



Setting up functional land consolidation Programme

- Agricultural land consolidation strategy adopted in 2012
- Law on consolidation of agricultural land adopted in 2013
- FAO piloting process in the period from 2014 to 2017 to test the legislation



Setting up functional land consolidation Programme

- Bottlenecks identified in the implementation of the pilots
- Assessment of the broader legal framework against the FAO VGGT guidelines
- FAO recommendations for improvement
- First round of amendments to the Law



Main findings of the legal assessment

- Lack of clear, long term policy decisions on major issues
- Need for fine – tuning of the already envisaged legal mechanisms
- Collision of the LC law with the broader legal framework
- Interventions needed in other general and special laws



Main policy related recommendations

- Broadening of the objectives of the LC
- Minimization of the direct involvement of the Government in the LC process on project per project bases
- Inclusion of state owned agricultural land in the LC process under equal conditions as private land
- Establishment of a consolidation authority within the Ministry of Agriculture with clearly determined *lead role* in the LC process.



Recommendations for improvement of the envisaged legal mechanisms in the LC Law

Including, but not limited to:

- Introduction of a full fledged feasibility phase
- Regulation of the voluntary LC as a single plan
- Revision of the stipulated the safeguards in all stages



Recommendations for improvement of the envisaged legal mechanisms in the LC Law

- Establishment of mechanisms for financial compensation
- Reconsideration of the valuation method, bodies and safeguards
- Protection of unidentified or absent owners



Recommended intervention in the broader legal framework

- Exempt from property transaction taxes
- Regulation of the role of the right holders of other real and contractual rights over the land
- Adjustment of the rules and fees for property registration



Recommended intervention in the broader legal framework

- Connection with spatial planning
- Compliance with forest and pasture land management regulations
- Compliance with the environmental regulations



Other considerations in the process amendment of the LC Law

- Adequate protection of the constitutionally guaranteed right of ownership
- Compliance with the FAO VGGT Guidelines
- Land consolidation as a public interest
- Gender considerations in line with the SDG 5 (in particular indicator 5a2)
- Experiences from the countries with long LC tradition



Constrains in the process of drafting the amendments to the Law

- Lack of understanding of the land consolidation process among the relevant institutions (including legal drafters)
- Lack of coordination on institutional level
- Tendency to over regulate
- Tendency to over protect the state owned property



The amended Law on consolidation of agricultural land

- First set of amendments adopted May 2nd 2018
- Approximately 60% of the FAO recommendations incorporated
- Implementation of the first phase of the already initiated LC project expected without major constraints



Ways forward in the process of fine tuning the legislation

- Inter-institutional legal consultation process ongoing
- Next round of amendments to the LC Law planned for end of 2018
- Respective by-laws under preparation
- The mechanisms of sale of state owned agricultural land assessed and addressed in parallel (with special focus on LC process)



For further information please refer
to the
FAO MAINLAND project website:

[http://www.fao.org/in-
action/mainstreaming-national-land-
consolidation-programme/en](http://www.fao.org/in-action/mainstreaming-national-land-consolidation-programme/en)



THANK YOU!

