



**CIS Regional Assessment
for the FAO Voluntary Guidelines on Responsible Governance of Tenure of
Land and other Natural Resources**

Moscow, Russian Federation
23-25 November 2010

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This assessment is based on the discussions and outputs of the CIS regional consultation meeting on the *Voluntary Guidelines on Responsible Governance of Tenure of Land and other Natural Resources* held in Moscow, Russian Federation 23-25 November 2010. The views expressed in this assessment are those of the participants of the consultation meeting and do not necessarily reflect the views of FAO.

A. Foreword

Land and other natural resources are fundamental to the life of the whole population of the planet. The right to access to these resources is increasingly suffering from climate change, natural disasters, various conflicts and other negative factors. Poor management of these resources threatens economic growth and sustainable use of the environment. On the other hand, responsible management of natural resources has an impact on reducing hunger and poverty, and reforms of State governance give rise not only to social and economic development, but also enable positive solutions to be found to such issues as environmental protection and climate change.

The Food and Agriculture Organization of the United Nations and its partners will hold consultations on various issues relating to the voluntary guidelines on responsible governance of tenure of land and other natural resources. The voluntary guidelines aim to provide practical guidance for State governance bodies, civil society and the private sector. The voluntary guidelines will provide a basis, which interested parties can use when developing their strategies and activities.

With regard to regional consultations for countries of the CIS, the most recent round of consultation was organized jointly with the Ministry of Agriculture of the Russian Federation, the K. A. Timiryazev Agriculture Institute of the Russian State University, the German Agency for Technical Cooperation (GTZ) and FAO. Participants included 66 representatives of 10 countries, who shared the knowledge and experience of the State, private sector, civil society and academia. Specialists from Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan took part in the meeting.

B. Issues and measures identified during the regional consultation

The voluntary guidelines should support the development of a system of tenure of land and other natural resources that realizes the right to adequate food, food security for households, sustainable development and environmental protection as well as improving living standards in the context of new challenges and potential conflicts, including climate change and fluctuating food and fuel prices, which facilitate competition between food and biofuel producers.

1. Gender aspects, indigenous people¹, socially vulnerable groups of the population

1.1. Problems

- Limited land access for socially vulnerable groups of population (for women in some countries).
- Poverty of rural population.
- Youth unemployment.
- Underdeveloped legal framework for the protection of the rights of indigenous people and vulnerable sectors of the population and setting out their rights to tenure of land.
- Lack of State support for rural areas.
- Migration of the rural population.
- Decrease in human potential, level of education and general cultural level in rural areas.

1.2. General guidelines

Actions and recommendations

- Fill legislative gaps in respect of land access for indigenous people and vulnerable groups of the population (young families, persons with disabilities, the unemployed and other socially vulnerable groups of society).
- Simplify the system of land allocation and registration.
- Establish information and consultation services, including services setting regulations on quality control, ecologically sound production and effective environmental protection.
- Establish ecology, land tenure and landscape engineering innovation centres.
- Develop programmes for fostering a careful attitude towards natural resources.
- Increase the quality of agricultural produce (including the development of ecologically sound production, based on special standards) through the development of market mechanisms for price setting depending on quality of production and effective environmental protection.
- Develop and introduce regional education programmes with the aim of exchanging experiences in rural management, taking account of historical achievements and traditions, dissemination of knowledge and information.
- Hold awareness-raising campaigns and educational activities to increase the rural population's awareness of land rights
- Develop agro-tourism as a positive and multilateral influence on rural life.
- Provide for reduced taxation for the establishment of cultural and educational centres, etc.

¹ The expression “indigenous people” can be subject to misinterpretation. Confusion can arise between the terms “indigenous people” and “indigenous peoples”. In the context of this document, the term “indigenous people” refers to people of any nationality or ethnicity, who are native to a particular place.

1.3. Gender aspects

Gender problems are specific to certain countries of the CIS.

Actions and recommendations

- Strengthen women's role in society.
- Introduce mechanisms to guarantee gender equality in access to land and other natural resources.
- Update the legal framework and institutional mechanisms for the implementation of standards and principles on gender equality.
- Open leadership schools for women from Central Asian countries.
- Provide in modern and new skills for women rural areas.
- Promote women access to favourable credit rates and land allocations close to home.
- Update the database for gender based analyses and evaluations in all sectors. .
- Develop and strengthen social partnerships and coordinate activities to promote gender equality between State structures and civil society on the basis of joint projects.

1.4. Indigenous people

Actions and recommendations

- Revive family traditions and improve education for the rural population and support for young families (distribute land with preferential conditions, beneficial taxation rates and access to credit).
- Improve rural social infrastructure, create new jobs creation and promote staff training and retraining.
- Develop a policy to motivate youth initiatives in rural areas.
- Develop a mechanism for competitive selection for prestigious and highly qualified jobs in rural areas.
- Develop local governance bodies (eg. Councils of Elders – such as in Central Asian countries,).
- Develop support to rural development based on “priority to rural people” principle.

1.5. Market and poverty

Actions and recommendations

- Protect and support small-scale producers.
- Fix limits on types of investment that do not meet the needs of indigenous people.
- Draft and adopt legislative enactments that take account of the needs of vulnerable groups of the population.

2. Land use and ownership

2.1. Problems

- Weak capacities of the land management structures: poor coordination of management and tenure of land resources.
Poor implementation of legislation. Insufficient guarantee of the rights to land.
- Land degradation.
- Underdevelopment of rural infrastructure.
- Separation of jurisdictions and functions.
- Attraction of big investments, including foreign, into agriculture often limits the land
- Tenure rights for small producers and local people.
- Corruption in land and tenure rights registration.
- Custom law and local traditions are under-considered at land resources tenure and management.
- Complex procedures for land tenure registration.
- Lack of information among the population about the rights and procedures of land tenure registration.

2.2. Actions and recommendations

Many problems linked with land use and ownership as well as other issues to do with natural resources can be solved to a greater or lesser degree with the help of contemporary territorial planning instruments.

Optimize management systems for land use and ownership

- Improve the system of land resources management and tenure with a more flexible use of the local (self)-government potential. Exclude the duplication of functions in tenure administration. The civil society should be increasingly involved into the land tenure management. Train staff and increase their qualifications for all administrative levels related to land tenure management.
 - Distribution of Functions and separation of responsibilities (the idea is the separation of controlling and management functions)Organise effective control over the use of land resources, including ecological expertise.

Implementation of legislation

- Update administrative-financial, legal and civil society mechanisms, institutions, and instruments for law compliance.
- Hold consultations with civil society (legal advisers, specialists, the public, etc.);
 - Increase legal literacy of the population.

Land rights

- Update legal enactments:
 - Develop simpler, transparent procedures for land tenure, land allotment and rights registration and improve the quality of corresponding legislative enactments;
 - Resolve conflicts related to land tenure;
 - Develop civil society institutions for the defence of land users' rights;
 - Increase legal and ecological literacy.
- Introduce effective mechanisms to resolve land-related disputes, using a system of alternative out-of-court dispute resolution.

Preventing land degradation

- Develop and introduce in practice territorial, legal, ecological and economic standards for sustainable land tenure.
- Organize planning, use and protection of land on the basis of (land use and management planning based on inventory)
- Use soil protecting and resource conserving technologies.
- Develop economic instruments for promoting the use of saving technologies.
- Exchange transferrable experiences.

Rural infrastructure

- Develop rural infrastructure.
- Develop alternative energy sources.
- Reduce tariffs on Internet services.

Anti-corruption measures

- Develop anti-corruption measures and increase transparency of procedures in the land tenure registration system.

Custom law

- Consider and take into consideration local traditions and custom law while drafting land legislation.

Simplification of procedures

- Restrict the time periods for land tenure documents registration.
- Simplify procedures, including through the introduction of electronic governance.
- Reduce periods and deadlines for land tenure registration procedures. .
- Set up control over prices for state provided services to make them affordable for population.

Informing the population

- Make information on land available through State-provided electronic services related to land administration (land registry and other registers, territorial planning and monitoring of land use). Organise access to the information on land tenure administration via internet and mass media.
- Fix prices to ensure that State-provided electronic services related to land administration are affordable for population.
- Use Internet mediators with access to electronic governance (banks, notaries and local authorities) in order to inform members of the population who are not in a position to use information technology.

3. Natural resources, including forests, pasture, water and fisheries

3.1. Problems

- Insufficient introduction of up-to-date methods and technologies in the use and management of natural resources (inland-use, forestry, pastures , water management and fisheries).
- Lack of coordination between sectors in developing strategies for natural resource management.

- Challenges of global and regional climate, technological, economic and social changes.
- Insufficient use of the principles of landscape planning in the use of natural resources and land space.
- Problems of unequal territorial distribution and a lack of good quality regional and local natural resources, suitable for use.
- Difficulties in developing and introducing comprehensive programmes for monitoring and management of natural resources, targeting particular locations.
- Difficulties in ensuring effective social and economic partnership in respect of the ecologically sound use of natural resources.
- Lack of comprehensive sets of measures to mitigate the degradation of natural resources caused by human activity, and the decreasing quality of their performance of ecological, economic and social functions (not including climate or any other natural causes of degradation).
- Problems with evaluating the quality of natural resources, and ensuring high quality ecologically sound produce.
- Insufficient existing policy, legislative, administrative and economic systems of governance and regulation of the use of natural resources.
- Low level of information and motivation among general public with regard to the problems of natural resources degradation and their sustainable use and methods for ensuring sensible use of those resources.
- Lack of reliable (electronic) information on the current state of essential natural resources and other elements of the agricultural landscape, factors, processes and the speed at which they are changing as a result of human activity.
- Difficulties in obtaining and using resource-based ecological, technological and socio-economic information from government and private sources.
- Threat of extinction of native species (varieties and breeds) of animals and plants.
- Complexity of tenure arrangement and natural resource use and management in the in trans-boundary and border areas.
- Curtailing the rights of land users when implementing large-scale projects.
- Lack of a reference system for the evaluation, planning and use of natural resources.

3.2. Actions and recommendations

- Develop targeted programmes at various levels to organize use of land and territories (village, municipal and regional levels) and to anticipate, prevent and contain the degradation of land, water, forest, pasture and biological resources from natural and manmade causes.
- Ensure agro-ecological and resource-based ecological distribution and zoning of territories with an analysis of the regularity of the spatial and temporal variations of natural resources.
- Predict problematic ecological situations, and the regional and local lack of quality natural resources that are suitable for use.
- Develop and improve standard setting, prioritizing quality assessment of natural resources and ensuring high quality, ecologically sound production.
- Develop and set in law measures to support ecologically sound innovative and traditional forms of natural resource management.
- Develop models and programmes for research and monitoring of global and regional climatic, technological, economic and social change influencing the nature and effectiveness of natural resource management.

- Develop tiered programmes for development and support of ecology education for different target groups of the population and specific groups of those using natural resources.
- Establish open databases of resource-based ecological, technological and socio-economic information on the current state of essential natural resources and elements of the agricultural landscape, factors, processes and the speed at which they are changing as a result of human activity.
- Develop State and inter-State programmes for the protection of native species (varieties and breeds) of animals and plants.
- Develop joint education programmes to train and retrain specialists in the use of natural resources.
- Secure and harmonize legal standards (regulatory documents) resolving the problems related to use of natural resources in transboundary and border areas.
- Develop a reference system for the evaluation, planning and use of natural resources.
- Develop and introduce models for forecasting and optimizing the diversification of natural resource management systems.
- Ensure that land users take preventive measures against natural and manmade degradation of land, water, forest, pasture and biological resources while preserving the quality of their ecological, recreational, economic, social and cultural functions.
- Refuse to use resource extensive production in areas where there is a deficit of good quality natural resources suitable for use.
- Ensure that producers adhere to the different types of current standards regulating the quality of natural resources and the requirements for guaranteeing high quality, ecologically sound production.
- Ensure that commercial and State structures support the employment of practices promoting ecologically sound innovative and traditional uses of natural resources.
- Ensure that models, research programmes, reference systems for the evaluation, planning and use of essential natural resources and the results of monitoring global and regional climatic, technological, economic and social changes that affect the nature and effectiveness of the use of natural resources are available to a wide range of potentially interested users.
- Facilitate multilateral social partnerships in the continuous improvement of political, legislative, administrative and economic systems of governance, self-regulation and the environmental regulation of local use of natural resources.
- Ensure cooperation between State and private structures and local communities in order to protect native species (varieties and breeds) of animals and plants.
- Ensure multilateral cooperation in respect of training and retraining specialists in the use of natural resources.
- Delegate rights, responsibilities and authority in respect of use of natural resources (from central to local government).

4. Economics of land use, markets and price setting

4.1. Problems

- Gaps in the basic functioning of the land market.
- Speculative land transactions.
- Low level of governmental economic support for land users.
- Insufficient compensation for losses incurred by land users as a result of the withdrawal of lands for State use.

- Lack of economic stimuli enabling unused agricultural land to be brought into use.
- Gaps in the land registration and agricultural land taxation system.
- Lack of an effective mortgaging system for plots of land.
- Difficulties linked with equal access to land, which is differentiated according to level of interest.

4.2. Actions and recommendations

- Establish a sound basis (legislative framework, organization, educated experts) for market access, and increase trust in the market through transparent regulations and provision of information.
- Improve administrative regulation mechanisms, which should work together with market mechanisms.
- Define the roles and responsibilities of different organizations involved in managing the system of land users' rights and the defence of the right to land.
- Develop measures to guarantee that the relevant administrative and legal bodies dealing with issues related to land are independent, transparent, effective and accessible.
- Develop a system of measures for the confiscation of excess revenue from speculative land deals.
- Ensure economic support for land users from the Government.
- Provide compensation to land users for losses incurred.
- Develop economic stimuli, enabling unused agricultural land to be brought into use.
- Improve the land registration evaluation system for agricultural lands with a view to introducing assessed taxation and develop mechanisms and procedures for the establishment and introduction of fair tax rates.
- Develop an effective mortgage system for plots of land and improve the credit system in order to guarantee equal access to credit for all agricultural enterprises.
- Limit the rights of large investors in order to guarantee equal access to land for all investors.

5. Staff training (capacity building), scientific research and financing

Staff training, scientific research and financing are important elements in the system of tenure of land and other natural resources. While they differ in detail, there are elements that lend themselves to a certain degree of generalization.

Staff training

- Modernize curricula, study materials, retrain teachers and newly qualified teachers, and increase the qualifications of managerial staff and specialists, including through Master's degree and doctorate programmes:
 - Recruit qualified foreign teachers;
 - Improve material incentives;
 - Strengthen cooperation between higher education institutions, national research institutes and organizations.

Scientific research

- Ensure support for rural land users from the academic community.
- Hold consultations for rural land users.
- Earmark investment for targeted research.

Financing

- Guarantee sufficient funding of State organizations.

C. Future activities

The regional consultation for countries of the CIS is the last in a series of regional consultations. Thematic consultations have also been held. The results of these meetings, as well as global electronic consultations, have provided feedback for the drafting of the voluntary guidelines. The drafting of the preliminary version of the voluntary guidelines will begin after this meeting. The preliminary version will be considered in a broad round of consultations. The participants in this seminar demonstrated a lively interest in the discussion during this process. They will be requested to consider the draft and make any necessary amendments. The final draft of the voluntary guidelines will be presented to FAO Member States and other interested parties for consideration and adoption in 2011. Participants in the meeting will receive information on the time schedule for drafting the voluntary guidelines. Information on the voluntary guidelines and the drafting process can be found at: <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>