



Food and Agriculture  
Organization of the United  
Nations

## Office of Evaluation

# Strategic Evaluation of FAO work on tenure, rights and access to land and other natural resources

### Annexes

## Food and Agriculture Organization of the United Nations

### Office of Evaluation (OED)

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For further information, please contact:

Director, OED  
Viale delle Terme di Caracalla 1, 00153  
Rome, Italy  
Email: [evaluation@fao.org](mailto:evaluation@fao.org)

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***Annex 2: Inventory of tenure-related field projects as identified by FAO staff, 2006-2011***

Region	Project Symbol	Project Title	Start date	End date	Lead Technical Unit	Total Budget	Project type
Africa	GCP /ANG/045 /SPA	Apoyo a las instituciones gubernamentales para la mejora de la gestión de la tenencia y administración de la tierra y los recursos naturales, en las provincias de Huambo y Bié, Angola	2010-09	2013-08	NRLA	\$2,207,746	GCP
Africa	GCP /MOZ/081 /NET	Decentralized Legal Support and Capacity Building to Promote Sustainable Development and Good Governance at Local Level	2005-09	2010-06	LEGN	\$3,292,012	GCP
Africa	GCP /MOZ/086 /NOR	Community level legal education and support to help rural women secure and exercise land and resource rights, and address HIV-AIDS related tenure insecurity	2009-07	2012-06	LEGN	\$2,162,817	GCP
Africa	GCP /MOZ/096 /NET	Promoting the use of land and natural resources laws for equitable development - (Follow-up GCP /MOZ/081/NET)	2009-04	2012-03	LEGN	\$2,851,289	GCP
Africa	GCP /SUD/057 /DEN	Technical Support to the Establishment and Functioning of the National Land Commission	2005-12	2007-12	LTT	\$150,000	GCP
Africa	TCP/CHD/3202	Amelioration de la gestion des ressources pastorales	2009-10	2011-09	LEGN	\$360,000	TCP
Africa	TCP/ETH/3302	Technical Assistance to Investment Support Directorate	2010-05	2011-10	LTT	\$473,000	TCP
Africa	TCP/LIR/3203 BABY02	Assistance to land management programme	2009-01	2009-12	LTT	\$21,432	TCP
Africa	TCP/MLI/3202 BABY04	Appui à la préparation et la tenue des Assises Nationales du Foncier au Mali	2009-02	2010-12	LTT	\$52,490	TCP
Africa	TCP/MOZ/3005	Support to the Development of Territorial Planning Policy and New Legislation	2005-06	2007-05	LTT	\$113,188	TCP
Africa	TCP/RAF/3115	Support to ICARRD follow-up and to the African Land Policy Initiative including regional stakeholders' dialogue	2008-02	2009-04	LTT	\$433,000	TCP
Africa	TCP/UGA/3201 BABY02	Land Administration and Reform Mission	2009-01	2010-12	LTT	\$78,420	TCP
Africa	OSRO/SUD/819/CHF	Livelihood recovery for returnees, IDPs and vulnerable households through access to land for production and settlement	2008-08	2009-03	LTT	\$208,550	OSRO
Africa	UNJP/SUD/065/SPA	Sustained Peace for Development: Conflict Prevention and Peace Building in Sudan	2009-12	2011-11	NRLA	\$535,910	UNJP

Region	Project Symbol	Project Title	Start date	End date	Lead Technical Unit	Total Budget	Project type
Africa	UNJP/SUD /066/DPF	Strengthening community based institutions for participatory peace building, conflict resolution and recovery planning in Darfur	2010-02	2011-11	NRLA	\$1,000,000	UNJP
Asia and the Pacific	GCP /CPR/038/ EC	Supporting policy, legal and institutional frameworks for the reform of forest tenure in China's collective forests and promoting knowledge exchange	2009-03	2012-02	FOE	\$2,701,370	GCP
Asia and the Pacific	GCP /PHI/047/ AUL	Philippines-Australia Technical Support for Agrarian Reform and Rural Development (PATSARRD)	2003-02	2006-12	NRLA	\$5,013,440	GCP
Asia and the Pacific	OSRO/TAJ /602/CAN	Improved Food Security and Enhanced Livelihoods Through Institutional and Gender-Sensitive Land Reform in Tajikistan	2006-09	2008-12	LTT	\$1,769,296	OSRO
Asia and the Pacific	TCP/CPR/ 3008	Rural Land Registration and Certification Piloting	2005-07	2007-12	LTT	\$368,000	TCP
Asia and the Pacific	TCP/CPR/ 3107	Rural Land Registration and Certification Piloting - Phase II of TCP/CPR/3008	2008-06	2009-03	LTT	\$180,537	TCP
Asia and the Pacific	TCP/TIM/ 3301 BABY02	Advice on adjustments to draft land law	2010-11	2011-12	NRLA	\$35,836	TCP
Asia and the Pacific	UNJP/NEP /066/UNJ	Piloting Land Registration and Preliminary Land Management Intervention in Selected Part of Achham District	2010-07	2011-11	NRLA	\$50,000	UNJP
Asia and the Pacific	UTF /SRL/058/ SRL	Land Tenure in the Dry Zone Livelihood Support and Partnership Project Districts	2009-09	2011-08	LTT	\$376,928	UTF
Europe and the CIS	TCP/ALB/ 3301	Support to the Preparation of a National Land Consolidation Strategy & a Land Consolidation Pilot Project in Albania	2010-07	2012-03	LTT (REU)	\$390,000	TCP
Europe and the CIS	TCP/ARM/ 3004	Support to the Preparation and Implementation of Land Consolidation and Improved Land Management Schemes (Armenia)	2004-08	2006-12	LTT	\$268,449	TCP
Europe and the CIS	TCP/AZE/ 3201 BABY03	Access to Land for IDPs	2008-02	2010-12	LTT (REU)	\$52,537	TCP
Europe and the CIS	TCP/BIH/3 301	Support to the Preparation of a National Land Consolidation Strategy and Implementation of Land Consolidation Pilot Projects in Bosnia and Herzegovina	2010-11	2012-07	LTT (REU)	\$475,000	TCP
Europe and the CIS	TCP/LIT/3 101	Support to the preparation of an operational land consolidation system (Lithuania)	2006-04	2007-10	LTT	\$241,000	TCP
Europe and the CIS	TCP/MCD /3301	Support for the Management of State-owned agricultural Land (FYR Macedonia)	2010-03	2012-03	LTT	\$340,000	TCP
Europe and the CIS	TCP/MOL/ 3301 BABY01	Support to preparation of a National Strategy for Land Re-parcelling in Moldova	2010-09	2011-04	LTT	\$76,000	TCP

Region	Project Symbol	Project Title	Start date	End date	Lead Technical Unit	Total Budget	Project type
Europe and the CIS	TCP/YUG/3001	Support to the preparation of a national land consolidation strategy and a land consolidation pilot (Serbia)	2006-03	2007-11	LTT	\$230,000	TCP
Global	GCP /GLO/277 /GFF	Groundwater Governance: A Global Framework for Country Action	2011-01	2014-01	NRLW	\$1,750,000	GCP
Global	GCP /INT/052/ SPA	Capacity development on the integration of gender analysis in water and land tenure management (Angola, Cape Verde, Mozambique, Timor-Leste)	2007-11	2010-09	ESW	\$700,002	GCP
Global	TCP/INT/3103	Formulation of a regional capacity building programme on land tenure, land management related legal aspects	2006-10	2007-12	NRLA	\$257,000	TCP
Latin America and the Caribbean	GCP /RLA/171/ SPA	Fortalecimiento del marco jurídico en materia de gestión de agua y los recursos hídricos en El Salvador, Guatemala, Honduras y Nicaragua	2009-06	2011-12	LEGN	\$1,002,294	GCP
Latin America and the Caribbean	TCP/BRA/3101	Apoyo metodológico y de capacitación al Plan Nacional de Reforma Agraria (PNRA) y al Programa Nacional de Agricultura Familiar (PRONAF)	2006-05	2008-07	NRLA	\$229,000	TCP
Latin America and the Caribbean	TCP/COS/3202	Fortalecimiento de la capacidad de gestión del IDA y de los grupos de acción territorial en la ejecución de las políticas del desarrollo rural territorial	2008-10	2010-05	NRLA	\$230,000	TCP
Latin America and the Caribbean	TCP/PAR/3201 BABY01	Apoyo a la elaboración de una propuesta de reforma agraria negociada y territorializada	2008-06	2010-07	NRLA	\$106,660	TCP
Latin America and the Caribbean	TCP/RLA/3201 BABY01	Strengthening land administration through the development of National Land Banks in Dominica, Grenada, St. Lucia and St. Vincent and the Grenadines	2008-07	2010-06	LTT	\$90,385	TCP
Latin America and the Caribbean	TCP/RLA/3209	Apoyo al seguimiento a la Conferencia Internacional sobre Reforma Agraria y Desarrollo Rural: Nuevos desafíos y opciones para revitalizar las comunidades rurales (CIRADR) en Sudamérica	2009-09	2011-12	TCS (RLC)	\$470,000	TCP
Latin America and the Caribbean	TCP/VEN/3201 BABY04	Estudio Proceso de Revolución Agraria en la República Bolivariana de Venezuela	2008-05	2011-05	NRLA	\$25,322	TCP

Region	Project Symbol	Project Title	Start date	End date	Lead Technical Unit	Total Budget	Project type
Latin America and the Caribbean	UNJP/COL/036/SPA	Strengthening local capacities for peace-building in the Department of Nariño	2009-11	2012-11	NRLA	\$1,472,724	UNJP
Latin America and the Caribbean	UTF/HON/034/HON	Apoyo para el funcionamiento de la Unidad de Gestión y la ejecución del Programa de Acceso a la Tierra (PACTA) Ampliado	2007-05	2010-05	LTT	\$3,644,850	UTF

### ***Annex 3: Stakeholder Perception Study***

The Stakeholder Perception Study (SPS) was designed to provide an essential part of the evidence base for the entire evaluation. The SPS is intended to convey the perceptions of a wide range of stakeholders on the relevance and effectiveness of FAO's work relating to tenure, rights and access issues. By capturing the views of different stakeholders on the same topics (triangulation), the SPS helps to ensure non-partisan representation of opinions on FAO's work. A total of 165 stakeholders were interviewed as part of this process.

#### **Summary of interviews undertaken**

<b>Category</b>	<b>No. of people interviewed</b>	<b>% of total</b>
FAO staff member – NR Management and Environment Department	16	10%
FAO other staff member	53	32%
Country government (excl. donor countries)	30	18%
Civil society organisation (NGOs, CSOs, academia, research institutes)	33	20%
Bilateral donor	9	5%
Multilateral agencies	14	8%
Independent consultant to FAO/other agency	10	6%
<b>Total</b>	<b>165</b>	<b>100%</b>

#### **Key to stakeholder group identifiers used in text**

<b>Identifier</b>	<b>Group</b>
FNR	FAO staff member – Natural Resources Management and Environment Department
FOS	FAO other staff member
GOV	Country government (excluding donor countries)
CSO	Civil society organisation (includes NGOs, CSOs, academia, research institutes)
DON	Bilateral donor
AGC	Multilateral agencies
INC	Independent consultant to FAO/other agency

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## **1. Relevance of FAO's work on TRA issues**

### **1.1 Demand for work on TRA issues**

There was broad consensus across all stakeholders that tenure, rights and access issues were becoming increasingly important globally. Natural resources tenure was considered to have strong links to FAO's mandate on achieving food security. Security of tenure over natural resources was recognised as an essential issue that must be addressed in order to improve livelihoods.

Several stakeholders believed that the issue of land rights has 'come back' onto the development agenda, meaning that now is an *"opportune time"* (CSO) to improve land governance. It was felt that in this area *"FAO can play a key role"* (AGC). Donors also felt that there is a *"strong role for FAO – in terms of its mandate, visibility and strategic objectives – in land tenure issues"* (DON), and that indeed FAO has a mandate to *"play a bigger and more prominent role in land tenure issues"* (DON). The political sensitivity associated with tenure, rights and access issues should, however, be taken into consideration – particularly as land governance has become more complex, with a *"multiplicity of actors"* (CSO). This political sensitivity, however, should not be used as an excuse for FAO to *"shirk the issue of land tenure, if it is serious about its goal of food security"* (DON).

Stakeholders typically described FAO's work on land tenure as demand-driven, i.e. in reaction to member government (or donor) requests on the topic, rather than proactive. Demand for this assistance is growing, particularly through the partnership between the land tenure unit and the World Bank. FAO does not typically receive requests for assistance on land reform (i.e. the redistribution of land rights). FAO staff and bilateral donors suggested that there are few requests for such support because of the politically sensitive nature of the topic.

In relation to other natural resources, member states are not making direct requests specifically on tenure, rights and access issues. In forestry, with the exception of the current China Forest Tenure project, no direct requests are received. However, even when governments do not bring up tenure issues at the outset, forest tenure issues inevitably arise later during discussions with stakeholders. The challenge is then to push this discussion through to the national level.

Similarly, although no direct requests are received to work specifically on fisheries rights and access, the entry-point for FAO into these topics typically occurs in relating to co-management of fisheries resources by communities. FAO's aquaculture work also typically includes consideration of tenure, rights and access issues for both land and freshwater.

With respect to water, FAO has traditionally assisted member countries with the development of national laws relating to the allocation of water, and to a lesser extent with the management of transboundary water resources.

### **1.2 Geographical coverage of FAO's work on TRA issues**

Certain external stakeholders have the perception that FAO still places too much emphasis on Eastern Europe, CIS and Central Asia (as a result of the relationship with the World Bank), and not enough emphasis on Africa. This is in contrast to the comments made by staff within the land tenure unit, that they had been receiving a lot of requests from Sub-Saharan Africa and South-East Asia and were therefore progressively giving less emphasis on the Eastern European region.

FAO staff members with field experience feel that FAO has been absent from the Central American region with respect to land tenure issues – the World Bank has become dominant in the region as a promoter of *“agrarian reform assisted by the market”* (FOS)<sup>1</sup>. In Latin America, while there is increasing concern in the region regarding land markets and acquisition of land by foreign investors, this has not translated into formal requests for assistance by member governments. Furthermore, a technical approach to land administration (e.g. cadastre systems) was seen to be inappropriate for Latin America given that agrarian reform is still perceived to be incomplete.

## **2. Coordination and partnerships on TRA issues**

### **2.1 Coordination within FAO**

#### **2.1.1 Overall coordination on TRA issues**

Several FAO staff members perceived there to be a lack of coordination and convergence between the various internal groups within FAO that deal with tenure, rights and access issues. There are *“no real incentives”* (FNR) for inter-departmental collaboration. While it was acknowledged that important collaboration had occurred between other divisions and the land tenure unit within the Legal Empowerment of the Poor (LEP) initiative and the Livelihoods Support Programme (LSP), it was also remarked that the work done within the LSP has had *“minimal impact”* (FOS) on policies and on FAO’s actual activities relating to tenure .

It was emphasised by FAO staff members and others that the question of tenure, rights and access has increasingly become a cross-cutting issue that incorporates more than just land administration. Tenure, rights and access to all natural resources are seen as a *“big constraint”* (FOS) in terms of achieving food security.

The importance of tenure, rights and access as a cross-cutting issue is perhaps underestimated by FAO governing bodies, perhaps because *“it is very political”* (FNR). Given the cross-cutting nature of tenure, rights and access issues, it was broadly felt that the synergies between FAO’s different divisions working on tenure issues could be better. As one external stakeholder argued, *“on the ground, the linkages between land, forests, water, aquaculture etc are a reality”* (INC). It was acknowledged that while tenure, rights and access challenges differ substantially between natural resource systems, there are enough similarities and linkages to merit some kind of coordination. The Voluntary Guidelines were perceived as an example of close collaboration between the land tenure unit and other divisions.

Staff acknowledged that it is difficult to come up with an appropriate institutional arrangement to deal with tenure issues – it depends on the individuals involved, and on the support given by senior management. Cross-cutting units, such as the land tenure unit, *“can easily disappear, and they need to be supported with a strong structure”* (FNR). Therefore, if staff members are to stay within their

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<sup>1</sup> The Land Tenure Team has noted, however, that the only “market assisted” agrarian reform project in Central America is the PACTA project, which has been funded by the Government since 2007 and implemented by FAO since 2002. They note further that World Bank operations in the sub-region have dealt with land administration projects since 2005.

own divisions and work on a joint programme, *“clear and strong support is needed from senior management”* (FOS). The structural support given to the traditional divisions at FAO creates a barrier to working effectively on cross-cutting issues. As noted by one staff member, *“when you fund cross-cutting themes, who gets the money?”* (FOS).

The placement of the land tenure unit within NRC was questioned, and described as a *“political move with no technical rationale”* (FOS) rather than a logical one. It was felt that the placement of a unit determines the linkages that are formed between that unit and others in the same division: it was therefore difficult to understand why the land tenure unit was not situated within NRL, where it may have benefited from closer association with work on, for example, land management. It was felt that the conceptual division between land tenure and land management in FAO was false: *“when considering how the resource is accessed one must also consider how the resource will be used”* (FNR). Another staff member noted that *“no vision has been articulated”* (FOS) for how the land management and land tenure units can work together more effectively. It was felt that for both water and land, if administration is separated from management *“it is a lost opportunity”* (FNR). It was acknowledged by staff within the land tenure unit that the placement of the unit is a good enough arrangement, but not ideal.

### 2.1.2 Climate change

Clarifying tenure, rights and access was described as important when deciding who should be paid for environmental services in the context of climate change mitigation activities such as REDD+. However, limited collaborative work has been undertaken between the land tenure unit and other relevant units on the relationship between tenure and rights and climate change. Although an interdepartmental working group on climate change has been established, *“there isn’t real coordination between the participants”* (FNR) and the use of the available funds has not been *“transparent”* (FOS). It should be noted, however, that in the context of REDD+ it is not FAO’s responsibility to address tenure issues – this is to be taken on by UNDP.

### 2.1.3 Gender and disadvantaged groups

It was widely considered that tenure, rights and access work must consider women’s rights as an essential dimension, given the asymmetries in access to natural resources for women – in terms of both quantity and quality.

The land tenure unit was perceived by other FAO staff members to be receptive to the inclusion of gender issues, particularly in contrast to other divisions in FAO. There has been extensive collaboration between ESW and the land tenure group, including on the LEP initiative, and most recently on the gender implementation guide in support of the Voluntary Guidelines and the Land and Gender Portal. The good relationship between ESW and the land tenure unit was attributed to the recognition within FAO of ESW’s expertise on the land and gender relationship.

Generally, FAO staff members acknowledged that insufficient resources had been invested in supporting gender mainstreaming across the Organisation. It was noted, however, that it is not possible for ESW to backstop all of the land tenure unit’s activities, as this would defeat the purpose of gender mainstreaming – rather, ESW should focus their efforts on supporting major processes such as the Voluntary Guidelines.

Indigenous groups have identified land tenure as *“one of the most important issues in their relationship with FAO”* (FOS). It was acknowledged that significant work has been done on this topic by NRC and NRL. Also, FAO consultations relating to land policies – for example, that for the Voluntary Guidelines – typically involve representatives of indigenous people.

#### 2.1.4 Emergencies

Tenure, rights and access issues were recognised as *“key issues for the recovery process”* (FOS) following natural disaster or conflict. In the early part of the evaluation period, land-related problems arising from TCE assignments tended to be handled by land professionals *“who had very little understanding of humanitarian emergencies, their short term nature and the need for a quick response”* (FOS).

More recently, although tenure, rights and access issues were considered to be an important part of FAO’s emergency work, and the land tenure unit has worked in close cooperation with TCE on natural disaster and post-conflict situations, it was felt that more collaboration could be undertaken within FAO on the topic. This is particularly true given increasing demands for assistance on land tenure issues in an emergency context, including from a legal perspective, and given the absence of an emergencies specialist in the land tenure unit. Emergency funds are perceived as an opportunity to get young land professionals into the field where endemic land and/or water conflicts are a causal factor in protracted emergencies, e.g. in Sudan, Somalia, and Mali.

#### 2.1.5 Relationship between regional/sub-regional offices and HQ

A number of FAO staff members emphasised the lack of expertise in land tenure issues in the regional and sub-regional offices, with the exception of work being done in Mozambique. In some cases, the absence of regional and sub-regional officers specialising in land tenure means that *“member countries do not always know who the land tenure people are and what they do”* (FNR) , although one staff member felt that the land tenure unit had overcome the lack of regional expertise through *“very strong projects”* (FOS). While some oversight is provided by the land tenure unit, one regional/sub-regional office felt that it was *“missing good leadership”* (FOS) from Rome with respect to such inter-disciplinary work.

Donor experience with FAO’s tenure, rights and access activities in the field (across all natural resources) was that the quality of the work depends a lot on the person on the ground: there is *“mixed, uneven engagement across countries”* (DON). Such inconsistencies in FAO’s country-level performance *“inevitably affect the image of FAO’s programmes”* (DON). With respect to land tenure, since FAO has a weak field presence (with the exception of Mozambique) and limited financial power, *“governments may agree to reforms but then there is no follow-up”* (AGC). It was therefore suggested that capacity needs to be improved in the country and regional offices, with oversight and guidance from headquarters. Greater interchange between headquarters and the field would be beneficial because *“both can bring knowledge to the other”* (INC).

## 2.2 Partnerships with external stakeholders

### 2.2.1 The World Bank

FAO staff members across more than one division noted that for FAO's technical assistance to become most effective, FAO has to build strategic partnerships with multilateral financial agencies within or outside the UN system. The land tenure unit has established a strong partnership with the World Bank, coordinated by FAO's Investment Centre (TCI) in the context of the Cooperative Programme.

The World Bank is recognised as a key stakeholder because it plays a key global role in land tenure issues, and has significant financial resources available to support activities in this field. FAO's partnership with the World Bank is perceived to be a way to *"maximise on-the-ground impact"* and *"leverage"* FAO's work (FOS). The relationship with the World Bank allows the FAO land tenure unit to *"follow what is happening globally in the big investment projects"* (FNR) and potentially even *"influence World Bank projects"* (FNR). One example of this influence is the application of FAO's normative work on land consolidation to World Bank projects.

The relationship with the land tenure unit is highly valued by the World Bank. FAO provides technical expertise that the Bank lacks, specifically in land surveys, valuation and taxation. The support provided by the land tenure unit was described as *"consistent"* and *"high quality"* (AGC). The World Bank perceives the FAO land tenure unit staff as independent, and values their long-term involvement in World Bank projects. The World Bank can rely on FAO for an honest technical opinion on the feasibility of land tenure projects; even if they say it is not feasible: *"consultants can't provide that kind of opinion without fear of not being hired anymore"* (FNR). It is also *"financially advantageous"* (AGC) for the World Bank to use FAO consultants, as their salaries do not come out of the team leader's project funds.

Some World Bank stakeholders did point out downsides to the relationship with FAO – notably the *"inflexible and almost hopeless"* (AGC) administrative bureaucracy, for example in relation to payment of consultants and organising of air travel. Hiring procedures were also described as *"particularly long and inefficient"* (AGC). This was attributed primarily to FAO's administrative units, while those tasks that the land tenure unit were directly responsible for were seen to run more smoothly. World Bank staff working in at least one region outside of Central/Eastern Europe believed that the transaction costs and waiting times for using land tenure staff (through the TCI) were too high to justify their involvement.

The Cooperative Programme with the World Bank has been the subject of both internal and external criticism because of a perceived lack of alignment or integration with FAO's main priorities and activities: *"it does not link to the basic goals of FAO"* (INC) and *"does not fit in with the rest of what FAO does"* (FOS). It was felt that cooperation with the World Bank could only strengthen FAO's field presence if *"both organizations agree the approach and priorities"* (FOS), rather than the World Bank *"imposing the agenda and the approach"* (FOS). External stakeholders also noted that *"FAO is not influencing the World Bank; the World Bank is influencing FAO"* (AGC). More broadly, the use of FAO staff as consultants to other organisations was criticised for making FAO *"less strategic in its work and more opportunistic"* (FOS).

A typical perception from staff members outside the land tenure unit was that the work undertaken for the World Bank is focused only on land administration and title registration. This is in contrast to the perceptions of the land tenure unit, who have stated that not all work done with the World Bank focuses on individual land titling.

### 2.2.2 Other UN agencies

#### UN-HABITAT

A number of external stakeholders felt that there were important synergies between the work of FAO and UN-HABITAT, and that greater collaboration could occur between the two agencies. There appeared to have been some overlap in the past between FAO and UN-HABITAT on post-conflict land tenure manuals: there could have been better collaboration on this; it instead seemed that the two agencies *“were competing on who could produce the better manual”* (INC). Indeed, one FAO staff member did describe UN-HABITAT as a *“competitor”* (FNR) – although another staff member described the two agencies’ normative work as *“complementary”* (FNR). The collaboration on the publication ‘Assessing and Responding to Land Tenure Issues in Disaster Risk Management’ was described as useful. The Development Law Service has drafted a proposal for a joint project with UN-HABITAT, but to date this has not moved beyond the discussion stage.

The work of UN-HABITAT was seen as relevant to FAO given the increasing expansion of cities into rural areas. FAO must consider the unique issues arising out of title registration in agricultural land that is subject to urban pressure. In particular, it was noted that in urban and peri-urban areas, donors might introduce land registration programmes but the inhabitants *“don’t complete the game as intended”* (INC). Individuals begin the process of title registration, but do not complete it, as they wish to avoid the associated registration fee and subsequent property taxes. Rather, they choose to reach a point in the registration process where if they felt that they needed to sell their land, or if they were threatened with eviction, they could quickly complete the full registration. Thus, the tenure security that was the donor’s objective is not really achieved; instead there is *“some kind of intermediate tenure”* (INC). This phenomenon has been observed in a diverse range of countries. FAO could collaborate with UN-HABITAT to consider this issue – together potentially with the World Bank and FIG.

While there was agreement that there could be greater collaboration between UN-HABITAT and FAO, there were relatively few suggestions as to how this could concretely be achieved. It was emphasised that future collaboration between the two agencies should be *“practically focused – not just more guidelines and publications”* (INC). One suggestion was that FAO could scale up UN-HABITAT approaches that had previously proved successful, such as community mapping.

#### IFAD

FAO has collaborated with IFAD on a number of publications relating to land tenure, for example ‘Land Grab or Development Opportunity?’ (together with IIED) and an ongoing related series of case studies. IFAD has also supported the development of the Voluntary Guidelines, particularly during the consultation phase.

IFAD is not a normative organisation, and expects FAO to take the lead on this type of work. FAO’s normative work was seen as complementary to IFAD’s fieldwork. It was suggested that IFAD’s field operations could serve as *“good entry points for FAO’s normative work”* (AGC): this could extend FAO’s reach.

It was argued that IFAD could benefit from being able to draw more on FAO’s pool of technical expertise, in particular the consultants that FAO uses in relation to tenure, rights and access

projects. Although it was acknowledged that the major role of FAO's land tenure unit is not to provide consultants, it was nonetheless felt that the unit was not sufficiently flexible in providing assistance – and that it was easier to draw on the TCI for ad hoc expertise. It was felt that the *“collaboration between FAO and IFAD on land issues remains sub-optimal”* (AGC), but that it could be strengthened through the Voluntary Guidelines and through greater engagement of FAO in the Council of the International Land Coalition.

### 2.2.3 The African Union

The land tenure unit has a *“strong partnership”* (FNR) with the African Union in developing its land policy guidelines. It was felt that the support provided by FAO to the African Union's Land Policy Initiative had *“helped to assure the commitment of African governments to the process”* (CSO) and brought *“the necessary coherence to the process that was initially lacking”* (CSO). It was suggested that the technical support provided by FAO was more practical than that provided by the World Bank.

### 2.2.4 NGOs, CSOs, research institutes and academia

Many interviewees, both internal and external to FAO and including donors, believed that it is vital for FAO to engage with NGOs and CSOs on the topic of tenure, rights and access to all natural resources. The work undertaken by NGOs and CSOs can also serve to put tenure issues *“on the agenda”* (FOS). FAO was felt to have not invested sufficiently in such engagement, beyond the standard consultation processes. Simply ‘consulting’ with NGOs is just *“ticking the box – the smarter NGOs wouldn't even get involved because they know it is not worth their time”* (DON). One donor had the perception that FAO *“only engages with CSOs when they become stuck on a project, or when they are required to by the donor”* (DON) – despite there being *“capable and committed local NGOs”* (DON) in many countries. There is a *“slight sense of frustration from civil society towards FAO at times”* (CSO): smaller CSOs feel that their evidence is disregarded by FAO as being merely anecdotal.

The collaborative relationship between IIED and FAO is highly valued and is hoped to continue in the future. For IIED, the work that they engage in with FAO is *“not just a consultancy”* (CSO) or a source of funding – it allows both organisations to distribute their research findings to a larger and broader audience than they could individually.

Other research institutes and NGOs felt that with respect to their research, *“FAO sees competition where others see potential for complementarities”* (CSO). These institutes believed that there were good opportunities for collaboration if the notion of being ‘competitors’ could be overcome. Collaboration is perhaps dampened by FAO's *“bureaucracy and budgets”* (CSO). It was suggested that better dissemination of FAO outputs would help to foster better linkages with others. It was also suggested that FAO should appreciate the work of NGOs, CSOs and research institutes as *“challenging [FAO] to always improve the relevance, quality and reach of their outputs”* (INC). For example, FAO could invite CSOs to provide information and data for inclusion in FAO's normative products. FAO could challenge the work of NGOs and CSOs in a similar way.

It was also noted that NGOs and CSOs can play an important role in implementing the new Voluntary Guidelines on Responsible Governance. NGOs and CSOs emphasised their role in holding governments accountable for appropriate land reform and land governance. FAO could assist to



build the capacity of CSOs to interact with governments. However, it was noted that in some countries like India, *“FAO is a little bit shy when interacting with civil society organisations”* (CSO) – perhaps because it does not want to upset the government by taking on the controversial issue of land tenure.

### **3. Perceived comparative advantage of FAO for work on TRA issues**

#### **3.1 Technical expertise**

The mix of expertise at FAO on land tenure was described by a staff member as *“globally unique”* (FOS): FAO is recognised within the UN system as the lead organisation on rural land tenure issues. FAO is perceived to have a longstanding investment in its core capacities on land tenure issues, in contrast to other donors who are more *“vaguish”* (CSO) and *“dip in and out”* (DON) of these issues. The decline of land-tenure related work in other organisations, most notably the Land Tenure Centre (Wisconsin, USA) and the United Nations Research Institute for Social Development (UNRISD), has also played a role in making FAO’s expertise globally unique.

One country representative noted that FAO’s technical expertise was particularly good given that its methodologies were first piloted in countries, and then refined based on lessons learned before being implemented. This opinion was also reflected in comments made by a staff member that FAO’s comprehensive work on tenure, rights and access issues *“provides the necessary inputs to conduct a comparative analysis”* (FOS).

#### **3.2 FAO as a neutral actor with a good relationship with government**

FAO, as a United Nations body with a mandate from its member states, is generally seen by external stakeholders to be providing neutral technical advisory services relating to tenure issues. While other international organisations engaged on the topic of land tenure are often seen to be representing a particular set of interests, FAO is not perceived to have a particular agenda driving the direction of the land tenure group. FAO *“doesn’t have a political agenda and can offer the best technical solution for a problem”* (FOS). FAO has credibility, *“even if it doesn’t bring a ton of money to the table”* (CSO).

FAO is perceived to have a relationship with the Ministries of Agriculture, Forest, Fishery, and Rural Development of member countries: this connection allows FAO consultants to be especially affective in initiating and pursuing dialogue with member countries’ operational agencies.

The political sensitivity of land tenure issues leads to reluctance to involve the World Bank or bilateral donors on this topic. The World Bank was mentioned specifically by a number of interviewees as not being *“an entirely neutral arbiter”* (CSO) on land tenure issues. Bilateral donors were also described as often having a *“vested interest that makes people suspicious”* (FOS).

An important component of FAO’s perceived neutrality is that FAO is much more open than other donors to adopting new strategies for the local context. FAO was described as taking an *“open-minded”* (CSO) approach to providing advice, *“without a pre-conceived set of assumptions”* (CSO). This contributes to FAO being able to establish a *“relationship of confidence”* (FOS) with the government that can facilitate work on tenure issues. Governments trust FAO, and FAO can thus

influence policy formulation by introducing lessons from the international experience. CSOs and NGOs are unable to influence government at this level.

While some stakeholders felt that the neutrality of FAO was a comparative advantage, others felt that it could be *“a double-edged sword”* (DON). For one NGO, FAO’s intergovernmental nature means that they cannot be as frank about problems as perhaps others could be: FAO’s reports still *“reflect government influence”* (CSO). There was some concern that FAO can ignore serious issues simply to please member governments, rather than *“taking a position [and] standing up for certain principles”* (FOS). In a related comment, another multilateral agency noted that generally speaking, since FAO’s technical assistance is less tied to money, governments are more frank and receptive, *“but there is a lack of follow up and reform commitments are not honoured”* (AGC).

### **3.3 FAO as a convener of stakeholders**

FAO was often described as having a comparative advantage in playing the role of convener. FAO can bring together different stakeholder groups, such as governments, donors, NGOs, CSOs, academics and private sector actors, to discuss tenure, rights and access issues. This is evidenced in the role of the Committee on World Food Security, which provides a forum for multiple stakeholders to engage on a sensitive issue. The Voluntary Guidelines process was also given as an example of FAO’s power to convene people to work together on a particular topic.

FAO is seen to promote the involvement of CSOs and indigenous peoples in consultations over land tenure issues, unlike the World Bank which *“negotiates only with the governments”* (FOS). An NGO representative also emphasised that the World Bank and bilateral donors *“usually work as a group of people talking only to the governments and not civil society”* (CSO), whereas FAO is more open to listening to different opinions. This is evidenced in the e-consultation process for the Voluntary Guidelines.

## **4. Perceptions of the usefulness of FAO’s TRA work**

### **4.1 Land**

As noted in section 3.1, FAO is perceived to have excellent technical expertise on issues of land tenure. If measured in terms of funds raised per staff member, the land tenure unit has been one of the most successful groups within FAO in terms of raising funds and creating projects. The legal assistance provided by FAO in the reform of land laws was also highly praised for its quality and its success in maintaining national dialogues on a highly sensitive issue.

#### **4.1.1 Normative work**

With respect to land tenure issues, FAO is *“expected to take the lead on normative work”* (AGC), as other agencies do not play this role. The recently revamped Land Tenure Journal was described as *“an extremely good journal”* (AGC). The normative work undertaken by the Development Law Service on tenure (of all natural resources) was highlighted as *“particularly useful”* (CSO), *“very reputable”* (CSO), and *“state of the art”* (INC). It was however felt by one donor that FAO’s normative work on land tenure is *“not as visible as it deserves”* (DON).

Staff in the land tenure unit emphasised the link between their technical documents and their fieldwork. They felt that compared to the normative work undertaken by, for example, the World Bank, work done by the land tenure unit is *“more practical and technically-oriented”* (FNR), rather than a research exercise. One donor described the land tenure unit’s publications as *“very good quality”* and *“of practical use”* (DON). FAO’s publications have also been used by other agencies as technical inputs into their own field programmes. A number of participants at the Land Consolidation workshop held in Budapest (June 2011) found FAO land tenure publications very useful in their teaching curricula at universities. The translation of land tenure normative documents into all six languages was particularly valued.

While there was no obvious awareness of FAO’s work on open-source cadastral software, when it was raised in conversations it was seen as a positive development given the high cost of proprietary licenses. An example was given of an African country where a bilateral donor had proposed a software system run by a private company (of the donor’s country): when the prospect of open-source software was raised by an independent consultant, the reaction of the relevant government Minister was very positive. However, when it came to reactions from government staff, they argued for the proprietary software – it seemed that they would *“rather have someone else come in and do it than develop their own competencies”* (INC).

A number of staff members in the Regional and Sub-regional office in Budapest noted that most of FAO’s standard products are not appropriate for the regional context. More generally, a former consultant to FAO felt that while FAO does a good job in writing up what is done on the ground with respect to land tenure, the publications *“need to include more frank discussion on what worked, and what didn’t”* (INC). This type of information would be valuable for other organisations working on land tenure issues. FAO’s normative work on land tenure was criticised by one stakeholder as being *“technicist... it implies that generic technical solutions can be found to be too complex for situation-specific and fundamentally political problems such as land tenure”* (CSO).

NGOs and CSOs valued the role of workshops organised by FAO as a forum to share ideas and experiences. One sub-regional representative of a national NGO described the opportunity to consult on the VGs as *“an eye opener”* and *“very interesting”* (CSO). Staff members also noted that FAO’s workshops facilitate the exchange of knowledge: information is transferred both between stakeholders; and from stakeholders into FAO’s technical work. Workshops were also seen as a good opportunity to obtain hard copies of FAO publications.

#### 4.1.2 Fieldwork

The more general shift in FAO away from fieldwork and towards more normative work was widely acknowledged. However, opinions on whether this was a positive shift varied significantly both within and outside FAO. A number of stakeholders felt that FAO should be more involved at the field level: it was felt that this would keep the work of FAO staff more grounded. There should be a balance between fieldwork and normative work: it is good for FAO to *“remain in the reality”* (DON) through involvement in projects. It was suggested that knowledge sharing is best done through FAO staff bringing their global experience and expertise to the field, rather than publishing normative work: *“expertise in implementation is needed more than expertise in project design”* (AGC).

In terms of fieldwork that has been undertaken, several stakeholders, both internal and external to FAO, highlighted the work undertaken in Mozambique as being of *“very good quality”* (CSO), *“proactive”* (FOS) and *“forward looking”* (FOS). One country government who was a recipient of FAO land tenure-related assistance described FAO staff as *“real experts”* (GOV) on the topic, who provided useful recommendations out of their assistance.

It was emphasised by a number of stakeholders that FAO’s fieldwork should focus more on capacity-building and on implementation of policies. FAO was described as focusing primarily on the policy advice, with limited technical support for implementation on the ground and no consideration of supporting local stakeholders: *“this renders policy advice useless”* (INC). Field involvement needs to go beyond *“just flying in, giving advice, and then leaving”* (INC), towards building up the capacity of regional, sub-regional and country offices – see section 2.1.5. This point was emphasised by a major multilateral agency, who noted that *“writing land legislation is an easy target – it is a technical exercise; the challenge is to strengthen institutions and human capacity”* (AGC).

It was suggested by another consultant that the implementation of the Voluntary Guidelines would provide a *“natural entry point for additional FAO field work”* (INC). If FAO is looking to improve agricultural productivity, then *“improving rights and tenure security of land should be the entry point of technical cooperation”* (FOS).

#### 4.1.3 The two approaches to land tenure issues

A recurring theme in the discussions with stakeholders about FAO’s land tenure work was the perceived dual approach to land rights, what can be characterised as a narrow approach to land administration on the one hand and a more holistic approach on the other. The former relates to the focus on land-parcel related land administration (i.e. the adjudication, registration and valuation of land parcels constituting the cadastre) as compared with an approach associated with the development of the landscape from an environmental and livelihood perspective. The former approach has been adopted by countries in transition following the breakup of the former Soviet Union and demise of communism in Eastern Europe. The latter approach has been developed in southern Africa and in which land administration is seen as a part of a development strategy, involving community land delimitation of homesteads and arable fields and other natural resources with a view to developing community investor partnerships.

There is concern amongst stakeholders that FAO places *“too much emphasis on systematic title registration”* (INC). This title registration is about securing existing tenure systems for those who already have rights, rather than redistributing rights to those who do not already have them. The assumption underlying this approach is that the initial allocation of land rights was appropriate and fair, which is not always the case. It was noted that the work done by NRL was an exception to this trend. The creation of land administration systems and institutions was nonetheless perceived to be an *“extremely important”* (FOS) activity in terms of reducing risks for farmers.

The perceived over-emphasis on narrow land administration was primarily based on knowledge of the work undertaken by the land tenure unit for the World Bank, and awareness of the technical background of staff in the land tenure unit. From the World Bank’s perspective, the shift in project priority from wider land reform to the development of the cadastre and systematic title registration had been driven primarily by member governments.

Stakeholders emphasised that land tenure is both a technical issue (relating to cadastre and registration) and a political issue; FAO must ensure that it achieves the right balance between the two: *“without the political considerations, the technical work is worthless – and vice versa”* (CSO). The ICARRD conference was mentioned by several interviewees as an important reference point, which sent a strong political message which FAO could still follow through on.

The perceived shift in FAO land tenure work away from wider land reform towards systematic title registration was associated with FAO ‘not doing enough’ for vulnerable groups and *“strengthening the rights of people who don’t yet have them”* (INC). A heavy emphasis on land administration can take away from FAO’s *“ability to deal with more fundamental tenure, rights and access issues related to food security and poverty reduction”* (CSO). These issues include reconciliation of customary and statutory law, tenure issues of indigenous groups, gender inequality, and redistribution of land rights to landless poor. It was felt that FAO *“has not been positioning itself in the arena for land rights advocacy”* (AGC).

A related aspect of this debate is whether securing tenure should be seen as a means to achieving FAO’s goals of food security and poverty alleviation, or an end in itself. The land administration approach is perceived to see tenure as an end in itself. However, it was argued by some interviewees that legal rights to a piece of land are *“meaningless in terms of the final goals”* (CSO) if the individuals do not also have access to, for example, sufficient water to make use of the land or credit to purchase agricultural inputs. While securing tenure was recognised as one of the *“fundamental building blocks”* (FOS), simply securing tenure is not sufficient – capacity building is also essential. It was noted by one donor that if the focus is on the end goal of achieving food security, perhaps land access rights – rather than ownership rights – might be a step in the right direction .

It was therefore generally felt that FAO could draw a stronger link between, and have a more coherent view on, the importance of land tenure in agricultural development more broadly. Given that FAO has the competitive advantage of both being politically neutral and having technical expertise, it could play a powerful new role in the *“land administration as a development strategy approach”* (FOS).

#### 4.1.4 FAO work on large-scale land acquisitions

There are high expectations around FAO’s involvement in the topic of large scale land acquisitions. It is an expectation of member governments that FAO is knowledgeable about large scale land acquisitions and *“FAO needs to deliver something credible”* (FNR). It is therefore essential for FAO to engage in and have a presence in the global debate on land acquisitions.

However, it was highlighted as important that FAO must make an informed assessment as to the nature of these acquisitions, rather than making assumptions. Several FAO staff members believed that the large scale land acquisition issue had been *“hyped up more than is justified”* (FOS).

It is perceived that *“FAO has credibility and a neutral view”* (CSO) on the land grabbing subject. One staff member suggested that FAO’s work on large-scale land acquisitions was *“bringing more rationality”* (FOS) to the discussion, compared to the ‘less than rational’ views of certain NGOs on this topic. FAO’s involvement in large-scale land acquisitions is discussed in further detail under section 6.2.2 on future priorities.

## 4.2 Forestry and wildlife

Although the China Forest Tenure project was mentioned as the only forestry project dealing directly with tenure issues, a number of FAO staff members emphasised that tenure, rights and access issues are embedded in all forestry work undertaken by FAO. Tenure issues are seen as vital to forest management overall: *“without addressing tenure issues, the other objectives of forest policy cannot be attained”* (FOS). This is a view echoed by the major donors.

The main outcome of FAO’s publications on forest tenure is *“raising awareness”* (FOS). The country studies on forest tenure were seen as a *“good start”* (CSO), but were perhaps too reliant on government reporting and too descriptive. It was recognised that FAO *“has come a long way”* (CSO) in terms of recognizing different forest tenure categories in its global forest resource assessments: although this data is provided by governments and not verified by FAO, it is still seen to be the best information available on forest tenure on a global scale. Overall, FAO’s Forest Resource Assessment was described as *“fantastic”* (DON).

Although FAO’s forest tenure publications may not directly result in requests for technical assistance, it has been observed that since their release that tenure issues are much better addressed when forestry projects are formulated. There have however been cases where previous workshops on forestry management had led to requests from country governments for policy assistance. Workshops were also seen by NGO representatives as a place to obtain useful hard copies of FAO forestry publications.

In terms of FAO’s more technical work on policy and legislative support, the most obvious indicator of success is that a new policy or piece of legislation is adopted by the government. One NGO representative in the field (Africa) emphasised strongly that FAO’s approach to community forestry management has been *“institutionalised in the government”* (CSO). A related indicator that is more difficult to measure is *“attitudinal change”* (FOS).

With respect to rights and access to wildlife resources, these are considered implicitly in the wildlife work undertaken by FAO. Limited human resources in the Forestry Department restrict the amount of work undertaken on this topic.

## 4.3 Fisheries

‘Tenure, rights and access’ is not a specific priority for the Fisheries Department, but it is implicitly included in other priorities and is a central component of small-scale fisheries management. FAO has not received any requests for assistance from countries to work specifically on the topic of rights and access. For the Fisheries Department, the entry-point into tenure-related issues is typically in relation to co-management by communities. The Fisheries Department does not have any people who are looking specifically at rights issues.

Since the late 1990s, the Committee on Fisheries has explicitly supported the development of rights-based fisheries management. However, while members would like to move to a rights-based system, there are huge challenges in doing so. One of these is that there are *“basically too many claimants”* (FOS). The small-scale fisheries sector thus has to move towards community-based rights: perhaps the first step in this regard would be clearer definition of fishing zones.

Developing countries do not have the infrastructure required for the implementation of a system of individual transferable quotas: 'group' quotas given to community leaders may therefore be more appropriate, and may even be self-regulating due to social pressures. No normative work has been done by FAO on this topic, but the time may be right.

Although access to land and water is an important component of aquaculture development, and certain land ownership regimes can hinder such development, no structured studies have been undertaken on this relationship. It was questioned *"how important it is to generalise"* (FOS) this relationship, given the substantial differences in land ownership regimes between countries.

#### **4.4 Water**

FAO's work and outputs on water governance issues, for example on the Nile River, were described as *"tremendously useful"* (INC). While FAO studies on indigenous water law were also described as useful, they *"don't seem to be translated into policies that protect indigenous/informal / small-scale water users"* (CSO). It was suggested that work could be done on ensuring that permit systems protect the rights of customary, small-scale users: otherwise, *"a small minority of [those who are] administration-proficient get an individual permit without the rest even knowing what formal entitlement they have"* (CSO) .

The issue of water rights and access will be *"framed within the context of coping with water scarcity"* (FNR). Further discussion of the issues around water rights is provided in section 5.2.1 on the exclusion of water from the Voluntary Guidelines.

### **5. Perceptions on the Voluntary Guidelines**

#### **5.1 The process for developing the Voluntary Guidelines**

The Voluntary Guidelines process was described as a useful initiative for connecting divisions within FAO around natural resource management issues, as well as to connect with different regional initiatives. The process of developing the Voluntary Guidelines was praised as having an *"unprecedented level of participation"* (CSO) from a range of stakeholders. The engagement of civil society in particular was praised as *"positive"* (CSO), *"exemplary"* (CSO), and *"excellent"* (AGC). The ongoing openness of the Voluntary Guidelines process, for example through the newsletters, was also praised. The Voluntary Guidelines were seen as an example of what the United Nations system is capable of achieving (AGC).

The extensive consultation process gives the Voluntary Guidelines *"a high level of legitimacy"* (CSO). It also *"reflects more the reality of land issues"* (DON), which are not only technical but also political, social and economic. A contrast was frequently made with the consultation process for the RAI principles: the process for the Voluntary Guidelines was perceived to be much more inclusive, and was praised for *"keeping stakeholders on board who may have been excluded from other initiatives"* (CSO) like the RAI principles. One donor felt that the official negotiations on the Guidelines should have started earlier to ensure a proper debate.

It was however noted that while the Voluntary Guidelines are good, they are *"only a first step in a rapidly evolving agenda"* (DON). Given the rapidly evolving nature of the land tenure agenda,

perhaps too much time and resources had been spent on the Voluntary Guidelines *“that could have been used to do other things”* (DON).

While the engagement of external stakeholders from the land tenure sphere was perceived to be good, general awareness of the Voluntary Guidelines in the key fora for forestry at least appeared to be weak. It was noted in particular that no reference was made to the Voluntary Guidelines during the Expert Meeting on Governance of Forests and REDD+, held at FAO in May 2011.

## **5.2 Content of the Voluntary Guidelines**

Stakeholders both within and outside FAO generally perceived the Voluntary Guidelines to be useful principles, at least in the sense of being *“a minimum generic standard for the responsible governance of tenure”* (FOS). They are expected by donors to be *“helpful in the long run”* (DON). One legal expert emphasised that approval of the VGs means an implied commitment from member states to follow certain standards: *“it is more than just goodwill, it is a step towards putting in place national legislation that is patterned on the criteria in the Voluntary Guidelines”* (FOS).

The Voluntary Guidelines were perceived as a *“good first step, although a little bit too cautious”* (FOS) – although this caution was understood given the sensitive nature of the topic. Other stakeholders also acknowledged that while the generality of the Voluntary Guidelines has reduced their usefulness, *“this is the necessary tendency when seeking a consensus”* (AGC).

The general nature of the Voluntary Guidelines was seen to limit their *“capacity to influence concrete situations”* (CSO). However, it was also suggested that if the general principles are basically the same globally, it is then *“up to countries to appropriate the process to make it their own”* (FOS). One NGO described the Voluntary Guidelines as a *“stepping stone”* (CSO), or a baseline from which to develop measures to ensure adequate security over natural resources. The value of the Voluntary Guidelines might be in *“the process, and the role that FAO can play as a multilateral institution, bringing governments and civil society organisations to negotiations – not in the detail”* (CSO). It was also felt that the importance of the process of meaningful consultation with the long-term users and occupiers of land and natural resources, as part of the broader natural resource management ‘package’, was not sufficiently emphasised in the Voluntary Guidelines.

The Voluntary Guidelines were found by some to be very State-centred, and it was therefore questioned to what extent these Guidelines can deal with local level governance issues – which are a challenge for all those involved in land governance. It was suggested that the urban context could have been better *“mainstreamed”* (AGC) into the Voluntary Guidelines.

It was also suggested that the Voluntary Guidelines need a clearer, more in-depth link to the role of tenure in development work. It was felt by one stakeholder that it was unclear how or if the input from the extensive consultation process had been included in the zero draft: *“a lot of what was in the draft could have been written by an expert on land tenure without any consultation”* (AGC). One donor expressed concern that at least in the zero and first drafts of the Voluntary Guidelines, the inclusion of the concept of sustainable development was *“weak”* (DON). This may reflect what one staff member described as a lack of clarity on FAO’s position regarding the relationship between land rights and food security.



The absence of more detailed information on the implementation of the Voluntary Guidelines in the zero draft was perceived to be a serious omission. The question was raised as to how the Voluntary Guidelines fit in with other mechanisms for exercising accountability, for example international human rights law and bilateral investment treaties. It was suggested that elements of these investment treaties could be incorporated into the Voluntary Guidelines.

### 5.2.1 *Exclusion of water from the Voluntary Guidelines*

A number of external stakeholders expressed concern over the absence of water governance from the Voluntary Guidelines: *“we cannot talk about land without talking about water”* (CSO). One donor expressed surprise as the exclusion of water from the Voluntary Guidelines, saying that its inclusion would have been *“an asset”* (DON). The absence of water rights from the Voluntary Guidelines was described as *“a serious void”* (INC) – it would have been preferable to either include water, or to limit the Guidelines to agricultural land tenure and have separate Guidelines for the other natural resources. It was felt that this gap cannot be filled with the implementation guideline on water, because *“you cannot implement what isn’t considered in the Voluntary Guidelines... the Guidelines are what is needed to be done, and the implementation guidelines are how”* (CSO).

There were a number of reasons given by FAO staff for the exclusion of water from the Voluntary Guidelines. Firstly, the nature of the resource is very different to that of land: water is a fugitive resource, and cannot be ‘owned’. There are different levels of entitlement to an allocation of water depending on the variability of the flow. Further, the Voluntary Guidelines were felt to be focused too much on the administration of rights to use resources rather than the management of the actual use. In the context of freshwater as a scarce resource for which there is increasing competition, the need for allocation of water rights occurs within the framework of a broader water resource management plan. Therefore, water policy makers are only interested in water rights because of the water management aspect – not because of the administrative aspect. The perceived focus of the Voluntary Guidelines on rights administration was therefore seen to be inappropriate for water resources. One donor also noted that by including water, numerous international treaties and legal instruments on transboundary water resources would have to be brought into the negotiations.

However, while this rationale was communicated internally within FAO, it was not communicated externally to other stakeholders in the Voluntary Guidelines process. Two different donors felt that the reasons for the exclusion of water were not well communicated outside of FAO, and that this could *“be detrimental to the negotiations process”* (DON).

### 5.3 **Implementation of the Voluntary Guidelines**

While stakeholders generally perceived the Voluntary Guidelines to be useful principles, they emphasised that the Guidelines must have a strong implementation component to become effective and *“give them teeth”* (DON). Although there is a clear process for the endorsement of the Voluntary Guidelines, *“the real problem will be the implementation”* (AGC). One donor noted that in general, when providing financial support to the development of guidelines, it was considered essential to have a clear plan for implementation and for how impacts will be monitored.

NGOs and CSOs expressed particular concern at the non-binding nature of the Voluntary Guidelines: *“how are we making governments and citizens apply them in their own countries?”* (CSO). The

opinion from the African context was particularly strong: *“Africans don’t want ‘voluntary’ guidelines. We are beyond this. We want you to track our performance in implementation”* (CSO). It was noted that other initiatives in Africa, such as the African Peer Review Mechanism, had not progressed due to their voluntary nature. A number of stakeholders also made reference to the Voluntary Guidelines on the Right to Food, which were felt to have not succeeded.

Implementation of the Voluntary Guidelines is discussed further in section 6.2.1 on future priorities for FAO land tenure work.

## **6. Future priorities for FAO’s TRA work**

### **6.1 Forward planning on TRA issues**

#### *6.1.1 Setting priorities in a strategic framework*

It was felt by some that if FAO’s tenure work is to move towards the goals of alleviating poverty, improving food security, and environmental sustainability, it could be *“more forward-looking in setting priorities”* (CSO). An FAO staff member emphasised strongly that in order to define future priorities, *“FAO must clarify the focus of work on tenure, rights and access”* (FOS) – whether the focus should be on land administration to improve rights security, or land reform to increase access for marginalised groups. As suggested by another stakeholder, FAO needs to consider which land tenure-related skills are in short supply elsewhere, and then *“focus on developing their unique capabilities”* (AGC). Donors felt that work on land tenure should be part of FAO’s core budget.

In one staff member’s opinion, the failure to address the long-term policy issues associated with tenure, rights and access is the result of an *“absence of strategic thinking”* (FOS) on these policies – issues such as climate change, rural development and natural resources management need to be addressed within a broader strategic vision. As noted by one donor, there is no clear connection made in either FAO’s projects or publications between its work on land tenure and its goal of food security. Another stakeholder felt that a strategy that links FAO’s tenure, rights and access activity with its broader goals is *“badly needed”* (FOS). It was noted however by members of the land tenure unit that their team is too small to have *“the resources needed to undertake major planning exercises”* (FNR).

#### *6.1.2 FAO’s capacity*

The land tenure unit was described by other staff members as a strong unit as evidenced by its survival through several waves of internal reform. However, members of the unit have emphasised that they *“couldn’t conceivably respond to all the tenure-related demands with the current team”* (FNR). Land tenure unit members often have time commitments outside of the unit. One unit member wondered how the team *“managed to keep everything together”* (FNR) given all of their commitments. One solution to this could be to hire more staff members: *“more people could do the work better”* (FNR). It was noted by one staff member, however, that the land tenure unit was large *“relative to the extent of technical expertise in other parts of FAO”* (FOS).

Improving FAO’s capacity on land tenure issues at the regional, sub-regional and country level was also seen to be a priority. One NGO representative noted that there appears to be a gap between initial expectations relating to land tenure, particularly post-ICARRD, and what national FAO offices

have the capacity to achieve. FAO staff members suggested that there may be opportunities for decentralised officers from other divisions, such as the policy branch, to work on land tenure issues; and that country representatives could receive training on tenure, rights and access issues to be better able to respond to countries' requests.

With respect to forestry, a number of stakeholders felt that the loss of the two most experienced staff members in forest tenure from the Forest Department at headquarters poses a major challenge. There is currently no individual forestry staff member working on forest tenure issues at headquarters.

#### 6.1.3 *Timeframe of projects*

Technical Cooperation Projects (TCPs) often face constraints in terms of time, scope and resources. It is difficult to incorporate a long-term perspective into these projects, even though this is what is necessary when considering tenure issues: *"a long term commitment is needed"* (FOS). A former consultant to FAO also argued that in order to properly address land tenure issues, FAO field projects should have a much longer time frame – of five to ten years. The approach used in Mozambique, of having a *"programme rather than a project"* (FOS), was seen to be more effective than short-term individual projects. At least one representative from a country receiving FAO land tenure assistance believed that the timeframe for the TCP was too short to have effective implementation.

#### 6.1.4 *Opportunities for future internal collaboration*

There was perceived to be great potential for improving inter-departmental work on tenure, rights and access issues. This collaboration could draw on the experience of the LEP initiative, which highlighted the advantages of having a staff member dedicated to the coordination of the work within different divisions. Inter-departmental collaboration could benefit from an overarching strategic vision or *"framework of action"* (FOS) on the relationship between land tenure, land management, food security and rural development, and the *"articulation of linkages with FAO's strategic objectives"* (FOS).

External stakeholders also noted that the absence of a *"comprehensive way of looking at the land tenure issue"* (INC) at FAO was frustrating. If FAO is to focus its tenure work on securing tenure rights for the poor and marginalised in the broader context of improving food security and alleviating poverty, *"this means working in a much more integrated fashion across units within FAO"* (CSO). One donor cautioned however that there is a cost to greater coordination, and that *"the relative strengths of different units should be maintained"* (DON) within such coordination.

One suggestion made was to form an *"advisory group"* (CSO) on tenure, rights and access issues. This group could help keep FAO up to date on what is happening with this topic elsewhere, keep other external groups involved in the topic aware of what FAO is doing/planning, and foster interactions among those working on these issues in various parts of FAO .

#### 6.1.5 *Opportunities for future external collaboration*

As noted in section 2.2.4, many stakeholders believed that it is vital for FAO to engage more with NGOs and CSOs on the topic of tenure, rights and access to all natural resources. It was emphasised

in particular that FAO could form stronger partnerships with NGOs and CSOs to promote the implementation of the Voluntary Guidelines.

There are also opportunities for greater collaboration with universities and research institutes. FAO was encouraged to build the capacity of young professionals in particular, both in universities and in NGOs, to help offset the *“inertia and corruption at the top”* (INC) of member country governments. FAO could also support the development of regular, accredited short-course training of land administrators, for example in sub-Saharan Africa.

UNDP was identified as another United Nations agency with whom FAO could collaborate on land tenure-related issues. UNDP has a strong field presence, and good long-term relationships with Ministries other than the Ministry of Agriculture (which is FAO’s traditional counterpart).

## **6.2 Priorities for land**

### **6.2.1 Implementation of the Voluntary Guidelines**

The implementation of the Voluntary Guidelines is seen as a crucial priority for FAO’s land tenure work by both internal and external stakeholders. Implementation was seen to depend on some degree on whether the problems now associated with land tenure in many countries are occurring *“simply because governments don’t know any better”* (CSO), or whether it is because the government has a vested interest a stake. If it is the former, then FAO could implement the Guidelines by identifying two or three governments where they feel there is potential to put together a joint programme of work on implementation: this could even inspire other countries to take up the Guidelines.

It was seen as important that FAO create *“detailed and also digestible assessment tools”* (CSO) for member countries to use – otherwise, they run the risk of leaving countries *“overwhelmed”* (CSO) by the Voluntary Guidelines. The importance of *“bringing the Voluntary Guidelines down to the operational level”* (CSO) was emphasised. One donor suggested that FAO may be able to progress on the implementation of the Voluntary Guidelines through bilateral processes with individual member states.

An alternative perspective was provided by another external stakeholder, who questioned *“what right FAO has to push a particular set of solutions onto a government who is not interested”* (CSO). Another key partner for FAO recognised that the Voluntary Guidelines cannot be forced on member states: *“FAO can only propose, not impose”* (CSO). It was suggested that *“a more politically correct”* (CSO) approach would be for FAO to work through CSOs to push governments to address land tenure and governance issues. This reflected comments made by a number of other stakeholders, that in practice CSOs and NGOs will be the ones pushing governments to comply with the Guidelines. However, it was noted that relationships between NGOs/CSOs and governments can *“sour”*, and also that *“NGOs can become corrupt themselves and not accountable to their members”* (AGC). One bilateral donor felt that it was not appropriate for CSOs to be engaged in the implementation of the Voluntary Guidelines.

Several NGO representatives argued that even if governments do not enforce the implementation of the Voluntary Guidelines, NGOs and CSOs can still use the Guidelines in their advocacy and lobbying work: *“the Voluntary Guidelines provide the language”* (CSO). One NGO hoped to develop a

scorecard on which to rate governments on their implementation efforts for the Voluntary Guidelines. The Voluntary Guidelines were seen as complementary to grassroots activities undertaken by NGOs. One donor also felt that organisations such as IFAD, the ILC, the World Bank, and regional development banks could play a significant role in implementation, according to their own comparative advantages.

It was also noted that donors could play a role in ensuring the implementation of the Voluntary Guidelines by making compliance with the Guidelines a condition for the provision of funding.

#### 6.2.2 Large-scale land acquisitions

A key external partner described FAO's involvement on this topic as *"absolutely critical"* (CSO): it is a highly contested topic, and FAO can provide a *"legitimate, authoritative source of information"* (CSO). This is particularly important given that the debate surrounding these acquisitions is only going to become more important and pressing in the future. It was felt that apart from research institutes, FAO is the only international organisation that is involved in the 'land grab' debate. Large scale land acquisitions provide an opportunity to bring back the debate on the security of land rights in practice. FAO can play a *"unique"* (CSO) role in linking the present debate over large scale land acquisitions with failed attempts at land reform in the past.

It was suggested that FAO might be well-placed to provide leadership in the vetting of the proliferating work on large-scale land acquisitions, and the multitude of different 'codes of conduct' being proposed: *"could not FAO provide some oversight and ground-truthing?"* (CSO). FAO could officially endorse those principles that it believes to be worthwhile, based on its observations from 'on the ground' fieldwork. FAO could support or partner with local studies to undertake fieldwork on this topic, and in this way provide *"protection and status"* (CSO) to researchers.

Several stakeholders independently suggested that FAO could provide a leading role in the provision of independent data on the true nature and extent of large-scale land acquisitions. FAO was expected by one donor to *"take responsibility for a global database on large-scale land acquisitions – what is happening, and where"* (DON).

One stakeholder felt that *"FAO is not doing enough to protect the land rights of the poor or vulnerable"* (INC) in the context of large scale land acquisitions, and that FAO could do this by leading community land titling initiatives in countries where large scale land acquisitions are occurring. The registration of rights on paper was seen to have a role in *"balancing the decisions of incoming agricultural investors"* (CSO) – the implementation of *"cheap and quick"* (CSO) rights registration systems is therefore important. FAO could also potentially play a *"brokering role between investors, governments and smallholders"* (CSO).

This view was echoed by one donor, who felt that FAO could provide advice to governments on the content and consequences of land acquisition contracts. Even if this advice was not requested directly by the member state government, the donor felt that FAO could do *"some guided discovery"* (DON) on the consequences of large-scale land acquisitions in a particular country as a way to convince government that assistance is needed.

It was argued that since foreign investors in natural resources are protected by international investment agreements, which do not take into account social or environmental considerations, *"if*

*FAO is serious about tenure, rights and access issues it should address the issues posed by international investment agreements, their principles, and the interpretation of such principles by international arbitration courts” (INC).*

One interviewee cautioned that there is a risk that the ‘land grab debate’ will overshadow a much wider set of problems regarding land tenure: *“FAO should keep its capacity to deal with a wide range of tenure-related issues that may arise in the future” (CSO).* Other stakeholders also cautioned that research into the debate should not focus only on international investment: ‘land grabbing’ is frequently also undertaken by local elites, or by local men taking land from women.

#### *6.2.3 Climate change, gender and emergencies*

It was broadly agreed amongst stakeholders that there is an urgent need to consider the impact of climate change on land tenure. It was also felt that greater effort is needed to raise the interest of FAO senior management in land and gender issues. An NGO representative raised the issue of indigenous women and land tenure, for which she felt that quality publications were missing. Indigenous rights were raised as an important broader issue that must be addressed.

With respect to emergencies, it was felt that FAO’s response to tenure, rights and access issues must adjust, recognising that *“emergencies and land-related conflicts are unlikely to diminish” (DON).* Although the typical duration and focus of FAO’s emergency projects means that rights and access issues are not considered, these situations could provide an opportunity to *“tackle the real, root problems” (FOS)* relating to rights and access. Although tenure, rights and access issues were considered to be an important part of FAO’s emergency work, it was felt that more collaboration could be undertaken within FAO on the topic. There were contrasting views as to whether this should involve a ‘land specialist’ within TCE, or whether it was sufficient to provide *“common sense advice” (FOS)* from FAO headquarters.

#### *6.2.4 Reconciling customary and statutory law*

The reconciliation of customary and statutory land law was widely recognised as a priority area for FAO in the future, particularly in the African context. Two different approaches were suggested for achieving this. One suggestion was for FAO to develop tools for the *“quick and simple identification of customary uses, and their demarcation and protection” (INC).* An alternative approach could be to focus on adapting customary rights systems to become *“sufficiently legal to avoid conflict” (INC),* rather than simply importing statutory regimes. This second approach was believed to address the fundamental discord between customary and statutory land law: *“customary tenure has social legitimacy but is not legal, statutory tenure is legal but does not have social legitimacy” (INC).*

#### *6.2.5 Other issues*

Problems with pastoralists were seen to be becoming a growing issue, and it was suggested that there is not existing expertise on this topic within the land tenure unit.

### **6.3 Priorities for other natural resources**

With respect to forest tenure, it was seen to be essential for senior management to provide a firm commitment to dealing with forest tenure issues. One FAO staff member was *“disappointed by the*

*reaction of high level management*” to the topic of forest tenure – they have provided *“gentle support, but no real commitment”* (FOS). Concerns were raised by several staff members about the lack of a staff member at FAO headquarters dedicated to forest tenure issues. It was felt that the links between land and forest tenure reforms could be better integrated.

In the context of REDD+, it will be essential to reconcile customary and statutory rights and clarify who has rights to the carbon stored in forests. Without secure tenure rights, REDD+ will be a *“catastrophe... it will be only for the rich, and the poor will be excluded”* (FOS). There is particular concern that since REDD+ involves monetary gain, traditional or customary forest rights will be forgotten in the process. For communities that do not currently have tenure, the implementation of REDD may make it more difficult for them to secure their rights.

With respect to fisheries and aquaculture, the consideration of rights and access issues was seen to be increasingly important for the small-scale fisheries sector. The implication of different land tenure regimes on aquaculture development was also seen to be of vital importance for future development of this industry.

With respect to water resources, the ‘water grabbing’ phenomenon – associated with large-scale land acquisitions – was highlighted as an area of growing concern. The links between forest tenure and watershed management were also seen to be important for future consideration.

## SPS Appendix 1: List of interviewees

<b>FAO staff Members – Natural Resources Management and Environment Department (FNR); Total count = 16</b>	
<b>ADG</b>	
Alexander Mueller	Assistant Director-General
<b>Climate change</b>	
Peter Holmgren	Director, NRC
Alberto Sandoval	Senior Natural Resources Manager, NRC
Lisen Runsten	Consultant, NRC
<b>Land tenure</b>	
Paul Munro-Faure	Principal Officer, NRC
David Palmer	Senior Land Tenure Officer, NRC
Paul Mathieu	Senior Land Tenure Officer, NRC
Mika Törhönen	Senior Officer, NRC
Adriana Herrera	Land Tenure Officer, NRC
Francesca Romano	Land Tenure Officer, NRC
Vladimir Evtimov	Land Tenure Officer, NRC
Neil Pullar	Land Administration Officer, NRC
Ting Lau	Communications Assistant, NRC
Paolo Groppo	Technical Officer, NRL
<b>Water</b>	
Jacob Burke	Senior Water Policy Officer, NRL
Pasquale Steduto	Principal Officer and Deputy Director, NRL

<b>FAO staff – other Departments (FOS); total count = 53</b>	
<b>Technical Cooperation Department</b>	
Rumyana Tonchovska	Senior Land Registration Officer, TCIN
Sylvie Wabbes	Liaison and Operations Officer, TCEO
Jennifer Nyberg	Senior Programme Officer, TCER
Lucia Palombi	Social Scientist, TCER
Richard Trenchard	Senior Policy Officer, TCER
Chuck Riemenschneider	Director, TCID
Garry Smith	Principal Adviser, TCID
Claudio Gregorio	Chief, TCIN
Guy Evers	Chief, TCIA
Suzanne Raswant	Chief, TCIO
Fabrice Edouard	Agricultural Officer, TCIO
Karel Callens	Senior Food Security Officer, TCSF



<b>Fisheries Department</b>	
Rolf Willmann	Senior Fisheries Planning Officer, FIPI
Rebecca Metzner	Fishery Analyst, FIPI
Michele Kuruc	Senior Fisheries Industries Officer, FIRO
Nathanael Hishamunda	Senior Aquaculture Officer, FIRA
Uwe Barg	Aquaculture Officer, FIRA
Jacek Majkowski	Fishery Resources Office, FIRF
<b>Forestry Department</b>	
R. Michael Martin	Director, FOED
Eva Muller	Chief, FOEP
Qiang Ma	Forestry Officer, FOEP
Irina Buttoud-Kouplevatskaya	Forestry Officer, FOEP
Sophie Grouwels	Forestry Officer, FOEP
Susan Braatz	Senior Forestry Officer, FOMC
Edgar Kaeslin	Forestry Officer, FOMC
Hosny El-Lakany	Former Assistant Director-General (retired)
<b>Economic and Social Development Department</b>	
Eve Crowley	Principal Officer and Deputy Director, ESWD
Martha Osorio	Gender and Rural Development Officer, ESWD
Clara Park	Social Scientist, ESWD
Ana Paula de la O Campos	Policy Analyst, ESWD
Julian Thomas	Consultant, ESA
Carlo Azzarri	Economist, ESA
David Hallam	Director, EST
<b>Legal and Ethics Office</b>	
Blaise Kuemlangan	Chief, LEGN
Patrice Talla	Legal Officer, LEGN
Margaret Vidar	Legal Officer, LEGN
Stefano Burchi	Former Chief, LEGN (retired)
<b>Regional, Sub-Regional and Country Offices</b>	
Rodrigo Castañeda	National Officer, RLC
Sergio Gomez	Consultant, RLC
Javier Molina	Liaison officer, LONY (former RLC)
Vera Boerger	Land and Water Officer, SLMD
Benjamin Kiersch	Land and Natural Resources Officer, SLSD
Fernanda Guerrieri	ADG and Regional Representative, REUD
Richard Eberlin	Land Tenure and Rural Development Officer, REUT
David Sedik	Senior Policy Officer, REUT
Guljahan Kurbanova	Food Security Officer, REUT
Norbert Winkler	Forestry Officer, SEUB
Tomasz Lonc	Senior Policy Officer, SEUB

Andriy Rozstalnyy	Livestock Officer, SEUB
Dominique Reeb	Chief Technical Adviser, RAPO
Marianna Bicchieri	Technical Adviser, FRMOZ
Chris Tanner	Senior Land Policy Specialist, FRMOZ
Uparura Kuvare	Assistant FAO Representative, FRNAM

<b>Country Government (GOV); total count = 30</b>	
<b>Africa</b>	
Hon. Bernard Esau	Minister of Fisheries and Marine Resources, Namibia
Panduleni Ndinelago Elago	Ministry of Fisheries and Marine Resources, Namibia
Lucia Haufiku	Ministry of Fisheries and Marine Resources, Namibia
Lidwina Shapwa	Permanent Secretary, Ministry of Lands and Settlement, Namibia
Alfred Sikopo	Deputy Director, Ministry of Lands and Settlement, Namibia
Mackay Rigava	Valuer General, Ministry of Lands and Settlement, Namibia
Hon. John Mutorwa	Minister of Agriculture, Water and Forestry, Namibia
Petrus Lilonga	Dep. Minister, Ministry of Agriculture, Water and Forestry, Namibia
Andrew Ndishishi	Permanent Secretary, Ministry of Agriculture, Water and Forestry, Namibia
Anna Shiweda	Dep. Permanent Secretary, Min of Agriculture, Water and Forestry, Namibia
<b>Eastern Europe and Central Asia</b>	
Kiril Georgievski	Ministry of Agriculture, Forestry and Water Economy, Macedonia
Jordan Zdravkovski	Ministry of Agriculture, Forestry and Water Economy, Macedonia
Vojo Gogovski	Ministry of Agriculture, Forestry and Water Economy, Macedonia
Jurant Dika	Ministry of Agriculture, Forestry and Water Economy, Macedonia
Sasko Stojcevski	Ministry of Agriculture, Forestry and Water Economy, Macedonia
Adnan Alii	Ministry of Agriculture, Forestry and Water Economy, Macedonia
Vladimir Stolevski	Ministry of Agriculture, Forestry and Water Economy, Macedonia
Siljan Noveski	Ministry of Agriculture, Forestry and Water Economy, Macedonia
Snezana Petrusevska	Ministry of Agriculture, Forestry and Water Economy, Macedonia
Ferid Dzeladini	Ministry of Agriculture, Forestry and Water Economy, Macedonia
Kata Saveska	Ministry of Agriculture, Forestry and Water Economy, Macedonia
Nadica Dzerkovska	Ministry of Agriculture, Forestry and Water Economy, Macedonia
Sonja Dimova	Agency of Real Estate Cadastre, Macedonia
Nesa Petrusevka	Agency of Real Estate Cadastre, Macedonia
Kristina Bosnjakovska	Agency of Real Estate Cadastre, Macedonia
Gorgi Kamilarovski	Agency of Real Estate Cadastre, Macedonia
Ana Budanko	Provisional Director, Agricultural Land Agency, Croatia
Giedre Leimontaite	National Land Service, Lithuania
Agron Bajraktari	Advisor for Forestry, Ministry of Agriculture, Forestry and Rural Development, Kosovo
Irfan Tarelli	Ministry of Agriculture, Food and Consumer Protection, Albania

<b>NGOs, CSOs, academia and research institutes; total count = 33</b>	
<b>NGOs and CSOs</b>	
Madiodio Niasse	Director, International Land Coalition (ILC)
Michael Taylor	Programme Manager, ILC
Annalisa Mauro	Coordinator - Latin America, ILC
Sabine Pallas	Programme Officer, ILC
Catherine Gatundu	Regional Node Coordinator for Asia, ILC
David Bledsoe	Senior Director of Programme Partnerships, Landesa
Seema Gaikwad	Women's Rights Advisor (Land Rights and Agriculture), ActionAid
Joan Kagwanja	Policy Officer, Alliance for a Green Revolution in Africa
Andy White	Coordinator, Rights and Resources Initiative
Kanimang Camara	National Consultancy on Forestry Extension Services & Training, the Gambia
Sarah Scherr	President and CEO, Ecoagriculture Partners
David Kaimowitz	Director - Sustainable Development, Ford Foundation
Kristina Mitic	FAGRICOM Macedonia
Vanco Georgiev	FAGRICOM Macedonia
Hemant Ojha*	Chairperson, ForestAction Nepal
John Tracey-White	Royal Institution of Chartered Surveyors (RICS)
CheeHai Teo	President, International Federation of Surveyors (FIG)
<b>Academia and research institutes</b>	
Ruth Meinzen-Dick	Senior Research Fellow, International Food Policy Research Institute (IFPRI)
Camilla Toulmin	Director, International Institute for Environment and Development (IIED)
Lorenzo Cotula	Team Leader - Land Rights, Natural Resources, IIED
Pablo Pacheco*	Senior Scientist, Centre for International Forestry Research (CIFOR)
William Sunderlin	Research Leader (REDD+), CIFOR
Barbara van Koppen*	Rural Sociologist and Gender Expert, International Water Management Institute (IWMI)
Wolfgang Werner	Land, Environment & Development Unit, Legal Assistance Centre, Namibia
John Hazam	Land, Environment & Development Unit, Legal Assistance Centre, Namibia
Theodor Muduva	Land, Environment & Development Unit, Legal Assistance Centre, Namibia
Ben Cousins	Institute for Poverty, Land and Agrarian Studies (PLAAS), University of the Western Cape, South Africa
Ruth Hall	Institute for Poverty, Land and Agrarian Studies (PLAAS), University of the Western Cape, South Africa
Fatbardh Sallaku	Lecturer, Agricultural University of Tirana, Albania
Evelin Jürgenson	Lecturer, Estonian University of Life Sciences
Audrius Aleknavicius	Associate Professor, Lithuanian University of Agriculture
Erling Berge*	Department of Spatial Planning and Landscape Architecture; Norwegian University of Life Sciences
Frank Place*	World Agroforestry Centre (ICRAF)

*\* indicates those interviewees who sent responses by email*

<b>Bilateral donors (DON); total count = 9</b>	
Martina Roemer	Adviser on Land Management (Namibia), GIZ
Frank van Holst	Coordinator of International Affairs, Dutch Government Service for Land and Water Management
Jim Harvey	UK Ambassador and Permanent Representative-Designate to FAO, IFAD and WFP
Penny Davies	Senior Forestry Adviser, UK Department for International Development (DFID)
Iris Krebber	Food Security Advisor, UK Department for International Development (DFID)
Alexandre Ghélew	Programme Head, Swiss Development and Cooperation Agency (SDC)
Astrid Jakobs de Pádua	Department of International Organizations, World Food and Sustainable Development ; German Federal Ministry of Food, Agriculture and Consumer Protection
Gry Asp Solstad*	Government of Norway's International Climate and Forest Initiative
Gregory Myers	Senior Advisor, Land Tenure and Property Rights, USAID

*\* indicates those interviewees who sent responses by email*

<b>Multilateral agencies (AGC); total count = 14</b>	
<b>International Fund for Agricultural Development (IFAD)</b>	
Harold Liversage	Land Tenure Technical Adviser (Nairobi)
Jean-Philippe Audinet	Director, Policy Division (Rome)
<b>UN-HABITAT</b>	
Clarissa Augustinus	Chief, Land and Tenure Unit (Nairobi)
Mary Gachochi	Donor Coordination Officer (Nairobi)
Qhobela Cyprian Selebalo	Technical Adviser (Nairobi)
Asa Jonsson	Human Settlements Officer (Nairobi)
<b>UNDP</b>	
Eric Patrick	Land Policy Specialist
<b>World Bank</b>	
Guo Li	Senior Land Tenure Specialist (Pretoria)
Jessica Mott	Senior Natural Resource Economist (Washington)
Jon Lindsay	Senior Counsel on Environmental Law (Washington)
Victoria Stanley	Senior Operations Officer for Europe and Central Asia Region (Washington)
Iain Shuker*	Sector Coordinator, Rural and Agriculture, East Africa, Africa Region (Washington)
Enrique Pantoja	Senior Land Administration Specialist (Washington)
Jorge Muñoz	Land Tenure Advisor (Washington)

*\* indicates those interviewees who sent responses by email*

<b>Independent consultant to FAO/other agency (INC); total count = 10</b>	
Jeffrey Hatcher	Consultant to land tenure unit in various capacities (2005 to 2008); currently Director of Global Programmes, Rights and Resources Initiative
Stevan Marosan	Consultant to land tenure unit in Serbia (2006); currently Professor at the University of Belgrade

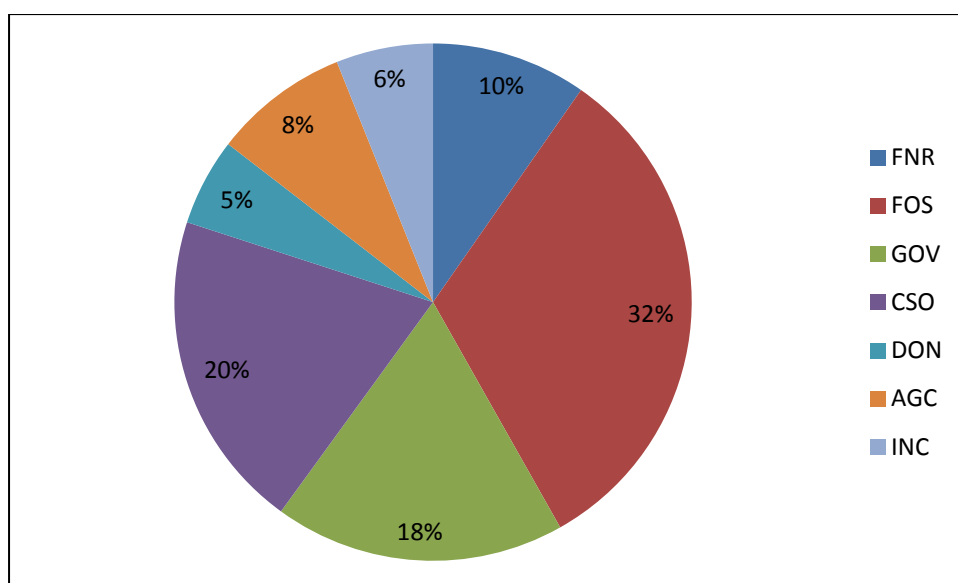
Simon Keith	Consultant to land tenure unit in Macedonia (current)
Miguel Solanes*	Consultant to LEGN on water law; currently Senior Researcher at the Madrid Institute for Advanced Studies (IMDEA-Agua)
Don Gilmour*	Consultant to Forest Department on reforming forest tenure (current)
Paul de Wit	Consultant to land tenure unit in various capacities (2004 to 2010)
Patrick McAuslan	Consultant to LEGN on land law (current); also Professor of Law at the University of London
Rachael Knight	Consultant to land tenure unit and LEGN (2004 to 2010); currently Director of the Community Land Titling Initiative, International Development Law
Richard Paisley*	Consultant to NRL and LEGN on water governance (2001 to 2008); currently Director of the Dr. Andrew R. Thompson Natural Resources Law Program,
Geoffrey Payne	Consultant to UN-Habitat and the World Bank on urban land tenure

*\* indicates those interviewees who sent responses by email*

### **Summary of interviews undertaken**

Category	No. of people	% of total
FAO staff member – NR Management and Environment Department (FNR)	16	10%
FAO other staff member (FOS)	53	32%
Country government (excl. donor countries) (GOV)	30	18%
Civil society organisation (includes NGOs, CSOs, academia, research institutes) (CSO)	33	20%
Bilateral donor (DON)	9	5%
Multilateral agencies (AGC)	14	8%
Independent consultant to FAO/other agency (INC)	10	6%
<b>Total</b>	<b>165</b>	<b>100%</b>

### **Graphical representation of interviews undertaken**



## **SPS Appendix 2: Methodology**

### Purpose of Stakeholder Perception Study (SPS)

The Stakeholder Perception Study (SPS) was designed to provide an essential part of the evidence base for the entire evaluation. The SPS is intended to convey the perceptions of a wide range of stakeholders on the relevance and effectiveness of FAO's work relating to tenure, rights and access issues. By capturing the views of different stakeholders on the same topics (triangulation), the SPS helps to ensure non-partisan representation of opinions on FAO's work.

### Selection of interviewees

The selection of the interviewees was intended to identify a sufficient range of stakeholders to reflect the diversity of tenure, rights and access issues; and to provide both broad overviews and targeted opinions on particular projects and programmes. Interviewees were contacted from the following groups:

- FAO staff members from the Natural Resources Management and Environment Department at headquarters (FNR);
- Other FAO staff members (FOS);
- Representatives of country governments (GOV);
- NGOs, CSOs, academia and research institutes (CSO);
- Bilateral donors (DON);
- Multilateral agencies (AGC); and
- Independent consultants to FAO and other agencies (INC).

Initial discussions with the land tenure team at FAO headquarters identified a number of key staff members that should be approached as part of the evaluation. This first round of interviews included staff members working on tenure, rights and access issues for land, fisheries, forestry and water.

In each interview with these staff members, they were asked whether they could recommend any other stakeholders – internal or external to FAO – who would have an opinion on FAO's tenure, rights and access-related work. These recommendations formed the bulk of the second interview round. Additional suggestions for interviewees were obtained from the Evaluation Team members according to their particular expertise. Suggestions were also made by members of the evaluation's Expert Panel.

Following the completion of the bulk of the interviews, a gap analysis was undertaken to see which groups of stakeholders were under-represented. The final round of interviews was targeted so as to ensure any under-represented groups were better covered, and to add breadth and depth to the perception findings.

### Interview process

Each interviewee was initially contacted via an email which described the nature and purpose of the evaluation, and the reason for contacting that particular individual. For those interviewees located in Rome, face-to-face interviews were set up with members of the Evaluation Team. The majority of

international stakeholders were contacted via Skype or telephone. A few stakeholders chose to provide their responses in writing – these comments were also incorporated into the final study. Some international stakeholders were interviewed face-to-face as part of the Evaluation Team’s missions to:

- Kenya (multilateral agencies, NGOs);
- Namibia (FAO staff, government representatives, national NGOs, bilateral donors);
- Mozambique (FAO staff)
- Hungary (FAO staff at the regional and sub-regional offices; government representatives and academics participating in an FAO-run workshop on land consolidation);
- Macedonia (government representatives).

Internal discussions were held to ensure that all team members applied a common approach to the conduct of interviews. The interviews were semi-structured, so as to allow a degree of flexibility in the discussions. There was however a set of key questions that were asked of each participant, which are shown in the table below.

Questions for FAO staff only	Questions for external stakeholders only
<ul style="list-style-type: none"> <li>• What is your division doing with regard to TRA issues?</li> <li>• What are the arrangements for coordination on TRA issues within FAO?</li> <li>• Who are the key external partners of your division’s work on TRA?</li> <li>• In what thematic areas are member countries asking for assistance?</li> </ul>	<ul style="list-style-type: none"> <li>• What is your previous involvement with FAO in relation to TRA work?</li> <li>• What is your perception of the usefulness of FAO’s TRA work?</li> <li>• What are the complementary aspects of your work and that of FAO on TRA issues?</li> <li>• What are the opportunities for future collaboration with FAO on TRA issues?</li> </ul>
Questions for all stakeholders	
<ul style="list-style-type: none"> <li>• What is the comparative advantage of FAO for work on TRA issues?</li> <li>• What should be FAO’s priorities regarding TRA work in the future?</li> </ul>	

### Recording of data

Each team member present took notes during the interview. One team member was tasked with promptly writing up the interview notes in a standard document template. Verbatim quotations were indicated in the interview notes in italic text. If other team members were present at the interview, they provided additional input into the notes before a final version was sent around to the team.

All interviews were treated as confidential. Accordingly, the interview notes were distributed only amongst the members of the Evaluation Team. The notes were saved on a secure, password-protected server for access by the team members.

### Analysis of data

The qualitative information obtained from each interview was analysed and referenced to one of the topics shown in the outline of the SPS. Care was undertaken to ensure that the range of opinions on each topic was captured.

## ***Annex 4: Web-based surveys of FAO staff, member countries and CSOs***

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## 1. Summary and conclusions

Three web-based questionnaires were launched to reach a wider group: (i) FAO staff members, including Permanent Representatives; (ii) member state governments; and (iii) NGOs involved in advocacy for land rights and sustainable natural resource development. This document describes the outcome and findings of the web-based questionnaires. The Evaluation Team, while being most grateful to those who did respond, was disappointed by the relatively low response from governments of member countries (36) and from CSOs (7). Fortunately, the response from FAO staff (123) proved useful in number and content.

### Survey of FAO staff views

The web-based survey was sent to all FAO professional staff based in HQ, to regional, sub regional and country offices, and to FAO Country Representatives. Participants in the questionnaire were self-selected; responding to a general invitation sent out to those who might wish to participate. The questionnaire to FAO staff comprised 14 coded questions of which four questions were open-ended. During a three week period, 123 respondents returned the questionnaire to the Evaluation Team. The results are deemed to be indicative of the general perception of the FAO staff who chose to participate, rather than the views of FAO staff as a whole.

**Response by location of duty station:** Some 50% of the respondents were based at FAO's Rome HQ, around 30% at FAO's country offices, and the remainder at regional and sub-regional level. Among the HQ respondents, about 60% work in land and agricultural topics and some 20% in forestry and fisheries. Other HQ respondents work in divisions dealing with cross cutting issues – emergencies, economic and social policy aspects, and trade. Only 20 of the total 123 respondents were entirely engaged with TRA issues. Although the majority were located at HQ, their work often has a regional orientation. About 11% of the respondents (14 out of 123) were heads of FAO country offices. Of these, 8 stated that FAO had addressed TRA issues in the country of their accreditation (out of 12 who responded to this question). Overall, the response to the staff questionnaire is judged to be commensurate with the scope and content of FAO's operational support to TRA work, which at sub-regional level and below is somewhat fragmented.

**Regional approach and impact:** Although globally diverse, the perceived contribution of FAO's TRA work reveals a regional pattern. In Africa it is mainly related to land policy development, land tenure reform and land administration and is principally focused in Sub Saharan Africa. In Asia and the Pacific, FAO is involved in support to the sustainable use of fish and forest resources; in South East Asia in support to fisheries policy and in China and India to forestry tenure. In Latin America (e.g. in Ecuador, Bolivia and Peru), FAO's contribution has been in supporting land access for the poor and land administration. In the transitional countries of Europe and Central Asia, FAO staff have been working to improve land administration (e.g. land titling and land registration). Of those responding to the question, 60% (47 of 78) believed that FAO's work on TRA issues had an impact on food security and poverty alleviation. However, only around half of these respondents could clearly identify an output, effect or impact related with this belief. Those that did identify outputs focused on land registration, titling, land policy and land reform (Africa, Europe and Central Asia, Latin America and the Caribbean), and on fisheries and forestry tenure (Asia and the Pacific).

**Sources of assistance for TRA:** Some 40% (53 of 123) of FAO HQ staff participating in the survey had sought advice and assistance on TRA issues from a number of offices within HQ, mostly from NRC or NRL, but also from LEGN and a combination of these. FAO country offices and sub-regional offices approach either NRC or NRL, or sometimes both. In Asia and the Pacific and in Near East regions respondents sought help from other divisions/units such as Forestry and Emergencies (TCE). This clearly reflects the spread of responsibility for providing assistance to resolve TRA issues within FAO. Whether or not this is problematic for those seeking assistance is not clear from responses to the questionnaire.

**Resource allocation for TRA:** One point on which there seems to be uncertainty is whether or not FAO should increase or decrease resource allocation to questions of TRA. Of the 84 who responded to this question, 32 (38%) state that they do not know. Two respondents said that the allocation should be reduced, 38 said it should be increased, while 12 felt that it should remain unchanged. In fact, this question breaks a survey principle about not asking hypothetical questions. The resources actually allocated to TRA are very difficult to quantify, as the Evaluation Team has discovered.

A related question, whether more or less effort should be allocated to a particular TRA-related area of work, is more reasonable. The five areas of work for which more than 75% of the respondents felt that the efforts should be increased are: (i) secure access to customary land for communities; (ii) secure access to land and other natural resources for women and other disadvantaged groups; (iii) secure access to land in climate change mitigation; (iv) the governance of tenure (e.g. through the VGs); and (v) securing access to privately held land (through titling and registration).

Although the majority of the respondents felt that there is a need to increase resources devoted to TRA work, there are four areas in which at least one third of the respondents stated that the allocation of resources and effort should diminish or should not change. These areas are: (i) property taxation; (ii) land consolidation; (iii) access to land in emergencies; and (iv) issues arising from land grabbing. The reasons underlying the perception that FAO should hold back on this second group of activities are not spelt out.

Analyzing responses on preferences towards products and services, it emerges that respondents felt more emphasis should be given to: (i) capacity development/training; (ii) technical assistance through long-term field projects; (iii) policy advice; (iv) direct technical assistance through short-term missions; and (v) statistics, databases and other ICT products. Respondents attached importance to the products and services associated with operational work and technical assistance. The responses to the questionnaire revealed a strong perception that FAO's support to TRA should comprise a more balanced portfolio of products and services, with more attention to field operations and less to normative products.

**Institutional arrangements for TRA:** With regard to arrangements at HQ, of the 83 respondents to this section, approximately 28 per cent felt that TRA issues should be dealt with by a dedicated TRA division in the Natural Resources department, compared to 21 per cent who felt that TRA experts posted in various divisions (as at present) was the most appropriate arrangement. Of the remainder of respondents, 19 per cent felt that TRA focal points reporting to a cross-departmental entity was the most appropriate arrangement, while a further 19 per cent had no opinion.

Within FAO as a whole, there are two institutional perspectives regarding TRA that are not necessarily mutually exclusive. The first favours the responsibility for coordination of TRA work being concentrated in one department, enhancing and complementing it with the expertise of departments working on the sustainable use of other natural resources. The second perspective, favours much stronger cross-sectoral engagement within HQ between different natural resource divisions, and much greater understanding of TRA issues at regional and sub-regional levels.

Although there appears to be a greater acceptance of the prevailing arrangements, analyses of the responses to open-ended questions indicates that some are not satisfied with the current situation. They recognise that the concentration of professional skills in one TRA department would provide a critical mass and a point of reference for interaction with other partners (e.g. UN agencies, potential aid donors) in TRA matters. On the other hand, there is a view that the Land Tenure Unit should broaden its perspective to address issues of tenure, rights and access to other natural resources, that there is need to strengthen its capacity to handle land issues while taking advantage of collaborative work with other divisions to address important issues arising in the sustainable use of other natural resources.

Considering the perceptions among respondents in HQ and at the regional and sub regional level, it can be said that, even though there are differences on the preferred institutional arrangement, the resolution of TRA issues requires a cross-sectoral perspective and collaboration among departments and divisions. The respondents at regional and sub-regional levels also understand the benefits of cross-sectoral work in strengthening regional and country-level TRA expertise.

Improving the effectiveness of FAO's work on TRA: Respondents felt that the importance of resolving TRA issues should be better explained, particularly in relation to its role in poverty reduction – a key part of FAO's mandate. . It was suggested that more technical assistance is necessary to assist member countries in developing their policies and capacities to address TRA issues. The current FAO policy of decentralization could assist member countries in developing their capacity to address TRA issues at a country level. At the level of HQ, strengthening should focus on diversifying the approaches and backgrounds of the people working on TRA issues, as well as fostering coordination and the dissemination of normative work on TRA issues. Respondents warned about the dangers of dispersing efforts and dissipating resources, and the importance of prioritizing topics in which FAO had existing knowledge.

#### Survey of member country representatives

The survey questionnaire was sent to all FAO member countries through their representatives. It followed a similar structure to the one used for the FAO staff questionnaire with 17 questions of which four were open-ended. During a 4-week period, 40 responses were received. From this total, four responses had to be discarded as they failed to comply with the requested procedure. The questionnaire was answered mainly by representatives from the Latin America Region (18) and from FAO's Europe and Central Asia Region (9). Only five responses were received from Africa and four from the Near East Region. There were no responses from the Asia and Pacific Region.

The low response and their asymmetric distribution make it difficult to draw conclusions from the survey. It is also apparent that in several cases respondents when listing 'key issues' may not have been familiar with the topic of 'tenure, rights and access'(e.g. in the Near East Region). Of the 20

representatives who responded to the question, 8 believe that FAO has not addressed the key issues regarding TRA in their countries, while 6 believe that FAO has addressed the priority TRA issues. Two thirds of the respondents (12 out of 16) believe that the resolution of TRA issues is an essential part of FAO's mandate, while only half of them perceive that this is adequately reflected in the Strategic Framework and the Programme of Work and Budget for the current biennium.

#### Survey of NGOs involved in land rights advocacy

This questionnaire was sent to 97 national and regional NGO/CSOs, as well as to International NGOs (INGOs) that are officially recognized by FAO as valid civil society interlocutors. It was also sent to 43 national and regional members of the FAO-led International Alliance Against Hunger. The questionnaire consisted of 22 questions of which eight were open ended.

During a three-week period, only seven completed questionnaires were received from NGOs. The failure to elicit more than a few responses is disappointing. The low response may be partly due to the fact that the organisations 'recognised by FAO as valid civil society interlocutors' may not be involved with land and natural resource rights advocacy and may not have an interest in TRA issues. Unfortunately, the Evaluation Team did not set out to track down NGOs actively involved in FAO's field level TRA operations. However, some six CSOs/NGOs were interviewed in the course of visits to Namibia and Mozambique in May/June 2011, although not using the same schedule as used in the web-based questionnaire. The outcomes of these interviews are included as inputs to the Stakeholder Perception Study.

## **2. Analysis of the information gathered from FAO Staff**

The web-based survey was sent to all FAO staff members based in HQ, to regional, sub regional and country offices, and to FAO Country Representatives. Survey Monkey was used to obtain a systematic dissemination, collection, management and analysis of the information. Respondents were self-selected in response to a general invitation sent out to all staff members. The descriptive statistics generated by the survey provide the quantitative basis for simple graphics and tables. Importantly, the results should be interpreted as indicative of the general perceptions of the respondents, rather than those of FAO staff as a whole.

The questionnaire to FAO staff members comprised 18 questions of which 4 were open-ended. During a 3 week period, 123 respondents answered the questionnaire. The categorisation of respondents is shown in Table 1.

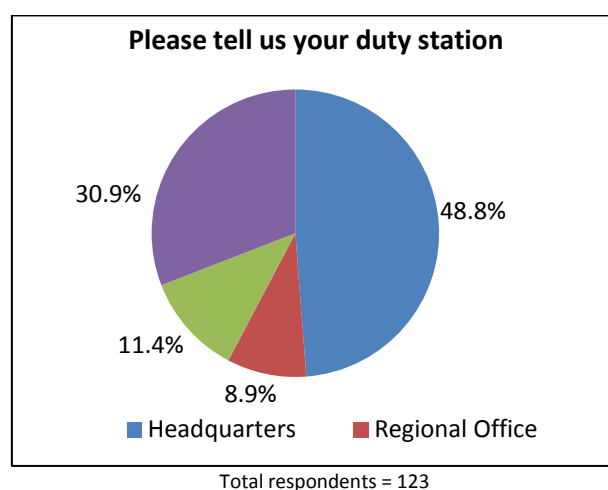
#### Who answered the survey and their interests

As can be seen from Table 1 and Graph 1, the survey was answered mainly by FAO HQ staff.

**Table 1**

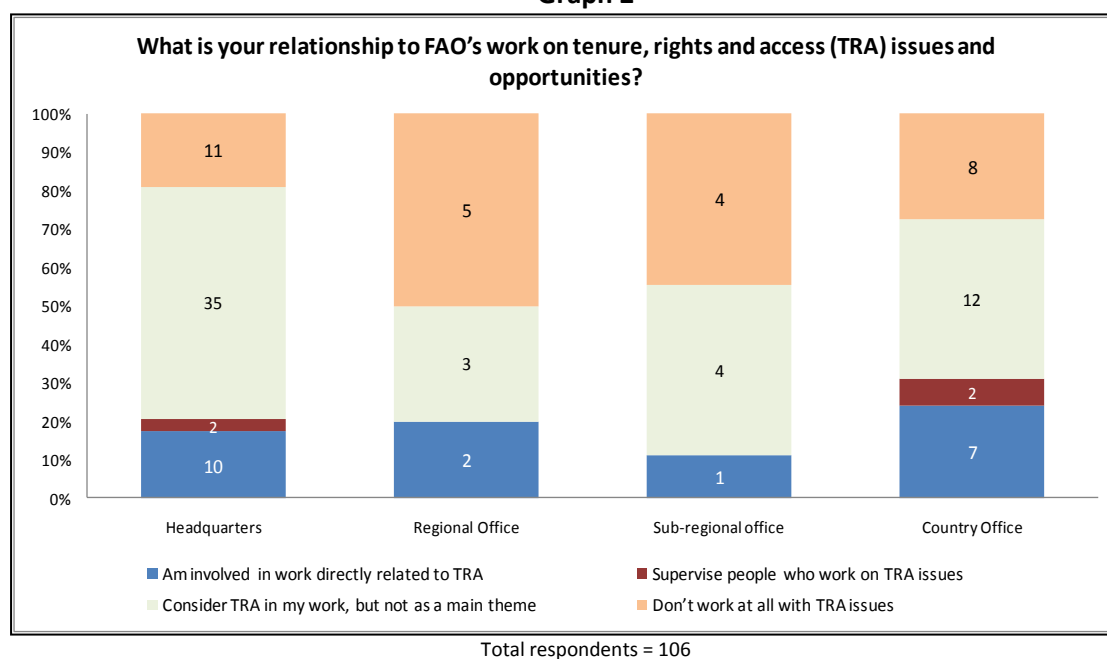
Answer Options	Respondents	% of total
Headquarters	60	49%
Regional Office	11	9%
Sub-regional office	14	11%
Country Office	38	31%
Total respondents	123	100%

**Graph 1**



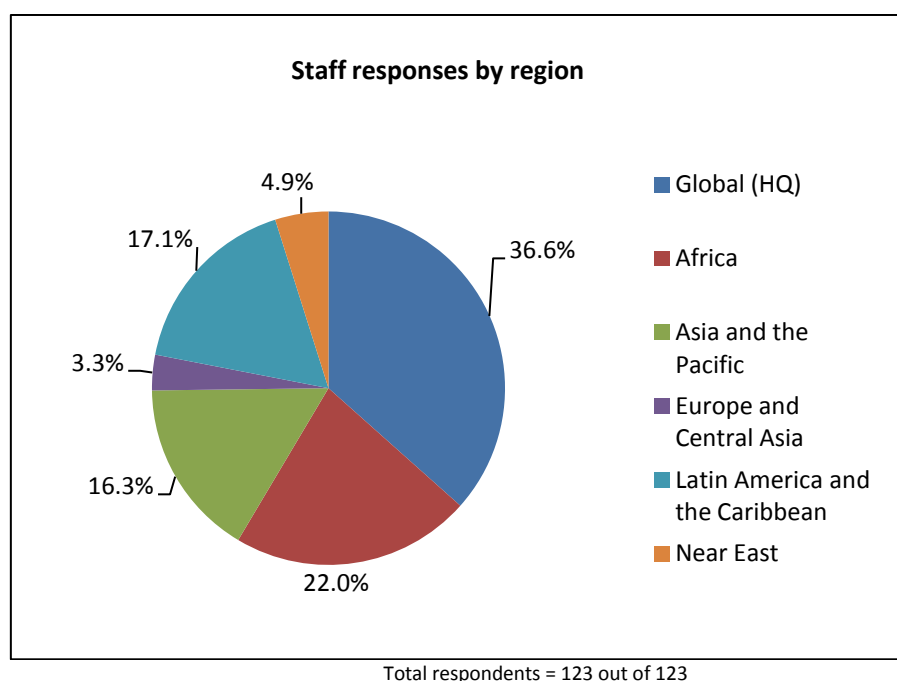
About half of the respondents (54 out of 106) work with TRA issues, but not all are involved with TRA as their main activity. Of the respondents in HQ, 17% (10 of 58) are involved mostly with TRA issues, as are 19% (20 out of 106) of the total respondents to this question (Graph 2).

**Graph 2**



Of the staff in the HQ, 20% (12 out of 60) consider their TRA-related work had a mainly regional orientation. Across all FAO staff locations, work undertaken on TRA issues focused on Africa, Asia and the Pacific, and Latin America and the Caribbean ( 55% of the responses) (Graph 3).

**Graph 3**



Among the respondents at FAO HQ, 59% work in departments and divisions related to land, such as the Investment Centre (29%), the Agriculture Department (20%), and the Natural Resources Department (10%). Only 19% of the respondents work in departments/divisions dealing with other natural resources such as Forestry and Fisheries. Respondents working in departments/divisions related to cross-cutting issues (such as Emergencies, ESW, Policy, and Trade and Market) represent 22% of the total responses.

#### *FAO country representatives*

About 11% of the staff respondents (14 out of 123) were FAO country representatives (FAORs). Of these, 8 out of 12 stated that FAO had addressed TRA issues in the country of their accreditation. The key priority issues identified by this subgroup tend to differ between regions (see Table 2).

**Table 2**

Region	Key priority issues identified by the FAO representatives in their countries of accreditation*
Africa	Lack of access to land Lack of land governance Land grabbing Land use conflicts (agriculture vs. forestry)
Asia and the Pacific	Land disputes and conflicts Land resettlement and tenure uncertainty after natural disasters (floods) Outdated land laws Difficulties in obtaining land titles and in using land as a collateral Land encroachment, land fragmentation, land leasing / selling Under-funding and lack of resources for the land ministry to undertake surveying

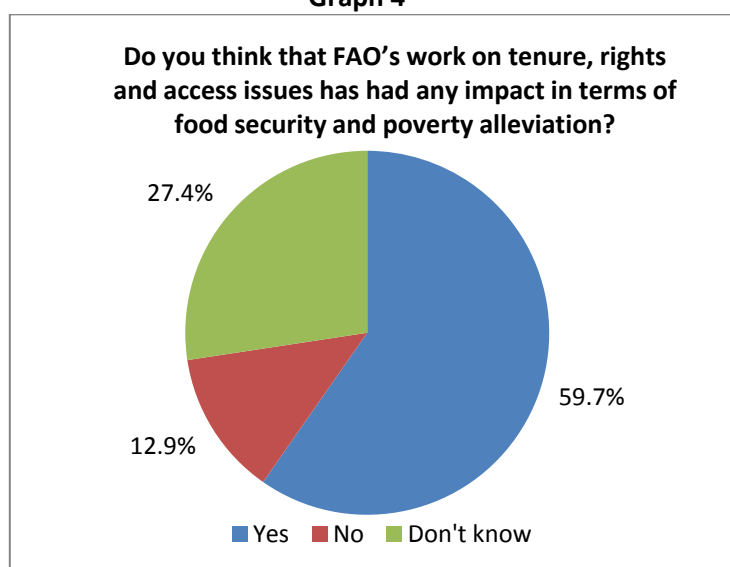
Region	Key priority issues identified by the FAO representatives in their countries of accreditation*
Latin America and the Caribbean	Lack of titling Insecurity of land rights Legal insecurity for smallholders, unable to use land as collateral Land acquisition for speculation Lack of rural land register and cadastre Redistributive reform Development of local capacity Legal disempowerment of women and difficulties in accessing land. Lack of interest in water harvesting/water collection
Near East	Disproportionate public ownership of forests and agricultural lands Unsustainable land resource management Land fragmentation Water scarcity, drought, plant and animal diseases.

Total respondents = 10; \*order of issues does not reflect priority assigned

### Perception of impacts

FAO's work on tenure, rights and access is perceived as having impacts on food security and poverty alleviation by almost 60% of the respondents (45 out of 78) (Graph 4). The main outputs or effects of FAOs TRA work are diverse but reveal a regional pattern. In Africa they are mainly related to land policy development, land tenure reform and land administration and are principally focused in Sub Saharan Africa. In Asia and the Pacific, they are mainly related to other natural resources, such as fisheries and forestry. The geographical focus has been South East Asia for impacts related to fisheries policy and China and India for forestry tenure. In Latin America, respondents identify outputs and effects related to land access and administration in Central American countries as well as Ecuador, Bolivia and Peru. In the transitional countries of Europe and Central Asia region the outputs identified are mainly related to land administration (e.g. land titling and land registration) in Eastern European and CIS countries.

**Graph 4**

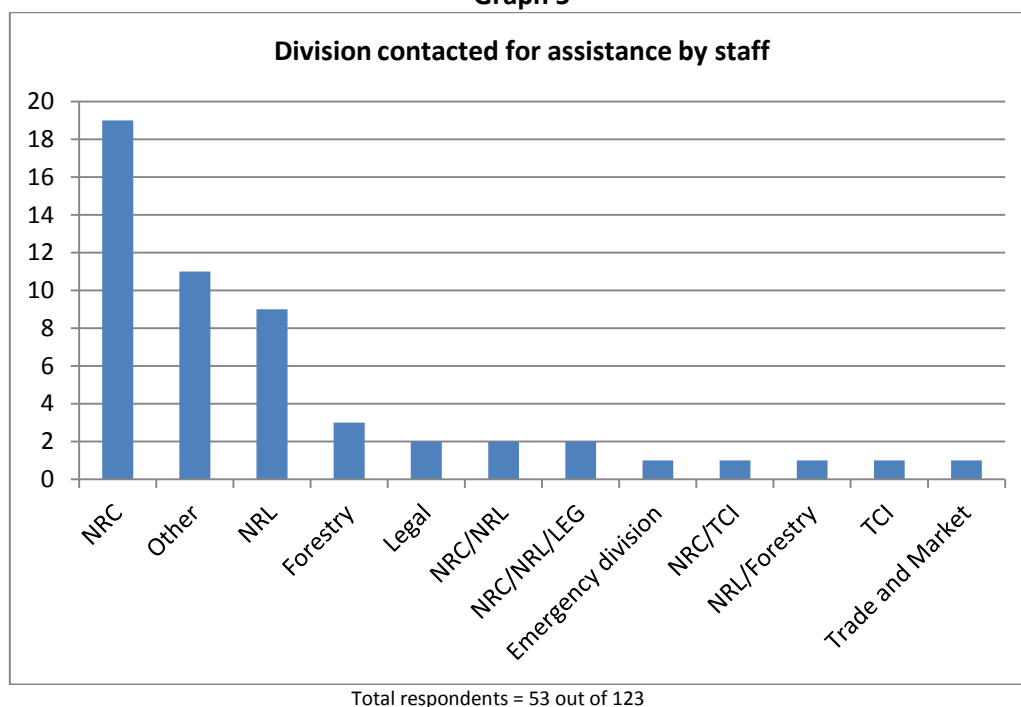


Total respondents = 78 out of 123

## Requests for advice and assistance within HQ

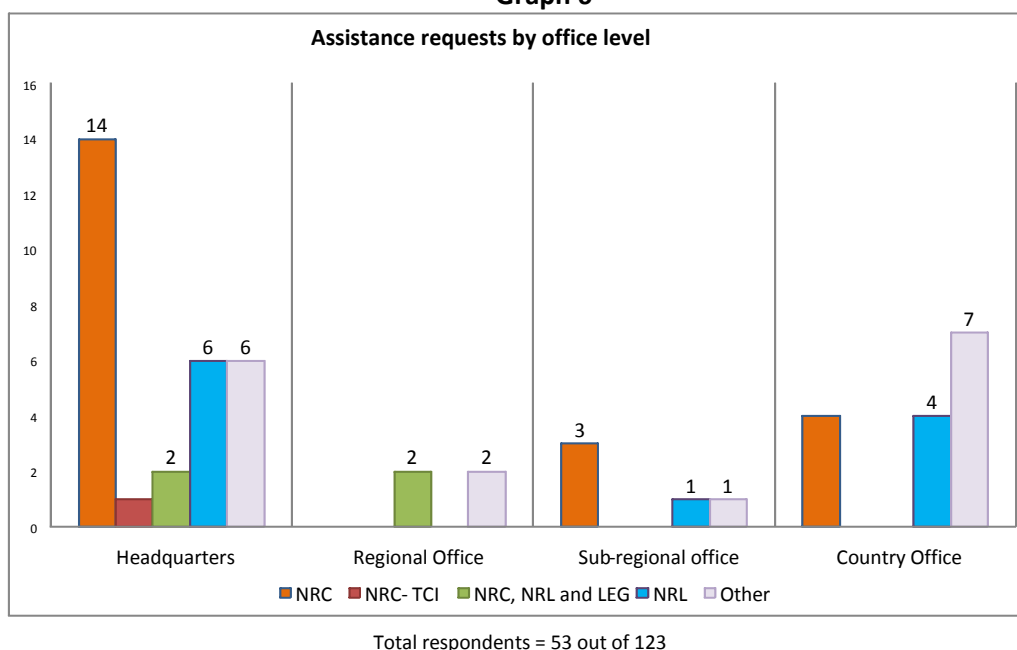
Over 60% (53 out of 84) respondents stated that they had previously needed advice and assistance on TRA issues. NRC, NRL and the Legal Office are the divisions most frequently contacted for this purpose (Graph 5). The responses should be interpreted with care because TRA responsibilities have only recently been changed and respondents may not be up-to-date with the reorganisation.

**Graph 5**



Within HQ, advice and assistance on TRA issues is sought primarily from NRC and NRL. For offices below HQ level, the number of requests to other divisions is as high as to NRC and NRL (Graph 6).

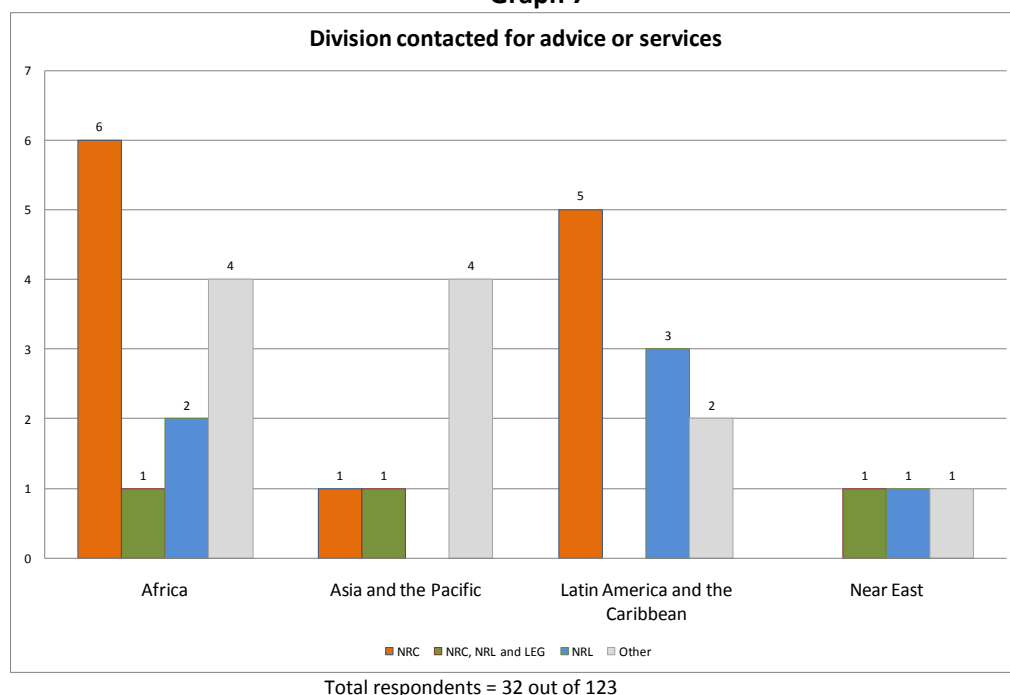
**Graph 6**





Respondents from the African and Latin American regions requested advice and assistance mainly from NRC. In Asia and the Pacific and the Near East, respondents sought help from other divisions such as Forestry, the Legal Office (forestry service), and the Emergencies division.

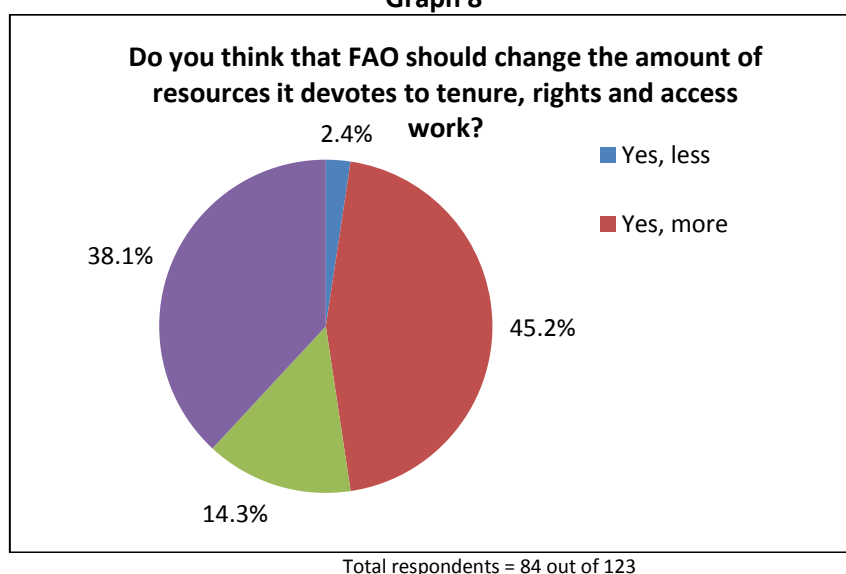
**Graph 7**



### Assessment of the priority accorded to TRA work

Some 45% of respondents (38 out of 84) perceive that FAO should increase the resources devoted to its work on tenure, right and access issues. Some 38% (32 out of 84) do not know whether funds should be increased or decreased (Graph 8). These results should however be interpreted with caution: it is difficult for respondents to respond to such a hypothetical question, particularly when involving a complex issue such as resource allocation within a finite budget.

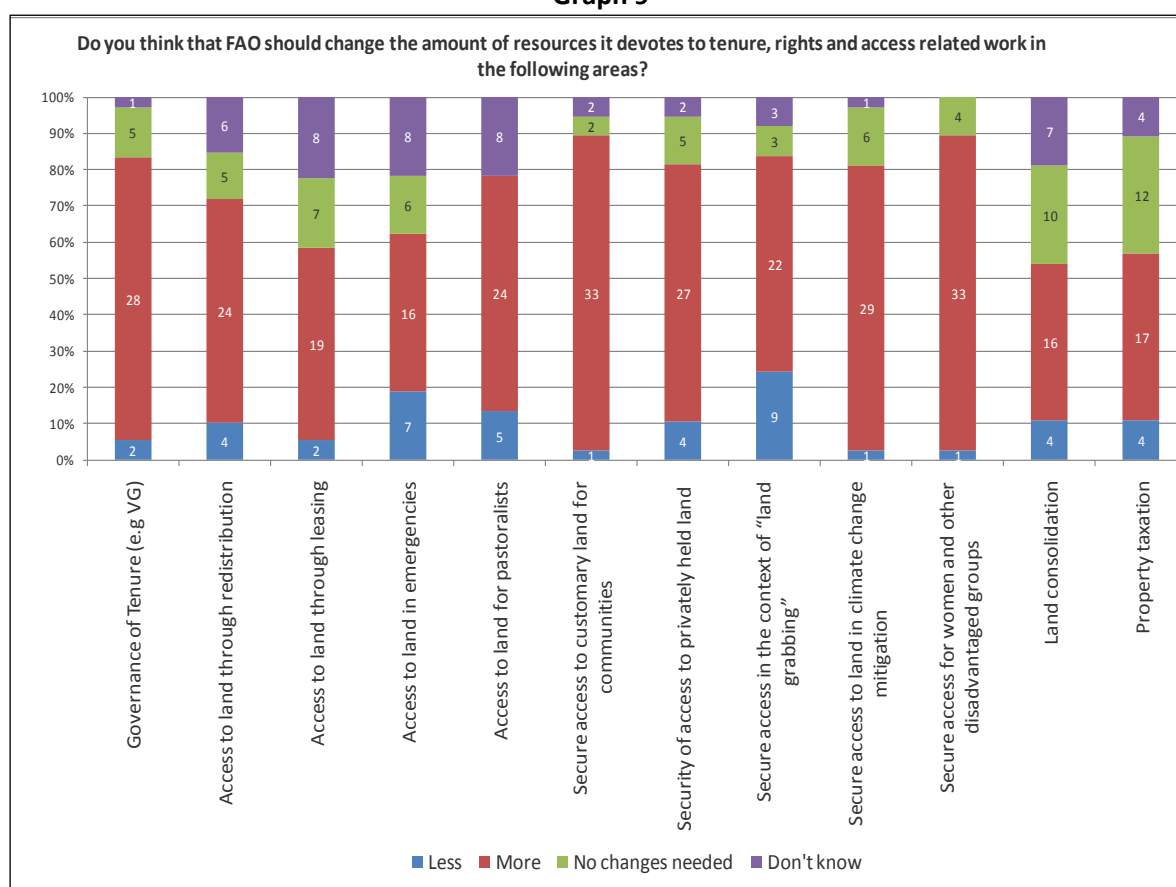
**Graph 8**



The results of the assessment of resource needs by TRA topic can be seen in Graph 9. Some observations on these results are as follows:

- The five activities for which more than 75% of the respondents feel that the resource allocation should be increased are: i) secure access to customary land for communities; ii) secure access to land and other natural resources for women and other disadvantaged groups; iii) secure access to land in climate change mitigation; iv) the governance of tenure (e.g. through the VGs); and v) securing access to privately held land (through titling and registration).
- Although the majority of the respondents feel there is a need to increase resources devoted to TRA work, there are four areas in which at least one third of the respondents stated that the allocation should diminish or should not change. These areas are: i) property taxation; ii) land consolidation; iii) access to land in emergencies; and iv) issues arising from land grabbing.
- Comparing both groups of answers it is apparent that respondents perceive a need for diversifying FAO's TRA work. In the first group the topics are related not only to land but also to other natural resources. Also the topics are related not only to land administration but also to governance, secure access of disadvantaged groups, climate change.

**Graph 9**

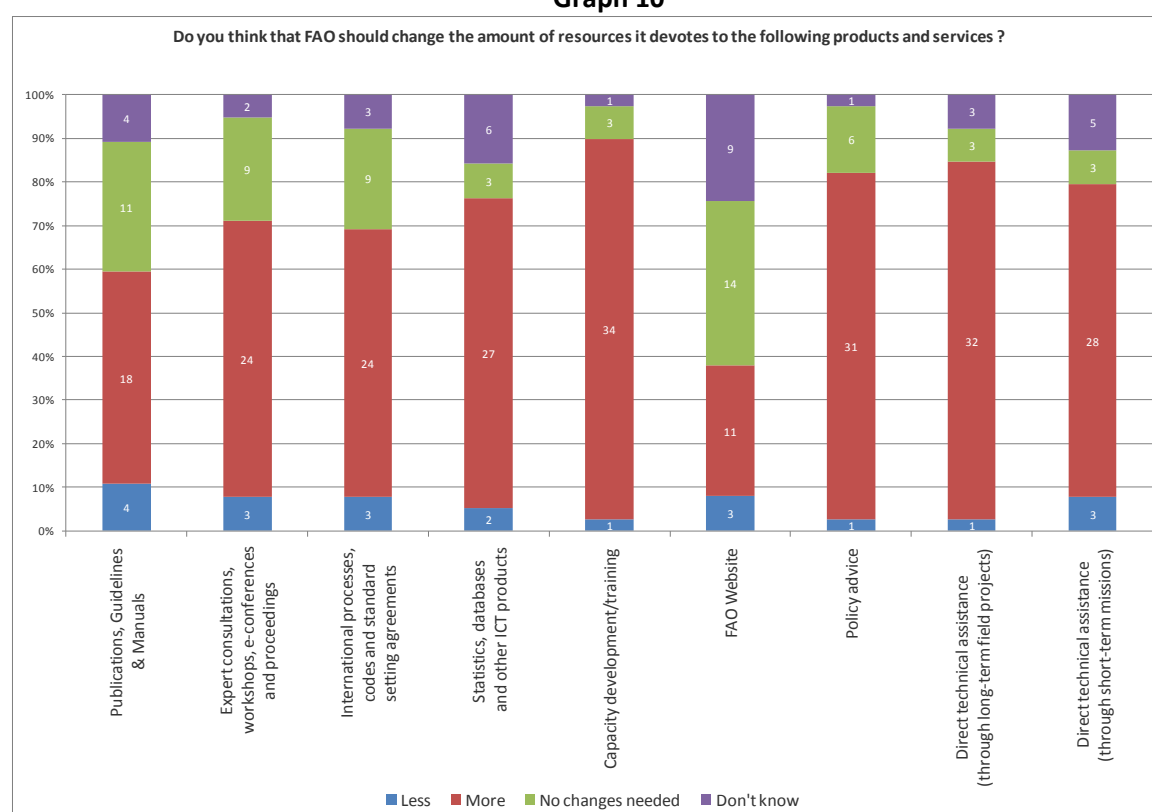


Total respondents = 84 out of 123

Analyzing the responses of FAO staff on TRA products and services, and their preferences for resource allocation (Graph 10), the following priorities emerge:

- More resources are needed for: i) capacity development/training; ii) direct technical assistance (through long-term field projects); iii) policy advice; iv) direct technical assistance (through short-term missions); and v) statistics, databases and other ICT products.
- In contrast, the products and services for which the respondents recommend no change or less resources are: i) information on the FAO Website; ii) publications; iii) guidelines & manuals; iv) expert consultations, workshops, e-conferences and proceedings; and v) international processes, codes and standard setting agreements.
- The importance attached by FAO staff to the products and services associated with operational work such as technical assistance (in the short and long term) should be highlighted. There is clearly a perception that it is necessary to achieve a more balanced portfolio of products and services among normative and field operations.

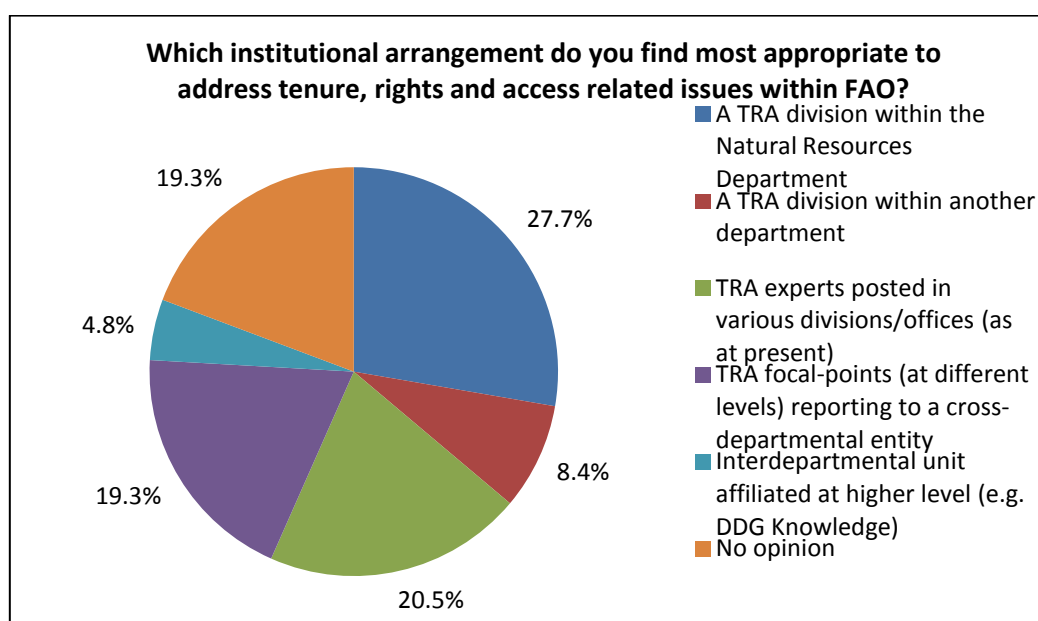
**Graph 10**



### Institutional arrangements

There is no overwhelming preference for any particular institutional arrangement for addressing TRA issues in FAO (Graph 11). Just over one quarter of the respondents (23 out of 83) stated that TRA should be dealt with by a dedicated TRA division within the Natural Resources Department. A fifth of the respondents felt that the present arrangement, whereby work is addressed by TRA experts posted in various divisions/offices, was most appropriate.

**Graph 11**



Total respondents = 83 out of 123

Although the results shown in Graph 11 could suggest a satisfaction with the current institutional arrangements, the analysis of the open-ended questions indicates that this is not entirely the case.

From the explanations given by respondents who answered that TRA should be addressed by a dedicated TRA division within the NR Department, the following perceptions emerge:

- Respondents recognize the Department's record of dealing with TRA issues and the good performance of the Land Tenure Unit. They understand that the concentration of responsibility for TRA in one department is an advantage as it provides a critical mass and a point of reference for interaction with other partners in TRA matters.
- While there is a general perception that NR is the right department for handling TRA issues, there is also a view that NR should broaden its perspective to address issues of tenure, rights and access to other natural resources, in addition to land. Several challenges are identified such as: strengthening the actual capacity of the department, as well as taking advantage of collaborative work by other divisions in order to address important TRA issues arising in the use of other natural resources.

When analyzing the responses of those staff that advocate the approach of posting TRA experts in various departments and divisions, as at present, the following perceptions are noted:

- TRA is an important policy issue for other natural resource sectors, including water, livestock, forest and fish resources. FAO's work in these other sectors would benefit from relevant TRA expertise for the sustainable development of these resources.
- Since TRA is a relevant topic for the accomplishment of food security, having experts in the different departments would be an opportunity to mainstream TRA as a cross-cutting issue in the organisation.

- It is also recognized that the presence of TRA expertise at the regional and sub regional level would enhance awareness of the importance of the issue.

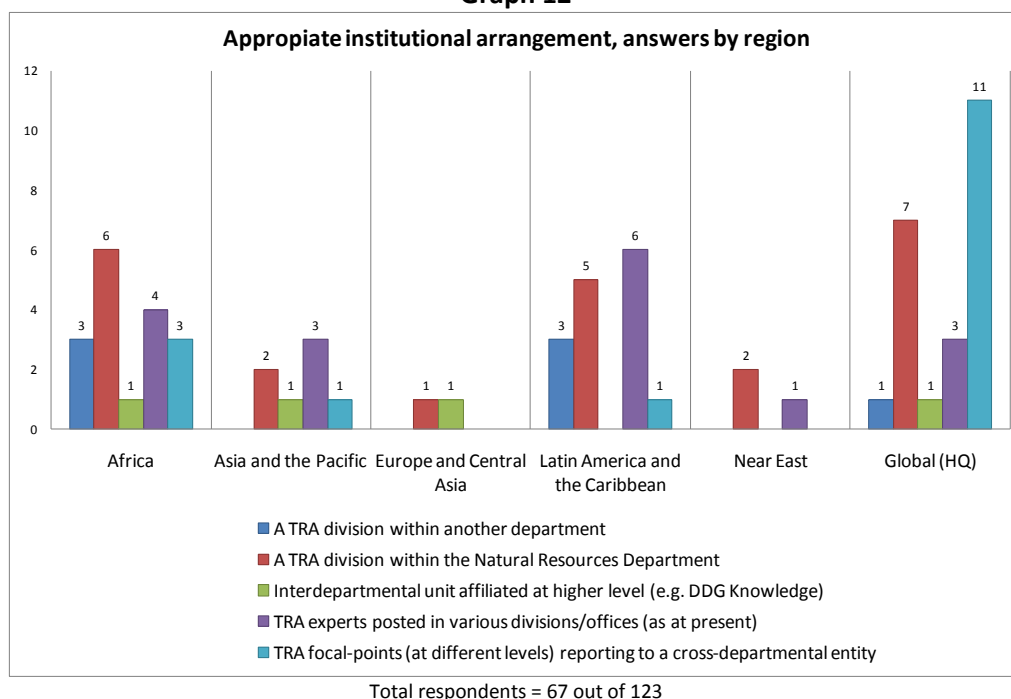
The last group of perceptions is closely related with the respondents who selected TRA focal points at different levels, responding to a cross-departmental entity, as the appropriate institutional arrangement. In this group the following observations were made:

- Since TRA is a cross-cutting issue, it should be addressed by different departments at different levels.
- Several respondents reiterated the importance of TRA for FAO work and stated the need to mainstream TRA awareness in the organization through effective coordination.
- Concerns were raised about the current institutional arrangements, because these inhibited the coordinated action needed for mainstreaming the awareness of TRA issues in the organization.
- The effective response to member countries on TRA issues requires focal points at different levels, especially at sub regional and country level.

Within FAO there are two institutional perspectives regarding TRA that are not necessarily incompatible. The first favours the responsibility for TRA work being concentrated in one department, enhancing and complementing it with the expertise of other divisions working on other natural resources. The second perspective, favours stronger cross-sectoral engagement within HQ and greater understanding of TRA issues at regional and sub-regional levels. This second view perceives the need to take greater advantage of the organization's knowledge on the subject and better to respond to member countries' needs.

Breaking down the data on the preferred institutional arrangement by region, it is interesting to note that respondents in HQ highlighted the importance of having TRA focal points at different levels as the appropriate institutional arrangement. In contrast, in the different regions, respondents' preferences on this matter were split between: i) having TRA experts posted in various departments, and ii) having a TRA division within the NR department (see Graph 12).

**Graph 12**



The following remarks come from the respondents in HQ with a preference for having TRA experts at different levels:

- There is an opportunity for the organization and for TRA work to benefit from different expertise posted in different levels and divisions. However, to make concrete these benefits cross divisional efforts should be coordinated, building a network of resource tenure experts in the different divisions.
- Technical work in different topics such as Agriculture, Forestry, Fisheries, etc. is influenced by the topic of TRA of land and other natural resources. Therefore, TRA issues and expertise should be mainstreamed in sectoral work.

At the regional and country level, when defining their preference on the institutional arrangement for TRA experts posted at different divisions, the respondents perceived that:

- TRA expertise is currently present in different divisions at HQ and it could be used when dealing with TRA issues in the regions and countries. Having focal points could, in the view of the respondents, weaken the critical mass of expertise currently working on these issues.
- However some of the respondents also mentioned that TRA issues are specific to the different regional contexts. Therefore, it seems appropriate to have regional and country-level experts addressing these issues.
- In this sense, there is a need to strengthen FAO's capacity on TRA issues at the regional and country level, as well as to foster their links with TRA officers in HQ.

On the other hand, the respondents at the regional and country level with preference for a TRA Division within the Natural Resource (NR) Department perceived that:

- The NR Department has the expertise and responsibility to deal with these issues, but there is a need for closer collaboration with other divisions to take advantage of NR's expertise on rights and access of other natural resources.
- The NR department has the necessary expertise to address TRA issues within a NR management approach. Food security requires addressing NR management that is strongly linked with TRA issues; therefore the NR department seems to be the most appropriate department to address these linkages.

Considering the perceptions among respondents in HQ and at the regional and sub regional level, it could be said that, even though there are differences between the preferred institutional arrangement, the resolution of TRA issues is recognised to require a cross-sectoral perspective and collaboration among divisions. The respondents also understood the need for the cross-sectoral work to strengthen regional and country level TRA expertise.

#### Suggested areas to improve the effectiveness of FAO's work on TRA

The following were identified by the respondents as areas to improve the effectiveness of FAO's work on TRA:

- The importance of the topic in the organization should be defined so as to:
  - o raise the profile of TRA in the organization, focusing on the relevant topics within TRA to avoid dispersion of resources; and
  - o ensure an approach which favours the poor and addresses the real needs of the population of member countries.
- More technical assistance to countries is needed to:
  - o assist member countries in developing strategies and policies to understand the significance of TRA and to develop capacities;
  - o devote more efforts to re-engage with more operational work; and
  - o pay special attention to TRA issues as they affect smallholders, and the land rights of women exposed to discriminatory practices.
- Organizational strengthening:
  - o Decentralization was mentioned as an approach needed to assist member countries with the development of their capacity to address TRA issues at a country level.
  - o At HQ it was perceived that the strengthening should be focused on diversifying the approaches and backgrounds of people working on TRA issues, as well as on fostering coordination among all the units working on these issues.
  - o Strengthening dissemination of normative work of FAO on TRA issues.

There are some shared opinions regarding the areas in which FAO should improve its effectiveness. Both HQ and regional respondents recognise the need to foster FAO's operational work and improve its impact in the different regions. Yet respondents are not clear about how this is to be achieved. From the regional and country level responses, there is perceived to be room for strengthening the capacities in these offices to identify priority issues and directly deliver the assistance. From the HQ perspective more coordination and strengthening of divisional capacities is also raised as an area for improvement, while it is also claimed the need to prioritize key topics in which FAO has knowledge to avoid the dispersion of efforts (See Table 3).

**Table 3**

Group of respondents	Perceptions
HQ	<p>There is a need to strengthen technical assistance on TRA issues to member countries. Technical assistance is required for policy development and capacity development. Several mechanisms including long-term programmes should be considered for delivering the technical assistance. FAO should recover its "<i>pro poor</i>" approach when working on TRA issues, considering this as a means to ensure food security, and working not only with governments but also with NGOs and civil society. For these purposes one possibility is to promote regional and national dialogues on TRA issues.</p> <p>Among TRA issues, FAO should focus on key topics such as:</p> <ul style="list-style-type: none"> <li>○ Good governance, raising awareness of the importance of this topic among member countries;</li> <li>○ Gender and equity issues, to ensure secure tenure, rights and access;</li> <li>○ Small farmers' access and customary practices regarding land tenure.</li> </ul> <p>There are some organizational areas to improve, such as:</p> <ul style="list-style-type: none"> <li>○ Strengthening the unit which actually works on TRA issues, enhancing and broadening skills to include more expertise in economic and socio-economic aspects of TRA;</li> <li>○ Coordination among all the units working on TRA should be promoted.</li> </ul>
Regional and country level	<p>Africa:</p> <ul style="list-style-type: none"> <li>○ There is room to improve the collaborative work with other agencies to influence policy and decision making.</li> <li>○ Assist countries in the region on land grabbing issues and natural resource management. North African countries were identified as needing technical assistance on rights and access to land and natural resources.</li> </ul> <p>Asia and the Pacific:</p> <ul style="list-style-type: none"> <li>○ More specific work at the regional level regarding land tenure, capacity building and policy advice on TRA;</li> <li>○ There is room for a more proactive work of FAO representations to identify and promote technical assistance at the country level.</li> </ul> <p>Latin America and the Caribbean:</p> <ul style="list-style-type: none"> <li>○ FAO should work on raising awareness of the importance of the topic and influence governmental policy;</li> <li>○ Working on the dissemination of TRA work and capabilities of the organization to improve its efficient use.</li> </ul> <p>Near East:</p> <ul style="list-style-type: none"> <li>○ Assist countries to develop land registration systems and with the exchange of information on successful cases;</li> <li>○ Organizational issues commonly raised by different regions;</li> <li>○ Decentralization and strengthening of regional or country offices expertise on TRA issues, to better address the needs of countries.</li> </ul>

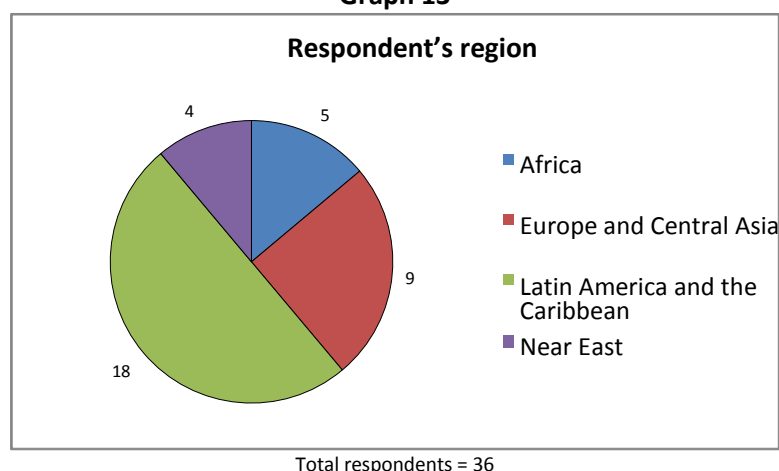


### 3. Analysis of the information gathered from member countries

#### Who answered the survey and their interests

The survey questionnaire was sent to all FAO member countries through their representatives. It followed a similar structure to the one for FAO staff, described in Section 2, with 17 questions of which 4 were open-ended. During a 4-week period, 40 responses were received. From this total, four had to be discarded as they failed to comply with the required response procedure. The questionnaire from member countries was answered mainly by representatives from the Latin American and Caribbean region (18) and from the European and Central Asian region (9). There were no respondents from the Asia and the Pacific region (Graph 13).

**Graph 13**



#### Perception of key priority issues in the regions

Table 4 summarises the problems identified by the respondents as key TRA issues in their countries.

**Table 4**

Region	Key issues identified*
Africa	Land and natural resources are state-owned, constraining the development of agribusiness Few mechanism to promote land access such as leasing Promote dialogue and participation to manage natural resources and to secure access
Europe and Central Asia	Food security and human rights related to land and other natural resources Privatization process Administration of foreign direct investment in agriculture Administration of natural parks
Latin America and the Caribbean	Recognition of the land rights of indigenous people Customary land is not recognized by land legislation Lack of regulation for forest management Lack of land titles which constrains access to credit and technologies Lack of land to distribute and over concentration of land ownership Land grabbing, foreign groups acquiring land in the region Land registration and cadastre are inadequate Lack of legislation to promote land leasing and other natural resources management Agricultural production contaminates natural resources such as water and deforestation
Near East	Promoting sustainable use of natural agricultural units Increasing the productivity of both land and water units Raising the degree of food security of the strategic food commodities

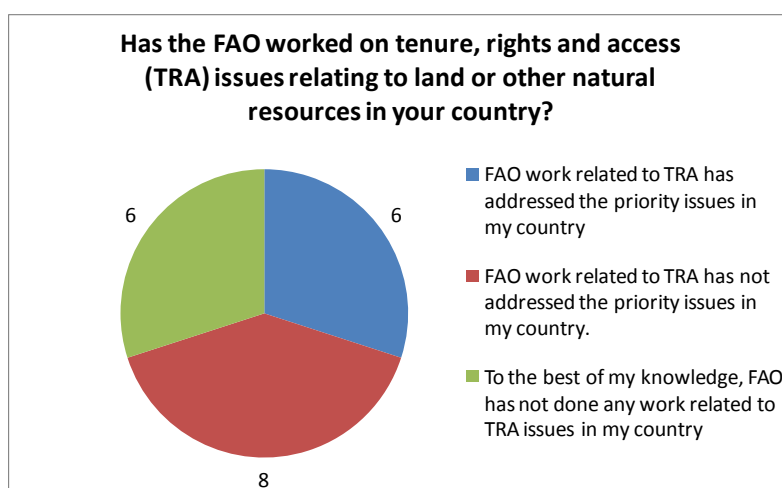
Region	Key issues identified*
	Increasing the competitiveness of agricultural products in local and international markets Improving the climate of agricultural investment Improving the livelihood of the rural inhabitants and reducing poverty rates in rural areas

Total respondents = 20 out of 37; \*order of issues does not reflect priority assigned

### Perception of impacts

Of the 20 representatives, 8 believe that FAO has not addressed the key issues regarding TRA in their countries. Only 6 out 20 believe that FAO has addressed the priority TRA issues (Graph 14).

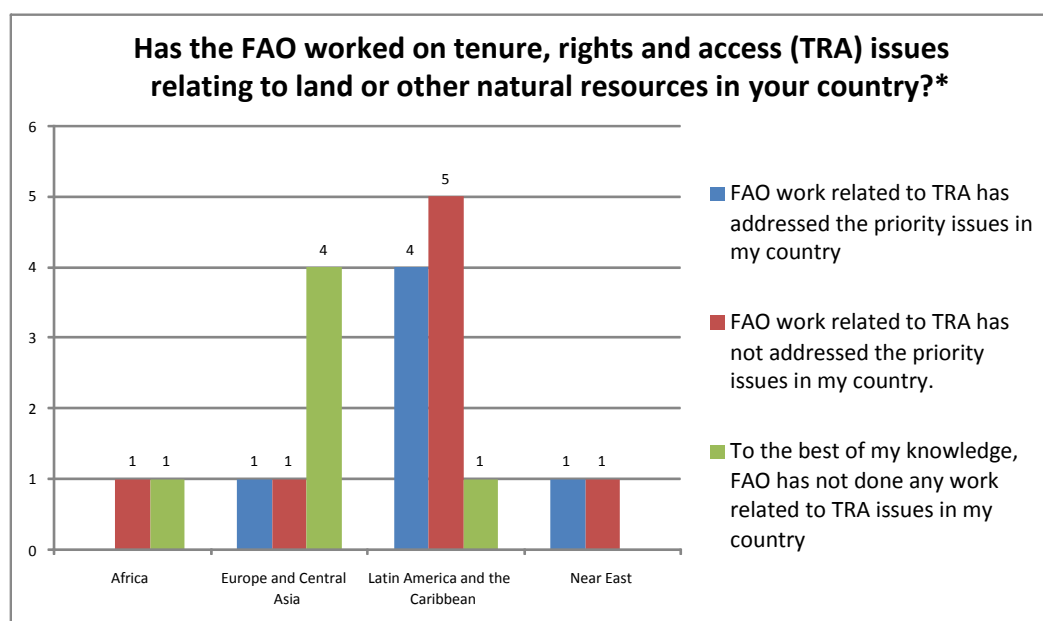
Graph 14



Total respondents = 20 out of 36

Of the 9 respondents in Latin America, 5 believe that FAO is not addressing the priority TRA issues in their country (Graph 15).

Graph 15

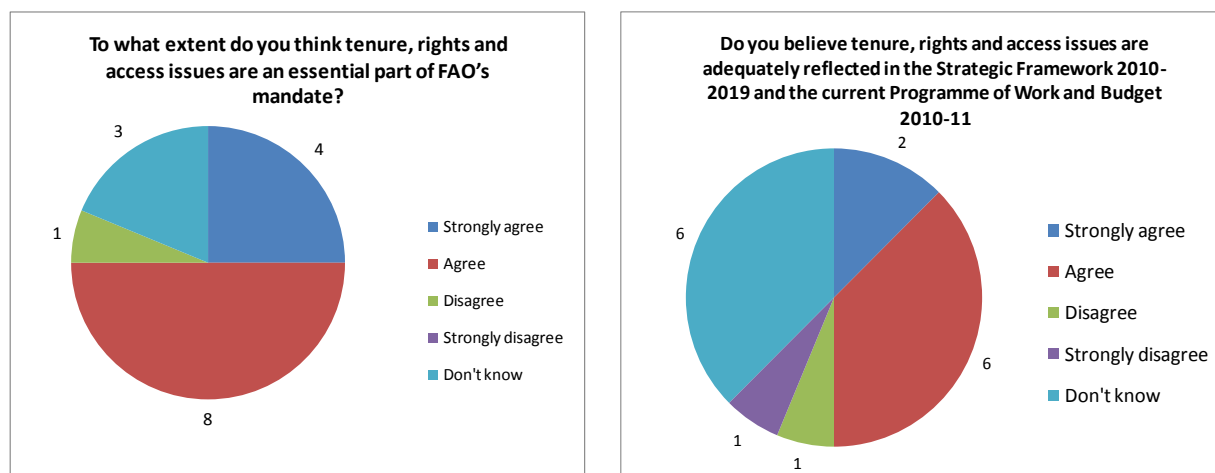


Total respondents = 20 out of 36; \* Note that respondents for Europe and Central Asia include several developed countries

### Perception of the importance of TRA work within FAO

As can be seen from Graph 16, three quarters of the respondents (12 out of 16) believe that the resolution of TRA issues is an essential part of FAO's mandate and half of the respondents perceive that this part of FAO's mandate is adequately reflected in the Strategic Framework and the Programme of Work and Budget for the current biennium.

**Graph 16**

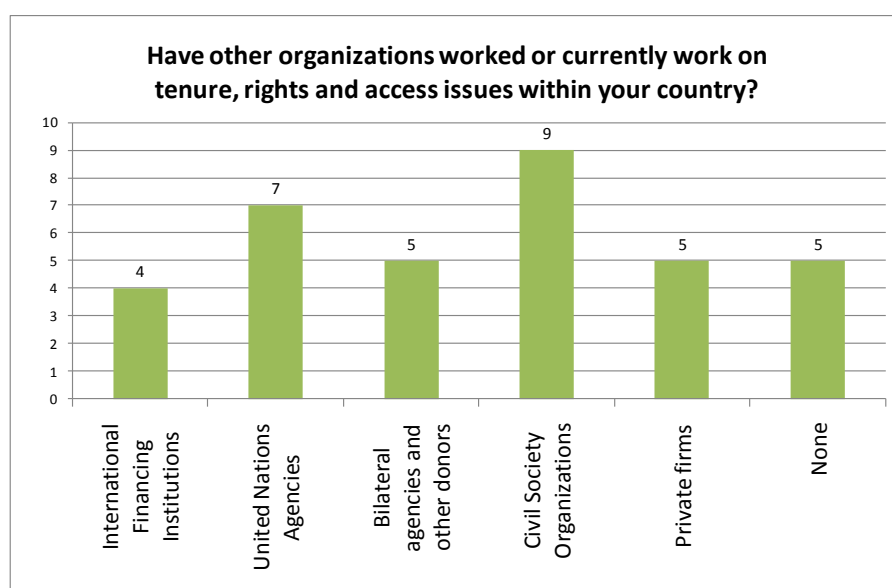


Total respondents = 16 out of 36

### Partnerships

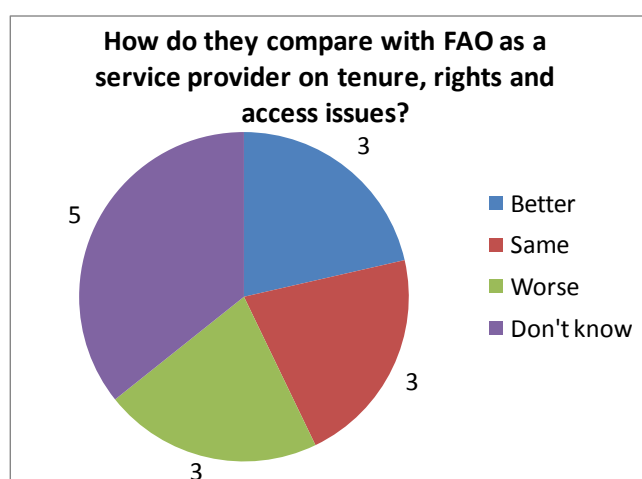
The three main types of organizations working on TRA issues in the countries of the respondents are Civil Society Organizations and other United Nations Agencies (Graph 17). The comparison of FAO with these organizations is equivocal. In each case, one fifth of the respondents judge other organisations as better, the same and worse than FAO as a service provider (Graph 18).

**Graph 17**



Total respondents = 19 out of 36

**Graph 18**

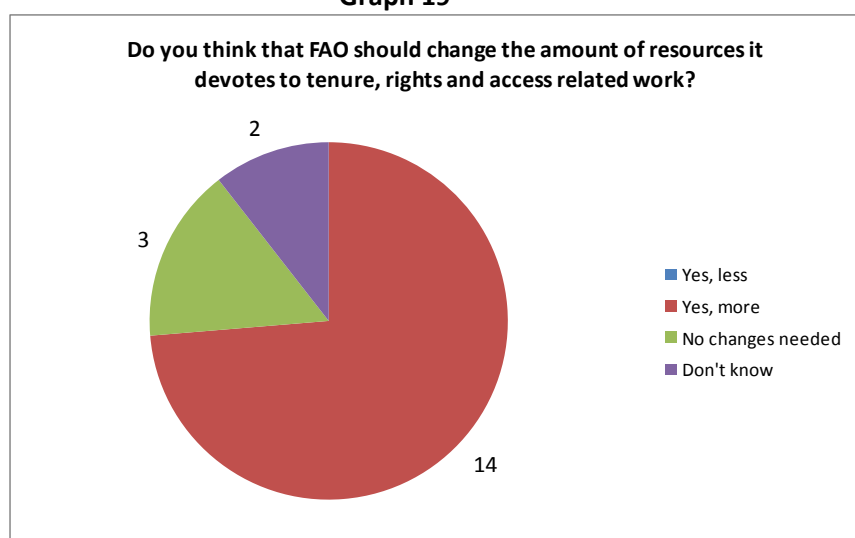


Total respondents = 14 out of 36

### Assessment of the adequacy of resources and future priorities for TRA work

There is a general perception among respondents of a need to increase the resources devoted to FAO's work on TRA. Among the few comments on this question, the respondents commented that the demand for more resources is attached to the implementation of the Voluntary Guidelines and the need to support countries with higher quality assistance (Graph 19).

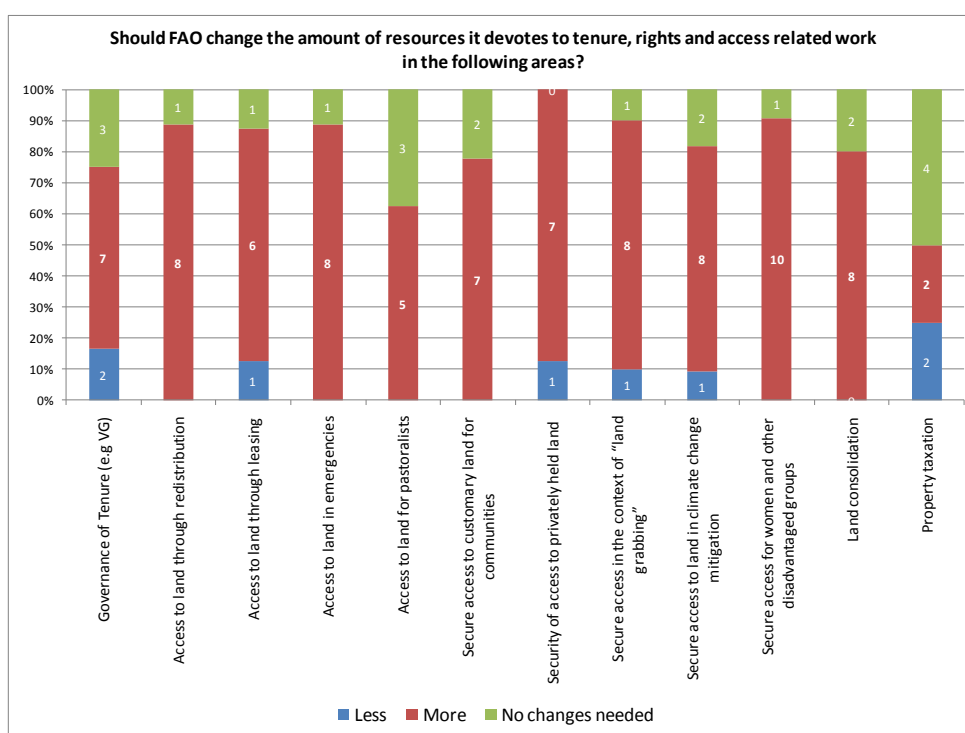
**Graph 19**



Total respondents = 19 out of 36

Although there is an overall perception of a need for more resources in all the areas of work on TRA, the five more frequently mentioned activities are: i) secure access for women and other disadvantaged groups; ii) access to land through redistribution; iii) access to land in emergencies; iv) secure access in the context of "land grabbing" and v) Secure access to land in climate change mitigation (Graph 20).

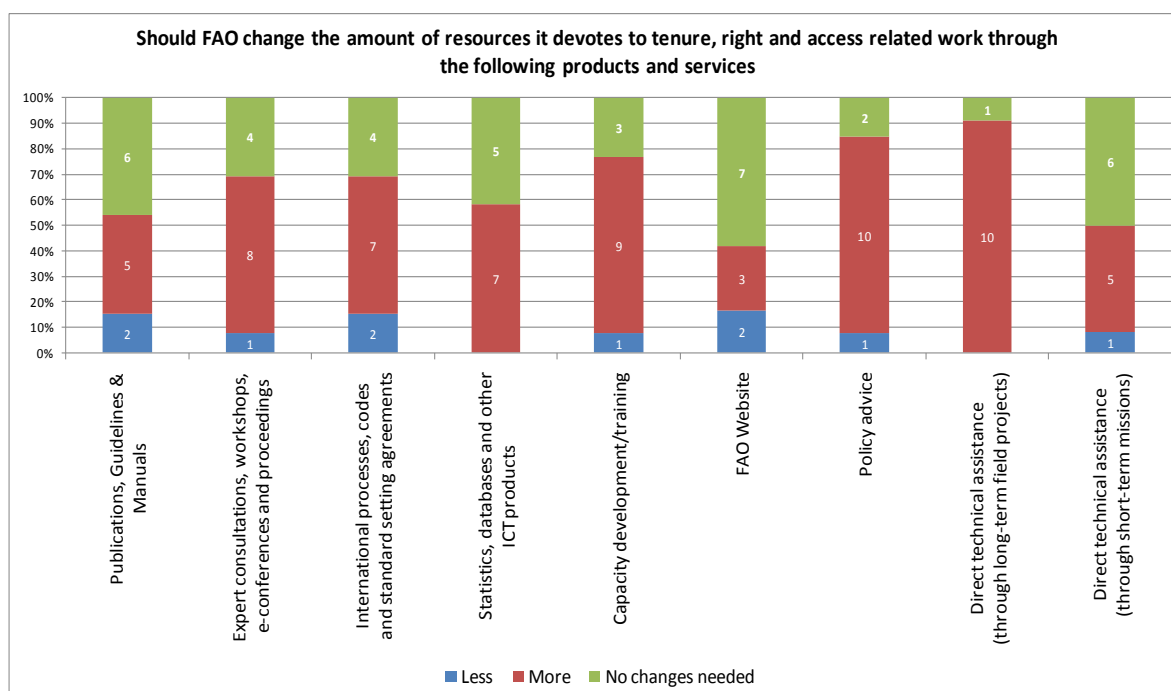
Graph 20



Total respondents = 13 out of 36

Most TRA-related products and services are recommended to be allocated more resources. Priority products and services are identified as: i) direct technical assistance through long-term field projects; ii) policy advice; and iii) expert consultation workshops, e-conferences and proceedings. The products and services for which more than half of the respondents stated the need for no change or less resources are: i) the FAO website; ii) publications, guidelines and manuals; and iii) direct technical assistance through short term missions (Graph 21).

Graph 21



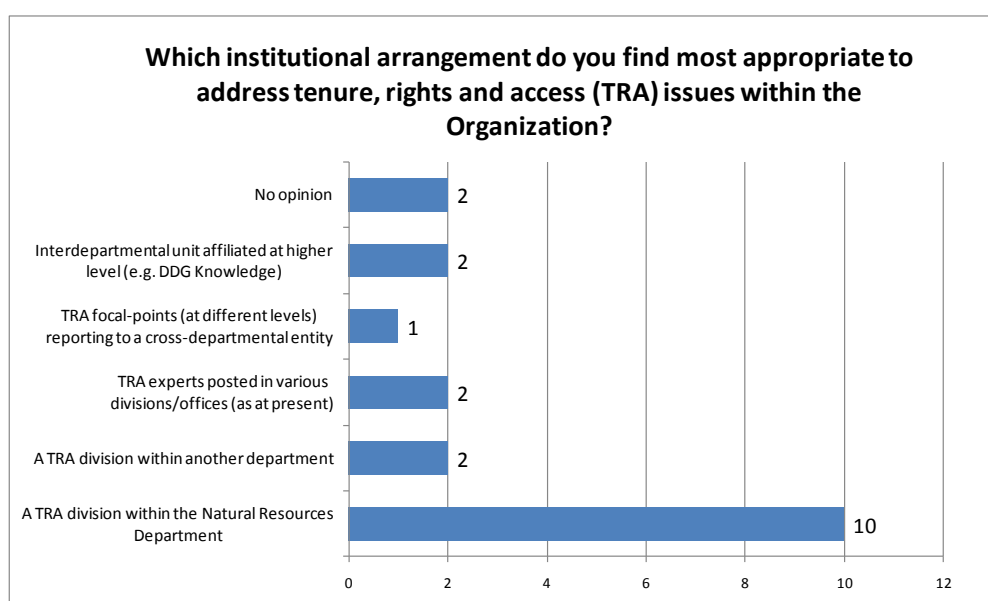
Total respondents = 13 out of 36

In this case, there is an agreement with the areas identified by member countries and the ones identified by FAO staff members as the ones that need more resources. Both types of respondents recommended that long-term missions and policy advice should be given priority when allocating resources. This finding coincides with perceptions captured in the SPS, namely that FAO's operational work in matters relating to TRA should be strengthened.

### Institutional arrangements

The majority of member countries who provided comment on institutional arrangements felt that the most appropriate arrangement to address TRA issues within FAO is to have a TRA division within the Natural Resources (NR) Department (Graph 22). Only 2 out of the 19 respondents felt that the current arrangement of TRA experts posted in various divisions was the most appropriate. This is in contrast to the response from FAO staff members, where preference was more evenly split between the current arrangement and a dedicated TRA division.

**Graph 22**



Total respondents = 19 out of 36

## **4. Survey of NGOs involved in land rights advocacy**

This questionnaire was sent to 97 national and regional NGO/CSOs, as well as to International NGOs (INGOs) that are officially recognized by FAO as valid civil society interlocutors. It was also sent to 43 national and regional members of the FAO-led International Alliance Against Hunger. The questionnaire comprised 22 questions of which 8 were open ended.

During a three week period, only 7 completed questionnaires were received. The Evaluation Team appreciates the effort put in by these respondents to completing the questionnaire. Responses were received from national NGOs dealing with resource rights and access in Nepal, Zimbabwe, Sierra Leone, Nigeria and Panama, as well as from a regional NGO in Central America (focusing on fishing rights) and an international NGO concerned with women's rights.

Relationship with Government? Only one NGO was able to claim harmonious relations with government, and a further four stated that relations varied according to the issue involved. One described the situation as stressful and difficult, and another had no dialogue with government due to its small size and lack of funds.

Key priorities in relation to TRA? The national and regional NGOs specifically mentioned the rights of small farmers, peasants and fisherfolk to access either one or all of the following resources: land, water, minerals, fisheries and forests. The international NGO was primarily focused on women's education and training.

Knowledge of FAO's work in TRA? Only one NGO confessed to having no knowledge of the work FAO undertakes on TRA issues; three have a reasonable knowledge and two have some knowledge of this work. One had extensive knowledge as a result of involvement with an FAO agricultural project in the country involved.

Has FAO work on TRA in your country and had any impact? FAO had only worked on TRA issues in two of the countries in which the NGOs were based. In these countries, 'no change' could be detected as a result of FAO's work, partly because 'governments do not follow the observations and proposals made at workshops'.

Formal links with FAO? 5 out of 7 respondents had links with FAO, but not necessarily in the context of land and natural resource rights. Three cases involved participation in FAO-organised conferences, two of which were in Rome - relating to women's land rights and to the Voluntary Guidelines. Two organisations had developed links within the context of FAO field operations.

FAO's land tenure website? Six of seven respondents had used FAO's Land Tenure website

What should FAO be doing differently with regard to TRA? Suggestions included: more publicity through the media so that people can benefit from the work done in other countries; more FAO cooperation with CSOs at the country level to improve the visibility of FAO's work ('rather than depending on government initiatives'); helping CSOs to implement the recommendations of the FAO policy for rights and access for indigenous people.

## **Survey Appendix 1: Questionnaire Schedules**

### **EVALUATION OF FAO WORK IN TENURE, RIGHTS AND ACCESS TO LAND AND OTHER NATURAL RESOURCES: STAFF SURVEY**

#### **Introduction**

As you might be aware, the FAO Programme Committee has requested the Office of Evaluation (OED) to undertake an evaluation of FAO's work related to tenure, rights and access to land and other natural resources – henceforth referred to as TRA (tenure, rights and access). Other natural resources pertinent to this evaluation include water, forests, wildlife, fisheries and livestock. The evaluation covers both past achievements within the 2006-2010 period, and the future direction of FAO's work on TRA.

A necessary and key input to this evaluation is feedback and ideas from FAO staff at country, regional and headquarters levels. The purpose of the attached questionnaire is to solicit such input from you. The results of this questionnaire will complement the interviews undertaken by the Evaluation Team. The questionnaire should not take you more than ten to twenty minutes to complete.

We stress the fact that your responses will be aggregated with others and will in no way be associated with your name. We have left an optional space for you to provide your contact information if you do not mind us following up with you on points and suggestions you make.

The objective of the survey is to gain a better understanding of the views and opinions of FAO staff with respect to:

- (i) the extent to which the Organisation's role and priorities in TRA are clear;
- (ii) the extent of the collaboration on TRA activity within the FAO and with other actors dealing with TRA issues and opportunities;
- (iii) the appropriateness of the institutional arrangements within the FAO to undertake the needed work related to TRA; and
- (iv) the future priorities for the FAO in dealing with TRA issues and opportunities.

Your views are very important to the overall conduct of the Evaluation and will constitute an important part of the evidence base from which findings and recommendations for the future will be drawn.

The deadline for the receipt of your response is 17 June 2011. Respecting the deadline is important to allow for the proper analysis of your input, and its inclusion in the final evaluation report.

**YOUR ASSISTANCE IN COMPLETING THE QUESTIONNAIRE IS GREATLY APPRECIATED.**



## About yourself

1. Please tell us your duty station\*<sup>2</sup> (Mark ONLY ONE OPTION with X)

Headquarters	
Regional Office	
Sub-regional office	
Country office	

2. Region\*<sup>3</sup>: (Mark ONLY ONE OPTION with X)

Global (HQ)	
Africa	
Asia and the Pacific	
Europe and Central Asia	
Latin America and the Caribbean	
Near East	

3. Please indicate your division/office\*<sup>4</sup>

--

4. Are you an FAO Representative? \*<sup>5</sup> (Mark ONLY ONE OPTION with X)

Yes		(Skip to question 5)
No		(Skip to question 8)

## FAO representatives

5. Which are the key priority issues in your country(ies) of accreditation(s) relating to tenure, rights and access to land and other natural resources? Please elaborate.

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<sup>2</sup> \* An answer is required for this question.

<sup>3</sup> \* Idem

<sup>4</sup> \* Idem

<sup>5</sup> \* An answer is required for this question.

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6. Has the FAO worked on tenure, rights and access (TRA) issues relating to land or other natural resources in your country(ies) of accreditation(s)? (Mark ONLY ONE OPTION with X) \*<sup>6</sup>

	To the best of my knowledge, FAO has not done any work related to TRA issues in my country (Skip to question 12)
	FAO work related to TRA has not addressed the priority issues in my country. (Skip to question 6)
	FAO work related to TRA has addressed the priority issues in my country (Skip to question 10)

7. Please list the non-priority areas in which FAO has worked in your country(ies) of accreditation

--

8. What is your relationship to FAO's work on tenure, rights and access (TRA) issues and opportunities? \*<sup>7</sup> (Mark ONLY ONE OPTION with X)

Am involved in work directly related to TRA		(Skip to question 9)
Supervise people who work on TRA issues		(Skip to question 9)
Consider TRA in my work, but not as a main theme		(Skip to question 9)
Don't work at all with TRA issues		(Skip to question 18)

### Assessment

9. Do you think that FAO's work on tenure, rights and access issues has had any impact in terms of food security and poverty alleviation? \*<sup>8</sup>

Yes		(Skip to question 10)
No		(Skip to question 11)

<sup>6</sup> \* Idem

<sup>7</sup> \* An answer is required for this question.

<sup>8</sup> \* Idem

Don't know		(Skip to question 11)
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10. Could you please name the country(ies) and/or the FAO activities that were involved in creating the impacts? \*<sup>9</sup>

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11. If you have needed FAO tenure, rights and access related advice or services in the past, which division or office in FAO have you contacted? (Mark ONLY ONE OPTION with X and comment)

Haven't needed advice or services	
Have needed advice and/or services. I contacted (division or office in FAO):	

#### Future Directions

12. Do you think that FAO should change the amount of resources it devotes to tenure, rights and access work? \*<sup>10</sup>

Yes, less		(Skip to question 13)
Yes, more		(Skip to question 13)
No		(Skip to question 15)
Don't know		(Skip to question 15)

13. Do you think that FAO should change the amount of resources it devotes to tenure, rights and access related work in the following areas? (Mark ONE OR MORE OPTIONS with X)

Area	Less	More	No changes needed	Don't know
Governance of Tenure				
Access to land through redistribution				
Access to land through leasing				
Access to land in emergencies				

<sup>9</sup> \* Idem

<sup>10</sup> \* An answer is required for this question.

Area	Less	More	No changes needed	Don't know
Access to land for pastoralists				
Secure access to customary land for communities				
Security of access to privately held land (through titling and registration)				
Secure access in the context of large scale agricultural investments and land acquisitions ("land grabbing")				
Secure access to land in climate change mitigation				
Secure access to land and other natural resources for women and other disadvantaged groups				
Land consolidation				
Property taxation				
Other (please specify)				

14. Do you think that FAO should change the amount of resources it devotes to the following products and services within tenure, rights and access area? (Mark ONE OR MORE OPTIONS with X)

Products and services	Less	More	No changes needed	Don't know
Publications, Guidelines & Manuals				
Expert consultations, workshops, e-conferences and proceedings				
International processes, codes and standard setting agreements				
Statistics, databases and other ICT products				
Capacity development/training				
FAO Website				
Policy advice				
Direct technical assistance (through long-term field				

projects)				
Direct technical assistance (through short-term missions)				
Other (please specify)				

15. Which institutional arrangement do you find most appropriate to address tenure, rights and access (TRA) issues within the Organization? \*<sup>11</sup> (Mark ONE OPTION with X)

	A TRA division within the Natural Resources Department	If selected proceed to question 16
	A TRA division within another department	
	TRA experts posted in various divisions/offices (as at present)	
	TRA focal-points (at different levels) reporting to a cross-departmental entity	
	Interdepartmental unit affiliated at higher level (e.g. DDG Knowledge)	
	No opinion	If selected skip to question 17

16. Please explain the reason for your selection \*<sup>12</sup>

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17. How do you feel that FAO activity relating to tenure, rights and access to land and other natural resources could be made more effective and relevant in terms of the needs of member countries and their populations?

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<sup>11</sup> \* An answer is required for this question.

<sup>12</sup> \* Idem.

18. Thank you for completing this questionnaire! If you don't mind us following up with you on points you have made, please provide your contact information below (optional):

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## EVALUATION OF FAO WORK IN TENURE, RIGHTS AND ACCESS TO LAND AND OTHER NATURAL RESOURCES: COUNTRY SURVEY

### Introduction

As you might be aware, the FAO Programme Committee has requested the Office of Evaluation (OED) to undertake an evaluation of FAO's work related to tenure, rights and access to land and other natural resources – henceforth referred to as TRA (tenure, rights and access). Other natural resources pertinent to this evaluation include water, forests, wildlife, fisheries and livestock. The evaluation covers both past achievements within the 2006-2010 period, and future direction of FAO's work on TRA.

Your Government is a key stakeholder and partner in FAO's work. Your input is important to the overall conduct of the evaluation, and will constitute an essential part of the evidence base from which conclusions and recommendations for the future direction of TRA work in FAO will be drawn. FAO guarantees that the source of information and answers collected by this questionnaire will be kept confidential and will not be attributed to any particular Government. We hope that you will take the time to make your views known.

The questionnaire will take approximately 20 to 30 minutes to complete. Please consult as you see appropriate with other Government agencies in formulating your responses. The deadline for the receipt of your response is 24 June 2011. Respecting the deadline is important to allow for the proper analysis of your input, and its inclusion in the final evaluation report.

YOUR ASSISTANCE IN COMPLETING THE QUESTIONNAIRE IS GREATLY APPRECIATED.

### About yourself

1. Please indicate the country on whose behalf you are responding to this questionnaire\*<sup>13</sup>

Country:	
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2. Ministry(ies) or governmental agency(ies) involved in the response

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<sup>13</sup> \* An answer is required for this question.

### Priority Areas, Needs and Demands

3. Which are the key priority issues in your country relating to tenure, rights and access to land and other natural resources? Please elaborate.

--

4. Has the FAO worked on tenure, rights and access (TRA) issues relating to land or other natural resources in your country? (Mark ONLY ONE OPTION with X)

	To the best of my knowledge, FAO has not done any work related to TRA issues in my country (Skip to question 10)
	FAO work related to TRA has not addressed the priority issues in my country. (Skip to question 5)
	FAO work related to TRA has addressed the priority issues in my country (Skip to question 6)

5. Please list the non-priority areas in which FAO has worked in your country:

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### Assessment

6. To what extent do you think tenure, rights and access issues are an essential part of FAO's mandate? \* <sup>14</sup> (Mark ONLY ONE OPTION with X)

	Strongly agree
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<sup>14</sup> \* An answer is required for this question.

	Agree
	Disagree
	Strongly disagree
	Don't know

7. Do you believe tenure, rights and access issues are adequately reflected in the Strategic Framework 2010-2019 and the current Programme of Work and Budget 2010-11? \*<sup>15</sup> (Mark ONLY ONE OPTION with X)

	Strongly agree
	Agree
	Disagree
	Strongly disagree
	Don't know

8. What is your assessment of the relevance, quality and utility of FAO's work on tenure, rights and access in the following areas?

Use the following scale: Very high, High, Poor, Very poor, Don't know

Area	Relevance	Quality	Utility
Overall			
Governance of Tenure			
Access to land through redistribution			
Access to land through leasing			
Access to land in emergencies			
Access to land for pastoralists			
Secure access to customary land for communities			
Security of access to privately held land (through titling and registration)			
Secure access in the context of large scale agricultural			

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<sup>15</sup> \* Idem



investments and land acquisitions (“land grabbing”)			
Secure access to land in climate change mitigation			
Secure access to land and other natural resources for women and other disadvantaged groups			
Land consolidation			
Property taxation			
Other (please specify)			

9. What is your assessment of the relevance, quality and utility of the following FAO's products and services on tenure, right and access?

Use the following scale: Very high, High, Poor, Very poor, Don't know

Products and services	Relevance	Quality	Utility
Publications, Guidelines & Manuals			
Expert consultations, workshops, e-conferences and proceedings			
International processes, codes and standard setting agreements			
Statistics, databases and other ICT products			
Capacity development/training			
FAO Website			
Policy advice			
Direct technical assistance (through long-term field projects)			
Direct technical assistance (through short-term missions)			
Other (please specify)			

## Partnerships

10. Have other international or bilateral agencies, non governmental groups, private firms or other groups worked or currently work on tenure, rights and access issues within your country?\* <sup>16</sup> (Mark ONE OR MORE OPTIONS with X)

	International Financing Institutions	If selected proceed to question 11
	United Nations Agencies	
	Bilateral agencies and other donors	
	Civil Society Organizations	
	Private firms	
	None	If selected skip to question 12

\*11. How do they compare with FAO as a service provider on tenure, rights and access issues? <sup>17</sup> (Mark ONE OPTION with X)

	Better
	Same
	Worse
	Don't know

## Future directions

12. Do you think that FAO should change the amount of resources it devotes to tenure, rights and access related work? <sup>18</sup> (Mark ONE OPTION with X)

	Yes, less	If selected proceed to question 13
	Yes, more	
	No changes needed	If selected skip to question 15
	Don't know	

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<sup>16</sup> \* An answer is required for this question.

<sup>17</sup> \* Idem

<sup>18</sup> \* Idem.

Comments/Clarifications

13. Should FAO change the amount of resources it devotes to tenure, rights and access related work in the following areas? (Mark ONE OR MORE OPTIONS with X)

Area	Less	More	No changes needed	Don't know
Governance of Tenure				
Access to land through redistribution				
Access to land through leasing				
Access to land in emergencies				
Access to land for pastoralists				
Secure access to customary land for communities				
Security of access to privately held land (through titling and registration)				
Secure access in the context of large scale agricultural investments and land acquisitions ("land grabbing")				
Secure access to land in climate change mitigation				
Secure access to land and other natural resources for women and other disadvantaged groups				
Land consolidation				
Property taxation				
Other (please specify)				

14. Should FAO change the amount of resources it devotes to tenure, right and access related work through the following products and services? (Mark ONE OR MORE OPTIONS with X)

Products and services	Less	More	No changes needed	Don't know
Publications, Guidelines & Manuals				
Expert consultations, workshops, e-conferences and proceedings				
International processes, codes and standard setting agreements				
Statistics, databases and other ICT products				
Capacity development/training				
FAO Website				
Policy advice				
Direct technical assistance (through long-term field projects)				
Direct technical assistance (through short-term missions)				
Other (please specify)				

15. Which institutional arrangement do you find most appropriate to address tenure, rights and access (TRA) issues within the Organization?\*<sup>19</sup> (Mark ONE OPTION with X)

	A TRA division within the Natural Resources Department	If selected proceed to question 16
	A TRA division within another department	
	TRA experts posted in various divisions/offices (as at present)	
	TRA focal-points (at different levels) reporting to a cross-departmental entity	
	Interdepartmental unit affiliated at higher level (e.g. DDG Knowledge)	
	No opinion	If selected skip to question 17

<sup>19</sup> \* An answer is required for this question.

16. Please explain the reason for your selection\* <sup>20</sup>

### **Suggestions**

17. Thank you very much for taking your time to complete this survey! If you have any further comments or information you would like to share with the Evaluation Team, please feel free to provide it below.

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<sup>20</sup> \* Idem.

## **EVALUATION OF FAO WORK IN TENURE, RIGHTS AND ACCESS TO LAND AND OTHER NATURAL RESOURCES: CSO SURVEY**

### **Introduction**

As you might be aware, the FAO Programme Committee has requested the Office of Evaluation (OED) to undertake an evaluation of FAO's work related to tenure, rights and access to land and water and other natural resources – henceforth referred to as TRA (tenure, rights and access). Other natural resources relevant to this evaluation include forests, wildlife, fisheries and livestock. The evaluation covers past achievements for the period 2006-2010 and the future direction of FAO's work on TRA.

Following on from FAO's 'International Conference on Agrarian Reform and Rural Development' (ICARRD), hosted by the Government of Brazil in Porto Alegre in March 2006, FAO has been giving increasing attention to the responsibility of the state to be accountable to its citizens for the provision of fair, transparent and affordable land administration and management services. For this purpose, FAO has been working with member countries, Civil Society Organisations and UN partner agencies on the development of Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry.

As part of the Evaluation, the evaluation team is addressing this questionnaire to civil society organizations at regional and country level advocating policies which aim to strengthen the tenure, rights and access of poor and vulnerable people, women as well as men, to land and water and forests, wildlife, fisheries and pastoral resources.

The questions relate to the nature of your organisation, your location, principal concerns and your relationships with government and with FAO. The Evaluation wishes to obtain your view of FAO's recent work and how it might be improved. International organizations will be addressed in a separate process.

Your views are very important to the Evaluation and will constitute an essential part of the evidence from which findings and recommendations for the future will be drawn. Your responses will be combined with others, will remain confidential and will not be attributed to you or your organisation. We have left an optional space for you to provide your contact information to allow us, if necessary to follow up and/ or clarify points and suggestions you have made.

The deadline for the receipt of your response is 22 July 2011. Respecting the deadline is important for the proper analysis of your input, and its inclusion.

**YOUR ASSISTANCE IN COMPLETING THE QUESTIONNAIRE IS GREATLY APPRECIATED**

## About yourself

### 1. Gender of the respondent

Male	Female

### 2. Regional Coverage of your organization (Mark ONE OR MORE OPTIONS with X)

World	
Africa	
Asia and the Pacific	
Europe and Central Asia	
Latin America and the Caribbean	
Near East	

### 3. What are your main country/ies of operation in relation to tenure, rights and access issues? (list max. 3 countries)

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### 4. What type of organisation do you represent? (Mark ONE OR MORE OPTIONS with X)

Research Institute		Regional NGO/Trust/Foundation	
University/Teaching/Training Institute		National NGO/Trust/Foundation	
International NGO/Trust/Foundation		Local NGO/Community Based Organisation	

### 5. What are your main interests in tenure, rights and access issues? (Mark ONE OR MORE OPTIONS with X)

Rights to use and own agricultural land		Rights to take fish, crustaceans, molluscs, etc	
Rights to water for irrigation		Rights to gather and hunt	

Rights of pastoralists to graze and water animals		Women's rights	
Rights to use and occupy forest land			
Other (please specify)			

### Relationship with Government

\*6. In your relationship with Government (in your main country/ies of operation) with regard to discussion of tenure, rights and access issues, what is the nature of the dialogue? (Mark ONLY ONE OPTION with X)

Harmonious		(Skip to question 8)
Varies according to the issue and government agency involved		(Skip to question 8)
Stressful /difficult		(Skip to question 8)
No dialogue		(Skip to question 7)

7. If you don't have dialogue with the Government, please explain why.

--

### Priority Areas and Needs

8. Which are the key priority issues in your country relating to tenure, rights and access to land and other natural resources? Please elaborate.

--

### Knowledge of FAO

9. How much do you know about FAO's work in the area of tenure, rights and access? <sup>\*21</sup> (Mark ONLY ONE OPTION with X)

No knowledge of FAO work		(Skip to question 22)
Some knowledge		(Skip to question 10)

---

<sup>21</sup> \* An answer is required for this question.



Reasonable knowledge		(Skip to question 10)
An extensive knowledge		(Skip to question 10)

### Assessment

10. Has the FAO worked on tenure, rights and access (TRA) issues relating to land or other natural resources in your country/ies of operation? (Mark ONLY ONE OPTION with X) \*<sup>22</sup>

	To the best of my knowledge, FAO has not done any work related to TRA issues in my country (Skip to question 14)
	FAO work related to TRA has not addressed the priority issues in my country. (Skip to question 11)
	FAO work related to TRA has addressed the priority issues in my country (Skip to question 12)

11. Please list the non-priority areas in which FAO has worked in your country/ies of operation\*<sup>23</sup>

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12. Has FAO's work in your main country/ies of operation contributed to changing attitudes regarding tenure, rights and access? \*<sup>24</sup>

Yes		(Skip to question 13)
No		(Skip to question 14)
Don't know		(Skip to question 14)

13. If there is change, whose attitudes have changed. Those of: (check all those that apply)

Local government officials	
Decision makers in government	
The judiciary	
Researchers	

<sup>22</sup> \* Idem

<sup>23</sup> \* Idem

<sup>24</sup> \* Idem

Teachers and students in universities and training institutions	
NGOs	
Local users of resources: farmers, fisher folk, forest users, pastoralists, hunters and gatherers	
Other (please specify)	

### Your linkages with FAO

14. Does your organization have any links with FAO regarding tenure, rights and access issues (e.g. have you participated in FAO conferences, have you collaborated in studies, etc.)? \*<sup>25</sup> (Mark ONLY ONE OPTION with X)

Yes		(Skip to question 15)
No		(Skip to question 16)
Don't know		(Skip to question 16)

15. Please describe the nature of the links you have with FAO's work in tenure, rights and access issues

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16. What is your familiarity with FAO's tenure, right and access websites? \*<sup>26</sup> (Mark ONLY ONE OPTION with X)

Not a user		(Skip to question 18)
Occasional user		(Skip to question 17)
Regular user		(Skip to question 17)

17. If you are a user\*<sup>27</sup>

In which topics are you most interested?	
What other websites do you use in connection with your work?	

<sup>25</sup> \* An answer is required for this question

<sup>26</sup> \* Idem

<sup>27</sup> \* An answer is required for this question

**Organizations involved**

18. Have other international or bilateral agencies, non governmental groups, private firms or other groups worked or currently work on tenure, rights and access issues within your main country/ies of operation? (Mark ONE OR MORE OPTIONS with X)

International Financing Institutions	
United Nations Agencies	
Bilateral agencies and other donors	
Non Governmental Organizations	
Private firms	
None	
Other (please specify)	

19. How do they compare with FAO as a service provider on tenure, rights and access issues? (Mark ONE OR MORE OPTIONS with X and comment)

Better	
Same	
Worse	
Don't know	
Comments/clarifications	

**Future directions**

20. What should FAO be doing differently in the future in terms of its tenure, rights and access work?

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21. With which groups should FAO be partnering in tenure, rights and access matters in the future?

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**Contact details**

22. Thank you for completing the questionnaire. If you don't mind us following up with you on points you have made, please provide your contact information below (optional):

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## ***Annex 5: Meta-synthesis of past evaluations***

### **1. Approach**

#### **1.2 Background and purpose**

1. This meta-evaluation (ME) consists of a review of past FAO evaluations covering issues related to tenure, rights and access (TRA) to land and other natural resources. It aims to synthesize findings, conclusions and recommendations made to FAO in relation to its TRA work.

#### **1.2 Scope**

2. The ME includes evaluative information on:
  - An overview of FAO TRA work;
  - The relevance, efficiency and effectiveness of FAO TRA work;
  - Organizational arrangements;
  - Partnerships and alliances;
  - Comparative advantages of FAO; and
  - Priorities and key areas that FAO should address in the future.

#### **1.3 Methodology**

3. The ME summarizes findings, conclusions and recommendations of past evaluations and related projects, according to the following evaluation questions:

<b>Analytical dimension</b>	<b>Key evaluation questions</b>
Overview of FAO TRA work in land and other natural resources	What is FAO currently doing in the TRA area (land, water, forestry and fisheries)? Are gender issues being adequately addressed in FAO's TRA work?
Assessment of FAO TRA work	<b>Relevance:</b> Is there coherence between FAO's TRA work and development needs at the country level, and/or in relation to FAO's Strategic Framework? <b>Efficiency:</b> What are FAO's strengths and weaknesses in the implementation of its TRA activities? <b>Effectiveness:</b> Are there any documented indications of FAO achievements in the TRA area? <b>Impact:</b> Are there any documented indications of the long-term effects (positive or negative) of FAO's work in the TRA area? <b>Sustainability:</b> Are there any concerns regarding the probability of continued long-term benefits from FAO work in the TRA area?
Partnerships and alliances	Which other international groups are working in the TRA area and what are they doing? How do they relate to FAO's activities?
Comparative advantages	What are the key gaps in international TRA work, and what are the comparative advantages of the FAO in filling those gaps?
Priorities and key areas for the future	What should FAO's overall priorities be in terms of its TRA work in the future?

4. The ME includes over 35 corporate, country and project/programme evaluations carried out in the period 2006-10. The table below lists all the evaluations reviewed:

Corporate evaluations	<ul style="list-style-type: none"> <li>– Real Time Evaluation of the FAO Emergency and Rehabilitation Operations in Response to the Indian Ocean Earthquake and Tsunami</li> <li>– Evaluation of FAO's role and work related to water</li> <li>– Evaluation of Capacity Development in Africa</li> <li>– FAO's Effectiveness at Country Level: A Synthesis of Country Evaluations: Post Conflict and Transition Countries: DR Congo, Sudan (north and south) and Tajikistan</li> <li>– FAO's Effectiveness at Country Level : A Synthesis of Evaluations in Large, Rapidly-Developing Countries (India and Brazil)</li> <li>– Evaluation of FAO's role and work related to Gender and Development</li> <li>– Evaluation of FAO's work in Commodities and Trade</li> </ul>
Country evaluations	<ul style="list-style-type: none"> <li>– Evaluation of FAO cooperation in Sierra Leone</li> <li>– Evaluation of FAO cooperation in Honduras</li> <li>– Evaluation of FAO cooperation with India</li> <li>– Evaluation of FAO cooperation in Tajikistan</li> <li>– Evaluation of FAO cooperation in Sudan (north and south)</li> <li>– Evaluation of FAO's cooperation with Brazil</li> </ul>
Project evaluations	<ul style="list-style-type: none"> <li>– GCP/MOZ/096/NET "Promoting the Use of Land and Natural Resources Laws for Equitable Development"</li> <li>– GCP /MOZ/081/NET "Decentralized Legal Support and Capacity Building to Promote Sustainable Development and Good Governance at Local Level"</li> <li>– GCP/INT/803/UK "Evaluation of the FAO/DFID Livelihood Support Programme"</li> <li>– FAO-Norway Programme Cooperation Agreement (PCA) 2005-2007<sup>28</sup></li> <li>– FAO-The Netherlands Partnership Programme (FNPP)<sup>29</sup></li> <li>– GCP /BIH/002/ITA "Inventory of Post-War Situation of Land Resources in Bosnia and Herzegovina"</li> <li>– GCP /PHI/047/AUL Philippines-Australia Technical Support for Agrarian Reform and Rural Development (PATSARRD)</li> <li>– OSRO/PHI/501/JPN "Emergency Rehabilitation of agri-based livelihood for disadvantaged farmers and returning internally displaced people in Mindanao"</li> <li>– OSRO/INS/601/ARC "Rehabilitation and sustainable development of fisheries and aquaculture affected by the tsunami in Aceh Province, Indonesia"</li> <li>– OSRO/SUD/003/CHF "Support to the restoration and enhancement of sustainable food security and livelihoods of vulnerable populations in southern Sudan"</li> <li>– OSRO/SUD/902/CHF "Support to sustainable reintegration and improvement of basic food security for 100 000 households including; returnees (refugees and IDPs), host communities and other vulnerable resident population in southern Sudan"</li> </ul>

<sup>28</sup> Including FNOP/INT/101/NOR PCA Norway 2005-06 Obj.B.1.1 - Development and Implementation of International Instruments related to Animal and Plant Genetic Resources; FNOP/INT/102/NOR PCA Norway 2005-06 OBJ. D1.1 - Support to National Biosecurity Initiatives and Policies Including Countries Facing High Risks of Outbreaks of Diseases and Pests; FNOP/INT/103/NOR PCA Norway 2005-06 Obj. B.2.1 - Improved Food Safety and Food Quality at the National Level; FNOP/INT/104/NOR PCA Norway 2005-06 Obj. B.2.2 - Implementation of National Sustainable Resources Management Practices Related in Particular to Plant and Animal Genetic Resources for Food and Agriculture FNOP/INT/105/NOR FAO Norway Project Cooperation Agreement 2005/2006, ESD Component; FNOP/INT/106/NOR FAO Norway Project Cooperation Agreement 2005/2006, Forestry Component; FNOP/INT/107/NOR FAO Norway Project Cooperation Agreement 2005/2006, Forestry Component; FNOP/INT/108/NOR FAO Norway Project Cooperation Agreement (PCA) 2005 - 2006 Sustainable Development Component; FNOP/INT/109/NOR PCA Norway Strategy A1 Objective 1: Inclusion of Food Security Objectives, Policies, Programmes and Monitoring Mechanisms in PRSPs and Other Policy.

<sup>29</sup> Including FNPP/GLO/001/NET-Food Security; FNPP/GLO/002/NET-Agrobiodiversity; FNPP/GLO/003/NET-Forestry; and FNPP/GLO/004/NET-Cross-cutting FNPP Issues.

Project evaluations (con't)	<ul style="list-style-type: none"> <li>– OSRO/SUD/622/MUL “Sudan Productive Capacity Recovery Programme (SPCRP) - Capacity Building Component (SPCRP) in Northern Sudan”</li> <li>– OSRO/SUD/623/MUL “Sudan Productive Capacity Recovery Programme (SPCRP) - Capacity Building Component (SPCRP) in Southern Sudan”</li> <li>– OSRO/INS/601/ARC “Rehabilitation and sustainable development of fisheries and aquaculture affected by the tsunami in Aceh Province, Indonesia”</li> <li>– UTF/HON/034/HON “Evaluación del impacto de los procesos de capitalización en el Programa de Acceso a la Tierra (PACTA) en Honduras”</li> <li>– GCP/INT/810/BEL “DIMITRA”</li> <li>– GCP/RAF/338/NOR “Gender, Biodiversity and Local Knowledge to Strengthen Agricultural and Rural Development”</li> <li>– MTF/GLO/125/MUL “Programme of Global Partnerships for Responsible Fisheries: FishCode and the FishCode Trust”</li> <li>– UTF/URU/025/URU “Gestión pesquera en Uruguay”</li> <li>– GCP /IND/177/NET “Programme Support to Nationally Executed (NEX) Land and Water Programme in India”</li> <li>– GCP/GLO/182/MUL Strengthening of UN-Water Partnership Programmes</li> <li>– UTF /IVC/027/IVC « Appui institutionnel au secteur du développement rural pour la sortie de crise en Côte d'Ivoire »</li> <li>– UTF /IVC/028/IVC « Projet d'appui institutionnel et multisectorielle de la BAD à la sortie de crise (AIMSC): Appui aux organisations de base en charge de l'appui aux groupes vulnérables »</li> <li>– Impact assessment of the land re-parcelling pilot project in 6 villages – Moldova<sup>30</sup></li> </ul>
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## 1.4 Limitations

5. The ME covers only projects/programmes that were evaluated by FAO; it is not a comprehensive review of the entire FAO field programme. Also, not all the evaluations reviewed focused specifically on tenure, rights and access issues. The majority of the evaluations assessed broader thematic issues, or country or project level interventions where TRA issues were only one component (or were included as constraints during programme design or implementation).

## 2. Summary of key areas of FAO TRA work emerging from evaluations

### 2.1 Land

6. As expected, the majority of TRA-related field projects evaluated dealt with land tenure reform. FAO focused on supporting the development/reform of institutional and legal frameworks, the development of strategies, plans and programmes, and the piloting and implementation of land administration tools and models.
7. FAO work in the development/reform of institutional and legal frameworks included:
  - i. Projects for monitoring and supporting the progress of land reform in Tajikistan<sup>31</sup> through land policy and legislation development, in partnership with government, civil

<sup>30</sup> This evaluation was undertaken by the World Bank. FAO performance was indirectly assessed as it was the provider of technical assistance to the project.

<sup>31</sup> OSRO/TAJ/402/CAN “Monitoring Progress of Land Reform in Tajikistan through Establishment of a Participatory Monitoring System”, OSRO/TAJ/602/CAN “Improved Food Security and Enhanced Livelihoods through Institutional and Gender Sensitive Land Reform in Tajikistan”

society, and donors; and the development of studies on the economic effects of land reform<sup>32</sup>.

- ii. Technical assistance for the development of a vision for land tenure after the Comprehensive Peace Agreement (CPA) signed in Sudan, an endeavour that included law and institutional development<sup>33</sup>. As part of these efforts, FAO supported the establishment of the Southern Sudan Land Commission (SSLC) in 2006<sup>34</sup>.
  - iii. Advice on the institutional arrangements needed to restructure family farming, including issues of land reform and settlements in Brazil.<sup>35</sup>
8. FAO work in support of the development of strategies, plans and programmes for land tenure reform included:
- i. Developing an inter-sectoral land programme in Sudan with the collaboration of the government agencies responsible for agriculture, animal resources, forestry, mineral resources, forestry, and legal affairs, as well as the judiciary and local governments<sup>36</sup>. FAO also provided technical assistance and policy advice to the SSLC in southern Sudan.
  - ii. The preparation of a national strategy for land consolidation in Lithuania<sup>37</sup> and Serbia<sup>38</sup>, which, in consultation with relevant stakeholders, provided recommendations on land management and proposed land consolidation models. This work suggested legislative amendments to reduce the problems of land fragmentation and abandonment<sup>39</sup>.
  - iii. Developing a national strategy for rural land registration in China<sup>40</sup>, which was part of a Technical Cooperation Project (TCP) aimed to complement the Analytical and Advisory Activity of the World Bank in this country<sup>41</sup>.
  - iv. Supporting capacity building on land tenure, land management-related legal issues, and the development of methodology and training for the Brazilian Plan of Agrarian Reform and Programme of Family Agriculture<sup>42</sup>.
9. Most of the above technical work included assistance with building capacity at different levels (sometimes farmers but often government agencies). For example:
- i. Projects on land reform monitoring in Tajikistan were complemented by the implementation of a project<sup>43</sup> that resulted in the establishment of legal advisory centres to support citizens with procedures related to land use rights, and also involved public awareness campaigns to explain the process of farm reorganization<sup>44</sup>. An important aspect of the capacity development for this project was the mainstreaming of gender equity in the land reform programme.

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<sup>32</sup> Corporate evaluation of FAO's Effectiveness at Country Level: A Synthesis of Country Evaluations Post Conflict and Transition Countries: DR Congo, Sudan and Tajikistan and Evaluation of FAO cooperation in Tajikistan

<sup>33</sup> Corporate evaluation of FAO's Effectiveness at Country Level: A Synthesis of Country Evaluations Post Conflict and Transition Countries: DR Congo, Sudan and Tajikistan and Evaluation of FAO cooperation in Sudan.

<sup>34</sup> Evaluation of FAO cooperation in Sudan.

<sup>35</sup> Evaluation of FAO cooperation in Brazil.

<sup>36</sup> Evaluation of FAO cooperation in Sudan

<sup>37</sup> TCP/LIT/3101 "Support to the preparation of an operational land consolidation system"

<sup>38</sup> TCP/YUG/3001 "Support to the preparation of a national land consolidation strategy and a land consolidation pilot"

<sup>39</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>40</sup> TCP/CPR/3107 Rural Land Registration and Certification Piloting - Phase II of TCP/CPR/3008

<sup>41</sup> China: Integration Land Policy reforms I, II and III AAA

<sup>42</sup> TCP/INT/3103 "Formulation of a regional capacity building Program on land tenure, land management related legal aspects" and TCP/BRA/3101 "Methodological support and training for the National Plan of Agrarian Reform and the National Programme of Family Agriculture"; Evaluation of FAO cooperation in Brazil

<sup>43</sup> OSRO/TAJ/301/SWE "Emergency Agricultural Assistance to Food Insecure Rural Households in Drought Prone Border Areas of Western Tajikistan

<sup>44</sup> Evaluation of FAO cooperation in Tajikistan.



- ii. In Sudan, as a complementary part of the inter-sectoral land programme, the FAO projects included training of service providers such as survey departments, land registers, the judiciary, land tribunals, land use planning services, NGOs, women's associations, civil society groups, students and others<sup>45</sup>.
  - iii. Two regional projects in India<sup>46</sup> aimed to develop capacity on policy formulation and policy analysis on selected themes, such as land policy related to pro poor issues<sup>47</sup>.
  - iv. In Mozambique and Angola, several FAO projects<sup>48</sup> provided training to local government officers and non-government entities on laws governing access to land.
  - v. TCPs implemented in Lithuania<sup>49</sup>, Serbia<sup>50</sup> and China<sup>51</sup> delivered training for capacity development which included study tours to learn about models of land registration and consolidation, as well as workshops to discuss with the relevant stakeholders the draft land consolidation strategies.
  - vi. In Honduras, FAO advisors contributed to the implementation of the World Bank Project "PACTA"<sup>52</sup>, involving the acquisition of land and the formation of productive enterprises for poor rural families, supporting the rural sector at two different levels (the enterprise level and the community level). Credit was provided for the acquisition of land and then complemented with training<sup>53</sup>.
10. Some normative work conducted by FAO with project funds was also identified by the evaluations as a complementary part of FAO work to support the development/reform of institutional and legal frameworks. For instance:
- i. In Sudan, FAO's projects conducted research (studies and analytical work) in relation to securing legal access to land for Internally Displaced People (IDPs) and refugees<sup>54</sup>.
  - ii. In India, three studies were conducted on land tenure under the umbrella of the Livelihood Support Programme developed by the Rural Development Institute (RDI) based in Washington. This work aimed to study the effects of providing small pieces of land to the poor and landless on nutrition and the promotion of sustainable livelihoods<sup>55</sup>. FAO implemented a research project aiming to understand the types and performance of existing formal and informal urban and peri-urban producers' organisations in developing country cities<sup>56</sup>. A paper was commissioned by FAO, and followed by workshops, to analyze the links between landlessness and poverty. A case study for India on providing access to land security for the Indian rural poor was developed<sup>57</sup>.

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<sup>45</sup> Evaluation of FAO cooperation in Sudan.

<sup>46</sup> GCP/RAS/214/IFA "Pro-Poor Policy Formulation, Dialogue and Implementation at the Country Level". TCP/RAS/3206 'Complementary Assistance to the FAO-IFAD Collaborative Programme on pro-Poor Policy Formulation, Dialogue and Implementation at the Country level'

<sup>47</sup> Evaluation of FAO cooperation in India.

<sup>48</sup> GCP /MOZ/081/NET "Decentralized Legal Support and Capacity Building to Promote Sustainable Development and Good Governance at Local Level" and GCP/MOZ/096/NET "Promoting the Use of Land and Natural Resources Laws for Equitable Development"; GCP/ANG/035/EC

<sup>49</sup> TCP/LIT/3101 "Support to the preparation of an operational land consolidation system"

<sup>50</sup> TCP/YUG/3001 "Support to the preparation of a national land consolidation strategy and a land consolidation pilot"

<sup>51</sup> TCP/CPR/3107 Rural Land Registration and Certification Piloting - Phase II of TCP/CPR/3008

<sup>52</sup> TCP/HON/2901 "Apoyo para el establecimiento y análisis del Programa de Acceso a la Tierra"; UTF /HON/025/HON "Unidad de Gestión de Fondo de Tierras" and UTF /HON/034/HON "Apoyo para el funcionamiento de la Unidad de Gestión y la ejecución del Programa de Acceso a la Tierra (PACTA) Ampliado"

<sup>53</sup> Final report of the Evaluation of FAO cooperation in Honduras and Annex III Impact Evaluation of capitalization process of PACTA

<sup>54</sup> Evaluation of FAO cooperation in Sudan.

<sup>55</sup> Evaluation of FAO cooperation in India.

<sup>56</sup> Idem.

<sup>57</sup> Idem.

11. A common and important characteristic of FAO's technical assistance on land issues at the policy level was the promotion and establishment of fora for dialogue between government, civil society and donors. An example of this can be found in:
  - i. Countries with an emergency or post conflict context such as Tajikistan, Sudan and Democratic Republic of Congo, where FAO's technical assistance in these countries aimed to contribute to the establishment of fora for discussion and negotiation on land issues<sup>58</sup>.
  - ii. FAO secretariat support to the International Conference on Agrarian Reform and Rural Development (ICARRD) held in Porto Alegre, Brazil in 2006<sup>59</sup>.
  
12. FAO TRA work also included developing, piloting and implementing land administration tools and models. For instance:
  - i. In southern Sudan, projects<sup>60</sup> were implemented to develop and test methodologies for the restitution of land and property, dispute resolution, land and property valuation, community land registration, securing access to land for women, community-driven recovery, asset mapping and land use planning, and the development of natural resource sharing mechanisms<sup>61</sup>.
  - ii. In Serbia and Lithuania<sup>62</sup>, FAO piloted a land consolidation model as a complementary component of the work to support the development of a national land consolidation strategy<sup>63</sup>.
  - iii. In China, a TCP<sup>64</sup> funded the piloting of a system for land registration and certification<sup>65</sup>. This pilot was later on replicated in other provinces<sup>66</sup>.
  
13. Two FAO partnership programmes supported the development of normative TRA products:
  - i. DFID/FAO Livelihood Support Programme (LSP)<sup>67</sup>. One sub-programme (Access to Natural Resources) addressed the use of sustainable livelihood approaches to improve access to natural assets by the poor. The LSP funded the production of publications, guidelines and manuals, and information materials such as brochures, posters and websites. It was intended to provide a portfolio of tested strategies for improving sustainable access of the poorest to natural assets, having as the main audience FAO staff. Publications were produced that focused on: the sustainable livelihood approach in the context of access to different natural resources; access to natural resources and making rights 'real'; and access to natural resources in a rapidly changing world<sup>68</sup>. Other

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<sup>58</sup> Corporate evaluation of FAO's Effectiveness at Country Level: A Synthesis of Country Evaluations Post Conflict and Transition Countries: DR Congo, Sudan and Tajikistan, Evaluation of FAO cooperation in Tajikistan and Evaluation of FAO Cooperation in Sudan.

<sup>59</sup> Evaluation of FAO cooperation in Brazil.

<sup>60</sup> OSRO/SUD/415/NET "Technical assistance to secure and reconstitute land rights, address land and property dispute resolution and negotiate consensual land management" OSRO/SUD/507/CAN "Emergency Agricultural Response in Southern Sudan and support to land tenure matters", OSRO/SUD/515/HCR "Land Programme in the Sudan (Darfur)", OSRO/SUD/415/NET "Technical assistance to secure and reconstitute land rights, address land and property dispute resolution and negotiate consensual land management" and OSRO/SUD/518/HCR "UNHCR-FAO Land Management and Sustainable Livelihood Programme - I Phase (southern Sudan)"

<sup>61</sup> Corporate evaluation of FAO's Effectiveness at Country Level: A Synthesis of Country Evaluations Post Conflict and Transition Countries: DR Congo, Sudan and Tajikistan and Evaluation of FAO cooperation in Sudan.

<sup>62</sup> TCP/YUG/3001 "Support to the preparation of a national land consolidation strategy and a land consolidation pilot"

<sup>63</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>64</sup> TCP/CPR/3107 Rural Land Registration and Certification Piloting - Phase II of TCP/CPR/3008

<sup>65</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>66</sup> Desk review conducted by the evaluation team of the AAA documentation: activity completion summary and synthesis reports.

<sup>67</sup> GCP/INT/803/UK "Improving Support for Enhancing Livelihoods of The Rural Poor"

<sup>68</sup> See <http://www.fao.org/nr/tenure/infores/lttapers/en/> for LSP working papers on TRA subjects

normative work produced by FAO with support from the LSP included a Land Tenure Manual<sup>69</sup>.

- ii. FAO-Norway Programme Cooperation Agreement (PCA). Component A.1.2 “Sustainable rural livelihoods and more equitable access to resources: Support to member countries and the High Level Commission for the Empowerment of the Poor” aimed to secure access to land and other natural resources for improving food security, alleviating poverty and improving rural development<sup>70</sup>. This component included an important regional workshop in Nakuru, Kenya in 2006 involving government officials, researchers and FAO technical advisers.

14. Some differences can be identified in the interventions adopted in operational work on land tenure reform by FAO. For example:

- i. In both Sudan and Tajikistan, FAO provided land policy advice in post-conflict and transition contexts. In these countries land is owned by the state, and the post-conflict/transition period provided an opportunity to influence and assist the development of a coherent land policy in which the land rights of citizens were strengthened. As mentioned before, the creation of fora for dialogue and negotiation between governments, civil society and donors was a common feature of FAO work in these countries<sup>71</sup>.
- ii. In Bosnia and Herzegovina, FAO’s approach was to support the generation of information and methodologies needed for land use planning. FAO’s project in this country<sup>72</sup> collected and updated data relating to land resources and brought this information together in a single format. It also conducted training activities aiming to strengthen local capacity for interpreting this information, and developed a methodology for land management and optimization of land use based on the provision of natural resources data. The project focused on refining the information at the local administrative level using a participatory, bottom-up approach<sup>73</sup>.
- iii. In other countries such as Lithuania and Serbia, FAO’s work focused on land administration issues, specifically addressing problems of land fragmentation and abandonment in the rural sector<sup>74</sup>. This focus on land administration was not confined to Eastern Europe; in China<sup>75</sup>, FAO activities included advice to develop a land registration and certification framework aiming to secure access to land.
- iv. In Honduras, FAO TRA work supported a World Bank project that financed land acquisition for farmers. This can be seen as an intervention in support of market related initiatives to promote land distribution<sup>76</sup>.
- v. In India and Brazil, FAO work on land issues mainly involved advocacy to raise awareness of land issues within other initiatives, such as food security policies and World Food Day<sup>77</sup>.

15. Despite the different contexts in which FAO has engaged in land tenure reform work, the approach adopted has typically included a combination of technical support for the

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<sup>69</sup> Final Evaluation of GCP/INT/803/UK

<sup>70</sup> Final Evaluation of FAO-Norway Programme Cooperation Agreement 2005-2007

<sup>71</sup> Corporate evaluation of FAO’s Effectiveness at Country Level: A Synthesis of Country Evaluations Post Conflict and Transition Countries: DR Congo, Sudan and Tajikistan, Evaluation of FAO cooperation in Tajikistan and Evaluation of FAO cooperation in Sudan.

<sup>72</sup> GCP/BIH/002/ITA Inventory of Post-War Situation of Land Resources in Bosnia and Herzegovina

<sup>73</sup> Final Evaluation of GCP /BIH/002/ITA “Inventory of Post-War Situation of Land Resources in Bosnia and Herzegovina”

<sup>74</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>75</sup> Idem.

<sup>76</sup> Evaluation of FAO cooperation in Honduras.

<sup>77</sup> Corporate Evaluation of FAO’s Effectiveness at Country Level : A Synthesis of Evaluations in Large, Rapidly-Developing Countries.

development/reform of legal frameworks, policies or strategies, and capacity building assistance.

16. Modalities for the delivery of technical assistance at the country level have however been diverse. FAO work in land tenure has been conducted through a combination of long-term projects as well as specific short-term initiatives, the former financed by donors and the latter generally financed by FAO's own regular programme (TCPs). In some cases, such as the projects implemented in Honduras (PACTA)<sup>78</sup> and the TCP in China<sup>79</sup>, FAO work was conducted in close partnership with major interventions by the World Bank<sup>80</sup>.

## 2.2 Water

17. Regarding field work, the thematic evaluation on water issues found that FAO has supported the drafting and review of legislation, contributing to defusing any potential dispute over transboundary water rights. FAO has also providing training and capacity development in relation to water legislation.<sup>81</sup>
18. Two specific projects implemented by FAO can provide examples of the technical assistance provided on water TRA issues. The first was implemented in Tajikistan<sup>82</sup> as a pilot project for testing and implementing participatory watershed management approaches. The second project<sup>83</sup>, implemented in arid regions of India, focused on the management of ground water systems and the development of community-based institutions for alternative management, with an emphasis on gender equality within the participatory approach. The latter was directly related to the activities taking place in relation to land and water access under the Livelihood Support Programme (LSP), which supported FAO's country office in India to take part in key national dialogues on land allocation strategies<sup>84</sup>.
19. FAO also produced the Land and Water bulletins and the publications "Land and Water-the rights interface" and "Water and the Rural Poor". The Law Development Service (LEGN) and the Land and Water Division (NRL) were the organisational entities directly involved in the development of this work<sup>85</sup>.

## 2.3 Forestry

20. In general the evaluations found that FAO work on Forestry TRA issues has focused on the provision of advice for the development of legal frameworks and policies, such as in Brazil, Honduras and Sudan<sup>86</sup>.
21. In Brazil, Honduras and the Democratic Republic of Congo, FAO has also provided direct technical assistance with the implementation of pilot projects, the provision of training, or by helping with the implementation of community forest management. In Honduras, support was provided for operationalising the legal framework and strategies developed previously with the assistance of FAO<sup>87</sup>.

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<sup>78</sup> TCP/HON/2901 "Apoyo para el establecimiento y análisis del Programa de Acceso a la Tierra"; UTF /HON/025/HON "Unidad de Gestión de Fondo de Tierras" and UTF /HON/034/HON "Apoyo para el funcionamiento de la Unidad de Gestión y la ejecución del Programa de Acceso a la Tierra (PACTA) Ampliado"

<sup>79</sup> TCP/CPR/3107 Rural Land Registration and Certification Piloting - Phase II of TCP/CPR/3008

<sup>80</sup> Access to Land Pilot Project (PACTA) and China: Integration Land Policy reforms I, II and III AAA

<sup>81</sup> Corporate Evaluation of FAO's role and work related to water.

<sup>82</sup> TCP/TAJ/2903 "Participatory Integrated Watershed Management in Upland Areas" (PIWMU)

<sup>83</sup> GCP/IND/175/NET "Andhra Pradesh Farmer-managed Groundwater Systems"

<sup>84</sup> Evaluation of FAO cooperation in India and Evaluation of FAO cooperation in Tajikistan.

<sup>85</sup> Corporate Evaluation of FAO's role and work related to water.

<sup>86</sup> Evaluation of FAO cooperation in Brazil, Evaluation of FAO cooperation in Honduras and Evaluation of FAO cooperation in Sudan.

<sup>87</sup> Corporate evaluation of FAO's Effectiveness at Country Level: A Synthesis of Country Evaluations Post Conflict and Transition Countries: DR Congo, Sudan and Tajikistan Evaluation of FAO cooperation in Brazil and Evaluation of FAO cooperation in Honduras.

22. One sub-component of FAO's PCA with Norway focused on documenting forestry tenure regimes. This work has reportedly raised the profile of forestry tenure within FAO. This sub-component indirectly contributed to sustainable forest management and poverty alleviation by raising awareness on the current status of tenure on forestry in countries and highlighting important areas for intervention<sup>88</sup>.

## 2.4 Fisheries

23. FAO TRA-related work on fisheries has involved supporting the design of legal frameworks, and the provision of training at the community level.
24. Projects in Honduras and Uruguay<sup>89</sup> supported the national authorities in drafting a new legal framework for fisheries and aquaculture. In Honduras, the government requested a review of a proposed law on fisheries and aquaculture<sup>90</sup>. In Uruguay, FAO supported the development of a new law, organizing workshops and consultations, and providing technical support to an advisory group in which stakeholders from government, the private sector, fisheries organizations and civil society provided inputs<sup>91</sup>.
25. In India, a project component on the health management of shrimps<sup>92</sup> drew attention to lessons on coastal land and aquaculture management<sup>93</sup>.
26. Fisheries work on TRA issues, developing capacities and providing training was carried out in Sudan and in the Lake Victoria region. In Sudan, training on fisheries rights was provided at the community level in an emergency context<sup>94</sup>. In the Lake Victoria region, the FAO PCA with Norway provided training aimed at empowering communities through taking ownership and control over the sustainable management of their resources<sup>95</sup>.
27. An important normative output of FAO fisheries work is the development of guidelines and instruments to support the implementation of the Code of Conduct for Responsible Fisheries (CCRF). While some of the reviewed evaluations<sup>96</sup> emphasised the importance of this normative product on policy development and guidance, no further details were provided in terms of its relationship to TRA issues.

## 2.5 Gender and disadvantaged groups

28. Normative products are an important part of FAO work on gender and land tenure issues. They have been produced both at HQ and in the field, including:
- i. The Gender and Land Rights database contains important information on gender disparities in national and international legislation as well as customary laws. The Gender Evaluation<sup>97</sup> found that the Gender and Land Rights database provided information for the production of the State of Food and Agriculture (SOFA) 2010/11<sup>98</sup> and the International Land Coalition's (ILC) Land Portal<sup>99</sup>.

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<sup>88</sup> Final Evaluation of FAO-Norway Programme Cooperation Agreement 2005-2007

<sup>89</sup> A TCP Facility in Honduras and UTF/URU/025/URU "Fisheries Management in Uruguay"

<sup>90</sup> Evaluation of FAO cooperation in Honduras.

<sup>91</sup> Final Evaluation of UTF/URU/025/URU.

<sup>92</sup> TCP/IND/2902 "Health management of shrimp aquaculture in Andhra Pradesh"

<sup>93</sup> Evaluation of FAO cooperation in India.

<sup>94</sup> Corporate evaluation of FAO's Effectiveness at Country Level: A Synthesis of Country Evaluations Post Conflict and Transition Countries: DR Congo, Sudan and Tajikistan and Evaluation of FAO cooperation in Sudan.

<sup>95</sup> Final Evaluation of FAO-Norway Programme Cooperation Agreement (PCA)

<sup>96</sup> Evaluation of FAO cooperation in Honduras and Evaluation of FAO cooperation India.

<sup>97</sup> Corporate Evaluation of FAO's role and work related to Gender and Development.

<sup>98</sup> The SOFA 2010/11 focused on gender disparities, and touched gender disparities in access to land, studying its implications for agricultural development.

<sup>99</sup> Corporate Evaluation of FAO's role and work related to Gender and Development.

- ii. The Gender and Land Compendium of member countries and the regional case studies provides useful information on gender equity and land rights.
  - iii. Research on land-use rights has been undertaken in Mozambique, Sierra Leone and Uganda by ESW with local partners.
  - iv. Under a project implemented in Lusophone countries, the Preliminary Guidelines for Improving Gender Equity in Territorial Issues were developed aimed at promoting participatory methodologies to reach consensus on issues regarding land access and exploitation. This initiative also involved the development of legal guidelines and training material for land and water management.
  - v. Emerging from the DIMITRA project, documents and communication materials have been published under the Land Tenure Series – specifically, two gender and land series were developed.
  - vi. From the work carried out in the African region, the Agri-Gender Toolkit was developed along with a study on land tenure in Ghana and one on HIV and AIDS related analysis in Eastern and Southern Africa.
29. Direct technical assistance on gender and TRA issues was also provided by FAO, focusing mainly on training activities:
- i. *Strengthening capacity to understand gender disparities and enhance gender mainstreaming towards securing access and rights to land.* In Mozambique, Timor Leste, Angola and Cape Verde, a regional project for capacity development on the integration of gender analysis in water and land tenure management was implemented aiming to integrate a gender approach in legislation, policies and programmes on land and water administration and management<sup>100</sup>. In Mozambique, within a project on promoting the use of land and natural resources law, a course structure was developed with a gender and women's rights component, which is used by the Centre for Legal and Judicial Training (CFJJ) to train paralegals<sup>101</sup>. In the Philippines, FAO's activities on capacity development included gender training of staff in the Department of Agrarian Reform<sup>102</sup>.
  - ii. *Participatory approaches aiming to guarantee rights on land were supported by FAO.* For example, in Tajikistan, FAO projects on land reform considered gender mainstreaming activities aimed at improving women's access to land and involvement in farm reorganization decisions<sup>103</sup>. In India a project on groundwater management had a strong focus on gender in terms of assuring equitable representation and participation in community based institutions<sup>104</sup>.
  - iii. *Other FAO interventions aimed to improve women's access to land by promoting joint titling.* This is the case of the PACTA project in Honduras which improved its gender mainstreaming by educating beneficiaries on the importance of including spouses in the titling process<sup>105</sup>. In Nicaragua, governmental programmes supported by FAO's technical assistance made provision to improve women's access to land titles<sup>106</sup>.

<sup>100</sup> Corporate Evaluation of FAO's role and work related to Gender and Development.

<sup>101</sup> Corporate Evaluation of FAO's role and work related to Gender and Development and final evaluation of GCP /MOZ/081/NET

<sup>102</sup> Corporate Evaluation of FAO's role and work related to Gender and Development.

<sup>103</sup> Evaluation of FAO cooperation in Tajikistan.

<sup>104</sup> Evaluation of FAO cooperation in India.

<sup>105</sup> Evaluation of FAO cooperation in Honduras.

<sup>106</sup> Corporate Evaluation of FAO's role and work related to Gender and Development.

30. FAO field work also covered TRA issues in relation to disadvantaged groups. For instance:

- i. Under the FAO Norway PCA, work on tenure issues was conducted with a strong emphasis on marginalised groups including women, orphans and pastoralists. A series of desk reviews and case studies on orphaned children's property and inheritance rights was developed for selected African countries. This work was disseminated through workshops<sup>107</sup>.
- ii. In Mozambique, a project providing legal education and support to help rural women secure and exercise land and resource rights addressed HIV/AIDS-related tenure insecurity in case studies, which later fed into the development of training materials<sup>108</sup>.

### 3 Assessment of FAO TRA work

#### 3.1 Relevance

31. Overall, FAO field work was found to be very relevant in relation to member countries' needs and/or the Organisation's own strategic framework. Field projects were found to be relevant because they addressed important problems and constraints, such as:

- i. *Insecure land tenure and rights.* In Tajikistan, FAO interventions aimed to ensure an equitable distribution of agricultural land under the reorganization of state and collective farms<sup>109</sup>. In Tajikistan, Sudan and Angola, FAO interventions were based on the establishment of a platform/working group at national and/or local levels for dialogue on land issues with the participation of the government, civil society and donors<sup>110</sup>. In China, the TCP on land registration addressed insecure tenure, which had been recognized and considered as a constraint for rural development by the Chinese Government<sup>111</sup>.
- ii. *Land fragmentation and abandonment.* This problem was addressed by two TCP projects implemented in Lithuania and Serbia. These interventions aimed to produce long term improvements to rural land tenure arrangements through land consolidation through pilot projects, and the development of national strategies in relation to these issues<sup>112</sup>.
- iii. *Lack of/gaps in the legal or policy framework on land.* FAO interventions aimed to update or develop a legal or strategic framework for land reform, land consolidation, land registration and certification and land distribution<sup>113</sup>. TCPs in Lithuania, Serbia and China have contributed to policy development by piloting models for land consolidation, registration or certification. In India, projects took account of findings of research conducted by FAO that highlighted the link between land tenure and poverty.

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<sup>107</sup> Final Evaluation of FAO-Norway Programme Cooperation Agreement (PCA)

<sup>108</sup> Final evaluation of GCP /MOZ/081/NET

<sup>109</sup> Evaluation of FAO cooperation in Tajikistan.

<sup>110</sup> Evaluation of FAO cooperation in Tajikistan and Evaluation of FAO cooperation in Sudan.

<sup>111</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>112</sup> Idem

<sup>113</sup> Corporate Evaluations of FAO's Effectiveness at Country Level: A Synthesis of Country Evaluations: Post Conflict and Transition Countries: DR Congo, Sudan and Tajikistan and of FAO's Effectiveness at Country Level: A Synthesis of Evaluations in Large, Rapidly-Developing Countries (India and Brazil). Evaluations of FAO cooperation in India, Tajikistan, Sudan and Honduras. Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

- iv. *Lack of capacity to implement land related legislation.* Two projects in Mozambique<sup>114</sup> focused on capacity development by providing training to paralegals and district officers through the strengthening of a local organisation (the Centre for Legal and Judicial Training), and brought together different stakeholder groups with responsibility and interest in the implementation of this legislation<sup>115</sup>.
  - v. *Lack of information for land use planning in a post-conflict context.* A project implemented in Bosnia and Herzegovina filled this gap by modernizing and equipping public institutions aiming to make land use information available for planning<sup>116</sup>.
32. Most evaluations acknowledged that FAO's attention to land tenure problems and constraints was very relevant and timely. The two exceptions were first in Sudan, where FAO's interventions on land reform and governance issues, from 2008 onwards, were not firmly supported by partners<sup>117</sup>. The second was in India, where outputs derived from the regional activities promoted by FAO were found less relevant to the country's needs, although valued by beneficiaries<sup>118</sup>.
33. FAO's normative and operational work on water TRA issues was found to be relevant overall. In particular:
- i. Legal support to the drafting of water legislation was found to be highly relevant, of high technical quality, and well acknowledged and appreciated by partners and recipient organizations. Assistance to planners and managers at the national level was also found to be substantive and relevant<sup>119</sup>.
  - ii. Normative and operational work on water resources management, ranging from groundwater to the interactions between land and water, were found to be highly relevant, because of the knowledge generated on land and water interactions<sup>120</sup>.
  - iii. Two specific projects implemented in India<sup>121</sup> and Tajikistan<sup>122</sup> were also found to be relevant, because of their field level support to participatory approaches and gender mainstreaming in water management<sup>123</sup>.
34. FAO's fisheries TRA-related field work was found to be relevant because it addressed recipient countries needs for the sustainable development of their fisheries and aquaculture sector and the management of coastal fisheries<sup>124</sup>. For example, the project implemented in Uruguay supported the development of a strategic and legal framework, based on a diagnosis of the fisheries sector, thereby enhancing the relevance of the intervention<sup>125</sup>.
35. Finally, the focus of two partnership programmes (FAO/Norway PCA and the FAO/DFID LSP) in addressing TRA issues was found to be relevant. In the former, the component on tenure was found relevant to a wide range of Strategic Objectives within FAO's Strategic Framework. In the

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<sup>114</sup> GCP /MOZ/081/NET "Decentralized Legal Support and Capacity Building to Promote Sustainable Development and Good Governance at Local Level" and GCP/MOZ/096/NET "Promoting the Use of Land and Natural Resources Laws for Equitable Development"

<sup>115</sup> Final Evaluation of GCP /MOZ/081/NET and Mid Term Evaluation of GCP/MOZ/096/NET

<sup>116</sup> Final Evaluation of GCP /BIH/002/ITA "Inventory of Post-War Situation of Land Resources in Bosnia and Herzegovina"

<sup>117</sup> Evaluation of FAO cooperation in Sudan.

<sup>118</sup> Evaluation of FAO cooperation in India.

<sup>119</sup> Corporate Evaluation of FAO's role and work related to water.

<sup>120</sup> Idem.

<sup>121</sup> GCP/IND/175/NET "Andhra Pradesh Farmer-managed Groundwater Systems"

<sup>122</sup> TCP/TAJ/2903 "Participatory Integrated Watershed Management in Upland Areas" (PIWMU)

<sup>123</sup> Evaluations of FAO cooperation in India and Sudan.

<sup>124</sup> Evaluations of FAO cooperation in India and Final Evaluation of UTF/URU/025/URU "Fisheries Management in Uruguay".

<sup>125</sup> Final Evaluation of UTF/URU/025/URU "Fisheries Management in Uruguay".



latter, the sub-programme related to TRA issues was found to be highly relevant for fostering collaboration on TRA normative and operational work among different units within FAO<sup>126</sup>.

### 3.2 Efficiency

36. The inter-sectoral approach adopted by FAO in Sudan and Tajikistan, as well as the smooth collaboration between TCE and the LTT, were identified as strengths of these projects<sup>127</sup>. Collaboration among technical divisions responsible for the Mozambique project<sup>128</sup> was also considered a strength<sup>129</sup>.
37. Continuous coordination and the set up of clear management structures were seen as strengths in both the LSP and the Norway PCA. In the former, the establishment of a Programme Coordination Team (PCT) was judged to have enhanced cross-departmental work; in the latter, a Steering/Oversight Unit had a similar role. Other strengths of these programmes were that core membership was drawn from different sub-programmes and divisions, the team-based approach, consensus-based decision making, direct participation of the donor as a team member and team decision-making power over budget allocation<sup>130</sup>.
38. On the other hand, inconsistent support in Sudan due to shortage of staff in the LTT in HQ and lack of sub regional/in-country expertise were considered as weaknesses affecting the efficiency of FAO TRA work<sup>131</sup>, so also was a short-term perspective of TCE, unsuited to tackling longer-term issues of land governance in Sudan. In Mozambique, the amount of time which technical personnel spent on resolving administrative issues is reported to have been a frequent source of stress<sup>132</sup>.
39. From the LSP experience, even though the PCT was established, it lacked responsibility for overseeing technical work. There was a confusion of roles without clear separation of functions; furthermore, the LSP lacked clarity on accountability and effective leadership to take a higher strategic view and make decisions on divisive issues. A closed membership impeded change. As a result, the initiative did not sufficiently foster cross-sector collaboration and instead led to entrenched sub-programmes, worked more like separate projects<sup>133</sup>.
40. Regarding the projects implemented to support land consolidation activities in Eastern European countries such as Serbia<sup>134</sup> and Lithuania<sup>135</sup>, as well as on land registration and certification in China<sup>136</sup> and land planning use in Bosnia and Herzegovina, they all were assessed as efficient – having had a timely implementation and enjoying the strong support of Government agencies that were relatively well resourced<sup>137</sup>.
41. Efficiency was in general lower when resources and/or commitment from partners were lacking. This was the case in Honduras and Sudan<sup>138</sup>. Delays were attributed to inefficiency of

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<sup>126</sup> Final Evaluations of GCP/INT/803/UK "Improving Support for Enhancing Livelihoods of The Rural Poor" and FAO-Norway Programme Cooperation Agreement 2005-2007

<sup>127</sup> Evaluations of FAO cooperation in Sudan and Tajikistan.

<sup>128</sup> GCP/MOZ/096/NET "Promoting the Use of Land and Natural Resources Laws for Equitable Development"

<sup>129</sup> Mid Term Evaluation of GCP/MOZ/096/NET

<sup>130</sup> Final Evaluation of GCP/INT/803/UK "Improving Support for Enhancing Livelihoods of The Rural Poor" and Final Evaluation of FAO-Norway Programme Cooperation Agreement 2005-2007.

<sup>131</sup> Evaluation of FAO cooperation in Sudan.

<sup>132</sup> Mid Term Evaluation of GCP/MOZ/096/NET

<sup>133</sup> Final Evaluation of GCP/INT/803/UK "Improving Support for Enhancing Livelihoods of The Rural Poor"

<sup>134</sup> TCP/YUG/3001 "Support to the preparation of a national land consolidation strategy and a land consolidation pilot"

<sup>135</sup> TCP/LIT/3101 "Support to the preparation of an operational land consolidation system"

<sup>136</sup> TCP/CPR/3107 Rural Land Registration and Certification Piloting - Phase II of TCP/CPR/3008

<sup>137</sup> Final Evaluation of GCP /BIH/002/ITA "Inventory of Post-War Situation of Land Resources in Bosnia and Herzegovina"

<sup>138</sup> Evaluations of FAO cooperation in Honduras and Sudan.

FAO's tools for field project administration and the delays to implement a system of monitoring and evaluation<sup>139</sup>.

### 3.3 Effectiveness, Impact and Sustainability

#### 3.3.1 Land:

42. Overall, FAO interventions on land tenure issues were effective in achieving the expected outputs; however, long-term effects were not always very evident. The effectiveness of technical assistance to increase awareness, build local capacity and pilot new approaches was often more visible than the results of policy advice or institutional development.
- i. *Increasing awareness.* In India, FAO land tenure studies led to increased awareness of the importance of secure land rights to access credits and foster investments<sup>140</sup>. In Mozambique, study tours and workshops were held to raise awareness of public rights, environmental, cultural and historical heritage issues<sup>141</sup>. In Serbia, a project on land consolidation managed to attract the attention of high level authorities (e.g. the President of Serbia)<sup>142</sup>. The ICCARD conference, coordinated by FAO and held in Brazil, was effective in bringing the issues of agrarian reform and rural development back onto the international agenda. Its influence on the current VGs process was also pointed out<sup>143</sup>.
  - ii. *Capacity building.* In Mozambique and Angola, the recipients of training acquired new skills that were put into practice in the resolution of local conflicts over natural resources. In Mozambique, the CFJJ's capacity as a training and research institute, and a respected interpreter of legislation with respect to natural resources matters, was also strengthened<sup>144</sup>. In Tajikistan, FAO work led to the development of local capacity for land reform monitoring by implementing a participatory system which provided reliable information on land rights and the process of farm reorganization under the new land law<sup>145</sup>. In Bosnia and Herzegovina, the training provided led not only improved capacity of the beneficiaries, but also to changes in the approach to land use planning<sup>146</sup>. In Sudan, training of government land surveyors resulted in improvement in the delivery of these services<sup>147</sup>. In Lithuania and Serbia, FAO delivered training, workshops, study tours and methodologies which have led to the development of local capacity to deal with land fragmentation and abandonment issues<sup>148</sup>.
  - iii. *Piloting.* In China, FAO tested models for securing land rights through piloting and validation of land registration and certification approaches<sup>149</sup>. In Honduras, FAO supported the piloting and upscale of non reimbursable financing of land acquisitions for 55 new created rural enterprises<sup>150</sup>.
  - iv. *Policy advice.* In Sudan, FAO advice supported the creation of the Southern Sudan Land Commission (SSLC). FAO also supported the establishment of fora for dialogue on land reform issues in Tajikistan, Mozambique and Sudan<sup>151</sup>. In Lithuania and Serbia,

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<sup>139</sup> Evaluation of FAO cooperation in Honduras.

<sup>140</sup> Evaluation of FAO cooperation in India.

<sup>141</sup> Final Evaluation of GCP /MOZ/081/NET and Mid Term Evaluation of GCP/MOZ/096/NET

<sup>142</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>143</sup> Evaluation of FAO cooperation in Brazil.

<sup>144</sup> Final Evaluation of GCP /MOZ/081/NET and Mid Term Evaluation of GCP/MOZ/096/NET

<sup>145</sup> Evaluation of FAO cooperation in Tajikistan.

<sup>146</sup> Final Evaluation of GCP /BIH/002/ITA "Inventory of Post-War Situation of Land Resources in Bosnia and Herzegovina"

<sup>147</sup> Evaluation of FAO cooperation in Sudan.

<sup>148</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>149</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>150</sup> Evaluation of FAO cooperation in Honduras and Annex 3 Impact Evaluation of Capitalization processes in PACTA.

<sup>151</sup> Corporate evaluation of FAO's Effectiveness at Country Level: A Synthesis of Country Evaluations Post Conflict and Transition Countries: DR Congo, Sudan and Tajikistan and evaluation of FAO cooperation in Sudan.

FAO contributed to the development of land consolidation strategies which are currently being implemented by the relevant Government agencies<sup>152</sup>.

- v. *Institutional development.* In Tajikistan<sup>153</sup> several local partners are now able to provide free legal advisory services on land rights. These interventions have helped women to participate in the farm reorganization process; with the creation of a gender component within the Land Reform Working Group (LRWG); and developed capacities to monitor the distribution of agricultural land to rural women<sup>154</sup>. In Mozambique, through the strengthening of local organisations such as the CFJJ and the training of paralegals, district judges, prosecutors and District Administrators, the balance of power between community members and external applicants for land is expected to improve and lead to greater tenure security of the poor<sup>155</sup>.

43. Issues affecting the long term effectiveness and sustainability of FAO work on land include:

- i. *Lack of financial support from Government to ensure service delivery.* This is the case in Mozambique, where this threatens continuation in the provision of training to paralegals and district officials, and underlines the Government's lack of commitment to ensure that citizens have equal access to the rule of law in relation to natural resources legislation<sup>156</sup>. In Sudan, lack of follow up by the Government together with a reduced interest of donors and development partners (including FAO itself) affected the sustainability of the outputs achieved by the FAO Land Programme<sup>157</sup>.
- ii. *Unclear exit strategies.* In Bosnia and Herzegovina it was found that the complexity of the institutional arrangements in the country, including a fragmentation of the responsibilities and tasks on land planning among governmental agencies, was a threat for the sustainability of the results achieved by the project<sup>158</sup>. In Serbia, although the effectiveness of the project was very high, its impact was constrained by the lack of measures in place to address other shortcomings like the lack of adequate procedures to implement the land consolidation strategy<sup>159</sup>.
- iii. *Weak communication/buy in among project participants.* This is the case of PACTA in Honduras, where despite the impact achieved by the project in supporting access to land, it was found that the beneficiaries didn't perceive that the acquired land was their own property. This was attributed to the weak communication between the beneficiaries and the financial institutions participating in the programme, which generated confusion on the legality of land acquired by the beneficiaries with the programme funding<sup>160</sup>.

### 3.3.2 Water:

44. The evaluation of FAO work related to water found that knowledge on the interaction between land tenure and water rights was generated, suggesting effectiveness of FAO normative work on these matters. There was also a high appreciation of FAO assistance on water legislation:

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<sup>152</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>153</sup> Evaluation of FAO cooperation in Tajikistan.

<sup>154</sup> Evaluation of FAO cooperation in Tajikistan and Corporate Evaluation of FAO's role and work related to Gender and Development.

<sup>155</sup> Final Evaluation of GCP /MOZ/081/NET and Mid Term Evaluation of GCP/MOZ/096/NET

<sup>156</sup> Final Evaluation of GCP /MOZ/081/NET and Mid Term Evaluation of GCP/MOZ/096/NET

<sup>157</sup> Evaluation of FAO cooperation in Sudan.

<sup>158</sup> Final Evaluation of GCP /BIH/002/ITA "Inventory of Post-War Situation of Land Resources in Bosnia and Herzegovina"

<sup>159</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>160</sup> Evaluation of FAO cooperation in Honduras.

FAO was described as a “unique” provider in the wider scenario of international organizations working in the water sector<sup>161</sup>.

45. Field projects on water management in India<sup>162</sup> and Tajikistan<sup>163</sup> successfully promoted community mobilisation for efficient water management. Beneficiaries, using the decision making tools designed by the projects, were found to make better, informed, decisions for the use of ground water. Strong involvement of women was acknowledged as an important achievement of these projects and also as a driver of their success<sup>164</sup>.
46. Effectiveness and sustainability of outputs achieved: In India, interest from the World Bank in the FAO projects was identified as a positive factor which could help up-scaling the model of participatory water management of groundwater in other Indian regions. On the other hand, two negative factors affecting the impact and sustainability of project achievements were in Tajikistan, the Government’s unwillingness to replicate the FAO model in other locations, and in India, the lack of political will to tackle important governance issues such as river basin management and water governance<sup>165</sup>.

### 3.3.3 Forestry:

47. The PCA evaluation found that FAO produced several case studies that were assessed as useful in contributing to FAO’s work in other areas where tenure could play an important role in management (e.g. fire prevention and illegal logging)<sup>166</sup>. Similarly, knowledge on forestry tenure and poverty linkages was jointly generated (by three divisions in the Forestry department) in the Forestry Outlook Study for West and Central Asia (FOWECA) under the umbrella of the LSP<sup>167</sup>.
48. In the Democratic Republic of Congo, FAO supported the elaboration of a new legislative framework for the forestry sector<sup>168</sup>. In Sudan, FAO advice provided through the National Forestry Programme led to changes in attitudes at all levels of decision-making<sup>169</sup>. In Honduras, FAO supported the establishment of a negotiating table for the elaboration of legislation for the Forestry sector<sup>170</sup>.
49. Some factors that limited the effectiveness and sustainability of FAO forestry TRA interventions were: limited mainstreaming of tenure issues within the Forestry Department; lack of country focus for incorporating tenure issues into policy advice<sup>171</sup>; and poor follow up to ensure policy implementation of the results emerging from the FOWECA within the LSP<sup>172</sup> and the FAO National Forestry Programme in Sudan<sup>173</sup>.

### 3.3.4 Fisheries:

50. FAO supported the development of fisheries and aquaculture laws in Honduras<sup>174</sup> and Uruguay<sup>175</sup>. In the case of Uruguay, the effective application of the new law was considered to

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<sup>161</sup> Corporate Evaluation of FAO's role and work related to water.

<sup>162</sup> GCP/IND/175/NET “Andhra Pradesh Farmer-managed Groundwater Systems”

<sup>163</sup> TCP/TAJ/2903 “Participatory Integrated Watershed Management in Upland Areas” (PIWMU)

<sup>164</sup> Evaluations of FAO cooperation in India and Tajikistan.

<sup>165</sup> Idem.

<sup>166</sup> Final Evaluation of FAO-Norway Programme Cooperation Agreement 2005-2007

<sup>167</sup> Final Evaluation of GCP/INT/803/UK “Improving Support for Enhancing Livelihoods of The Rural Poor”

<sup>168</sup> Corporate evaluation of FAO’s Effectiveness at Country Level: A Synthesis of Country Evaluations Post Conflict and Transition Countries: DR Congo, Sudan and Tajikistan.

<sup>169</sup> Evaluation of FAO cooperation in Sudan.

<sup>170</sup> Evaluation of FAO cooperation in Honduras.

<sup>171</sup> Final Evaluation of FAO-Norway Programme Cooperation Agreement 2005-2007

<sup>172</sup> Final Evaluation of GCP/INT/803/UK “Improving Support for Enhancing Livelihoods of The Rural Poor”

<sup>173</sup> Evaluation of FAO cooperation in Sudan.

<sup>174</sup> Evaluation of FAO cooperation in Honduras.

<sup>175</sup> Final Evaluation of UTF/URU/025/URU.

be poor, since important stakeholders from the private sector and fisheries organizations were not strong supporters<sup>176</sup>.

51. The FAO Code of Conduct for Responsible Fisheries was used as a reference for the development of the fisheries law in Honduras<sup>177</sup>. In India, *"certainly, the Code has had an impact on the thinking and discourses of both government and NGOs, although it appears difficult to identify specific cause-effect links and impacts from the Code of Conduct into Indian fishing policy and practices"*<sup>178</sup>.

### 3.3.5 Gender

52. The evaluation of FAO work on Gender found that even though there is a limited amount of resources assigned to gender-related projects in the Organisation overall, outcomes in terms of women's empowerment and progress on gender equality were achieved notably in the areas of land tenure and water resources management<sup>179</sup>. In the Lusophone countries and Tajikistan, the Gender and Land Rights database and the SEAGA training related to access to land and water had reportedly supported women's empowerment and access to resources<sup>180</sup>.

## **4. Organizational Arrangements**

53. Two FAO projects funded by Norway (PCA) and DFID (LSP) aimed at fostering collaboration among FAO divisions. In the case of the PCA with Norway, it was effective in building capacity within FAO to respond to member countries' requests and enhance FAO ability to work at country level (e.g. Sudan). The component on tenure issues was successful in achieving inter-departmental work through the set up of an informal Priority Area for Interdisciplinary Action (PAIA). Work carried out within this component also helped to build a considerable body of knowledge on a range of resources and for different communities with a strong emphasis on marginalised groups including women, orphans and pastoralists<sup>181</sup>. In the case of the LSP, it was also effective in promoting sectoral work across divisions within FAO, and producing work on access to natural resources and livelihoods by the poor. This was achieved through the joint conduct of workshops and development of Working Papers and Briefing Notes<sup>182</sup>.
54. The evaluations of these initiatives drew lessons about factors constraining the long term effects of the projects. The PCA, for example, did little work to directly support and build capacity to mainstream tenure into national policies. Similarly, although an excellent series of desk reviews and case studies of the legal rights of orphaned children's property and inheritance rights was developed for selected African countries, the results of these studies and the related workshops that were held have not been integrated into national policy agendas, limiting its impacts<sup>183</sup>. On the other hand, from the LSP, time constraints of the staff selected to participate as convenors of the working papers, the poor targeting of the materials, and the failure to effectively communicate a more coherent and strategic set of lessons from all the knowledge produced lessened the impact of this initiative. Furthermore, the LSP experience clearly demonstrates the significant amount of time needed to influence policy, institutional, and generate behavioural change in key stakeholders and in FAO itself<sup>184</sup>.

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<sup>176</sup> Idem.

<sup>177</sup> Evaluation of FAO cooperation in Honduras.

<sup>178</sup> Evaluation of FAO cooperation in India.

<sup>179</sup> Corporate Evaluation of FAO's role and work related to Gender and Development.

<sup>180</sup> Corporate Evaluation of FAO's role and work on Gender and Development and Evaluation of FAO cooperation in Tajikistan.

<sup>181</sup> Final Evaluation of FAO-Norway Programme Cooperation Agreement 2005-2007

<sup>182</sup> Final Evaluation of GCP/INT/803/UK "Improving Support for Enhancing Livelihoods of The Rural Poor"

<sup>183</sup> Final Evaluation of FAO-Norway Programme Cooperation Agreement 2005-2007

<sup>184</sup> Final Evaluation of GCP/INT/803/UK "Improving Support for Enhancing Livelihoods of The Rural Poor"

## 5. Coordination and Partnerships

55. FAO work on TRA issues was often conducted in collaboration with partners, ranging from international organisations such as the World Bank, UN Agencies, donors and other external stakeholders such as international and local NGOs, research centres and CSOs.
56. The World Bank (WB) was pointed out as a major partner of FAO work in land access in Honduras<sup>185</sup> and China<sup>186</sup>. FAO provided technical support for the supervision of the implementation of the WB-funded PACTA project to finance land acquisition in Honduras<sup>187</sup>. FAO also supported one of the components of a WB-project on land reform policy in China, in which the results of the TCP were up-scaled<sup>188</sup>.
57. FAO has developed partnerships with several UN Agencies in order to perform its activities in the field. For instance:
- i. UNIFEM has collaborated with FAO projects in Tajikistan to establish information and legal consultative centres. The centres extended the access of women to legal advice and consultation on farm reorganization and land rights issues<sup>189</sup>.
  - ii. Under the Global Land Tool Network<sup>190</sup> (GLTN) initiative coordinated by UN-HABITAT, FAO contributed to the study 'Gendering Land Tools: Secure Land Rights for All' and to the 'Training Package on Improving Gender Equality and Grassroots Participation through Good Land Governance' published in 2010<sup>191</sup>.
  - iii. IFAD was a resource partner of FAO in India<sup>192</sup> where FAO provided technical assistance on land policy analysis and formulation<sup>193</sup>.
  - iv. UNDP, through its project 'Capacity Building for Sustainable Water Resources Management' (CAPNET)<sup>194</sup>, was referred as a partner of FAO's work on training and capacity development on legal advisory of water rights. FAO has also worked in partnership with other UN Agencies such as UNESCO, UNEP and the GEF on transboundary water issues<sup>195</sup>.
  - v. Other agencies mentioned as FAO partners are UNHCR (on secure access to land, natural resources and housing before and/or upon the return of IDPs and refugees in Sudan)<sup>196</sup> and UNAIDS (on gender issues which fed back into the training materials used by an FAO project in Mozambique)<sup>197</sup>.
58. Several donors have supported FAO work on TRA issues, for example:
- i. The Canadian International Development Agency (CIDA) jointly financed the Rural Land Registration pilot component of a TCP implemented in China<sup>198</sup>. Also CIDA and other donors such as Denmark, Italy, Netherlands and USAID participated in the policy dialogue platform on land issues coordinated by FAO in Sudan<sup>199</sup>.

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<sup>185</sup> Idem.

<sup>186</sup> TCP/CPR/3107 Rural Land Registration and Certification Piloting - Phase II of TCP/CPR/3008

<sup>187</sup> Evaluation of FAO cooperation in Honduras.

<sup>188</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>189</sup> Evaluation of FAO cooperation in Tajikistan.

<sup>190</sup> <http://www.unhabitat.org/categories.asp?catid=503>

<sup>191</sup> Corporate Evaluation of FAO's role and work related to Gender and Development.

<sup>192</sup> GCP/RAS/214/IFA Pro-Poor Policy Formulation, Dialogue and Implementation at the Country Level

<sup>193</sup> Evaluation of FAO cooperation in India.

<sup>194</sup> <http://www.cap-net.org/>

<sup>195</sup> Corporate Evaluation of FAO's role and work related to water.

<sup>196</sup> Evaluation of FAO cooperation in Sudan.

<sup>197</sup> Final Evaluation of GCP /MOZ/081/NET

<sup>198</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>199</sup> Evaluation of FAO cooperation in Sudan.

- ii. The UK Department for International Development (DFID) was a resource partner of FAO specifically under the umbrella of the Livelihood Support Programme and its Sub Programme 3.1 *Improving poor people's access to natural resources*. Although LSP partnerships with IFAD and WFP were created, there were some barriers for genuine inter-agency collaborative work because of limited incentives for FAO staff to engage in such joint work<sup>200</sup>.
- iii. Norway supported the PCA aiming to support FAO reform, and within this partnership Component A.1.2 "Sustainable rural livelihoods and more equitable access to resources: Support to member countries and the High Level Commission for the Empowerment of the Poor" was expected to promote secure access to land and other natural resources for improving food security, alleviating poverty and improving rural development. Within this partnership FAO collaborated with UN-Habitat in the tenure component and also managed to leverage resources from the World Bank<sup>201</sup>.
- iv. Brazil is not only a recipient of FAO technical assistance, but also a partner generating a triangular cooperation. FAO has recruited several Brazilian experts (Government staff and EMBRAPA researchers) to work in other countries, mostly Lusophone and Latin American, in areas that include forestry and land tenure<sup>202</sup>.

59. Other stakeholders that have collaborated with FAO include:

- i. International NGOs and CSOs like German Agro-Action (GAA), which supported FAO work on upland water management in Tajikistan<sup>203</sup>, and the International Development Law Organisation (IDLO)<sup>204</sup>, which has a global partnership with FAO to provide training and capacity development on legal advisory of water rights<sup>205</sup>. Local NGOs were also active partners in Tajikistan, Mozambique and Sudan<sup>206</sup>.
- ii. Intergovernmental regional organisations like the African Union, which was a partner/beneficiary of a FAO TCP to follow up on the ICARRD Conference in Africa and to draft a Land Policy Framework and Guidelines for Africa<sup>207</sup>.
- iii. Universities and international research centres, such as: the Centre for Legal and Judicial Training in Mozambique<sup>208</sup>; Universities of Ahfad, Bahr El Gazal, El Fasher, and Khartoum in Sudan<sup>209</sup>; the Rural Development Institute in India which did research on landless access to land and poverty<sup>210</sup>; the Agro-Pedology Institute in Sarajevo, the Agricultural Institute of the University of Banja Luka, and the Agro-Mediterranean Institute of the University of Mostar through with FAO implemented capacity building activities in Bosnia and Herzegovina on land use planning<sup>211</sup>; and the Agricultural University of China for implementing a pilot on land registration and certification<sup>212</sup>.
- iv. Under the umbrella of the LSP's TRA component, FAO developed a partnership with the Regional Community Forestry Training Centre (RECOFTC) in Thailand and with the

<sup>200</sup> Final Evaluation of GCP/INT/803/UK "Improving Support for Enhancing Livelihoods of The Rural Poor" and Evaluation of FAO cooperation in India.

<sup>201</sup> Final Evaluation of FAO-Norway Programme Cooperation Agreement 2005-2007

<sup>202</sup> Evaluation of FAO cooperation in Brazil.

<sup>203</sup> Evaluation of FAO cooperation in Tajikistan.

<sup>204</sup> <http://www.idlo.int/english/Pages/Home.aspx>

<sup>205</sup> Corporate Evaluation of FAO's role and work related to water.

<sup>206</sup> FAO's Effectiveness at Country Level: A Synthesis of Country Evaluations: Post Conflict and Transition Countries: DR Congo, Sudan and Tajikistan and Evaluation of FAO cooperation in Tajikistan.

<sup>207</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>208</sup> Final Evaluation of GCP /MOZ/081/NET and Mid Term Evaluation of GCP/MOZ/096/NET

<sup>209</sup> Evaluation of FAO cooperation in Sudan.

<sup>210</sup> Evaluation of FAO cooperation in India.

<sup>211</sup> Final Evaluation of GCP /BIH/002/ITA "Inventory of Post-War Situation of Land Resources in Bosnia and Herzegovina"

<sup>212</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

International Institute for Environment and Development (IIED) in the UK<sup>213</sup>. The partnership with IIED has been further developed with joint publication of work on large scale land acquisitions Africa.<sup>214</sup>

## 6. Comparative Advantage of FAO

60. FAO is well recognized because of its role as a neutral forum for dialogue. FAO work in TRA issues is not an exception; most of the evaluations highlighted FAO's capacity and comparative advantage over other UN agencies to deploy technical experts and liaise with different actors, to solve or address controversial and sensitive TRA.
61. In the field of land reform issues, this comparative advantage was noted in countries such as Tajikistan and Sudan, where the organization led the establishment of fora for discussion among government, CSOs, donors and other stakeholders on land reform issues within interdisciplinary and inter-sectoral working groups<sup>215</sup>. Also in countries such as Lithuania, Serbia and China, FAO took advantage of this capacity to support the development of a national strategy for land consolidation. The African Union also recognized this comparative advantage of FAO by requesting its assistance to conduct sub regional consultations to develop its land policy framework and guidelines with a strong participation of NGOs and CSOs<sup>216</sup>.
62. Evidence found in Uruguay points to the same capacity to convene stakeholders from the private sector, the government, fisherfolk organisations and civil society around a negotiating table to support the development of the new legal framework for fisheries and aquaculture<sup>217</sup>.
63. FAO international experience, as well as its capacity as a repository of knowledge on land issues was also identified as a comparative advantage. Specifically in Honduras, FAO's TRA experience was highly regarded in its work supporting PACTA project<sup>218</sup>. Also, in Bosnia and Herzegovina, FAO is recognized as a source of information on land issues for students, government agencies, donors and other audiences<sup>219</sup>.
64. Similarly, FAOs role in the development of thinking on the interaction between land and water is recognized in its contribution to forums on water issues (e.g. 1992 Rio Summit, developing the land chapter for Agenda 21, contributing knowledge of best land and water practices through the Land Declaration Assessment Program). Synergies and complementarity between Land and Water (in the former institutional arrangement that saw the land tenure team to be part of the FAO Land and Water division) was also identified as a unique arrangement among UN agencies to address the spectrum of inter-related land and water issues<sup>220</sup>.
65. FAO is seen as the only organization with an explicit mandate for global and country level work on the interface between food security and TRA-related water and land issues, combined with the political mandate of the UN to address these issues on behalf of its Member Countries.

## 7. Future priorities for FAO work on TRA

### 7.1 At country level

66. Focus at the country level is required to support the VG implementation process that is expected to address the issue of secure rights and access to land and natural resources<sup>221</sup>. In

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<sup>213</sup> Final Evaluation of GCP/INT/803/UK "Improving Support for Enhancing Livelihoods of The Rural Poor"

<sup>214</sup> <http://www.fao.org/docrep/012/al297e/al297e00.pdf> and <ftp://ftp.fao.org/docrep/fao/011/ak241e/ak241e.pdf>

<sup>215</sup> Evaluations of FAO cooperation in Sudan and Tajikistan.

<sup>216</sup> Desk review conducted by the evaluation team of TCP projects related to TRA of land and other natural resources

<sup>217</sup> Final Evaluation of UTF/URU/025/URU.

<sup>218</sup> Evaluation of FAO cooperation in Honduras.

<sup>219</sup> Final Evaluation of GCP /BIH/002/ITA "Inventory of Post-War Situation of Land Resources in Bosnia and Herzegovina"

<sup>220</sup> Corporate Evaluation of FAO's role and work related to water.

<sup>221</sup> Final Evaluation of FAO-Norway Programme Cooperation Agreement 2005-2007



this sense, lessons emerging from the LSP indicate that in order to enhance collaboration within FAO the following set of factors are needed: a strong set of key actors with credibility and political power in FAO (preferably at senior management level) who would know how to use and apply their political clout across the organisation to attract other powerful actors to become engaged in fostering the priorities issues at senior management team level, to build external links and contacts with similar initiatives and to tap into other extra-budgetary funding<sup>222</sup>.

67. Also, FAO should continue to increase its efforts to facilitate dialogue on land reform between Government, donors and civil society in Tajikistan, Sudan and India. In particular in India, FAO should pursue a stronger advocacy role on land tenure issues, facilitating national debate and awareness<sup>223</sup>.
68. FAO should also develop a coherent plan and a coordinated strategy to assist countries such as Mozambique and Sudan on TRA issues<sup>224</sup>. From the evidence obtained it was pointed out that FAO would be in a stronger position by following this recommendation and from continuously using previous experiences to feed into national country frameworks on land use and tenure.
69. In post-conflict contexts, efforts should focus on better understanding the causes of conflicts related to land and other natural resource governance and seeking opportunities for the resolution of disputes and of all forms of discrimination in tenure rights and access to land and other natural resources<sup>225</sup>.
70. Other specific recommendations include better monitoring of land use, given the importance of animal production and pastureland management in Sudan and Bosnia and Herzegovina<sup>226</sup>; addressing the vulnerability of land rights in Mozambique<sup>227</sup>; supporting the implementation of the land policy and legislation in Tajikistan and Southern Sudan<sup>228</sup> and land concentration in Serbia and Lithuania, etc.

## 7.2 At global level

71. From a strategic point of view, FAO should define a mission statement for its work on water and land, centred on food security, considering that this is the Organisation's mandate and prime objective. From an instrumental perspective FAO should strengthen the capacity at HQ, specifically in NRL, on ground water management, water harvesting and water statistics; and should maintain the performance and credibility of LEGN by strengthening its human resources in the water sector<sup>229</sup>.
72. FAO should increase its focus on the production and targeted dissemination of knowledge, including investing in the dissemination of knowledge and experience on land reform and land tenure reform issues generated by the LSP and the PCA<sup>230</sup>.
73. Analysis of land tenure systems as a supply restriction for economic development after agricultural sector liberalization was defined as a relevant topic to address within trade and development initiatives<sup>231</sup>.

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<sup>222</sup> Final Evaluation of GCP/INT/803/UK "Improving Support for Enhancing Livelihoods of The Rural Poor"

<sup>223</sup> Evaluations of FAO cooperation in India, Sudan and Tajikistan.

<sup>224</sup> Evaluation of FAO cooperation in Sudan and Final Evaluation of GCP /MOZ/081/NET.

<sup>225</sup> Corporate evaluation of FAO's Effectiveness at Country Level: A Synthesis of Country Evaluations Post Conflict and Transition Countries: DR Congo, Sudan and Tajikistan and Evaluation of FAO cooperation in Sudan.

<sup>226</sup> Final Evaluation of GCP /BIH/002/ITA "Inventory of Post-War Situation of Land Resources in Bosnia and Herzegovina"

<sup>227</sup> Final Evaluation of GCP /MOZ/081/NET and Mid Term Evaluation of GCP/MOZ/096/NET

<sup>228</sup> Evaluation of FAO cooperation in Sudan and Tajikistan.

<sup>229</sup> Corporate Evaluation of FAO's role and work related to water.

<sup>230</sup> Final Evaluation of GCP/INT/803/UK "Improving Support for Enhancing Livelihoods of The Rural Poor"

<sup>231</sup> Corporate Evaluation of FAO's work in Commodities and Trade"

74. In the area of Gender and land reform a partnership that could foster the comparative advantage of the organization is the one between ESW and UN Women, that could focus its efforts in the areas of land rights and food security and nutrition mapping, to develop indicators and clear results to show impacts on women, for example, in the Gender and Land Rights database<sup>232</sup>.

### **7.3 Water<sup>233</sup>**

75. Refinement of best practices to address the linkages between land and water rights and access, based on learned lessons from field experiences.
76. Strengthen capacity on regional water policies, to match the request of the member countries.
77. Establish capacity on Forest and Water and Watershed management in Central Asia, and address river basin management, and water governance in India.
78. Maintain engagement in the area of transboundary management of water resources and local water management institutions.

### **7.4 Forestry**

79. Future areas of priority were identified as: a stronger focus on the implementation in countries of initiatives like the FAO Norway PCA component of forestry<sup>234</sup>; the need to identify during the design of projects the gaps or provisions that favour women's access to land rights and will benefit both women and men without interfering with other existing rights<sup>235</sup>; and finally, in Honduras specifically, the need to follow up and provide financial support to facilitate transition to a new legal framework after the project ends<sup>236</sup>.

### **7.5 Fisheries**

80. With respect to Fisheries TRA work, there were no major recommendations. Specific actions suggested in the evaluations reviewed include:
- i. Engagement at the country level to support the establishment of more secure property rights regimes, especially for marginalised groups and environmentally fragile resources<sup>237</sup>.
  - ii. Maintain and strengthen the Fisheries Table as a space for discussion between different stakeholders by improving the way the different point of views are taken into account during the process of decision making in Uruguay<sup>238</sup>.
  - iii. Dissemination, promotion and support to the implementation of the Code of Conduct for responsible Fisheries in Honduras and India<sup>239</sup>.
  - iv. Address small scale fisheries policy and management in the Central American region in collaboration with Central American Isthmus Organization for Fisheries and Aquaculture Sector (OPESCA) and inshore fisheries management in India<sup>240</sup>.

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<sup>232</sup> Corporate Evaluation of FAO's role and work related to Gender and Development.

<sup>233</sup> Corporate Evaluation of FAO's role and work related to water and Evaluation of FAO Cooperation in India.

<sup>234</sup> Final Evaluation of FAO-Norway Programme Cooperation Agreement 2005-2007

<sup>235</sup> Corporate Evaluation of FAO's role and work related to Gender and Development.

<sup>236</sup> Evaluation of FAO cooperation in Honduras.

<sup>237</sup> Final Evaluation of FAO-Norway Programme Cooperation Agreement 2005-2007

<sup>238</sup> Final Evaluation of UTF/URU/025/URU.

<sup>239</sup> Evaluations of FAO cooperation in Honduras and India.

<sup>240</sup> Idem.

## ***Annex 6: Review of field operations in selected countries***

### **1. *Serbia***

TCP/YUG/3001 “Support to the preparation of a national land consolidation strategy and a land consolidation pilot in Serbia”; Start date: March 2006; End date: November 2007; Budget US\$ 160,869

#### **1.1 *Relevance and coherence of project design***

The overall objective of the project was to contribute to sustainable rural and agricultural development in Serbia through the longer-term improvements to rural land tenure arrangements. The specific objectives of the project were:

- Develop a national strategy to guide future actions regarding land consolidation.
- Increase capacity to design and implement modern land consolidation projects.

In order to achieve its overall and specific objectives, the project design considered the implementation of the following components/outputs:

- Preparation of a proposal for a national strategy for land consolidation.
- Design and implementation of a small land consolidation pilot component.
- Capacity building in land consolidation.

The project was found relevant given that following the collapse of the Socialist Federal Republic of Yugoslavia Serbia had seen a continuous process of land fragmentation (at the time of project design about 70% of Serbian farms were smaller than five hectares and were subsistence oriented). The project thus aimed at producing long term improvements to rural land tenure arrangements through land consolidation. Another important contribution of the project was to support the future incorporation of the country into the European Union (EU) through the development of legal frameworks harmonized to those of the EU.

Project design was found to be coherent, with a clear cause-effect relationship between the specific objectives and its three components/outputs. For example, the preparation of a draft strategy on land consolidation (first component) was expected to lead to discussions about possible models of land consolidation to be implemented in the country (first specific objective). Likewise, the second and third components of the project were conceived as inputs to increase the capacity for designing and implementing land consolidation projects (second specific objective).

However, it was noted that the overall objective was overly ambitious. Given Serbia’s context, the project size and planned interventions, the project would at best have been able to make inputs for the future implementation of a national programme on land consolidation. The improvement of rural land tenure arrangements was not just dependent on the adoption of a land consolidation strategy and improving land consolidation project management skills, but rather on the establishment of a comprehensive policy, institutions and human capacity to deal with land tenure reform.

#### **1.2 *Efficiency of project implementation***

The Department of Agriculture Resources of the Ministry of Agriculture, Forestry and Water Management was designated as Government counterpart. A FAO project office was set-up in Belgrade to support project implementation. Five national consultants (specialists in land consolidation, land administration projects; land administration strategies; legal aspects; spatial planning; and geographic information systems) were recruited. They were backstopped by an international land consolidation consultant and three FAO officers from HQ (land registration/cadastre, legal and policy) and REU (land tenure). The project also provided supplies and equipment, administrative support, official travel, training, including a study tour, and covered general as well as direct operating expenses.

The project was expected to run from December 2005 till June 2007. At the end it was implemented between March 2006 and November 2007. The project effectively started with the first mission of the Lead Technical Officer from HQ, which was synchronised with the launching workshop at the end of March 2006. Another reason for the delay was that the land consolidation pilot (a key project component) was planned for the beginning of January 2007, but at the end it started in March 2007 in order to give the national project consultants and the Ministry counterparts' sufficient time to prepare the national strategy on land consolidation. In spite of these delays, however, the project delivered all its expected outputs (see below) in an efficient manner.

### 1.3 *Outputs and outcomes*

The project delivered the following outputs:

- A draft national strategy for land consolidation was prepared following a consultative approach. The draft strategy was based on a review of past land reforms in Serbia, land consolidation activities, the current legislative framework and organizational structure of the public and private sectors, and the key issues associated with land consolidation.
- A pilot community area development plan supported by the local municipality and with specific proposals for land use changes was developed.
- Five training workshops on approaches to land consolidation were held and a study tour was organized to learn about land consolidation activities in Denmark for selected government staff and national consultants.

The project terminal statement noted that following the preparation of the national strategy for land consolidation, three land consolidation models were proposed and the project team provided some recommendations for organizational arrangements to implement these models. This included the establishment of the Directorate for Agricultural Lands (within the Ministry of Agriculture, Forestry and Water Management); legislative amendments to reduce land fragmentation; and the provision of land banks. Also, the project developed and tested approaches for land consolidation and identified key issues to take into account for future initiatives. Finally, the engagement of Government and local staff in various training activities resulted in increased capacity to deal with land consolidation issues. The above indicates that the short-term effects of the project were indeed very positive.

### 1.4 *Follow-up, sustainability and possible impact*

The terminal statement included some recommendations to ensure the sustainability and maximize the impact of the project results:

- That the national land consolidation strategy be adopted by the Government;

- That further experience in land consolidation be obtained through the implementation of work, for example, as requested by Vršac Municipality; and,
- That education in land consolidation be introduced in relevant university undergraduate degrees and short courses should be introduced for professionals who have already graduated, to allow them to be licensed to carry out land consolidation work in communities.

Almost four years after the project end, it was noted that several follow-up actions had effectively taken place. By mid-2010 the national land consolidation strategy was adopted; seven land consolidation projects (for over 12,500 ha) were in the process of being implemented; and a new master programme in land law and economy had been launched.

Discussions with Serbian Authorities from the Directorate for Agricultural Lands as well as papers presented to FAO meetings<sup>241</sup>, however, indicate that although the project was very successful in delivering high-quality outputs and had noticeable short term effects, a great number of constraints not tackled by the project were still major impediments for the achievement of the project's long-term goal of "improving rural land tenure arrangements". It is thus concluded that although follow-up and sustainability of project results was very high, the project impact was constrained by the lack of measures in place to address other shortcomings affecting rural land tenure arrangements in Serbia.

## **2. Lithuania**

*TCP/LIT/3101 "Support to the Preparation of an Operational Land Consolidation System";* Start date: April 2006; End date: October 2007; Budget US\$ 180,256

### **2.1 Relevance and coherence of project design**

The overall objective of the project was "to contribute to a viable and sustainable agriculture structure and strengthen rural and regional development through the development of an operational land consolidation system in Lithuania". The project's specific objectives were:

- An improved legal, organizational and technical framework for land consolidation for different types of land (agricultural, forest);
- A national strategy to guide a national land consolidation programme;
- Improved knowledge of land consolidation projects for project designers and selected stakeholders in government, communities and the private sector;
- Improved ability to access EU structural funds for land consolidation projects.

In order to achieve its overall and specific objectives, the project had two components:

- Preparation of a land consolidation strategy to support rural development
- Capacity building in land consolidation

The project was considered relevant as it addressed the problem of land fragmentation and abandonment of agricultural land, which as in several other former Communist countries was affecting the efficiency of the agricultural sector. At the time of project design the land consolidation strategy was also seen as an input to the implementation of the recently-approved land policy, and

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<sup>241</sup> Regional Workshops on Land Tenure and Land Consolidation, June 2010 & June 2011.

the project was expected to train Government staff on how to access EU structural funds for land consolidation.

Project design was found to be coherent with a clear cause-effect relationship between the specific objectives and its two components. For instance, the first component of the project, the preparation of a strategy on land consolidation, was clearly related to the first and second specific objectives (improved framework and strategy for land consolidation). Furthermore, the second component of the project, capacity building was linked to the achievement of the third and fourth specific objectives (improved land consolidation project management and resource mobilization skills).

It was noted that the overall objective was slightly ambitious though. Given the Lithuanian context, the project's planned interventions and size, the project was certainly in a position to make important inputs for the development of a national programme on land consolidation.

## *2.2 Efficiency of project implementation*

The National Land Service of the Ministry of Agriculture was designated the government counterpart agency responsible for project implementation. The local UNDP office provided administrative and logistical support (mainly for contractual matters). Five national consultants were recruited (specialists in land administration, legal aspects, forestry, EU structural funds and rural development, and public awareness) and a local contract was signed for capacity building activities. The local consultants were backstopped by an international specialist on land consolidation and three FAO officers from HQ (land registration/cadastral and legal) and REU (forestry). Further inputs were supplies and equipment, administrative support, official travel, training, including a study tour, and general as well as direct operating expenses.

The project was expected to run from January 2006 to March 2007. It was finally implemented with a slight delay (from March 2006 to November 2007), which was necessary to allow for appropriate consultation on the draft Strategy. The project budget was originally US\$ 241,000, but was eventually reduced to about US\$ 180,000. In the absence of a local FAO office, the high degree of Government involvement, judged by their participation in the project steering committee (composed by senior representatives from the National Land Service, Ministry of Agriculture, Ministry of Environment, Ministry of Transport and Communications, county government administration, and Association of Lithuanian Municipalities) and the ad-hoc technical working group (comprising representatives from the National Land Service, Ministry of Agriculture, Ministry of Environment, Ministry of Transport and Communications, and National Paying Agency), was key for delivering the expected outputs (see below) in an efficient manner.

## *2.3 Outputs and outcomes*

The project achieved the following outputs:

- a) A draft national land consolidation strategy was prepared.
- b) A strategy for a public awareness campaign for land consolidation projects was prepared, together with informative material on land consolidation for different audiences.
- c) Two manuals for the design of land consolidation projects and mobilization of EU structural funds for land consolidation were prepared.
- d) Five workshops and study tours to Denmark, Austria and Slovenia were organized.

The preparation of the National land consolidation strategy reportedly benefited from the institutional and technical linkages created through the Project Steering Committee and the ad-hoc technical group. The support of the EU-funded INTERREG III C programme project FARLAND: "Future

Approaches to Land Development” (June 2005 – December 2007) was also instrumental to its eventual approval (see below).

#### 2.4 *Follow-up, sustainability and possible impact*

The terminal statement included some recommendations to ensure the sustainability and maximize the impact of the project results:

- The national land consolidation strategy be adopted by the Government;
- Amended education programmes on land consolidation be introduced in appropriate universities and schools of higher education (i.e. technical colleges), including undergraduate degree studies;
- Short-term training courses on land consolidation be introduced for practitioners in land consolidation (i.e. planners and relevant administrators); and,
- Public awareness campaigns on the benefits of land consolidation be introduced, in particular for rural communities and individual landowners.

The evaluation team found out that the National Land Consolidation Strategy was in effect adopted by Governmental Resolution No 81 of the 23rd of January, 2008. Short-term training courses on land use and tenure are now conducted by the Land Management Department of the Lithuanian University of Agriculture. The evaluation team got feedback from the Lithuanian Authorities that the Strategy had already been put into practice with Government support. The likely impact of this project is thus considered higher than similar projects and largely due to the strong human and financial involvement of local Authorities since the project outset.

### 3. *China*

*TCP/CPR/3008 & 3107 “Rural Land Registration and Certification Piloting”* Start date: July 2005 End date: March 2009; Budget US\$ 368,000

#### 3.1 *Relevance, clarity and quality of the project design*

This project was expected to develop a sustainable framework for rural land registration and certification in China. The components considered in the project design were:

- Manual for rural land registration and certification.
- Strategy for rural land registration and certification.

The project was found relevant because it addressed the problem of insecure tenure of farmland in the rural sector of China, which had been recognized by the Government of China (GoC) as an important issue to revamp rural livelihoods. The project was conceived as FAO contribution to support the piloting of a model for land registration and certification in the context of the rural sector in China. The project was part of a larger land registration initiative implemented by the World Bank (WB) with financial support from CIDA Canada, aimed to assist the GoC to reform land policy and establish a well-functioning land administration system.

Project design was found to be coherent. Firstly, the components of the project are clearly related to the development of a model for land registration and certification in rural China, which was the overall objective of the project. Secondly, expected collaboration with other initiatives was instrumental to maximize returns from the FAO investment in terms of its contribution to secure, long-term land rights in China.

### 3.2 *Project implementation*

The project was implemented from 2006-2009 by a team of six national specialists supported by two FAO HQ land tenure officers. The National Project Team was hosted by the Centre for Development Policy in China Agricultural University. The project suffered from some delays due to Government ambiguity over the implementation of the 2008 property law which in turn affected the timely implementation of the rural land registration pilot project jointly financed by FAO (through this TCP), the World Bank and CIDA Canada.

### 3.3 *Project results*

In spite of the above, the project reportedly achieved its expected outputs as follows:

- a) The manual for rural and land registration and certification was produced and amended following testing in Anhui province. The manual provides new information on best practices for carrying out systematic registration of rural properties in China.
- b) The rural land registration pilot was successfully conducted in Anhui Province. In the pilot area, the land was surveyed and the contract of land was computerized to secure legal rights. In total 78 farmer households with 787 land parcels got involved into the pilot project. Finally, as an additional output, a prototype software for rural land registration was developed and customized to the Chinese language. Property rights of farmers participating in the pilot in Anhui Province are now secured.
- c) The national strategy for rural land registration was drafted and a workshop was held with the GoC, the WB and FAO to discuss the follow-up to these activities. An initial outcome of these discussions was the agreement to implement a larger rural land registration exercise with the financial support of the GoC and the WB.

### 3.4 *Follow-up, sustainability and possible impact*

As indicated above, the results achieved by the project have been further pursued in the context of a Government initiative, which has also had Technical Assistance (in the form of “Analytical and Advisory” services) from FAO. Key to this follow-up has been the GoC interest in moving forward with a “*land rights registration system in rural areas*”<sup>242</sup> for which it has reportedly allocated RMB 50 million in addition to other donors support<sup>243</sup>.

It is too early (the second pilot finished in June 2011 only) to assess the possible impact of this initiative. Some concerns arising from the first pilot experience may still be relevant for large scale implementation (e.g. discrepancies in land occupancy and land registry information, the need to ensure better collaboration of local farmers, etc). Also, the expansion of the pilot would require the establishment of new “system architecture” that was not developed during the first pilot phase.

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<sup>242</sup> China plans to confirm and register ownership for all of the country's rural collectively-owned land by the end of 2012; see: [http://news.xinhuanet.com/english2010/china/2011-05/13/c\\_13874021.htm](http://news.xinhuanet.com/english2010/china/2011-05/13/c_13874021.htm).

<sup>243</sup> US Trade and Development Agency; see: <http://www.futuregov.asia/articles/2011/jun/20/china-concludes-rural-land-mapping-pilot/#>.



#### **4. Africa (Region-wide)**

*TCP/RAF/3115 "Support to ICARRD follow-up and to the African Land Policy Initiative including regional stakeholders' dialogue"; Start date: February 2008; End date: April 2009; Budget US\$ 433,000*

##### **4.1 Relevance, clarity and quality of the project design**

The project's development objective was to contribute to ensuring security of land rights, increased productivity, secured livelihoods and broad-based economic growth and sustainable development in Africa.

The specific objectives were:

- Increase the capacity of the African Union Commission and its sister institutions (UN Economic Commission for Africa and African Development Bank) to steer and organize the process for the preparation, drafting and implementation of an Africa wide Land Policy Framework and Guidelines including strong participation and contributions from Civil Society Organizations (Regional Farmers' organisations and NGOs) with clear benchmarks for monitoring implementation.
- Enable Civil Society Organizations (CSOs) to prepare and discuss, within a participative process, a well-informed and significant contribution to the land policy framework and guidelines in an effective, coherent and timely manner.

The project was found to be very relevant not just because it addressed a genuinely important topic but also because it provided timely support to the process of developing a land policy framework and guidelines for Africa. The project was also relevant as it allowed FAO to an effective partner in the development process of the land policy framework and guidelines for Africa.

As a follow-up to the ICARRD declaration, the project was also in line with FAO commitment to support the "promotion of national dialogue to develop a policy framework to address land tenure, access and rights problems".

##### **4.2 Project implementation**

The project was implemented from 2008-09 in partnership with the African Union (AU) and the UN Economic Commission for Africa (UNECA) in Addis Ababa. Although the project had a regional coverage, it focused on West and Central Africa where it supported the holding of two workshops in 2008 (a third workshop was held in Ethiopia) and the development of technical networks. It was noted that as part of a wider initiative all the activities carried out through the project including the above workshops were previously discussed with other development partners (such as AU, UNECA, World Bank, IFAD, UNDP, UN-Habitat, European Commission, etc).

The project was backstopped by a land tenure officer from FAO HQ.

##### **4.3 Project results**

Overall, the project achieved the following outputs:

- i. Regional assessments on land policy and land reform resulting from a process involving regional studies and consultations summarizing regional specificities with regard to land policies and land initiatives as well as knowledge and capacity needs.
- ii. Regional consultations (two supported by FAO).

- iii. Regional synthesis documents summarizing key messages and recommendations of each regional consultation.
- iv. One regional workshop of farmers' organizations to strengthen awareness and improve FO's inputs into the regional process of consultation.
- v. Workshop documents summarizing CSOs and farmers' organizations inputs to the regional assessments.
- vi. CSOs members and representatives of farmers' organizations sensitized to the importance of the land policy and reform framework and guidelines and their capacity built to interact with national authorities and the networks created on this matter.

The final document on Land Policy and Land Reform Framework and Guidelines can be considered as the major outcome of the AU led process, with FAO's and others partners' support. Overall, the project reportedly increased the ability of the AU, in collaboration with UNECA and ADB, to steer and organize the preparation and drafting of an Africa-wide Land Policy Framework and Guidelines. Strong participation and contributions from CSOs were assured. Special attention was directed to allow actors and various types of associations, including women's groups and networks, to gain the required knowledge and capacity to participate more actively in this initiative.

#### 4.4 *Follow-up, sustainability and possible impact*

FAO contribution to the development of the Land Policy Framework and Guidelines was considered to have been very timely and flexible enough to allow the main implementing partners, the AU and UNECA, to benefit from it in a very effective way.

Following the endorsement of the Africa-wide Land Policy Framework and Guidelines by the AU Assembly of Ministers in 2009, several follow-up activities have been taking place. For instance, the European Commission (EC) has provided Euro 10 million to the AU and UNECA to support the implementation of the framework and guidelines in all African countries. UN-Habitat, the World Bank and others are also supporting the implementation.

It is too early to assess sustainability or possible impacts, but given the scope and long-term goal of the initiative, FAO, particularly through the Voluntary Guidelines process, is well placed to continue accompanying this process in order to meet the development objective of this project, namely: "contribute to ensuring security of land rights, increased productivity, secured livelihoods and broad-based economic growth and sustainable development in Africa".

## 5 **Southern Africa**

### 5.1 *Background*

In the former 'front line states' of **Mozambique** and **Angola**, revolutionary wars won political independence from Portugal in 1975. These were followed by years of 'civil war', fuelled by the apartheid regime in South Africa. Mozambique experienced social and political upheaval and economic crises for nearly three decades, from 1964 until the peace agreement in 1992. For Angola, the war raged on for another decade until a ceasefire was signed in 2002. In both countries, after decades of war, several millions of IDPs were seeking to return to their land and livelihoods in the countryside. **Namibia** gained its independence from South Africa in 1990 and has made economic progress to the point where it no longer qualifies for IDA credits.<sup>244</sup> In all three countries, FAO

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<sup>244</sup> The operational cut-off for IDA eligibility for FY11 is \$1,165 (2009 GNI per capita)

supported post-war recovery, playing a significant role in the land sector in Mozambique and Angola, but less so in Namibia, where European donors with a stake in the country have provided significant financial and technical support to the land reform process.<sup>245</sup>

### 5.1 *Namibia*

FAO assisted the Government of Namibia with the development and implementation of a land tax on commercial farm land. The legal basis for the imposition of the tax is the Commercial Land Reform Act, Act No. 6 of 1995<sup>246</sup> as amended and the Land Valuation and Taxation Regulations of 2001. The objectives of the land tax included: more efficient use of the land; revenue for the Land Acquisition and Development Fund (to facilitate and accelerate the process of land acquisition, distribution and development); and the reduction of land prices to broaden the access to land.

FAO assistance with valuation for tax purposes began in 1997 with support to the drafting of the Land Valuation and Taxation Regulations (ultimately published in 2001). After 2001, FAO provided further technical support for the field survey of 295 farms across Namibia – the survey inspected properties, assessed land-use patterns, estimated the amount of land that was unusable, and investigated all operations on a farm that might have a bearing on its value. FAO's involvement from 2000 onwards was through a combination of Regular Programme resources, a UK-administered trust fund, grants to the Government of Namibia from the World Bank, technical support financed by GIZ (then GTZ), and the Government of Namibia's own resources. The Commercial Farmland Tax became fully operational in FY 2004-05.<sup>247</sup> FAO continues to provide technical support to the Ministry of Lands and Resettlement, currently with studying the reasons for what are generally perceived to be the escalating prices for agricultural land in Namibia.

The current total amount raised for the 'Land Acquisition and Development Fund' is N\$30-50 million per annum, which is used for the purchase of farms for resettlement of the poor, for the provision of farm infrastructure and for post-settlement support. Assuming N\$50 million is raised per annum and 12,500 commercial farms, this would amount to about N\$ 4000 per farm or US\$ 570 per annum, which is equivalent to the value of about one livestock unit. The tax must therefore be considered relatively low considering the current freehold land values. Since independence in 1990 Government had managed to acquire 201 commercial farms, comprising 1.3 million ha, on which it had resettled a total of 1,561 families by 2006 the great majority of whom are engaged in extensive livestock farming.

Although a political imperative for the Namibian Government<sup>248</sup>, the costs of providing social and economic infrastructure and settling poor people in remote, semi-arid, subdivided ranches have proved very high. In addition to the economic consequences of the programme, there are reported to be negative environmental and social effects. Sadly, the resettlement programme which has now been in operation for 15 years or more is not sustainable. Neither of the land redistribution schemes (i.e. the Farm Unit Resettlement Scheme or the Group Resettlement Scheme) has lived up to expectations. The Government has not been able to realize the objectives and targets of the land reform programme through the willing seller, willing buyer option<sup>249</sup>. The livelihoods of the vast

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<sup>245</sup> In Namibia, the EU, GTZ/GIZ and MCC have provided support to the sector since the mid 1990s. South Africa following the democratic elections in 1994, invited donors with a stake in the country 'to support a peaceful transition to majority rule, devoid of conflict over land' (Adams, 2000). In Zimbabwe, the FAO has aimed to play a mediating role in the land sector.

<sup>246</sup> FAO provided technical support for the implementation of this legislation in 1995: McAuslan, P., Behnke, R.H. & Howard, J. 1995. *Namibia. Assistance in Implementation of Agricultural (Commercial) Land Reform*

<sup>247</sup> Republic of Namibia 2006.

<sup>248</sup> Tapia Garcia 2004.

<sup>249</sup> Amoo and Harring 2011.

majority of the poor settlers in the group scheme have not improved in any significant way<sup>250</sup>. The fund generated by the land tax may have provided access to land but this has not been a sufficient condition for sustainable food security and poverty reduction.

Current FAO technical support is provided by a technical cooperation project (TCP/NAM/3301) with four components, one of which relates to an investigation into agricultural land prices – led by the NRC. The objectives are to undertake a systematic analysis of the market for privately-owned agricultural land since 1985, support the government in estimating the impact of government policies on the agricultural land market, and provide guidance on possible policy interventions.

## 5.2 *Mozambique*

Following the negotiated ceasefire in 1992, millions of displaced people and refugees began returning home. In most cases they were able to re-establish themselves in the areas from which they fled and where they still had customary rights. Where they found their land had been claimed by others, disputes could usually be settled by the customary authorities who had managed land and natural resource use before the war. According to Tanner (2002)<sup>251</sup>, in the absence of government help, traditional leaders proved capable of dealing with the resettlement crisis provoked by two decades of war and at virtually no cost to the State.

FAO has been advising on the development of Mozambique's National Land Policy and related natural resource laws and their implementation since 1995, when the inter-ministerial Land Commission included FAO technical advisors (see **Error! Reference source not found.**)<sup>252</sup>. The Land Commission included representatives from government ministries, national NGOs, University academics, national lawyers and technical advisors from FAO. When the bill finally passed into law in 1997, it maintained most of the principles that civil society had lobbied for, particularly those aspects relating to the recognition of all rights acquired through long-term customary occupation and use in rural areas and through good faith occupation in the towns.<sup>253</sup>

Since 1998, the Netherlands has provided extra-budgetary support for FAO's work in the land sector, helping the Government with the development and implementation of the national land policy and finding ways of helping stakeholders to engage in the process. Central to FAO's contribution has been finding ways to enable investors to share access to land and natural resources, without jeopardising the livelihoods of traditional rights' holders. Over the last decade, support has been given to the training and capacity development of communities, civil society organisations (CSOs), officials of national and decentralised agencies, including the economic sectors, the judiciary and the police.

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<sup>250</sup> Werner and Odendaal 2010.

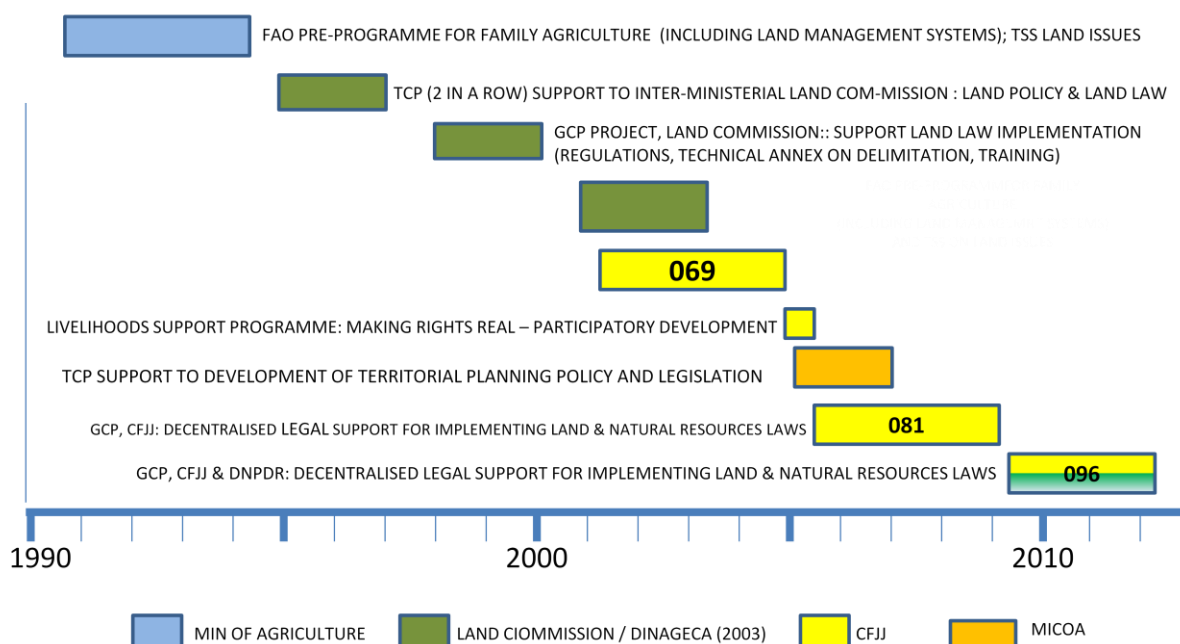
<sup>251</sup> Tanner 2002.

<sup>252</sup> GCP/MOZ/059/NET: Assistance to Mozambique in Developing and Implementing a National Land Programme; TCP/MOZ/2355: Support to the Ad-Hoc Commission on Land; TCP/MOZ/5612: Support to the Consolidation of the Land Commission; TCP/MOZ/2903 and its successor TCP/MOZ/3005: Support to the Development of a Territorial Planning Policy and New Legislation; GCP/MOZ/069/NET: Support to the Judiciary

<sup>253</sup> Tanner 2002.

## FAO Support to the land sector in Mozambique, 1991-2010

### FAO SUPPORT TO LAND AND RELATED ISSUES - 1991 TO 2010



The current FAO Project, Promoting the Use of Land and Natural Resources Laws for Equitable Development, April 2009 - March 2012 (GCP/MOZ/096/NET), builds on a preceding project, which was also implemented by the Legal and Judicial Training Centre (CFJJ) of the Ministry of Justice and funded by the Netherlands. GCP/096 is the most recent of projects in a series that stretches back to the 1990s and is the fourth which has been assisted by the Dutch. It aims to help Government to implement the national land policy and to promote access to investors in land development, without jeopardising the livelihoods of the traditional users and occupiers of the land. Efforts have focussed on the training and capacity development of civil society organisations, officials of national and decentralised agencies, and, most recently, the officials of investment promotion agencies. In the current Project, the CFJJ has further developed paralegal training for raising awareness at community level of rights acquired in terms of other natural resource laws and how to use and defend these rights, including reinforcing gender and women's rights with a new FAO project at the CFJJ, GCP/MOZ/086/NOR. The Project also builds on the previously organised programme of 'District Officer Seminars', in which public officers from the executive and judicial branches of the State were trained in basic constitutional and human rights and principles and in the proper application of the new laws relating to land and natural resources.

The Project benefits from enhanced training in gender-related aspects of tenure, rights and access to natural resources as a result of the inputs provided by another project (GCP/MOZ/086/NOR), which began in late 2009 at the CFJJ, with funding from Norway.

A recent Mid Term Review of the Project<sup>254</sup> (GCP/096) concluded that the training of paralegals to work with communities and district officials in matters relating to land and natural resource laws had the potential to deliver far-reaching, positive, long-term effects. By the time the Project finishes at the end of March 2012, some 90 of a total of 128 districts will have been covered since 2007.

<sup>254</sup> Promoting the Use of Land and Natural Resource Laws for Equitable Development (GCP/MOZ/096/NET) MTR July 2011 [http://typo3.fao.org/fileadmin/user\\_upload/oed/docs/GCPMOZ096NET\\_2011\\_ER%20.pdf](http://typo3.fao.org/fileadmin/user_upload/oed/docs/GCPMOZ096NET_2011_ER%20.pdf)

A second component of the Project (GCP/096) is a partnership with the National Directorate for the Promotion of Rural Development (DNPDR) in the Ministry of State Administration (MAE). This is a new undertaking for FAO and the CFJJ. It involves the training of government officials in how the land and natural resource laws can be used to facilitate active community participation in investment processes in ways which protect the land and natural resource rights of communities and enhances their livelihoods. This component intersects with another project at DNPDR that is funded by the Netherlands and IFAD, to which the Project GCP/096 contributes an agreed share of the time of the FAO Technical Adviser. The objective of this collaboration is to promote 'community-investor partnerships'.

Critical factors leading to FAO's successful capacity development work in Mozambique in tenure, rights and access matters are judged to be as follows:

- Government's interest in regulating Land and Natural Resource use;
- An inclusive and participatory approach - from senior officers to paralegal workers and community members;
- Integrating government and civil society officers in the training activities;
- Long-term engagement of Netherlands and FAO;
- Identification of national champions: the Ministry of Justice and the Legal and Justice Training Centre (CFJJ), and the National Department for the Promotion of Rural Development (DNPDR);
- Design of the Capacity Development interventions and their integration into CFJJ's and DNPDR core activities; and
- Development of a training methodology: legal notes and books, training, field case study research and advocacy.

FAO has been requested to provide technical support to the Land Consultative Forum and a draft proposal for a Technical Cooperation Project (TCP) is currently being discussed between the parties involved. This is some twenty years after FAO provided advice to Mozambique's Technical Secretariat of the Inter-Ministerial Commission for the Revision of Land Legislation (the 'Land Commission') (see **Error! Reference source not found.**). The resulting process is recognised to have been among the most participatory policy and law-making processes in the SADC region.

### 5.3 *Angola*

By the time of the ceasefire in 2002, Angola had been in a state of war over 40 years, first against colonial occupation and then between internal factions. As the country emerged from civil war, FAO's collaboration with the Government was based on the recognition that disputes over access to land had to be removed as a continuing threat to social stability. The conflicting claims of local people, the new political elite and pre and post-independence title holders were recognised to be a potential source of conflict. Above all, it was necessary to recognise the customary land rights of local communities and their more vulnerable members.

Working with NGOs in the provinces of Huila and Bengo, methods of surveying community lands and dispute resolution were devised and tested. As a result, communities were able to establish their territorial rights according to the existing law. This facilitated the peaceful return of IDPs and refugees to their area of origin after four decades and to re-engage in agriculture.<sup>255</sup> In this context, FAO worked as an honest broker. From the beginning, it aimed to provide technical support for the

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<sup>255</sup> Groppo et al 2004.

development of specific skills and to involve all the social actors in a dialogue process towards a Negotiated National Solution.<sup>256</sup> There were a number of FAO projects which aimed to contribute to this decentralised land administration and management process.<sup>257</sup>

FAO's work on land issues at the provincial and local level in Huila, Huambo and Bengo was complemented by technical assistance at the national level with the development of a comprehensive land policy and the revision of the land law, a politically sensitive and long-drawn out process. The draft land law was initially introduced in 2002, but major flaws were identified, which delayed its approval. FAO worked closely with the Government and with NGOs and civil society organisations to obtain improvements to the draft law. The Organisation supported a major seminar in 2003 for parliamentarians and provincial government representatives and brought in senior representatives experts from Brazil, Guinea-Bissau and Mozambique with first-hand experience of similar land issues.

Following consultations, in December 2003 the Government presented to the National Assembly a revised land law which contained several improvements over the previous one. Notable improvements included the recognition of and partial protection of the traditional collective rights of rural communities. But unresolved issues remained, which delayed its approval. In December 2004 the *Lei de Terras* (Land Law)<sup>258</sup> was finally passed. The prominent role played by a nascent civil society in the debate was a watershed in the creation of political space outside the state. However uncertainties remained about the tenure security of the rural population, about the ownership of natural resources on private land, and about the confiscation and nationalization provisions, particularly with regard to the status of land users and occupiers in the peri-urban areas.

In 2008, FAO designed a manual for Angola adapted from the Mozambique model, which was formally accepted as the appropriate methodology for carrying out community land delimitations in terms of the new Land Law. Since then it has tried to pilot the implementation of the new Land Law in several districts. The results achieved so far vary according to the willingness of the District Governor to support the process.

*GCP/ANG/035/EC* 'Institutional support to decentralized land tenure and management Institutions to promote equitable rural development in selected provinces of Angola' (September 2006 to December 2009, budget: US\$ 3,531,312)

The project objective was defined as 'Strengthened decentralized land tenure and natural resources management institutions by developing and implementing participatory and gender sensitive interventions in selected areas of Benguela, Huila and Huambo provinces'.

The project had four components:

- Institutional coordinating mechanisms at provincial and inter-provincial level;
- Land administration piloting at municipal level in the Benguela, Huambo and Huila;

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<sup>256</sup> FAO 2005.

<sup>257</sup> For example: TCP/ANG/00168, MTF/ANG/031/NET, GCP/ANG/030/UK, GCP/ANG/029/USA, GCP/ANG/035/EC, GCP/ANG/045/SPA and OSRO/ANG/404/ITA.

<sup>258</sup> The law delineated and expanded on the rights available by concession and recognised some measure of traditional land rights. It also sought to clarify the rights to use and occupy urban land and provide some safeguards for persons previously at risk of eviction. State ownership of all land is maintained in accordance with the Constitution and the acquisition of rights to use, inherit and sell land is enacted in both civil and customary law. Land held by traditional authorities in rural communities is exempted, however, and once demarcated and titled, this land cannot be sold.

- Development and implementation of a natural resources management system in at least 2 territorial planning units for each province;
- Development of an independent Land Studies Centre at provincial level (Huambo – Faculty of Agronomics) to assist decision makers in land policy, land management, family farming, etc.

The project can be considered relevant in the context of Angola's rural sector as it contained the elements needed to address land tenure problems:

- a) Tenure insecurity arising from an unclear legal and institutional framework;
- b) Lack of incentives to address land management at the local level;
- c) Lack of a cadastre and of procedures for title registration;
- d) Differences in the rules for accessing, using and managing natural resources;
- e) Lack of knowledge and information on land tenure and management.

The project's design took account of the need to develop the capacity of government institutions (at municipal and provincial level) to manage natural resources and to contribute to tenure security. Project's outputs directly contributed to the accomplishment of each component by: i) developing methodologies and guidelines for land administration and management; ii) piloting a cadastre and participatory territorial planning, iii) developing technical capacity for natural resource management with universities, research institutes, NGOs and CSOs.

The project was implemented from 2006-2009, and its operations started in February 2007 with two international and national consultants. Difficulties faced during the implementation of the project were:

- Lack of power supplies and internet, which affected the operations of the project's offices in the provinces.
- Delays in money delivery, which often affected seminars and course activities.
- Delays in payments because of bureaucratic administrative procedures. This affected the payments of national and international consultants, and constituted a factor generating discontent and tensions among the project team.
- The support provided by the FAO Representation as Budget Holder was considered to be inefficient as there was a lack of reliable information on the availability of resources for the project. This last was a major difficulty in obtaining donor approval of project budget revision requests. The problem continued until the conclusion of the project.

**Project results:** The project coordinated its work partners through meetings stakeholders in the provinces of Huambo, Huila and Benguela and the established steering committees. It initiated and maintained a dialogue with all national and international NGOs involved in land tenure issues. The project trained officials in the use of methods and tools for land management (e.g. ArcView and GIS/GPS, mapping and surveying techniques; participatory rural diagnosis; computer training for staff in Agrarian Development Stations, which were also supplied with IT equipment and materials. Seminars were conducted on land legislation, oriented to municipal and provincial authorities, community leaders and NGO representatives. Land delimitation of rural communities (21 in Huambo, four in Huila and in one in Benguela) was undertaken and procedures initiated for issuance of community titles with boundaries defined by previous projects. Cadastral mapping techniques were piloted in Capupa (Benguela), Ekunha (Huambo) and Palanca (Huila). Documents were



produced on: participatory land delimitation; post-war resettlement of rural communities; land conflict resolution; women's land rights; the legal framework; protection of communal rights; and territorial dynamics in Catumbela perimeter and land rights in the valleys and Cavaco Cuporolo; Videos were produced and disseminated on land rights and land law. Assistance was provided with the drafting of the regulations for land concession and communal land delimitation which comprised the conformation of a team work for developing specific regulations and the piloting of land delimitation best practices.

In relation to the third component, the project provided training to local authorities and communities on land tenure and natural resources territorial planning through workshops and short term visits of an international expert. Another result of the project's work within this component was the elaboration of a draft document containing the pilot experience on natural resource management. Although this accomplishment, the project couldn't develop a geographical system with maps of land rights, but the report on the pilot experience was acknowledge as considering all the information for further work with municipal administrations on natural resources management. In addition, within this component, an inter-institutional cooperation agreement was signed between FAO and IDAF (Research Institute of Agro-Forestry Development), to prepare a development plan for the forest perimeter of Sanguengue, located in the municipality of Katchiungo, Huambo Province.

Finally, within the fourth component an agreement for institutional cooperation between with the Faculty of Agricultural Sciences (FAC) was signed and as a result a Cabinet/Office for Family Farming Studies (GEAC for its acronyms in Portuguese) was established. The establishment of the GEAC involved financing its equipment. Since its creation in 2008 the GEAC work has been concentrated on:

- Research on land issues related to access, tenure and management. Complementary to this research, a student research group on small holder agriculture (GIEAC) was created. This student research group contributed to research activities of GEAC and the establishment of a bibliographic collection of research on land tenure, access and management. The collection is comprised of 208 documents, including 16 documents produced by FAO Terra Project and GEAC.
- Piloting of agricultural good practices for smallholder farming.
- Training activities: The GEAC has supported the training of teachers and students on the fundamentals of land and natural resources access and management. Some of the training activities were focused on: GIS / GPS; Land Law and Participatory Land Delimitation (DPT).
- Dissemination of materials: GEAC prepared dissemination materials such as the GEAC Magazine and bulletins oriented to inform teachers, students, peasants and other civil society representatives on land tenure, access and management issues.

*Follow-up, sustainability and possible impact:* Despite of the results obtained with the piloting activities on land administration within the second component, the lack of clarity and legal procedures for delimitation of communal land and for legal recognition of titles, as well as the lack of clarity of competences among the governmental institutions regarding the issuance of titles, were pointed as difficulties experienced by the project and suggest constraints for future sustainability. On the other hand, the experience of coordinating actions with a University to support the project intervention was pointed as a driver of possible impacts on capacity building as well as a contributor to achieving long-term effects.

A new project<sup>259</sup> funded by the Spanish External Cooperation Agency (AEI for its acronym in Spanish) has been implemented since September 2010 and until August 2013 with the objective of strengthening local actors (governmental and nongovernmental) capacities on land and natural resources management in order to improve the institutional framework for its management in the provinces of Huambo and Bie. In this sense, in Huambo province, the new project aims to follow up and extend the activities previously initiated by the Terra project on natural resources management and with the Faculty of Agricultural Sciences. In Bie province, some new pilot experiences on natural resources management will be developed following the Terra Project previous experience. In both cases the project strategy will also rely on a decentralized intervention at the municipal level.

#### 5.5 *Overall Assessment of FAO's support to land policy reform and lessons learned in the Southern Africa region*

Since the early nineties, FAO has been more active in its technical support to the land sector in the former front-line states of Namibia, Mozambique and Angola than in other countries in the sub-region. The reasons for this are not clear, but may partly relate to FAO's comparative advantage in this sub-region and partly because of gap filling by FAO in countries shunned by bilateral and other multilateral assistance.

In the three countries covered by this brief review, FAO advice and assistance is perceived to have been generally effective and efficient, judged by the extent to which the development interventions were achieved and how economically resources have been converted to results.

With regard to the relevance of the technical support provided, it is apparent that where FAO staff members have had a long-term engagement with land issues in a country or sub-region, the assistance provided has been more relevant and more sustainable. Lessons learned in Mozambique about community land delimitation could be applied to Angola. FAO's involvement at the land policy development stage increased the appropriateness of its subsequent support to capacity development. In the case of Namibia, lack of familiarity with land tenure issues and the wider policy context has been a disadvantage.

Finally there is the issue of the impact of FAO's support. What are the positive and negative, primary and secondary long-term effects produced by development interventions, directly or indirectly, intended or unintended? In the absence of any systematic monitoring and evaluation (M&E) of the field programmes (i.e. baseline studies, impact assessment surveys) in Mozambique and Angola, nothing can be said for certain about impact. Attempts to set up M&E studies on GCP/MOZ/086/NET and GCP/MOZ/096/NET came to nothing. Even if they had been set up, it would have been endlessly difficult to measure outcomes. It is not enough to measure outputs (e.g. the number of paralegals and government officials trained) because this tells us little about outcomes (e.g. the tenure security and improved livelihoods of the communities served). Even if outcomes were measured, attributing them to the project would be difficult, due to the multiplicity of rural livelihoods and year-on-year variability, etc.

In the circumstances, it is necessary to fall back on 'plausible attribution' of project impact, which was the case in the Mid Term Evaluation of GCP/MOZ/096/NET. Here it was concluded on the basis of qualitative information that over the years the FAO projects had had a noticeable impact on tenure security and livelihoods of the target group. This was in a situation where training courses had been organised for paralegals in 90 districts of a total of 128 since 2007. In the case of Angola attribution of benefits from community land delimitation is likely to be less persuasive given the lack

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<sup>259</sup> GCP/ANG/045/SPA Support to Governmental Institutions for the improvement of land and other natural resources tenure and management in Huambo and Bie Provinces. Budget: USD 2.2 million.

of progress with the implementation of the Land Law of 2004. According to a recent review of land reform in Angola, hundreds of applications to legalise communities' or families' lands have not been processed, despite the fact that many of these applications were made years ago. Further, the Land Law and the Constitution of Angola, with regard to the rights of rural communities to their land are reportedly not being respected by the authorities.<sup>260</sup>

## 6. Emergency and rehabilitation

Two OSRO field projects were back-stopped by the LTT during the review period: one in Southern Sudan (OSRO/SUD/819/CHF), 'Livelihood recovery for returnees, IDPs and vulnerable households through access to land for production and settlement' and the other in Tajikistan (OSRO/TAJ/602/CAN) 'Improved food security and enhanced livelihoods through institutional and gender-sensitive land reform'. The interventions followed political settlements after civil wars with a view to rehabilitation and development. In each country, the assistance provided to the land sector was a component of a larger programme of assistance by FAO, the effectiveness of which is reviewed in a previous evaluation.<sup>261</sup>

### 6.1 Tajikistan

Tajikistan is one of the poorest countries in the Central Asia region. The dissolution of the Soviet agricultural system and the decline in agricultural output pointed to the need for reform, but the response to this issue is reported to have been slow.<sup>262</sup> Land reform began in earnest only in 1995, with the allocation of additional land to household plots<sup>263</sup> – a highly productive sector in all of the former Soviet Union. Attempts were made to reorganize the collective and state farms into new corporate forms about the same time. When this cosmetic restructuring failed to produce efficiency gains, the country switched its attention to restructuring the state farms into *dehkan* farms. Since 1999, these small family farms have largely supplanted the corporate farms and are now reported to cover 60% of the agricultural land.<sup>264</sup> The right to use the land is granted by the State, subject to restrictions relating to the planting of permanent crops, erecting permanent buildings and to transfer rights, which are heritable upon re-registration.

The CIDA-funded project was developed as a partnership between FAO and UNIFEM, the purpose being to support the implementation of the land reform policy at the district level and establish related land reform monitoring systems throughout Tajikistan, with a special focus on gender mainstreaming and consultative processes. The project was in operation from September 2006 to December 2008 with a budget of US\$1.77 million. Activities included: training of the monitoring team; 'pre-restructuring awareness campaigns' for state farm employees, especially women; coordination through local Working Groups on Land Reform; assistance in the development of the legal framework; and training and capacity development for local staff and government representatives about ongoing reforms.<sup>265</sup>

The project activities and outputs would seem to have been relevant to the beneficiaries' requirements, the country needs and the donor's policies. The efficiency of the project was probably

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<sup>260</sup> Kleinbooi 2010.

<sup>261</sup> FAO 2010g.

<sup>262</sup> Lerman and Sedik 2009.

<sup>263</sup> Up to 0.50 ha of dry land and up to 0.15 ha of irrigated land for personal farms; many women heads of households received plots under this Presidential Decree 342/1995

<sup>264</sup> Unfortunately, roughly one third of the 30,000 *dehkan* farms today are organized as *collective dehkan farms*, which seem to perpetuate the *kolkhoz* form of organization despite the new name (Lerman and Sedik 2009).

<sup>265</sup> FAO 2008, OSRO/TAJ/602/CAN final report.

impaired by the one-year delay in obtaining 'approval' for the project (planned to start 1 September 2005; actual start 8 September 2006) and by the 'coldest winters for decades', which increased the economic pressure on farmers and government. Problems also arose as a result of frequent changes by the authorities to the schedule of state farms to be restructured. Nonetheless, according to the final report, planned outputs for farmer training were exceeded (e.g. 136 *dekhan* farmers trained in business management, of which 56 were women) and the number of decentralised institutions established (e.g. legal advisory services, district task forces, farmers groups, women's committees) and also the numbers of agency and government staff trained.<sup>266</sup>

OED's Tajikistan country evaluation report praises the work carried out by FAO in the land sector and finds that FAO's most significant impact was its work to develop partnerships between government and donors by establishing the first Land Reform Working Group which became a model for future consultations among government, civil society and donor groups. This Group continued to play a leading role after FAO's departure. However, of the five Legal Advisory Services established by OSORO/TAJ/602/CAN (2006-2008) to advise and assist land reform farmers, two had closed within a year and the remainder were 'struggling to operate' (para. 260). In one area, women's information and legal advisory centres continued to thrive with government funding, but in other areas of the country, they had closed down when project funds ran out. These and other problems relate to weaknesses in the counterpart government body with which the project worked.

As with so many project reviews conducted by the evaluation team, it is not possible to be sure about the 'impact' of a particular project on the overall goals of improved food security and enhanced livelihoods. However, the study of land reform in Tajikistan by Lermin and Sedik (2009), commissioned by FAO, clearly concludes that the redistribution of land to household plots and the restructuring of the state farms into individual and family farms have succeeded in increasing gross agricultural output through increased productivity and in improved rural incomes.

## 6.2 *South Sudan*

Southern Sudan was negatively affected by civil wars from 1955 to 1972 and again from 1983 to 2002, resulting in major destruction and displacement. More than 2.5 million people were killed and twice that number displaced, internally or externally. The Comprehensive Peace Agreement (CPA) in 2005 marked the end of over two decades of conflict. The end to the violence encouraged thousands of people who had been displaced from their homes to start returning to their land and to restart agricultural production. Returnees have frequently found that land which they once abandoned had been subsequently occupied by other people and violent disputes have frequently ensued. The civil war has disrupted governance and undermined the role of many traditional authorities; the roles and responsibilities for land governance have become unclear. While the emerging State is founded on constitutional principles that recognize the universal right to land, effective implementation and protection for all rights-holders has remained elusive. Seven years after the CPA, systems for governing, adjudicating, and protecting land rights are still in their formative stages and the roles and responsibilities of respective authorities are still being negotiated.<sup>267</sup>

The FAO project OSRO/SUD/819/CHF, 'Livelihood recovery for returnees, IDPs and vulnerable households through access to land for production and settlement', was implemented from 1 August 2008 to 31 March 2009, following approval for a three-month, no-cost extension. The Common Humanitarian Fund (CHF) contributed USD 208,553 to the project. The main objective was to contribute to improved wellbeing and better household food security among conflict-affected

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<sup>266</sup> Despite the late start-up, the project reportedly did not miss any important phase of the land reform process. Further, the project played an important role in supporting the Government in defining short and long-term land reform policy /strategy options.

<sup>267</sup> Southern Sudan Land Commission, Draft Land Policy, Government of Southern Sudan, February 2011

people. The project was implemented in partnership with the Southern Sudan Land Commission, state and local governments, UN agencies, and NGOs and sought to ensure that returnees, IDPs and resident populations had equitable access to land and natural resources, tenure security, were food secure and adopted a conflict transformation approach in resolving land and natural resources disputes.<sup>268</sup>

The activities carried out by the project are listed as: a three-day training session on land and natural resource policy development; four alternative dispute resolution workshops; two community dialogues on land and property rights and resolving resource-based conflict and a training course for four officials from government institutions who attended a training course on land tenure and natural resource governance in Nairobi, Kenya. The aims of the project were clearly relevant, but the scope and scale of the activities described in the final report suggest a wholly inadequate response to a very serious and challenging problem. Several of the activities and outputs attributed to the project do not seem plausible, for example: '100% of returnees returning to their rural areas accessed land for settlement and production, approximately 80% of whom were women headed households'.

A recent evaluation of FAO Cooperation in Sudan (2009) noted that there were 'missed opportunities to assist in the design of policies and strategies in the crucial areas of land reform and governance, natural resource management and forestry'. In paragraph 59 of the synthesis report, there is a statement to the effect that the land programme in Sudan suffered from a lack of resources. In the 'conclusions', page 10 of the final report on OSRO/SUD/819/CHF, there is mention of a lack of funds for the land project in Southern Sudan, 24% of the USD 850,000 needed. The ET was able to access a detailed project proposal in the archives of the project initially proposed by the then-NRLA.<sup>269</sup> Fortunately, Southern Sudan has not been short of assistance for its land programme, although the reports of land conflicts in the country continue to escalate under the pressure of returnees.<sup>270</sup> Agencies and programmes working with the South Sudan Land Commission in August 2011 are shown in the table below.<sup>271</sup>

**Agencies and programmes working with the South Sudan Land Commission (August 2011)**

Agency/Donor	Programme
USAID (Tetra Tech ARD)	Sudan Rural Land Governance Programme
UN-HABITAT (Canada START)	Capacity building for land conflict management in Southern Sudan
Norwegian Refugee Council	ICLA - Information, counselling and legal assistance designed to provide assistance to IDPs, refugees
Norwegian Peoples Aid	Land and Resource Rights Programme

<sup>268</sup> FAO n.d., OSRO/SUD/819/CHF 'Livelihood recovery for returnees, IDPs and vulnerable households through access to land for production and settlement' Final Report.

<sup>269</sup> Undated [http://www.fao.org/fileadmin/templates/nr/kagera/Documents/Suggested\\_readings/Sudan.pdf](http://www.fao.org/fileadmin/templates/nr/kagera/Documents/Suggested_readings/Sudan.pdf)

<sup>270</sup> <http://allafrica.com/stories/201106221304.html>

<sup>271</sup> For more background to the problems encountered in Sudan by FAO in this period following the CPA see FAO Office of Evaluation 2010, 'Evaluation of FAO's Sudan Cooperation 2004-2009.

## Annex 7: Inventory of normative work

Details	Division	Year
<b>LAND</b>		
Gender and Land Rights Database. <a href="http://www.fao.org/gender/landrights/home/">http://www.fao.org/gender/landrights/home/</a>	NRL ESW	Ongoing
Land Tenure e-Journal. Launched online January 2011 with edition 1 (2010). <a href="http://www.fao.org/nr/tenure/land-tenure-journal/index.php/LTJ">http://www.fao.org/nr/tenure/land-tenure-journal/index.php/LTJ</a>	NRC	Ongoing
Voluntary Guidelines for responsible governance of tenure of land and other natural resources. Zero Draft available at <a href="http://www.fao.org/nr/tenure/voluntary-guidelines/e-consultation/en/">http://www.fao.org/nr/tenure/voluntary-guidelines/e-consultation/en/</a>	NRC	Ongoing
Preliminary guidelines for Improving Gender Equity in Territorial Issues (IGETI). P. Groppo and I. Sisto. Online only at <a href="http://www.fao.org/Participation/Lessons-IGETI.html">http://www.fao.org/Participation/Lessons-IGETI.html</a>	NRL ESW	2010?
Governance of Land Tenure in Central America. <i>Land Tenure Working Paper 18</i> . F. Edouard.	NRC	2010
Good Governance and Natural Resources Tenure in the Caribbean Subregion. <i>Land Tenure Working Paper 17</i> . Charisse Griffith-Charles	NRC	2010
Governance of Land Tenure in Eastern Europe and Commonwealth of Independent States. <i>Land Tenure Working Paper 16</i> . Dr. Babette Wehrmann	NRC	2010
Responsible Governance of Land Tenure: An essential factor for the realisation of the right to food. <i>Land Tenure Working Paper 15</i> . Luisa Cruz	NRC ESA	2010
Making the most of agricultural investment: A survey of business models that provide opportunities for smallholders. Sonja Vermeulen and Lorenzo Cotula	NRC	2010
FLOSS in Cadastre and Land Registration: Opportunities and Risks. Compiled and edited by Daniel Steudler, Mika-Petteri Töhrönen and Gertrude Pieper	NRC	2010
Statutory recognition of customary land rights in Africa, <i>FAO Legislative Study 105</i> , R. Knight	LEG	2010
Journal of Land Reform, Land Settlement and Cooperatives. <i>Editions 2009/1, 2008/1, 2007/2, 2007/1, 2006/2, 2006/1</i> .	NRC	Twice a year to 2009
Compulsory acquisition of land and compensation. <i>FAO Land Tenure Studies 10</i> . Simon Keith, Patrick McAuslan, Rachael Knight, Jonathon Lindsay, Paul Munro-Faure and David Palmer	NRC	2009
Land Policy Development in an African Context: Lessons learned from selected experiences. <i>Land Tenure Working Paper 14</i> . Paul De Wit, Christopher Tanner, Simon Norfolk	NRC NRL	2009
Participatory Land Delimitation: An innovative development model based upon securing rights acquired through customary and other forms of occupation. <i>Land Tenure Working Paper 13</i> . Paul De Wit, Christopher Tanner, Simon Norfolk	NRC NRL	2009
Dialogue, Consensus and Vision: Participatory and Negotiated Territorial Development. <i>Land Tenure Working Paper 12</i> . Jeffrey Hatcher.	NRL	2009
Towards Improved Land Governance. <i>Land Tenure Working Paper 11</i> . David Palmer, Szilard Friczka, Babette Wehrmann	NRC	2009
Towards Voluntary Guidelines on Responsible Governance of Tenure of Land and Other Natural Resources: Discussion Paper. <i>Land Tenure Working Paper 10</i> . Land Tenure and Management Unit (NRLA)	NRC	2009
Voluntary Guidelines for Good Governance in Land and Natural Resource Tenure: Issues from an international institutional perspective. <i>Land Tenure Working Paper 9</i> . Richard Grover.	NRC	2009

Voluntary Guidelines for Good Governance in Land and Natural Resource Tenure: Civil Society Perspectives. <i>Land Tenure Working Paper 8</i> . Sofia Monsalve Suárez, Leticia Marques Osorio, Malcolm Langford	NRC	2009
Land grab or development opportunity? Agricultural investment and international land deals in Africa. Lorenzo Cotula, Sonja Vermeulen, Rebeca Leonard and James Keeley	NRC	2009
Multilingual Thesaurus on Land Tenure (CD-ROM)	NRC	2009
Capacity building for development from a territorial perspective (CD-ROM)	NRC	2009
Legal Empowerment in Practice: Making Land Rights Legally Secure for All (CD-ROM)	NRC	2009
Governance of tenure of land in Central Africa. <i>Land tenure working paper 7</i> . Dr. Charles Ntampaka	NRC	2008
Governance of Tenure of Land and Natural Resources: Situation in Western Africa. <i>Land tenure working paper 6</i> . Adam Malam Kandine	NRC	2008
Governance and Tenure of Land and Natural Resources in Latin America. <i>Land tenure working paper 5</i> . Octavio Sotomayor	NRC	2008
Good Governance and Natural Resources Tenure in South East Asia Region. <i>Land tenure working paper 4</i> . Orapan Nabangchang, Eathipol Srisawalak	NRC	2008
Good Governance and Natural Resources Tenure in Eastern Europe and CIS Region. <i>Land tenure working paper 3</i> . Joseph Salukvadze	NRC	2008
Climate Change and Land Tenure: The implications of Climate Change for Land Tenure and Land Policy. <i>Land Tenure Working Paper 2</i> . Julian Quan with Nat Dyer	NRC	2008
Bioenergy and Land Tenure: The implications of Biofuels for Land Tenure and Land Policy. <i>Land Tenure Working Paper 1</i> . Lorenzo Cotula, Nat Dyer and Sonja Vermeulen	NRC	2008
Opportunities to mainstream land consolidation in rural development programmes of the European Union. <i>FAO Land Tenure Policy Studies 2</i> . Steffen Noleppa, Richard Eberlin, Morten Hartvigsen, Adri van den Brink, Frank van Holst, Nicolai Meier Andersen and David Palmer	NRC	2008
Pacific Land Tenures: New Ideas for Reform, <i>FAO Legal Study Online No. 73</i> , J. Fingleton	LEG	2008
Le droit forestier en République démocratique du Congo, <i>FAO Legal Study Online No. 72</i> , G. Sakata	LEG	2008
Good governance in land tenure and administration. <i>FAO Land Tenure Studies 9</i> . Richard Grover, Mika-Petteri Töhrönen, David Palmer and Paul Munro-Faure.	NRC	2007
Negotiation and mediation techniques for natural resource management, Case Studies and Lessons Learned. A. Castro and A. Engel	LSP (inter-department)	2007
European Union accession and land tenure data in Central and Eastern Europe. <i>FAO Land Tenure Policy Series 1</i> . Richard Grover in collaboration with Mika-Petteri Töhrönen, David Palmer, Vladimir Evtimov, Paul Munro-Faure, et al.	NRC	2006
Land tenure alternative conflict management. A. Herrera and M. Guglielma da Passano.	LSP (inter-department)	2006
Land access in the 21st century: Issues, trends, linkages and policy options. <i>FAO LSP WP 24</i> . Quan, J. Access to Natural Resources Sub-Programme.	LSP (inter-department)	2006
Changes in "customary" land tenure systems in Africa. <i>FAO LSP WP38</i> , Edited by Lorenzo Cotula, contributing authors: Jean-Pierre Chauveau, Salmana Cissé, Jean-Philippe Colin, Lorenzo Cotula, Philippe Lavigne Delville, Nanete Neves, Julian Quan, Camilla Toulmin. Access to Natural Resources Sub-Programme	LSP (inter-department)	2006
Mozambique's legal framework for access to natural resources: The impact of new legal rights and community consultations on local livelihoods. <i>FAO LSP WP 28</i> . Tanner C. and Baleira S. Access to Natural Resources Sub- Programme.	LSP (inter-department)	2006
Making rights a reality: Participation in practice and lessons learned in Mozambique. <i>FAO LSP WP 27</i> . Tanner C., Baleira S., Norfolk S., Cau B. and Assulai J. Access to Natural Resources Sub-Programme.	LSP (inter-department)	2006
Participatory land delimitation: Experiences and methodologies (CD-ROM)	NRC	2006

FORESTRY		
State of the World's Forests (SOFA)	FO	2011
Drafting Community Forestry Agreements, <i>FAO Legal Paper Online No. 86</i> , K. Rosenbaum	LEG	2011
Assessment of forest tenure trade centres in Zhejiang, Jiangxi, Hunan, Guizhou, Fujian and Anhui Provinces. <i>Project Working Papers. WP-019-E, WP-020-E, WP-021-E, WP-022-E, WP-023-E, WP-024-E</i> . Part of China Forestry Tenure Project: GCP/CPR/038/EC	FOEP	2010
Assessment of forest farmer cooperatives in Zhejiang, Jiangxi, Hunan, Guizhou, Fujian and Anhui Provinces. <i>Project Working Papers. WP-007-E, WP-008-E, WP-009-E, WP-010-E, WP-011E, WP-012-E</i> . Part of China Forestry Tenure Project: GCP/CPR/038/EC	FOEP	2010
Forest Connect China: A case study of small and medium forest enterprise development in Zhejiang Province. Luo, X, Liu, X, Lin, L, Xiaoli, Z, Yu, L. Part of China Forestry Tenure Project: GCP/CPR/038/EC	FOEP	2010
China Forest Tenure Newsletter. Issues 5 (Aug-Nov 2010), 4 (May-July 2010), 3 (Feb-April 2010). Part of China Forestry Tenure Project: GCP/CPR/038/EC	FOEP	2010
Wildlife Law and the Empowerment of the Poor, <i>FAO Legislative Study 103</i> , E. Morgera	LEG	2010
Wildlife Law in the Southern African Development Community, <i>FAO Legal Paper Online No. 84</i> , M. Cirelli and E. Morgera	LEG	2010
Wildlife Legislation and the Empowerment of the Poor in Asia and Oceania, <i>FAO Legal Paper Online No. 83</i> , E. Tsiumani and E. Morgera	LEG	2010
Have decollectivization and privatization contributed to sustainable forestry management and poverty alleviation in China? <i>Forestry Policy and Institutions Working Paper No. 23</i> . J. Liu. Part of China Forestry Tenure Project: GCP/CPR/038/EC	FOEP	2009
Forest tenure in Central Asia	FO	2009?
Forest tenure in Latin America	FO	2009?
Wildlife Legislation and the Empowerment of the Poor in Latin America, <i>FAO Legal Paper Online No. 80</i> , S. Aguilar and E. Morgera	LEG	2009
Wildlife Law and the Legal Empowerment of the Poor in Sub-Saharan Africa: New Case Studies, <i>FAO Legal Paper Online No. 79</i> , M. Cirelli and E. Morgera	LEG	2009
Wildlife Law and the Legal Empowerment of the Poor in Sub-Saharan Africa, <i>FAO Legal Paper Online No. 77</i> , M. Cirelli and E. Morgera	LEG	2009
Understanding forest tenure in Africa: opportunities and challenges for forest tenure diversification. <i>Forestry Policy and Institutions Working Paper 19</i> . FOEP.	FOEP	2008
Tenure security for better forestry. Understanding forest tenure in Africa. FAO, 2008. FOEP	FOEP	2008
Le droit forestier en République démocratique du Congo, <i>FAO Legal Study Online No. 72</i> , G. Sakata	LEG	2008
Principles for Developing Sustainable Wildlife Management Laws, <i>FAO Legal Paper Online No. 75</i> , E. Morgera and J. Wingard	LEG	2008
Participatory Forestry in Central Asia and the Caucasus: Current Legal Trends and Future Perspectives, <i>FAO Legal Paper Online No. 70</i> , E. Morgera	LEG	2008
Tenure security for better forestry: Understanding forest tenure in South and Southeast Asia. FAO, Bangkok. FOEP/RAP	FOEP RAP	2007
Understanding forest tenure in South and Southeast Asia. <i>Forestry Policy and Institutions Working Paper No. 14</i> .	FOEP	2006
Le droit forestier du Vietnam, <i>FAO Legal Paper Online No. 51</i> , T. Dinh	LEG	2006
Assessing the access to forest resources for improving livelihoods in West and Central Asia countries. <i>FAO LSP WP 33</i> . T. Shimizu. Access to Natural Resources Sub-Programme	LSP (inter-department) FOPE FONP	2006



Forest - poverty linkages in West and Central Asia: The outlook from a sustainable livelihoods perspective. <i>FAO LSP WP 34</i> . P. Baumann. Access to Natural Resources Sub-Programme	LSP (inter-department)	2006
Methodology and case studies on linkages between poverty and forestry: Afghanistan, Iran, Kyrgyzstan and Turkey. <i>FAO LSP WP 35</i> . T. Shimizu and M. Trudel, with case studies by Asanbaeva A., Kananian M., Naseri Gh. and Sülüşoğlu M. Access to Natural Resources Sub-Programme	LSP (inter-department)	2006
Urban and peri-urban forestry and greening in west and Central Asia: Experiences, constraints and prospects. <i>FAO LSP WP 36</i> . Åkerlund U., in collaboration with Knuth L., Randrup T. and Schipperijn J. Access to Natural Resources Sub-Programme	LSP (inter-department) FOPE FORC LEG	2006
Greening cities for improving urban livelihoods: Legal, policy and institutional aspects of urban and peri-urban forestry in West and Central Asia (with a case study of Armenia). <i>FAO LSP WP 37</i> . L. Knuth. Access to Natural Resources Sub-Programme.	LSP (inter-department) FORC LEG	2006
Improving the legal framework for participatory forestry: Issues and options for Mongolia. <i>FAO LSP WP 30</i> . Lindsay J., Wingard J. and Manaljav Z. Access to Natural Resources Sub-Programme.	LSP (inter-department) FORC LEG	2006
Depleting natural wealth – perpetuating poverty: Rural livelihoods and access to forest resources in Mongolia. <i>FAO LSP WP 31</i> . Schmidt S. with Altanchimeg C., Tungalagtuya K., Narangerel Y., Ganchimeg D., Erdenechimeg B., Dambayuren S. and Battogoo D. Access to Natural Resources Sub-Programme.	LSP (inter-department) FORC LEG	2006
Rural livelihoods and access to forest resources in Mongolia: Methodology and case studies. <i>FAO LSP WP 32</i> . Schmidt S. with Altanchimeg C., Tungalagtuya K., Narangerel Y., Ganchimeg D., Erdenechimeg B., Dambayuren S. & Battogoo D. Access to Natural Resources Sub-Programme.	LSP (inter-department) FORC LEG	2006
Understanding forest tenure: What rights and for whom? Secure forest tenure for sustainable forest management and poverty alleviation: the case of South and Southeast Asia, with case studies of Orissa and Meghalaya, India and Nepal. <i>FAO LSP WP 29</i> . F. Romano and D. Reeb. Access to Natural Resources Sub-Programme.	LSP (inter-department) FORC	2006
<b>FISHERIES</b>		
Outcomes of the Twenty-Ninth Session of the Committee on Fisheries - Good Practices in the Governance of Small-Scale Fisheries: Sharing of Experiences and Lessons Learned in Responsible Fisheries for Social and Economic Development.	FI	2011
International management of tuna fisheries: Arrangements, challenges and a way forward. <i>FAO Fisheries and Aquaculture Technical Paper 536</i> . Robin Allen.	FIRF	2010
Sharing the Fish '06: Allocation issues in fisheries management. <i>FAO Fisheries and Aquaculture Proceedings 15</i> . R. Metzner et al (eds)	FIP	2010
Securing sustainable small-scale fisheries: Bringing together responsible fisheries and social development. <i>RAP Publication 2010/19</i> . Proceedings of APFIC/FAO Regional Consultative Workshop.	RAP	2010
Report of the Inception Workshop of the FAO Extrabudgetary Programme on Fisheries and Aquaculture for Poverty Alleviation and Food Security. <i>FAO Fisheries and Aquaculture Report No. 930</i> . FAO.	FIP	2010
The Code of Conduct for Responsible Fisheries and Indigenous Peoples: An Operational Guide. Lidija Knuth, Legal Consultant, under the supervision of FAO's Focal Point for Indigenous Issues, Regina Laub	LEG	2009
Fisheries Management: 3. Managing fishing capacity. <i>FAO Technical Guidelines for Responsible Fisheries No. 4, Suppl. 3</i> . FAO.	FIP	2008
Case studies in fisheries self-governance. <i>FAO Fisheries Technical Paper. No. 504</i> . Edited by R. Townsend, R. Shotton and H. Uchida	FIP	2008

Achieving poverty reduction through responsible fisheries. Lessons from West and Central Africa. <i>FAO Fisheries and Aquaculture Technical Paper 513</i> . Westlund, L.; Holvoet, K.; Kébé, M. (eds).	FIP	2008
The State of World Fisheries and Aquaculture 2006. Flagship publication of FI.	FI	2007
Fishing capacity management and illegal, unreported and unregulated fishing in Asia. RAP Publication 2007/16. Gary Morgan, Derek Staples and Simon Funge-Smith.	RAP	2007
Making global governance work for small-scale fisheries. <i>New Directions in Fisheries – A Series of Policy Briefs on Development Issues, No. 09</i> . FAO.	FI	2007
Increasing the contribution of small-scale fisheries to poverty alleviation and food security. <i>FAO Fisheries Technical Paper T481</i> . Béné, C.; Macfadyen, G.; Allison, E.H.	FI	2007
<b>WATER</b>		
Law for water management: a guide to concepts and effective approaches, <i>FAO Legislative Study 101</i> , J. Vapnek, B. Aylward, C. Popp and J. Bartram (eds)	LEG	2009
Creating legal space for water user organizations: transparency, governance and the law, <i>FAO Legislative Study 100</i> , S. Hodgson	LEG	2009
Water and the Rural Poor. Jean-Marc Faurès and Guido Santini (FAO) (eds)	NRL	2008
Customary water rights and contemporary water legislation: Mapping out the interface, <i>FAO Legal Paper Online No. 76</i> , M. Ramazzotti	LEG	2008
Legislation for sustainable water user associations, <i>FAO Legal Paper Online No. 69</i> , S. Hodgson	LEG	2007
Reforma agraria y evolución del marco jurídico del agua en Chile, <i>FAO Legal Paper Online No. 59</i> , R. Hernández Astudillo	LEG	2006
Modern water rights: Theory and practice, <i>FAO Legislative Study 92</i> , S. Hodgson	LEG	2006
Land and water rights in the Sahel: Tenure challenges of improving access to water for agriculture. <i>FAO LSP WP 25</i> . Cotula L., Hesse C., Sylla O., Thébaud B., Vogt G., and Vogt K. Access to Natural Resources Sub-Programme.	LSP (inter-department)	2006
Access to water, pastoral resource management and pastoralists' livelihoods: Lessons learned from water development in selected areas of Eastern Africa (Kenya, Ethiopia, Somalia). <i>FAO LSP WP 26</i> . N. Gomes. Access to Natural Resources Sub-Programme.	LSP (inter-department)	2006
<b>CLIMATE CHANGE</b>		
Summary of Discussions from the Expert meeting on "Land tenure issues and requirements for implementing climate change mitigation policies in the forestry and agriculture sectors". FAO	NRC (LTU)	2010
Climate Change and Land Tenure: The Implications of Climate Change for Land Tenure and Policy. <i>Land Tenure Working Paper 2</i> . J. Quan and N/ Dyer	NRC (LTU)	2008
<b>EMERGENCY</b>		
Technical assistance in access to land in countries with emergencies and post conflict situations	TCE	
Somalia Water and Land Information Management Programme (SWALIM) - Recovery of lost data on natural resources	TCE	
Land Tenure and Natural Addressing land tenure in countries prone to natural disasters		2010
Livelihood assessment Tool kit Analysing and responding to the impact of disasters on the livelihood of the people		2009
Handbook on housing and property restitution for Refugees and displaced persons		2007
On solid Ground. Addressing Land Tenure issues following natural disasters		2007
Land Tenure alternative conflict management. FAO Land tenure manuals 2	Land tenure service	2006
<b>GENDER</b>		

The State of Food and Agriculture 2010 - 2011 Women in agriculture. Closing the gender gap for development	ESW	2011
Land and Gender Database	ESW	2011
Agri Gender Statistics Toolkit	ESW	2010
Gender and Land Rights. Understanding complexities and adjusting policies. Policy Brief 8.	ESW	2010
Gender dimensions of agricultural and no agricultural employment. Status, Trends and Gaps.	ESW	2010
Land and Property Rights. Junior farmer field and life school (JFSL), facilitator's guide	ESW	2010
Land access in rural Africa. Strategies to fight gender inequality. FAO Dimitra Project Workshop	ESW	2008
Workshop Brochure: Women's access to land in West Africa: problems and suggested solutions in Senegal and Burkina Faso	ESW	2008
Villarreal, Marcela "Changing customary land rights and gender relations in the context of HIV/AIDS in Africa" Colloque international "Les frontières de la question foncière – At the frontier of land issues", Montpellier, 2006	ESW	2008
"Gender, property rights and livelihoods in the Era of AIDS" FAO technical consultation. Proceedings report	ESW	2008
Vulnerability and Property Rights of Widows and Orphans in the Era of the HIV and AIDS Pandemic: A Case Study of Muleba and Makete Districts, Tanzania	ESW	2008
Children's Property and Inheritance Rights in the Context of HIV and AIDS	ESW	2007
Children's property and inheritance rights, HIV and Aids, and social protection in Southern and Eastern Africa	ESW	2007
Gender and Land compendium of Countries Studies	ESW and Land Tenure Service	2007
Improving gender equity in the access to land. FAO Land Tenure notes 2. Prepared by Susan Nichols, David Palmer and Paul Munro	ESW	2006
Izumi, K. "The Land and property rights of women and orphans in the context of HIV and AIDS. Case Study from Zimbabwe"	ESW	2006
Gender and Law - Women's Rights in Agriculture, <i>FAO Legislative Study 76</i> , Rev. 1, L. Cotula	LEG	2007 (rev. of 2002)
Children's property and inheritance rights and their livelihoods: The context of HIV and AIDS in Southern and East Africa. <i>FAO LSP WP39</i> , L. Rose. Access to Natural Resources Sub-Programme.	LSP (inter-department)	2006
Leaving two thirds out of development: Female headed households and common property resources in the highlands of Tigray, Ethiopia. <i>FAO LSP WP40</i> , P. Howard and E. Smith Access to Natural Resources Sub-Programme.	LSP (inter-department)	2006
Linking livelihoods and gender analysis for achieving gender transformative change, <i>FAO LSP WP41</i> , C. Okali. Access to Natural Resources Sub-Programme	LSP (inter-department)	2006
Unruh, Jon and Turray, Harry "Land Tenure, foods security and investment in postwar Sierra Leone" LSP working paper 22	LSP (inter-department)	2006
<b>INVESTMENT</b>		
Cooperative Programme Framework Agreement and Investment Centre Division	TCI	2001-2010
Technical Assistance	NR/TCI	2001-2010
Technical inputs on land policy, administration and good governance	NR/TCI	2001-2010
Latin America and The Caribbean Information Systems and Land Administration	TCI	2007



## ***Annex 8: Citation Analysis and Website Hits***

### **Citation Analysis**

1. **Citation analysis:** A citation analysis was undertaken for a selection of publications produced by the LTT from 2006 to 2010<sup>272</sup>. Both academic and non-academic literature was searched for citations of FAO's work. The most cited publication produced by FAO during the given period was "Land grab or development opportunity? Agricultural investment and international land deals in Africa", produced in 2009 as part of a partnership with IIED and IFAD<sup>273</sup>. The second most cited publication was FAO Land Tenure Studies No. 9 (2007), "Good governance in land tenure and administration"<sup>274</sup>. The overall performance of the Journal of Land Reform, Land Settlement and Cooperatives was low over the period 2006 to 2010, with a total of eight citations across all volumes (four of which were in other academic journals).
2. The results of the citation analysis show that publications for which FAO partnered with another organisation (e.g. IIED, IFAD or the World Bank) were generally more frequently cited, in both academic and non-academic literature. This may reflect the broader audience that is typically reached when partnering with these institutions compared to FAO publishing on its own.
3. In order to obtain an idea of the relative performance of FAO's land tenure publications, a selection of these were compared to publications produced by the World Bank on similar topics<sup>275</sup>. The comparison suggests that FAO's land tenure publications perform relatively well compared to those of the World Bank, at least in terms of academic citations. The comparison did not include non-academic literature. FAO's particularly good performance in 2009 reflects the widespread success of the publication "Land grab or development opportunity? Agricultural investment and international land deals in Africa".

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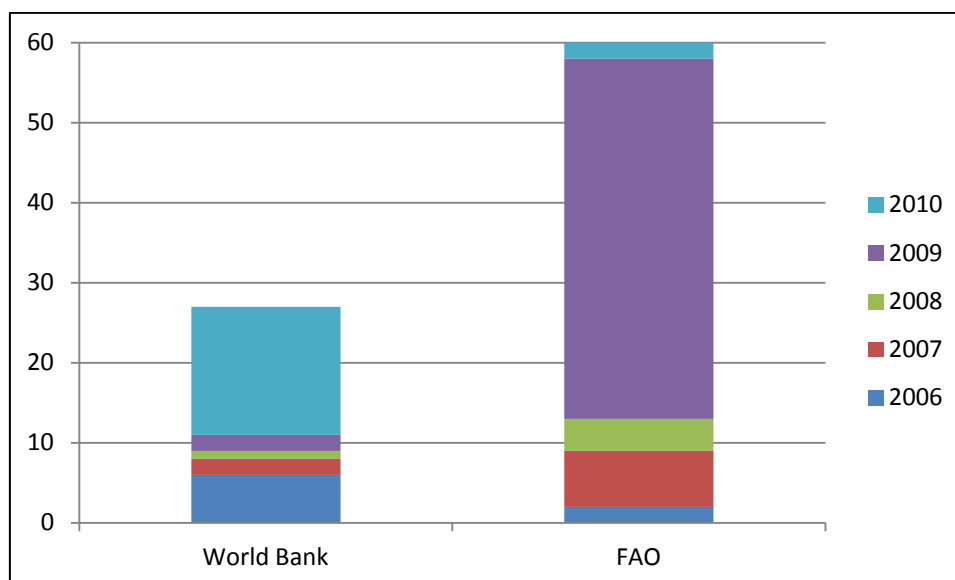
<sup>272</sup> Those from 2011 were deemed too recent to appear in any search results.

<sup>273</sup> Authors: Lorenzo Cotula, Sonja Vermeulen, Rebeca Leonard and James Keeley.

<sup>274</sup> Authors: Richard Grover, Mika-Petteri Töhrönen, David Palmer and Paul Munro-Faure.

<sup>275</sup> Six suitable World Bank publications were identified using the same criteria as for FAO publications: published between 2006 and 2010, and not specific country case studies. As there were only six suitable World Bank publications, a selection of six FAO publications on similar topics was drawn for comparison.

**Figure Error! No text of specified style in document.-1: Scopus (academic) citations for World Bank and FAO publications**



4. While the citation analysis is useful in supporting the argument made by FAO partners that joint publications enable FAO to disseminate its work to a broader audience, it is not truly representative of the real intended users of FAO's land tenure publications, i.e., governments and CSOs engaging in land tenure activity. While some work produced by the latter two groups was able to be searched, there was no simple way to search for government outputs that included reference to FAO land tenure publications. This may exclude a significant body of work that relies on FAO publications.
5. It should also be noted that in this analysis, the number of times a publication is cited is not necessarily an indication of the quality of that publication. References made to FAO work were not examined in detail to determine whether they were complimentary or critical of the publication in question. The results of the citation analysis should therefore be interpreted with caution.
6. **Website hits analysis:** A similar conclusion can be made based on the analysis of traffic data to the website of the LTT. The evaluation team found that from January to July 2011 it had a monthly average of 2,400 visits<sup>276</sup>. The site that attracted most visitors was the Voluntary Guidelines website, which, following the release of the zero draft, reached a peak of almost 3000 visits. Yet, it was not possible to determine who the users were and their level of satisfaction with the quantity and quality of material posted on the internet. Further information on the website hits analysis is provided in Box Error! No text of specified style in document.-1.

**Box Error! No text of specified style in document.-1: Website hits analysis**

Statistics on the use of the FAO's land tenure-related webpages provide an additional insight into the use of land tenure-related normative products available online, and of the webpages relating to the Voluntary Guidelines process. An analysis of this data for January to July 2011 shows that individual visits to FAO's land tenure pages increased substantially from March to April 2011, reflecting the

<sup>276</sup> Unfortunately, data prior to 2011 was not available to enable a longer-term analysis.

beginning of the e-consultation process on the Voluntary Guidelines.

An analysis was also made of the number of times land-tenure related webpages were viewed (rather than visited), with the caveat that this number may be slightly inflated by individual users repeatedly viewing the same pages. It nonetheless provides an idea of the most popular webpages for FAO's land tenure work. Earlier in 2011 the website for the new Land Tenure Journal was the most visited, followed by the homepage for the Voluntary Guidelines (in English). With the beginning of the e-consultation process for the Voluntary Guidelines in April 2011, visits to the webpage for this process increased (particularly for the English and Spanish versions). Given that there were on average 525 different land-tenure related URLs viewed in any month, the appearance of a webpage in the top five shows significant popularity.

A separate analysis of webpage viewings was undertaken for land tenure-related normative work, e.g. the pages relating to the Land Tenure Series, Land Tenure Notes, Land Tenure Technical Papers, etc. These webpages all fall under the 'Information Resources' subtitle on the Land Tenure group's homepage (which excludes the new Land Tenure Journal). In 2011, the most viewed pages were the Journal of Land Reform, Land Settlement and Cooperatives, the 'new publications' webpage, the link to publications provided from the Voluntary Guidelines webpage, the Land Tenure Technical Papers, and the Land Tenure Studies.

## ***Annex 9: Concept Paper***

### **Strategic Evaluation of FAO work on “Tenure, rights and access to land and other natural resources”**

#### **A. FAO commitment to organizational improvement through evaluation**

Evaluation in FAO has the dual function of providing accountability for results and facilitating learning from experience. To this end the FAO has an independent Office of Evaluation (OED) with dual reporting lines to the Director-General and to the FAO Council (through the Programme Committee). OED is responsible for the optimal conduct of evaluations commissioned by FAO Management and by Member Countries, including definition of the scope of the evaluation, preparation of terms of reference, identification and recruitment of the evaluation team, and arranging for research and logistical support. OED is also responsible for quality assurance i.e., that the evaluation process and reports comply with UN-wide norms and standards, including that the assessment covers the standard evaluation criteria of relevance, efficiency, effectiveness, sustainability and impact. The FAO Programme Committee at its 103rd session (September 2009) requested OED to conduct an evaluation of FAO work on land tenure and access to land. In view of the strong linkages between tenure, rights and access issues, and the broader focus of recent FAO work in land tenure and water rights, which has also included work on tenure of other natural resources (e.g. forestry, livestock, fisheries), the evaluation's scope has been expanded to reflect this evolution. The report of the evaluation will be presented at the 106th session of the Programme Committee in March 2012.

#### **B. FAO cooperation in natural resources tenure, rights and access**

Secure tenure and access<sup>277</sup> to land, water and other natural resources has been a long-standing area of FAO concern (see Appendix 1 of this Concept Paper for further background) especially in relation to poverty and hunger alleviation, promotion of gender equality, and environmental sustainability, and as such has strong linkages to the Millennium Development Goals (MDGs)<sup>278</sup> and FAO Strategic Objectives<sup>279</sup>.

In the case of land, the areas of cooperation have largely been the same over the past few years (e.g. development of analysis, policy, legislation and practical approaches related to land reform, land consolidation, land registration and cadastre, leasing, customary and communal land tenure, rural property taxation and the administration of public sector land), but the context and focus of the more recent work has changed; greater emphasis has progressively been placed on matters of governance (including the importance of integrity), gender, indigenous groups and minorities, the environment, participation of civil society and the decentralization of public services. The International Conference on Agrarian Reform and Rural Development (ICARRD) of the FAO, hosted by the Government of Brazil in Porto Alegre in March 2006, further developed these themes, giving increasing attention to land governance. An example of this broadening in scope is the ongoing work in developing Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries and Forests. Responding to demand, FAO field technical assistance has concentrated on countries in transition (Central Asia and Eastern Europe) and/or in conflict and post-emergency situations (Africa and Southeast Asia). Increasing land scarcity arising from population growth and resource depletion, together with the need to adjust to political, economic and social changes, have placed increasing pressure on member governments to help the poor to access land and natural resources. There is also a growing need for assistance to overcome acute problems of land dispossession arising from violent land conflicts and the increasing incidence of natural disasters – arising in part from climate change. Furthermore, recent concerns over energy and food security (which promoted large scale investments in the acquisition of land and subsequent debates over land and water rights), and climate change (which brings new opportunities and threats for forest and fisheries communities regarding mitigation, e.g. REDD++, and adaptation e.g. resettlement as a result of rising sea levels) have resulted in greater visibility to, and demands for assistance with, tenure, rights and access to resources worldwide. A holistic approach to evaluating these topics is therefore required.

### **C. Scope and analytical framework of the evaluation**

In setting the framework for a forward looking, evidence-based evaluation of the optimum role of tenure, rights and access activity in FAO, it is important to look at the broader context within which such an evaluation should take place. This context includes consideration of three main questions:

1. What is the role of tenure in relation to FAO's three different and complementary goals: (a) food and nutrition security; (b) poverty alleviation and (c) sustainable management of resources?
2. More specifically, what is the role of tenure and rights-related activity in meeting the goals and "strategic objectives" of FAO?

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<sup>277</sup> FAO Land Tenure Unit (2009) defines tenure as "the complex relationship among people with respect to land and its resources, where access to land and other natural resources is defined by the rules of tenure... In simple terms, tenure systems determine who can use what resources of the land for how long, and under what conditions"

<sup>278</sup> Direct contributions to MDG1, MDG3, MDG7 and MDG8, and indirectly contributing to MDG2, MDG5 and MDG6.

<sup>279</sup> Direct contributions to SOF, SOG, SOH, SOK, SOI and indirectly contributing to the remaining ones including Forestry and Fisheries.



3. How specifically do tenure-related activities fit with FAO's defined "core functions"; and taking into account past performance, resource availability and other constraints, what should be the priorities for the FAO in the area of tenure, rights and access?

In the context of the above questions, and looking at the FAO Goals and Objectives (See Figure 1), it is evident that the FAO work on tenure is expected to play a strong supporting rather than leading role in FAO as it moves towards its Vision. In simple terms, and from an FAO point of view, secure tenure is not an end objective in and of itself. Rather, it provides a means to move ahead in terms of development aimed at achieving the FAO goals and strategic objectives, the "end" being reduction in hunger, poverty and unsustainable use of natural resources. The evaluation will thus assess the extent to which tenure, rights and access considerations have been integrated thoroughly into the mainstream of FAO activity<sup>280</sup>, complementing and supporting the overall approach taken to the MDGs and to achieving the vision, goals and objectives of the FAO and its Members.

**Figure 1: Main components of FAO's results framework**

**FAO's vision**

A world free of hunger and malnutrition where food and agriculture contributes to improving the living standards of all, especially the poorest, in an economically, socially and environmentally sustainable manner.

**The three Global Goals of Members:**

- reduction of the absolute number of people suffering from hunger, progressively ensuring a world in which all people at all times have sufficient safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life;
- elimination of poverty and the driving forward of economic and social progress for all, with increased food production, enhanced rural development and sustainable livelihoods;
- sustainable management and utilisation of natural resources, including land, water, air, climate and genetic resources, for the benefit of present and future generations.

**Strategic Objectives**

- A. Sustainable intensification of crop production
- B. Increased sustainable livestock production
- C. Sustainable management and use of fisheries and aquaculture resources
- D. Improved quality and safety of foods at all stages of the food chain
- E. Sustainable management of forests and trees
- F. Sustainable management of land, water and genetic resources and improved responses to global environmental challenges affecting food and agriculture
- G. Enabling environment for markets to improve livelihoods and rural development
- H. Improved food security and better nutrition
- I. Improved preparedness for, and effective response to, food and agricultural threats and emergencies
- K. Gender equity in access to resources, goods, services and decision-making in the rural areas
- L. Increased and more effective public and private investment in agriculture and rural development

Source: C2009/15. DG's MTP 2010-13 and Programme of Work and Budget 2010-11.

The FAO has eight defined "core functions" to carry out in meeting its vision and achieving its goals and strategic objectives (see Figure 2). One of the main challenges faced by the FAO "Tenure Group" (TG) is to define its role within this broader context of the FAO Vision, Goals and Objectives, and considering the accepted "Core functions".

<sup>280</sup> As per OED policy, this evaluation will also assess FAO's performance on gender mainstreaming throughout its activities.

Parallel to this is the question faced by the Evaluation Team (ET): What should be the role of the TG, given the FAO Vision, Goals and Objectives, and given a realistic assessment of the constraints facing expansion of work in this area? What should be the priorities, taking into account the strengths and weaknesses of work carried out by FAO in recent years and the activities of other actors in this area? For the purposes of this evaluation – which is forward looking and limited in scope – the future Goals, Objectives and “Core Functions” of FAO should be taken as given. In brief, tenure should be dealt with in FAO in a way that supports the main thrust of FAO’s work to achieve its goals and objectives. What are the implications in terms of how Tenure, Rights and Access (TRA) work should be focused and organized within the FAO? How does the current organization and focus of such work shape up in terms of the answer to the previous question? And, what are the constraints and opportunities that need to be addressed, if changes are desirable; and how can they be addressed? These appear to be three main questions that should be addressed by the evaluation.

Further details on the nature of the challenges, the generic evaluation questions and a summary of the activities that are necessary to answer the above questions are available in Appendix 2 of this Concept Paper.

**Figure 2: Core Functions of FAO**

1. Providing long-term perspectives and leadership in monitoring and assessing trends in food security and agriculture, fisheries and forestry.
2. Stimulating the generation, dissemination and application of information and knowledge, including statistics.
3. Negotiating international instruments, setting norms, standards and voluntary guidelines, supporting the development of national legal instruments and promoting their implementation.
4. Articulating policy and strategy options and advice.
5. Providing technical support to:
  - a. promote technology transfer;
  - b. catalyse change; and
  - c. build capacity, particularly for rural institutions.
6. Undertaking advocacy and communication, to mobilise political will and promote global recognition of required actions in areas of FAO’s mandate.
7. Bringing integrated interdisciplinary and innovative approaches to bear on the Organization’s technical work and support services.
8. Working through strong partnerships and alliances where joint action is needed.

Source: C2009/15. DG’s MTP 2010-13 and Programme of Work and Budget 2010-11.

## **D. Methodology of the evaluation**

The evaluation will gather, analyse and report information mainly through the following means:

- A thorough review of relevant documentation from within FAO (including budgetary and programming data) as well as from other agencies working in tenure, rights and access to resources; with particular attention to FAO normative products (see annex C), field projects (see annex D), meetings and events (see annex E), and past evaluations (see annex F).
- In-depth interviews with a range of stakeholders in FAO’s TG, including Senior Management, staff from the Natural Resources Department (both the Land and Water Division and the Climate, Bio-energy and Tenure Division), the Economic and Social Development Department (including the Gender, Equity and Rural Employment Division, the Trade and Commodities Division and the Agricultural Economics Development Division), the Legal and Ethics Office, the Technical Cooperation Department (comprising the Emergencies and Rehabilitation Division, the Policy and Programme Development Support Division, and the

Investment Centre), Technical Departments (such as the Forestry Department and the Fisheries and Aquaculture Department); and decentralized offices.

- Discussions with FAO stakeholders, and with recipients of assistance and users of FAO's TRA products, to gather their views on the usefulness, relevance, quality and comparative advantages of FAO's TRA work, and where that work should go in the future.
- Visits to selected case-study countries (tentatively two or three countries in Africa, Eastern Europe and Central Asia) for in-depth information gathering; the country missions will primarily assess the effectiveness of FAO's field programme and gather the views of local stakeholders on FAO's TRA work.
- Visits, surveys and/or interviews with key agencies and institutions working in tenure, rights and access to resources. This will include a sample from among international organizations and financing institutions such as World Bank, IFAD, UN Habitat, UNEP, UNDP, etc.; research institutions such as IFPRI/CAPRI and other academic centres; major INGOs (e.g. Oxfam, IIED); commercial and industrial representatives; donor agencies, etc.
- Convening of a Panel of Experts of global repute to provide insights and input to the evaluation team, meeting at the start and end of the evaluation process.

## **E. Composition of the Evaluation Team**

The evaluation team will consist of:

- An independent team leader recognised internationally for his/her expertise in land and natural resources tenure issues and in conducting evaluations.
- Two senior team members with a combined expertise in socio-economic, policy and technical issues related to tenure, rights and access to land and other natural resources, and with complementary regional experience.

Members of the evaluation team would also have field experience in managing TRA-related interventions in developing countries and be familiar with both development and humanitarian contexts. Gender expertise will also be required in at least one member of the team. The evaluation will be managed by OED which will also provide research and administrative support to the evaluation team. The team leader will participate as early as possible in the evaluation process, including the preparatory phase during which he/she will prepare an Inception Report. To the extent possible, the team will be balanced in terms of thematic, regional and gender expertise/representation.

## **F. Indicative timetable**

February-early April 2011	<ul style="list-style-type: none"> <li>• Identification and selection of evaluation team and Expert Panel members</li> <li>• Start gathering and analysing of background information and documentation</li> </ul>
Mid April 2011/Early May 2011	<ul style="list-style-type: none"> <li>• Core team in Rome for one week for initial discussions, interviews, document review, planning</li> <li>• Team Leader prepares Inception Report with inputs from core team</li> </ul>
Mid May 2011	<ul style="list-style-type: none"> <li>• 1st meeting of the Expert Panel (2 days) to discuss Inception Report and evaluation design</li> </ul>
Late May and early June 2011	<ul style="list-style-type: none"> <li>• Country visits (Southern Africa, Eastern Europe and Central Asia), survey implementation, telephone interviews, etc.</li> </ul>
June-July 2011	<ul style="list-style-type: none"> <li>• Preparation of draft evaluation report</li> </ul>
August 2011	<ul style="list-style-type: none"> <li>• Circulation of Draft Report for comments from FAO stakeholders</li> <li>• Zero draft report to be available by mid August 2011</li> </ul>
August-September 2011	<ul style="list-style-type: none"> <li>• 2nd meeting of the Expert Panel to contribute to finalisation of the evaluation recommendations</li> </ul>

	<ul style="list-style-type: none"> <li>• Team leader stays on for three days to review and incorporate comments (with possible follow-up meetings with commenters)</li> </ul>
By September 2011	<ul style="list-style-type: none"> <li>• Final Report delivered</li> </ul>
By October 2011	<ul style="list-style-type: none"> <li>• FAO Management Response prepared</li> </ul>
May 2012	<ul style="list-style-type: none"> <li>• Discussion of the final report and management response at the 106th session of the FAO Programme Committee</li> </ul>

## **Concept Paper Appendix 1: Background on FAO Cooperation in Tenure, Rights and Access to Land and other Natural Resources**

Given the multi-disciplinary nature of natural resources tenure, rights and access work, several technical units have been involved in this area of cooperation. They together form the “FAO Tenure Group” (TG) and include:

### **A. Natural Resources Department:**

**Land Tenure Unit (NRC):** it is physically located within the Climate Change, Bio-energy and Tenure Division (NRC) and was until 2009 formally part of the Land and Water Division (NRL). It is staffed by ten professionals including two consultants, one regional officer (full-time and based in Budapest) and one APO (HQ). In addition, two professional posts have recently been created with funds from the FAO-World Bank (WB) Cooperative Programme (Investment Centre) largely to serve WB-funded projects, and one professional post is being established for emergency and rehabilitation activities.

Current work undertaken by the Land Tenure Unit includes normative activities (Regular Programme), and a range of field programme activities including investment projects, emergency projects and rural development projects. Since 2006, the Land Tenure Unit has led and/or participated in several technical cooperation projects and has provided inputs to investment field projects implemented in several countries (mainly in Eastern Europe and Central Asia) through partnerships with International Financing Institutions (IFIs).

Recent interdisciplinary work by FAO on improving secure access to land and other natural resources was significantly facilitated by two major programmes: the Livelihood Support Programme (LSP) and the Legal Empowerment of the Poor programme (LEP). The LSP, which mainstreamed the livelihood approach in various FAO activities, had a specific component dedicated to improving access to natural assets by the poor, and produced substantive normative work focused on themes such as the interface between natural resources, the rights of the poor, their recognition and exercise, and access to natural resources in a rapidly changing world. The LEP focused on the legal empowerment of the poor and their capacities to exercise those rights, through both normative and field activities – including capacity building. This work provided inputs to the Commission on Legal Empowerment of the Poor. Both programmes were implemented through an inter-sectoral approach. This interdepartmental collaboration has reportedly been continued and expanded in the development of the Voluntary Guidelines on the responsible governance of tenure and the related implementation guides.

The Land Tenure Unit work in 2010-11 focuses on the achievement of Organizational Result F4 – “An International framework is developed and countries’ capacities are reinforced for responsible governance of access to, and secure and equitable tenure of land and its interface with other natural resources, with particular emphasis on its contribution to rural development”.

**Land and Water Division (NRL):** This division is responsible for addressing issues related to land and water resources and management, and is co-responsible for publishing in 2011 the first FAO flagship on the global status of land and water resources. Two staff members work on a part-time basis on land tenure and water tenure issues respectively.

The tenure-related work of the Land and Water Division in 2010-11 contributes to Organizational Result F2 – “Countries address water scarcity in agriculture and strengthen their capacities to improve water productivity of agricultural systems at national and river basin levels including transboundary water systems”. TRA work in this area is also included in FAO’s Impact Focus Area “Coping with scarcity of water and land resources”.

## **B. Economic and Social Development Department**

**Gender, Equity and Rural Employment Division (ESW):** This office supports FAO's efforts to promote the economic and social well-being of the rural poor. In addition to coordinating FAO's work on sustainable rural development and population issues, the Division assists FAO and its member governments in addressing issues related to gender, indigenous people and rural institutions. Two staff members (on a part-time basis) and a full-time consultant work on tenure issues. ESW is expecting to allocate more staff time to land issues since it has been prioritized as a core theme. Among key activities of ESW are the gender and land rights database (<http://www.fao.org/gender/landrights>) and several papers and other materials on land policy. ESW is also contributing to the development of the Voluntary Guidelines.

The tenure-related work of the Gender, Equity and Rural Employment Division (together with the Land and Water Division – see above) in 2010-11 contributes to Organizational Result G2 – “Rural employment creation, access to land and income diversification are integrated into agricultural and rural development policies, programmes and partnerships”, and K3 – “Governments are formulating gender-sensitive, inclusive and participatory policies in agriculture and rural development”.

**Agricultural Economics Development Division (ESA):** It is the focal point for FAO's economic research and policy analysis for food security and sustainable development. ESA focuses on the analysis of agricultural and rural development programmes and projects. It produces studies on agriculture in the overall economic development process, poverty reduction, comparing agricultural development at country and regional levels, and on the situation and trends of world food security. It also publishes the State of Food and Agriculture, and the State of Food Insecurity in the World, two of FAO's flagship publications.

ESA host the Secretariat of the recently reformed Committee for Food Security (CFS), which has become the platform for the discussions on the Voluntary Guidelines for Responsible Governance of Land, Fisheries and Forests. ESA has also conducted analytical work focused on household access to a set of assets, through which labour is allocated to different activities affecting outcomes such as income, food security, and investment spending.

**Trade and Markets Division (EST):** It maintains a constant watch on the world market situation and outlook for all the main agricultural commodities, including basic foodstuffs, tropical products, and raw materials, and is responsible for servicing the arrangements for early warning of food shortfalls.

EST is the FAO focal point for the development of the “Principles for Responsible Agricultural Investment (RAI) that Respects Rights, Livelihoods and Resources”. In developing the above principles, EST interacts with other FAO units (such as NRC and LEG) which are involved in the development of the Voluntary Guidelines for Responsible Governance of Land, Fisheries and Forests.

## **C. Technical Cooperation Department:**

**Emergency Operations and Rehabilitation (TCE):** As part of FAO work in disaster risk reduction, this office has worked with the Land Tenure Unit to improve access to land in countries emerging from violent conflict (e.g. Angola, Mozambique and the Sudan) and from natural disasters such as the 2004 Indian Ocean tsunami. It has developed tools for project designers, land administration and land tenure specialists.

The tenure-related work of the Emergency Operations and Rehabilitation Division and the Land Resources Unit in 2010-11 contributes to Organizational Result I1 – “Countries' vulnerability to crisis, threats and emergencies is reduced through better preparedness and integration of risk prevention and mitigation into policies, programmes and interventions”; and I3 – “Countries and partners have improved transition and linkages between emergency, rehabilitation and development”.

**Investment Centre (TCI):** This division works in partnership with countries and both public and private financial institutions to increase the efficacy and flow of external, domestic and private investments in agriculture and rural development. It has worked together with the Land Tenure Unit in developing and providing technical assistance to programmes and projects on land tenure in developing and in-transition countries.

**The Policy and Programme Development Support Division (TCS):** It serves FAO Member Nations by collecting, analysing and disseminating information on country, regional and global developments in agriculture and by providing policy advice that supports the formulation, implementation, monitoring and evaluation of strategies for sustainable agriculture, rural development and food security. It also facilitates the mobilization of funds from both donors and national governments for projects and programmes within developing countries.

#### **D. Forestry Department (FO):**

The Forestry Department initiated its work on forest tenure in 2005, in close collaboration with NRC. FO engages in activities that aim at supporting the development and implementation of adequate and diversified forest tenure systems. This includes assessing the impact of different tenure systems on sustainable forest management and poverty alleviation; collection and dissemination of data on forest tenure; raising awareness and stimulating debates on forest tenure at the national level and in international forums; and providing country support through field projects and development of practical tools. A key output of FO TRA work will be a set of Forestry Tenure Guidelines which will be published shortly. FO is also involved in the development of the Voluntary Guidelines.

#### **E. Fisheries and Aquaculture Department (FI):**

It facilitates and secures the long-term sustainable development and utilization of the world's fisheries and aquaculture. Underpinning these basic social and economic objectives is the requirement for fisheries and aquaculture to be responsibly managed. This implies preventing overfishing, promoting sustainable aquaculture, co-ordination and delivery of effective research and extension and the empowerment of people. FI provides, on the request of members, technical assistance in all aspects of fisheries and aquaculture management and development including tenure, rights and access to resources.

#### **F. The Legal and Ethics Office (LEG):**

This office assists in the formulation of treaties on food and agriculture, publishes legal studies and maintains a database (FAOLEX) of national legislation and international agreements concerning food and agriculture (including fisheries, forestry and water). Three to four professionals carry out work (on a part-time basis) on land and other natural resources tenure issues.

Working with the technical services of FAO (particularly with the Land Tenure Unit), this office helps governments prepare laws, regulations, agreements and other legal texts, advises on institutional structures and compliance with international law. Since 2005, it has participated and/or led nine technical cooperation projects. The Office has also published legal studies, as well as occasional papers (available at <http://www.fao.org/Legal/legstud/list-e.htm>) which deal with the issue of natural resources tenure, rights and access. The tenure-related work of the Legal and Ethics office in 2010-11 contributes to Organizational Result X2 – “Effective and coherent delivery of FAO core functions and enabling services across Organizational Results”.

#### **G. Staff in decentralized offices in Africa, Asia, Europe, Latin America and the Near East.**

## Concept Paper Appendix 2: Possible Framework for the Evaluation

<b><i>I. Nature of the Challenges</i></b>	<b><i>II. Generic Evaluation Questions</i></b>	<b><i>III. Generic Evaluation Activities to answer questions</i></b>
Developing a perspective on the priority TRA issues in the context of the FAO Goals	1. How does TRA fit in the broader scheme of agricultural and natural resource related development and food security? Why are TRA elements important? How does TRA link to governance? What is the TRA situation in the developing world today? What is a useful and logical framework of priorities needing to be addressed by the ET?	a) Review of documentation b) Personal knowledge of ET and Expert Panel (EP) c) Discussions with key informants d) Output: a discussion paper and framework document on necessary TRA elements in the context of the MDGs and the FAO goals and strategic objectives
Analyzing existing situation inside and outside of FAO	2. What is FAO currently doing in the TRA area, both in the Tenure Group (TG) itself and elsewhere in FAO? What has been accomplished in the recent past? What have been the results over time? Is there a demand for TRA support services in the future, and can this be quantified? Are there areas of work where FAO has consistently performed well, or poorly? Are there any indications of impacts?	e) Review of FAO documentation and field project work reports, etc. to capture both normative and field efforts and both development and emergency/rehabilitation work. f) In-depth discussions with FAO personnel within and outside the TG. g) Survey questionnaire on results/impacts h) Selected field visits i) Output: an inventory and analysis of FAO work
	3. Who else is working in TRA related activities (internationally, regionally and nationally) today? What are the complementarities with FAO work in this area?	j) Personal knowledge of ET, EP and FAO staff k) Widespread telephone interviews with relevant orgs. l) Review of documentation on accomplishments by others m) Output: Inventory and analysis of work by others
	4. What are the key gaps and future challenges in the TRA area today, given the framework developed in 1 above?	n) Using d), i) and m) above, do a gap analysis and develop a needs assessment with priorities. o) Output: Future priority needs in the TRA area
	5. How should FAO fit in broader international, regional and national work on TRA; given the nature of FAO, its goals and strategic objectives, and accepted core functions? What are the priorities? 6. What are the underlying constraints on change?	p) Evaluation of the logical priorities for FAO given o) above and the FAO strategic objectives and core functions, but ignoring other constraints q) Evaluation of constraints and new opportunities for change in FAO's TRA work r) Evaluation of priorities for FAO considering the resource and other constraints facing the organization
Recommending the future of TRA work in the FAO as a whole.	7. What are the ET's recommendations for the future path of FAO change in the TRA area? 8. What are the ET's recommendations for how to overcome the constraints on change (partnerships, leveraging, etc.)?	s) Evaluation of priorities for the future FAO work in TRA, its organization and structure within FAO; t) Evaluation of alternatives for overcoming constraints on change in the FAO;