



Food and Agriculture
Organization of the
United Nations



Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security



COUNTRY STUDY The Republic of Moldova

**VGGT Awareness Workshop
Chisinau, 26 - 27 October 2015**

"Policy, Legal and Institutional Framework within the context of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)"

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98, 31 August 1989, of. 401

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INTRODUCTION

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) represent an unprecedented international agreement on the governance of tenure, which places secure access to land, fisheries and forests firmly in the context of food security.

For billions of people in the world, their food security depends on their tenure security. Without secure access to land and other natural resources, people can be forced to live a life of hunger and poverty. In contrast, secure tenure rights may help families to produce food for their consumption, and to increase their income by producing a surplus for sale in markets, and they act as a valuable safety net in times of hardship. However, tenure security often depends on the governance of tenure. Weak governance causes tenure problems, and attempts to improve tenure are affected by the quality of governance.

VGGT provide the first global consensus on what it means to improve tenure and its governance. The Guidelines were negotiated in the forum provided by the Committee on World Food Security (CFS) in order to improve tenure security and thereby contribute to improved food security.

The Guidelines are based on an inclusive, transparent consultation process started by FAO and then finalized through intergovernmental negotiations led by the Committee on World Food Security (CFS), and which included the participation of civil society organizations, private sector representatives, academics and researchers, and international organizations. The Guidelines were officially endorsed by CFS at its Thirty-eighth (Special) Session on 11 May 2012.

The FAO Regional Office for Europe and Central Asia (REU) is supporting the implementation of the Guidelines through awareness raising activities in the entire region, starting with two regional workshops in 2013. As a next step a series of technical awareness raising workshops in 7 countries (Albania, Armenia, Georgia, Kyrgyzstan, FYR Macedonia, Moldova and Tajikistan) on the Guidelines were implemented end of 2015. The countries are the seven focus countries of the FAO regional initiative on empowering smallholders and supporting family farms.

The National Awareness Raising Workshop in the Republic of Moldova was held on 26 and 27 October 2015, in Chisinau. The National Agency for Rural Development (ACSA) was selected as FAO local partner to organize and conduct the workshop, and to prepare a country specific analysis.

The workshop intended to create a critical mass of informed stakeholders, discuss ways in which they might be implemented and initiate the development of a multi-stakeholder platform. The workshop also intended to increase ability of government and citizens to understand and administer tenure rights and the processes involved in providing access to and transferring such rights, in accordance with the principles contained in the Guidelines.

Twenty seven participants from government, private sector, academia, and civil society participated in the lively discussion about the importance of secure rights to own and use land, forests and fishery resources. Agenda of the workshop, official letter of invitation signed by the Assistant FAO Country Representative in Moldova and the list of participants can be found in Annexes 1-3.

This Case Study presents a short analysis of the policy, legal and institutional framework of the Republic of Moldova within the context of the Guidelines. It has served as an input and provided the necessary elements for an informed discussion during the workshop on the possible application of the Guidelines based on participatory and transparent decision-making, formulation of recommendations and action roadmap aimed at guidelines implementation.

The document was elaborated in a two way interactive approach, first a draft country case study was prepared by the national consultant, which presented the findings at a two days national awareness raising workshop in Chisinau on 26 and 27 October 2015. The workshop counted with the participation of government, academia, civil society and private sector representatives and key-stakeholders. The participants discussed the findings of the draft version of this report presented by the consultant and came up with key development recommendations for the three areas – land, forestry and fishery.

Main topics discussed at the workshop were related to existing deficiencies in administration of public land due to largely unregistered and not delimited boundaries, unclear institutional mandates in the field of public land management and lack of unified system of records; introduction of land taxation based on market value; lack of procedures and standards regarding re-evaluation of land for tax purposes; deficient implementation of expropriation procedures and inadequately long period for settling expropriation cases in courts.

The list of recommendations contained in the present report is a combination of recommendations prepared initially and those formulated by the participants during the workshop.

COUNTRY BACKGROUND INFORMATION

Moldova is a country situated in the south-eastern part of Europe between Ukraine and Romania. The total surface area of Moldova equals 33,850 km² out of which about 75% represent agricultural land. According to the World Development Indicators in 2013 this was the 10th largest share of agricultural land in the total land area among listed countries¹. Moldova is classified as a lower middle income country with a Gross National Income (GNI) per capita of US\$2,550 (Atlas method, current US\$, 2014).

Endowed with rich black soils and a temperate climate, Moldova has relied heavily on agriculture throughout its history. Agricultural sector contribution to GDP (including fishery and forestry) in 2014 equaled 15.2% and provided 26.0% of total employments in the sector (World Development Indicators 2012).

The country has a population of 3.6 million people divided into 52% living in rural and 48% in urban areas. The population was in the last four years shrinking on average with 0.1%².

Administratively Moldova is divided into thirty-two districts, three municipalities, and two autonomous regions (Gagauzia and Transnistria³). The status of Transnistria is disputed and the region is not controlled by the central government.

¹ World Bank, World Development Indicators, 2013

² Ibid.

Land tenure

The legal framework recognizes three types of land ownership: public property held by the state, public property held by local public authorities (LPA), and private property held by legal and natural entities. The following table shows surface area by property types.

| Total area by property types | Area | % |
|---|---------------|--------------|
| State property | 781,5 | 23% |
| Public property of the administrative-territorial units | 732,9 | 22% |
| Private property | 1870,2 | 55% |
| TOTAL | 3384,6 | 100 % |

Source: Agency for Land Relations and Cadaster, Annual Land Cadaster Report, 2014

There is a restriction on foreign investors (whether legal or natural persons) and legal entities registered in the Republic of Moldova whose share capital includes foreign investment, to own agricultural land⁴. There is an estimated 5.7 million properties in Moldova divided into agricultural (70%), residential (27%), and other uses (3%). About 97% of the total number of properties in the real estate registry is registered as privately owned.⁵

As to public land, only 12% and 15% are registered as state and LPAs, respectively. Not all of the registered land plot boundaries are demarcated in the field⁶.

Since its independence from the Soviet Union in August 1991, Moldova has taken significant steps to strengthen the legal and institutional framework for the recognition and protection of property rights. Land privatization formally began in 1991, but it was not until the land reform (national land program, Romanian: “Pământ”) during 1998 - 2001 when the large scale distribution of land plots and dissolution of collective farms occurred. The way the land privatization reform was carried out represented a distribution of land to rural population, using so called “social equity approach”. Eligible persons received on average 1.3 - 1.4 hectares of agricultural land divided usually into three physical parcels – i.e. of arable land, vineyard and orchard, although in some villages land was allocated in up to 12 parcels.

The main achievements of the National Land Program are: the privatization of 98% of agricultural land subject to privatization, registration of property rights over agricultural land in the real estate register and handing over of property titles, setting institutional framework and establishment of the cadastral system of the country. All this, in its turn, created the basis for the land market establishment and functioning in both urban and rural areas.

Although this distribution led to a fragmentation of land ownership, in practice land use remained mainly concentrated in the hands of corporate farms which in most cases are leasing land from small holder farmers and individual landowners. The results of General Agricultural Census conducted in 2010, show that less than 1% of registered corporate farms operate over 61% of agricultural land

³ Note that the LGAF in Moldova didn't include Transnistria, which due to differences in land arrangements and relations is recommended for a separate LGAF process.

⁴ Art. 6(2) of the Law on normative price and procedure of land sale and purchase, No. 1308 of 25.07.1997

⁵ Agency for Land Relations and Cadaster official data, letter of request from June 3rd 2013

⁶ Agency for Land Relations and Cadaster official data, letter of request from April 30 2013

under production.⁷ Hence, Moldova's agricultural sector is characterized by a dual structure with few large corporate farms on one side and a large number of small family farms on the other.

It is estimated that 73% of agricultural land is arable, and only 12% of it is under perennial plantations (vineyards and orchards). Pastures and hayfields occupy roughly 14%.

Forestry

Forests cover about 12% of total land area.⁸ According to Moldovan law forests may be in state, public property of the local public authorities (communal forests) and in private property. The following table depicts the share of each type of property in the total area under forests. Figures include land currently not afforested, but attributed to the forestry fund. Almost all forest areas are public owned.

| Forests by property types | Area |
|--|-------------------|
| State property | 362 270 ha |
| Public property of the administrative-territorial units | 81 666 ha |
| Private property | 2 648 ha |
| TOTAL | 446 583 ha |

Source: Agency for Land Relations and Cadaster, Annual Land Cadaster Report, 2014

Forests are subject to registration in the Real Estate Cadaster. However, most forest lands remain unregistered, not delimited and mapped and the official data is unavailable. In the process of delimitation, disputes may arise because of overlaps and errors committed during privatization; an overlap may occur as well with other forms of property.

According to the Forestry Code⁹ and the Law on the Administration and alienation of public property¹⁰, forests used for public purposes may not be alienated, but may only be leased out or given into concession. Forests planted on private lands are considered private property forests and can be transferred. Other lands assigned to forestry fund, but not planted with forests shall be alienated according to the law.

Fisheries

For the purpose of this study fisheries will be assessed from the standpoint of land relations and rights arising between state and non-state actors regarding possession of land from water fund, as well as the exercise of property rights. Industrial fishing and aquaculture have a minor contribution to agricultural outputs.

Water fund lands can be public property of the state, public property of the local public authorities, private property. Individuals and legal entities may become owners of ponds; construct water reservoirs, hydro-technical facilities, other facilities and channels located on private land. State-owned enterprises may be awarded use rights and management obligations for land from the water fund,

⁷ General Agricultural Census, 2010

⁸ World Bank, World Development Indicators, 2013

⁹ The Forestry Code no 887 from 21.06.1996

¹⁰ The Law on the Administration and alienation of public property no 121 from 04.05.2007

erecting constructions and installations, other facilities in public property, based on the decision of the Government or the LPAs decisions.

National Bureau of Statistics (NBS) is not presenting separate statistical data on the contribution to GDP of fisheries and aquaculture, as well as of forestry sectors. Nevertheless, by looking at the indicator of Generation of income account by economic activities is providing segregated data and can give an impression about the two aforementioned sectors¹¹.

Figure: Generation of income account by economic activities in thousand lei (current prices)

| | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|--|-----------|-----------|-----------|------------|-----------|------------|
| Agriculture, hunting and forestry | 5.524.900 | 5.110.878 | 8.633.445 | 10.068.578 | 9.865.202 | 12.336.688 |
| Fishing, aquaculture | 19.116 | 23.628 | 23.990 | 26.594 | 30.955 | 46.432 |

Source: Agency for Land Relations and Cadaster

Food Security Context of the Republic of Moldova

Food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life¹². Food Security is not stocks of food. Food Security is where all people in the country are able to consume nutritious food at all times to lead a productive life. The four dimensions of food security are: availability, affordability, access and stability in time¹³.

Food Security is a concern for many countries and Moldova does not make an exception. As elsewhere, Moldova faces food security problems related to economic access to food, poor nutrition, and recurrent food crises result of natural disasters such as droughts, torrential rains or hail. Main findings of a recent WB study on food security situation in Moldova show that, at present, the food energy requirements for Moldova's residents are largely being met. The main cause of food security in Moldova is low incomes and poverty in particular. About 13% of the population lives below the national poverty line.¹⁴

Land policies have an impact over Food Security through access and availability dimensions. Access to food can be improved by reducing poverty, increasing incomes, preventing migration and creating nonagricultural jobs in the rural areas. Availability of food is in direct relationship with production and policies which aim at increasing agricultural production and food supply. However, food security policies shall not limit to production only, but also directed at securing continuity of food imports through diversification of food suppliers, securing supply routes, etc.

There is evidence showing that small farms are generally more efficient as compared to corporate farms. Moreover, small and medium family farms create significant occupancy for rural population and are crucial in terms of ensuring self-food security. In Moldova, the GAC conducted in 2011¹⁵ revealed that out of a total of 902 2014 agricultural holdings, 898 768 don't have legal status and thus

¹¹ Generation of Income Account reflects the distribution of primary incomes to institutional-resident units directly engaged in the production of goods and services.

¹² "[Rome Declaration on Food Security and World Food Summit Plan of Action](#)", Food and Agriculture Organization (November 1996).

¹³ Food Security Information for Action learning course, EC-FAO Food Security Information for Action Programme from 2006-2008

¹⁴ World Bank, Poverty headcount ratio at national poverty lines (% of population), Poverty and Equity Database, 2013

¹⁵ General Agricultural Census, March 15 – April 15, 2011, <http://www.statistica.md/pageview.php?l=en&idc=352>

can be attributed to a category of small and medium-sized farms (majority being also family farms) for whom agriculture represent main livelihood and source for self-food security. This group is not only the largest in terms of employment, but it is also the main producer of fruits and vegetables.

Other Considerations Related to Case Study

This Country Case Study is not intended to be a comprehensive analysis on the Policy, Legal and Institutional Framework of Moldova. It is rather intended to serve as an input and provide the necessary elements for an informed discussion during the VGGT workshop held in Chisinau, Moldova, on 26 and 27 October, 2015, including compliance of the current land tenure, forestry and fisheries practices to VGGT principles of good governance of land and formulation of recommendations regarding eventual application of the Guidelines.

The Case Study builds partially on the finding and policy recommendations contained in the LGAF assessment carried out in Moldova during February 2013 - January 2014, as well as on work for the revision of the Land Code carried out with FAO technical support in 2014. At present, after being redrafted the Land Code was submitted for formal approval by relevant ministries and agencies.

The Land Governance Assessment Framework (LGAF) is one of the tools currently practiced for identifying current status of governance in countries and is considered widely as a mechanism on which the Voluntary Guidelines (VG) can build. LGAF indicators cover majority of VGGT principles and sections. Nevertheless, some important parts are missing from the LGAF assessment framework i.e. fisheries, natural disasters and climate change, restitution, transboundary matters and some other differences.

In the VGGT a great attention is paid to recognition of customary and informal rights. It has to be stated that in Moldova there are no rural groups or communities with customary or separate systems of tenure (e.g. nomadic, indigenous people, historically disadvantaged or marginalized groups) and so customary tenure rights will not be addressed in this Case Study. While there are localities predominantly populated by single ethnic group (e.g. Ukrainians, Gagauz or Bulgarian) tenure rights of such groups are no different from the rest of the population. Informal tenure will be considered to a lesser extent, only in the context of expropriation and usucaption¹⁶. In Moldova there are no distinct groups of vulnerable or marginalized people who are informal occupants of property (households) in urban areas, or create informal settlements of organized migrants or any other of such kind.

¹⁶ Usucaption is a method by which ownership of property (i.e. title to the property) can be gained by possession of it beyond the lapse of a certain period of time (acquiescence). <https://en.wikipedia.org/wiki/Usucaption>

OVERVIEW OF THE CURRENT POLICIES RELATED TO TENURE OF LAND, FISHERIES AND FORESTS IN THE FRAMEWORK OF THE VGGT

Land Tenure

Land policy issues are complex, country-specific, of a long-term nature, and often controversial politically. Even though specific interventions in the land policy area can make society better off, such measures may be challenged by vested interests that derive benefits from the status quo. To prevent stalemate or inaction, proper sequencing of reforms and attention to their political economy will be critical. To make reforms feasible, strong local capacity, an open and broadly based policy dialogue, carefully chosen and evaluated pilots, and sharing of experience across countries will be essential, and can also help build capacity for policy formulation.¹⁷

Primary long-term strategic planning document for Moldova is the **National Development Strategy “Moldova 2020”**.¹⁸ The strategy establishes eight development priorities for the country in such areas as education, road infrastructure, financial sector development, business environment and public services, energy efficiency and renewable sources of energy, social security system, justice, agriculture and rural development.

The policies implemented in the agriculture and rural development sector have the following strategic goals:

- Diversify Agricultural Production - promote high value crops
- Achieve Food Security and Safety
- Preserve Natural Resources and Land
- Provide a durable foundation for the rural economy and raising the employment of labor in rural areas

Selected goals will be achieved following three main priorities, namely: (i) increase competitiveness through modernization and market integration; (ii) ensure sustainable management of natural resources in agriculture; (iii) improve the living standards in rural areas.

Sustainable management of natural resources in agriculture (ii) will be realized through implementing the following measures:

- a.i.a) support agricultural land and water management practices;
- a.i.b) support environmentally friendly production technologies, organic products and biodiversity;
- a.i.c) support climate change adaptation and mitigation measures.

The expected impact is that natural resources such as soil, mineral resources, green areas, pastures and hayfields will be used more efficiently with support of modern practices and conservative agricultural techniques.

Agriculture and rural development issues are tackled in a separate, lower level strategic document the **National Strategy for Agricultural and Rural Development for 2014-2020**¹⁹. The strategy

¹⁷ Land Policies For Growth And Poverty Reduction, A World Bank Policy Research Report, (2003)

¹⁸ <http://lex.justice.md/index.php?action=view&view=doc&id=345635>

¹⁹ <http://lex.justice.md/md/353310/>

highlights the importance to the Government of the agricultural sector and development of the rural areas in the long run. The scope of the strategy is to *increase the competitiveness of the agri-food sector through an extensive restructuring and modernization and improve quality of life and work in rural areas by creating synergies between agri-food and natural environment*. It sets strategic and specific objectives aimed at reaching this scope. It stipulates that improved competitiveness of the sector will be attained among other measures through land consolidation; and stimulation of land market seeking to transform land into an attractive asset (collateral for banks).

Strategic priority of sustainable management of natural resources in agriculture will be achieved through the implementation of three measures:

- a) support modern management practices of agricultural land and water: land consolidation and the use of modern practices of cultivation of agricultural land through crop rotation and diversification of agricultural products.
- b) Supporting production technologies environmentally friendly, organic products, including biodiversity: boosting organic products by providing clean production technologies, supporting the production of energy crops, afforestation of low quality or unproductive order to increase biodiversity, reduce soil erosion, and water conservation.
- c) support for adaptation and mitigation of climate change on agricultural production: supporting risk management instruments to reduce exposure to climate risks and adverse effects of natural disasters on agricultural production and agricultural competitiveness.

Forestry Tenure

Article 127 of the Constitution of the Republic of Moldova²⁰ stipulates that along with other natural resources forests used in public interests shall be exclusively public property. The other main documents that help govern forestry sector are the National Program for Environmental Security for 2007-2015²¹ and the Strategy for Sustainable Forestry Development (2001)²².

The Strategy for Sustainable Forestry Development (2001) defines the following main policy directions for forestry sector development: increasing the eco-protective and bio-productive potential of natural forests, conservation of forests' biological diversity, extension of areas covered by forest, increasing the effectiveness of security and forest protection, increasing the contribution of the forestry sector in solving socio-economic problems, and conservation of national countryside.

Water Resources and Fisheries Tenure

The concept of national policy in the field of water resources²³ states that the national policy on water relations is based on exclusivity of state ownership over the surface and ground water resources. Water use relations arising between the state and the users and between beneficiaries themselves are regulated under current legislation and other regulations (Water law no 272 from 23.12.2011; The law on fishery fund, fisheries and aquaculture no 149 from 09.06.2006, The law on the water user associations for irrigation no 171 from 09.07.2010; GD on the regulation of relations in the field of water management and rational use of water resources no 171 from 09.07.2010; GD on some measures regarding regulation of the use of water basins no. 1202 of 08.11.2001, etc.).

20 Article 127, Constitution of the Republic of Moldova

21 <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=322356>

22 <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=308876&lang=1>

23 <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=306852&lang=1>

Water resources policy is geared primarily toward creating healthy and safe conditions for human life. The state sets the legal regime of water management, creates the organizational framework for management aiming at rational use of water resources, protection from pollution, regulating land relations, social, economic and those related to use of the subsoil, environmental protection, and other important measures for waters management.

Natural water resources are made up of separate, but hydraulically connected water bodies. Water bodies can be a watercourse or a part thereof, a lake, a pond, reservoir, aquifers.

Water resources and water bodies can be transmitted into natural and legal person's possession under clear conditions and for a definite period. State makes phased decentralization of the water resources management, with the gradual exemption from operating expenses related to hydrological management. At the same time, State participates in the formulation of national policy and management of hydrographic basins, with the regulation of socio-economic relations that arise and financial support of priority directions of the water industry development.

The state regulates the use of water bodies for hydropower, fishery, irrigation and transport in the direction of enhancing the benefits of water resources. This means that the transmission of water bodies for these purposes into concessional stipulates conditions for common use, the concessionaire, as the primary beneficiary of use of water resources, can realize additional income (water supply, receiving wastewater fishing other aquatic organisms amateur fishing, domestic use of natural and anthropogenic landscapes and aquatic ecosystems near the water, using water protection areas etc.)²⁴.

The state sets minimum requirements and proportions of common use and complex nature protection measures which the concessionaire is obliged to perform. The concessionaire is entitled to introduce more stringent requirements for the beneficiaries of secondary use of water resources.

OVERVIEW OF THE CURRENT LEGAL FRAMEWORK RELATED TO TENURE OF LAND FISHERIES AND FORESTS IN THE FRAMEWORK OF THE VGGT

Land Tenure

From its independence onwards, Moldova has made important steps towards establishing and strengthening the legal and institutional framework for the recognition and protection of property rights.

The main strength of the legal framework in Moldova is that it recognizes the private property right over land and other immovable property, including that the state protects the rights and creates equal conditions for men and women in exercising their rights. In gender equality context it is important to mention that during the land reform / land distribution process, men and women were allocated their individual land parcels registered in their own name. Even though that such property is considered a common property of spouses, separate registration of property creates equal conditions for man and women to exercise their rights and thus be better protected²⁵. Individual registration created more ownership fragmentation, but did not affect land use fragmentation since the land to spouses was allocated next to each other.

The main laws and regulations that formulate land policy in Moldova are: (i) the Constitution, (ii) the Civil Code, (iii) the Land Code, (iv) the Law on Real Estate Cadaster, (v) the Law on normative price for land and buying-selling of land, (vi) the Law on the formation of immovable property, (vii) the Law on Lease in Agriculture, (viii) the Law on Public Property Management and Privatization, (ix) the Law on Lands in Public Property and its Demarcation.

Women's right to property and inheritance are recognized officially and share properties registered in the name of women is 41%²⁶. On the other hand legal framework provides that the right of ownership is not absolute and may be restricted by law or the rights of other parties²⁷.

The Constitution of the Republic of Moldova (art. 46) provides that the private property right is guaranteed, as well as the legally acquired property cannot be confiscated, the legality of ownership being presumed.

The Civil Code describes in detail all the attributes of the ownership rights, including acquisition and termination of rights, joint ownership, the protection of property rights and other real rights. The Code provides that property right is guaranteed and no one may be forced to give away his property except for cases of expropriation for public purposes, established in accordance with the law (on expropriation) and after a fair and prior compensation²⁸.

²⁵ Art 39 (1) of the Law on Real Estate Cadaster no 1543 from 25.02.1998 provides that upon registration of common ownership of rights of spouses for real property, based on the request of one or both spouses in the real estate registry data of both spouses are indicated if these goods were purchased or built during their marriage and if the authenticated contract between spouses provides otherwise. Non introducing the data about spouse into the real estate registry does not lead to loss of the property right of the second spouse for a purchased or constructed estates during the marriage.

²⁶ Agency for Land Relations and Cadaster official data, Letter of request from June 3rd 2013

²⁷ art 315 (3) of the Civil Code

²⁸ art 316 (2) of the Civil Code

The Land Code of Moldova stipulates that landowners, regardless of the type of property, are protected by the state.²⁹ The Land Code also describes the peculiarities of the right of possession and use of agricultural land. The Land Code adopted in 1991 determined the country's policy in the field of land relations for many years ahead. The Code laid down the necessary framework for land privatization, established public and private ownership for land, attributed institutional competences in the field of land relations, rights and obligations of landowners. It also established main modalities of land use, land designation categories and procedures of changing the land from one category into another, transfer of land rights and other specific land relations.

According to the Civil Code and the Law on Real Estate Cadaster³⁰, the following series of rights are recognized: ownership, right of possession, use and disposition (attributes of ownership) and a number of secondary rights (renting, mortgage, superficies, usufruct, use, habitation, servitude, concession, condominium, lease, temporary registration of a future construction, investment in construction contracts, fiduciary administration right, guardianship or trusteeship).³¹ For public recognition of property right and other real rights over real estates, real estates and real rights over them are subject to mandatory registration in the cadaster.³²

Ownership of a new property can be acquired under the law through: long-term uncontested occupation (usucaption), legal act, inheritance, accession, as well as by a court ruling or an administrative action in cases provided by law³³. Registration of land rights in the real estate registry include among others: registration rights to the land without clearly defined borders, conditional registration of ownership for land in case its owner has no documents confirming the rights and conditional registration of ownership in cases when its owner cannot be identified³⁴.

The legal framework provides clear modalities of formation of land as independent objects of law, depending on the type of owner and designation type through separation, division, amalgamation of land parcels registered in the real estate register and registration of newly formed land parcels³⁵.

Land Consolidation

Land fragmentation is a widely recognized problem in Moldova and land consolidation (LC) is internationally considered to be an efficient tool to revive agricultural sector. At the moment in Moldova there is no on-going land consolidation program. Although land legislation contains provisions on land consolidation, they are scattered and need to be revised.

First experiences with land consolidation in Moldova were gained during the implementation of the Land Re-parceling Pilot Project in 6 villages. The project was implemented 2007-2009 under the donor financial support (World Bank and the SIDA). Based on the pilot experiences, the land consolidation activities were scaled up to implementation in 40 villages during 2009-2010.

In 2011 Ministry of Agriculture and Food Industry (MAFI) requested FAO to provide technical support in development of the Land Consolidation Strategy based on practical experiences gained

²⁹ art 3 and art 4 of the Land Code

³⁰ Law on Real Estate Cadaster, No. 1543-XIII of 25 February 1998

³¹ Ibid

³² art. 290 (1) of the Civil Code; art. 4 (2) of the Law on Real Estate Cadaster, No. 1543-XIII of 25 February 1998

³³ art. 320 (2) of the Civil Code

³⁴ art. 6¹ of the Land Code

³⁵ Law on Real Estate Cadaster, No. 1543-XIII of 25 February 1998

with the implementation of the 46 projects. The strategy was prepared but was so far not adopted by the Government due to the ongoing revision process of the entire policy framework.

As an alternative to land consolidation program, in 2012 Ministry of Agriculture and Food Industry proposed new support measure aimed at supporting structural development in agriculture³⁶, through partial reimbursement (50%) of land transactions costs to buyers of land (notarial authentication of contracts, state tax and registration fees). The policy relies on the supposition that transaction costs hamper land market functioning and prevent land market from solving the problem of excessive fragmentation of land. In the sense of the policy, the transaction costs is understood in a broader sense encompassing also costs for information, the search and identification of potential partners for transactions, selection and negotiation of contractual conditions, coordination and implementation of contractual provisions.

Until now the above-mentioned support measures attained modest success, neither it reached scale nor critical mass. In 2013, only six requests for support were submitted, claiming reimbursement of 47 000 lei, and nine requests claiming reimbursement of 123 178 lei or 0% of the total fund in 2014 (only 3 claims amounting 50 984 lei reimbursed in 2014).³⁷

Auditing Court report of the agricultural subsidy program in 2013³⁸ revealed a number of serious shortcomings of the proposed support scheme which determines the risk of not achieving the general objective set by the policy. For instance, the supporting measure only stimulates purchase of adjacent land parcels and does not require the amalgamation of acquired land parcels (formation of new real estate). Neither there are any restrictions on selling of acquired consolidated lots for which the subsidy was claimed. Furthermore, due to lack of clear eligibility criteria, and namely for support of small and medium holdings, the subsidies scheme is basically supporting large scale acquisition of land. Subsidies were allocated for the amalgamation of areas from 3 to 109 ha, which indicates the corporate scale of the operations and does not provide for achieving the target of reducing poverty and improving the living standards of the population. It is suggested to redesign or even cancel this support measure, since the administrative costs for maintaining such a support scheme are not justified.

Experiences from the field and aforementioned evidence with the land purchase subsidy measure show that excessive land fragmentation cannot be solved in a reasonable time only through the land market. Rather than a financial support farmers require organizational support in developing the reallocation plans (schemes) based on contribution of land holders and their active and voluntary participation.

Expropriation

Land expropriation procedures in the Republic of Moldova are guided mainly by the Law on expropriation for publicly useful purposes, No. 488-XIV of July 8, 1999³⁹ and a couple of other subordinate and detailing regulations. Expropriation for the public interest cause can be made only

³⁶ Public Policy Proposal, Optimization of Transaction Costs in the Process of Land Consolidation, MAFI, 2012

³⁷ Paying Agency Annual Report, 2014, Audit Chamber, Decree No 55/ 08/12/2014, Report on the Audit compliance with the process of agricultural subsidies in 2013

³⁹ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=311674>

after a preliminary investigation,⁴⁰ and only where all conditions for expropriation are met, based on a documented justification of the public importance, and only after fair and prior compensation.

According to the Law on Expropriation (art. 2) the object of expropriation for the public interest can be:

- land, subsoil, water basins, forests, buildings, constructions and other objects related to the earth, whose exploitation is impossible or causes them irreparable harm, so that they cannot be used according to the designation;
- the right to use immovable property for a period of up to 5 years, unless the parties agree on another term.

The category of expropriated persons includes only the property rights holders and holders of other real rights like tenancy rights for example⁴¹. Thus, the compensation is due only to legal owners and tenants through the land-for-land option (usually the primary option) or through monetary compensation for losses, including value differences caused by exchange and replacing.

The Law on Expropriation for public utility purpose⁴² provides the implementation of expropriation procedure through the following main steps:

- a) Declaration of work for public interest by the competent public authority, publicity by posting at the local council head office under whose jurisdiction the expropriation is applicable, and by publication in the Official Gazette of the Republic of Moldova;
- b) Within 10 days after the publication of the act declaring the public works, prepare expropriation proposals including notification of individuals and legal holders of real rights over the object of expropriation, a compensation offer, a method transferring property goods and rights, and where appropriate, the procedure for disposing of the property rights;
- c) During 45 days (appeal-filing period) starting from the day when the expropriation notification and proposal was received, the owner or the holders of other real rights over the object of expropriation can appeal against the proposal for expropriation and contest documentation of the proposed compensation or make other claims.

Appeals against the proposal for expropriation shall be resolved within 30 days by a committee constituted by the decision of the concerned public authorities⁴³.

After receiving notification the owner of the expropriated object can give consent and receive immediate and fair compensation (art. 9). The owners may object the expropriation by submitting own exigencies on the conditions of expropriation (art. 10). The objections will be examined by a Commission constituted in this sense which will issue a motivated decision based on presented documents and verbal statements (art. 11). If the objection is settled and the compensation proposal is accepted, the parties will sign an agreement to be notarized that incurs related expenditures on the expropriator (Art. 12 (4)). In the situation when public representatives and the affected owner cannot reach to an agreement on the expropriation as provided by law, the expropriation will be solved by a court decision, with fair and prior compensation⁴⁴.

⁴⁰ Governmental Decree on the Preliminary Investigation of public utility, No. 660 of June 15, 2006

⁴¹ Art. 3 of the Law on Expropriation for public utility purpose no 488 from 08.07.1999

⁴² Ibid

⁴³ Art. 11 (1) of the Law on Expropriation for public utility purpose no 488 from 08.07.1999

⁴⁴ Art. 13 (1) of the Law on Expropriation for public utility purpose no 488 from 08.07.1999

In the case of expropriation of land, the amount of compensation shall not be less than the normative price established based on tariffs provided for by law⁴⁵.

Decisions rendered by courts of first instance by judges related to expropriation for public interest may be appealed in the common law Courts of Appeal. The term for the appeal is 30 days from the date the decision was declared, and the appeal shall be examined in a reasonable time⁴⁶.

LGAF reports on the 6 expropriation projects conducted for compulsory acquisitions of land rights for public infrastructure projects of national (such as construction of Giurgiulesti River Port and extension of railway to the port) and local levels of competence (relocation of Cotul Morii village devastated by flooding in 2010 and construction of houses for flood victims in Nemteni, Obileni, and Sarateni.) and in every of these cases after more than 5 years, there are still disputes over compensation levels pending settlement. This indicates that right of appeal is not well guaranteed and that claims are not examined in reasonable time.

Forestry Tenure

All underground resources, the air space, the waters and forests used for the benefit of the public at large constitute the exclusive domain of public property⁴⁷. In accordance with Article 2 of the Forest Code forest fund comprises all forests regardless of the type of property and management type.

Use rights for forest lands can be transmitted to forest management enterprises and other state enterprises, natural and legal entities. The process of allocating the usufruct rights is regulated by state forestry authority and LPAs. Moldovan citizens have free access throughout the forest for recreational purposes, crop free wild fruit and berries, nuts, mushrooms and other products of the forest for their own consumption unless the harvesting is carried out on sectors under the recreation or artificial, or from the specifically arranged places.

Main uses of forestry lands are permitted for: harvesting and transportation of wood, harvesting of wood products aids (stumps, bark, etc.), organization of hunting, harvesting of fruits, seeds, and other⁴⁸.

The legislation in the field of forestry is composed by the Forestry Code and a number of other normative-legal acts such as Law for improvement through afforestation of degraded lands, and the State Program of regeneration and afforestation of forest 2003-2020.

The forestry-related policy processes are developed and promoted through a number of agreements and forums at the global level.⁴⁹ Moldova is party to 26 international environmental conventions, seven of which are also linked to other areas of human activity (agricultural, industrial, military, etc.)

⁴⁵ Art. 15 (5) of the Law on Expropriation for public utility purpose no 488 from 08.07.1999

⁴⁶ Art. 362 of the Code of Civil Procedure no 225 from 30.05.2003

⁴⁷ Art. 127 (4) of the Constitution of Moldova.

⁴⁸ Art. 34-41 of the Forestry Code

⁴⁹ These include the United Nations Conference on Environment and Development (UNCED), Intergovernmental Panel for Forestry (IPF), Intergovernmental Forum on Forestry (IFF), the Food and Agriculture Organization of United Nations (FAO), and International Tropical Timber Organization (ITTO).

Water Fund and Fisheries

Water is a natural heritage needing protection and is part of the public domain⁵⁰. Legal framework related to water fund and fisheries tenure includes: the Water Law, the Law on protection zones, water courses and water basins; the Law on public property and demarcation of their lands, the Law on Water Use from water basins for community, irrigation, and fishery purposes; the Law on fishery fund, fisheries and aquaculture.

According to the Water Law⁵¹, water is defined as a renewable resource, vulnerable and limited, indispensable for life and society, a de facto determinant in maintaining ecological balance, a raw material for productive activities, a source of energy and also a transport route.

Water fund lands can be public property, public property of the local public authorities, or private property⁵². Individuals and legal entities may become owners of ponds; construct water reservoirs, hydro-technical facilities, other facilities and channels located on private land⁵³. State-owned enterprises may be awarded use rights and management obligations for land from the water fund, erecting constructions and installations, other facilities in public property, based on the decision of the Government or the LPAs decisions⁵⁴.

Any natural or legal person is entitled to use water under the conditions defined by the law⁵⁵. Water Law distinguishes general use and special use of water. According to art. 21 general water use includes: humans consumption and household needs; watering animals without using special installations; irrigation of household plots; swimming and recreational activities; and capturing and use of water in emergency situations, i.e. firefighting. Special water use, according to art. 23, can be obtained only on the basis of the environmental authorization for special water use and includes the following purposes: capturing and using water (from ground and underground sources) for human consumption; for technical and industrial purposes, including processing agricultural products; capturing water from different sources for irrigation; use of water for fishery and aquaculture; discharge of waste waters; diking rivers for hydro-electrical generation; construction of pontoon bridges, wharfs, and other hydro-technical structures; development and commercial operation of beaches and recreational zones.

The use of fishery resources is regulated by the Law on fishery fund, fisheries and aquaculture⁵⁶. The right for fishing in natural aquatic objectives is granted to legal and natural persons on the basis of quota attribution certificate and permits (for industrial/commercial fishing, amateur and sports fishing)⁵⁷.

⁵⁰ Art. 296 of The Civil Code and art 4 (3) of the Water Law no 272 from 23.12.2011

⁵¹ art 4 (1) of the Water Law no 272 from 23.12.2011

⁵² art 4 (5) of the Water Law no 272 from 23.12.2011

⁵³ Ibid

⁵⁴ art 6 of the Law on Public property lands and its delimitation no 91 from 05.04.2017

⁵⁵ art 4 (4) of the Water Law no 272 from 23.12.2011

⁵⁶ The law on fishery fund, fisheries and aquaculture no 149 from 09.06.2006

⁵⁷ Ibid, art. 11 (1)

OVERVIEW OF THE RELEVANT INSTITUTIONS RELATED TO TENURE OF LAND FISHERIES AND FORESTS IN THE FRAMEWORK OF THE VGGT

Competences and responsibilities of institutions related to administration of land tenure are provided in different laws and regulations. The functions of public sector related to land use are carried out normally by various institutions. The following institutions have competences in relation to development and promotion of land policy and regulation of land relations:

- **Parliament;**
- **Government;**
- **Central public authorities:**
 - **Agency for Land Relations and Cadaster (ALRC)** is the entity responsible for developing, coordinating and implementation of state land policy, recovery and improvement of degraded lands, territory organization, evaluation of real estate (including for tax purposes), land registry, geodesy, cartography and geo-informatics. ALRC hosts several technical institutions and state-owned enterprises (SOE), where the SOE “Cadaster” is responsible for the management of the cadaster and of the Real Estate Registry.
The ALRC was created in 1994 directly by presidential decree under the initial name of the National Agency for Geodesy, Cartography and Cadaster (NAGCC) with a mandate to deliver a coordinated approach to the creation and management of a national and unified cadaster. By early 1997 the NAGCC had subsumed both the land Arrangement Service (LAS) under the MAFI responsible for administration of rural and urban lands and Bureau of Technical Inventories (BTIs) under the Ministry of Privatization responsible for evidence of rights for buildings and structures⁵⁸.
 - **Ministry of Regional Development and Constructions** - development and promotion of policy in spatial planning and territorial organization, architecture, design, etc.
 - **Ministry of Agriculture and Food Industry** has a mandate to develop and promote policy with regards to agricultural land fund and land improvements, land consolidation policy.
 - **Forestry Agency “Moldsilva”** - administration of forestry sector, management of public forests, supervision of municipal and private forests).
 - **Waters Agency “Waters of Moldova”** - management of water resources (except of lakes, ponds and hydraulic structures in private and municipal property) and management of central irrigation systems;
 - **Ministry of Transportation and Road Infrastructure** - management of lands under the roads and lands adjacent to national roads. Road infrastructure legislation imposes certain restrictions on private lands located within defined easements for roads.

⁵⁸ Moldova was the first republic of the former Soviet Union to bring together the cadaster and registers in a single agency outside the normal departmental structures. The fact that the new agency was to report directly to a Vice Prime Minister and not through a line department was an unusual feature of its creation. The additional fact that the Ministry of Justice was not assigned responsibility for the land registers was also unusual in the European context.

- **Local Public Authorities (LPA) at the rayon⁵⁹, city/town and village/commune levels**
 - management of lands in public property of LPAs, enforcement and control of the land use and soil protection legislation, initiate expropriation for public purposes. Competences of rayon and municipal LPAs extend over all lands within the limits of rayon and/or municipality, while competences of villages and cities LPAs over the lands within the administrative boundaries of cities and villages.

Although, institutional mandates of the authorities on the regulation and management of land and property are clearly defined, the responsibilities and institutional arrangements are not always clear and efficient. Unclear inter-institutional arrangement can result in a lack of clarity over implementation procedures. For example, there are some overlapping land management functions between MAFI which is the principal government body responsible for administering and funding agricultural policy and the ALRC which has the mandate to oversee all state land policy. This is the case with land consolidation and soil fertility and land improvements activities, where MAFI is responsible for the implementation of land consolidation policy, but ALRC has the budget for implementation. Due to this budget arrangement, implementation of both policies achieved limited results.

Another inefficient inter-institutional arrangement is attested in the irrigation sector where MAFI is responsible for agricultural sector policy (including irrigation and expansion of irrigated areas) and the Ministry of Environment administers irrigation infrastructure (about 80 ex-soviet central irrigation systems). It is a burden and peculiar for a Ministry of Environment to manage irrigation systems. This institutional arrangement is not efficient and complicates effective implementation of the policy and management of the funds allocated to agriculture. The Ministry of Environment should remain responsible for the state policy in the field of water resources, water resources management, water supply and sewerage.

There is vertical administrative overlap which divides the responsibility for public land management between central public authorities (ministries and agencies) and state owned enterprises. In general, state land management is carried out by the Government transferring the task to central agencies which in turn outsource services to SOEs and joint stock companies. The outsourcing of these services is often not done on competitive basis. Functional conflicts of interest seem to exist within the state institutions as well. For example, ALRC covers property valuation and expropriation functions, as well as registration of rights, surveying of property, and demarcation and registration of public assets/property.

ALRC is the authority with exclusive rights to carry out works of delineation of municipal and state public property, delimitation of boundaries, valuation and revaluation for tax purposes. Due to lack of spare capacity and insufficient funding completion of mentioned works in reasonable time is not possible. For instance public entities are not allowed to involve private surveying companies to delineate LPA property. Following technical guidance and with appropriate control mechanisms in place private surveying companies could participate and contribute to prompt implementation of such works.

⁵⁹ Administratively Moldova is divided into rayons, cities/towns and villages. Cities may be attributed the status of municipality, while to the villages the status of communes. Municipality is an urban type locality which may include in its competence surrounding villages each with its own elected LPA. Communes include in its competence more than one village, which have common LPA.

Competences revision and conflict of interest to be removed within the ALRC is related to the expropriation process. ALRC acts an agent of the State within expropriation cases responsible for assessment, records and registers the rights, expropriation and further transfer of expropriated lands.

For the implementation of reforms on decentralization of forestry management functions it is necessary to revise the competencies and separate the administration and control functions on forest land monitoring and establish mechanisms of benefits sharing with indigenous communities.

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| | | | | related to changes of land use that result to indirect losses. |
| legitimate tenure rights protected | Public Land Management | 3 | <p>The state does not effectively manage public lands due to incomplete public land demarcation, mapping and registration to the cadaster.</p> <p>Institutional responsibilities are not clearly assigned resulting in institutional overlaps.</p> <p>The collection of payments from public land leases is not efficient.</p> | <p>Finalize demarcation of boundaries and registration of all land owned by the state and LPAs to the cadaster.</p> <p>Clarify institutional powers related to public land management and estrangement of public land both use and ownership rights.</p> <p>Establish up-to-date tenure information on land, fisheries and forests that state owns and compulsory registration of lease contracts.</p> |
| legitimate tenure rights promoted and facilitated | Administration of Tenure | 3 | <p>Lack of public lands demarcation and registration remains a major problem, which creates impediments for efficient and transparent land management, conflicts between owners, land market functioning.</p> <p>Uncomplete registration of garden plots in private property.</p> | <p>Complete demarcation and registration of state and municipal public lands.</p> <p>Improve quality of cadastral maps in order to reduce errors and discrepancies between maps and actual boundaries.</p> <p>Completing the survey and registration of approximately 325 thousand garden plots in private property (2013) and finalize registration and delimitation of all public lands.</p> |
| | Taxation | 3 | <p>Unregistered real estate assets (in private, municipal and state property) do not allow a proper assessment of the tax basis and maximization of tax revenues.</p> <p>Taxation of agricultural land is based on normative price of land.</p> | <p>Cadaster registration is needed as a prerequisite for property appraisal.</p> <p>Move to taxation based on market value.</p> |
| | Valuation | 3 | <p>National standards for property tax value assessment</p> | <p>National standards for property tax value assessment and monitoring need to be developed.</p> |
| legitimate tenure rights provided with access to | | 3 | | <p>Provide efficient ways for settlement of land conflicts and promote the implementation of alternative land dispute</p> |

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| justice | | | | <p>resolution mechanisms (e.g. mediation, arbitration, and conciliation), creating small scale legal services specialized in land issues or land courts with specialized judges.</p> <p>Review the land dispute resolution mechanisms by removing barriers related to the representation of landowners in the courts.</p> |
| legitimate tenure rights prevented from disputes, conflicts and corruption | <p>Tenure rights</p> <p>Expropriation</p> | 3 | <p>Due to uncomplete registration and delimitation disputes may arise because of overlaps between different forms of property and errors committed during privatization.</p> | <p>Expedite the process of examining court claims and issuing land disputes rulings in reasonable time, including expropriation cases.</p> <p>Increase the role of LPA and Cadastral authorities in the conflicts resolutions and in prevention.</p> |

CONCLUSIONS AND RECOMMENDATIONS

The VGGT seek to improve the policy, legal and institutional frameworks regulating the range of tenure rights that exist over these resources, in the context of national food security. The voluntary guidelines can be used by States, local governments and other concerned bodies and persons to assess current state of tenure governance, identify gaps and formulate improvement recommendations and eventually apply them.

The present Case Study provided necessary background for an informed discussion during the National Awareness Raising Workshop conducted in the Republic of Moldova on 26 and 27 October 2015 in Chisinau. A list of recommendations regarding particular areas of land tenure have been prepared in form of table presented in the previous section and presented at the workshop for discussion.

One of the general recommendations proposed by workshop participants is to improve enforcement of land legislation and provisions, including compliance to land management requirements, control of land legislation implementation and enforcement (abandoned lands, degraded lands, etc.). Currently such competences don't exist or are scattered, including the administration and management of state lands. Legal framework regarding informal rights including usucaption has to be improved. The procedure of recognition of usucaption is overly complicated and bureaucratic and need to be clarified, including when the period of possession for the recognition of usucaption right begins and which courts shall examine usucaption cases.

Another recommendation is referring to strengthening institutional coordination and cooperation aimed at implementation of principles set forth in the Guidelines based on participatory and transparent decision-making. Participants of the National Awareness Workshop proposed as a follow up activity to constitute a permanent multi-stakeholder discussion forum of individual experts and representatives of public institutions to permanently and regularly monitor the implementation of the VG principles and recommendations as well as to increase awareness of general public over the land tenure issues.

Government shall decide whether LC is still a priority and to consider using Agricultural Subsidy Fund to fund land consolidation projects. It may be required to revise scattered land consolidation provisions. Land consolidation needs to be seen in a broader rural development and environmental context. It can serve as a tool not only for improvement of agricultural structures, but also as a land management instrument for implementation of rural development and environmental initiatives contributing to better management and administration of land and natural resources, environmental protection and restoration, nature and degraded land conservation, and afforestation.

Small and medium-sized family farms are important for safeguarding personal food security and food security of the country. Small farms are also important in terms of provided employment since they provide occupation not only to family members, but also permanent and seasonal employment of people from outside. Equal opportunities shall be granted for all types of farms while developing land tenure policy and legal framework. Farm structures, which embraces both large corporate farms and small peasant farms would be most appropriate in terms of food security and would be in line with

rural development objectives. States should ensure that when facilitating market operations of tenure transactions, they protect the tenure rights of small-scale producers.⁶⁰

There is incomplete public land demarcation, mapping and registration of rights in the cadaster. This may cause conflicts and land disputes between central and local governments, as well as with adjacent private landowners. Thus, one of the crucial recommendations is to expedite delineation, demarcation, and registration of state and municipal lands, including forests. Finalizing delineation and registration of all public and private lands represents also a precondition for taxation of assets based on their market value. Until the full registration of public lands in the real estate register it is recommended to inventory and record all public lands together with other associated information. There is a need also for clarification of institutional responsibilities, which is central for enhancing public land management.

Expropriation procedures are not transparent and the time frame for procedures needs to be revised. Although the legislation establishes relatively short norm time for settling claims, in practice the ongoing processes have taken years. In many cases, a compensation case cannot be immediately resolved due to the outdated cadaster content with unrecorded inheritances and absentee or unidentified ownership.

Short time allocated for the implementation of main expropriation steps is obstructing the entire process, because for example many people are absent from the locality and can't react within the prescribed period of time. The legislation has to be revised to take into account non-documented forms of tenure (i.e. informal rights on land and property) and include the informal users of land as subjects to compensation. For example, one of the problems in Moldova is that there are many cases of unregistered heritage cases, informal transactions, problems in cadastral records and with documentation, expired identity cards, etc.

In addition to direct compensation for loss of expropriated land (i.e. market value per m²), compensation related to changes of land use that result to indirect losses should be provided for and be sufficient to maintain the economic life level that was confirmed before the expropriation, e.g. additional compensation for irregular parcel shape due to a road project.

Improve land valuation system for more equitable and efficient land and property taxation and expropriation by:

- Streamlining legal and regulatory framework and standards for land and property valuation, compensation and taxation and increasing transparency of tax exemptions;
- Completing and rolling out mass appraisal system countrywide.

Valuation methodologies for taxation purposes have to be revised in order to allow private sector involvement in establishing taxation values to land and buildings in a fast and coherent manner. This refers also to public and state lands registration and delimitation.

⁶⁰ VGGT, p.11.8

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- 1) FAO, Voluntary Guidelines on the Responsible Governance of Tenure, 2012
- 2) FAO, Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries, 2015
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- 5) Deininger, K., H. Selod and A. Burns, The Land Governance Assessment Framework: identifying and monitoring good practice in the land sector World Bank: Washington, DC, 2012.
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- 8) World Bank, Land Policies For Growth And Poverty Reduction, Policy Research Report, 2003
- 9) Court of Accounts Report on the conformity of the agricultural subsidy program in 2013, Decree of the Court of Accounts no. 55 from 08 December 2014
- 10) Laws and regulations

Annex 1: Agenda of the workshop



Food and Agriculture
Organization of the
United Nations



ATELIER TEHNIC

Creșterea gradului de conștientizare asupra Principiilor Voluntare de Guvernare Responsabilă a Posesiunii Resurselor Funciare

Inițiativa Regională pe Responsabilizarea Fermelor Mici și Fermelor de Familie pentru
Îmbunătățirea Nivelului de Trai Rural și Reducerea Sărăciei
26-27 octombrie 2015

| Luni, 26 octombrie 2015 | |
|-------------------------|--|
| 8:30 - 9:00 | Înregistrarea participanților |
| 9:00 - 09:30 | Deschiderea atelierului / cuvînt de salut <ul style="list-style-type: none">• Tudor Robu, Adjunct al Reprezentantului FAO în Moldova• Nicolae Olaru, Viceministru al agriculturii• Morten Hartvigsen, Ofițer relații funciare, FAO |
| 9:30 - 9:45 | Foto de grup |
| 09:45 - 10:00 | Pauză de cafea/ceai |
| 10:00 - 10:30 | Obiectivele atelierului, introducerea agendei și prezentarea participanților |

| | |
|---------------------------------|--|
| | Richard Eberlin , Expert în relații funciare și dezvoltare rurală, FAO |
| 10:30 - 11:30 | Principii voluntare a guvernării responsabile și posesiunii terenurilor <ul style="list-style-type: none"> • Conținut, dezvoltarea și aplicarea îndrumărilor. Richard Eberlin și Morten Hartvigsen, FAO |
| 11:30 - 12:15 | Întrebări și răspunsuri – Moderator (Richard Eberlin) |
| 12:15 - 12:30 | Prezentarea planului de lucru pentru după-amiază |
| 12:30 - 13:30 Prânz | |
| 13:30 - 15:15 Lucrul în grup | Principii Voluntare de Guvernare Responsabilă de Posesiune – exercițiu de familiarizarea Instrucțiuni pentru lucrul în grupuri: <ol style="list-style-type: none"> 1. Citiți și discutați toate cele 5 principii 2. Fiecare grup se axează pe un singur principiu și discută despre relevanța acestuia pentru țară răspunzând la următoarele întrebări: <ol style="list-style-type: none"> a. ce înseamnă acest principiu în contextul țării? b. care sunt implicațiile pentru procesele naționale în curs de desfășurare în ceea ce privește guvernarea proprietății? 3. Notarea concluziilor pe flipchart și prezentarea lor |
| 15:45 - 16:45 | Principii Voluntare de Guvernare Responsabilă de Posesiune – prezentarea rezultatelor și discuții Fiecare grup va prezenta audienței principiul pe care le-a fost atribuit și semnificația acestuia în contextul țării, urmate de dezbateri. |
| 16:45 - 17:00 | Sinteza primei zile (Richard Eberlin) |

| Marți, 27 octombrie 2015 | |
|--|---|
| 9:00 - 9:15 | Totalizarea primei zi al atelierului și prezentarea programului pentru a 2-a zi – Implementarea principiilor (Richard Eberlin) |
| 9:15 - 10:30 | Studiul de caz - Conformitatea cadrului legal, instituțional și de politici în contextul principiilor benevole de guvernare responsabilă asupra resurselor funciare, forestiere și de apă în contextul securității alimentare naționale. <ul style="list-style-type: none"> • Prezentarea studiului de caz de către Maxim Gorgan - consultant național, ACSA (30 min) • Comentarii și poziția participanților pe marginea rezultatelor studiului |
| 10:30 - 11:00 Pauză de cafea/ceai | |
| 11:00 - 12:30 Lucrul în grup | Cum pot fi aceste principii utilizate pentru a îmbunătăți situația? <ul style="list-style-type: none"> • Introducerea (Richard Eberlin) • Lucrul în grupuri |
| 12:30-13:00 | Aplicarea principiilor situației din țară – Prezentarea rezultatelor și discuții <ul style="list-style-type: none"> • Prezentarea rezultatelor lucrului în grup • Întrebări și răspunsuri |
| 13.00-13.45 | Totalizarea atelierului. Un pas înainte: Spre o viziune comună asupra guvernantei responsabile a resurselor funciare |
| 13.45-14.00 | Încheierea atelierului |
| 14:00 - 15:00 Prânz | |

Annex 2: Official letter of invitation



Atelier de sensibilizare

***"Principii benevole de guvernare responsabilă asupra resurselor funciare, forestiere și piscicole
în contextul securității alimentare naționale"***
26-27 octombrie 2015

Avem plăcerea să vă invităm la lucrările atelierului de sensibilizare pe tema "Principiilor benevole de guvernare responsabilă asupra resurselor funciare, forestiere și piscicole în contextul securității alimentare naționale", care se va desfășura în perioada 26 -27 octombrie 2015. Atelierul este organizat în comun de Ministerul Agriculturii și Industriei Alimentare și Organizația pentru Alimentație și Agricultură (FAO) a Națiunilor Unite.

Prima zi a atelierului va fi dedicată explicării de către specialiștii FAO și experții internaționali prezenți, a principiilor bunei guvernări a terenurilor și aplicării lor practice, urmate de sesiuni tematice de dezbateri în grupuri și prezentarea rezultatelor. A doua zi va fi dedicată prezentării rezultatelor cercetării la tema conformității cadrului legal și instituțional cu principiile bunei guvernări a resurselor funciare, piscicole și forestiere, urmate de dezbateri pe tema aplicării principiilor la situația din țară, și care ar fi strategia de lungă durată privind implementarea lor.

Atelierul de lucru va avea loc pe data de **26-27 octombrie 2015**, cu începerea la ora **9:00**, în sala de conferințe a hotelului Turist pe adresa bd. Grigore Vieru, 9, sala de conferințe de la etajul 1.

Solicităm respectuos să fie delegați până la doi specialiști pentru participare de la institutia Dvs și sperăm ca specialiștii nominalizați să găsească interesante și instructive atât prezentările cât și rezultatele dezbaterilor tematice în grup.

Vă mulțumim anticipat pentru participare și vă rugăm să ne comunicați numele persoanelor nominalizate fie pe adresa electronică mgorgan@acsa.md sau să ne contactați pentru orice întrebări la numărul de telefon: +373 68135259.

Cu profund respect,


Tudor Robu
Adjunct al Reprezentantului FAO în Moldova
Ministerul Agriculturii și Industriei Alimentare
Tel: (22) 210 513

Annex 3: List of participants at the workshop



Food and Agriculture
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ATELIER TEHNIC

Creșterea gradului de conștientizare asupra
Principiilor Voluntare de Guvernare Responsabilă a Posașiunii Resurselor Funciare, Forestiere și de Apă

Inițiativa Regională pe Responsabilizarea Fermelor Mici și Fermelor de Familie pentru
Îmbunătățirea Nivelului de Trai Rural și Reducerea Sărăciei

26-27 octombrie 2015

| No | Nume, prenume | Organizația | Funcția | Email | Semnătura |
|-----|------------------|--------------------------------|----------------------|----------------------------|-----------|
| 1. | Rozana Oles | UASM | Director | rozana.oles@uasm.md | |
| 2. | Bobaru Irina | ZPFSO | șef coordonare | 069935638 | |
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| 5. | Savina Ecaterina | ARFC | consultant | ecaterina.savina@mail.ru | |
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| 7. | Greu Vadim | IS IPOT | inginer OT | vgreu@ipot.md | |
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| 11. | Zhebu Mariana | MAJA | specialist principal | mariana.stebe@maia.gov.md | |

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|-----|---------------------|---|--|-----------------------------|----------------------------|--|
| 12. | Bintuuel Winkas | M A A | | Air. Jurídica | mibaibintuuel@yahoo.com | |
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| 14. | Drotodorschi Vasile | serVICIUL PESCUIE | | inspector | sp@p.gov.md | |
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| 16. | Maria Kremis | CBS HR | | accountant | mariakremis@yahoo.com | |
| 17. | Norees Galina | Olivist Medical | | caus. superior | norees@mednet.gas.md | |
| 18. | Filipovic Vladimir | SPHS N. Dimi | | Sef. Caba reles | SPHP@Sinh@sis.md | |
| 19. | Kulsoi Zoran | SPHS N. Dimi | | Director | zoran.kulsoi@sis.md | |
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| 23. | Fedor Loh | FAO | | FAO R | loheloh@fa.o.org | |
| 24. | Facilito Adrian | Agentie Apule Moldavi | | Sef sectie | facilito@adriano.gmail.com | |
| 25. | MARTEN HANUIGETU | FAO REU | | LAND TENURE OFFICER | Marten.Hanuiget@fa.o.org | |
| 26. | Richard Ebenlin | FAO | | Land tenure + Rural Peoples | richard.ebenlin@fa.o.org | |
| 27. | | | | | | |
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| No | Nume, prenume | Organizația | Funcția | Email | Semnătura |
|-----|----------------------|---------------------------------|----------------------------------|----------------------------|-----------|
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| 5. | Sorin Pavel | Asociația "Apel Moldova" | economist - specialist principal | sorin.pavel@apel.md | |
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| 11. | Știrbu Mariana | MedSA | specialist principal | stirbu.mariana@comber.ro | |

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|-----|-------------------|-----|---------------------------------|----------------------|--|
| 12. | Kirch and Eberlin | FAO | Land Tenure & Rural Development | kirch@tenurelink.org | |
| 13. | | | | | |

| # | Surname/Name | Position | Institution | Email |
|----|--------------------|--|---|--|
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| 13 | Mihai Butucel | Head of Department | Ministry of Agriculture and Food Industry | mihai.butucel@maia.gov.md |
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| 20 | Tudor Robu | ARFAO | FAO | tudor.robu@fao.org |
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| 22 | Vasile Drozdovschi | Inspector | Fishery Service | sp@sp.gov.md |
| 23 | Vasile Manolache | Deputy Director | SOE "Planning Institute for Territorial Organization" (IPOT) | vmanol@ipot.md |
| 24 | Victoria Covali | Consultant | Forestry Agency "Moldsilva" | victoriakovali@gmail.com |

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|----|--------------------|--------------------|---|--|
| 25 | Vladimir Filipciuc | Head of laboratory | Institute of the Pedology, Agrochemistry and Soil Protection "Nicolae Dimo" | ipaps_dimo@mtc.md |
| 26 | Zinaida Guțu | Lawyer | Avocate bureau "Zinaida Guțu" | zgutu@yahoo.com |
| 27 | Alexandr Dumitraș | MP Assistant | Parliamentary Comission on Agriculture and Food Industry | saneadumitras@rambler.ru |