

EU Support to Responsible Land Governance – State of Play 2018



EU Delegation to Angola/Danilo Barbero

Introduction

Secure access and use of land for men and women is crucial for sustainable development, food security and for a vibrant agricultural sector in support of inclusive socio-economic development.

The pressure on land is increasing often to the detriment of male and female small-holders, who are dependent upon land for their livelihoods. The multiple demands on land, combined with the risk in causing conflict and unrest if not administered correctly, turns land governance into a very challenging and politically-sensitive undertaking.

"The increasing pressures on land carry multiple social, economic and environmental threats. In their most serious expression, they can lead to conflict, displacement and hunger"

Neven Mimica, EU Commissioner of International Cooperation and Development, speaking at the High-level Event marking the 5th anniversary of the "VGGT", Rome October 2017.

The "EU land policy guidelines" addressed such challenges already in 2004¹. Many principles of the EU guidelines have been retained by the "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)", which are considered by the international community as "the" reference for land governance improvements.

The European Union did not only support the preparation of the VGGT, but it is engaged to apply guidelines in interventions, of which this brochure is providing an overview.

The brochure briefly presents how land governance is improving globally and at country level. In particular, critical issues such as equal land rights for women and the statutory recognition of customary land rights are addressed by many of our projects.

Governance of land is not only about secure access to land. It facilitates and contributes to realise many objectives of the new EU Consensus for Development, like resilience building, food security and agricultural development. It also helps to address the root causes of forced migration and is important for the mobilisation of private investment for development. Addressing land governance within this context is of strategic importance and should receive greater consideration in the future.



"Women empowerment is a top priority of the EU". The photo shows women trained in agricultural practices in the framework of local farmers associations - the "Cabinda Farmers Club" in Ghana
EU Delegation/**Susan Martins**

The State of Play focuses on the responsible governance of land² and is divided into three sections. The first highlights the importance of responsible land governance and the ways in which it relates to the global policy debate for the promotion of sustainable development and poverty reduction and how the EU is engaged in this debate. The second section provides an overview of EU-funded projects to improve responsible land governance, with particular focus on the application of the VGGT. The third section provides recommendations on the way forward and on issues which the European Commission deems of particular importance for the further support of responsible and inclusive land governance.

Land governance and its contribution to the realisation of the Sustainable Development Goals agenda

Why does responsible land governance matter?



"Insecure access to land is a main obstacle to sustainable resource management and contribute to accelerate land degradation and erosion". The photo shows an area of rain-fed wheat production exposed to erosion in Afghanistan.
EU Delegation/ Ignazio Olivier Cruz

Land, and in particular arable land, is a finite natural resource of incomparable economic importance. More than any economic asset, land is *"an emblem of rootedness, identity, belonging and stability and [is] widely considered the very basis of social organisation"*³. Land is also a political asset and the ability of populations to access and utilise land is often symbolic of power relations among individuals, communities and large sections of populations.

Land is susceptible to stress and pressure, including climate phenomena such as heavy rainfall

and winds which may destroy arable land. On the other hand, man-made activities, such as inappropriate cultivation and use of land (e.g. overgrazing), to which insecure access may contribute, are also enhancing land degradation. The availability of fertile land is further reduced by an increasing demand of other land-based activities such as housing, urbanisation and infrastructure. Additionally, changing consumption needs, especially for food and diversified diets, predominantly driven by the growing world population and economic prosperity, will intensify foreign and domestic investments into land (agriculture production needs to increase by almost 50% until 2050 compared to 2012)⁴. These factors will increase competition for land with negative consequences for those who are dependent upon the natural environment for their livelihoods. This includes the millions of male and female small-scale farmers in sub-Saharan Africa (SSA), South-East Asia and Latin America.

The large majority of these land users do not have legally recognised and formalised land rights. Their access to land is predominantly managed through informal customary tenure practices, which provide only limited protection for local land users, particularly in situations of increased land pressure.

Moreover, their insecure land rights are further threatened through "external" demand for land by more powerful actors, such as large-scale foreign and domestic investors.

Weak governance of land tenure is not only causing difficulties for small-scale farmers in situations of increased competition over land; lack of clarity about land rights can also contribute to the violation of human rights and the non-respect of internationally agreed standards (e.g. rule of law, equity and justice, human dignity, non-discrimination and equality as well as the rights granted to indigenous peoples and persons belonging to minorities).



"Ensuring the protection of local and/or indigenous peoples' rights is at the core of EU interventions" - Indigenous group in the areas of Pozuzo and Palcazú, Peru.
EU Delegation/ Enrique Castro Mendivil

Legal uncertainties enhance disputes over land and are broadly considered among the root causes for protracted conflicts and instability. Insecure access to land is a threat to the sustainable use of natural resources and is a factor which contributes to environmental destruction and climate change. Moreover, weak governance of tenure induces corruption and it is detrimental to a conducive business climate, which is essential for responsible investments.

Responsible land governance can thus be seen as a global public good that provides benefits for people worldwide.

Responsible land governance is fundamental to recognising and protecting legitimate rights to land (in particular for those women and

men who live on and from the land) and to ensure that public and private claims, needs and interests are addressed by applying a rights based approach.

Box 1. Responsible governance of tenure of land

aims to achieve secure and equitable access to land by improving the policy, legal, institutional, and administrative framework for land, empowering the relevant stakeholders to voice their interests and defend their rights, and taking into account all forms of tenure including community-based regimes such as indigenous or customary land systems.

Land governance in the international debate: the policy context

The dramatic increase in world food prices between 2007 and 2008 led to a global crisis, causing political instability and social unrest particularly in middle and low-income countries. At the same time it triggered an unprecedented interest of domestic and international capital to invest in land, in order to profit from growing demand and higher agricultural commodity prices.

This “course to acquire land”, commonly known as *land grabbing*, made clear that increasing food prices together with increasing competition over land were jeopardising development objectives such as poverty alleviation and food security. In this context, the issue of responsible governance of land gained renewed attention in international fora. The importance of responsible governance of land was progressively acknowledged to secure access and use of land for all, in particular for female and male small-scale farmers, but also to guarantee responsible and sustainable investment into land.

As a main result of this global debate, the **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)** were formulated through a comprehensive and participatory approach and finally endorsed by the Committee on World Food Security (CFS) in 2012. Two years after the approval of the VGGT, specific guidelines to govern agricultural investments were approved, the RAI **Principles for Responsible Investment in Agriculture and Food Systems (RAI)**, which were endorsed by the CFS in October 2014.

The European Commission has supported the preparation and enforcement of the VGGT and the RAI. These “codes of conduct” have become internationally recognised references on how to improve land governance and promote responsible investments. They provide guidance on all land tenure aspects. Moreover, they steer states and partners on how to prevent local land users from being harmed by investments in agriculture, and whenever possible, to ensure that the local population benefit from these investments.

The VGGT and the RAI are non-binding, but they make reference to fundamental international law and human rights law which governments are committed to respect. The endorsement of the VGGT is considered as a milestone for the improvement of responsible governance of tenure using a right-based approach. As well as the UN General Assembly, the G20 and G8/7 also encouraged the implementation of the VGGT through resolutions. In support of the application of the VGGT and RAI, the G8/7 launched in particular a Land Transparency Initiative in 2013. Moreover, the New Alliance for Food Security and Nutrition endorsed in 2015 the Analytical Framework for Land-Based Investments in African Agriculture⁵.

Box 2. The Voluntary Guidelines

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) are an international “code of conduct” for states and non-state actors which help to clarify how to promote responsible governance of tenure as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment.

*The VGGT call for the recognition and protection of all “legitimate tenure rights” and provide guidance on land restitution, land redistribution, land tenure reform, agribusiness investments and land administration, among other issues. While not legally binding per se, **the VGGT benefit from a high level of legitimacy, which derives from their endorsement by States and from the widespread consultation and negotiation process which led up to their approval.** Some VGGT provisions reflect binding international law, including provisions on gender equality and respect for human rights.*

Responsible governance of tenure of land and other natural resources, and particularly, land access and land ownership issues are also “embedded” in the new global sustainable development agenda, approved in September 2015. **The SDGs recognise the importance of access to, ownership and control of land for sustainable development.**



“Secure access to land is essential to well-being of individuals and communities but also for contributing to an enabling environment for economic growth”. The photo shows production of Sacha Inchi Oil in the areas of Pozuzo and Palcazú, Peru’. EU Delegation/Enrique Castro Mendivil

In the new global agenda, access to land is explicitly mentioned as a target to achieve the elimination of poverty (SDG 1), and to contribute to gender equality (SDG 5). In the majority of developing countries, access to land is still fundamental in guaranteeing adequate access to food, as it is the main source of income for many farmers. Access to land is thus recognised as essential to achieving zero hunger and food security (SDG 2), as well as to promote

sustainable economic growth and development, full and productive employment and decent work for all (SDG 8). Moreover, there is growing consensus on the fact that

secure land tenure and responsible governance of land have an enabling influence for the promotion of *sustainable cities and communities (for land planning, especially in rural areas - SDG 11)*, to ensure *sustainable production and consumption* (SDG 12), for *climate action* (SDG12), to guarantee *life on land* (SDG15) and for *peace, justice and strong institutions* (SDG 16)⁶.

The importance of "land" can thus not be underestimated. Land governance is essential to socio-economic empowerment and to the respect of individuals and of communities. It also promotes economic growth and development at both a country and global level. Secure access and use of land is contributing to satisfying basic human needs and facilitating strategies, policies and actions carried on by the global community to address the challenges of the food-energy-water-nexus, climate change (e.g. Paris Agreement), conservation and biodiversity and resilience to diverse man-made and natural disasters.

EU engagement in land governance

The **new EU Consensus for Development**, approved in June 2017⁷ provides the framework for the development cooperation policy to be applied by the EU and its Member States in light of the Agenda 2030. The new EU Consensus recognises responsible land governance and secure access to land as an important aspect in light of human development, economic growth, better governance of natural resources, and in relation to the respect of the rights of indigenous peoples and local communities. The Consensus highlights the respect of land rights as a crucial aspect for responsible investment (e.g. European Investment Plan -EIP) and considers responsible land governance as an important element to promote sustainable agriculture and to maintain healthy ecosystems.

Responsible land governance is therefore a policy objective of the EU, aiming to ensure safe access and use of land for all land "stakeholders". Responsible land governance is also of relevance for other policies and objectives pursued through the EU external cooperation (i.e. environmental policies, trade policies, EU agricultural policies, etc.).

The European Union recognises the multifaceted functions and meanings of land and its character as a public good. The EU is convinced that responsible governance of land is of high importance for the future of many countries and thus pays particular attention to this very complex development challenge, both at the policy and operational level.

The EU has been a strong supporter of the work of the **Committee on World Food Security (CFS)** since its reform in 2009. This intergovernmental platform supported by the FAO, WFP and IFAD is open to civil society organization (CSOs) and the private sector. The CFS addresses an impressive variety of issues related to food security and nutrition, including the governance of land. The CFS was indeed of instrumental importance for the preparation and validation of both the VGGT and the RAI.

The European Commission contributed to the preparation of the VGGT through financial support, but also through direct technical involvement in the drafting process. Many elements and principles already considered in the EU land policy guidelines are now retained by the VGGT.

In October 2017, the **European Commission organised jointly with the FAO a High-level Event to mark the 5th anniversary of the VGGT**. The Event stressed⁸ that the VGGT has contributed to remarkable shifts in the perception of the importance of land governance. As such, the VGGT triggered a global debate recognising land

governance as critical to achieve the human right to food and nutrition, food security, poverty eradication, and more broadly the SDGs. However, responsible governance of land remains a challenge and billions of people continue to suffer from

insecure access to land. The event concluded that continuous support for responsible land governance is needed and that it is necessary to promote more systemic approaches to responsible land governance in order to better link it to the

processes of sustainable and inclusive rural transformation, food systems, territorial development and responsible investment into land and agriculture.

The European Commission shares these views and considers responsible governance of land in light of the VGGT an important enabler for the success of the **Agriculture Financing Initiative** (AgriFI)⁹ and the **EU External Investment Plan** (EIP)¹⁰.

Of particular relevance in this regard, are the **Principles for Responsible Investment in Agriculture and Food Systems (RAI)** which were endorsed by the CFS in 2015 with significant support of the EU. The principles (see box 3 for details) apply to investment in agriculture, fisheries, forests and livestock at all stages of the value chain, and address diverse stakeholders' roles and responsibilities. The RAI principles are already applied by investors through the application of due diligence procedures. However, the application of the RAI principles at the level of the countries benefitting from these investments is still limited.

The EU is also sponsoring the process of responsible land governance at regional level. The EU supported the **African Land Policy Initiative (LPI)** to promote the application of the **African Union's Framework and Guidelines on Land Policy in Africa (F&G)**. The F&G were endorsed by Heads of African States in 2009. The F&G were influencing the preparation of the VGGT to which they are very similar, but with a particular focus on the African land governance context. Initially foreseen to be operationalised through a 5 year strategic plan and road map (2012-2016), the implementation of the LPI¹¹ is still continuing since responsible land governance remains a permanent challenge for many African countries.



The European Commission considers the VGGT as "the" reference for all its actions supporting responsible governance of land. The photo shows panellists (from the EU, CFS and FAO) during the High Level Event to commemorate the 5th anniversary of the VGGT, FAO, 10th October 2017. FAO/Giuseppe Carotenuto

Box 3. The RAI principles

Responsible Investment in Agriculture and Food Systems should:

1. *Contribute to food security and nutrition*
2. *Contribute to sustainable and inclusive economic development and the eradication of poverty*
3. *Foster gender equality and women's empowerment*
4. *Engage and empower youth*
5. *Respect tenure of land, fisheries and forests, and access to water*
6. *Conserve and sustainably manage natural resources, increase resilience, and reduce disaster risks*
7. *Respect cultural heritage and traditional knowledge, and support diversity and innovation*
8. *Promote safe and healthy agriculture and food systems*
9. *Incorporate inclusive and transparent governance structures, processes, and grievance mechanisms*
10. *Assess and address impacts and promote accountability*

Finally, the European Commission is an active member of the **Global Donor Working Group on Land**.¹² Created in 2013 on the basis of an EU working group on land, the group aims to improve coordination at the global level and to influence land governance issues of international importance through joint actions. As such, the group contributed for example to the preparation of the *Analytical Framework for Land-Based Investments in African Agriculture*, to the first review of the application of the VGGT by the CFS in 2016 and supports actively the negotiation process for the SDGs land indicators.

EU support to land governance in light of the VGGT

Besides its engagement in political fora, the European Commission supports the promotion of the land governance process at country level and through the support of selected international/global initiatives.

Currently the European Union supports **land governance actions** in about **40 countries with a total budget of almost EUR 245 million**. Sub-Saharan Africa receives more than 60% of the total share of EU assistance for responsible land governance, followed by Latin America (22%) and Asia (8%).

The European Commission considers the VGGT as guiding principles for its land governance actions. The European Commission has devoted part of its land programme specifically to gain practical experience with the application of these new guidelines in 18 countries. The FAO was entrusted specifically to monitor the experiences gained by these 18 projects and to identify "best practices" for the future utilisation of the VGGT at country level. Additionally, the European Commission is supporting the FAO VGGT umbrella programme. This programme aims to raise global awareness about the VGGT by mainly supporting the preparation of technical guides, manuals and capacity development products that facilitate the use of the VGGT. The umbrella programme is well recognised by the "land community" and more than 200,000 "land governance stakeholders" have benefitted from the programme's various products that are accessible at the FAO VGGT webpage¹³.

All land governance actions are tailored to address country-specific land governance issues, which can be summarised in the following "typology of interventions":

- Land policy and legislation;
- Land administration;
- Land governance in post-conflict countries;
- Customary land rights;
- Empowering local stakeholders and participation;
- Women's land rights.

Most of the interventions are addressing a combination of these issues.



"Engagement of authorities at grass-roots level and empowering of local stakeholders are two fundamental principles of the EU approach to promote land governance". The photo shows discussion for land mapping in a community in Angola. EU Delegation/Danilo Barbero

➤ Land policy and land legislation

Achieving responsible land governance lies ultimately in partner countries' policy and legal framework. Particularly in Africa, customary land tenure prevails in rural areas. It regularly clashes with the statutory land policies and legislations that are often insufficiently implemented, causing insecure access to land and conflicting claims over land with diverse negative consequences, as stressed in the first section.

EU Delegations address these multiple challenges by engaging in policy dialogue with governments – for example, in Colombia, Bangladesh, Ivory Coast, Rwanda, Malawi and Niger – with the aim of improving these frameworks by applying the principles of the VGGT.

Formulating policy and legislation is a complex political process at which all stakeholders should participate in. This is an aspect the European Union is systematically pursuing, either directly with the national and local institutions or through the support to other actors, such as the International Land Coalition (ILC).

Box 4. Bangladesh: Supporting the formulation of the National Land Policy Budget EUR 10 million

In Bangladesh, land administration is a complex issue, resulting in delays in updating land records and high transaction costs. As a consequence, the rural land market does not function in the most effective manner, restricting poor farmers' access to land.

Thanks to the EU funded project the government formulated the **land policy through an inclusive process which brought together various stakeholders including governmental and non-governmental organisations, urban and rural communities, bar associations, elected representatives of people, and advocacy groups led by civil society organisations.** The new land policy will guide the legislative and institutional reforms and paving the way for a modern, IT supported and transparent land administration system, which will be aligned to the Government's vision 2021 – creating a digital Bangladesh.

Besides supporting the preparation of the new land policy the project assisted also to conduct a digital survey in preparation of authoritative land records, a legal and institutional audit, capacity building of the Ministry of Land and public education and awareness.

➤ Land administration



"Grass-root and multi-stakeholders activities to empower more disadvantaged right-holders, such as women, is a core principle of EU action to promote land governance". The photo shows a Land Mapping exercise aiming to the signature of a land property by a woman, Land governance Project, Angola
EU Delegation/Danilo Barbero

Land policy and legislation becomes meaningful through its application and implementation by a competent and well-functioning administrative body. This is an important challenge for many developing countries since the required competences are limited and the respective land administrations are often insufficiently funded. Moreover, "local land administrations" lack equipment to assume the necessary actions as the majority still work with conventional tools (paper-based inventories, etc.), whereas digital technology offers huge opportunities for saving costs and accelerating processes.

The EU has funded projects to improve land administration capacity, by strengthening the technical capabilities of the public administration working on land issues and improving land mapping, inventory and registration in partner countries. For example, in Angola, the EU strengthened the technical capacity of the municipalities in participatory mapping, cadastre management and use of geographic information systems.

In Namibia, the EU supported capacity development in the Ministry of Lands and Resettlement to carry out a participatory registration of communal land rights and to decentralise land administration bodies, which were formerly located in Windhoek and were difficult to reach by the rural population.

Box 5. Recognising customary land rights in Namibia - Budget EUR 14.3 million

Land in Namibia is divided into freehold, communal, and state land. The communal land is governed by the Communal Land Reform Act established in 2002, which allocates communal land rights, provides for the establishment of communal land boards, and sets out the powers and functions of traditional authorities. Since 2008, the Namibian Ministry of Lands and Resettlement (MLR) has embarked on a programme of land rights registration in communal areas in accordance with the provisions of the Communal Land Reform Act.

The EU programme supports Communal Land Development including the MLR capacity to implement a roadmap to register communal land rights. The combination of aerial photographs, field validation with GPS, and local communities' endorsement is a central part of the registration process, based on a digital and paper-based cadastral system which has been developed to enhance the administration of land tenure rights. Groups acquire legal rights over the commonage held in the name of and managed by legal entities, such as farmer associations and cooperatives created for this purpose. The legal protection of commonage recognises particular user rights and helps to establish a flexible grazing system, required to mitigate erratic rainfall pattern characterising farming in Namibia.

To date 85% (162,862) of eligible land rights have been mapped and digitalised, of which 101,121 land rights have been fully registered: 40% of land rights have been registered to women and 60% to men.

➤ *Customary land rights*

Customary land rights are very specific and various forms may exist and even overlap in a given locality. **In many countries, customary rights are nowadays tolerated**

as "pre-existing rights" but they do not receive the same legal status as land rights allocated under the statutory system.

This situation creates uncertainties for access and use of land, and exposes customary land users to the risk of insecure land tenure due to diverse endogenous and exogenous factors (e.g. population pressure and migration, investment in land and land use changes, land expropriation for public purposes, etc.).

Pastoralists are

especially exposed to the limitations of customary land rights. Due to their high mobility in search for fodder, they face particular problems in defending their rights to access land.



"Addressing the recognition of customary rights is fundamental for the EU to prevent land disputes and guarantee an enabling environment to inclusive land-based investment". The photo shows an exercise of participatory mapping of customary land rights in a community in Namibia.
Joachim Knoth, DEVCO/C.1, EU Commission

This is exacerbated by competition with sedentary farmers aiming to increase their holdings through fencing of land which restricts access to land for pastoralists. For this reason, several governments are in the process of reforming legal and policy frameworks aiming to address the pluralism of tenure regimes in rural areas, and to provide solutions to the recognition of customary rights.

Such projects are supported, for example, in Swaziland, Malawi and Namibia. In Malawi, the European Union has supported the review of the land policy and legislation to create a legal foundation for the formal recognition of customary land rights. In the case of Swaziland, the focus is on developing tools and capacities to improve the governance of customary land. The European Union also provides targeted support to pastoralist communities in the Horn of Africa (Ethiopia, Kenya and Tanzania) to defend their traditional access rights through formal recognition. Applying participatory approaches to involve local stakeholders in policy processes are essential aspects of such projects funded by the EU.

➤ *Land governance in post-conflict countries*

Disputes over land are often a root cause of conflict. The critical importance of land issues is often an underestimated factor of influence before, during and after conflicts¹⁴. The land issue can exacerbate a conflict but it also strongly influences the post conflict scenario. Peace agreements, especially for those conflicts which have been determined and/or deepened by issue of exploitation of natural resources, must include clear engagements on the way the land issue is addressed, including compensation and repair policies.

The VGGT are of high relevance in guiding post-conflict countries on how to address land governance challenges. **The European Commission acknowledges these challenges and is addressing land governance issues in post-conflict situations through a range of different actions.** Niger is supported to reactivate the "Code Rural"; in Darfur/Sudan a project is sensitising the population to engage in a participatory mapping of village land as a first step towards village owned land governance. However, working in a post-conflict country implies risk. In the case of South Sudan, a project supporting a multi-stakeholder platform addressing land conflicts had to be cancelled because of security reasons.

Box 6. Addressing land governance in the peace process in Colombia - Budget EUR 39.2 million

The rural population suffered most under the protracted civil war with many indigenous peoples and Afro-Colombian communities internally displaced. Ensuring access and use of land for these communities is a specific objective of the 2014-2018 Colombian national development plan, "Todos por un Nuevo País" (All for a New Country). This plan regards rural development as a priority for peace building and poverty reduction. The EU funded Programme "Sector Reform Contract for Rural Development with a Territorial Approach" contributes to the process of peace consolidation by promoting sustainable and inclusive growth in the poorest rural areas. The programme particularly supports the settlement of the most vulnerable rural population by improving access to land property based on a territorial approach, including indigenous territories, afro communities' areas, and collective territory areas. In each zone, plans are developed in a participatory manner to organize land restitution and address conflicting land rights. Land restitution, meaning the return of the land to the rightful owner and titling processes complement activities promoting local economic development and supporting rural entrepreneurship and market development. The programme also includes provisions for housing for the most deprived people.

So far, more than 800.000 hectares have been formalised and/or legalised as properties of poor rural families.

➤ Empowering local stakeholder and participation

Land issues are debated by a wide range of stakeholders, including groups representing the rights and interests of the most vulnerable communities, and working to reduce the risk of social, economic and political marginalisation.

Beyond the support of empowering stakeholders through, setting up and animating the NES platforms (National Engagement Strategy to Promote People-Centred Land Governance) by the ILC, **the EU directly funds projects that aim to raise CSO participation in land governance processes.**

EU programmes support the participation of all "land actors", in global, regional and national forums, platforms and mechanisms dedicated to land matters.

Moreover, the EU supports data and information sharing on land acquisition and transfers (e.g. Guatemala and Uganda), the empowerment of disadvantaged groups to better equip them to defend their land rights (e.g. Brazil and Bangladesh) and the local participation in the formalisation of land rights (e.g. Cambodia and Angola). The work of ILC and interventions funded by the European Instrument for Democracy and Human Rights (EIDHR), are of strategic importance for these actions and they also include politically sensitive support to land rights and human rights defenders.



The EU strongly supports multi-stakeholders dialogue at national level in order to guarantee that the reforming process of land laws and/or policies is inclusive and participatory. The photo shows the launching of a land governance project to support the land reform dialogue in Cameroon. EU Delegation & ONG CED- Centre for Environment and Development.

Box 7. Land Rights Defenders are Human Rights Defenders

The European Instrument for Democracy and Human Rights supports Human Rights Defenders (HRDs) working on land issues and engaged in campaigns against the negative effects of large-scale land acquisitions and leasehold companies. Since 2015, the EIDHR Emergency Fund for HRDs at risk, provides small grants of up to EUR 10,000 to land rights and environmental HRDs, individuals and organisations alike, in need of urgent support, either to protect their physical security, digital security, office security, or to offer legal and medical support or emergency relocation.

Specific cases of land rights defenders at risk, are regularly raised publicly such as the killing of Berta Cáceres and Isidro Baldenegro López, prominent environmentalist and human rights defenders in Honduras and Mexico respectively.

➤ Women's land rights

Land rights are crucial for women's social and economic empowerment, as well as for household food security, the fight against poverty and the improvement of the rural economy. Despite this, women's rights of access and use of land are often restricted and/or denied due to diverse barriers present in women's daily life (e.g. customary land rights and heritage provisions are often discriminating women and women do not enjoy always the same educational and economic opportunities as men, so are often excluded from decision making processes).

To overcome these barriers, many countries have reformed their constitutions and national laws to guarantee women's equal property and inheritance rights but much

more needs to be done to enforce these rules and to address existing discriminatory practises and behaviour.



"Transforming women's life, including through better access and control over their land, is a top priority of the EU commission". EU Commission/Guy Stubbs

The EU's Gender Action Plan 2, 2016–20 (GAP II), in particular, recognises the critical importance of women's rights to land¹⁵. This Action Plan provides the EU framework to promote gender equality and girls' and women's empowerment through external relations. In this plan, the importance of access to land is considered as pivotal both to promote the economic and social rights/empowerment of girls and women and to strengthen girls' and women's voices and participation.

In recognising the need for gender-sensitive land governance¹⁶, most EU land projects address the respect of women's land rights through, for example, promoting gender-balanced land legislation (e.g. Malawi), enhancing women's participation in land decision-making process (e.g. Malawi and Honduras) and improving their access to legal services and awareness-raising about their land rights (e.g. Zambia). In addition, several projects and initiatives funded by the EU, monitor the respect of women's land rights.

Box 8. Supporting women land rights in Malawi - Budget EUR 3 million

The Malawian land policy and legislation promotes the registration of customary land for rural smallholders. If the legal provisions aim to provide equal rights to land for men and women, traditional land allocation systems have a strong gender bias favouring male smallholders. The EU supports the Malawian government in registering customary land in conformity with the new land bill and in applying the principles of the Voluntary Guidelines via a pilot project, operating in 3 different regions, under 3 different customary land administration systems. The project aims at gaining experience in gender sensitive land governance and drawing lessons for further scaling-up. Following a campaign to sensitise local authorities, leaders, and representatives of public land administration structures, **specific guidelines were developed and tested to assist local authorities and the public land administration in implementing gender sensitive registration of customary land**. These guidelines include provisions for **conflict resolution and dispute management to address gender inequalities of land governance**. Women empowerment is promoted through the **establishment of customary land committees, women forums which** address women's land rights in the broader context of gender equality, and training on progress monitoring of the gender sensitive registration process of customary land.

EU support to international/global land governance initiatives

Responsible governance of land is predominantly an issue materializing at national or sub-national levels. However, there are associated challenges which can be addressed more successfully at global level or through international initiatives. The EU supports certain international/global initiatives, since they complement country based actions or provide "products" which are of general interest with regards to land governance processes.

The International Land Coalition (ILC)

The ILC¹⁷ is a global alliance of more than 200 civil society and intergovernmental organisations with the aim "to realise land governance for and with people at country

level, responding to the needs and protecting the rights of women, men and communities who live on and from the land”.

Through its members, the ILC addresses specific aspects of responsible land governance, such as: the recognition of diverse tenure systems; equal land rights for women; actions against land grabbing; transparent information and inclusive decision making; the preservation of territorial rights for indigenous peoples; the protection of land rights defenders, etc. This focus, together with the aim to engage CSOs in country-level land policy processes, is highly relevant for promoting pluralistic and transparent practices, and it complements actions which the EU is supporting in close collaboration with governments at country levels.

The EU has supported the ILC for more than ten years and current financial support will continue until 2019.

Land Matrix Initiative

The Land Matrix Initiative (LM)¹⁸ established in 2009, is a partnership consisting of global and regional partners, to address the lack of robust data on large scale land acquisitions. The LM database is widely quoted by media and helps to improve the transparency of land deals. The information provided by the LM database is increasingly used by various stakeholders in policy and negotiation processes concerning land deals.

The EU has supported the LM’s analytical work since its very beginning, through the International Land Coalition (ILC) and since 2015 directly. The EU is the most important partner to the LM and its current financial support will continue until 2019.

Conclusion

Remarkable progress has been made since the CFS endorsed the VGGT in 2012. But we are just at the beginning of providing secure access to land to the billions of people still suffering from insufficient protection and recognition of their legitimate land rights. Consequently, **securing the rights of local male and female land users through the promotion of responsible land governance remains a top priority for EU development cooperation.** This focus will contribute to realize the various objectives¹⁹ of the new EU Consensus for Development and to achieve the SDGs for which secure access to and use of land matters.

However, responsible governance of land is not only about secure access and use of land. Through recognising and protecting legitimate land rights, responsible land governance contributes also to the realization of land based development objectives. Moreover, clarity about access and use of land is decisive for actions promoting conservation and sustainable use of biodiversity, ecosystems and sustainable agriculture. Land governance issues should be always enshrined in policies, strategies and activities promoting territorial approaches and land use planning.

All the above mentioned actions depend to a large extent on the cooperation of farmers. Secure access to land is a strong motivation for them to engage.

Dispute over land is often a cause for conflicts, displacement and forced migration. The European Commission is already addressing land issues in post-conflict countries. Nevertheless, land governance should be considered more systematically as part of comprehensive approaches for lasting solutions.

Land governance is an important element of a regulatory framework to govern and administer the increasing demand for land required for agriculture, urbanisation and

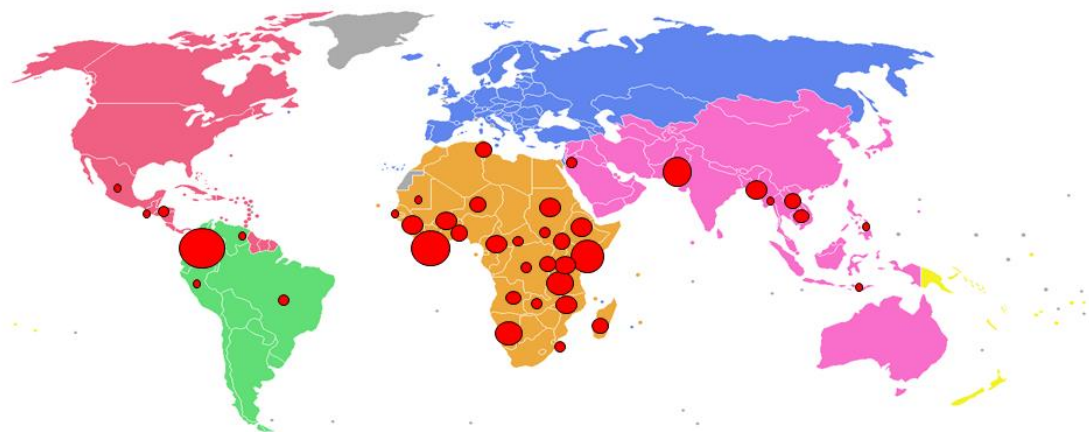
public infrastructure. Land governance provides the tools to mitigate between competing interests and ensures the allocation of land, by respecting and defending public interests, including the provision of land to young men and women who consider farming as their economic future. By incorporating land governance as part of the regulatory framework, it will help to facilitate private domestic and foreign land based investments to unlock their economic potential, whilst ensuring the respect of legitimate land rights at local levels. This is of high relevance for initiatives such as the EIP and AgriFi the EU recently launched to mobilise private investments for development and agriculture.

Land governance is an important function of governments. Governments can demonstrate presence even in remote areas through the provision of land governance services. Land governance and in particular, land administration, are expensive public activities with important recurrent costs, but this is well compensated by the diverse benefits responsible governance of land can generate. Particularly, a well-functioning land administration is a valuable foundation for public revenue generation through the taxation of land and land-based properties. Land governance and land taxation are means with which governments can influence the allocation and use of land and steer transformation processes in the interest of the public.

Of equal importance are parliaments and CSOs. These institutions and organisations need greater involvement in policy and legislative processes to ensure transparency and social inclusiveness of land governance.

Exploring the comprehensive benefits of responsible land governance beyond its prime purpose, to ensure legitimate rights to land is thus of high relevance for development cooperation and crucial in light of the new EU Consensus for Development and the 2030 Agenda. To unlock this potential, a more systemic approach (policy, legislation and administration) and a long-term vision are required, as well as a meaningful involvement of the CSO to help local and less empowered land-users raising their voice in policy processes and defend their land rights and interests.

MAPPING EU SUPPORT TO LAND



Red bullets: Countries with active EU-funded land governance projects

Endnotes

¹ In 2004, the EU and member states have developed a first policy document titled “EU Land policy guidelines” in order to facilitate land policy design and land policy reform processes in developing countries. https://ec.europa.eu/europeaid/eu-land-policy-guidelines_en

² This publication is focusing on the governance of land. The governance of fisheries and forests is of equal relevance as highlighted by the VGGT, but subject to other publications.

³ Land Research Action Network (2014): Keeping Land Local. Land Struggles: LRAN Briefing Paper Series no. 3. October 2014.

⁴ FAO (2017), The Future of Food and agriculture. Trends and challenges p. 46. The full report is available at this link <http://www.fao.org/news/story/en/item/471169/icode/>

⁵ The Analytical Framework for Land-Based Investments in African Agriculture is aiming to help investors making their land-based investments inclusive, sustainable, transparent, and respectful of human rights. In addition to practical guidance to ensure “quality of investments”, the framework contains “red lines” indicating circumstances under which an investment project should not be pursued further.

⁶ For an a comprehensive overview of land rights and the SDG framework, consult for example the document: GLTN (2017) “Land governance: a review and analysis of key international frameworks”, pp 45-50, <https://gltn.net/home/download/land-governance-a-review-and-analysis-of-key-international-frameworks/?wpdmdl=11443>

⁷ https://ec.europa.eu/europeaid/policies/european-development-policy/european-consensus-development_en

⁸ Reference is made to the “outcome document” produced by the “VGGT High-level Event” <http://www.fao.org/3/a-i7993e.pdf>

⁹ https://ec.europa.eu/europeaid/policies/innovative-financial-instruments-blending_en

¹⁰ https://ec.europa.eu/europeaid/eu-external-investment-plan-factsheet_en

¹¹ <http://www.africallandpolicy.org/node>

¹² <https://www.donorplatform.org/about-land-governance.html>

¹³ <http://www.fao.org/nr/tenure/information-resources/en/>

¹⁴ <http://www.fao.org/tenure/activities-main/5th-anniversary-of-the-voluntary-guidelines/en/> (presentation on land and conflict).

¹⁵ <https://europa.eu/capacity4dev/public-gender/minisite/eu-gender-action-plan-2016-2020>

¹⁶ <https://europa.eu/capacity4dev/hunger-foodsecurity-nutrition/discussions/because-women-matter-designing-interventions-food-nutrition-and-agriculture-allow-2>

¹⁷ <http://www.landcoalition.org/en>

¹⁸ <http://www.landmatrix.org/en/>

¹⁹ Respect of human rights, gender equality, respect of rights of minorities and indigenous peoples, the rule of law, equal access to land as well as peace and lasting stability.