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COMMITTEE ON WORLD FOOD SECURITY

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**FOLLOW-UP TO THE INTERNATIONAL CONFERENCE ON
AGRARIAN REFORM AND RURAL DEVELOPMENT (ICARRD) –
ADVANCING FOOD SECURITY AND RURAL DEVELOPMENT
THROUGH BETTER GOVERNANCE OF TENURE**

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I. INTRODUCTION

1. This paper was requested by the Thirty-fourth Session of the Committee on World Food Security (CL 135/10) in order to provide an updated overview on the follow-up to the International Conference on Agrarian Reform and Rural Development (ICARRD) hosted by Brazil in 2006. It follows an earlier overview paper (C 2007/INF/21) and takes into account the Independent External Evaluation and the drafts of the new Strategic Framework and 2010-11 Programme of Work and Budget. It also takes cognisance of newly emerging tenure issues and the emphasis placed during the debate on CFS reform on the need for the Committee to focus on policy recommendations for key issues affecting food security.

2. The paper focuses on the governance of tenure, an important dimension of rural development which has major implications for food security particularly in developing countries. It does this by identifying current challenges and outlining FAO's actions in areas such as improving governance of tenure through the implementation of the ICARRD Declaration's vision and principles, and by mainstreaming principles and actions of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Voluntary Guidelines on the Right to Food) into tenure reform.

II. NEW TENURE CHALLENGES

3. When complemented by access to other livelihood assets and services, equitable access to, and secure tenure of, land and other natural resources reduces poverty and hunger and promotes sustainable rural development in a number of ways:

- Alleviating poverty and hunger: Inadequate rights of access to land and other natural resources, and insecure tenure of those rights, often result in extreme poverty and hunger. Tenure reforms that improve access and security can allow a family to produce food for household consumption, and to increase household income by producing commodities for sale in the market. Secure access to land and other natural resources provides a valuable safety net as a source of shelter, food and income in times of hardship.
- Promoting environmental sustainability: Tenure, by defining access and security of rights to land and other natural resources, affects how farmers decide to use the land, and whether they will invest in land improvements. Inappropriate tenure policies and inequitable access to land and other natural resources result in over-cultivation and over-grazing of marginal lands. Tenure reforms can promote land use practices that enhance the environment. Farmers are more likely to invest in improving their land through soil protection measures, planting trees and improving pastures if they have secure tenure and can thus expect to benefit from their investments over the longer term.
- Promoting gender equality: Women are one of the groups that often have fewer and weaker rights to land because of biases in formal law, in customs and in the division of labour in society. Tenure reforms that promote gender equity may also indirectly serve to further empower women in social and political relationships.

4. Many Member Nations have made considerable progress in improving secure tenure, especially to the rural poor. But, as recognised by member nations at ICARRD, successful tenure reform is difficult, and a number of longstanding challenges remain. Despite women being the principal farmers or producers in many parts of the world, significant gender inequalities continue to exist with regard to use of and control over land and other natural resources. Although ancestral rights to land and other natural resources are a cornerstone of the livelihoods of indigenous

people, the legal recognition and safeguarding of such rights has been uneven. The livelihoods of pastoralists in arid and semi arid eco-systems continue to be threatened when grazing lands are inappropriately converted for use in commercial ranching or cultivation. Where violent conflicts have displaced much of the population, building social and economic stability requires finding permanent solutions to where people can acquire land in order to live and work. Getting the answer right can go directly to the matter of achieving lasting peace. Where ownership of agricultural land is highly concentrated, land redistribution schemes too often fail to achieve the desired reduction of poverty and increase in agricultural production along with the enhancement of social equity. While state owned land is a valuable asset in all countries, lack of policies, resources and capacities result in it frequently not being managed as it might be. Despite the growing recognition of the need to modernize land administration systems to support secure tenure and sustainable development, land agencies in much of the world lack the stable financial basis and sound management needed to provide services that are timely and affordable to the rural poor. While recognising the difficulty of resolving these challenges, many member nations continue to show a commitment to improving gender equity, giving legal recognition to indigenous and other customary rights, providing access to land through redistribution where there is excessive concentration of landownership, and making land administration more accessible.

5. Addressing these challenges is complicated by the permanency of change. Where demographic growth is strong in rural areas, land resources come under increasing pressure. Conversely, some countries are facing increased rural-urban drift and aging rural populations. The global trend of urbanization, often through unregulated urban expansion, is hastening the conversion of agricultural land for other purposes. Such changes affect the value of land, which in turn may cause changes in tenure, for example the emergence of informal land markets in customary tenure societies with a longstanding tradition of forbidding the sale of land. In such processes of social transformation and increased land competition, weaker groups tend to lose out. The situation is made more complex by new concerns over energy, food security, and climate change.

6. Concerns over recent high and volatile fuel and food prices prompted large scale investments in the acquisition of agricultural land for increased production of biofuels as well as food for investor countries with limited water and arable land. Although the prices of fuel and food have decreased, the new patterns of land investment are likely to continue. These investments have the potential to revitalize rural livelihoods or to destroy them. The search for land offers landowners the opportunity to sell or lease their land to investors. Since power asymmetries exist between small landowners and outside investors, assistance will be needed to provide weaker actors with the skills on how and what to negotiate in order to ensure that sale and lease agreements are equitable. However, many farmers around the world lack even the ability to engage in such transactions and risk being dispossessed of their land. Farmers on state owned land often have use rights that depend on the “productive use” of the land: governments may take the land and allocate it to others if productive use requirements are not met. These land rights are precarious when legislation does not define what constitutes productive use. The situation is even more insecure for the vast numbers of rural farmers who lack official proof of their land rights, often held under customary tenure. The lack of legal recognition of land rights has led to a perception that land is abundant in some countries, but in reality there is little land that is not already being used or claimed. As yet, few countries have adequate institutional mechanisms in place to protect the livelihoods of rural land users when large scale land acquisitions for agricultural investment are being considered. Policy and legal safeguards should be established to protect farmers and other rural inhabitants from arbitrary eviction. Local farmers and communities should be integrated in the plans and negotiations: informed and balanced negotiations and contracts between Governments, investors and local communities are critical to the outcome.

7. New approaches for the mitigation of climate change bring new opportunities and threats for rural communities. Reduction of emissions from deforestation and forest degradation in developing countries (REDD) is a significant opportunity both for climate change mitigation and

sustained financial benefit flows, as emission reductions are expected to be matched by performance based financial compensation – whether market or non-market based. Addressing tenure issues is essential to achieve REDD. On paper, most forest land is publicly owned: a global estimate is that 85 percent of forests are public, with the figure rising to 95 percent in Africa, most of which is legally owned by central governments.¹ The reality is that much of the public forests are managed not by public agencies, but instead by rural people who gain access to forest resources through customary rights which are not reflected in legislation. Unclear tenure can aggravate deforestation and degradation: deforestation is a way of claiming rights to land, and degradation arises when tenure does not provide incentives to invest in improvements. Tenure reforms, including the legal recognition of customary rights, are a necessary part of introducing sustainable forest management practices in many countries, and of ensuring that local communities who are the *de facto* managers of forest lands are able to benefit from REDD payments.

8. For many rural communities, adaptation to climate change may be forced resettlement. For example, rising sea levels may force communities living in low-lying coastal areas to move to safer ground. Changes in weather, such as prolonged droughts, may cause farmers and pastoralists to abandon their lands. The areas where the displaced individuals and communities relocate are likely to be already used and claimed by others. Tenure policies and procedures will need to be devised to resolve the competition between migrants and local communities for access to land. Policies designed to facilitate resettlement will need to be linked to broader adaptation programmes that provide new livelihood opportunities for the displaced who can no longer maintain their farming occupations after resettlement.

III. FAO'S WORK ON TENURE

9. FAO's central role in supporting tenure reform was identified at FAO's first Conference in 1945 and affirmed at the 1966 World Land Reform Conference, the 1979 World Conference on Agrarian Reform and Rural Development (WCARRD), the 1996 World Food Summit and the World Food Summit: five years later, and more recently at ICARRD in 2006. Recent normative and field work of FAO includes the development of methodologies for the recognition of community land rights through a negotiated territorial approach, improved gender equity in access to land, management of land tenure conflicts, access to land and land administration following violent conflicts, leasing arrangements that balance the interests of owners and tenants, rural property taxation to support decentralization of rural services, and governance of tenure and its administration.

10. The ICARRD Declaration reaffirmed that wider, secure and sustainable access to land, water and other natural resources is essential to hunger and poverty alleviation, and contributes to sustainable development. ICARRD sought a new vision and political will. The vision defined at ICARRD is that relevant policies should be more focused on the poor, be participatory, and be respectful of gender equality in the context of economic, social and environmentally sound sustainable development; and that such policies should contribute to food security and poverty eradication, and be based on secure individual, communal and collective rights. ICARRD's principles include the use of national and inclusive dialogue as an overarching mechanism to ensure significant progress; broadening sustainable access to and control over land and related resources through coherent, ethical, participatory and integrated policies; support for a participatory approach as well as good governance for the equitable management of natural resources within the context of national legal frameworks; support to developing countries for small scale use of productive natural resources for family agriculture, women, indigenous people, forest and fishing communities, pastoralists, peasants, and landless people; support for policies

¹ FAO (2008) Understanding forest tenure in Africa: opportunities and challenges for forest tenure diversification. Forest Policy and Institutions Working Paper 19.

that promote decentralization in order to overcome social exclusion; promotion of affordable and accessible administration mechanisms to secure land rights; and support to increased local, national, regional and global partnerships.

11. ICARRD's vision and principles have been implemented in a number of projects and initiatives around the world. Support has been provided to the joint initiative of the African Union Commission, UNECA and the African Development Bank to develop a Land Policy and Land Reform Framework and Guidelines for Africa. Through a regional TCP project² technical assistance was provided to increase capacity of the African Union Commission and its sister institutions to steer and organize the process for the preparation, drafting and implementation of the initiative, including strong participation and contributions from regional farmers' organizations and NGOs, and to enable civil society organizations to make a well informed contribution. The land policy framework and guidelines were endorsed by the 13th ordinary Session of the AU Assembly of Heads of State and Government, which took place in July 2009 in Sirte, Libya. Technical assistance to build capacity in Government and civil society organizations in territorial development was provided to Brazil through a TCP project which complements a UTF project funded by Brazil.³ The FAO Regional Office for Latin America and the Caribbean is promoting, as a follow-up to ICARRD, a series of dialogues on access to land and rural development with the participation of social movements and Governments through a regional project financed by Brazil, and with participatory countries of Chile, Colombia, Cuba, Ecuador, Nicaragua, and Panama.⁴ A complementary regional TCP project for South America is being formulated to support the participation by civil society organizations in national dialogues. As a follow-up activity to ICARRD, the Centre on Integrated Rural Development for Asia and the Pacific (CIRDAP) conducted an IFAD funded study on knowledge generation and policy dialogue regarding access to land and other natural resources by the rural poor.

12. Prior to ICARRD, the Voluntary Guidelines on the Right to Food identified potential synergy between securing efficient and equitable access to land, and promoting and protecting tenure security, especially with respect to women and poor and disadvantaged segments of society. As is shown in the current debate on large scale land acquisitions, secure tenure of agricultural land is also required for investment in the production of food for the market in ways that do not deprive others of their livelihoods. Mainstreaming the Voluntary Guidelines on the Right to Food into tenure reform, and integrating ICARRD perspectives with the work on the Right to Food provides new opportunities as well as challenges to frame discussion and build partnerships. The role of governance and the rule of law are emphasized in both the Voluntary Guidelines on the Right to Food and ICARRD's Declaration, and the realization of these instruments is dependent in part on strengthening governance of tenure of land and other natural resources. Weak governance is a cause of many tenure-related problems, and attempts to address tenure problems are affected by the quality of governance. Weak governance of tenure discourages investment, widespread economic growth, and protection and sustainable use of the environment. It can condemn people to a life of hunger and poverty if they lose their farms, their homes and their livelihoods because of corrupt practices, or because the administration of tenure is so inefficient it cannot protect them. People can lose their lives when weak governance of tenure leads to violent conflicts that spiral out of control. Weak governance comes with a high price. A recent survey by Transparency International shows that corruption in land tenure is a widespread problem that has become increasingly recognised as a governance challenge.⁵ There is

² TCP/RAF/3115 "Support to ICARRD follow-up and to the African Land Policy Initiative including regional stakeholders' dialogue".

³ TCP/BRA/3101 "Apoyo metodológico y de capacitación al Plan Nacional de Reforma Agraria (PNRA) y al Programa Nacional de Agricultura Familiar (PRONAF)"; UTF /BRA/057/BRA "Apoyo al Desarrollo Sustentable de la Agricultura Familiar en Brasil".

⁴ GCP/173/RLA/BRA "Fortalecimiento de la Sociedad Civil em Temas do Agricultura Familiar e Acesso aos Recursos Naturais Renováveis"

⁵ 2009 Global Corruption Barometer http://www.transparency.org/policy_research/surveys_indices/gcb/2009

a growing and widespread interest for a response in a form of internationally accepted guidelines that can be adopted and implemented by countries.

13. FAO has embarked on the development of voluntary guidelines on responsible governance of tenure of land and other natural resources as reported to the Committee on Agriculture (COAG/2009/3). Work on the Voluntary Guidelines on the Governance of Tenure is programmed in FAO's new Strategic Framework under Strategic Objective F (Sustainable management of land, water and genetic resources and improved responses to global environmental challenges affecting food and agriculture) as Organizational Result F04 (An international framework is developed and countries' capacities are reinforced for responsible governance of access to and secure tenure of land and its interface with other natural resources). Extra-budgetary funding for the initiative is being provided by IFAD, UN-Habitat, Germany and Finland.

14. The Voluntary Guidelines on the Governance of Tenure are intended to provide practical guidance to States, civil society and the private sector on the responsible governance of tenure as a means of alleviating hunger and poverty, empowering the poor and vulnerable, enhancing the environment, supporting national and local economic development, and reforming public administration. They will further expand the Voluntary Guidelines on the Right to Food with regard to tenure, as well as being a follow-up to ICARRD. The preparation of the Voluntary Guidelines on the Governance of Tenure draws on FAO's experience with other instruments such as the Voluntary Guidelines on the Right to Food; Fire Management Voluntary Guidelines: Principles and Strategic Actions; Responsible Management of Planted Forests: Voluntary Guidelines; the Code of Conduct for Responsible Fisheries; and the International Code of Conduct on the Distribution and Use of Pesticides.

15. The Voluntary Guidelines on the Governance of Tenure are to be prepared through a global partnership, gathering inputs from member nations and participating international organizations as well as civil society organizations. IFAD, UN-Habitat, Germany and Finland have joined the initiative, and the deepening of the partnerships is likely to escalate during the process. Brazil has expressed an interest in supporting a regional consultation meeting for Latin America. The active participation of civil society in the process is vital, and FIAN, as a partner to IPC (International NGO/CSO Planning Committee for Food Sovereignty), is interested in coordinating the civil society contribution to the process. FIG (International Federation of Surveyors) and RICS (Royal Institution of Chartered Surveyors) have expressed willingness to mobilize the involvement of land professionals. Discussions are on-going with AUSAID on cooperation in the Asia Pacific region. In addition, the African Union Commission, the European Union Commission, UNDP, the World Bank, and the Millennium Challenge Corporation have expressed their interest in the preparation and implementation of the voluntary guidelines.

16. The preparation of the Voluntary Guidelines on the Governance of Tenure will be based on research and multi-stakeholder discussion at global levels conducted in 2009-10. The regional consultation process will be launched in September 2009 in Southern Africa at a meeting in Namibia co-sponsored by GTZ. Other regional consultation meetings are planned for South East Asia, Asia-Pacific, Central and Eastern Europe, Eastern Africa, Central and Western Africa, Latin America and the Caribbean, and the Near East. Additional consultation meetings are planned specifically for civil society and for the private sector. The voluntary guidelines will be prepared in a broad participatory manner, with opportunities for review including electronic consultation through the Internet.

17. The preliminary schedule is for the Voluntary Guidelines on the Governance of Tenure to be available for review by FAO governing bodies in 2011, after which the focus of work will shift from preparation to implementation: good practices identified in such guidelines will have to be implemented in order for families, communities and countries to benefit. The experience with FAO's existing voluntary guidelines suggests that assistance in implementation may be provided through the preparation of:

- A strategy for implementation, including needs assessments, actions, actors, targets and indicators as defined by the stakeholders.
- Supplementary guidelines to provide more technical details on specific aspects when necessary.
- Training and advocacy materials to inform people of the voluntary guidelines and how they can be used.
- Country action plans to help countries to implement the voluntary guidelines.

IV. CONCLUSIONS

18. Equitable access to, and secure tenure of, land and other natural resources is central to ensuring food security, reducing poverty and promoting rural development. However, competition for land and other natural resources is increasing due to rising populations, economic growth, and demands for urban and industrial expansion. A shrinking natural resource base drives competition as land is abandoned because of degradation, climate change and violent conflicts. Increased competition occurs as new lands are placed under cultivation to meet the demands for expanded supplies of agricultural products, including biofuels, and increased food production in response to food security concerns. Rising demand and prices offer benefits for farmers with secure access to resources and markets, but increased competition may foster social exclusion with potentially destabilizing consequences when the powerful are able to acquire land and other natural resources at the expense of the poor and vulnerable.

19. FAO continues to provide technical assistance to Member Nations in their efforts to improve gender equity in access to land; manage land tenure conflicts; provide access to land for resettlement and re-establish land administration systems following violent conflicts; recognise indigenous, customary and community rights through negotiated approaches; improve leasing arrangements that balance the interests of local communities and foreign investors; establish rural property taxation to support decentralization of rural services; and improve the management of state owned land resources. The implementation of such efforts is largely dependent on the quality of governance of land tenure and the rule of law. An internationally approved framework to address the multiple causes and effects of tenure in a systematic manner of improved governance will contribute considerably to advancing rural development and eliminating hunger and food insecurity.