



Food and Agriculture Organization
of the United Nations

COMMEMORATING THE 5TH ANNIVERSARY OF THE VOLUNTARY GUIDELINES ON TENURE

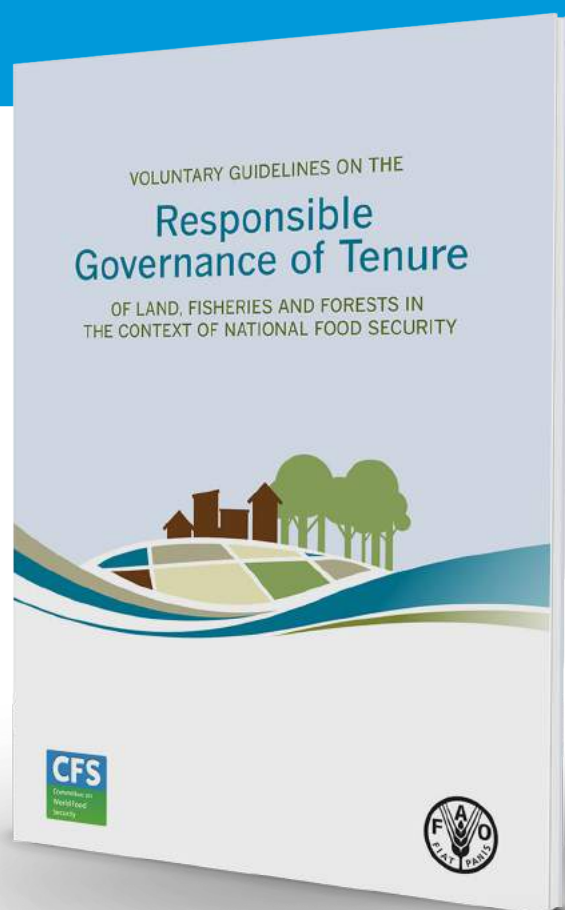


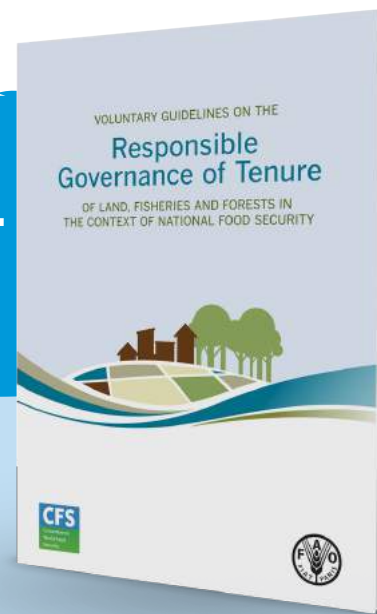
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THE **5**th ANNIVERSARY
OF THE VOLUNTARY
GUIDELINES ON
TENURE

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11 May 2017 marked the fifth anniversary of the endorsement of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) by the Committee on World Food Security (CFS). The VGGT are no longer simply words in a document and their principles and processes are inspiring people in countries around the world to take action and change the way in which things are done. This note shares a sample of these stories, and describes how people are working in countries all over the globe to improve tenure in order to make a difference. They have been supported in their efforts by FAO, working with donor partners of Belgium, the European Union, Finland, France, Germany, Ireland, Italy, Sweden, Switzerland and the United Kingdom.

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COMMUNITY LANDS AT THE CORE OF KENYA'S NEW LEGAL REFORMS

The Kenyan Government recently enacted the Community Land Act (2016) promoting internationally recognized standards such as those laid out in the VGGT, to bring about land reforms in communal areas.

This law formally recognizes, protects and registers customary and communal tenure rights, and envisages the registration and collective ownership of land by communities themselves based on either ethnicity, culture, geography or established common interests. For example, this new framework recognizes the rights of pastoralists, protecting their livelihoods and improving their food security.

The Community Land Act builds on the legal momentum created by the National Land Policy in 2009 and the new Kenya Constitution enacted in 2010. The new policy and legal frameworks emphasize equal rights for women and men as well as the need for equitable inclusion of both in the governance of land.

FAO, through funding from the European Union, is carrying out a five-year programme focused on improving governance and the sustainable management of community lands. It is based on VGGT principles, promoting active participation and supporting legal reforms in relation to land governance in Kenya.



THE VOLUNTARY GUIDELINES: AN INSTRUMENTAL TOOL IN THE PURSUIT OF CLIMATE MITIGATION GOALS AND REDD+



For countries undertaking REDD+ (Reduced Emissions from Deforestation and forest Degradation) programmes and those committed to making Nationally Determined Contributions (NDCs) under the Paris Climate Agreement, the VGGT provide a key to achieve these climate objectives.

Clear and secure tenure rights give the incentive for the sustainable management and conservation of forests, since those with secure tenure rights tend to have a stronger interest in maintaining, investing in and improving the resources. Identifying and recognizing legitimate tenure rights, including customary tenure rights and the rights of indigenous peoples and local communities, strengthens accountability for forest management and can facilitate the distribution of benefits from REDD+.

FAO has taken the lead to support more than ten countries to address tenure issues in the context of REDD+ by providing financial and technical support, tailoring its efforts to each country's needs. As a result, countries including Benin, Laos, Madagascar, Malawi, Tunisia and Zambia, have consulted with multiple stakeholders to develop roadmaps and recommendations for further action on tenure. In other countries, such as Pakistan, support has focused on the legal framework. Notably, Benin and Tunisia's tenure analyses highlighted the need for further clarity on tenure and multi-stakeholder collaboration. Subsequently, these two countries organized national workshops on the VGGT as a first step in raising broader awareness.

VOLUNTARY GUIDELINES: AN OPPORTUNITY FOR PEACEBUILDING IN COLOMBIA

After 53 years of armed conflict, a peace agreement has been signed between the Colombian Government and the Revolutionary Armed Forces of Colombia. In a country where, 41.1 per cent of land is in the hands of 0.4 per cent of all landowners; people living in rural areas are 2.5 times poorer than those living in urban areas. The rural population with informal land tenure is greater than 40 per cent; and people displaced by violence and migrating exceed 6.3 million.

Maintaining the peace in Colombia depends largely on rural development in communities whose livelihoods have been scarred by the conflict. In this context, the VGGT, by promoting multi-stakeholders dialogue, support the peace agreement.

The peace agreement addresses the need for a comprehensive rural reform programme which is intended to contribute to structural transformation in the field, closing gaps between rural and urban areas. Between 2013 and 2016 FAO worked with La Via Campesina and other institutions, including the Land Restitution Unit to protect 100.000 hectares of land belonging to ethnic groups.

FAO, together with the Agricultural Rural Planning Unit, has identified risk measurement indicators to address land concentration and expropriation. In collaboration with the National Land Agency, FAO has been working on the validation of a methodology for mass cadastral mapping, along with an evaluation of the Areas of Peasants' Reserve. The Voluntary Guidelines have been recognized by the Government as critical in addressing tenure issues in the programme.

STRENGTHENING COLLABORATION FOR THE IMPLEMENTATION OF SIERRA LEONE'S NATIONAL LAND POLICY

Following the launch of the Sierra Leone National Land Policy (NLP) in early 2017, two trainings on the Voluntary Guidelines took place. One focused on "Governing land for men and women" and the other raised awareness on the principles of the Voluntary Guidelines and the provisions of the policy among Members of the Parliament, and drew attention to tenure issues in the land, fisheries and forestry sectors.

The NLP aims to ensure fair and equitable access to land for all Sierra Leoneans, with a specific focus on recognition and protection of customary rights. The Government, with support from FAO, has elaborated a National Land Policy Implementation Plan (NLPIP) which divides the NLP into four major areas of intervention: rights identification, rights protection, planning and development. FAO is now building on previous work to implement the VGGT to support the implementation of priority activities related to customary land rights identification and rights protection, in line with the NLPIP.

Given the novelty of the NLP reforms, one or two pilot areas will be selected in order to better understand how to define and model legitimate customary land rights to provide an appropriate framework for regularizing land rights in Sierra Leone using customized versions of the Solutions for Open Land Administration (SOLA) & Open Tenure tools.

ENHANCING FOOD SECURITY THROUGH LAND POLICY REFORM IN SOMALIA

Land disputes are among many factors affecting Somalia's efforts to rebuild a country that suffered 22 years of conflict and crisis. Such disputes stand in the way of achieving a key objective, food security.

"Rebuilding confidence on land issues in Somalia" was a VGGT-related FAO project that supported information gathering through an extensive participatory study conducted on climate, land use, land forms, land cover, soil analysis and land degradation processes which was used to prepare a database for natural resources planning and future monitoring. Participatory natural resource mapping was promoted enabling communities to identify resources in their territories, and discuss access to and use of these for the communities' benefits.

A **Land Coordination Forum** in Hargeisa was set up in accordance with VGGT principles to provide advocacy on good land governance practices, especially regarding the land rights of vulnerable groups, including women and minority groups.

An **Inter-Ministerial Land Policy Review Commission**, established in Somaliland thanks to the VGGT project, was responsible for planning and coordinating the land policy development process and a zero draft policy was developed through a consultative process, with the participation from different stakeholders, including various Ministers.

INFORMING THE DISCUSSION ON LAND GOVERNANCE POLICIES AND LEGISLATION IN LAO PDR

Lao PDR is reviewing its land governance policies and legislation, with a view to modernizing and extending recognition of rights. The Voluntary Guidelines are being used to inform the discussion.

Working with an inter-ministerial team and a group of development partners, key contentious areas have been identified, such as expropriation and compensation, recognition of customary rights, open and efficient land registration systems, and land use planning.

A review of the existing policies, laws, decrees and other documents has revealed much in common with the principles in the Voluntary Guidelines, and this has formed a solid basis for advancing proposals for improving tenure security. Where there are gaps, changes in line with the VGGT have been recommended. The technical assistance is co-funded by the Swiss Agency for Development and Cooperation (SDC) and FAO.

FAO COLLABORATES WITH 18 EU-FUNDED, COUNTRY-LEVEL PROJECTS IN AFRICA, ASIA AND LATIN AMERICA TO IMPROVE TENURE GOVERNANCE

The 18 Africa based projects under the 60 million Euro European Union Land Governance Programme have been working with FAO to receive technical guidance and a platform for capacity development, within the framework of the VGGT and the Framework and Guidelines for Land Policy in Africa.

Project implementers and their partners seek technical guidance from FAO's inter-disciplinary task force on the VGGT, including different areas of internationally recognized expertise in tenure, such as land tenure, forest tenure, fishery rights, legal aspects of tenure, gender and capacity development.

A web-based knowledge management platform offers a one stop shop for collecting and

communicating to a wider public experiences gained by the projects in one depository.

At national level, support ensures project compliance with international instruments, strengthens the partnership between critical project stakeholders and allows to collectively assess and steer project risks and opportunities.

At the cross-country level, bi-yearly meetings allow project implementers and their partners from government and civil society to learn from experiences of other countries. As a result, several project implementers and their partners have enhanced their approach to improving governance of tenure within their countries and projects.

WHEN LOCAL AND NATIONAL LEVELS COME TOGETHER TO ENSURE SUSTAINABLE RESULTS: SUPPORTING THE IMPLEMENTATION OF THE VGGT IN SENEGAL

The implementation of the VGGT in Senegal is working at different levels to reach more people and ensure sustainable results. In 2017, local actors participated in awareness raising or capacity development workshops, and radio emissions held in local languages are increasing knowledge about land tenure. Civil society organizations are carrying out field work to collect information that support the implementation of the VGGT and the next steps to tenure reform.

At national level, the VGGT made major contributions to policy and legal reforms, thus the final version of the Land Policy Document (LPD) includes specific paragraphs influenced by the Guidelines. The Ministry of Fisheries and Maritime Economy opened discussions to prepare a new law on Inland Fisheries. The President of the Republic has decided to conduct tenure auditing in the Niayes area, where the project has already revealed and documented key tenure challenges.



INCREASING THE USE OF THE VGGT AMONG CSOs AND GRASSROOTS ORGANIZATIONS

Under the framework of the project “Increase the use of the VGGT among CSOs and grassroots organizations”, FAO has been working with national and international CSO partners to increase civil society capacity to effectively engage with the tenure governance discussion and strengthen government dialogue to move the agenda on tenure governance forward.

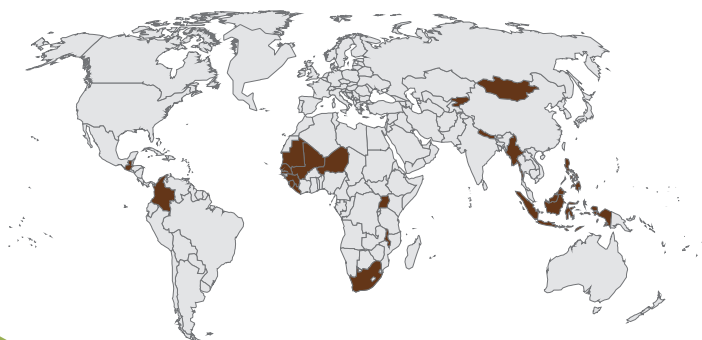
More than 15 countries throughout Asia, Africa and Latin America benefitted from the implementation of the Guide “Putting the Voluntary Guidelines on Tenure into Practice: a Learning Guide for Civil Society Organizations” co-developed by FAO and FIAN International, enabling the CSOs to increase their knowledge and use of the VGGT. In each country, the Guide has been adapted to meet the needs of the specific national contexts.

Examples of country interventions leading to the creation and/or consolidation of networks:

Mongolia: draft pastoral land law was discussed in the light of the VGGT;

Nepal: VGGT to be considered during the amendment process of the National Park and Conservation Act;

Malawi: The project supported the sensitization of traditional chiefs who used the VGGT in investment negotiations.



STRENGTHENING CAPACITY FOR IMPROVED GOVERNANCE OF LAND TENURE AND NATURAL RESOURCES PARTNERSHIPS

The project “Strengthened capacity for improved governance of land tenure and natural resources by local government in Partnership with Non-State Actors in the Central Highlands of Angola” is part of a regional programme that aims to boost the implementation of the VGGT in ten African Countries (Angola, Burundi, Côte d'Ivoire, Ethiopia, Kenya, Malawi, Niger, Somalia, South Sudan and Swaziland).

Funded by the EU, the project is implemented by World Vision Angola and Development Workshop Angola, and led by the Ministry of Territorial Administration, Provincial Governments and Municipal Governments.

FAO is collaborating in partnership with the two NGOs in frame of the first component, strengthening the technical skills and land knowledge of local administration staff. FAO is providing trainings and is facilitating the customization of the SOLA-Open Tenure system to develop a computerised GIS solution (Angola Land System) in the provinces of Bié and Huambo. The adoption of the Angola Land System will complete the progress made in the Province of Bié toward a more transparent, equal, and efficient land administration.

LAYING THE GROUNDWORK FOR ACHIEVING SDGs IN THE WESTERN BALKANS – TOWARDS GENDER EQUALITY IN LAND TENURE

Gender equality is a core principal of the Voluntary Guidelines. The Western Balkans regional initiative addresses the challenges to women's land ownership in the region. Following the adoption of the 2030 Agenda, FAO, GIZ and the International Union of Notaries (UINL) are supporting the countries in the region to achieve measurable progress under SDG 5: Achieve gender equality and empower all women and girls.

FAO, as a custodian UN agency for indicator 5.a.2: Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control., is leading the development of the methodology for this indicator, based on the Voluntary Guidelines. The Western Balkans are among the first countries where the draft methodology has been tested. The methodology will be submitted for final approval by the Inter-agency and Expert Group on SDG Indicators (IAEG-SDGs) in October 2017. The understanding of attitudes of men and women and the role of key actors such as legal professionals and land registration staff in supporting gender equality should shape recommendations for future action.

TECHNOLOGY'S CONTRIBUTION TO IMPROVE TENURE GOVERNANCE – GOOD PRACTICES FROM EASTERN EUROPE AND CENTRAL ASIA

“Implementing agencies should adopt simplified procedures and locally suitable technology to reduce the costs and time required for delivering services.” – Voluntary Guidelines, par. 17.4.

FAO in cooperation with the World Bank and other partners has been providing support to more than 25 countries in Eastern Europe and Central Asia to improve tenure governance. Most of the countries have introduced computerized land administration systems and provide services online.

In the Russian Federation, random case distribution has been introduced to minimize opportunities for corruption. Citizens in Russia

can report fraud and irregularities directly to the head of the agency using the online service “your control”.

In Ukraine, the processing time for registration of new land parcels was decreased from several months to 10-20 minutes average after the introduction of a new IT system in 2013. Application tracking systems have been implemented in Albania, the Russian Federation, Ukraine, and other countries, increasing transparency and minimizing opportunities for corruption. Exterritorial services have been introduced in the Russian Federation, Ukraine and Croatia – citizens can apply for services online or at any local office for the entire



COMPLIANCE TO INTERNATIONAL STANDARDS WHEN INVESTING IN AGRICULTURAL LAND

territory of the country. In Serbia, using very high resolution satellite imagery with cadastre data led to the identification of 2,6 million informal buildings in less than 6 months of desk work.

“States and non-state actors should endeavour to prevent corruption with regard to tenure rights.” Voluntary Guidelines, par. 17.4

Gender disaggregated reports were generated from the land administration IT systems in the Western Balkans in 2013, showing the low level of women's ownership: 15 - 29 percent across the region. Some municipalities had 3 percent of women registered as owners or co-owners.

Three studies were commissioned on extraterritorial Large-Scale Land-Based Investments in Agriculture (LSLBIA) in Africa by state-owned companies based in China, India and South Africa. These studies attempt to examine whether and how such investments comply with the VGGT and other relevant international, regional and national instruments guiding LSBIA.

It has been emphasized that citizens in 90% of African countries do not have secure land tenure rights and that tenure security is a prerequisite for sustainable and inclusive development. The drivers of these inequalities, such as an enabling environment, investment typologies, and their impacts on local communities and host countries were discussed at two international workshops. Country governments play an important role and are in a position to influence compliance by overseas investors to regulations and standards, including the VGGT and the CFS Principles for Responsible Investment in Agriculture and Food Systems (RAI).

LOOKING BACK, MOVING FORWARD

2012 130 Member States of the Committee on World Food Security endorse the VGGT.

FAO releases open source software that supports recording and registration of tenure rights.

2013 The UN General Assembly requests the relevant entities of the United Nations system to ensure the speedy dissemination and promotion of the VGGT.

The VGGT receive endorsement by the G8, G20, Rio+20, the Francophone Assembly of Parliamentarians and many more.

The Coca-Cola Company publicly endorses the use of the VGGT, leading to the future adoption of the VGGT by other companies, including PepsiCo, Nestlé, Cargill, Unilever, and Illovo Sugar Limited in their supply chains.

2015 The Interlaken Group, in collaboration with the Rights and Resources Initiative, developed a new guide - Respecting Land and Forest Rights - to support companies aiming to align their operations with the VGGT.

The VGGT Senegal River Basin authority requests the preparation of a basin-wide policy document.

Russia, Ukraine, Kyrgyzstan seek to improve tenure issues by improving land administration technologies.

The adoption of the SDGs puts tenure firmly on the global agenda. The VGGT directly contribute to the SDGs, particularly to improve access to land and increase tenure security.

2016 The Colombian Peace Agreement is signed using the VGGT to address land-related matters. The VGGT are also used in Burundi, Somalia, Sudan and other countries to resolve land conflicts.

The International Union of Notaries (UINL) and FAO sign a Memorandum of Understanding to formalize their partnership through a set of shared activities related to the dissemination and implementation of the VGGT.

Uganda issues over 2000 Certificates of Occupation to help protect customary tenure rights.

The Committee on the Elimination of Discrimination against Women adopts a General Recommendation on the rights of rural women that identifies the Voluntary Guidelines as a standard for gender mainstreaming.

Sierra Leone passes its National Land Policy, comprehensively based on the VGGT.

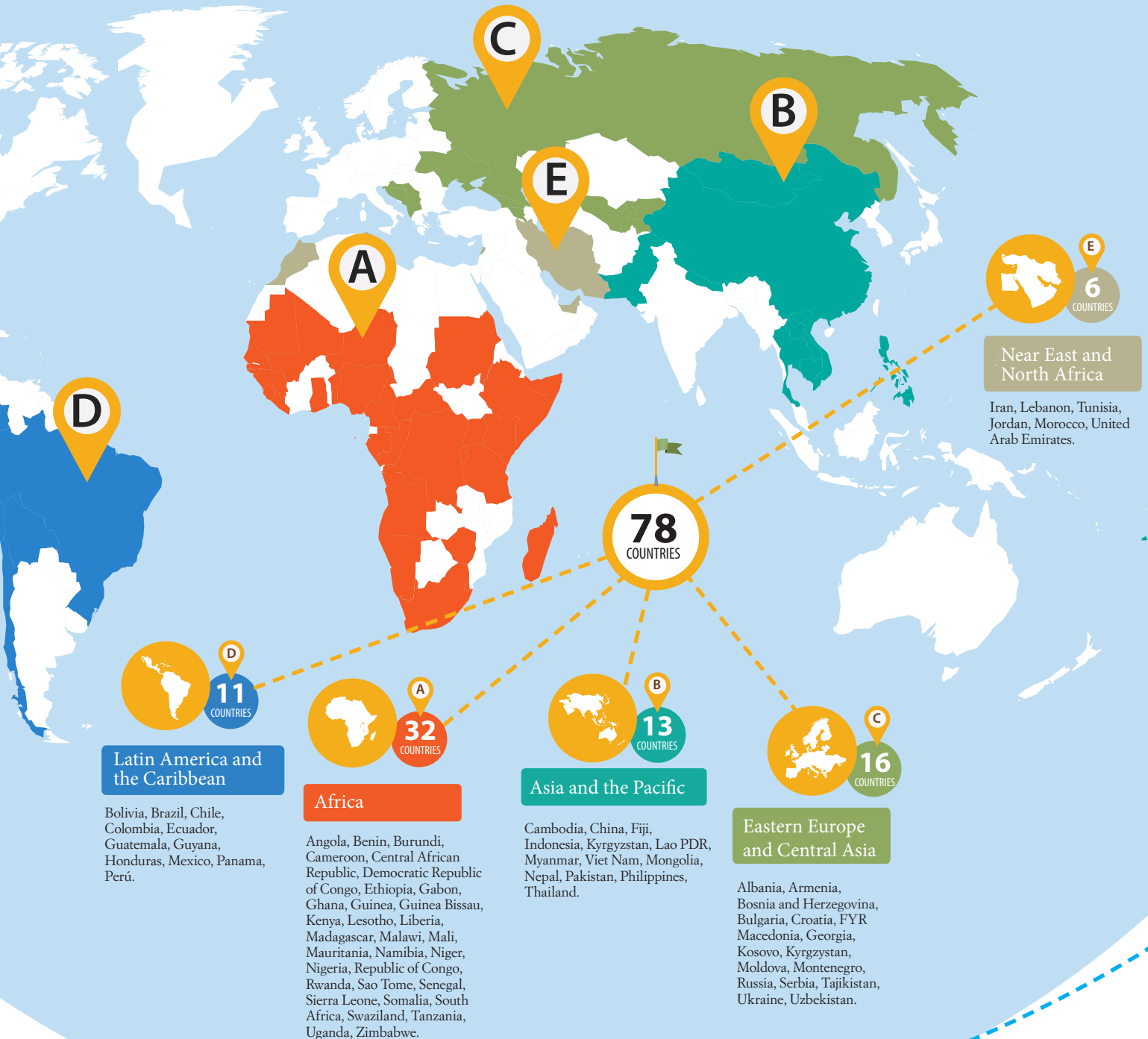
The VGGT inspire policy and legal reforms in several countries including in Gabon, Guatemala, Kenya, Lao PDR, Mongolia, Myanmar, Nepal, and the Philippines.

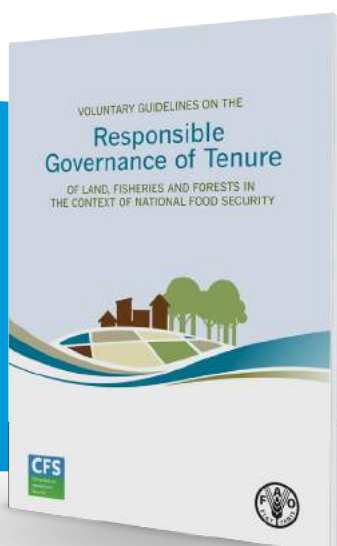
2017 The Global Donor Working Group on Land lists 225 active programmes worth 4.1 billion USD supporting VGGT implementation.

The VGGT are helping countries achieve the SDG tenure indicator. In the Western Balkans, countries have established multi-stakeholder gender teams to support the process of improving gender equality and social inclusion in terms of property rights, thereby contributing to the testing and implementation of SDG indicator 5.a.2.

VGGT ACTIVITIES AROUND THE WORLD

National and regional workshops have taken place in 78 countries over the past 5 years. Emphasis has been placed on using the VGGT in countries. The workshops increase understanding of the contents of the VGGT, identify opportunities for their implementation, and provide a platform for partners to work together for improving tenure governance.





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