

EU support to rural land governance

State of play 2014



EU land access project, Angola (2009)



Photo: PRESANCA

Peace and Empowerment in Guatemala

It's important that small rural farmers look for peaceful solutions to the problems we have with our land. We haven't understood our own agriculture for years, but now, thanks to this project we understand what is really happening in our land. We are now able to work here, growing crops that can be sold in local and national markets... Our standard of living has increased drastically.

(José Antonio Sacul of the Q'eqchi' ethnic group, resident of Balbatzul Cobán, northern Guatemala)

In Guatemala, access to land resources is a historical problem that has generated conflicts at

both community and national level. In addition, rural populations find themselves in an even more critical situation due to exclusion and missed opportunities for accessing agricultural production and development. These are some of the main causes of extreme poverty that affects rural areas of the country.

The Peace and Empowerment in Guatemala Project aimed to develop alternative, peaceful mechanisms for resolving conflict related to land ownership. It had the following impact:

- 100 land conflicts resolved, 3,603 families benefited.
- 283 leaders trained on Alternative

Methods of Conflict Resolution.

- 50 communities implemented economic projects.
- 1060 families started commercial processes at local and national levels (564 men, 496 women), generating income.
- 14 community groups with access to credits (147 men and 84 women).

EU Partners:

- Mercy Corps
- JADE
- FUNDEMI

EU contribution:

The programme received €750,000 in the 2006-2009 period, representing 74% of the total.

Introduction

This factsheet provides an overview of EuropeAid's support to responsible governance of rural land tenure. It demonstrates the level of commitment and aims to facilitate coordination with other stakeholders at global, continental and country level.

Secure and responsible access to land and natural resources is recognised as crucial for fair and sustainable development, food security and good governance. It has received a high level of attention from developing country Governments and donors. Additional concerns have arisen because of the food price crisis of 2008-2011, the increasing commercial pressures on land, and the necessity to incorporate climate change mitigation in land management. National land policies, laws and regulations are therefore critical to social, environmental and economic development objectives:

- food security;
- development inclusiveness;
- respect for human rights, including customary systems;
- women's equality;
- empowerment of young generations;
- and protection of minorities.

Responsible land governance is essential for conflict prevention and is often a key issue in conflict resolution. It is intrinsically a political process, requiring inclusive approaches which must be led by national stakeholders through.

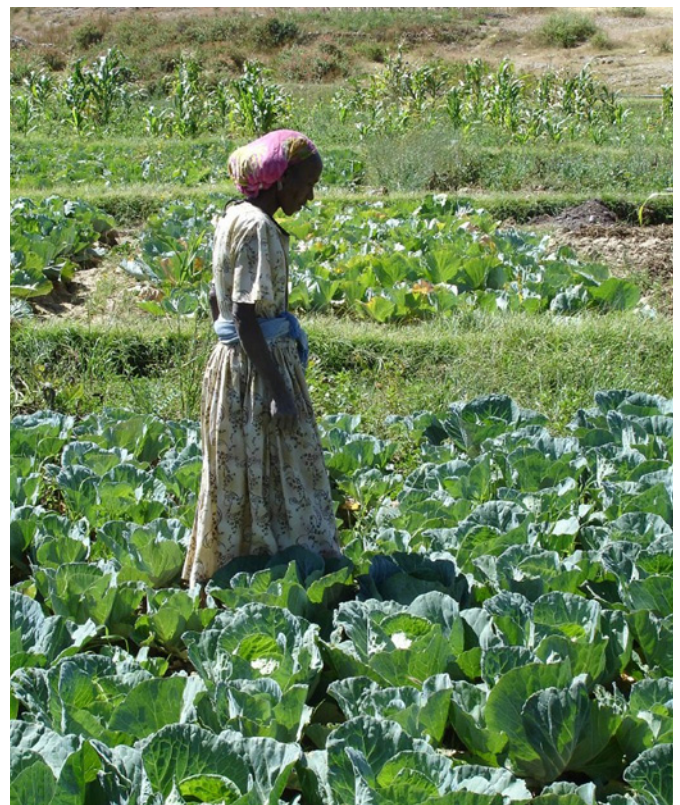
The European Union fully subscribes to the need for effective land rights in developing countries. It has recently reconfirmed its commitment to land governance by the adoption of Council Conclusions on Food Security and Nutrition (28 May 2013), as well at the G8 Summit in Lough Erne (15 June 2013).

Land: policies and challenges

Responsible land governance generally involves securing the rights of smallholders with tailor-made approaches which build on existing land tenure systems, increasing the formality of informal tenure rights. Large-scale land titling is not implemented as a standard one-size-fits-all approach because such an approach runs the risk of not addressing properly the complexity of field reality and the challenges of rural development and food security. In some contexts, such an approach might be inadequate and even lead to further tenure concentration and social instability. Indeed, it might even hinder some forms of collective tenure management which provide essential social, environmental or economic functions, including flexibility in individual access and possible redistribution, and crystalize sub-optimal relations between land users and owners. The variety of uses and users must also be taken into account to foster responsible

use of natural resources, recognising the role of collective and pastoral areas, and temporary, partial individual and community rights. Customary systems are also in constant evolution and adaptation, and should be shaped by national and local policies and administration systems to reinforce their contribution to sustainable development.

Land resources need to be protected from speculative transactions whilst ensuring a transparent and secure environment for agricultural investments. According the UN Food and Agriculture Organisation (FAO), most of the agricultural investments in developing countries originate from family farming. Furthermore, large scale land acquisition and long-term leases have a deleterious effect on food security and poverty reduction because they evict the rural population from land. Free and prior informed consent should be systematically required from the local population because failure to do this can represent social and political risk for the investment and the local area. Compliance with initial commitments and impact on sustainable development should be investigated. In this regard, best practices and principles for responsible investments in agriculture will need to be more substantially incorporated into national legislations and become part of negotiations of investment contracts. Socially responsible investment in the agricultural and agro-industry sectors does not necessary involve control on land resources. Self-regulation can also play a part, encouraged by multinational companies purchasing



Rural Poverty Reduction Programme, Namibia

This is a historical moment. Olukonda is the first [settlement] to achieve total customary land rights in the country.
(Alpheus Naruseb, Hon. Minister of Lands and Resettlement, Namibia)

In order to find lasting solutions to land needs, we needed concerted efforts and transparent and clear criteria to select people for resettlement. Most people are willing to develop their land now that they have been granted the rights.
(Boas Mweendeleli, Senior Councillor of Ondonga Traditional Authority, Namibia)

Namibia is a country with very large income disparities and those living in communal areas are amongst the poorest. Due to improved communal land registration, people are becoming more confident to make long-term improvements to their land, knowing that it will not be

taken from them. This will raise the productivity of the land and farmers' incomes.

The Rural Poverty Production Programme aimed to establish methods and techniques for communal land registration, based on air photos and links to land boards. It developed a manual on resettlement, including criteria for selection of new farmers for the resettlement programme. Two computerized systems were developed to support this process: a registry system for deeds to support the safe-keeping and accessibility of land ownership records; and a mass appraisal system was developed to determine valuations of all commercial farms for taxation purposes. In addition, the ICT infrastructure of the Ministry of Lands and Resettlement was improved, together with staff capacities. The programme had the following impact:

- A new method of registering land rights in the communal areas was established, increasing land security.
- The process of communal land registration was accelerated.
- Poverty levels were reduced due to improved income generation for farmers.
- Territorial planning was supported.
- Land was redistributed and land rights' registration was improved.

EU Partners:

- Ministry of Lands and Resettlement, Namibia
- German Development Bank (KfW)

EU contribution:

The programme has been supported with €3.5 million over the 2005-2009 period, representing 6.6% of the programme's total budget of €53 million.



Photo: Dominiek Benoot

the commodities produced and by civil society awareness campaigns, in the definition of standards and codes of conduct for foreign direct investment in agriculture.

Inclusive approach

Approaches on land governance require wide and inclusive participation, through multi-stakeholders platforms as promoted by the Voluntary Guidelines. These platforms generally involve:

- government bodies (central services, ministries of land and related issues, specialised public agencies such as land agencies, decentralised administrative structures impacting land tenure management locally, the judicial system);
- traditional land governance actors, such as chiefs and elders;
- Parliament;
- civil society organisations, including farmers' representation, professional organisations, professional bodies (notaries, surveyors);
- the private sector;
- research centres;
- universities;
- specialised and international organisations;
- and the donors community.

Coordination mechanisms

The increasing number of initiatives in the field of land calls for a strengthened coordination between donors and agencies.

In order to improve coordination mechanisms, the EU chairs the **EU Working Group on Land**, launched in 2003. The Working Group prepares common approaches to global level initiatives (Voluntary Guidelines negotiation and application, G8 initiatives, post-2015 indicators); coordinates participation at major events and conferences; and supports knowledge and information exchanges, such as sharing of best practices. Its inventory of EU land interventions has now been scaled up to global level.

Building on this successful experience, a **Global Working Group on Land** was created in 2013. Bringing together donors and specialised international institutions, it aims to improve coordination at global level and to facilitate agreement on joint actions. Its Secretariat, hosted by the Global Donor Platform for Rural Development⁵, publishes the main highlights of the Group activity. It recently undertook an exercise to map global land interventions, providing an inventory at country level and aiming at coordination and development of complementarities.

EU programmes: current state of play

The EU has shown an early commitment to land governance related issues. In 2004, it adopted the EU Land Policy Guidelines¹ that provide conceptual and methodological guidance to land policy development and land reform programmes, with a focus on developing countries. Since then, the EU has provided strong support to international fora and initiatives for the development and implementation of appropriate land policy frameworks and international guidelines.

The EU has financed 92 projects on land tenure since 2004. These projects have covered:

- legislation and regulations;
- public administration;
- reform of land management;
- forestry;
- sustainable management of natural resources;
- decentralisation/local institutions;
- enhancing the role of civil society;
- mediation and conflict resolution; and
- promotion/ protection of human rights.

The portfolio of existing projects in Africa, Latin America, Asia and the Middle East and North Africa (MENA) region comprises approximately €135 million at global and continental, and regional and national levels.

Global and continental level

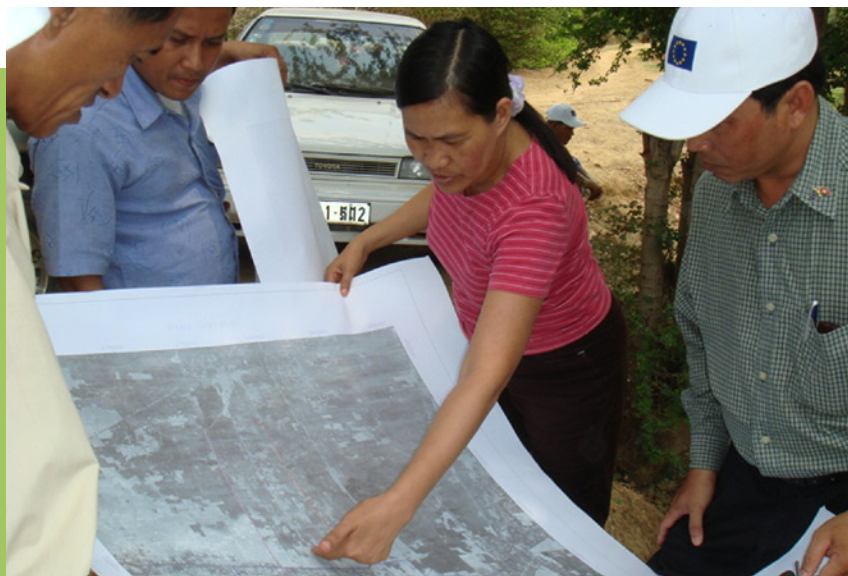
- The EU supports the **FAO** for the negotiation of the Voluntary Guidelines for Responsible Governance of Tenure of Land, Forestry and Fisheries. The Voluntary Guidelines represent an unprecedented international agreement on the governance



Human rights and Democracy, the Philippines

We are grateful for this project because we are supported to strengthen our organisation and to increase our knowledge, so that we can continue to take care of our culture and defend our ancestral domains.

(Tess dela Cruz, project beneficiary)



There are approximately 12–14 million indigenous peoples in the Philippines. Despite the Philippines having some of the most progressive laws for indigenous peoples in the world, they are among the most marginalised and poorest people. They often own and manage many of the richest forest and biodiversity areas but inadequate access to education, health services and sustainable sources of income have all too often forced them to give up their lands.

This project aimed to increase indigenous communities' awareness of and their ability to assert their rights to land under national and international laws. It developed national and local policy recommendations which embody and enable the practice of universally recognized rights for indigenous peoples. In addition, the specific needs of women were recognized and addressed.

The project had the following impact:

- More than 100 persons were trained on human rights and the rights of indigenous persons.
- A para-legal team composed

Tess dela Cruz is an Aeta woman leader from the village of San Juan, in Cabangan town, Zambales Province. She has emerged as a local leader as she has been tasked to oversee several community projects of the local organization of indigenous persons: a scholarship programme, a small-livelihood fund and the safekeeping of the documents and files of the organization. Recently, her role in the organization has expanded, including the activation of a women's desk, managing the 'learning circles' for the project's activities, and representing women in the various activities and campaign work of their organization. She attributes this expanded role to the various capacity building interventions of the project, including the many seminars and conferences for indigenous persons that she has attended. Notably, she experienced first hand how to talk with policy-makers when the project facilitated a visit to office of a member of Congress on December 2010. She says that their struggle to defend their land from illegal mining is now made more important as they have a better understanding of their rights as indigenous peoples.

of members of indigenous communities was formed.

- Three organizations of indigenous persons were formed, and women's roles in these were strengthened.
- Alliances and networks of indigenous people's organisations and supportive non-governmental organisations were strengthened.
- Since 2009, more than 150 indigenous people's organisations have been reached by the project interventions, at least one third of beneficiaries are women.
- From 1997–2009, almost one

million hectares of ancestral domains have been titled and awarded to indigenous peoples, translating to about 104 Certificate of Ancestral Domain Titles (CADT).

EU Partners:

Philippine Human Rights Information Centre

EU contribution:

The EU contributed €200 000 (80% of total) from the start of the project in November 2009 to the end in October 2011.

of tenure. They were endorsed in 2012 by the Committee on World Food Security (CFS)². EU support comprised €400,000 for the third and final round of negotiations, and €1.2 million for their early implementation.

- The **African Land Policy Initiative** (ALPI) has received substantial funding from the EU since its creation in 2006 and has received €8.8 million for the 2010–2015 period. The ALPI is a joint programme of the tripartite consortium consisting of the African Union Commission, the African Development Bank, and UN Economic Commission for Africa. It has elaborated the Framework and Guidelines on Land Policy in Africa, endorsed by Heads of African States in 2009, promoted by their Declaration on Land Issues and Challenges in Africa³. Through its 5-Year Strategic Plan and Roadmap (2012–2016), the ALPI supports the application of the Framework and Guidelines through capacity building, development of inventories, training, knowledge sharing, networking, and monitoring and evaluation.
- The **International Land Coalition** (ILC) is a global alliance of civil society and intergovernmental organisations that promotes secure and equitable access to and control over land, supporting land governance through advocacy, dialogue, knowledge sharing and capacity building. The EU has supported the ILC since 2006 and has recently signed a new agreement for €4 million in 2013–2015 to catalyse partnerships for a stronger commitment to a pro-poor land governance agenda. This agreement includes the monitoring of large scale land acquisitions⁴ and the creation of an easy-to-use online platform to share land-related information based on a land matrix (landportal.info).

Regional and national level

In **Sub Saharan Africa**, the EU finances land tenure programmes in the Democratic Republic of Congo (DRC), Ivory Coast, Rwanda, Senegal, Tanzania and Zambia (Total: €20.5 million). An initiative to strengthen land governance at country level in Africa has recently been launched in 10 countries: Angola, Burundi, Ethiopia, Ivory Coast, Kenya, Malawi, Niger, Somalia, South Sudan and Swaziland (Total: €33 million). Depending on the focus determined at national level, the projects address the main chapters of the Voluntary Guidelines, such as legal recognition and allocation of tenure rights and duties; transfers and other changes to tenure rights and duties; administration of tenure; and promotion, implementation, monitoring and evaluation. They foster human rights-based approaches, pro-poor access to land and respect for customary and traditional rights. This initiative will support the coordination of global and continental institutions, particularly the ALPI and FAO in joint application

of the Voluntary Guidelines and African Framework and Guidelines, as well as developing customized manuals, capacity development tools, monitoring and evaluation systems, and knowledge capitalization. This programme is a component of the 2012 New Alliance for Food Security, an initiative of the G8.

In **Latin America**, support focuses on sustainable land and forest management, access to land and restitution, including targeting indigenous people, in Brazil, Colombia, Guyana and Peru (Total: €31 million).

In **Asia**, projects in Bangladesh, Indonesia, Laos, the Philippines and Thailand strengthen access to land (€23.5 million), including:

- delivery of title deeds;
- modernization of land record systems including those for traditional and customary land rights;
- land rights awareness raising;
- support to land reform;
- simplification of land litigation mechanisms;
- participatory land use planning;
- ensuring free and prior informed consent of indigenous peoples with mining companies; and
- fighting deforestation.

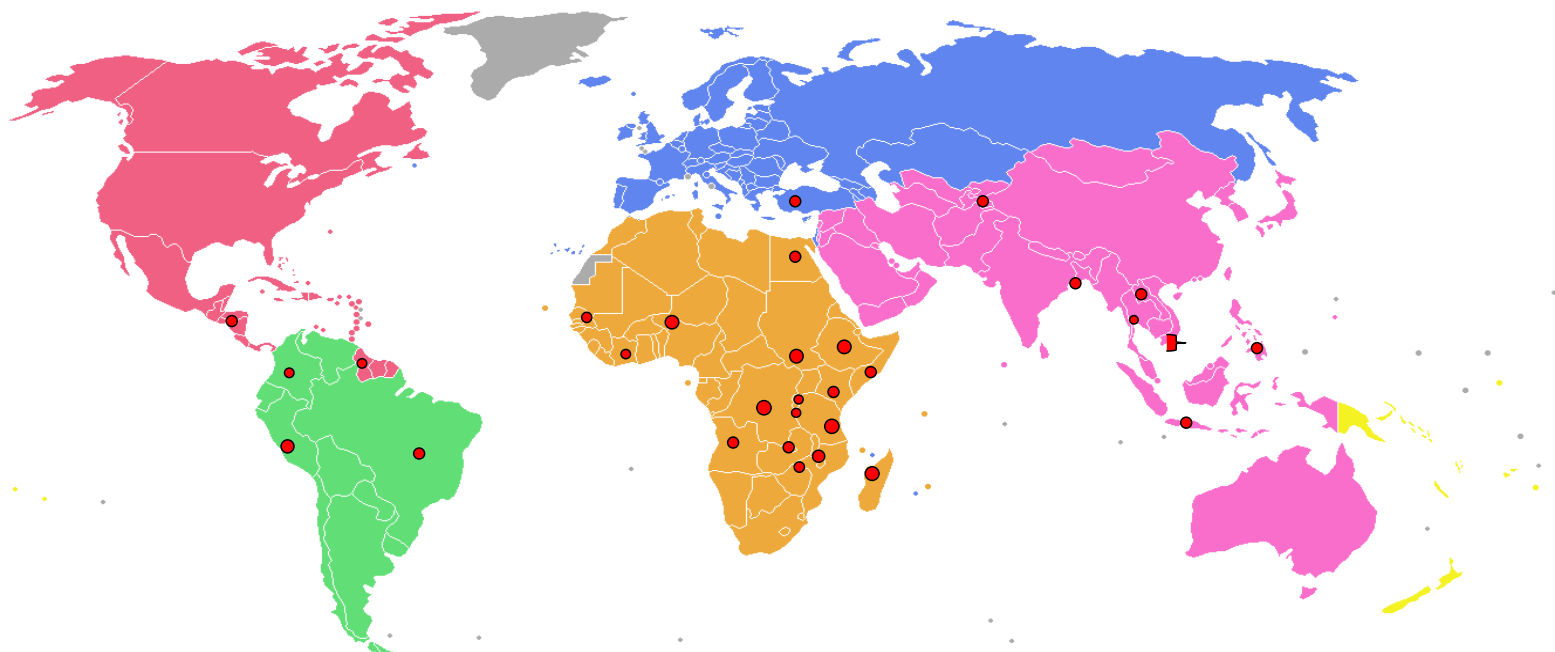
In the **Middle East and North Africa** (MENA) region, the EU supports a €10 million project in Egypt for the period 2009–2015 which provides technical assistance and institutional capacity building support to the Government of Egypt.

Recent political commitments at the G8

The G8 launched a **Land Transparency Initiative** in 2013 with a view to provide a political impetus on land governance and to take action to increase transparency of land acquisition. This initiative is to be operationalized in part through the establishment of **land country partnerships**, a framework to support partner countries committed to improving land transparency, land governance and land security. It gathers existing and planned initiatives and provides a platform for stakeholders around land issues. Partnerships will build on internationally accepted frameworks for the governance of tenure, such as the Voluntary Guidelines and the African Framework and Guidelines.

Initial partnerships were launched with seven countries. Two of these, South Sudan and Niger, are to be followed by the EU. These partnerships are tailored to specific national needs, supporting national development plans to improve land governance, and particularly transparency in land transactions, by 2015.

Mapping EU support to land



Countries with EU funded land tenure programmes/projects

Secure land tenure is a critical component of economic development and social stability. Tenure rights, land reform policies and institutional structures need to be appropriate to economic, political, and environmental realities. If they are not, they can undermine growth, erode the natural resource base and catalyse violent conflict. Conversely, land tenure systems which are perceived as legitimate, transparent and transferable can lead to increased agricultural investment at the farm level, improved productivity, social and political stability, and better resource management. The need for land governance and policy reform varies from country to country with fragile and post-conflict states often having the greatest need.

Clear, consensual and equitable national policies are needed to facilitate a solid commitment from the donor community. In situations where such a framework is not in place, pilot approaches and consensus building processes are recommended to pave the way for further developments.

Web resources

- 1 http://EU.europa.eu/europeaid/what/development-policies/intervention-areas/ruraldev/rural_landpolicy_en.htm
- 2 <http://www.fao.org/nr/tenure/voluntary-guidelines/en>
- 3 <http://www.uneca.org/lpi>
- 4 www.landmatrix.org
- 5 <http://www.donorplatform.org/land>

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