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## Implementation of VGGT in Tajikistan and Kyrgyzstan

11th International LANDNET Workshop  
'Land Consolidation as an Essential Instrument for the Implementation of Large-Scale Infrastructure and Sustainable Land Use'

28 November 2018, Tallinn, Estonia



### The issue

#### What is Tenure and why is it important?

- Tenure is how people gain access to land, fisheries, forests and other natural resources.
- Having secure and equitable access to natural resources can allow people to produce food for their consumption and to increase income.
- Inadequate and insecure tenure rights to natural resources often result in extreme poverty and hunger.



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### Tenure and weak governance



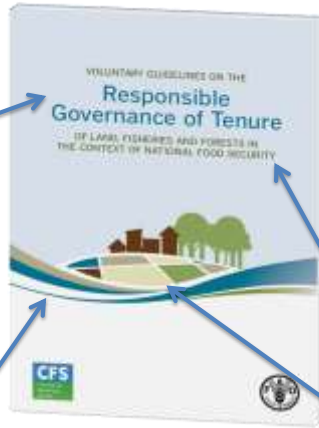
### Tenure and responsible governance



## What are the Guidelines about?

The first **international** document on governance of tenure – the soft law

A framework that can be used for addressing tenure in the context of the SDGs.

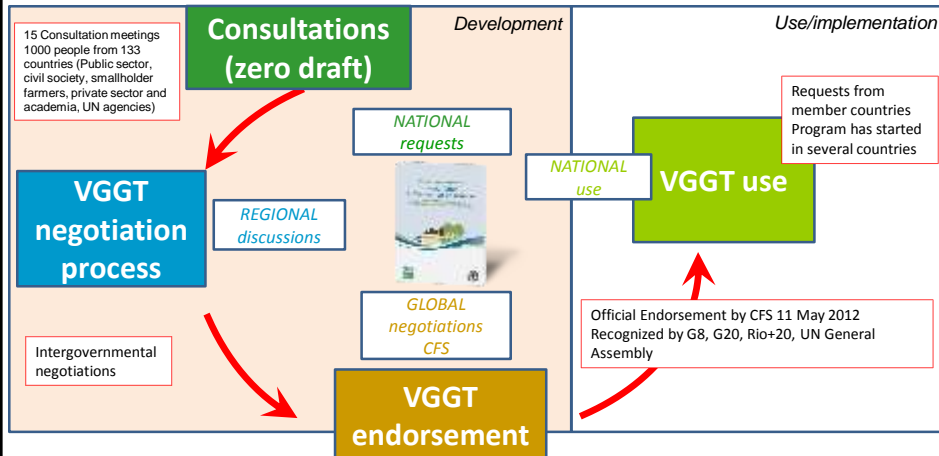


A framework that can use when developing their own strategies, policies, legislation, programmes and activities

A reference to improve governance of tenure.

A **Consensus** on existing practices

## Development process



## What do Guidelines do?

On a **voluntary** basis,  
the VGGT...

...establish principles

...give references

...contribute to the  
development of  
political, legal and  
administrative  
frameworks



The VGGT consider  
**all forms of tenure**  
and  
can be used by **all**  
**people and**  
**organizations**, in **all**  
**countries**

SUSTAINABLE  
DEVELOPMENT GOALS



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## The targeting for guidelines

### Tools for actors in countries

- States
- Courts and government agencies
- People and communities
- Civil society
- Investors
- Professionals
- University and academia



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## What is the PURPOSE of the Guidelines?

To improve governance of tenure, **for the benefit of all people** and with an **emphasis on people who are vulnerable and marginalized...**

...to contribute to **food security, sustainable development** and **environmental management...**

... by: - Strengthening transparency,  
- Protecting legitimate tenure rights (not recognized in formal law but recognized by society),  
- Improving political, legal and institutional frameworks.



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## The five general VGGT principles (states)

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

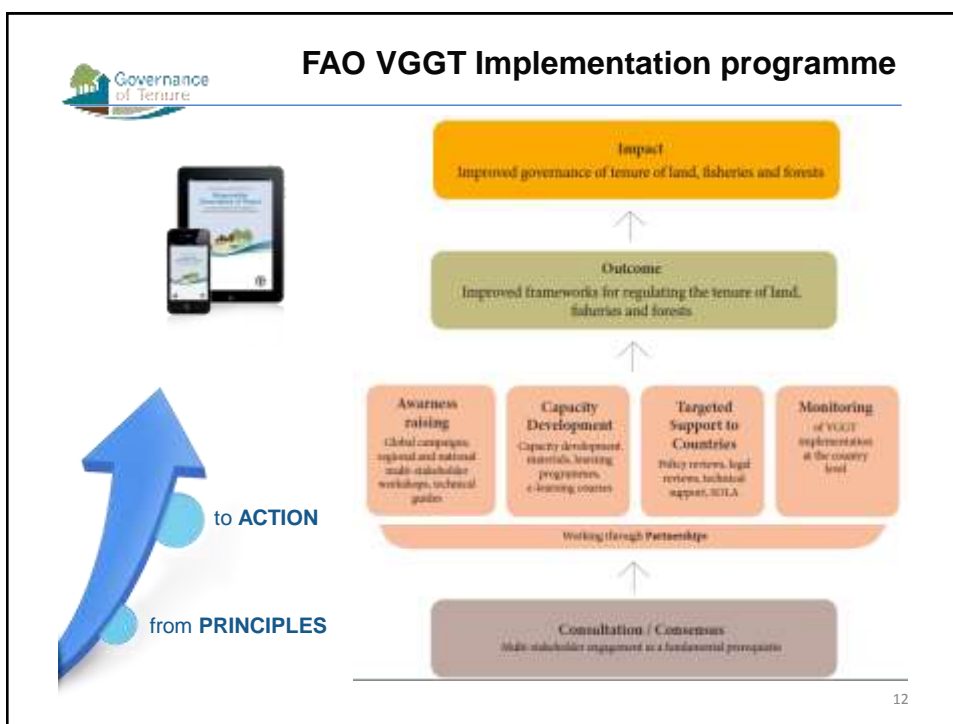


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General principles for non-State actors	Implementation principles for all
<p>...on human rights and legitimate tenure rights</p> <p>Avoid infringement...</p> <p>Prevent adverse impacts...</p> <p>Provide ways to remedy adverse impacts...</p> <p>Identify and assess impacts of actions...</p>	<ul style="list-style-type: none"> <li>Human dignity</li> <li>Non-discrimination</li> <li>Equity and justice</li> <li>Gender equality</li> <li>Holistic and sustainable approaches</li> <li>Consultation and participation</li> <li>Rule of law</li> <li>Transparency</li> <li>Accountability</li> <li>Continuous improvement</li> </ul>
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## FAO support to VGGT implementation in Europe and Central Asia

- Promoting secure land tenure within the framework of the Voluntary Guidelines, VGGT Caravan project, 2015
- VGGT CSO workshop in Budapest in December 2016
- Project: Increase use of VGGT among CSOs and grassroots organization in Kyrgyzstan 2017
- **Project: Implementation of VGGT in Kyrgyzstan and Tajikistan, 2017**
- Sub-regional VGGT CSO workshop in Bishkek 2018
- Specific technical projects



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## VGGT implementation in FAO projects

- Implementation of VGGT integrated into the work of FAO on land consolidation
- Screening for compliance of existing legal and institutional framework with VGGTs in land consolidation projects in Macedonia, Azerbaijan and Ukraine.
- Building on VGGT when supporting countries introducing land consolidation and developing National Land Consolidation Programmes:
  - Respect all legitimate tenure rights (not just formally registered ownership rights).
  - Include safeguards – participatory process, fair valuation and accessible options for appeal.
  - Prepare for land consolidation with multiple objectives.
- LANDNET.



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## Implementation of VGGT in Central Asia

- Implemented in partnership with the Union of Water Users Association of the Kyrgyz Republic (UWUA) during September – December 2017
- The project aimed at i) raising awareness on VGGT, ii) assessing the legal and institutional framework for the compliance with VGGT and iii) preparation of a roadmap for the VGGT implementation in both countries.
- Two teams of experts (Land Administration Expert, Legal Expert, Forestry Expert, Fishery expert) were mobilized
- More than 100 participants in total
- Analytical Assessment Reports and a Roadmap for targeted implementation of the Guidelines in the countries.



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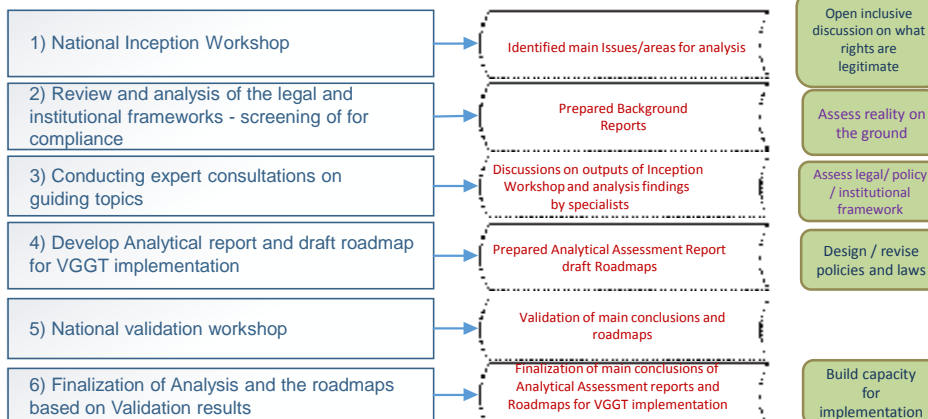


## VGGT as a National Tool: relevant entry points

### Applied implementation methodology

#### ACTIVITY

#### RESULT



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## Main themes investigated

### Tajikistan

- 1) Development of the land use market
- 2) Administration of tenure rights/dispute resolving mechanisms
- 3) Rights of pasture users
- 4) Joint forest management (JFM)
- 5) Women's rights
- 6) Small fisheries and aquaculture

### Kyrgyzstan

- 1) Administration of land use and registration of real estate rights
- 2) Land market development
- 3) Use of irrigation water and water fund lands
- 4) Community forestry
- 5) Pasture use
- 6) Expropriation of land tenure
- 7) Conflicts, disputes and access to justice

## Recommendations Tajikistan

- Develop a Concept of Land Policy;
- Promote organization of the land use rights market;
- Improve the work of state registration bodies on land borders demarcation and tenure rights registration (tariffs and duration);
- Improve the quality of cadastre and systematic registration of rural properties and land
- Land expropriation procedures (define public purpose in the law and remove the ambiguity between the Civil Code and the Land Code)
- Develop alternative dispute resolution mechanisms (mediation)
- Develop and implement a policy and strategy for development of fishery and aquaculture sector development;
- Improve pasture land management including, such as a procedure for the formation and registration of PUSs, PUAs (standard charters) and the development and implementation of pasture use plans; Repair and rehabilitate pasture infrastructure (roads, bridges, places of resting and watering for cattle).
- Introduction of gender principles in the land legislation

## Recommendations Kyrgyzstan

- Eliminate discrimination against women during divorce and inheritance of the land shares.
- Registration of lease agreements on the State Forestry Fund; Certification of forest products
- Registration of water fund lands and infrastructure at WUAs
- Informal transactions through simplifying land transaction registration procedures, as well as legal sanctions against informal ones.
- Creation of an effective mechanism for valuation and pledging land parcels
- The unauthorized changes in land boundaries and unauthorized seizure of land
- Fair compensation to owners and land users (non-material losses) and independent assessment (also in case of pastures)
- WUA, tariff policy, water accounting and water losses
- Household plots of people residing on the territory of SFF

## Thank you for your attention



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