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Current status of VGGT awareness raising and implementation in Europe and Central Asia

- Experiences and recommendations from the VGGT Caravan project
and integration of VGGT work in ongoing FAO projects

**Regional Workshop for Civil Society Organizations on the
Implementation of the VGGTs in Europe and Central Asia**



**Regional Initiative on Empowering Smallholders and Family Farms for
improved Rural Livelihoods and Poverty Reduction**

12-13 December 2016 – Budapest, Hungary
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Background

Seven workshops in seven countries in three months

- The project was funded by the MDF E1 project “Promoting secure land tenure within the framework of the Voluntary Guidelines” (VGGT).
- Total budget was USD 100,000.
- Two-day workshops were organized during October 2015 – January 2016 in the seven focus countries of the FAO REU *Regional Initiative on Empowering Smallholders and Family Farms*:
Albania, Armenia, Georgia, Kyrgyzstan, FYR Macedonia, Moldova and Tajikistan.



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Workshop objectives

Awareness raising and way forward for implementation

- Present the VGGTs and create a critical mass of informed stakeholders.
- National consultant in each country prepared and presented brief country study on the compliance of the existing legal and institutional framework for compliance with the VGGT.
- Discuss challenges and opportunities for improved tenure security and governance of tenure in the country.
- Provide recommendation for the implementation of the VGGTs in the country.



Workshop participants

Multi-stakeholder workshops

- People working in Government agencies on registration and governance of tenure of land, fisheries and forests such as Ministry of Agriculture (incl. forestry and fishery), Ministry of Environment, Land Registry / Cadastre Agency, Ministry of Transport / Infrastructure
- Academia
- Civil society organizations
- Regional and international organizations



The five general VGGT principles

1. Recognize and respect all legitimate tenure right holders and their rights
2. Safeguard legitimate tenure rights against threats and infringements
3. Promote and facilitate the enjoyment of legitimate tenure rights
4. Provide access to justice to deal with infringements of legitimate tenure rights
5. Prevent tenure disputes, violent conflicts and corruption



Compliance to the VGGT principles

- How close the seven countries are to the VGGT principles is estimated against five VGGT principles.
- A summary of the assessment done in the national reports and endorsed / validated by workshop participants:
(0-5 where 5 is full compliance)

	legitimate tenure right holders and their rights recognized and respected	legitimate tenure rights protected	legitimate tenure rights promoted and facilitated	legitimate tenure rights provided with access to justice	legitimate tenure rights prevented from disputes, conflicts and corruption
Albania	4	4	4	4	4
Armenia	4	4	4	4	4
Georgia	4	4	4	4	4
Kyrgyzstan	4	3	N/A	3	3
Macedonia	4	4	4	4	3
Moldova	4	3	3	3	3
Tajikistan	3	3	3	3	3

Land administration systems that protects formal tenure rights are in place in all seven countries!



Land Tenure

- Improve institutional coordination and cooperation to ensure functional land tenure systems and resolve overlapping competences.
- Register and improve registration of ownership and use rights for state land.
- Introduce transparent expropriation procedures and ensure fair compensation.
- Complete cadaster and registration coverage to ensure complete coverage.
- Improve land market functioning by reducing transaction costs and ensuring efficient transfer procedures - affordable and easy access to land registration.
- Need to support smallholders and family farms in increasing competitiveness and ensuring rural livelihood.



Land Tenure

- Develop well-functioning land taxation and land valuation systems, including monitoring of land use changes.
- Develop spatial plans for rural areas and / or community development plans through a gender-sensitive and participatory approach involving all local stakeholder groups.
- Ensure enforcement of spatial plans.
- Address the reasons for land abandonment.
- Address the structural problem of land fragmentation through the introduction of land consolidation instruments.



Forestry tenure

- Strengthen capacities of central and local public authorities responsible for the forest sector and forest management.
- Professional development programs for forest specialist and involving more actively academia needed.
- Develop regulations and rules to determine the forest management standards.
- Increase public awareness of rural population on forestry tenure and use rights including to prevent potential conflicts and corruption.
- Expediting delineation, demarcation, and registration of state and municipal forest lands and properties.
- Improving the forestry regulatory legislation including clear definition when forests are nature protected areas.



Fishery tenure

- Determine the rules of management and co-management in the fishery sector by involving fishing communities in decision making.
- Strengthen capacities and knowledge of state, public and local authorities responsible directly or indirectly for the fishery sector.
- Increase public awareness on fishery tenure to prevent potential conflicts and corruption.
- Ensure free and easy access to dispute resolution for all fishing entities.



Similarities and differences

- The seven countries share common characteristics of the policy, legal and institutional frameworks inherited from their past – legacy of the centrally planned economies and political system.
- Agricultural land is in five of the countries largely privately owned while in Tajikistan and Kyrgyzstan (except arable land) owned by the state with use rights to private farmers.
- In Albania, Macedonia and Moldova, the approximation with the EU *acquis communautaire* has a strong impact on policy formulation and implementation.
- EU approximations has some influence on policy in Georgia and Armenia but very little influence in Tajikistan and Kyrgyzstan.
- The specific agro-climatic and nature conditions determine the type of tenure management that governments apply.



Sub-regional conclusions

Balkan countries (Albania and Macedonia)

- Need to improve enforcement of legislation.
- Legislation is often overregulating and is frequently amended.
- Need to increase women's land ownership by registering land titles under the name of both spouses.
- Land markets are especially in rural areas not functioning well with bureaucratic procedures and high transaction costs leading to many informal transactions and not updated land registers.
- Need for land consolidation instruments to address the structural problems of small and fragmented farms.
- Need to align the national land, forestry and fishery legal frameworks with the EU *acquis communautaire*.
- Food security and reinforcement of the legal framework in both countries is required. Also a specific approach how to improve and better control food security in rural areas could be developed.



Sub-regional conclusions

Caucasus and Eastern Europe (Armenia, Georgia and Moldova)

- Need to better protect legitimate tenure rights from disputes, conflicts and corruption.
- To ensure a better and easier access to justice.
- Better protect and ensure women's tenure rights and the rights of the most vulnerable groups such as minorities, disadvantaged people, especially in rural areas.
- Improve the deficiencies and the discrepancies in the legal and institutional framework on forestry and fishery.
- Ensure transparent expropriation procedures and fair compensation.
- Need to address land fragmentation.
- Improve the food security legislation and its practical implementation.
- Need to develop land valuation methodology for fair taxation and compensation in expropriation.



Sub-regional conclusions

Central Asia (Kyrgyzstan and Tajikistan)

- Market for land use rights (Tajikistan) is in principle open but in practice not functioning. In Kyrgyzstan land ownership market not functioning well.
- Need to improve women's access to land and other natural resources.
- Need for country road map for implementation of VGGTs.
- Need for cooperation between neighboring countries is recommended, in particular regarding pasture governance.
- Tajikistan and Kyrgyzstan detect similar problems related to the prevention of legitimate tenure rights from disputes, conflicts and corruption.
- Women's rights could be another area for regional approach in Kyrgyzstan and Tajikistan. Both countries have established the legal framework not to discriminate women and generally their rights are protected, but in rural areas still the mentality to perceive women as subordinated to man predominates.
- Food security is another aspect where a common regional approach could be applied.



VGGT implementation in FAO projects

- Screening for compliance of existing legal and institutional framework with VGGTs in projects in Macedonia, Azerbaijan and Ukraine.
- Support introduction of land consolidation instruments in line with VGGTs in Macedonia, Kosovo, Azerbaijan and Ukraine.
- LANDNET (annual workshops).

Way forward ?

- Need for further awareness raising on the VGGT
- Get the Governments better onboard in VGGT implementation
- Need for detailed country specific assessment of compliance with VGGT in existing legal and institutional framework
- Need for country road map for implementation of VGGT
- To establish permanent country VGGT implementation monitoring committees
- Translation of VGGT into local language