



Food and Agriculture Organization
of the United Nations



The Implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security *an update*

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Belgrade, 23 June 2014



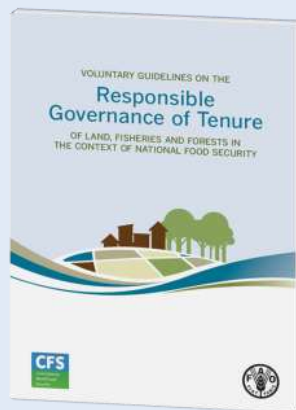
The overall framework for FAO's Tenure Work

The first global
soft law
instrument on
tenure

NEGOTIATIONS 2011 – 2012

Negotiated by
governments;
participation of
civil society
and private
sector

Consensus on
“internationally
accepted practices”
that already exist.



A reference for
improving the
governance of land,
fisheries and forest
tenure

- AN UNPRECEDENTED INTERNATIONAL AGREEMENT ON
- GOVERNANCE OF TENURE – AND UNPRECEDENTED RECOGNITION



- Endorsed by **CFS** May 2012
- Implementation encouraged by **G8, G20, Rio+20, Francophone Parliamentary Assembly, UN General Assemblies and Berlin Agriculture Ministers' Summits**
- Major civil society activities on governance of tenure: **Oxfam 'Behind the Brands'**
- High profile private sector endorsements: **CocaCola Corp; PepsiCo**
- Endorsed by **World Bank**
- **FAO** priority and mainstreaming



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Part 4: Transfers and other changes to tenure rights and duties

...
13. Land Consolidation and other readjustment approaches
...

Part 7: Promotion, implementation, monitoring and evaluation

Overview:

Section 13.1: **General matters**

Section 13.2: **Land banks**

Section 13.3: **Environmental protection and infrastructure projects**

Section 13.4: **Fragmentation**

Section 13.5: **Strategies in a local context**

Section 13.6: **Safeguards**



Fragmentation:

13.4 *“Where fragmentation of smallholder family farms and forests into many parcels **increases production costs**, States may consider land consolidation and land banks **to improve the structure** of those farms and forests. States should **refrain from using land consolidation where fragmentation provides benefits**, such as risk reduction or crop diversification. Land consolidation projects to restructure farms should be integrated with support programmes for farmers, such as the rehabilitation of irrigation systems and local roads. Measures should be developed to protect the investment of land consolidation by restricting the future subdivision of consolidated parcels.”*



A taste of the language of the VG

Land Consolidation

Strategies in a local context:

- 13.5 ***“States should establish strategies for readjustment approaches that fit particular local requirements. Such strategies should be socially, economically and environmentally sustainable, and gender sensitive. Strategies should identify the principles and objectives of the readjustment approaches; the beneficiaries; and the development of capacity and knowledge in the public sector, the private sector, organizations of farmers and small-scale producers, of fishers, and of forest users, and academia. Laws should establish clear and cost-effective procedures for the reorganization of parcels or holdings and their uses.”***



A taste of the language of the VG

Land Consolidation

Safeguards:

- 13.6 ***“States should establish appropriate safeguards in projects using readjustment approaches. Any individuals, communities or peoples likely to be affected by a project should be contacted and provided with sufficient information in applicable languages. Technical and legal support should be provided. Participatory and gender-sensitive approaches should be used taking into account rights of indigenous peoples. Environmental safeguards should be established to prevent or minimize degradation and loss of biodiversity and reward changes that foster good land management, best practices and reclamation.”***



In case of “comprehensive” land consolidation projects (where a majority votes for the project and the minority who voted against are required to participate), the following VG principles are particularly relevant:

General principles:

- Recognize and respect all legitimate tenure rights ...
- Safeguard legitimate tenure rights against threats and infringements...
- Promote and facilitate the enjoyment of legitimate tenure rights...
- Provide access to justice to deal with infringements...
- Prevent tenure disputes...

Principles of implementation

- Non-discrimination...
- Equity and justice...
- Consultation and participation...
- Rule of law...
- Transparency...
- Accountability...



The Guidelines Implementation

Section 26
calls on States for the implementation and
encourages them to:

set up multi-stakeholder platforms and frameworks at
local, national and regional levels

or

use such existing platforms and frameworks.

*This process should be inclusive, participatory, gender sensitive,
implementable, cost effective and sustainable*

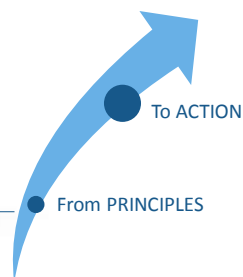
• Building on the consensus FROM PRINCIPLES TO ACTIONS

The real value of the Guidelines will be determined by their contribution to changes in the lives and livelihoods of men and women around the globe, particularly the vulnerable and marginalized

COLLECTIVELY DESIGNING THE ROAD AHEAD

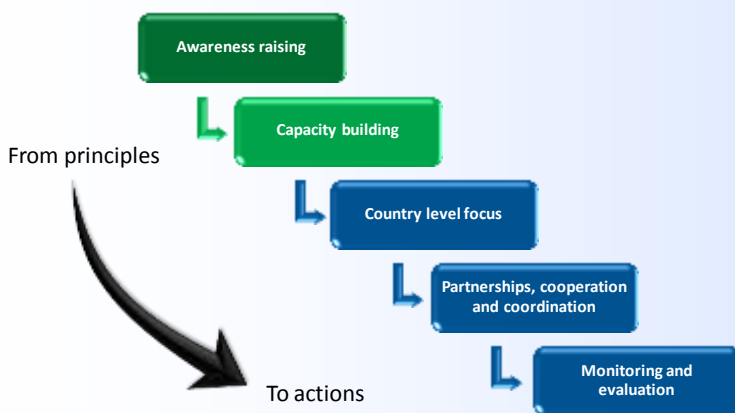
Key Elements:

- Country level focus
- Partnerships, cooperation and coordination
- Long-term commitment and resources
- FAO perceived as a neutral coordinator and broker



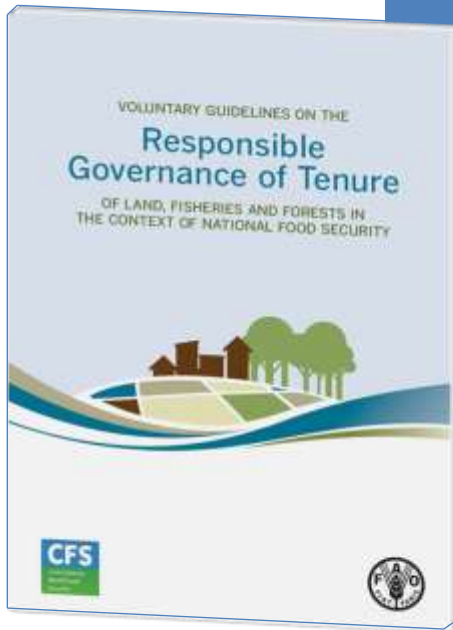
Implementation

Strategy



FAO SUPPORT PROGRAMME Target USD 20-30 mn over 4 years

FAO's Programme for the Guidelines



Awareness raising

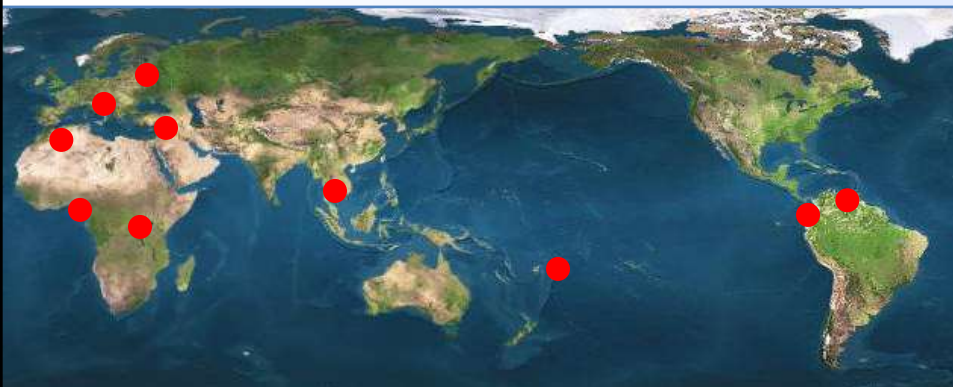
Capacity development

Support to countries

Partnerships

Monitoring

1. Awareness raising: regional workshops



1. Awareness raising: national workshops

Africa

- Ethiopia
- Liberia
- Malawi
- Niger
- Senegal
- Sierra Leone
- Tanzania
- Niger
- Nigeria
- South Africa
- Uganda

Asia

- China
- Burma/Myanmar
- Mongolia
- Nepal
- Vietnam

Latin America

- Guatemala

• 2. Capacity development: technical guides

Available

- Gender (e/s/f)
- Governance of forest tenure
- FPIC



Forthcoming

- Governance of small scale fisheries tenure
- Agricultural Investments

Planned

- Legal implications
- Pastoralism
- Tenure of the commons
- Enabling technologies for LA
- Private sector
- Public resources
- Aquaculture and mariculture
- Registration

• 2. Capacity development: other tools

- E-learning (first module, introduction to VG, available)
- Face to face training on different technical guides
- Manual for Civil Society Organizations
- Webinars



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• 3. Support to countries

Region/Country

Africa Region – Support to AU/UNECA/AfDB Land Policy Initiative
– EU transversal support

Sierra Leone – Multi-sector:
Legal Framework Assessment;
Land Administration;
Fisheries & Aquaculture;
Forestry;
Right to food.

Nigeria & Uganda
Governance of Tenure.

China
Awareness & extraterritorial investment.

Ethiopia -
Strengthening Capacities and Procedures in State Land Lease Management.

Lake Tanganyika Basin
Integrated trans-boundary resource issues



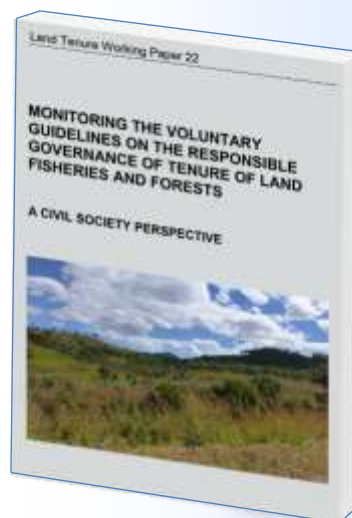
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• 4. Partnerships



• 5. Monitoring



Monitoring VG implementation at countries level

Using existing monitoring tools for monitoring and evaluation of VG implementation – case study LGAF and VG information mapping

The approach tested in Moldova, Georgia, Ukraine and the Philippines

A. Five General principles

Each point within each principle would be considered individually

B. Ten implementation principles

Each point within each principle would be considered, but as a group, not individually

C. Headings for each VGGT Sections (par. 4 – 26)

To be covered very briefly, as in each of the paragraphs 4 to 26 there are between 100 and 200 headings.

LGAF - composition of panel members

Country	Total	Public	Private	Academia	NGO
Ukraine	37	7	15	6	9
Georgia	37	10	18	7	2
Philippines	40	27	6	2	5
Moldova	37	17	9	7	4

Examples - Ukraine, Georgia, Moldova, Philippines

C. GUIDELINES CHAPTERS 4 - 26	UKRAINE	GEORGIA	MOLDOVA	PHILIPPINES
5. Policy, legal and organizational framework related to tenure	Covered	Covered by various LGIs	Covered by various LGIs	Covered by various LGIs
14. Restitution	Not covered	Not covered	Not covered	Not covered
15. Redistributive reforms	Not covered	Not covered	Not covered	Not covered
16. Expropriation and compensation	Covered LGI 13, 14	Covered LGI 13, 14	Covered LGI 13, 14	Covered LGI 13, 14
17. Records of tenure rights	Covered LGI 1, 2 and 3	Covered by LGI 1, 2, 3, 16, 17	Covered by LGI 1, 2, 3, 16, 17	Covered by LGI 1, 2, 3, 16, 17
18. Valuation	Covered LGI 10	Covered by LGI 10	Covered by LGI 10	Covered by LGI 10
23. Climate change	Partly covered	Partially covered by Forestry	Partially covered by Forestry	Partly covered by Forestry

LGAF Policy Recommendations

UKRAINE

Policy Recommendations	VG Principles
Lifting the moratorium on the sale-purchase of agricultural land in a phased manner, so as to allow for the development of implementing regulations, institutions, and the conduct of public education campaign	General Principle 1, implementation principle 1 and 2
Further consideration of the creation of a single registry for land and property in order to avoid duplication of registration, increase public trust in registration services, facilitate savings of state funds, and increase the efficiency of respective state institutions	Section 6 - Delivery of services and 17 Records of tenure rights
Consideration of the introduction of land taxation based on market valuation	18 Valuation and 19 Taxation
Provision of the follow up support to accelerate the process of demarcation of state and communal land	8. Public land, fisheries and forests and 20 Regulated spatial planning
Support for the adoption of legislation on land auctions , with transparent and streamlined procedures, and the inclusion of town planning terms and restrictions in the package of documents required during land auctions	General principle 3 and Implementation principle 7. Rule of law and 8. Transparency

Can LGAF results be used to support the Guidelines implementation?

LGAF covers majority of VGGT principles and sections

What's missing?

A. General principle:

- General principle 4: provide affordable and prompt enforcement of outcomes

B. Implementation principle:

- Implementation principle number 5: Holistic and sustainable approach

C. Sections:

- 8. Public land, fisheries and forests (Fishery is missing)
- 14. Restitution
- 15. Redistributive reforms
- 22. Trans boundary matters
- 24. Natural disasters

How to facilitate the Guidelines implementation

Recommended steps to facilitate the Guidelines implementation - country level

Step 1:

- Review LGAF Report or initiate similar assessment to collect a baseline information;
- Identify missing parts;
- Review policy recommendations and assess their compliance with the Guidelines;

Step 2:

- Gather the information on missing parts and complete the assessment;

Step 3:

- Based on the results discuss policy recommendations with the Government;

Step 4:

- Establish a regular monitoring system, using an existing monitoring tool, such as LGAF

RECOMMENDED NEXT STEPS

Option 1: USE LGAF AS IT IS, BUT EXTEND EXPERTISE

Option 1:

Follow existing LGAF processes and expand the number of experts to cover all perspectives of the Guidelines.

For example: tenure safeguards with special focus on women and the vulnerable, climate change, natural disasters, restitution, redistributive Reforms and fisheries



RECOMMENDED NEXT STEPS

Option 2: LGAF FURTHER DEVELOPMENT

Option 2:

1. Modify existing LGIs or expand their number to cover additional dimensions:

For example: tenure safeguards with special focus on women, climate change, natural disasters, restitution, redistributive reforms, trans boundary matters;

2. Expand LGAF thematic areas to cover fisheries

Supplement LGAF two optional modules on large scale land acquisition and forestry by the third one on Fisheries, applicable only to those countries that are involved in the fishery business

Looking forward

► **Planning for the next 2 years**

► **Resource mobilization**





Thank you for your attention

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