at risk. The mission recommends to revise the LF indicators at inter-mediate objective level formulating

indicators and related targets that better capture and give sufficient credit to the less-tangible achievements and results that characterize policy advocacy work.

- In order to capitalise on conducive policy changes in terms of customary tenure, additional or complementary investments are necessary. In particular, the formulation of sub-legislation and implementation guidelines and/or decrees, is crucial in safeguarding gains regarding CT recognition / RAI booked. This is still a highly sensitive process. For example, regarding the conducive changes in the Lao Land and Forest Laws, the Decree (or Agreement) recently signed between MONRE and MAF should clarify about the exact future status of (customary) land in forest areas in the three types of forest.
- The core of the TOC and result logic of the MRLG project is that policy options (P&P) are developed and tested with reasonable likelihood that they will be applied and rolled out for the future benefit of a large number of the target beneficiaries (millions). In order to enhance its effectiveness, the MRLG should deepen its assessments and related considerations regarding the likelihood and conditions under which such scaling of targeted P&Ps will materialize and align future investments to most promising scaling scenarios. Only policy options that combine a high likelihood to be adopted plus benefitting large numbers of smallholder women and men beneficiaries should be pursued. Appendix 8 provides assessments per workstream against mentioned variables i) likelihood that targeted policy change will be endorsed in the project's time-frame ii) number of potential beneficiaries within MRLGs target group and iii) added value of MRLG's further engagement. Such assessment and related decision making should be carried out in the first 3 months (inception Phase) of MRLG III.
- The two thematical areas i) Customary Tenure (CT) recognition and ii) Responsible Agricultural Investment (RAI), are well chosen in relation to the overall MRLG goal. The further channelling to customary rights and the focus on ethnic households and tenure of forest lands, provides the MRLG a niche and enhances its relevance. Both themes are inter-connected and complementary, allowing for sufficient synergies. Yet, both workstreams are not having the same potential or equal relevance in all 4 target countries or regionally. For MRLG III it is recommended to focus on specific land governance themes and not stretch its mandate beyond for exemplifying through engaging around B2B arrangements, like contract farming. Moreover, the mission recommends to approach the thematical workstreams in a more integrated manner and /or consider integrating or merging workstreams (see appendix 8).
- An increased focus on sub-national level policy development would probably increase effectiveness of MRLG as for example in the RAI WS Vietnam. Instead of waiting for the proposed recommendations to be accepted in the amended Land Law, the project should have supported provinces to pilot some of the proposed actions. Especially in terms of agriculture land concentration that has been piloted and promoted in many provinces throughout the country. Supporting some "champion" provinces in promulgating their provincial regulations (for instance in the forms of the Provincial People Committee's Resolution – which is also a legal document applicable to the respective province) on agricultural land concentration was suggested by the partners as a good opportunity for MRLGIII.
- Asian enterprises are the dominant players and increasingly shaping the landscape including the land governance landscape. Although it is realized that engaging with the private sector is not easy, the MRLG alliances are by missing out on private sector partners (only indirectly represented through Oxfam or Grow Asia), missing out on the potential of private sector led solutions too. In this sense, MRLG III should align with the newly launched Transformative Land Investment (TLI) project that is to identify inroads to engagement with the private sector.
- There still exists a gap in causal attribution between the Overall Goal (secured tenure) and the Intermediate Outcomes. This gap can only be bridged by stronger linkages with implementing partners. The mission recommends MRLG to actively promote donor coordination and alignment around programming and financing the securing of Customary Tenure at scale. Customary tenure in forest lands should, in particular, be included in the land-use planning (CLIPAD, Village Forestry Project) and land-titling projects (WB, LMDP, ELTeS, upcoming KfW project) to assure actual capitalisation on policy efforts resulting in concrete improvements in secured access to (forest) lands by smallholder women and men. At the same time, linking to global forest carbon conservation initiatives like REDD+ could provide opportunities to advance CT recognition into practice.

Engagement with forest carbon conservation projects will also be the basis of enhanced attention to climate change mitigation and adaptation in MRLG Phase III.

#### ADAPT/CHANGE

- Based upon achievements so far, the actual engagement with policy makers around targeted policy changes is so far the least successful function of MRLG. Effective policy advocacy requires a careful, well thought-through and planned process. The mission team recommends to re-evaluate the collective expertise of MRLG (PIU + Alliance members) and identify key strengths (individuals and institutions) in this area and ensure that these are sufficiently capacitated and their strengths strategically leveraged for maximum impact. We also suggest expanding in-house and alliance-based training and co-designing in policy advocacy and influencing specific to workstream agendas consistent with the TWP approach of the project.
- The logic of making successful pilots to feed to policy advocacy is not really feasible within a relatively short timeframe available for this project. At the time of this evaluation, most of the pilots have just put in good shape and links to policy advocacy were found to be not always effective. With such time constraint, it would be more appropriate to identify and document existing P&P pilots conducted outside MRLG, in case available and relevant.
- A no-cost extension seems necessary to capitalise on promising policy trajectories still in the pipe-line yet with the potential to still materialise within the framework of an extended project duration. The balance of activity-bond funds would allow such, but some allocation to personnel & operational costs is required.
- While it is acknowledged that a certain amount of targeted academic research is needed to provide for a solid evidence base, it is recommended that the MRLG will focus more on KM products that are tailored to support the policy advocacy trajectory. In addition to the traditional policy briefs, reports etc. the MRLG could make use of a broader spectrum of KM products by using more multi-media tools like videos, social media etc. in its policy advocacy efforts.
- An alliance structure that has overlap between regional and national alliance partners or allies would be an additional asset as to guarantee smooth regional-national linkages and coordination. MRLG could make better use of the fact that quite some alliance members (AFA, NTFP-EP, AIPP, Grow Asia) are regional alliances or membership organisations themselves or have regional as well as national presence (RECOFTC, Oxfam).
- Efficiency of the project was, at times, undermined by cumbersome and multi-layered coordination. Also, the multi-layered outsourcing of research or contractual arrangements for field level interventions added to the coordination costs. Based upon the above, the mission would plea for shorter and simpler approval and contracting chains and having local research done by members of the national level alliances.
- Allocating substantial grants to Government entities (V, L) has been a strategic choice for engaging and fostering commitment of government actors towards MRLG's agenda. This has not always been equally effective and, in some instances like in Vietnam, caused friction within alliances. Pairing CSOs with an acknowledged position in the land sector and pair those to sub-national government entities in conducting field work seems to have the advantage of i) effective conduction of field level interventions ii) improved reporting iii) levelling playing field through building effective government-CSO linkages at sub-national levels. In addition, it is recommended to include a grant facility in Phase III that is open to civil society to partner with relevant local government agencies to pilot P&Ps. At the same time, MRLG II could engage in promoting and strengthening sub-national entities to become ILA members.
- MRLG has gained a strong position in the Mekong land governance sector and as a temporary entity should use this position with caution. Its' relatively dominant position relates strongly to the financial resources available and its established linkages. Careful considerations regarding sustainability (not gatekeeping contacts) and considering the added value of MRLG's supporting role towards existing initiatives (not creating dependencies) should be more prominent in shaping MRLG III.

APPENDIX 1: TERMS OF REFERENCE

# **Terms of Reference**

## **Project Evaluation**

**External Evaluation and Project Formulation of the  
Mekong Region Land Governance Project  
(MRLG), Phase 2**

**2018-2022**

Vientiane Capital, December 2021

## Table of Contents

1.	Introduction .....	39
2.	Background information and context of the evaluation .....	39
3.	Objective, scope and focus of the evaluation .....	42
3.1.	Evaluation object.....	42
3.2.	Purpose and objectives .....	42
3.3.	Scope .....	42
3.4.	Indicative evaluation questions / key focus area .....	42
4.	Evaluation process and methods.....	45
4.1.	Evaluation methodology .....	45
4.2.	Roles and responsibilities of the evaluator(s) .....	46
4.3.	Evaluation process and timeframe.....	46
5.	Deliverables .....	47
6.	Reference Documents .....	48
7.	Competency profile of the evaluator(s) .....	49
8.	Reporting .....	50
9.	Application procedure .....	<b>Error! Bookmark not defined.</b>
10.	Contracting .....	50
11.	Annex.....	50

## Terms and Abbreviations

ASEAN	The Association of Southeast Asian Nations
BMZ	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung
CLMV countries	Cambodia, Laos, Myanmar, Viet Nam
CSO	Civil Society Organisation
CT	Customary Tenure
DAC	Development Assistance Committee
ELG	Evaluation Lead Group
EPEPF	End of Phase Evaluation and Project Formulation
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GRET	Professionals for Fair Development
IF	Innovation Fund
L&A	Learning and Alliance
LEI	Land Equity International
LNOB	Leave No One Behind
M&E	Monitoring and Evaluation
MRLG	Mekong Region Land Governance
MTR	Mid-term Review
NGO	Non-Government Organisation
OECD	The Organisation for Economic Co-operation and Development
PIU	Project Implementation Unit
PSC	Project Steering Committee
QDF	Quick Disbursement Fund
RA	Reform Actor
RAI	Responsible Agriculture Investment
SDC	Swiss Agency for Development and Cooperation
TOR	Terms of Reference
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure

## 1. Introduction

This document sets out the requirements relating to project evaluation mandate for, the Mekong Region Land Governance – Phase 2.

This Terms of Reference (ToR) describe the purpose, context, objectives (including guiding indicative evaluation questions), scope and a proposed methodology of the evaluation. They further describe the evaluation process and the expected deliverables.

## 2. Background information and context of the evaluation

Land governance continues to be at the centre of development challenges in Cambodia, Laos, Myanmar and Vietnam (CLMV). From around 2000 onwards, governments in the region have promoted large-scale agriculture and granted economic land concessions over formerly family-farmed land, to corporate investors for activities which often requires that more land be excluded from its former use. These policies are derived from the priority given to economic growth. Large scale concessions have led to a reduction in land area available for family agriculture and have played a major role in deforestation and thus reduced access to forests by communities that used to contribute to family farmers' food security. However, in recent years, there is a growing recognition by the states that large-scale concession policy has had negative consequences for the poorest and has created many conflicts, in some cases leading to political crisis, and has not brought the expected results in terms of agricultural production and GDP growth. There is also growing interest in alternative forms of attracting investment in agriculture: contract farming, land leases by communities or farmers, developing "responsible agricultural investment" guidelines, code of conducts integrated in investment policies.

To address the emerging regional challenges, the Government of Switzerland, through the Swiss Agency for Development and Cooperation (SDC) launched the **Mekong Region Land Governance Project** (MRLG) in 2014 with the goal "to promote secure and equitable access to land and natural resources for smallholders in Cambodia, Laos, Myanmar and Vietnam (CLMV), particularly for women and ethnic minorities". The MRLG is aligned with SDC's Mekong Regional Cooperation Strategy 2018-2021, whose goal in the Regional Agriculture and Food Security Domain is "*Smallholder women and men farmers have secured and equitable access to and control over agricultural land and forest.*" There is also a strong alignment of MRLG with the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT). Switzerland has been a strong supporter of the development of the Voluntary Guidelines and supports their implementation, as well as the Rights and Resources Initiative (RRI), the International Land Coalition (ILC), the Food First Information and Action Network (FIAN), the Principles for responsible agricultural investment in the context of food security and nutrition (RAI), and the ASEAN Social Forestry Network.

Following a tender procedure in 2013, SDC awarded the project implementation to Land Equity International (LEI) an Australia-based consultancy firm, working in partnership with the Professionals for Fair Development (GRET) a French non-government organisation. The MRLG is co-funded (third-party financing) by the Grand Duchy of Luxembourg (Luxembourg) and the German Federal Ministry for Economic Cooperation and Development (Germany), through the Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ). The project is governed by a Project Steering Committee (PSC), which is comprised of representatives of the project donors (SDC, Germany and



Luxembourg) in Laos. The role of the PSC is to provide technical and managerial direction and implementation oversight.

**The first phase of MRLG** (MRLG 1, 2014 to early 2018) implemented a wide range of activities through a challenge fund-based approach to support diverse and innovative initiatives, across a broad spectrum of land governance and land tenure-related issues. A broad range of partners were involved including CSOs, NGOs, academia, research institutes, government departments and agencies and the private sector. These initiatives were supported using a range of instruments including small grants, larger grants, workshops, training events, technical assistance, knowledge management, conferences, networking, alliance-building etc. A number of these initiatives were successful and generated the body of knowledge, networks and experience that provided the basis for moving to Phase 2.

A **Transition Phase** was supported during most of 2018 to evaluate and assess the learning from Phase 1, and design the strategic approach, methodologies, tools and project documentation needed to for Phase 2. Some further investment was used to retain the momentum by building on a number of the successful initiatives from Phase 1.

**The current phase of MRLG (MRLG 2, Oct.2018 – Sept. 2022)** has a total budget of USD 13.679 million, which consist of financial contribution from SDC of USD 10 million, and from Luxembourg of USD 1.5 million. The contribution from Germany includes USD 2.179 million financial contribution to the MRLG overall budget and the deployment of a GIZ development expert to complement the MRLG Project Implementation Unit (PIU). Due to the COVID-19 pandemic and the series of lockdown introduced in the CLMV countries, the MRLG has experienced delays in project implementation at country and at regional level. Therefore, SDC approved a 2-month extension of the current phase of MRLG until November 2022.

**The Overall Goal of MRLG 2** (as in phase 1) will remain “Smallholder women and men farmers have secured and equitable access to and control over agricultural land and forest in the Mekong Region”. The Project Objective to which MRLG will contribute to in Phase 2 is “Improved policies and practices implemented in Cambodia, Lao PDR, Myanmar and Vietnam”.

To achieve this objective, MRLG 2 will devote its efforts and resources to three outcomes:

- Outcome 1: Reform Actors and networks engage strategically in improving policy and practice regionally and nationally;
- Outcome 2: Evidence-based options for improved policy and practice are available regionally and nationally; and
- Outcome 3: Channels for policy dialogue are identified or established, and utilized regionally and nationally.

The expected result will be the evidence of at least four adopted policy and practice changes that have the potential to benefit over 15 million smallholder farmers, particularly women, ethnic minorities and other vulnerable groups. The assumption is that if policies are improved for the rights of ethnic minorities and vulnerable groups (est. 30 mio in CLMV<sup>5</sup>), MRLG could attribute results for a large proportion of this population.

**The strategic approach for phase 2** shifted from the highly flexible and experimental approach of Phase 1 to a more strategic and politically-informed approach that engaged “Reform Actors” in the CLMV countries to support them in policy and practice (P&P) improvement processes at national, sub-national and regional levels in a more deliberate and purposeful manner. Phase 2 specifically identified

---

<sup>5</sup> The total population of the CLMV is 167 Mio (FAO, 2014); est. 30 mio derived from gender study (LEI/GRET, 2016).

and focused on the thematic areas relating to (1) Customary Tenure recognition (CT) especially ethnic minority and women's rights and particularly in relation to forest land; and (2) Responsible Agricultural Investment (RAI); with Land Rights Awareness and Land Conflict Transformation as cross cutting. In most cases, policy influencing will be focusing on changing laws/implementation decrees and regulatory mechanisms. In other cases, especially when there is a strong disconnect between policy and effective implementation in the field, practice influencing will focus on either "improving the effective implementation of the policy" at the local administration level, for instance developing the capacity of government (Duty Bearers) to improve its processes, and/or "strengthening of communities (Right Holders) to know and defend their rights". As well as developing their capacity to negotiate win-win arrangements with private investors.

A **Mid-Term Review** (self-evaluation) of MRLG 2 was conducted in October/November 2020. The purpose and objective of the MTR was (i) to assess current progress of the project against expected outcomes at the mid-term, (ii) identify priority actions and corrective measures for strong completion of Phase 2 (Sept. 2022), and (iii) assess need for potential Phase 3 and distill lessons-learned from Phases 1 and 2 to inform this.

The MTR highlighted that MRLG would currently be considered on balance to be mostly relevant as a vehicle for improving land governance policy and practice across the region. If the policy change focus issue is properly addressed by MRLG as recommended and expected, MRLG would become highly relevant. Despite delays at the beginning of the phase, which was due to longer-than-expected Alliance formation and workstream finalization, the project is now well-established and making steady progress. The project has a strong management team with good management and networking capabilities and is positioned to address ongoing issues. The MTR strongly recommended that a follow on third phase of MRLG is supported.

The review provided the following recommendations to be addressed during the remaining time of the project phase (see more details in Annex):

- 1) Workstreams to strengthen clarity and focus on their targeted policy and practice improvements for impact sustainability: clarify how alliance actions contribute to high-level objectives, how these contribute to specific envisioned policy and practice changes, ensure targets met.
- 2) Recognize and strengthen the value of alliances and sub-alliance partnerships: recognize that strengthening the alliance and member institutions is a worthy goal by itself, support capacity building for sustainability.
- 3) Continue with strong adaptive management and complementary support: (COVID-related, and priority actions to end of phase), include potentially revising results framework as needed, address changes in the CT and RAI sectors to adapt and take advantage of emerging opportunities
- 4) Scope out the needs, options and interest for MRLG to evolve into or develop some kind of regional entity or facility (in Phase 3) that would continue to provide critical regional support for CT and RAI after the end of MRLG
- 5) Continue to support alliances and improve their reporting: weak and variable partner reporting, ensure reporting is clearly against high-level objectives and outcomes, etc.
- 6) Support preparatory activities for quick and seamless shift to phase 3 (if supported by donors) or exit strategy.

### 3. Objective, scope and focus of the evaluation

#### 3.1. Evaluation object

The evaluation object consists of the “**Mekong Region Land Governance**” project.

#### 3.2. Purpose and objectives

The main purposes of this Near-End of **Phase 2 External Evaluation and Project Formulation (EE-PF)** is two-fold: firstly for institutional learning and accountability, and secondly to draw lessons and to provide recommendations for the follow-on engagement after the ongoing MRLG Phase 2, i.e. the third and final phase of MRLG.

**The objective of this EE-PF are:**

1. To **evaluate MRLG 2 results and achievements**, based on the project’s relevance, effectiveness, efficiency, sustainability and impact according to OECD/DAC criteria ([www.oecd.org/dac/evaluation](http://www.oecd.org/dac/evaluation)), and draw the main lessons learned. The evaluation should bring to light the main factors having contributed to success or failure, and assess the sustainability potential of results and impacts beyond the project duration.
2. To conduct project formulation for MRLG Phase 3 (last phase). This exercise shall be conducted back to back with the phase evaluation mission with an objective to provide SDC a **Project Concept Note for MRLG Phase 3**, taking into account the SDC Mekong Region Strategy 2022-2025, and the other donors (Germany and Luxembourg) priorities, including potential synergies with ongoing projects/initiatives in the land and natural resources management sector funded by the three donors. The Concept Note shall provide the basis for donor planning process and budget allocation process in 2022 and beyond, in particular for the development of the Project Document.

#### 3.3. Scope

The breadth and depth of the evaluation will be informed by the indicative evaluation questions that the evaluation seeks to answer (see chapter below). The evaluation should build on existing studies and assessments and further investigate developments occurred during the MRLG phase 2 implementation, period from October 2018 to February 2022. The geographical scope include Cambodia, Lao PDR, Myanmar and Vietnam (CLMV). The Evaluation team field/virtual mission shall take place in Lao PDR, Cambodia and in Vietnam.

#### 3.4. Indicative evaluation and formulation questions / key focus area

During the inception phase, the evaluator(s), in consultation with SDC, Germany and Luxembourg, should further refine and prioritise the questions that are structured according to the OECD DAC-Criteria.

##### 3.4.1. Backward looking:

Relevance	<p>The extent to which the MRLG 2 project is aligned with the priorities and policies of the CLMV countries’ governments, and responds to the needs of end beneficiaries. The following questions will be considered:</p> <ul style="list-style-type: none"> <li>• Does the project’s objectives respond to the needs and priorities of the target groups (incl. reform actors, alliance members, government agencies, end beneficiaries especially women and ethnic minorities)?</li> <li>• Do the core design elements of the project (such as structure of the project components, project modality and approaches) adequately reflect the needs and priorities of the target groups?</li> </ul>
-----------	---

	<ul style="list-style-type: none"> <li>Has the project been pro-actively addressing emerging demands and opportunities during the project implementation, adapting its objectives and approach to respond to changes in the country context and stakeholder landscape, including changing national priorities, institutional structures, legislative and policy updates?</li> </ul>
Coherence	<p>The extent to which MRLG 2 project is compatible with other projects/interventions in land governance.</p> <ul style="list-style-type: none"> <li>External coherence: the extent to which the MRLG 2 project is compatible with other interventions of the Lao Government and development partners (including SDC, Germany/GIZ, Luxembourg, WB, EU, ASEAN) in the same countries and thematic field (consistency, complementarity and synergies).</li> <li>Internal coherence: what are the current partnerships and synergies/linkages with other SDC, Germany/GIZ, Luxembourg projects and with relevant institutions in CLMV countries? Is there further potential for synergies, and would such linkages be conducive to achieving the project results?</li> </ul>
Effectiveness	<p>The extent to which the MRLG 2 achieved its objectives and the results. The following questions will be considered:</p> <ul style="list-style-type: none"> <li>To what extent were the intended results of the intervention achieved (or are likely to be achieved) at the levels of output, outcome and the overall goals of the intervention? If yes, what are tangible results?</li> <li>To which extend did the project have an influence on land-related policies?</li> <li>What are the major factors which have influenced the achievement of the objectives (e.g. project approach, contextual transformation)?</li> <li>To what extent has the project achieved its intended results related to transversal themes such as gender equality and ethnicity inclusion?</li> </ul>
Efficiency	<p>The extent to which MRLG delivers, results in an economic and timely way inputs. The following questions will be considered:</p> <ul style="list-style-type: none"> <li>To which extend the project has delivered the results (outputs, outcomes) cost-effectively, including specific project mechanisms/approach introduced under MRLG phase 2, such as the regional and country workstreams?</li> <li>To which extend the project has delivered the results (outputs, outcome) in a timely manner (within the intended timeframe or reasonably adjusted timeframe)?</li> <li>What role hs the COVID-19 pandemic and related restrictions played in timely and efficient delivery and in how far was the project able to adjust its approach through adaptive planning/delivery?</li> <li>Is the monitoring system in place to track the impact of the development intervention suitable in terms of its objective?</li> <li>How the management, monitoring and steering mechanisms has supported efficient implementation (e.g. Regional and National Advisory Committees, Project Steering Committee)?</li> <li>Did the targeting of the intervention mean that resources were allocated efficiently?</li> </ul>

Impact	<p>The extent to which the MRLG 2 has generated significant positive or negative, intended or unintended 'higher-level effects' as defined in the design document of the project. The following questions will be considered:</p> <ul style="list-style-type: none"> <li>• What are the direct and indirect, positive and negative effects of MRLG 2 at both population (the target group)<sup>6</sup> and institutional/organizational level?</li> <li>• Which positive, lasting effects and behavioural changes can be identified, in particular in terms of strengthening reforms actors in the region?</li> <li>• Did a specific part of the project have a greater impact than another?</li> </ul>
Sustainability	<p>The extent to which the effects and benefits are likely to continue and sustain after the donor funding has phased out. The following questions will be considered:</p> <ul style="list-style-type: none"> <li>• What evidence is there that the achieved effects (e.g improvements in land tenure security of family farmers in CLMV) and mechanism support by MRLG (e.g. alliance, workstream) will continue after the completion of the project (replicability and scaling up)?</li> <li>• Which major factors might enhance the effects achieved or prevent them from continuing?</li> <li>• Have the partner institutions and involved sections of the target group embraced the aims and activities originally promoted by the project (ownership)?</li> <li>• Can the partner institutions and involved stakeholders (e.g. reform actors, alliance members in the region) continue the activity independently (existence of financial resources) and adjust their strategies to changing conditions? Do they have their own problem-solving capacities (technical capacity)?</li> <li>• Which socio-cultural, institutional, ecological, financial or technical measures could be implemented to increase the chances of the MRLG having a sustainable impact?</li> </ul>
Lessons learnt	<p>What are the aspects that have contributed to success/failure of the MRLG 2, among others aspects such as: management, thematic approach, main innovations, partnership(s), communication, harmonisation and alignment? And their implications and measures for the new phase.</p>

### 3.4.2. Forward looking:

Based on the above evaluation, the EE-PF team will make specific recommendations for:

Overall, the proposal should be result-oriented. The concept note should clearly present what was achieved, what lessons were learned and what needs to be done to scale-up and sustained the results/processes initiated under MRLG phase 1 and 2.

- Theory of change/impact hypothesis (if-then-because logic) that explains and plausibly argues how direct products and services from the project (outputs) will produce effects (outcomes). Relevant effects for the target groups include e. g. behavioural change due to increased

<sup>6</sup> i.e. contribution on one or more of the following dimensions: 1) access to basic services, 2) security, reducing vulnerability, 3) realization of human rights, participation in decision making, social inclusion, 4) increase in income, access to natural resources, decent work, 5) dignity and social integration (DAC poverty dimensions).

capacities and knowledge – considering their relevance for gender equity and Leave No One Behind (LNOB).

- Initial Logical Framework for the project Phase 3/last phase. A description of the project objectives and the expected results with a clear distinction between the levels of the objectives: outputs, outcomes and impact. This logframe should include SDC specific indicators (i.e. relevant MRCP indicators)
- Outreach: description of the target group including stakeholder analysis: beneficiaries/institutions/organisations and geographical area of the intervention. Level of the intervention (micro, meso, macro).
- Interventional strategy and mechanisms: the intervention approach/methodology/instruments, including linkages between them and between national/ regional level interventions to influence land governance policy. Further improvement in addressing gender and ethnicity dimensions within the project intervention.
- Organisational structure and steering mechanism: effective and efficient project implementation, governance and steering. Strengthen coordination between donors / contributions (SDC, Germany and Luxembourg, and between SDC field offices).
- Resources: providing an estimated costing of the project phase 3 with an indicative budget of 8.5 mio USD.
- Partnership and synergies: future partnerships and potential synergies/linkages with other SDC projects and with strategically relevant institutions at both national and regional levels.
- Exit strategy: measures to ensure the sustainability of benefits/scaling up (e.g. use of country system?). End of project vision/exit strategy.
- Risk assessment (political and operational) and mitigation measures.
- Open issues: identification of open issues that will have to be addressed during the project design, i.e Project Document (tentatively April-May 2022).

The above-recommendations shall form the integral part of the Project Phase 3 Concept Note.

## 4. Evaluation process and methods

### 4.1. Evaluation methodology

In order to achieve the above objectives, the evaluator(s) will:

- review related project documents (including annual reports) and previous assessments/reviews,
- use available projects and country data/reports,
- and complement with individual and group interviews with key project stakeholders, facilitate workshops with relevant actors in the selected countries.

The evaluators will develop a detailed methodology based on the OECD criteria/rating including the indicative evaluation questions (above). The methodology should allow to generate data disaggregated by gender and ethnicity. The detailed methodology will be developed in the frame of the inception report.

## 4.2. Roles and responsibilities of the evaluator(s)

The evaluation will be conducted by a team composed of (1) one International Team Leader (TL) with experience in the field of external evaluation and with strong experience on governance and natural resources management; (2) one International Gender Specialists; and (3) a team of up to 4 local experts/consultants in each CLMV countries. The overall responsibility will lie with the Team Leader. The International Team leader will have a contract with SDC, and in the capacity of team leader, will sub-contract the local consultant(s). The International Team Leader will report to SDC, Swiss Cooperation Office for the Mekong Region, Laos.

The primary contact persons for the Evaluation Team is the Head of Governance and Citizen Participation Domain, Swiss Agency for Development and Cooperation.

Support the mission coordination: Mr. Micah Ingalls, MRLG Team Leader.

Other logistics: MRLG PIU office in Vientiane Capital.

An Evaluation Lead Group (ELG), which consists of SDC that includes the Head of Governance and Citizen Participation Domain, and Senior National Programme Officer, and representatives from Germany, Luxembourg and GIZ, will be following closely the process and be responsible to review and accept the draft and final inception and evaluation reports.

## 4.3. Evaluation process and timeframe

The following work plan provides suggested dates, responsibilities and resources needed for the various activities of the evaluation process. This work plan will eventually be adapted by the Evaluation Lead Group during the inception phase.

Activity	Date	Responsibilities
<b>Kick-off meeting</b> with Evaluation/Formulation team (EE-PF) and Evaluation Lead Group (ELG)	<b>11 Jan 2022</b>	SDC, Consultant/s
Desk study, interviews with stakeholders, partners.	10 - 14 Jan 2022	Consultant/s
Preparation of the Inception Report: evaluation objectives and questions, evaluation design, methodology	14-18 Jan 2022	Consultant/s
<b>Draft Inception Report to SDC</b>	<b>18 Jan 2022</b>	Consultant/s
Feedback on the Inception Report by the ELG	24 Jan 2022	Evaluation Lead Group
Finalisation of the Inception Report (incorporation of comments)	25 Jan 2022	Consultant/s
<b>Final Inception Report to SDC</b>	<b>26 Jan 2022</b>	Consultant/s
Logistical and administrative preparation for data collection, evaluation workshops, field visits, etc.	27 Jan – 02 Feb 2022	Consultant/s; SDC, MRLG PIU
<b>Field/virtual mission</b> in selected 3 countries, with data collection, interviews, evaluation workshops, etc.	03 - 23 Feb 2022	Consultant/s
Debriefing at SDC Vientiane Office and/or virtual meeting	24 Feb 2022	Consultant/s, SDC

Data analysis and preparation of Draft Evaluation Report	23 – 25 Feb 2022	Consultant/s
<b>Draft Evaluation Report to SDC</b>	<b>28 Feb 2022</b>	Consultant/s
<b>Debriefing/presentation at SDC Vientiane Office and/or virtual with the Evaluation Lead Group</b>	<b>04 Mar 2022</b>	Consultant/s
Feedback on the Draft Evaluation Report by the Evaluation Lead Group.	11 Mar 2022	SDC/Evaluation Lead Group
<b>Final Evaluation Report</b>	<b>16 Mar 2022</b>	Consultant/s
SDC Management Response	29 Mar 2022	SDC
<b>Draft Concept Note MRLG phase 3</b>	<b>05 Apr 2022</b>	Consultant/s
<b>Consultation workshop of Concept Note MRLG phase 3</b> (With ELG only or broader to be determine)	<b>07 Apr 2022</b>	Consultant/s
Feedback on the Draft Concept Note by SDC, Germany and Luxembourg	20 Apr 2022	SDC, Germany, Luxembourg
<b>Final Concept Note</b>	<b>27 Apr 2022</b>	Consultant/
Dissemination of the Final Evaluation Report	End Apr 2022	SDC

Timeframe to be discussed with consultant(s), but the work will be undertaken over a timeline of approximately 4 months. With up to 43 working days for the Team Leader.

## 5. Deliverables

The following deliverables are expected to be submitted by the evaluator(s):

- 1) Inception Report
- 2) Debriefing workshop to discuss first findings
- 3) Draft Evaluation Report
- 4) Final Evaluation Report, and a power point presentation presenting the most important findings and lessons learned
- 5) The SDC's Assessment Grid for project evaluation for the DAC Criteria (Annex 1) must be completed by the evaluator(s) and attached to the final evaluation report.
- 6) List of interviewed persons; minutes of workshops; slides used for debriefing; videos; leaflets; case studies; etc.
- 7) Analysis of the intervention logic (Logframe or ToC): extent to which objectives have been achieved.
- 8) Draft Concept Note follow-on/MRLG Phase 3
- 9) Consultation workshop to discuss draft Concept Note and strategic orientations.
- 10) Final Concept Note, and a power point presentation presenting the main elements /orientations of MRLG phase 3.

The Evaluation report should be in English language, logically structured, contain evidence-based findings, conclusions, lessons and recommendations and their correlations. All information that is not relevant to the overall analysis can be included in the annexes. The report should respond in detail to the evaluation questions and key focus areas.



The evaluation report should not exceed 25 pages, including an executive summary (2-3 pages), but excluding the cover page, table of contents, acronyms and acknowledgments and annexes. The report should contain clear references to important information/data available in the annexes.

**a) Proposed structure of the evaluation report:**

Cover page

Table of contents

Acronyms and abbreviations

Acknowledgments

I. Executive summary

II. Introduction

III. Description of the project

IV. Findings: in line with the OECD-DAC criteria, including specific key outcomes achieved and impacts; output and performance.

V. Conclusions

VI. Recommendations and lessons learnt

Annexes (compulsory)

- Terms of reference
- Filled out Assessment Grid for project evaluation for the DAC Criteria
- Complete list of stakeholders and others consulted and interviewed
- Detailed description of the review process, including data sources and possible methodological weaknesses and limitations
- Analysis of the intervention logic (Results framework): extent to which objectives have been achieved
- Other deliverables that were requested in the ToRs.

**b) The Concept Note:**

The Concept Note should not exceed 15 pages of main text, excluding annexes and must contain:

- i) Introduction of MRLG Phase 3:
  - a. Background and Rationale.
  - b. Key Results Achieved and lessons learned from Phase 2 (incl. key outcomes achieved and impacts; output and performance)
- ii) Objective and outputs/outcomes of Phase 3.
- iii) Intervention Strategy.
- iv) Stakeholder Analysis.
- v) Project governance/organisational structure.
- vi) Indicative costing/budget.
- vii) Exit strategy, including what needs to be done to scale-up and sustained the results/processes initiated under MRLG phase 1 and 2; assess potential to institutionalize (part) of MRLG initiatives Alliances/tools into existing regional institutions/networks.
- viii) Risk assessment and mitigation measures.
- ix) Indicative Logframe.
- x) Open issues.

## 6. Reference Documents

After signing the contract MRLG PIU will share the following documents with the evaluator(s) for the evaluator's first desk review:

- |  |
|--|
| <ul style="list-style-type: none"> <li>• MRLG phase 2 Project Document,</li> </ul> |
|--|

- MRLG project factsheets,
- MRLG annual plans and reports for the phases etc.,
- MRLG Mid-term review,
- Swiss Mekong Regional Program 2022-2025 (draft),
- Others relevant documents to be provided by the MRLG PIU

## 7. Competency profile of the evaluator(s)

The evaluator(s) is/are expected to bring along the following evaluation and thematic expertise and experience.

Essential qualities are:

- Professional experience and skills in robust evaluation methodologies and in evaluating strategies, projects, programmes and institutional processes/change.
- Confirmed experience in the management of an evaluation team comparable in size, composition and scope.
- Confirmed experience in evaluating complex development projects.
- Knowledge of the regional, local, social, cultural, political context.
- Experience in applying the [DAC/OECD](#)<sup>7</sup> and ability to use the [SEVAL](#)<sup>8</sup> evaluation standards
- Strong analytical and editorial skills, ability to synthesise and write intelligibly for different audiences.
- Substantial working experience in the CLMV countries or in the Mekong Region.
- Experience in multilateral and bilateral development cooperation and proven knowledge of the international multilateral system.
- Experience in understanding networking/learning/strategic alliances dynamics and policy influence.
- Competency with gender, governance and 'leave no one behind (LNOB)' issues (application of gender and governance sensitive evaluation methodologies).
- Proficient ability to work and communicate (speaking, writing and presenting) in English language,

Desired qualities are:

- Experience in conducting complex evaluation remotely, delegating part of the work to local consultants
- Ability to steer complex processes involving a multiplicity of stakeholders through participatory methods.
- Knowledge of the Swiss development cooperation system.
- Social competence including intercultural sensitivity and ability to work with a range of stakeholders.
- Ability to work and communicate in local languages.

<sup>7</sup> <https://www.oecd.org/development/evaluation/qualitystandards.pdf>

<sup>8</sup> [https://www.seval.ch/app/uploads/2018/01/SEVAL-Standards-2016\\_d.pdf](https://www.seval.ch/app/uploads/2018/01/SEVAL-Standards-2016_d.pdf)

## 8. Reporting

The evaluator(s) will report to the Head of Governance and Citizen Participation Domain, Swiss Agency for Development and Cooperation, in Vientiane Capital for the entire duration of the assignment. Operational and logistic support will be provided by MRLG Project Implementation Unit in Vientiane Capital, Lao PDR.

## 9. Contracting

The contract will be awarded by the Swiss representation following an analysis of technical and financial proposals received in response to these terms of reference.

## 10. Annex

- 1) Assessment Grid for the DAC Criteria
- 2) MRLG Mid-Term Recommendations and Corrective Actions – PSC response.

## APPENDIX 2: OECD-DAC ASSESSMENT GRID EVALUATION

### Assessment grid

**Note:** this assessment grid is used for evaluations and internal assessments of SDC or SECO financed projects and programs (hereinafter jointly referred to as an 'intervention'). It is based on the OECD Development Assistance Committee evaluation criteria.<sup>9</sup> If specific results are not yet measurable at the time of the assessment, it requires analysing the likelihood of achieving impact and sustainability. All applicable sub-criteria should be scored and a short explanation should be provided. Additional sub-criteria may be added.

Select the corresponding number (0-4) representing your rating of the sub-criteria in the column "score": 0 = not assessed; 1 = highly satisfactory; 2 = satisfactory; 3 = unsatisfactory; 4 = highly unsatisfactory

- **Highly satisfactory (HS)** – there were no shortcomings in relation to the intervention's relevance, coherence and efficiency; the objectives at outcome level were fully achieved or exceeded and are likely to have a significant impact, which will be sustained in the future.
- **Satisfactory (S)** – There were moderate shortcomings in relation to the intervention's relevance, coherence and efficiency. Most intended objectives at outcome level were achieved (or for mid-term: are likely to be achieved). The likelihood of achieving intended impact or sustainability of the intervention's benefits is reasonable.
- **Unsatisfactory (U)** – There were important shortcomings in relation to the intervention's relevance, coherence and efficiency, in the achievement of its objectives (N.B. if outputs are achieved, but do not result in the expected outcomes, consider rating relevance and/or effectiveness as unsatisfactory). The likelihood of achieving intended impact or sustainability of the intervention's benefits is questionable.
- **Highly unsatisfactory (HU)** - There were very severe shortcomings in relation to the operation's relevance, coherence and efficiency. Intended objectives have not been achieved, achievement of intended impact or sustainability of benefits are highly unlikely.
- **Not assessed (na)** – The criteria statement cannot be assessed. Please explain and provide details in the justifications section.

Title of the evaluated intervention: Mekong Regional Land Governance Project Phase II

Evaluation type: Near End of Phase II Evaluation

Evaluator(s): Rik Delnoije

Date of the evaluation start: 11.01.2022

---

<sup>9</sup> For more guidance see: Better Criteria for Better Evaluations. Revised Evaluation Criteria. Definitions and Principles for Use, OECD/DAC Network on Development Evaluation, 2019.

Key aspects based on DAC criteria	Score	Justification (Provide a short explanation for your score or why a criterion was not assessed)
<b>Relevance</b> <b>Note:</b> the assessment here captures the relevance of objectives <u>and</u> design <i>at the time of design</i> and <i>at time of evaluation</i>		
1. The extent to which the objectives of the intervention respond to the needs and priorities of the target group.	1 - highly satisfactory	Secured and equal access to land is a precondition for making a livelihood for the direct target group, being ethnic smallholder women and men. Yet, secured tenure only leads to improved livelihoods if additional conditions are met.
2. The extent to which the objectives of the intervention respond to the needs and priorities of indirectly affected stakeholders (not included in target group, e.g. government, civil society, etc.) in the country of the intervention.	1 - highly satisfactory	The services rendered and outputs produced by the MRLG are geared towards the needs of the indirect target group, being stakeholders involved in policy making or influencing around CT recognition.
3. The extent to which core design elements of the intervention (such as the theory of change, structure of the project components, choice of services and intervention partners) adequately reflect the needs and priorities of the target group.	2 - satisfactory	The services rendered by the MRLG are only indirectly of value to the direct beneficiaries. Their livelihood will not directly be enhanced by the services or outcomes of the MRLG project. Secured tenure rights are a precondition but not a direct factor leading to improved livelihoods.
If an additional sub-criteria is relevant please formulate it here	select	Click here to enter text.
<b>Coherence</b>		
4. Internal coherence: the extent to which the intervention is compatible with other interventions of Swiss development cooperation in the same country and thematic field (consistency, complementarity and synergies).	2 - satisfactory	The MRLG project is very well aligned to SDCs Regional Strategy 2022-2025. At country level, linking to non-land thematic areas (CS development, access to justice etc.) could improve relevance and effectiveness.
5. External coherence: the extent to which the intervention is compatible with interventions of other actors in the country and thematic field (complementarity and synergies).	2 - satisfactory	The MRLG is designed as a convening and consolidating entity that in essence does look for common ground, synergies and complementarities amongst existing initiatives. However, its financial dominance has also alienated partners.
If an additional sub-criteria is relevant please formulate it here	select	Click here to enter text.
<b>Effectiveness</b>		

Key aspects based on DAC criteria	Score	Justification (Provide a short explanation for your score or why a criterion was not assessed)
6. The extent to which approaches/strategies during implementation are adequate to achieve the intended results.	2 - satisfactory	MRLG is a policy influencing project, yet policy formulation is only a first (yet) essential step in securing tenure rights for the target group.
7. The extent to which the intervention achieved or is expected to achieve its intended objectives (outputs and outcomes).	2 - satisfactory	In quantitative terms MRLG is achieving its output and outcome targets, in qualitative perspective, particularly outcome area 3 (policy options developed and presented) show room for improvements.
8. The extent to which the intervention achieved or is expected to achieve its intended results related to transversal themes.	2 - satisfactory	The GESI strategy was developed and rolled-out rather successful in Viet Nam and Cambodia but faced delays in Laos.
If an additional sub-criteria is relevant please formulate it here	select	Click here to enter text.
<b>Efficiency</b>		
9. The extent to which the intervention delivers the results (outputs, outcomes) cost-effectively.	2 - satisfactory	The MRLG project is characterized by relatively high operational / overhead costs. With 72% of total disbursement spent on overhead / operational costs (and 28% on activities), efficiency rates are however lower than foreseen. This is partly justified by the nature of the project, being highly complex and having a regional cover, and partly caused by external factors like the Covid restrictions. Yet, particularly in piloting promising policy options, effectiveness is rather weak.
10. The extent to which the intervention delivers the results (outputs, outcome) in a timely manner (within the intended timeframe or reasonably adjusted timeframe).	2 - satisfactory	Despite a rather slow start, taking almost 2 years to get alliances per workstream up and running and the restriction related to the Covid pandemic, the MRLG project is delivering on time.
11. The extent to which management, monitoring and steering mechanisms support efficient implementation.	2 - satisfactory	The governance structure of the MRLG is highly participatory and there for not always very efficient. The relatively high TA input contributes to high overhead costs but seems justified regarding the complexity of the project.
If an additional sub-criteria is relevant please formulate it here	select	Click here to enter text.
<b>Impact</b>		

Key aspects based on DAC criteria	Score	Justification (Provide a short explanation for your score or why a criterion was not assessed)
<p>12. The extent to which the intervention generated or is expected to generate 'higher-level effects' as defined in the design document of the intervention.</p> <p>Note: when assessing this criterion, the primary focus is the intended 'higher-level effects'. In the event that <i>significant</i> unintended negative or positive effects can be discerned, they must be specified in the justification column, especially if they influence the score.</p>	3 - unsatisfactory	Impact is the Achilles tendon of the MRLG implementation and result logic. The formulated higher- level results: Smallholder women and men farmers have secured and equitable access to and control over agricultural land and forest in the Mekong Region, will not be achieved by the MRLG project interventions itself (even if 100% successful) but require follow up interventions and investments in terms of policy implementation, compliance (and safeguards). With one policy option formalized potentially benefitting 1,5 million beneficiaries, the number of beneficiaries is lagging behind target (targeting 15 million).
13. The extend to which outputs and outcomes are realized vis-à-vis the targets as per MRLG's Logical Framework	2 - satisfactory	MRLG is reaching the majority of its output and outcome targets and particularly at outcome level scoring a 100% or above. Although quantitatively performance is more than satisfactory, quality-wise outputs and outcomes can improve and be better aligned.
<b>Sustainability</b>		
14. The extent to which partners are capable and motivated (technical capacity, ownership) to continue activities contributing to achieving the outcomes.	2 - satisfactory	As MRLG is not an implementing partner and not a donor (yet a co-finance) supported initiatives and activities and engaged stakeholders do have intrinsic motivation / ownership ad own resources. Mind-shift within governments regarding CT and RAI as feasible development options will sustain.
15. The extent to which partners have the financial resources to continue activities contributing to achieving the outcomes.	2 - satisfactory	MRLG is rather a co-financing agency and initiatives supported are never (besides pilot sites) completely depending on the MRLG. Yet, required follow up investments (see effectiveness & impact) are not always secured.
16. The extent to which contextual factors (e.g. legislation, politics, economic situation, social demands) is conducive to continuing activities leading to outcomes.	2 - satisfactory	Policy changes supported by the MRLG will sustain beyond MRLGs life-span, yet safeguarding achieved legislative gains in the implementation and compliance processes requires additional investments.

Key aspects based on DAC criteria	Score	Justification (Provide a short explanation for your score or why a criterion was not assessed)
16. The extent to which improvements in the institutional context will sustain.	2 - satisfactory	Developed linkages and partnerships will not sustain in the same fashion and intensity but remain being effective on an occasional, opportunity or event-based manner.

Analysis: Looking at the indicator scores, the MRLG project provides an un-balanced picture; while the scores of almost all indicators are highly satisfactory or satisfactory, the impact score is lagging behind. The quantitative assessment of the Logical Framework shows a similar picture: while Outcome areas show for an almost 100% (or over) achievement, the achievement rate of the Intermediate Goal (impact) is only 25%. The mission believes that this has a few reasons: i) The formation and consolidation of stakeholder alliances per workstream took much more time than anticipated, resulting in substantial delays in the actual implementation of strategic activity plans. With maximum 2 years of implementation time per workstream it is relatively early to judge MRLG on its impact. ii) Policy influencing is a very unpredictable process and success (thus impact) cannot be planned logically in hard cause-effect relation or in defined time-frames (as per logical frame) iii) The links between the different roles the MRLG plays did not receive equal attention, with much effort spent on alliance forming while not sufficient considerations and thoughts were given to the actual policy advocacy work. The MRLG result logic is unrealistic in the sense that it assumes that conducive policy changes lead to immediate benefits at field level, while policy formulation is only a first step in the necessary sequence of legislation formulation, implementation and enforcement iv) The MRLG result logic is unrealistic in the sense that it assumes that conducive policy changes lead to immediate benefits at field level, while policy formulation / endorsement is only a first step in the necessary sequence of legislation formulation, implementation and enforcement.



## APPENDIX 3: LIST STAKEHOLDERS INTERVIEWED

Cambodia	SDC	Director Cooperation SDC Cambodia	Markus Burli
Cambodia	SDC	National Programme Officer Agriculture & Land Governance	Saramany (Many)
Cambodia	WCS	The Wildlife Conservation Society	Alistair Mould
Cambodia	WCS	The Wildlife Conservation Society	Sithan Phann
Cambodia	NGOF	The NGO Forum on Cambodia	OUK Vannara
Cambodia	RECOFTC	The Center for People and Forests	Kalyan Hou
Cambodia	HA	Highlander Association	Mong Vichet
Cambodia	CPS	Centre for Policy Studies	Chan Sophal
Cambodia	OXFAM	OXFAM Cambodia	Asisah Man
Cambodia	CPSA	Cambodia Partnership for Sustainable Agriculture / Grow Asia	Chan Sereiratha
Cambodia	FNN	Farmer and Nature Net	Pan Sopheap
Cambodia	DAI	Department of Agro-Industry (MAFF)	Hour Bopha
Cambodia	GDLC	General Department of Local Community (MoE)	Khieu Borin
Cambodia	MAF	Department of Agriculture, Forestry, Fishery at Provincial levels (Mondokiri, Preah Vihear, Ratanakiri)	
Cambodia	MoE	Departments of Environment at Provincial levels (Mondokiri, Preah Vehear, Ratanakiri)	
Cambodia	German Embassy	German Embassy Cambodia	Jost Kadel / Angelika Stauder
Cambodia	LAC	Legal Aid Cambodia	Run Saray
SDC		Evaluation Lead Team	Nithsa Vongphankhone, Aureli Ringetti
Laos	DOL	Department of Land (MONRE)	Khitlaxay Kokmila
Laos	DOF	Department of Forestry (MAF)	Phonephanh Luangaphay
Laos	DALAM	Department of Agricultural Land Management (MAF)	Thatheva Saphangthong
Laos	RECOFTC	The Center for People and Forests	Edwin Payuan/Bounyadeth Phouangmala
Laos	HELVETAS	Helvetas Swiss Inter-cooperation	Bong Munsayaphom
Laos	VFI	Village Focus International	Hongthong Sirivath
Laos	LIWG	Land Information Working Group	Violaine Fourile

Laos	FAO	Food and Agriculture Organization	Akiko Inoguchi
Laos	CDE	Centre for Development and Environment (of the University of Bern)	Albrecht Ehrensberger
Laos	GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit	Viladeth Sisoulath
Laos	WB	World Bank	Markus Olavi Kukkonen
Laos	MPI / IPD	Ministry of Planning and Investment / Investment Planning Dept.	Phouvone
Laos	GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit	Khankeo Oupravanh
Laos	OXFAM	OXFAM Laos	Jakapong Prapanjit
Myanmar	Embassy of Switzerland	First Secretary/Head of Governance, Embassy of Switzerland	Damien Callegari
Myanmar	SDC	SDC National Programme Officer	Ms. Nini
Myanmar	IPP	Indigenous People Partnership	Ke Jung
Myanmar	POINT	Promotion of Indigenous and Nature Together	Naw Ei Ei Min
Myanmar	CHRO	Chin Human Right Organization	Mai Thin Yu Mon
Myanmar	KMSS Loikaw	Karuna Mission Social Solidarity	Fr. Aloysius
Myanmar	TRIPNET	Tenasserim River and Indigenous People Networks	Saw Frankie Abreu
Myanmar	LCG	Land Core Group	U Shwe Thein
Myanmar	LCG	Land Core Group	Peter Swift
Myanmar		Independent Researcher	Maxime Boutry
Myanmar		FAO consultant	Paul DeWit
Vietnam	FORLAND		Lê Văn Lân
Vietnam	CEGORN	Centre for Highland Natural Resource Governance Research	Ngô Văn Hồng
Vietnam	CRD	Center for Rural Development in Central Vietnam	Truong Quang Hoang
Vietnam	VNUF	Vietnam National University for Forestry	Đỗ Anh Tuấn
Vietnam	VUSTA	Vietnam Union of Science and Technology Associations	Cong Luong Le
Vietnam	LANDA	Land Alliance	Pham Văn Thành
Vietnam	CIRD	Center for Indigenous Knowledge Research and Development	Ngo Van Hong
Vietnam	CISDOMA	Consultative Institute for Social Economic Development of Rural and Mountainous Areas	Can Truong Quoc
Vietnam	AGROINFO	Information Center for Agriculture and Rural Development (MARD)	Nguyễn Anh Phong
Vietnam	GDLA	General Department of Land Administration (MONRE)	Mai Van Phan/ Hoang Van Anh
Vietnam	Swiss Embassy	Swiss Embassy in Vietnam	Ninh Nguyen
Vietnam	German Embassy	German Embassy Vietnam	Sebastian Paust / Helene Paust

## EPE MRLG

Regional	RECOFTC	The Center for People and Forests	Peter Cutter
Regional	NTFP-EP	Non-Timber Forest Products – Exchange Program	Femy Pinto/ Dazzle R. Labapis
Regional	AFA	Asian Farmers' Association for Sustainable Rural Development	Esther Penunia
Regional	WWF	World Wildlife Fund	James Bampton / Thibault Ledeq
Regional	RCSD	The Regional Center for Social Science and Sustainable Development	Daniel Hayward
Regional	GiZ	German Federal Ministry for Economic Cooperation and Development	Christina Seeberg
Regional	IISD	IISD	Carine Smaller
Regional	BMZ	German Federal Ministry for Economic Cooperation and Development	Rebecca Johnson
Regional	SDC	Swiss Development Cooperation	Hans Ramm
Regional	SDC Laos	Swiss Development Cooperation	Aurelie Rhighetti, Nitsa Vongpanakhone
Regional	LEI-GRET	Land Equity International/Professionals for Fair Development	Kate Rickersey
Regional	GiZ	Deutsche Gesellschaft für Internationale Zusammenarbeit	Thomas Taraschweski
Regional	Luxembourg Embassy	Luxembourg Embassy for Laos	Nicolas Tasch
Regional	GiZ/BMZ	Deutsche Gesellschaft für Internationale Zusammenarbeit	Rebecca Johnson
Regional	GiZ Laos	Deutsche Gesellschaft für Internationale Zusammenarbeit	Christina Seeberg
Regional	SDC Bern	Swiss Development Cooperation	Patrick Olson
Regional	SDC Bern	Swiss Development Cooperation	Johannes Ramm
Regional	SDC Bern	Swiss Development Cooperation	Daniel Valenghi

## APPENDIX 4: EVALUATION METHODOLOGY & PROCESS

### PURPOSE & OBJECTIVES OF THE EXTERNAL NEAR-to-END-of-PHASE EVALUATION MRLG

The Near-End of Phase II External Evaluation (EPE) of the Mekong Regional Land Governance (MRLG) project is mandated by SDC with additional support provided by GiZ (in the form of complementing consultancy services). The EPE builds on existing studies and assessments and particularly will take into account the findings of the MTR (October-November 2020) that was largely conducted as an internal assessment. In contrary to the MTR, the EPE will have an external character and will, furthermore, be paying more attention to quantitative data.

The purpose of the assignment is geared towards institutional learning and accountability, and secondly to draw lessons and to provide recommendations particularly for the follow-on engagement after the ongoing MRLG Phase II.

The objective of this EPE is:

- To evaluate MRLG II results and achievements, based on the project's relevance, coherence, effectiveness, efficiency, sustainability and impact according to OECD/DAC criteria, and draw the main lessons learned. The evaluation should bring to light the main factors having contributed to success or failure, and assess the sustainability potential of results and impacts beyond the project duration.

The EPE will feed into the Formulation Exercise for the MRLG Phase III with the objective to provide SDC a Project Concept Note for MRLG Phase III, taking into account the SDC Mekong Region Strategy 2022-2025, and the other donors (Germany and Luxembourg) priorities, including potential synergies with ongoing projects/initiatives in the land and natural resources management sector funded by the three donors.

### GUIDING FRAMEWORK

The evaluation exercise was guided by the 6 evaluation criteria defined by the OECD-DAC:

**Table 1: OECD-DAC Evaluation Framework**

INDICATOR	DESCRIPTION
<b>RELEVANCE</b> IS THE INTERVENTION DOING THE RIGHT THINGS?	The extent to which the intervention objectives and design respond to beneficiaries, global, country, and partner/institution needs, policies, and priorities, and continue to do so if circumstances change.
<b>COHERENCE</b> HOW WELL DOES THE INTERVENTION FIT?	The compatibility of the intervention with other interventions in the region, target countries, sectors or institutions.
<b>EFFECTIVENESS</b> IS THE INTERVENTION ACHIEVING ITS OBJECTIVES?	The extent to which the intervention achieved, or is expected to achieve, its objectives, and its results, including any differential results across groups. Effectiveness of GESI approaches is regarded crucial. This includes assessing the unintended results from the project.
<b>EFFICIENCY</b> HOW WELL ARE RESOURCES BEING USED?	The extent to which the intervention delivers, or is likely to deliver, results in an economic and timely way. Overall administrative burden as compared to activity planning & implementation.

<b>IMPACT</b>  WHAT DIFFERENCE DOES THE INTERVENTION MAKE?	The extent to which the intervention has generated or is expected to generate significant positive or negative, intended or unintended, higher-level effects. Inclusiveness of impact is an important dimension.
<b>SUSTAINABILITY</b>  WILL THE BENEFITS LAST?	The extent to which the net benefits of the intervention continue, or are likely to continue.

## EVALUATION APPROACHES & TOOLS

The MRLG II EPE-PF exercise was conducted during the period 11 January to 28<sup>th</sup> of February 2022, using a combination of qualitative and quantitative assessments, the later taken the MRLG log-frame and the realisation of activity plans per workstream as starting point and lead. The MRLG EPE exercise was done in highly participative fashion, taking into consideration the views, insights and opinions from a broad range of stakeholders at different levels, including direct beneficiaries at village level.

The evaluation team consisted of Rik Delnoije (Team leader), Sandra Bode (expert GESI), Sor Sontheary (national consultant Cambodia), Hung Pham (national consultant Vietnam), Naing Naing (national consultant Myanmar) and Somchay (national consultant Laos). GiZ assigned an additional consultant (Juegen Piechotta) to complement the team, looking particularly into the performance of German financed components of the MRLG.

The study had an iterative character, progressing through several phases: internal reflection, external data gathering; dialogue, consolidation (including analysis) and conclusion. Collection of data was done using multiple methods; desk-research, stakeholder interviews, reflective workshops and Focal Group Discussions (FGD) with strategic stakeholders as well as with direct beneficiaries at grass-root level. The list of reviewed literature is provided in appendix 1 while the list of interviewed institutional stakeholders is provided in appendix 2. Short description of the field level assessments are given in appendix.

## EVALUATION SCOPE & LIMITATIONS

Due to continuing Covid related restrictions, part of the interviews had to be conducted digitally. Because of the relatively large consultancy team (6 consultants, excluding the consultants added by GiZ/BMZ) spread over different geographical locations, also the internal team meeting of the evaluation team were organized digitally, as were the meetings between the evaluation team and the Evaluation Lead Group (ELG).

The MRLG project is characterized by a remarkable frequency and intensity of evaluation and reflection exercises; the MTR was conducted just a bit over a year ago, the evaluation of MRLG's communication strategy was conducted end of 2021, longitudinal evaluations of selected CT Workstreams are ongoing and reflection workshops with Alliance members were conducted during 2021. The results of these evaluation and reflection exercises benefitted the mission through the provision of a wealth of information but also led to a certain level of "fatigue" amongst stakeholders to be interviewed. The enthusiasm of some stakeholders to, once again, contribute to another evaluation exercise, was in some cases not very high.

At the same time, the very nature of the MRLG project, facilitating advocacy in the Asian context, means that part of the work and results are not very visible or tangible, it entails quiet, back-door diplomacy, exchange of ideas or facilitating linkages of which results will be visible on longer terms.

In the light of the broad scope of interventions and geographical spread of the MRLG operations, against provided time and available consultancy resources, the mission selected a number of work streams, to safeguard collection of sufficient primary data / information and in-depth analysis per selected workstream. The mission did focus on 6 of the in total 10 workstreams as indicated below;

### *Focus Evaluation on selected Workstreams*

WORKSTREAM	PRIORITY FOCUS EPE
------------	--------------------

## EPE MRLG

CT Cambodia	No Priority
RAI Cambodia	Priority
CT Laos	Priority. Results earlier evaluation incorporated
RAI Laos	No priority
CT Vietnam	No priority. Results earlier evaluation incorporated
RAI Vietnam	Priority
CT Myanmar	Priority
RAI Myanmar	No Priority
CT Regional	Priority
RAI Regional	Priority

## APPENDIX 5: QUANTITATIVE ASSESSMENT ACHIEVEMENTS AS PER RESULT FRAMEWORK

<b>Intermediate goal (or impact)</b>			
<b>Description Goal</b>	<b>Target (planned) by 2022</b>	<b>Realized by September 2021</b>	<b>% Realized / planned</b>
At least 8 MRLG work streams result in policy and practice changes towards improved responsible agricultural investment and the recognition of customary tenure across CLMV that benefit smallholder women and men farmers, of which at least 4 result in formalised policy change.	4 formalized policy changes	1 formalized policy change (CT Laos)	25%
15 million smallholder men and women farmers have improved recognition of their rights to land and forest resources of which at least 50% are ethnic minorities.	15 million beneficiaries (50% ethnic)	1,5 million beneficiaries (majority ethnic)	10%

<b>Outcome 1</b>			
<b>Description Outcome area 1</b>	<b>Target (planned) by 2022</b>	<b>Realized by September 2021</b>	
In each country and at regional level an active network/alliance of reform actors design and actively engages in at least one strategic work stream.	10 strategic Alliances formed and operational	10 strategic Alliances formed and operational	100%
Reform Actors have identified strategies to address issues of policy and practice in land governance in CLMV based on political stakeholder analysis and sound Theory of Change, including GEED assessment	10 strategic work plans prepared that respond to context analysis and TOC	9 strategic work plans prepared that respond to context analysis and TOC	90%
At least 12 case studies demonstrate positive impacts on smallholders based on practice change.	NA (see 1.6)	NA (see 1.6)	NA
<b>Description Outputs Outcome 1</b>			
1.1 Agreed core alliance for policy and practice work stream	10 workstreams have agreed workplans	8 partnership agreements signed.	80%
1.2 Reform actors are engaged in cross order networking and learning platforms	12 events organized	9 events organized	75%
1.3 Policy and Stakeholder Analysis for each work stream	PESA analysis available for 10 workstreams	9 analysis available for 10 workstreams	90%
1.4 Strategy and implementation plans for each work stream	10 SWP developed for 10 work streams by 2022	9 WP developed for 10 work streams by 2022	90%
1.5 Reports reflect achievements and update work stream strategies	25 reflection workshops held by 2022	11 reflection workshops held	44%

1.6 Work stream activities <sup>10</sup> implemented by reform actors support smallholders' tenure security	-At least 6 work streams will specifically address gender and customary tenure inclusive of ethnic minority groups. -At least 12 case studies and completion reports of work stream activities reflecting impact, with at least 6 assessing focusing on women and ethnic minorities.	6 work streams currently target gender and customary tenure inclusive of ethnic minority group	100%
		0 workstream completion reports, 0 project evaluation reports.	0%

Description Outcome area 2	Target (planned)	Realized by September 2021	
Evidence-based options for improved policy and practice are available regionally and nationally	4 policy options developed	6 policy options developed	150%
<b>Description Outputs Outcome area 2</b>			
2.1 At least 10 process-based / lessons learned knowledge products disseminated and acknowledged to be useful by reform actors	10 knowledge products by 2022	2 knowledge products produced.	20%
At least 5 knowledge products target issues of gender and ethnic equality	5 knowledge products by 2022	1 Knowledge product produced targeting gender & ethnic quality	20%
2.2 At least 8 commissioned research-based Knowledge Products available and used in work stream activities.	8 knowledge products	6 research-based thematic studies have been published	75%
8 students graduate within the International Masters stream on land governance	8 students graduated	9 scholarships, 3 students graduated.	35%
2.3 At least 10 documented evidence-based policy recommendations available with dissemination strategies applied.	10 policy recommendations disseminated	8 policy recommendations have been published already	80%

Description Outcome area 3	Target (planned) by 2022	Realized by September 2021	
Work stream alliances have identified at least 1 effective channel (platforms) for contributions into policy and practice processes in CLMV and Regional per work stream.	10 effective channels identified (1 per workstream)	10 effective channels identified (1 per workstream)	100%

<sup>10</sup> Works stream activities = these can be considered as small projects/tasks/activities that are conducted by MRLG or partners or jointly which directly contribute to achieving the Work Stream objective.



Reform Actors demonstrate in 8 cases the use of pre-identified channels for policy change processes.	8 channels used	9 channels were utilized for policy dialogue	112%
<b>Description Outputs Outcome area 3</b>	<b>Target (by 2022)</b>	<b>Realized (by end 2021)</b>	
3.1 Documentation of communication strategies focussing on policy influence channels and implementation plans for each work stream and MRLG.	10 channels established and used specific to work stream activities for policy or practice dialogue with decision makers	9 work-streams have already identified a communication strategy in the PESA and SWP, of those 4 workstreams developed a detailed "Political Advocacy Plan"	40%
3.2 Annual SWP narrative including changes in the political economy and practice arena, GEED update and influence effectiveness assessment	25 SWP narratives documented	20 SWP narratives documented in the respective project reports, each workstream is preparing an additional Gender Action Plan	80%
3.3 At least 8 evidence-based policy recommendations are presented to targeted decision makers as identified in dissemination strategy.	8 Policy recommendations presented	5 Policy recommendations presented	62%

## SUMMARY INTERMEDIATE GOAL & OUTCOMES

<b>Intermediate goal (or impact)</b>			
<b>Description Goal</b>	<b>Target (planned) by 2022</b>	<b>Realized by September 2021</b>	<b>% Realized / planned</b>
At least 8 MRLG work streams result in policy and practice changes towards improved responsible agricultural investment and the recognition of customary tenure across CLMV that benefit smallholder women and men farmers, of which at least 4 result in formalised policy change.	4 formalized policy changes	1 formalized policy change (CT Laos)	25%
15 million smallholder men and women farmers have improved recognition of their rights to land and forest resources of which at least 50% are ethnic minorities.	15 million beneficiaries (50% ethnic)	1,5 million beneficiaries (majority ethnic)	10%
<b>Description Outcome area 1</b>	<b>Target (planned) by 2022</b>	<b>Realized by September 2021</b>	
In each country and at regional level an active network/alliance of reform actors design and actively engages in at least one strategic work stream.	10 strategic Alliances formed and operational	10 strategic Alliances formed and operational	100%
Reform Actors have identified strategies to address issues of policy and practice in land governance in CLMV based on political stakeholder analysis and sound Theory of Change, including GEED assessment	10 strategic work plans prepared that respond to context analysis and TOC	9 strategic work plans prepared that respond to context analysis and TOC	90%
<b>Description Outcome area 2</b>	<b>Target (planned)</b>	<b>Realized by September 2021</b>	
Evidence-based options for improved policy and practice are available regionally and nationally	4 policy options developed	6 policy options developed	150%
<b>Description Outcome area 3</b>	<b>Target (planned) by 2022</b>	<b>Realized by September 2021</b>	
Work stream alliances have identified at least 1 effective channel (platforms) for contributions into policy and practice processes in CLMV and Regional per work stream.	10 effective channels identified (1 per workstream)	10 effective channels identified (1 per workstream)	100%
Reform Actors demonstrate in 8 cases the use of pre-identified channels for policy change processes.	8 channels used	9 channels were utilized for policy dialogue	112%

## APPENDIX 6: DOCUMENTS CONSULTED

- End of Phase I evaluation Report, MRLG / SDC, November 2017
- Commercial investments in land in the Lao PDR: Enhancing wellbeing or entrenching poverty? Research Evidence for Policy, Aug 2021, Vong Nanthavong, Albrecht Ehrensperger, Michael Epprecht, Centre for Development and Environment (CDE)
- Concept Note MRLG Phase II, Revised report submitted to SDC by the EPEPF Team, November 2017
- First Operational Report, MRLG II, July 2019
- Intermediate Evaluation Draft Report, February 2021 (with updates from December 2021), Julian Derbidge
- Second Operational Report MRLG, January 2020
- Third Operational Report, MRLG, January 2021
- Fourth Operational Report, MRLG, 31 December 2021
- Project Document and annexes, MRLG Phase 2, 27 September 2018
- Land Management and Decentralised Planning (LMDP) Contributing to land use rights and participatory development for the rural population of Laos, Leaflet GiZ
- LIWG Advocacy Plan, Influencing better policy and legislation in the land sector in Laos, LIWG, Julian Derbidge and Violaine Fourile
- Evaluating the Workstream for Customary Tenure Recognition in Viet Nam under Mekong Region Land Governance project: Preliminary Findings By Nguyen Quang Tan and Do Anh Tuan, MRLG, April 2021
- Programme Overview (Powerpoint), The Lao-German Land Program Land Management and Decentralized Planning (LMDP) & Enhanced Land Tenure Security (ELTeS/RGIL) Mekong Region Land Governance (MRLG), GiZ, December 16, 2021
- Policy Advocacy Strategy and Communication Plan, RAI Vietnam Workstream, MRLG April 2021
- Strategic Work Programme, Workstream for Customary Tenure Recognition in Forests Laos, MRLG 2019
- Strategic Work Programme, Strengthening Customary Tenure Rights in Forest Landscapes in the Mekong Region, MRLG August 2020
- Strategic Work Programme, An Initiative to Promote Pro-Smallholder Agricultural Investment in the Mekong Region, Alliance for Responsible Agriculture Investment (RAI) in the Mekong Region, MRLG, April 2019
- Strategic Work Programme, Workstream for RAI - Laos, MRLG, 2019
- Strategic Work Programme, Vietnam Workstream for Customary Tenure Recognition through Support to the Implementation of the 2017 Vietnam Forestry Law
- Strategic Work Programme, MRLG Vietnam Workstream for Responsible Agricultural Investment through Advocacy on the Revision of the 2013
- Strategic Work Programme, Customary Tenure Recognition, Myanmar, MRLG July 2019
- Activity Proposal Year 3, MRLG Vietnam Workstream for Responsible Agricultural Investment
- Strategic Work Programme, MRLG Cambodia Workstream for Responsible Agricultural Investment, MRLG August 2020
- Strategic Work Programme, Customary Tenure Recognition in Cambodia, MRLG Alliance for the Recognition of Customary Tenure in Cambodia, February 2019
- Swiss Cooperation Programme in the Mekong Region 2022-2025 (SDC December 2021)
- Action Plan Methodology, Land Law 2001 Advocacy and Policy Influencing, MRLG CT Alliance, Cambodia
- Recommendations and Proposed Corrective Actions from the MRLG Mid-Term Review, MRLG 2020

## APPENDIX 7: BENEFICIARIES PER WORKSTREAM

- **DEFINITIONS**
- We define **direct beneficiaries** as persons as living in a village that have direct interaction with the project and experience an improvement of their recognition of rights to land and forest resources due to a practice change (e.g. on the pilot sites of the workstreams).
- We define **indirect practice beneficiaries** as people living in a village where activities have taken place but without directly benefitting (usually we are using the population data from the village where activities have taken place)
- We define **indirect policy beneficiaries** benefiting from achieved policy change

### For Lao CT

- **Direct Beneficiaries:** We have findings from the workstream reports and also the ongoing evaluation study of the CT pilots in Laos, that all 15 villages were covered regarding securing of customary tenure and they also received survey certificates so that's why we count them as direct beneficiaries (around 8.800 persons with 49% female and 50% beneficiaries from ethnic minorities)
- **Indirect practice beneficiaries:** None here, as all reported as direct beneficia's already.
- **Indirect policy beneficiaries:** As reported, we estimate 3,000 villages in forest land with avg. village of 91 HH and HH-size of 5.3 persons resulting in an estimated 1.5 Mio beneficiaries ( $3.000 \times 91 \times 5,3 = 1.446.400$ ) that would benefit e.g from the recent inter-ministerial decision on securing customary tenure in the three forest categories. We reported that also in the operational report.

### For Lao RAI

- **Direct Beneficiaries:** As the activities are not rolled out on village level, we don't count direct beneficiaries here
- **Indirect practice beneficiaries:** After the roll out of the instruction and contract-farming guidelines on the provincial level, we could count the covered villages as indirect beneficiaries, but the exact village list is not clear yet, but we estimate that we could have more than 100.000 **anticipated beneficiaries**, but as the activities are not finalized, we did not include this for now. But we might have more detailed information later on.
- **Indirect policy beneficiaries:** None yet

### For Vietnam CT,

- **Direct Beneficiaries:** We have findings from the workstream reports and also the evaluation study of Mr. Tan, about the direct beneficiaries that have an improved socio-economic situation on an individual level or directly participated in benefit activities (here there can be double counting because if 1 persons joins 2 activities, we would count it as 2), in total around 4.024 persons with 45% Female and 27% from Ethnic Minorities
- **Indirect practice beneficiaries:** Here we have the population data of the villages where activities were conducted, around 12.000 beneficiaries
- **Indirect policy beneficiaries:** Regarding indirect beneficiaries from an anticipated policy change, we have a rough estimate without clear citation that up to "25 million people living in and near forests" could benefit from a policy change. As the forestry law already passed we did include number already, although the calculation is as rough as with the Lao CT workstream.

### For Vietnam RAI,

- **Direct Beneficiaries & Indirect practice beneficiaries:** As there are no pilot-villages on the ground we don't have direct beneficiaries & indirect practice beneficiaries
- **Indirect policy beneficiaries:** The indirect beneficiaries from policy change would come after any achieved policy change regarding the land law and here also we have a very vague estimate of potential **anticipated** 9-21 Mio based on respective FAO Factsheets. We also did not report that yet as it is not fully completed yet.

### Cambodia CT

- **Direct Beneficiaries:** We have a number of direct beneficiaries from the activities of WCS towards communities inside PAs that were involved in the activities (around 3.700 direct)
- **Indirect practice beneficiaries:** The population data of all villages where activities took place amounts to more than 51.000 indirect practice beneficiaries
- **Indirect policy beneficiaries:** Indirect beneficiaries from policy change would come after any achieved policy change, so there is nothing to report yet

#### **Cambodia RAI**

- **Direct Beneficiaries:** Here the only direct beneficiaries we have come from the CLAIM project, which engaged in the mediation of land conflicts of around 138 HH (around 700 persons)
- **Indirect practice beneficiaries & indirect policy beneficiaries:** Indirect beneficiaries from policy change would come after any achieved policy change, so there is nothing to report yet

#### **Myanmar CT**

- Originally there direct beneficiaries from the pilot sites in the area of CT documentation foresee in 7-8 villages but implementation was not completed so we did not report it.
- Regarding indirect beneficiaries, we could theoretically report all the ethnic additional communities that could benefit from using the CT guidebook in the future, but we also did not report that yet.

#### **Myanmar RAI**

- No beneficiaries as WS got cancelled before implementation

#### **Regional CT**

- **Direct Beneficiaries & Indirect practice beneficiaries:** As there are no pilot-villages on the ground we don't have direct beneficiaries & indirect practice beneficiaries
- **Indirect policy beneficiaries:** As the Regional-CT Workstreams works on the ASEAN Guidelines on CT Documentation which looks promising to be adopted soon, there would be a high number of anticipated beneficiaries in the four CLMV countries (> 50 Mio) but as the activities are not concluded we would report this later on.

#### **Regional RAI**

- **Direct Beneficiaries & Indirect practice beneficiaries:** As there are no pilot-villages on the ground we don't have direct beneficiaries & indirect practice beneficiaries. There might be future activities regarding Outcome 2 with Oxfam, but it is not clear if that will translate in any direct/indirect beneficiaries yet, but as activities are still ongoing we would report this later on.
- **Indirect policy beneficiaries:** None yet

## APPENDIX 8; ASSESSMENT AND RECOMMENDATIONS PER WORKSTREAM.

### REGIONAL RAI WORKSTREAM

VARIABLE	ASSESSMENT
Likelihood that policy change and/or implementation and due compliance of targeted policy will materialize during duration MRLG III	ASEAN guidelines on RAI are useful (regional) reference but have to be customized and adapted to national / local level. This can be done more effectively through national workstreams. Same counts for guidelines on rubber which are more corporate oriented.
Likelihood that large numbers of smallholder women and men will benefit from policy changes and/or implementation.	ASEAN guidelines are voluntary guidelines merely serving as reference framework. Actual benefits will occur from national policy changes. Guidelines on rubber will result in concrete benefits for beneficiaries in case embraced by private sector entities active in MRLG. Number of beneficiaries depends on scale of operations of such enterprises.
Added value of MRLG engaging with partners to facilitate policy change / implementation	Most influential partners Grow Asia – IISD (ASEAN guidelines on RAI) and OXFAM (guidelines on rubber production) can sustain their efforts without technical or organisational support from MRLG.

**CONCLUSION:** Integrate with CT regional workstream within MRLG III, align or merge existing initiatives with CT / RAI National workstreams to bring results down to national and sub-national levels. The mission considers the development of contract farming laws in Laos and Cambodia to go beyond MRLG's land governance-based mandate.

### REGIONAL CT WORKSTREAM

VARIABLE	ASSESSMENT
Likelihood that policy change and/or implementation and due compliance of targeted policy will materialize during duration MRLG III	ASEAN guidelines on CT and FPIC are useful (regional) reference and can increase acceptance thus accelerate CT policy reforms at national levels. ASEAN CT guidelines likely to be endorsed within time-frame of MRLG III.
Likelihood that large numbers of smallholder women and men will benefit from policy changes and/or implementation.	ASEAN guidelines are voluntary guidelines merely serving as reference framework. Actual benefits will occur from national policy changes. Stronger linkages between the regional CT and national CT workstreams is needed.
Added value of MRLG engaging with partners to facilitate policy change / implementation	NTPF-EP - AFA and RECOFTC are in the lead to facilitate acceptance of the ASEAN CT guidelines and promote the acceptance of FPIC and will require continued support from MRLG in furthering their endeavours. It is recommended to strengthen the gender component at national workstream level instead of regional programming. Better integrate ASEAN guidelines – FPIC advocacy efforts. The regional alliance will engage more actively with climate change platforms (e.g. REDD+, GCF, NDCs, etc.), while continuing transformative actions related to gender within CT.

**CONCLUSION:** Retain as focus area for MRLG III, stronger linkages to national CT workstreams are required. Include Climate Change mitigation & adaptation and concerned actors in the Alliance.

### Vietnam RAI WORKSTREAM

VARIABLE	ASSESSMENT
Likelihood that policy change and/or implementation and due compliance of targeted policy will materialize during duration MRLG III	<ul style="list-style-type: none"> <li>• The success of promoting land rights and inclusive benefits for smallholders (focusing on agricultural land concentration or accumulation; and land acquisition, compensation, support and resettlement) in the amend Land Law is beyond the control of any external projects.</li> <li>• In fact, amending the Land Law requires “framework” approval from the highest level in Vietnam. In 2003, 2013, before the amends of the Land Law, the Communist Party’s Standing Committee issued Resolutions to lay the directions and main contents. For this amendment, a similar Resolution giving greenlight for amended contents will be a likely. The formulation of this Resolution is being coordinated by the Party’s Central Economics Committee (CEC). The World Bank has developed policy recommendations for this at the request of the CEC. The World Bank commissioned MRLG to provide two of these input papers, respectively on ALAC and community forest allocation and management.</li> <li>• Putting the project activities conditional to having such “green light” represent a risk for the project ability to reach the objectives expected. As a matter of fact, in the current MRLG II, the current RAI Vietnam WS cannot reach the original objectives as the “green light” from the Communist Party for this amendment is not provided yet. Outcome 2 of the RAI WS was set conditional to the achievement of Outcome 1. Therefore, the delay of outcome 1 due to the lack of greenlight made it not possible for the project to pursue any activities under outcome 2.</li> </ul>
Likelihood that large numbers of smallholder women and men will benefit from policy changes and/or implementation.	<ul style="list-style-type: none"> <li>• There is a very high likelihood that large numbers of smallholders will benefit from the expected revisions of the Land Law regarding agricultural land concentration or accumulation; and land acquisition, compensation, support and resettlement.</li> <li>• However, whether and when such potential could be realized depends on (i) if the Communist Party will be in favour of the proposed changes; (ii) when the green light will be provided for the overall changes in the amended Land Law (including the issues on agricultural land concentration or accumulation; and land acquisition, compensation, support and resettlement).</li> </ul>
Added value of MRLG engaging with partners to facilitate policy change / implementation	<ul style="list-style-type: none"> <li>• For Government partners (such as GDLA, VUSTA, AgroInfor/IPSARD), they could continue to maintain active contribution to the Land Law amendment. GDLA is obligated to do that role while VUSTA/AgroInfor could contribute to that process without external support. Taking Agrilnfor for instance, the think tank worked on different projects and we don’t think financing from the project for AgroInfor to conduct the studies and policy brief made a quality change to Agrilnfor.</li> </ul>

	<ul style="list-style-type: none"> <li>• NGO will not be able to sustain their links to that process without external support. In addition to MRLG II, there was limited support from some other partners such as EU. But the support was found very limited.</li> </ul>
--	--

**CONCLUSION:** While supporting RAI remains relevant and value adding, MRLG III should not “tie” to the amendment of the Land Law, which goes beyond scope of any externally driven projects – where are time-bound.

#### VIETNAM CT WORKSTREAM

VARIABLE	ASSESSMENT
Likelihood that policy change and/or implementation and due compliance of targeted policy will materialize during duration MRLG III	<p>CBFM has been an important issue that affect land rights of million smallholders, especially ethnic minorities. The nature of this issue is however complicated due to different (and conflicting) interests of the key actors:</p> <ul style="list-style-type: none"> <li>• Local authorities have benefits from not transferring ownership to communities</li> <li>• State-owned (or former state-owned) have strong interest of keeping their ownership and hence benefits from such ownership</li> <li>• Forest management boards established by local authorities also have their own interests in keeping the ownership</li> <li>• Communities who informally claimed their land use rights do not want to give up their occupation</li> </ul> <p>This explained why VNFOREST has not been able to develop a legal document to guide this CBFM during two phases of a bigger CBFM projects (with more than US\$10 mil). Under the current MRLG II, it was reported that VNFOREST does not show its determination. As a result, the CT WS original objective was not achieved.</p> <p>Given this, it is not certain for the moment whether this long-expected policy change could be materialized under MRLG III. The developed Handbook is in this sense an alternative target but a technical rather than a legislative document. For a complex issue such as CBFM with conflicting interests of the parties concerned (as discussed above), a technical recommendation (such as the Handbook) is not expected to foster changes.</p>
Likelihood that large numbers of smallholder women and men will benefit from policy changes and/or implementation.	<p>There is large number of potential beneficiaries from a legal document on CBFM. No official statistics available. Most sources of estimates indicate around one million hectares of forest land (or 8-8.5% of the total national forest) are now under community management. Of this area, only 30% was granted land use certificates. The remaining area was without formal CFMG arrangements. Although no reliable estimates are available in terms of number of beneficiaries, this significant area of community forest indicates potentially a large number of beneficiaries from a legal document in CBFM.</p>
Added value of MRLG engaging with partners to facilitate policy change / implementation	<p>Similar to the situation under the RAI WS, the GoVN partners (VNFOREST, VUSTA) have no difficulties in sustain the dialogue and other work required to develop that legal document (if this will be finally decided that a legal document on CBFM will be</p>

	made). But it will not possible for NGO partners to maintain an active agenda in advocating for this policy change.
--	---

**CONCLUSION:** Retain as focus area for MRLG III, conditional on clear signal from VNFOREST or MARD in developing a legal document on CBFM – which has not been the case under MRLG II. In addition, focus could be extended to support the forest allocation process to communities at the provincial level. This could be linked to the new National Target Programme on Socio-Economic Development of the Ethnic Minorities and Mountainous Areas (NTP SEDEMA) 2021-2030 (particularly the project 3, subproject 1 on enhancing livelihoods for ethnic minorities by access to forest land and forestry livelihood support).

#### RAI WORKSTREAM LAOS

VARIABLE	ASSESSMENT
Likelihood that policy change and/or implementation and due compliance of targeted policy will materialize during duration MRLG III	<ul style="list-style-type: none"> <li>- Ministry of Planning and Investment (MPI) has monitored and observing the implementation of Instruction on Investment Approval and Land Management Mechanisms for Leasing or Concessions for Crop Cultivation (No. 0457/MPI, released 27 February 2019).</li> <li>- Currently, MPI (Investment Promotion Department – IPD, in particular) has been working on observing the implementation of 0457 to draw lesson learnt from both targeted and non-targeted (Champasak Province, for example) areas in order to develop clearer sub-legislations to guide and govern the implementation of involved parties (government agencies, investors and respective villagers) nationwide - regarding 0457. By achieving this, IPD and involved parties will be able to have documents to adhere on. Moreover, the papers will be used effectively in relation to RAI practices ranging from generating common grounds around RAI among involved parties (government agencies, investors, and villagers), setting-up standard punishment measures (obligations) and having agreed concession fees criteria stated in one place. This is for better management and monitoring RAI-related practices.</li> <li>- IPD has developed and drafted legislations supporting CF practices and reported to the ministerial level. Currently, waiting for the recommendations whether IPD should further pursue the CF governance. IPD will carry over CF related activities further in MRLG III.</li> </ul>
Likelihood that large numbers of smallholder women and men will benefit from policy changes and/or implementation.	<ul style="list-style-type: none"> <li>- IPD/MPI ensures that there are numbers of female and ethnics participants involving in their activities.</li> <li>- IPD usually encourages women who attend their sessions to speak and make sure that they are being heard. IPD also encourages ethnic people to join their activities.</li> <li>- In terms of monitoring, it is still early to see the impact of project activities on beneficiaries. However, related activities seem to be a good initiative.</li> </ul>
Added value of MRLG engaging with partners to facilitate policy change / implementation	<ul style="list-style-type: none"> <li>- IPD is working on creating a calling list for investment promotion and may include RAI/CF practice in their obligations. MRLG can step in to promote investment specifically in agricultural sector within targeted provinces alongside introducing the practices of RAI.</li> </ul>



**CONCLUSION:** Focus on Instruction on Investment Approval and Land Management Mechanisms for Leasing or Concessions for Crop Cultivation (No. 0457/MPI, released 27 February 2019) and development of sub-legislation. The RAI workstream could partly and gradually be handed over to TLI.

#### CT WORKSTREAM LAOS

VARIABLE	ASSESSMENT
- Likelihood that policy change and/or implementation and due compliance of targeted policy will materialize during duration MRLG III	- High acceptance from local agencies and community of pilot. This can lead to success of the pilot, which can be good basis for development of sub-legislation on implementation and recognition of CT. - Manual on forest and habitat land allocation – DOL - MOU signed by MAF and MoNRE is another good basis for further development of sub-legislation.
- Likelihood that large numbers of smallholder women and men will benefit from policy changes and/or implementation.	- The pilots shown so far that both women and men will benefit if policy change materialize. However, the policy should reflect the process that ensure women and ethnic group participation and benefits. Awareness raising campaigns need to be more specifically target women and ethnic groups. - When going to the villages, relevant government offices (DONRE-DAFO) have ensured that they have involved Lao Women Union (LWU) and Lao Front for National Development (LFND) in all of their activities. LWU is working to ensure women's involvement, while LFND is working to ensure social inclusion. -
- Added value of MRLG engaging with partners to facilitate policy change / implementation	- The pilots by RECOFT and DOL, DOF, DaLAM only began, though seem to have good initial results. Thus, continued supports from MRLG will be required.

- **CONCLUSION:** Retain focus area for MRLG III to ensure sub-legislation/s are developed.

#### Myanmar CT WORKSTREAM

VARIABLE	ASSESSMENT
Likelihood that policy change and/or implementation and due compliance of targeted policy will materialize during duration MRLG III	Before the coup solid inroads were established to assist the government in formulating national land law that would provide recognition to CT. The current Military regime has indicated that CS actors can continue to operate. The CT Alliance is highly motivated. Yet, the likelihood of concrete policy changes to materialize is highly unpredictable
Likelihood that large numbers of smallholder women and men will benefit from policy changes and/or implementation.	High number of potential – policy beneficiaries for strengthening customary tenure in Forest Law and Rules and in the National Land Law
Added value of MRLG engaging with partners to facilitate policy change / implementation	Added value MRLG in terms of convening and facilitating the Alliance (also financially) and in terms of capacity building and access to KM / evidence base.

**CONCLUSION:** Depending on decision of SDC and Luxembourg Government to continue engagement in Myanmar. GiZ/BMZ will not engage in Myanmar.

#### CT WORKSTREAM -CAMBODIA

VARIABLE	ASSESSMENT
----------	------------

Likelihood that policy change and/or implementation and due compliance of targeted policy will materialize during duration MRLG III	<p>There was consensus from all stakeholders on the feasibility of scaling of the pilot projects at the target areas. Pilots are not directly related to change in the legal framework (PA zoning guidelines), but to improve practice by strengthening the capacity of communities to engage in govt led process and protect their customary practices through documentation. It is a good example of practice focused change.</p> <p>Reviewed draft of Environmental Code, Fisheries Law, National Guidelines on NTFP Enterprise Management can be applied.</p> <p>-</p>
Likelihood that large numbers of smallholder women and men will benefit from policy changes and/or implementation.	<p>Indigenous and non-indigenous communities from the WCS and other pilot sites have been benefited from better recognition of tenure rights with appropriate mechanisms (PA Zonation, CPA, co-management, etc.) through documentation customary practices, zoning and management planning that takes into account local communities' access to resources.</p> <p>At the pilot sites where the consultant visited shown that large numbers of smallholders have been benefited from a step by step policy and practices changes. However, the national, sub-national government officers and people at communities have requested more capacity development and project interventions.</p>
Added value of MRLG engaging with partners to facilitate policy change / implementation	<p>The alliance and partners have been instrumental in realized policy changes / advances which would not have been the case without MRLG support.</p> <ol style="list-style-type: none"> <li>1- strengthening the recognition and protection of customary tenure rights in the legislation</li> <li>2- Stronger CBNRM mechanism <ul style="list-style-type: none"> <li>-Longer-term agreements</li> <li>-Right over larger areas</li> <li>-Stronger rights, including the right to enter into contractual agreements to companies who want to invest in the sustainable production and transformation of forest and agricultural products</li> </ul> </li> <li>3- Integration of FPIC principles</li> <li>4- The integration of long-term sustainable productive use rights for local communities including the right to commercialize their products and develop businesses.</li> </ol>

**CONCLUSION:** CT Workstream Cambodia has been successful in furthering implementation and compliance of tenure right in forest (protected) areas. Assess whether CT Cambodia can be aligned or integrated with RAI workstream.

#### RAI WORKSTREAM -CAMBODIA

VARIABLE	ASSESSMENT
Likelihood that policy change and/or implementation and due compliance of targeted policy will materialize during duration MRLG III	<p>-MAFF, MoE and sub-national levels have been supportive to RAI pilots to move to the next level in phase III</p> <p>-Beneficiaries at the communities have been benefited from the project and very appreciative to respective donors and stakeholders. Approval of the Contract Farming Law is expected during Phase III and may offer additional opportunities for supporting further pilots for the implementation of the law, particularly the grievance mechanism if accepted.</p>

Likelihood that large numbers of smallholder women and men will benefit from policy changes and/or implementation.	<p>-The RAI Workstream in Cambodia focused on two key points:</p> <ol style="list-style-type: none"> <li>1. Governments improve and implement RAI policies, regulations and practices that recognize smallholder farmer's tenure rights.</li> <li>2- Promoting more inclusive agribusiness investment models and in particular contract farming, through learning from the experiences of private companies.</li> </ol>
Added value of MRLG engaging with partners to facilitate policy change / implementation	<p>-The Department of Agro-Industry (DAI) and the Department of Planning and Statistics (DPS) have shown strong support to put RAI principles into policies. They are interested in improving the reliability of contracts and providing better opportunities to smallholder farmers.</p> <p>-Through discussions and interviews with various stakeholders, the evaluation team/consultant learnt that all parties involved would like to see following key points implemented in the balancing period of MRLG phase II and during MRLG III:</p> <ol style="list-style-type: none"> <li>1. The regulation of large-scale investments (concessions),</li> <li>2.The promotion of investor-farmer partnership,</li> <li>3.The return of lands from cancelled ELC, and</li> <li>4. The renegotiation or conflict mediation of company-community relationships</li> </ol> <p>More linkages with existing agricultural development projects and private sector will help facilitate and accelerate MRLG RAI to succeed and sustain in Cambodia.</p>

**CONCLUSION:** RAI workstream in Cambodia has triggered / traction for acceptance and application of RAI guidelines and potentially a RAI – aligned contract farming regulations. Further engagement of MRLG is required.