Strengthening land governance for poverty reduction, sustainable growth and food security

Inventory and analysis of programs supported by the Netherlands Ministry of Foreign Affairs between 2007 and 2010

December 2011
Acknowledgements

Monique van Asperen, Lucia Goldfarb and Katie Minderhoud conducted the research for this report. They brought together and analysed project documentation and contacted staff members of the Ministry and partner organisations involved. They also prepared summary sheets for each country and wrote this main report (except the final chapter).

Thea Hilhorst (KIT) and Frits van der Wal (MoFA/DDE) wrote the final chapter and edited the main report.

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Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>CAADP</td>
<td>Comprehensive Africa Agriculture Development Program</td>
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<td>CFS</td>
<td>Committee on world Food Security (UN)</td>
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<td>CSO</td>
<td>Civil Society Organisation</td>
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<td>DBM</td>
<td>Duurzame Biomassa Mondiaal</td>
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<td>EKN</td>
<td>Embassy of the Kingdom of the Netherlands</td>
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<td>FAO</td>
<td>Food and Agriculture Organisation</td>
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<td>IFAD</td>
<td>International Fund for Agricultural Development</td>
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<td>IFPRI</td>
<td>International Food Policy Research Institute</td>
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<td>IIED</td>
<td>International Institute for Environment and Development</td>
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<td>ILC</td>
<td>International Land Coalition</td>
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<td>LANDac</td>
<td>IS academy on land governance</td>
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<td>LGAF</td>
<td>Land Governance Assessment Framework (World Bank and others)</td>
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<td>LPI</td>
<td>Land Policy Initiative (African Union)</td>
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<td>MDG</td>
<td>Millennium Development Goal</td>
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<td>MFS</td>
<td>Mede Financiering Systeem</td>
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<td>NEPAD</td>
<td>New Partnership for Africa’s Development</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<td>NL-MoFA</td>
<td>Netherlands Ministry of Foreign Affairs</td>
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<tr>
<td>RAI</td>
<td>Responsible Agro-Investment (principles)</td>
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<tr>
<td>REDD</td>
<td>UN program-Reducing Emissions from Deforestation and Forests Degradation</td>
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<td>TMF</td>
<td>Thematische Mede Financiering</td>
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<td>UN</td>
<td>United Nations</td>
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<td>VG</td>
<td>Voluntary Guidelines on responsible land governance (FAO)</td>
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<td>WB</td>
<td>World Bank</td>
</tr>
</tbody>
</table>
Table of contents

1 Introduction ................................................................................................................. 4
2 Methodology ............................................................................................................... 5
3 Trends in land governance .......................................................................................... 6
  3.1 Land tenure systems ............................................................................................... 6
  3.2 Policy and institutions ............................................................................................ 7
  3.3 Securing rights, land competition and large-scale land acquisitions ....................... 8
  3.4 Global land governance initiatives ......................................................................... 11
4 Land governance interventions by Netherlands embassies .......................................... 13
  4.1 Support to land policy design and the legal framework and implementation 13
    4.1.1 Bolivia ........................................................................................................... 14
    4.1.2 Ghana ........................................................................................................... 14
    4.1.3 Mali ............................................................................................................... 15
    4.1.4 Mozambique ............................................................................................... 15
    4.1.5 Rwanda ......................................................................................................... 17
    4.1.6 Uganda .......................................................................................................... 17
    4.1.7 Zimbabwe ..................................................................................................... 17
  4.2 Support to land and natural resource administration systems ................................ 18
    4.2.1 Macedonia ................................................................................................. 18
    4.2.2 Suriname ...................................................................................................... 19
    4.2.3 Ethiopia ....................................................................................................... 19
    4.2.4 Kenya .......................................................................................................... 20
    4.2.5 Mongolia ...................................................................................................... 20
  4.3 Support to land issues in a post-conflict setting ...................................................... 22
    4.3.1 Burundi ....................................................................................................... 22
    4.3.2 Colombia ..................................................................................................... 22
    4.3.3 Guatemala .................................................................................................... 23
5 Land governance related interventions supported by NL MoFA policy theme departments .......................................................................................................................... 24
  5.1 Human Rights and Peace building Department (DMH) ........................................... 24
  5.2 Social Development Department (DSO) ................................................................ 24
  5.3 Sustainable Economic Development Department (DDE) ................................... 26
  5.4 Environment, Water, Climate and Energy Department (DME) ............................. 27
  5.5 Effectiveness and Quality Department(DEC) ....................................................... 28
  5.6 Peacebuilding and StabilisationUnit(EFV) ............................................................ 28
6 Summing-up ............................................................................................................... 29
  6.1 The position of land governance related work in NL-MoFA ................................... 29
  6.2 Summing up: interventions supported by Netherlands’ embassies ...................... 29
    6.2.1 Modalities .................................................................................................... 30
    6.2.2 Intervention logic ......................................................................................... 32
  6.3 Summing up: interventions supported by policy theme departments ................. 35
7 NL-MoFA support to land governance from 2011 onwards ..................................... 36
  7.1 New partner countries and policy spearheads ....................................................... 36
    7.1.1 The situation of land governance in the partner countries ............................. 36
    7.1.2 New policy spearheads and land governance .............................................. 37
  7.2 Knowledge gaps .................................................................................................. 38
References ....................................................................................................................... 40
Annex 1 - Land governance related activities by Dutch civil society organisation ........... 42
Annex 2: Key concepts in the EU Land Policy Guidelines ........................................... 45
1 Introduction

Embassies and departments of the Netherlands Ministry of Foreign Affairs (NL-MoFA) have a long experience in working on land governance issues as part of their work around poverty alleviation and sustainable development. Land governance is “the process by which decisions are made regarding the access to and use of land and natural resources, the manner in which those decisions are implemented and the way that conflicting interests are reconciled”. Land is a fundamental asset for many of the poor living in the developing world. Secure access to land is of crucial importance for social and economic development and closely linked to issues of identity, social justice, and peace.

In 2007, a first inventory was prepared of the type of interventions supported, results, lessons learned, challenges, and knowledge gaps (Tessemaker et. al, 2007). This overview was instrumental in showing how securing rights to land and natural resources contribute to economic development and achieving the Millennium Development Goals (MDGs). This second inventory covers the period 2007-2010. The scope is broadened from securing land rights towards land governance, and more attention is being paid to natural resources. The inventory includes bilateral activities, such as those delegated to Dutch embassies, given the new emphasis on water. This inventory covers work by Dutch embassies and thematic departments at Headquarters as well as the work of Civil Society Organisations (CSO) that is supported financially by NL-MoFA (MFS1, MFS2, MFS Jong en vernieuwend, TMF).

To improve effectiveness and impact, NL-MoFA revisited its strategy in 2010 and decided to apply more focus with respect to themes and countries. As a result, four priority themes have been selected and the number of partner countries is reduced to fifteen. Priority themes are food security, water, sexual and reproductive health and rights, and stability/rule of law. Gender, governance and the environment are cross cutting issues. Private sector development is a prioritised intervention approach. For all four priority themes and cross cutting issues, land governance is often one of the root causes to be addressed for achieving significant progress. NL-MoFA interventions towards improving land governance and securing rights address the “intermediary outcome” level in the theory of change (see ch6).

Section 2 presents the methodology used while section 3 introduces the issues of land governance and discusses current trends. Section 4 lists the land governance related interventions supported by Netherlands embassies and section 5 lists similar interventions by NL-MoFA thematic departments and civil society. Section 6 brings the findings together and presents results chains. The concluding section 7 provides some suggestions for follow up and knowledge gaps to be addressed.

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2 Similar inventories are undertaken by other development agencies such as SIDA and the EU.
3 An overview of land governance related research in the Netherlands is available at the LANDac website: www.landgovernance.org
2 Methodology

This report is based on analyses of project documentation made available by NL-MoFA and embassies, which was supplemented by (telephone) interviews with staff in charge of these projects. The programs have not been visited and no additional literature was consulted.

The steps followed are:
1. Listing of current and recently terminated projects;
2. Request of project documentation per intervention (beoordelingsmemorandum, project documents, narrative progress and final report(s), and evaluation report(s));
3. Desk study of project documentation;
4. (Telephonic) interview with responsible NL-MoFA staff;
5. Preparation of a (country-level) summary sheet per intervention, including background information, lessons learned as noted in the project documentation and during interviews; and some additional observations by the researchers;
6. Synthesis of the findings.

With respect to the inventory of civil society support for land governance, using funding of NL-MoFA, 36 out of the 105 organisations receiving support via MFS1, MFS2 and TMF work on land governance according to their websites. These organisations were asked to fill out the questionnaire and follow-up telephone calls were made. Filled in questionnaires showed that 10 organisations were working on land governance. The organisation decided which projects to include in the inventory. An overview of the projects and partner organisations is provided in Annex 1.

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4 The depth of project documentation varies considerably. A number of reports address mostly input and output levels and program management issues. However, limited information is available on outcome. Mid-term or final evaluations exist for only a few projects.
5 Interviews were not held with embassy staff in Mongolia and Rwanda. Additional interviews were held with staff of Nuffic, Wageningen University, ICRA, PricewaterhouseCoopers and the external reviewer of the GLIS project in Surinam.
6 Comprising the name, budget, problem analysis, objectives, activities, results, implementing agency, clients, location, project period, and mechanism for monitoring and evaluation.
7 The country-level summary sheets are available in annex III of the internal version of this report.
3 Trends in land governance

This section starts with a brief overview of key concepts of land tenure systems, land governance, related policy and institutions. The second part of this section discusses recent trends such as growing competition over land and water, which is probably accentuated by private sector interest for large-scale land acquisitions. This section ends with a presentation of global initiatives to arrive at more responsible land governance.

3.1 Land tenure systems

Land tenure refers to the system of rights over land and related resources, which may include water. Landlessness is a growing issue in rural areas and security around tenancy and sharecropping arrangements is equally important for promoting agriculture and watershed protection. Insecurity will lead to sub-optimal levels of investment, if the land-user feels a risk of the resource being taken away. Attributing stronger rights to land users and clarity regarding the terms of tenancy can bring substantial yield gains through increasing the incentive to invest in longer term improvements.

Secure land and resource rights are thus an important condition to enhance food production and management of water resources. The willingness to invest requires confidence that the benefits reaped in future will repay the effort laid out today, and also gain from the sale of these assets should they decide to leave. Uncertainty discourages investment through fear of contest and eviction. Growing perceptions of tenure insecurity are also a fertile ground for conflict. Land taking and displacement are a source of grievances.

Rights in land resources are enforceable claims related to the ability to hold, occupy, or use land, the expropriation of benefits derived from land use, and the right to exclude others from sharing in the land or its benefits. Land tenure is to be approached as referring to a ‘bundle of rights’ that are not necessarily hold by one entity. Enforcing claims over land requires that these rights are recognized as legitimate and that there is a guarantee of enforcement and sanction against competing claimants. Rights are secure if they are not contested without reason. In case of contestation, these rights are to be guaranteed by local authorities, formal or informal, which require having effective institutions and enforcement of rules for the management of land rights. Effective mechanism for dealing with land related disputes in a way that is acceptable to both parties is another institution that is required, as claims to land will come with conflict.

Customary tenure systems can provide sufficient security for developing "cash crops". Improving tenure security can also be achieved by reducing causes for dispute and conflict, such as careful recording of land transactions and (public) confirmation and marking of boundaries.

Land rights go beyond private ownership in the strict sense. They often consist of a delicate balance between individual rights and duties, and collective regulations, at different levels: family organizations, communities, local governments or states (EU Land Policy Guidelines: 2004). Tenure security is a relative concept as resource tenure systems are embedded in societal values, norms and power structures, and is changeable. Securing land rights therefore often goes beyond the formal legal nature of rights. In most African countries and also Indonesia there is a pluralistic legal system, where customary rights persist alongside more formal statute law. Religious law can be important as well (e.g. Afghanistan, Yemen).

8 The cotton sector in West Africa is an example.
9 In Burundi, the first aim of a pilot around decentralized land registration is to reduce land-related conflict.
The sustainable management of watersheds, and other ecosystem services important for agriculture, can depend on community-based tenure systems, even when de jure it is state land. Trans-boundary management is required for larger watersheds and rivers (e.g. Horn of Africa, Niger, Nile, and Ganges). Without well-defined and recognized institutions for management at all levels, the pursuit of short-term interests by a few forceful actors may dominate. This will have adverse consequences for the long term viability of the resource in question.

**Land governance** is a shorthand for land and natural resource governance and refers to “the process by which decisions are made regarding the access to and use of land and natural resources, the manner in which those decisions are implemented and the way that conflicting interests are reconciled”\(^\text{10}\). Improving land governance is of growing importance given rising pressures on land in many developing countries, which results in more competing claims and even conflict. Land governance is important in both urban and rural areas, although the emphasis of this report is on rural areas. In urban areas, land governance related issues relate mainly to property registration, which provides the basis for tax collection, and land use planning. Land use planning includes issues such as town planning, conversion of rural land into residential lands, and informal settlements.

Political economy is important in land governance. Control over land is a major asset to negotiate forms of political allegiance, both in-country as at a more global level\(^\text{11}\). This has also implications for groups in society with less influence. Land rights are particularly insecure for more marginalized groups, such as women, indigenous groups, migrants, and pastoralists. They may not be able to claim land rights, or inheritance rights directly, and depend for access to land and natural resources on other primary right holders\(^\text{12}\).

### 3.2 Policy and institutions

A *land policy* defines the principles and rules governing property rights over land, and the natural resources it bears, in order to achieve societal goals with respect to, for example, development, fairness and sustainability. More specific aims can concern securing entitlements, facilitating investment, promoting land markets or encouraging sustainable use of natural resources\(^\text{13}\).

A land policy has to be the product of *societal dialogue* and wide participation to ensure adherence and application. So-called *domestic accountability* is therefore an intrinsic part of policy formulation, implementation and monitoring. An effective land policy is therefore both legal and legitimate and appropriate for different contexts (such as rural and urban) and interest groups.

Historically, a central aim of land policies was formalizing and replacing customary systems (via titling and cadastres), but this often produced situations of legal pluralism that are causing more tenure insecurity. In many countries, there are challenges with the legal framework and as a result application of legislation is riddled with problems or hardly taking place\(^\text{14}\).

A land policy provides the base for the distribution of land rights and forms of tenure, land administration, land use systems, and land management. Its implementation requires legislation and institutions, which are governed via a set of rules and regulations. These institutions can be situated at the central or local government level (deconcentrated or devolved). They are involved in allocating land and resources,

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\(^\text{10}\) United Nations Human Settlements Program (UN-HABITAT), 2008.

\(^\text{11}\) Oxfam International, 2011.

\(^\text{12}\) HLPE, 2011.

\(^\text{13}\) European Commission, 2004.

\(^\text{14}\) Therefore, the African Union has approved the Land Policy Initiative to assist member states on this matter (see next section).
affecting rights, delivering titles and deeds, locating these on maps, and managing information systems. In some countries, customary institutions perform some land administration functions (e.g. Ghana, Yemen) or community level commissions have been created to support land registration and dispute management (e.g. Benin, Ethiopia, Uganda).

The appropriateness, proximity, accessibility and accountability of land administration institutions and services determine their actual contribution to tenure security. Effectiveness depends on the degree of power and authority of these institutions to define and enforce rules, and provide arbitration in case of conflict. Ideally, the legal and institutional framework should imply that the state recognizes long-standing rights by existing land users, and that procedures and institutions are in place for easily enforcing rights and exercise these in line with the values and aspirations of right holders, and in ways that will further the benefits of society as a whole.

A number of African countries have made considerable progress with land policies since 2007 in the field of land policy reform and legislation (Sudan, Uganda), and have started implementation recently (Benin, Burkina Faso, Rwanda), or became engaged in implementation and updating (Ethiopia, Ghana, Mozambique, Tanzania). Another group of countries are discussing the revision of land policy and legislation (e.g. Afghanistan, Burundi, Mali).

Promising experience with low-cost and innovative systems for land administration exist in Ethiopia and Rwanda. Pilots are on-going in Benin and Burkina Faso. Mozambique and Tanzania have experience with granting community rights.

3.3 Securing rights, land competition and large-scale land acquisitions

Securing access to land, water and natural resources is a matter of increasing concern. Good quality arable land, water and common pool resources are becoming scarcer and more valuable, due to greater market engagement, population growth, land demands related to urban and industrial expansion, and even climate change. Non-rural actors, domestic and foreign, are also seeking to gain access to land for both entrepreneurial and speculative purposes. Sources of tenure insecurity are generally contextual: land holders may fear claims by their relatives and neighbours particularly where population density is high (Burundi, Rwanda, Ethiopia), elsewhere the conflict is with other community groups (Mali), or "land grabbing" by local elites (Ghana, Kenya, Uganda, Bangladesh) or (ground)water grabbing (Kenya, Yemen). Governmental interventions are also a source of insecurity (expropriation, land redistribution, land use restrictions etc. (Ethiopia, Rwanda, Mali). The arrival of “investors” may also be feared.

Secure access to land remains central to rural livelihoods and social equity, and thus plays an important role in local resilience to risk and social protection. Although fragmentation of plots may pose challenges to increasing productivity, securing small plots is also important for social protection and perceptions of justice.

One reason for the growing interest in land and water is that agriculture is gaining in attractiveness following higher commodity prices and subsidies for biofuels. Other

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15 The establishment or strengthening of rural local governments and other initiatives towards deconcentration enhance the possibility that these services become better accessible to rural people (Hilhorst, 2010).
16 Deininger et al., 2010
17 World Bank – LGAF – 2010
18 FAO, 2011
drivers of resource competition come from the mining sector, tourism, nature conservation and forestry investments, or the establishment of special economic zones and expansion of cities.

Also expectations with respect to rising land values, engagement in preparation for REDD (UN program-Reducing Emissions from Deforestation and Forests Degradation) such as in Indonesia, and other carbon sequestration schemes generate new (sometimes speculative) interest in land assets. Expectations of payments for environmental services initiatives may also influence rights over land and natural resources, and carbon rights as such. Government may seek more control at the expense of local communities. Land governance related issues are the responsibility of domestic actors, even although some decision with respect to natural resource use may have regional or even global ramifications (biodiversity, stability, food security, and water).

The food crisis of 2007, which partly led to a halt of food exports, pushed food insecure countries to look for alternative ways to ensure their food security like direct engagement in farming. At the national level, de-regulation combined with stronger international investment laws, is making foreign direct investments also more attractive and less risky. This combination of factors generated interest in large-scale land acquisitions for industrial farming by foreign and domestic investors. A range of actors are involved, both domestic and international, although the spotlight is more on international companies that come from all over the world. As a result, competition over land, as well as the fear for land dispossession, has attained new dimensions.

Viewing such foreign direct investment as an opportunity, several “host” governments actively seek to attract and facilitate such investments, while promoting more industrial forms of farming. They even identify land and offer these to investors via so-called land banks (for which land may have been de facto expropriated from communities). Foreign companies often receive land via government. The latter may have created a land bank, for which they have negotiated, or expropriated, community owned land or allocated crown land or public lands. Previous land users may or may not have been compensated. Smallholders and livestock holders may be working these lands, but without having registered title. Other investors, particularly domestic, acquire land via customary systems and then seek to formalize these transactions.

These “host” governments expect investment, improved food security and employment generation. It is further also argued that such investment projects will provide developmental benefits through technology transfer, and infrastructural development. Some of the countries that are at the centre of large-scale land acquisition are DRC, Ethiopia, Ghana, Indonesia, Mali, Mozambique, Sudan and Tanzania. Another argument is that such investment projects will bring underused land into production. However, it is questioned whether there is indeed that much underused land, given also the growing competition over land, natural resources and water. Large-scale land acquisitions thus imply displacement and loss of livelihood for others, which may be barely compensated by the employment realized. Growing food crop for export in a country that is food insecure and regularly receiving food aid, also poses a paradox.

Overall, the expected benefits have not been realized (yet), and large-scale land acquisitions are dubbed by some as “land grabbing”. No benefits were realized as not all deals materialised or projects were abandoned when turning out to be non-viable. It will take also some time before benefits can be realized particularly for land located in more remote areas which need to be cleared first. The negative aspects are visible very soon (population displacement, environmental degradation).

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19 IFPRI, 2009.
A major challenge is related to **governance**, and even more so because countries with relatively weak governance structures seem mostly targeted. The nature of these acquisitions and the terms of the contract are often surrounded by secrecy and there is a lack of accountability. The weak application of regulations to prevent environmental degradation is another point of concern. An analysis of the few contracts that are in the public domain show that **deals are poorly negotiated** and favour disproportionally the investors. Local populations are not consulted, poorly informed and often not adequately compensated, if their rights were acknowledged. It may also lead to the eviction of minority groups that were previously tolerated or defended by national governments. It was further found that large-scale land acquisitions seem to be **concentrated in countries with weak land governance**. The speed and scale of these acquisitions, particularly in Africa is another point of concern.

Large-scale land acquisitions by a range of international and national companies, investment funds and other actors are widely discussed since 2008. The issue hit the headlines following reports by international newspapers (Financial Times, the Economist and many others) and data put together by NGOs, such as GRAIN. The trigger was an announcement by a South Korean firm on having acquired over 1 million ha of land in Madagascar to produce food crops for export to Asia. Since then, large scale land acquisitions receive regular **media attention** including in the Netherlands.

The **concern of the international community** over large-scale land acquisition is with respect to the potential ramifications for food security, the environment, and even stability, although the investments as such are welcomed. A large number of studies are undertaken since 2009 such as by the World Bank, IIED, IFPRI, ILC, and IS academy on land governance. **Civil society organizations and researchers** are also becoming more and more involved. It has become an issue of civil society mobilization (see for example social forum in Dakar 2010).

Various consultations have been convened by UN and other international organizations (WB-FAO-IFAD-UNCTAD), partly at the request of Japan and the Gulf States. Several bilateral donors have produced policy papers on this matter. One initiative by the World Bank and other international organisations is to develop a voluntary code of conduct, for investing countries and the private sector, the so-called “Good policy, legal & institutional framework essential for sustainable & equitable outcomes”. The short-hand is **responsible agro-investing (RAI)**, which is now also being discussed in the context of the UN Food Security Commission. The **UN rapporteur for the right to food** advocates for binding measures based on international human rights legislation.

Investments funds are becoming interested in this issue and seek more information in order to **prevent reputational risks**. Private sector focused roundtables, such as for oil palm, biofuel, and soy, are now also seeking to integrate land (and food security). Others promote business models and mutually beneficial partnerships between smallholder farmers, private sector investors and the public sectors (PPPs), and which do not require the transfer of land rights (so-called alternative business models). However, smallholders may no longer decide on how the land will be used.

The interest in rural lands and other property by investors, both international and domestic, may reinforce a drive towards formalizing property rights. One reason is to

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20 World Bank, 2010  
21 Cotula, 2011  
22 World Bank, 2010  
23 This particularly deal then played a role in the political turmoil in Madagascar and was cancelled.  
http://www.landcoalition.org/cplstudies  
25 Germany, France
facilitate the transfer of land and better secure investments. The other reason is to better **protect community rights** and also ensure **fair compensation**.

To conclude, host governments are not monolithic. There is a need for **capacity building** and other support to be able to **select** the most responsible companies, valuation of land and assessment of business proposals, make contracts that are (also) beneficial for the country, **monitor engagements** and land use and take action when agreements are not respected and laws are broken. How best to **uphold regulations**, such as appropriate environmental impact assessments and preventing the declassification of protected areas is another issues for which government may need advice.

Weak **transparency and accountability** is a general point of concern for the different aspects of land governance, and not just with respect to large-scale land acquisitions. The agencies responsible for land administration are often not providing the services required\(^\text{26}\), and at the local level there is much pressure on customary systems and local governments. Strengthening domestic accountability mechanisms is therefore important, such as with respect to development choices, information (policy, laws, procedures) transparency and accountability. Civil society and knowledge institutes have an important role to play in dialogue, monitoring and also as a watchdog, although this is not always without danger for the persons involved\(^\text{28}\).

### 3.4 Global land governance initiatives

Building on the experience with developing international guidance on the “right to food” that was approved by FAO member states (2004), the FAO started a consultation process on **voluntary guidelines** to improve the governance of tenure of land and other natural resources\(^\text{29}\). The consultation process started in 2009 and will be completed in 2011. A zero draft is available. The process is supported among others by Germany, France, Finland and IFAD.

Also at the international level, the African Union (AU) developed land policy guidelines which were approved in 2010 by the AU member states (Land Policy Initiative-LPI), and offers advisory support to governments. LPI is receiving support from the African Development Bank, IFAD and the European Commission. The NEPAD-Comprehensive Africa Agriculture Development Program (CAADP) chose land policy as one of the four pillars (see also chapter 5).

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\(^{26}\) Van der Molen and Tuladhar, 2006, Transparency International, 2009  
\(^{27}\) According to the 2009 report of Transparency International, land administration is one of the most corrupt sectors.  
\(^{28}\) Presentation OXFAM Novib at World Bank conference 2011  
\(^{29}\) FAO 2011.
### African Union Land Policy Initiative

In 2006, the African Union, African Development Bank and UNECA initiated a process towards developing a framework and guidelines for land policy and land reform in Africa for member states, which was approved in 2009. The aim of the LPI is to enhance productivity, secure livelihoods and improve stability by assisting member states with the strengthening land rights in the interests of their national development objectives. Land-policy development is a prerequisite for economic growth and sustainable development.

Some of the points of departure are the dualistic character of tenure systems and that land is a highly sensitive political issue. This requires that the process of land-policy development, implementation and evaluation needs to be as inclusive and participatory as possible, and include women explicitly. Therefore, national ownership of the land policy development process is critical for engendering broad endorsement and successful implementation. Key principles of LPI are the overarching responsibility of sovereign states; the need to prevent and address land-related conflicts; support for informed and constructive dialogue among key stakeholders, including government, civil society and the private sector.

Source: AUC-ECA-AfDB Consortium, 2010

The **Land Governance assessment framework** (LGAF) is developed by the World Bank in collaboration with other partners (IFPRI, France). The aim is to provide technical input to enforce ongoing initiatives towards improving land governance by multiple actors: government, multilaterals, private sector organizations, civil society organizations. LGAF seeks to provide objective measures ("facts") on the actual functioning of land governance institutions. It can become an instrument to identify the need for policy intervention, and trace progress over time. LGAF is in a pilot phase and five priorities with over 80 indicators have been selected. These themes are:

- **Legal & institutional framework**
  - Laws and institutions recognize existing rights and allow users to exercise them at low cost, in line with their aspiration, in ways that benefit society as a whole. Policies are clearly stated and regularly monitored.

- **Land use planning & taxation**
  - Land use planning and taxation avoid negative externalities at reasonable cost and support effective decentralization.

- **Management of state land**
  - State land is clearly identified and managed efficiently to provide public goods; expropriation is used as a last resort for public purposes only with quick payment of fair compensation and effective appeals mechanisms; divestiture of state lands is done in a transparent way that maximizes public benefit.

- **Public provision of land information**
  - Land information accessible at reasonable cost, comprehensive, current, and reliable.

- **Dispute resolution & conflict management**
  - Interested parties have access to institutions that have well-defined mandates to authoritatively resolve dispute and effectively manage conflict.

Data are collected from secondary sources, field surveys and in-depth interviews, then ranked by expert panels and validated by a large group of actors. The value increases when the exercises is repeated regularly and linked to other national strategic planning and data collection. The process is as important as the data collected, given that the results can be used to set benchmarks and select priorities. Pilots have been undertaken in five countries (Ethiopia, Indonesia, Kyrgyz Republic, Peru, and Tanzania) and new work has started in Nigeria, Rwanda and South Africa. Work will start soon in Mali and is being considered for Mozambique and Sudan.
4 Land governance interventions by Netherlands embassies

This section presents an overview of interventions supported by NL embassies that address governance of land and other natural resources. These interventions are grouped under three headings: support to land policy design and legal frameworks; support to land and natural resource administrations; and support to land issues in a post-conflict setting.

These three categories are slightly different from the four categories distinguished in the first inventory of 2007. Whereas the first document was focusing only on programs that foster land registration, the present document includes administration of other natural resources as experience gained with these activities is important for interventions in relation to "water". A second difference is the fact that the present document no longer distinguishes the former category "support to business support and economic reforms". Although embassies continue to be engaged in these types of interventions that address the enabling environment for private sector development, it has been realized that addressing land tenure systems is not the primary aim, even although these programs may have implications for land governance. For the same reason, activities undertaken by staff from the Ministry of Economic Affairs, Agriculture and Innovation are not included in the present document (although their work may also have land governance related dimensions as well).

4.1 Support to land policy design and the legal framework and implementation

The largest number of land governance interventions by Netherlands embassies is focusing on assisting the development of land policy and legislation. Countries include Bolivia, Ghana, Mali, Mozambique, Rwanda, Uganda and Zimbabwe.

Activities include support to studies in order to facilitate evidence-based policy making. It also includes capacity building of government institutions. Emphasis is on those aspects of the land policy and legislation that are important for specific target groups, such as smallholders, indigenous groups or women more in general. Or emphasis is on priority themes like environmental sustainability and maintaining ecosystems services (water availability, forest cover protection).

Strengthening of societal dialogue as a contribution to strengthening domestic accountability is promoted in Ghana and Mali. Activities include support to civil society organizations and their capacity to engage in policy development, and to enhance awareness and knowledge of new legislation.

With respect to modalities, the listed interventions are part of sector (budget) support programs and multi donor trust funds (agriculture, environmental governance, or justice), programs with Ministries (Bolivia), projects with international organizations (FAO) or domestic NGOs. Public private partnerships with investors and smallholders are addressed in Mozambique.

30 Tessemaker et. al, 2007
31 Landbouwraad
4.1.1 Bolivia

A. Tri-Annual Plan of the National Institute for Land Reform (2010-2012) EKN Contribution: EUR6,867,700

The aim of the new "law INRA" (3545)\(^{32}\) of 2006 is to transform the Bolivian agrarian structure by changing tenure systems for land and forests. The law seeks to recuperate “public lands” by the State and abolish large land holdings (latifundia), while giving priority to indigenous people and smallholder communities during redistribution. The law also envisages land tenure regularization towards a more fair agrarian structure. The agrarian reform is expected to be completed by the end of 2013 under leadership of the National Institute for Land Reform (INRA), which is specially set up on a temporary basis to facilitate the implementation of land reform. It is likely, however, that the GoB will extend the mandate of INRA given the complexity of the land reform process. In addition, INRA will assist municipalities with the development of a cadastre system, conform to the new Decentralization Law (2010).

As the law INRA is not addressing the implications of its policies for sustainable management of land and forests, implementation may legalise deforestation and an agricultural frontier moving into forests. Therefore, EKN provided support to INRA for developing the relationship between land reform and forest management and integrate these results in the planning (Tri-Annual Plan; National Development Plan framework). EKN also supports capacity building of technical staff of INRA and the GoB to build awareness on "forest" as a legitimate use of land and the social-economic function of land.

B. Development of a legal framework on Biodiversity, Environment and Natural Resources, and on the right to communication and information, and legislative technique (2010 – 2011) EKN Contribution: EUR337,050

The GoB has to develop a new legal framework and institutions to enable the implementation of the constitution approved in 2009 (Constitucion Politica del Estado – NCPE). The UJEDC (Specialized Judicial Unit for Constitutional Development) is in charge. The support of EKN addresses the design of legal frameworks in the field of biodiversity, environment, natural resources, and related legislation on the right to information, such as in the drafting process for the Forest Law.

4.1.2 Ghana

KASA program: support to the Civil Society Coalition on Land (CICOL) (2009 – 2010) EKN Contribution: EUR1,690,000

KASA is a grant scheme to support civil society engagement in the Natural Resources and Environmental Governance (NREG) sector budget support program. The aim of KASA is to facilitate capacity building for local CSO/NGO around NREG issues to promote more effective engagement of civil society in policy discussions. Themes being discussed include the working of a sector program, a sector dialogue and performance indicators.

The Coalition on Land (CICOL) is receiving funding from KASA since 2008. The aim of CICOL is to influence processes of land reform and land administration. CICOL engages in research, provides information and organises campaigns to raise awareness on how NREG affects land rights and livelihoods of the rural poor. The establishment of a civil society network was encouraged by the Land Administration Program (LAP), which is implementing the land policy in Ghana, in order to promote

\(^{32}\) “Ley de Reconduccion Comunitaria de la Reforma Agraria”, approved in 2006, is part of the transformation of the legal framework in order to facilitate the land reform process.
the voicing of civil society’s concerns and in particular the view of the poor. This network was transformed into CICOL in 2003.

4.1.3 Mali

In Mali, the embassy is active in the Office du Niger, located in the Inner Delta area of the Niger River, and supports the agricultural sector policy development process. The implementation of the rural land policy (Loi d’Orientation Agricole) and the subsequent national land act is part of the agricultural sector policy development process, which is supported by EKN.

Land policy is a recurrent subject in the political dialogue on the Office du Niger. With other donors, the embassy supports the Malian government in the development of a new Master Plan for the Office du Niger33. This Master Plan will determine how the zone is to be developed (and hence how land is to be divided between small and large private producers), taking into account the available amount of water for irrigation and changing climatic conditions.

The embassy also considers improving land governance through other channels and is currently assessing project proposals of NGOs (CNURNBN-Mali and SEXAGON). The first proposal would raise awareness among the rural population on the risks of uncoordinated land allocation, especially to large-scale companies. The second proposal focuses on securing investment credit by family farmers by strengthening land rights (leasehold).

4.1.4 Mozambique


EKN is supporting interventions for securing rights for smallholders to land and natural resources since the approval of the Land Law in 1997, the Forestry and Wildlife Law (1997) and the Environmental Law (1999). These laws support the protection of local communities’ rights to use and benefit from the land, the registration of community lands upon their request and partnerships between investors and communities. The national NGO ORAM is one of the main partners and the focus is on Nampula District. Main activities include awareness raising among communities on their rights, the delimitation of the territory of rural communities and facilitation of community development plans. Since 2006, ORAM also works on local economic development, linking community land delimitation with economic opportunities and sustainable use of land and natural resources.

B. Establishment of a community land use fund (2005 – 2011). Contribution EKN: USD 1,700,000 (total budget USD 8,200,000)34.

EKN supports the establishment of a community land fund in three provinces (pilot phase). This fund is a response to the weak implementation of land law and other natural resource legislation, such as the low number of communities that registered their rights; the limited community benefits of partnerships with private investors, and flawed application of the compulsory community consultation procedures when investors apply for land. Moreover, Mozambique is witnessing a rising demand for land and natural resources by domestic and foreign investors, which may have implications

33 The Office du Niger is one of the largest irrigated perimeters of West-Africa. Besides being the name for the region, Office du Niger is also the name for the institution that is mandated by the government to manage water resources, maintain the water management systems, allocate land and support farmers in their production activities.

34 Original total budget was USD 7,750,000. This has been modified in 2008, following a “strategic analysis”, raising the amount to USD 8,200,000. Joint funding with DFID (lead-donor), Sweden, Denmark, Ireland and Switzerland.
for local rights and food security. About 45 projects are implemented and 20 more are in the pipeline. A mid-term review (2010) found evidence of positive impacts with respect to community organization and empowerment, security of rights, less conflict and more local economic development. The capacity of the private sector and NGO service provider was improved. The next step is to transform this pilot project into an effective financing facility that enables local communities to seize the opportunities offered by the new land and natural resource legislation to improve their livelihoods.

C. Decentralized legal support and capacity building to promote sustainable development and good governance at local level (2005 – 2010). Budget: USD 3,292,012

This project is the next phase of a FAO project that started in 2001 to improve understanding of the laws within the judiciary system. The FAO provides technical assistance to the Centre for Legal and Judicial Training (CFJJ) of the Ministry of Justice, which trains district judges, prosecutors, district administrators and paralegals (mainly comprising NGO-staff working at community level) in the legislation on land natural resources, including the rights of women. Other activities include the development of a database on conflicts related to natural resources and research on the influence of HIV/AIDS on the gender dimensions of access to land. A mid-term review (2007) identified several challenges, such as the need to respond to land related conflict within communities and to support communities with legal advice in complex conflicts involving outside interests, raising more awareness on women’s rights –also in relation to family law, property law and succession. EKN extended the project with two years in 2008 in order to assist CFJJ in becoming a full-fledged institute equipped with a multi-annual strategic plan and receiving GoM on-budget financial support.


The FAO designed a new phase of the previous project which seeks to combine the implementation of the Land Law and the Rural Development Strategy. In this way, the development of local land use plans will be part of a wider territorial planning and development process, which attracts investment and generates economic returns for both communities and investors. In addition to supporting the CFJJ, FAO will also provide technical assistance to the National Directorate for the Promotion of Rural Development (DNPDR) in carrying out the implementation of the Rural Development Strategy. FAO technical assistance will be phased out by 2012.

E. Community - investor partnerships (2010-2012). Contribution EKN: EUR 820,000

EKN is assisting the development of new approaches for community-investor partnerships to secure new investment and improve the livelihoods of smallholders. DNPDR, assisted by FAO and IFAD, will conduct research into national, regional and international requirements, practices and experiences after which guidelines and pilot partnerships will be established.

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35 After the mid-term evaluation additional budget allocation was approved increasing the total amount to USD 3,292,012.
36 In 2004, a research study on land and natural resources conflicts was carried out in a previous FAO-project, which revealed the need for training and capacity building in natural resource legislation at local level.
37 The Constitution of Mozambique confers in article 12 equal rights to men and women.
38 International Fund for Agriculture Development.
4.1.5 **Rwanda**

Support to farmers organisation “Imbaraga” (2001 – 2009). Approx. total contribution EKN: USD 200,000

The genocide of 1994 resulted in massive displacement of people within and across the borders of Rwanda. The return of refugees and internally displaced people combined with population growth increases pressure on the available arable land and provokes land-related conflict. In response, a new land policy and legislation was developed and is now being implemented. EKN supported the national farmers’ organisation Imbaraga to raise awareness among its members on this new land legislation. Imbaraga had been involved already in the review of the draft version of the law.

4.1.6 **Uganda**

Justice, Land and Order Sector (2006 – 2011). Total contribution EKN to JLOS in 2010: EUR 8,000,000

In Uganda, conflict over land is on the increase, which requires more capacity to resolve land related disputes. However, there is a huge case backlog in the judiciary system. EKN supports the Justice, Land and Order Sector (JLOS), as part of Uganda’s second Strategic Investment Plan(SIP). SIP II, that builds upon SIP I, has been expanded with the two focus areas of land justice and family justice, in addition to the existing focus areas of criminal justice and commercial justice. In SIP I land justice felt under commercial justice. Now it is a separate area, but achieved results are largely within the integrated components of commercial justice.

JLOS participated actively in the development of the national land policy. After the Land Amendment Bill was passed late 2009, land issues became more politicized. The publication of the compendium of land laws took place in 2011.

With respect to land justice, a study on both land and family rights and justice was conducted in 2008 to identify bottlenecks and requirements for reform. Implementation has not started yet, due to the lack of a realistic work plan and budget. As a result, the Ugandan government spent only 3% of the planned 10% of the available budget in the JLOS for land justice.

4.1.7 **Zimbabwe**


EKN supports the Multi Donor Trust Fund (MDTF) in Zimbabwe, and is regarded locally as an “honest broker”. EKN chaired the Agrarian Sector Technical Review Group (ASTRG) between 2008 and 2010. The ASTRG undertakes a number of studies, such as on food security, and on land polices (land tenure, land compensation, land administration, land use planning, etc.) and develops an agricultural baseline. The study on land was completed in 2010.

39 The bill contributed to the confrontation between the two most influential men in Uganda: President Museveni and Kabaka Mutebi, the traditional ruler of the Baganda, the largest ethnic groups. The bill seeks to protect land users (customary tenants) against eviction by powerful landowners, an issue which is particularly important in Baganda.


41 “Policy options for optimization of the use of land for agricultural productivity and production in Zimbabwe”(2010).
4.2 Support to land and natural resource administration systems

Embassies support interventions in relation to improving land administration and cadastres in Macedonia and Surinam. In both countries policy and institutional capacity are identified as key issues. Progress depends on political support, as is shown in Surinam.

With respect to the administration and management of natural resources, the aim of the programs supported in Ethiopia, Kenya and Mongolia seek to conserve wildlife, forests and ecosystems more in general. These are important for the tourism sector and protecting watershed functions. The interventions seek to clarify rights, improve land use planning and management, including enforcement of regulation. Ensuring positive outcomes for local economic development and improved livelihoods for communities whose livelihoods rely on these resources is an essential component.

Modalities are support to Ministries, international organizations and special programs with local civil society. In the land administration programs, EKN is collaborating with the World Bank to ensure follow-up (Macedonia) and extension to other parts of the country (Surinam).

Land administration

4.2.1 Macedonia


EKN has experienced that inadequate land policy, insecure land rights, weak land management and land fragmentation impede agriculture development. Key constraints identified by the Macedonian Ministry of Agriculture, Forestry and Water Economy (MAFWE) are limited institutional capacity and knowledge to design and implement proper land development policies. MAFWE approached the “Dienst Landelijk Gebied” DLG and SNV for assistance. A project was developed to assist MAFWE in developing a comprehensive rural land development strategy and policy. EKN agreed to support the first phase of the DLG intervention on promoting land consolidation, using its development co-operation program.

B. STIMERALD (Strategy and Institution Building for Macedonia’s Endeavours to Rural Land Development) (2010 – 2012) EKN Contribution: EUR 300,000

STIMERALD is the follow up of EMERALD and was approved under the G2G Program in 2009 to facilitate the restructuring of agricultural holdings. STIMERALD assists the Macedonian Government in i) preparing a comprehensive rural land development policy and action plan; ii) the institutional embedding and organisational set up; iii) capacity building for implementation; iv) select pilot locations for implementation and learning; and v) create awareness amongst the target groups. EKN plays a role in advice and monitoring of the project and collaborates with the World Bank on the National Spatial Data Infrastructure (NSDI). When finalised, the NSDI strategy will be implemented as part of a World Bank project on the Real Estate Cadastre (2010-2013).

42 Dienst Landelijk Gebied (DLG) is the Dutch Government Service for Land and Water Management.
43 In the framework of the EVD / Ministry for Economic Affairs Government to Government (G2G) program, the following cadaster projects were approved: Support to the implementation of digital map production; capacity building of the Macedonian Cadastre in IT strategy implementation; introduction of the concept of National Spatial Data Infrastructure (NSDI); Real Estate Cadastre in drafting a Strategy for Implementation of the National Spatial Data Infrastructure (NSDI).
4.2.2 Surinam

**Land Registration and Information System (GLIS) (2003 – 2011). Contribution EKN:** EUR 10,921,967

The Land Registration and Land Information System (GLIS) is implemented by the Ministry of Territorial Planning, Land- and Forestry Management. Other components of GLIS are the preparation of a law to enable the establishment of GLIS and the modernization and reorganisation of the main agencies involved in land administration. Initially, the ambition was to cover the entire territory of Surinam. However, political support for GLIS disappeared and the project was on hold following the elections of 2005, a situation that continued until late 2007. In 2008, the project restarted with some modifications, such as the exclusion of the interior and a smaller reorganisation of the land administration system. The GLIS law was approved in 2009 and proclaimed in 2010. The digital database is to be completed in 2011 and displays all parcels and other relevant data, such as size and ownership. Given the sensitivity with respect to the interior, a region that is home to indigenous people and rich in natural resources, EKN proposed that the World Bank will explore the possibilities for a cadastre covering this region.

**Natural resource administration and management**

4.2.3 Ethiopia

A. ESBDP: Multi Donor support to the Eco-system Based Development programs, Horn of Africa Regional Environment Centre & Network (HoA-REC&N) (2006 – 2009)

**Contribution:** USD 2,182,510.75. EKN contribution for a 2nd phase (2010-2015) is pending.

Ethiopian ecosystems are under pressure from a growing demand for land by the rural population and large-scale economic investments. To address these challenges, programs need to work at the level of watersheds or eco-regions. The Addis Ababa University’s Horn of Africa Regional Environment Centre & Network, was established in 2006 and brings together academia, CSOs, companies and government institutions. The centre deals with environmental issues and sustainable development. EKN has provided direct support to the centre and the organisations in the network.

The aim of the centre is to improve in selected areas environmental governance, halt environmental destruction and rehabilitate damaged ecosystems where possible. Activities include the monitoring of environmental change, promote climate change adaptation and risk management, and contribute to conflict prevention and resolution related to natural resource use. The centre promotes collaboration and exchange between the organisations participating in the network, also to generate more financial and human resources to the sector as a whole.

B. Bale Eco region Sustainable Management Program (2006-2011) EKN Contribution: EUR 2,000,000

The Bale Mountains region is a unique ecosystem which is under pressure. The aim of the Bale Eco region Sustainable Management Program is to preserve its biodiversity while simultaneously enhancing the socio-economic well-being of communities whose livelihoods depend on the use of its natural resources. The program is implemented by a partnership composed of the Regional government of Oromia and the NGOs Farm Africa and SOS Sahel. Activities include data collection on natural resources and

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44 Until 2005, the Project Management Unit was under the Ministry of Natural Resources. http://www.glissuriname.org
45 The tasks of seven departments of the Ministry of Physical Planning, Land and Forest Management were to be merged and carried out by two newly established institutes: the Management Institute GLIS (MI-GLIS) and the Domeinbedrijf. In 2008 it was decided that the Domeinbedrijf will not be established. MI-GLIS came into force after publication of the law in 2010.
analysis; strengthening conflict resolution mechanisms; diversifying livelihoods, producing policy briefs and setting up of an environment centre.


Deforestation in the highlands of South West Ethiopia has substantial down-slope impacts through alterations in hydrological regimes, vegetation changes and increased soil erosion, which in turn affect human livelihoods. Mobility of wildlife is also affected. Deforestation is caused by conversion of forest in farmland and grazing areas. The aim of the Non Timber Forest Products (NTFP) project is to conserve the forested landscape to ensure environmental services delivery, by improving livelihoods of local forest dependent communities. Activities include participatory land use planning and forest management, NTFP-development and other forest based economic incentives. The project also explores possibilities for integrated land use management and payment for environmental services.

4.2.4 Kenya


The tourism industry is important for the Kenyan economy and depends partly on the presence of wildlife population, which declined with around 40% since 1990. EKN supports three organisations that work on protecting wildlife and environmental conservation more in general by using a Community Based Natural Resources Management Strategy for off-reserve wildlife management and wider ecosystem protection. Selected communities are engaged in off-reserve wildlife management and wider ecosystem protection schemes. In addition, these communities are assisted in analysing causes of droughts and assessing approaches towards improving the management of community conservation areas. Capacities are strengthened for mitigating inter-tribal violence and other land-related conflicts.

4.2.5 Mongolia

Herding communities are a large segment of the population in Mongolia. Poverty is partly caused by the challenges posed by prolonged droughts, harsh winters and the rising occurrence of dust- and snowstorms and steppe-fires. They are caused by over grazing and global warming. The impact of these disasters is growing and has hit the lives of herders harshly. It may force them to abandon herding and move to the city. Rural development is further hampered by deforestation due to poorly managed logging and burning for hunting. This increased pressure has led to depletion of natural resources and environmental deterioration. Efforts towards environmental protection should therefore incorporate people's livelihood strategies.

A. Environmental Program in Mongolia (UNDP) (2004 – 2009) EKN Contribution: EUR 1,696,065

The UNDP Environmental Program aims to support Mongolia with the implementation of the UNCBD (biodiversity), UNCCD (climate change) and UNFCCC (desertification). Priorities are to ensure sustainable development and ecological balance to mainstream nature conservation and environmental policies as priorities within regional socio-economic development. Emphasised results were i.e. to strengthen the conservation capacity of productive sector institutions and policies, to establish a landscape-based...
approach to conservation and strengthen trans-boundary conservation action and institutional linkages.

The aim of EKN is to contribute to sustainable economic development and to create opportunities for Dutch business organisations, through demonstration sites, capacity building, partnerships, technology transfer and institutional- and policy development. EKN therefore supports the environmental program in Mongolia which assists the country with the implementation of the UN Conventions on Climate Change, Biodiversity, and Desertification. Support is given to macro-level environmental decision and policy making core activities of both the Ministry of Nature and Environment and the Ministry of Food and Agriculture in Mongolia.


One requirement for decision and policy making is reliable and sufficient detailed geographic information at decision-making level, but which was lacking. The National Geo-information Centre for Natural Resources Management (NGIC) will provide direct support for policy making and monitoring of the status of the natural resources. It will enable Mongolian parties at the national level to make early forecasts of pasture yields and assessments of rangeland carrying capacity all over the country in a fast and affordable way. The Decision Support System for Pastureland Management (DSS) is established and is guide to Mongolia’s efforts to combat desertification, mitigate the impact of drought and to relieve poverty among its population.


Among Mongolia’s environmental problems, deforestation is one of the more pressing issues. The aims of this EKN supported project is the maintenance and improvement of the existing forest cover. Participatory forestry management has been identified as one of the main sustainable strategies to stop the on-going forest degradation and contribute to poverty alleviation and sustainable development. The approach is implemented in a number of pilot areas and activities include stakeholder capacity building and the development of enabling institutional frameworks at local, regional and national levels.

D. Sustainable Land Management (UNDP) (2007 – 2012) EKN Contribution: USD 2,300,000

Barriers to sustainable land management and controlling desertification effectively are institutional, legal and regulatory, as well as weak skills and knowledge. The current division of responsibilities and poor coordination among sectoral institutions also pose serious barriers. At the national level, the mandate for all land management currently rests with the Ministry of Construction and Urban Development. A division responsible for pasture land is being established in the Ministry of Food and Agriculture (MFA), while desertification issues are to be tackled by the Ministry for Nature and Environment (MNE). Collaboration among these institutions is far from optimum.

The overall goal of the project, endorsed by the Ministries of MFA and MNE, is to combat land degradation and desertification in Mongolia in order to protect and restore ecosystems and essential ecosystem services that are key to reducing poverty. The aim is to strengthen the enabling environment for sustainable land management (SLM) by building capacities in appropriate government institutions and user groups, and demonstrating good practice in SLM through on-ground interventions that are integrated with national economic and social development policies.
4.3 Support to land issues in a post-conflict setting

Programs in Burundi, Colombia and Guatemala seek to improve land governance in a post-conflict context. Attention is paid to conflict management and the resettlement of returning refugees and internally displaced people (IDP). The programs also aim at strengthening the capacity of the government in designing a land policy and building decentralized systems for land administration (Burundi). Human rights are an important entry point for the Colombia and Guatemala programs.

4.3.1 Burundi


In Burundi, the civil war ended around 2003. Many refugees and IDPs returning to their home areas found their land and property occupied or reassigned to others. Moreover, competition and conflict over land and natural resources, such as over rights, boundaries, transactions, and inheritance are wide-spread in this densely populated country, where close to 90% of the people live in rural areas. Legal incoherencies, limited access to justice as well as complex and expensive procedures to register land are all contributing factors.

EKN together with DDE started in 2006 with supporting the “Commission Nationale des Terres et Autres Biens” (CNTB) in elaborating its strategic plan. The CNTB was created in 2006 to assist particularly IDPs and refugees with retrieving their land and other properties. Next, a broader support program to secure land rights of men and women was developed with the Government of Burundi in 2007. The objectives include capacity building of the Government to develop and implement a land policy, support to civil society in societal dialogue and domestic accountability, and piloting a decentralised model for land administration at the level of a local government. EKN is supporting this program since 2009, which is implemented via a silent partnership between EKN and the Swiss Agency for Development and Cooperation (SDC).

4.3.2 Colombia


The aim of PCIM is to contribute to stability and security in the Macarena region, by combining and improving coherence of government interventions, such as strengthening local governance, stimulating economic growth, local spatial- and environmental planning and land titling. PCIM should also foster government presence and is operational since 2007.

EKN contribution was focused on the transition-phase, the first period of 6 months during which trust and confidence of the population towards the government is being restored. A continuation of EKN support started in December 2010 and will last for three years. Activities include projects to develop alternative livelihood strategies to move away from coca production. Issues of security in the Macarena region are directly related to land and the socio-economic situation at large. PCIM addresses these issues simultaneously in order to improve stability and facilitates sustainable agricultural development.

48 The program partly supports a pilot project on decentralised land administration in Burundi launched by SDC in 2007. The project is extended until end 2013 (budget neutral extension).

In Colombia, the number of internally displaced people (IDPs) is estimated between 3.3 and 4.9 million people. Since 2007, EKN has been funding the activities of the Civil Society Monitoring Commission (MC)\(^49\) and in particular the project regarding the restitution of land to IDPs. The MC has conducted research into the situation of IDPs including two comprehensive nationwide surveys. The MC is also providing the Constitutional Court and the Government with inputs and recommendations to draw up national policies for restitution of land and for the approval of the Victims Law. The Constitutional Court requested the MC to support the Court’s oversight of the Government’s response to internal displacement. The CC has also ruled that the government is duty bound to uphold the rights of IDPs to property restitution.


In Colombia, land issues are regarded as a root cause of conflict. EKN has supported research and analysis on land issues and protecting IDPs’ land rights. The research process included a thorough process of dialogue and social participation across the country, which contributed to a broad understanding of the issue at stake. The results of this study will be included in UNDP’s Humans Development report 2010. The report will be ready in early 2011.

4.3.3 Guatemala


This specific project aimed to promote social and communal acceptance of cadastre instruments and to strengthen the capacities of Ch’orti leaders for land related conflict resolution in the Chucumula Department. The overall goal was to contribute to reducing poverty and facilitate conflict transformation by means of citizen participation. EKN support in Guatemala was channelled through the human rights NGO CALDH\(^50\). CALDH assists networks of vulnerable groups (women, Ch’orti and youngsters) in developing participatory solutions for land conflicts, in consultation with the local authorities. The strategies used were organizational strengthening, the creation of a human-rights observatory and inter-institutional coordination with local governments, to promote acceptance of cadastre and conflict resolution with human rights tools.

\(^{49}\) Within Beleidsartikel 2: Increased Security and Stability, Effective Humanitarian Assistance and Good Governance.

\(^{50}\) CALDH: Centro para la Accion Legal en Derechos Humanos
5 Land governance related interventions supported by NL MoFA policy theme departments

Six policy theme departments in The Hague support interventions on certain aspects of land governance: DMH, DSO, DDE, DME, DEC and EFV.

Some departments have developed special programs such as around gender (MDG3 Fund), land governance in relation to economic development (ILC, GRAIN), and the IS academy on land governance (LANDac). In other cases, the training programs and the activities of organisations that receive general support are specifically addressing land governance related work, including land management.

5.1 Human Rights and Peace building Department (DMH)


Worldwide, women are disadvantaged in terms of ownership of real estate and assets, and may have access to land only through their male relatives or spouse. This creates a situation of dependency for women and weakens their bargaining position in the domestic sphere. The MDG3 Fund is established to achieve Millennium Development Goal 3: gender equality and women empowerment. One of its target areas is securing property and inheritance rights for women, which is addressed by 17 out of the 45 funded projects. The activities focus on research, formulation and implementation of (land) laws, education on legal rights, and facilitating the access of women to land titles.

A mid-term review (2010) reported much progress. Progress was especially made in research and documenting best practices with regard to inheritance and property rights of women. This information was used to influence and improve policies, legislation and implementation in, for instance, South-Africa, Namibia and India. Other adjustments in land reform policy, inheritance rights and property rights were reported too. Women have become more knowledgeable on ways for claiming these rights successfully. For example, women have organized and then jointly claimed their rights and seek to influence national policy. It was also reported that the general attitude with regard to women's inheritance and property rights is more positive.

The results of the MDG3 fund show the importance for employment, income and self-esteem. Working on women’s rights to land continues to be challenging, requiring special attention. EKN Kenya reported, for example, that the scaling up of pilots projects was met with much opposition in society. In response, emphasis was shifted to building women’s leadership first. Land governance also receives attention from a more human rights perspective, such as the position of indigenous people (Bolivia, Surinam) and from refugees and IDPs (Colombia, Burundi).

5.2 Social Development Department (DSO)

A. DSO – Nuffic (2009-2012). Total Contribution approx. EUR 100,000,000 yearly.

Nuffic programs seek to strengthen the performance of individuals, organizations and institutions in developing countries, or to develop their capacities by extending their

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51 The total MDG3 Fund has a budget of EUR 70,000,000, of which EUR 8,843,048 was designated for the theme inheritance and property rights.
52 Review MDG3 Fund, SPAN Consultants, October 2010.
53 Due to cutbacks on expenditures Nuffic will receive approximately EUR 80,000,000 in 2011.
expertise, know-how and skills. Improving land governance, particularly land administration, was addressed by several tailor-made training programs and in the NICHE and NPT program\textsuperscript{54}. In \textbf{Mozambique} technicians have received training on the use of GIS in land use planning, in \textbf{Guatemala} a technical program on land registration has been implemented, and a Geographic Information Sciences based Education and Research Program was developed at the National University of \textbf{Rwanda}.

In \textbf{South-Africa}, Nuffic supported activities contributed to the land reform program by supporting black emerging farmers\textsuperscript{55}. Capacity building programs and the development of a tool kit for the Agricultural Training Service of the Cape Institute improved service delivery to emerging black farmers. Emerging black farmers also received training in sustainable agricultural management.

\textbf{B. DSO – SNV Netherlands Development Organisation} (2007-2015). Total contribution approximately EUR 90,000,000 yearly\textsuperscript{56}.

The Netherlands development organisation SNV is engaged in a range of capacity building activities around land governance in Africa, Asia and the Balkans. These activities are undertaken to improve production, employment and income, and value chain development more in general. Activities include support to land registration activities (\textbf{Macedonia} in collaboration with EKN– see also 3.4.2, Laos); community based land and resource use planning and management (\textbf{Bhutan, Cameroon, Laos, Nepal, Vietnam}), environmental governance/ natural resources management (Balkans -forestry, Asia -forestry, REDD), land–related conflict resolution (West Africa), research such as with respect to gender (West Africa), pastoralism (West and East Africa), the influence of (medium-scale) land acquisition on smallholder farming (West and Central Africa).

In \textbf{Benin, Burkina Faso, Mali, Niger, Kenya and Tanzania} SNV has reinforced the capacities of local land governance institutions in order to strengthen livestock value chains.

\textbf{C. DSO – Support to Civil Society Organisations via MFS1, MFS2 and TMF}

Within the framework of MFS1, MFS2 and TMF, the program proposals of 105 private not-for-profit organisations were considered eligible for receiving a subsidy through either MFS1 or TMF. On the basis of information available on websites, 35 organisations seem to be engaged in land governance related activities and were asked to fill out the questionnaire. This selection was based on their websites. Ten organisations were indeed active on land governance. Feedback was received from: Aidenvironment, Chakana, Cordaid, Global Forest Coalition, IKV Pax Christi, ILEIA, Institute for Environmental Security, Mama Cash, Milieudefensie (Friends of the Earth Netherlands), and Solidaridad. Countries in this sample include \textbf{Bolivia, Burkina Faso, Colombia (5), DRC (3), Ghana, Guatemala (3), Indonesia (5), Kenya (2), Malaysia, Nigeria, Pakistan, South Africa, Sudan, Tanzania (3), Uganda (2) Vietnam} and some regional or worldwide programs. Projects address women’s rights (particularly programs supported by Mama Cash), human rights and rights issues in relation to timber and mineral extraction, conflict management, or community based natural resource management (see also annex 1).

\textsuperscript{54} NICHE stands for Netherlands Initiative for Capacity development in Higher Education and aims strengthen the institution capacity of organization and institutions providing post-secondary education. The NPT is the precursor of the NICHE program and is currently being phased out.

\textsuperscript{55} Through an ambitious land reform program the South African Land Redistribution for Agricultural Development (LRAD) aims to facilitate access for the emerging black farmers to farming opportunities by transferring 30% of the agricultural land to them. In terms of acreage this translates into at least 37 million hectares of land, and at least 2 – 3 million black South Africans.

\textsuperscript{56} In 2007 DSO entered a lengthy grant agreement with SNV for the next eight years (2007-2015) of approximately EUR 794 million. SNV would receive EUR 90 million annually for the period 2007-2012 and EUR 85 million in the following years. Due to two rounds of cutbacks on expenditures (end 2009 and end 2010) SNV will only receive EUR 76.5 million in 2011 and 2012. The contribution for the following years is not yet clear.
5.3 Sustainable Economic Development Department (DDE)

A. DDE - The Investment Climate Facility of Africa (ICF) (2007-2011). Total Contribution EUR 15,000,000

The Investment Climate Facility of Africa (ICF) was established in 2006. ICF is a pan African initiative of governments, private companies and development partners with its HQs in Dar es Salaam, Tanzania. The goals are to improve the African investment climate in order to promote wider economic growth, job creation and prosperity. IFC is working on project basis and has eight priority areas.

One area is property rights and contract enforcement and since 2007, ICF has implemented four projects (Burkina Faso, Rwanda, Sierra Leone and Tanzania) that focus on improving administration of land and property and shortening registration procedures, as well as the establishment or improvement of so-called land banks for investors.

In Tanzania, IFC supported a program to make available to the National Land Bank: 6000 industrial plots in Dar-es-Salaam/ other promising cities and 100 farms, of 500ha. each. ICF will provide infrastructure and previous occupants are to be compensated. In Rwanda support was given to the establishment of a land registration Centre, in collaboration with Kadaster International. In Sierra Leone legal reform was supported that would facilitate verification of property titles by creating a reliable electronic data base for land titles. ICF also supported activities to stimulate land market and facilitate access to credit. In Burkina Faso ICF supports commercial judicial procedures and the establishment of commercial courts.

B. DDE – CAADP Comprehensive Africa Agriculture Development Program (2008 – 2013) Total contribution to trust fund: EUR 5,000,000

The Comprehensive Africa Agriculture Development Program (CAADP) is an initiative of the African Union. The aim is to enhance food security via programs designed to increase agricultural production, improve nutritional value of staple foods, and ensure better access to food for vulnerable groups. CAADP has been endorsed by African heads of states and governments as a framework for the restoration of agricultural growth, food security, and rural development in Africa. CAADP’s overall objective is to achieve an annual agricultural growth rate of at least 6% in SSA countries in 2015, reason why CAADP encourages countries to allocate at least 10% of national budgetary resources to agriculture within the next five years. The CAADP objective is that Country Compacts, with enabling support from national, regional and continental components, are able to deliver on 1. Area specific sustainable land management (SLM) practices, 2. Policy and cultural alignment to stimulate and support both production and ecosystem objectives, and 3. Strengthening of domestic, regional and continental capacities and competencies in driving and implementing SLM scaling up investment programs.

C. International Land Coalition – Strategic Framework 2007-2010 (DDE Contribution EUR1,450,000)

The International Land Coalition is an independent global alliance of civil society and intergovernmental organizations, which was set up in 1995 to assist rural poor men and women in protecting their rights to productive resources (land, water etc.) and participating in policy development. ILC now work in 40 countries and has 83 members. Activities include capacity building of its members for policy dialogue and advocacy, and knowledge management and capacity building and governance and management. DDE has supported the ILC strategic framework 2007-2010 and is Strategic Partner in the ILC Council.
D. GRAIN – (DDE contribution EUR 50,000/ Period: 1 December 2010- 30 June 2011)

In 2008 GRAIN released a forerunner research report on the current trend of large-scale land acquisitions, which was instrumental in putting the issue on the agenda of the international community. GRAIN showed that many land deals are not well-targeted and well-controlled investment and therefore unlikely to add value and be sustainable. Also the urgent need of understanding of the legal, social and economic implications of the land deals was raised. DDE is supporting a project that seeks to document the new drive to control fertile farmland in poor countries, share information and involve civil society in the South in the discussion and to come to terms with this issue. Activities will be oriented towards monitoring, research, improving access to information and strengthening capacities and strategy building of CSOs.

5.4 Environment, Water, Climate and Energy Department (DME)


The TerrAfrica mission statement is to scale up the financing and mainstreaming of effective and efficient country driven Sustainable land management (SLM) approaches. TerrAfrica is a regional partnership TerrAfrica that builds on existing institutions and initiatives such as NEPAD and the African Regional Economic Communities (RECs). It is set up to operationalize the SLM objectives of CAADP and the NEPAD’s Environmental Action Plan (EAP), and to strengthening the RECs capacity to deliver services to member states in the planning of country programs and investment frameworks for SLM. TerrAfrica activities include knowledge management, aligned country-level investment and coalition building via the NEPAD-TerrAfrica operational framework. One knowledge management activity is the Country Support Tool for designing SLM investment frameworks and a portal for key analytical SLM tools and other resources.

B. DME – Programma Duurzame Biomassa Mondiaal (DBM)/(Global Sustainable Biomass program) (2008 – 2010) DME total contribution: EUR12,500,000

The “Programma Duurzame Biomassa Mondiaal (DBM)” (Global Sustainable Biomass program) is one of the support-mechanisms set up for establishing a bio-based economy. It envisages stimulating, supporting and facilitating the sustainable development of biomass production for energy purposes with an international perspective such as supporting development countries in realizing opportunities and avoiding negative effects. One activity is “macro monitoring of the effects of biomass production on land-use” which product is produced, where and by whom, how are resources accessed (land, water, credit and technology), what are effect on price development of interchangeable commodities (food, feed or fuel). In total 41 projects were funded through DBM, of which two projects in Indonesia, by BothEnds and NCIV, addressed land use planning around oil palm in relation to sustainable biomass business development and the impact for local communities and indigenous people.

57 CAADP: The Comprehensive Africa Agricultural Development Program, a program of the New Partnership for Africa’s Development (NEPAD).
58 See the policy documents on “Milieu en hernieuwbare energie” (Environment and renewable energy); Beleidsnotitie milieu en hernieuwbare energie in ontwikkelingsaanwerking: Biomassa voor energiedoeleinden, Plan van Aanpak Biomassa Mondiaal, 3 juli 2008.
59 Nederlands Centrum voor Inheemse Volken/Netherlands Centre for Indigenous People (NCIV)
The International Institute for Environment and Development (IIED) is an international policy research institute and sustainable management of natural resources is a core research area. NL-MoFA funding is aligned to the overall IIED strategy (2009-2014). Activities include the strengthening of (land-)rights of local population via a better use of available legal instruments, promote institutional innovation and empower local organizations to influence policy processes.

5.5 Effectiveness and Quality Department (DEC)

DEC: IS Academy on Land Governance for Equitable and Sustainable Development (2010-2014) DEC contribution: EUR1,000,000

LANDac is the shorthand for the IS Academy on Land Governance for Equitable and Sustainable Development. IS academies were initiated in 2005 by the Ministry of Foreign Affairs to improve the quality of the policy through the involvement of academic institutions and the improvement of the relevance of research for policy, and rejuvenate of the circle of researchers involved in development cooperation related issues. IS academies are co-funded with NL-MOFA funding to a maximum 50% of the costs.

LANDac is a partnership between IDS (Utrecht University - leading partner), Agriterra, Africa Study Centre (ASC) (Leiden), Chair Disasters Studies (CDS – Wageningen University), HIVOS, Royal Tropical Institute (KIT- Amsterdam), Triodos Facet and the Department for Sustainable Development of the Dutch Ministry of Foreign Affairs (DDE). The guiding question of LANDac is how to optimize the link between land governance, sustainable development and poverty alleviation; and thus how to deal with new pressure and competing claims, while maximizing opportunities for inclusive and equitable development. The approach of LANDac is to generate, analyse, synthesize and disseminate knowledge on how land governance can contribute to equitable and sustainable development in line with the Millennium Development Goals.

5.6 Peacebuilding and Stabilisation Unit (EFV)

MAPP/OAS Colombia (2011-2014). Contribution PSU EUR 4,800,000

On January 23, 2004, the Government of Colombia and the Organization of American States (OAS) Secretary General signed an agreement to establish a Mission to Support the Peace Process in Colombia (MAPP/OAS). EFV has been supporting this mission since 2007. Since the renewal of the mandate of MAPP/OAS in December 2010, monitoring land issues, and especially land restitution is an important part of the mission’s work. One of the activities of the mission is monitoring the implementation of the land restitution plans (‘plan de choque’ and law 1424). Since 2010 legislation to repair victims who lost their land has been adopted by the parliament (Ley de Victimas). The current government is aiming to financially compensate or return land to families who have been dispersed by guerillas, paramilitaries or other violence. This will be a complicated process, and therefore monitoring and supervision of the process is considered crucial.

Next to the support to MAPP/OAS, EFV is advising embassies on issues related to land conflicts, such as in Zimbabwe where an extensive assessment was carried out by EFV.
6 Summing-up

This chapter brings together the results of the inventory at embassy and policy theme departmental level and presents results chains. As land governance is one of the root causes and influences intermediary outcomes for the current priority themes of NL-MoFA, this chapter therefore ends with some suggestions for next steps.

6.1 The position of land governance related work in NL-MoFA

NL-MoFA’s work around land governance has become better integrated and more prominent since 2007. The total number of embassies in developing countries, which are or will engage in land governance related interventions increased from 12 in 2007 to 15 in 2010 – (see also next section)\(^6\). Moreover, six policy theme departments support work related to land governance. Policy theme departments and civil society organisations work all over the world, while most embassy-level support is concentrated in Africa.

Other ministries also undertake more land governance related work, such as the task group working on resource scarcity (ex-LNV–EL&I) and EVD/EL&I (e.g. land administration in Macedonia), and Dienst Landelijk Gebied (DLG) on land use in for example Macedonia and Ethiopia.

Another example is the establishment of an IS Academy on Land Governance – LANDac-in 2010 (see 5.5\(^6\)). NL-MoFA also organises on a regular basis workshops and lunch lectures, such as in collaboration with the Van Vollenhove institute (2008) and with LANDac.

At the international level, NL-MoFA was invited to become a member of the Council of the International Land Coalition (ILC) (see also 5.3) and participates regularly at the annual conference around land governance organised by the World Bank. NL-MoFA is an active member of the EU working group on land issues, which was restarted in February 2009 at the request of the EU Heads of Agriculture and Rural Development (HARD)\(^6\). The EU working group coordinates joined responses to global initiatives around land governance (e.g. voluntary guidelines as piloted by FAO, Committee on world Food Security (CFS), Responsible Agro-Investments (RAI), Land Governance assessment Framework; Land Policy Initiative (LPI) International Land Coalition-ILC) and organises workshops during events like the European Development days\(^6\) and the European Forum on Rural Development.

Capacity of NL-MoFA to integrate issues related to land governance in its activities has increased. Staff time is assigned and focal points exist in all policy theme departments, linkages with the academic and CSO communities and with the private sector have become more systematic, also with support of the IS academy.

6.2 Summing up: interventions supported by Netherlands’ embassies

The programs and projects undertaken by NL-MoFA in developing countries listed in this inventory have been identified via resource persons at NL-MoFA and proposed by embassies themselves. A total of 15 embassies actively support interventions that contribute to the strengthening of land and natural resource governance in order to

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\(^6\) Comparing the total budgets for the period up to 2007 and for 2007-2010 was not possible.
\(^6\) See: www.landgovernance.org.
\(^6\) Issues discussed include input to the annual Food Security Commission, Voluntary Guidelines on land governance process led by FAO, responsible agro-investment (RAI) principles, European development days, engagement with Land governance assessment framework of the World bank, ILC engagement http://www.capacity4dev.eu/eu-working-group-land-issues/.
achieve impact with respect to poverty reduction and growth in the priority sectors (agriculture, natural resource and environmental governance, justice).

Eight of these embassies are part of the new 15 partner countries. More precisely, most African priority countries – except Benin and Sudan⁶⁴- are engaged in land governance related work. Ghana, Mali, Mozambique, Rwanda and Uganda support activities that contribute to land and natural resource policy development and legislation. Ethiopia and Kenya support interventions to improve the administration and management of ecosystems, wildlife and watersheds. The embassy in Burundi works on securing land rights, via piloting decentralized land administration in a post-conflict setting and promoting policy dialogue.

Also embassies located in Latin America are actively working on land governance within their programs (Bolivia, Colombia and Guatemala). However, no activities were reported for embassies in Asia, except for Mongolia. In the past, the embassy in Indonesia has supported land registration in Aceh in the aftermath of the tsunami. However, challenges with respect to the governance of land and water, which are affecting food security and contributing to conflict, are reported for Afghanistan, Bangladesh, Indonesia, Palestinian Territories and Yemen (see country factsheets, annex 3 internal version).

Between 2007 and 2010 emphasis in embassy work has shifted to land policy design and legislation. Related to this, interventions in support to strengthening domestic accountability and societal dialogue have become more prominent. Support to land administration and cadastres is now less prominent, partly because some larger programs have been phased out. Given the complexity, and thus the challenges of providing effective service delivery, more active collaboration is established with particularly the World Bank. A division of work that seems to emerge is support to the pilot phase by NL-MoFA while the World Bank is in charge of scaling up.

Support to watershed and ecosystems management, and sustainable land management more in general is another important activity and which was added explicitly as a category in 2010, given also the new emphasis on “water”.

As indicated earlier, support to business development and economic reform was not maintained as a category in this inventory, as no specific bilateral programs specifically related to land governance were reported. However, private sector activities and demands are driving increasingly the agenda around land governance with respect to policy and strategy, around land allocation (and land bank), land administration (registration, one stop shop), arbitration and dispute mechanisms (commercial courts, international investment treaties).

6.2.1 Modalities

The next table gives an indication of the total amount budgeted for the support to land governance related activities at embassy level.

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* Some commitments started before 2007, or will continue after 2011
Overall, an estimated three-quarter of the budget made available to land governance related work, is spend on six programs dealing with environmental management and programs in Bolivia, Mozambique and Surinam. Consequently, most of the interventions listed have a relatively small budget, and oriented more towards increasing leverage for certain interest groups (smallholders, indigenous people, women, civil society in general) or issues (watersheds, forests) or to support evidence-based policy development. This emphasis on improving the position of marginalized groups is less prominent in land administration programs.

A number of activities focus on institutional innovation, including pilots, and ensuring sufficient attention for certain target groups (women, smallholders, indigenous people etc.) or key issues (environment/ ecosystems, land consolidation). Embassies facilitate institutional innovation by supporting pilot programs (Bolivia, Burundi, and Macedonia).

Embassy engagement is mostly via financial support (sector budget support, bilateral programs/projects with civil society or international organizations). Bilateral programs can be part of different type of sector programs (agriculture, justice sector, environmental governance). This may be backed-up through the policy dialogue and harmonisation with other donors to coordinate efforts and ensure scaling-up. Depending on the country context embassies can also have a special role when viewed as an honest broker (Zimbabwe). Compared to 2007, more attention is paid to activities that contribute to societal dialogue and build domestic accountability.

Systematic efforts by donors to ensure harmonization and alignment were reported for a few countries only. The multilateral channel remains important for implementation, or for up-scaling of pilot programs (e.g. World Bank). The reports from embassies do not explicitly confirm that coordination at country level with other Dutch organizations has intensified (NGOs, knowledge institutes, private sector).

Compared to the previous inventory over the period up to 2007, fewer problems with project implementation were reported. Some explanations are less direct engagement in project activities that were sometimes rather technology driven, such as with respect to land administration. Moreover, a large part of the interventions are implemented by domestic and international organisations and through sector programs. The recommendation of 2007 still stands, though. Using the operational EU Guidelines in the design of programs contributes to a more solid program development in support of land policy and administration. Other challenges reported in 2007 were related to donor coordination and the need for a better integration of gender analysis and attention for conflict resolution.

6.2.2 Intervention logic

Next we present generalized result chains for major categories of interventions at embassy level.
### Result chain Interventions around Land policy design and the legal framework

**Impact:** increase in production and productivity => food security  
Protection of ecosystems => water availability

**Key outcomes:** tenure security for smallholders, women, marginalized groups => willingness to invest; sustainable resource use; ecosystem management/prevent

**Intermediary outcomes:** decentralised land service delivery; sustainable land and forest management; cadastre; conflict mediation  
Policy awareness relation land governance and economic development

**Output:** improved policy and regulatory framework (land law, NR or family law) (smallholders, gender, ecosystem, fairness); institutional innovation; Domestic accountability => policy legitimacy

**Activities:** strengthening key organisations; strategic planning; studies; awareness, capacity building; support to CSO coalitions for advocacy; for implementation of new land law; pilots, PPPs

**EKN Input:** funding; policy dialogue; donor harmonisation; support to innovative policy and legislation

### Result chain: Land administration systems

**Impact:** increase in production and productivity => food security

**Key outcomes:** tenure security; conflict reduction; rule of law;  
Basis for land consolidation (and taxation)

**Intermediary outcomes:** efficient, accessible and sustainable land administration service delivery for land registration and land information

**Output:** human resources; strategy and action plan; working systems and tools; more efficient organisations;

**Activities:** strengthening key organisations; strategic planning capacity; reorganisation; capacity building; build systems and tools for registration and information

**EKN Input:** funding; advice on monitoring; facilitate linkages with World Bank
### Result chain: Natural Resource administration / management

**Impact:** Protection of ecosystems => water availability  
sustainable livelihoods => food security

**Key outcomes:** sustainable resource use; ecosystem management;  
conflict reduction; local economic development

**Intermediary outcomes:** support for ecosystems management  
(legitimacy); effective land use planning; enforcement of regulations;  
Income from PES, NTFP, wildlife;

**Output:** common vision; evidence based planning; strategy and  
Action plan; information and data; Stronger institutions and capacities;

**Activities:** strengthening key organisations; quality of decision making,  
strategic planning capacity; networking/ partnerships; pilots;  
support to Civil society; monitor env. change; awareness raising; PPP

**EKN Input:** funding; advice on monitoring; facilitate linkages with  
World Bank

### Result chain: Land governance in a post-conflict settings

**Impact:** stability; peace dividend (and more food security)

**Key outcomes:** tenure security; access to land for refugees/IDP;  
less conflict; locale economic development; justice

**Intermediary outcomes:** land registration/ securing rights; land use  
planning; conflict prevention/ mediation capacity; government presence/  
legitimacy; return refugees/ IDP

**Output:** policies on refugees/IDP; institutional innovation; working  
mechanisms and tools; capacities; information & data; accessible land  
administration services

**Activities:** capacity building key organisations; strategic planning;  
support to CSO; pilots; transition phase; facilitate return of refugees  
and internally displaced persons; studies/ research;

**EKN Input:** funding; policy dialogue
6.3 Summing up: interventions supported by policy theme departments

Six policy theme departments (DDE, DEC, DME, DMH, DSO and EFV) at NL-MoFA headquarters support land governance related interventions, which cover a wider range of countries. Some departments actively set up land governance related work such as with respect to women’s access to land and property (DMH), an IS Academy on Land Governance (DEC); support to international organizations that focus on land governance (e.g. DDE support to GRAIN and ILC and DME support to IIED) and the work supported by DDE in the context of NEPAD and CAADP, and interventions of DME on sustainable land use and natural resource management (TerrAfrica, DBM).

Other more general programs supported by policy theme departments may have important implications for land governance (e.g. projects supported by International Finance cooperation (IFC), Investment Climate Facility of Africa (ICF), Land Bank and land registration work).

A number of (Dutch) organizations received financial support from policy theme departments for undertaking work on land governance. For example, SNV is active in a wide range of activities related to land governance (policy, legal empowerment, land administration, land use planning) in Africa, Asia and the Balkans. In the context of the TMF and MFS1 and MFS2 programs, Mama Cash supports a number of southern-based CSOs that work on land rights for women. Cordaid is engaged in land related conflict management (e.g. Democratic Republic of Congo), securing land rights using human rights as entry point (Colombia, Guatemala, Indonesia) and participatory land use planning (Tanzania, Uganda). Rights in relation to forests, REDD and also implications of biofuel and biochar are addressed by the Global Forest Alliance, Institute for Environmental Security, and Milieudefensie/Friends of the Earth. Overall, NGOs tend to approach land-related issues often as a cross-cutting theme in broader programs, for example in support of political participation of excluded groups, food security, access to markets, and emergency relief and reconstruction.

Nuffic funding has been requested for supporting training around land administration (Kadaster International, ITC65) and assisting the implementation of land reform in South Africa (WUR). Kadaster International is collaborating with ICF on the Rwanda land administration. Dienst Landelijk Gebied (DLG) collaborates on land administration with EKN Macedonia66.

Finally, The Netherlands has a strong knowledge and practice base with respect to land governance as well as the nexus land-water-energy. Numerous universities undertake research in this area and in 2010, for example, NWO approved 3 large integrated research programs67. Several civil society organizations have built up expertise in specific work fields (Mama Cash and NIZA on gender & land, Cordaid on conflict, human rights and pastoralism, TNI, SOMO), participate in international networks (ICCO), are leading actors in campaigns that also address land governance (Oxfam Novib) or active on forest rights and REDD. Activities of research and other knowledge institutes as well as of civil society have intensified since 2007. The media (television, newspapers, radio) is also paying regular attention to the issue of land governance, particularly in relation to large-scale land acquisitions.

Within the Netherlands, (semi-) private sector companies have remained very active, and participate in international tenders for providing advisory services mainly with respect to design and capacity building around land registration systems, GIS etc. (Cadastre International, ITC, FUGRO and others). Also DLG is active internationally.

65 ITC - Faculty of Geo-Information Science and Earth Observation of the University of Twente
66 DLG also Works on land use planning & management in Ethiopia
67 See also www.landgovernance.org for an overview of research activities
7 NL-MoFA support to land governance from 2011 onwards

Currently, the concept of "land governance" has gained in prominence. This is an indication of a shift in attention towards policy processes of decision making and implementation, as well as their governance with respect to transparency, equity and effectiveness. Land administration, such as registration, is understood as a tool rather than an end in itself. New challenges in a context of increasing pressures, competing claims and large-scale land acquisition are emerging. The policy and legal complexity is growing due to sometimes overlapping global and national climate, trade and development agendas and policy frameworks.

The issue of "land" is rising on national and international policy agendas, and increasingly taken up by farmers' and civil society organisations. This is caused by the (renewed) rush for land, by (inter)national investors in developing countries, and the way that this is managed by the actors involved. This demand for land for more industrial forms of farming is raising questions with respect to competition with the smallholder sector, governance, environmental protection and even human rights and justice issues (see 3.3).

A related development is that more Dutch companies start to acquire land for agro-investments, which may be supported by private sector promotion instruments (PSI, FMO, IDH, IFC etc.). However, companies may find themselves in a "minefield" when trying to acquiring land, property or water, and may run reputational risks, which can also become an issue for embassies. Embassies may be asked to mediate. Companies can also take the country to court, on the basis of internal laws and treaties protecting investors. These situations may become more frequent given the increase in international agro-investments in developing countries. Reputational risk with respect to investment in land is a growing concern and much debated within the financial sector, part of the business sector and amongst a number of countries that want to invest in developing countries for ensuring their food security and (bio) energy supply (Europe, USA, Asia, Gulf States).

7.1 New partner countries and policy spearheads

At the end of 2010, NL-MoFA reshaped its development cooperation strategy in order to achieve more effectiveness and impact and to align with new policy choices of the Dutch Cabinet which came into office in October 2010.

7.1.1 The situation of land governance in the partner countries

The number of partner countries is reduced to 15 based on, again, available expertise and networks, and in consultation with other EU countries. In all 15 priority countries land governance - sometimes closely linked to water rights as in Yemen - is an issue of policy debate. Insecurity over rights can be an issue where customary systems operate next to formal systems, but are not acknowledged (Benin, Indonesia, and Mali). Changes in land governance can also make the position of tenants more insecure (Benin, Uganda) or communities find it difficult to defend their rights when dealing with investors (Mozambique).

In many of the partner countries, formal systems of land registration are of limited relevance for rural producers, or not available. Inaccessible and costly land administration services with out-dated records hinder land transactions and become a source of conflict (Afghanistan, Bangladesh, Ghana, Indonesia, Palestinian territories). Support to existing (customary) tenure systems, which still work reasonably well, and the local level uptake of some land administration functions (e.g. recording transactions) and conflict management may be the most effective way to gain progress and for going to scale. Efforts to improve land registration in rural areas at the community or individual level, often with an important role for local
governments are on-going (Benin, Ethiopia, Mozambique, Rwanda) or tested (Burundi).

Inappropriate mechanisms for dispute settlements systems leave land related conflicts unsolved. Such developments are also indicators of the respect for the rule of law, corruption and the degree of "domestic accountability".

Controversy over land governance is growing in counties where governments are actively promoting large-scale land acquisitions (Ethiopia), expropriating land on a large scale for development (Rwanda). Vested interests around rural and urban land may create much inequity as (perceptions of) land grabbing by the local elite and unjustified expropriation by government are wide-spread. Such “land grabs” are denounced in all countries, but become a source of insecurity and conflict when not dealt with appropriately. A sentiment of “impunity” may install, increasing a sense of tenure insecurity, and undermining trust in government and the rule of law (as is the case with other forms of corruption). If not dealt with correctly, frustration over land governance can become a “binding constraint” for making significant progress on the four spearheads.

7.1.2 New policy spearheads and land governance

So far it has been decided that there will be a strong focus on priority themes (or so-called ‘spearheads’), which have been chosen with respect to overall (global) importance and available experience in the Netherlands. As a result, 4 spearheads have been selected: food security, water, sexual and reproductive health and rights, and security and the legal. Gender, governance and the environment are cross cutting issues. Private sector development is a prioritised intervention approach. For all four priority themes and cross cutting issues, land governance is one of the root causes to be addressed for achieving significant progress. Integrating land governance issues in the analysis and strategy development is important for realising the intended outcomes for the four spearheads.

Focus areas for food security are sustainable food production, efficient markets, access to healthy food, and a better “business climate”. Food production requires access to land of suitable quality. The security of tenure rights influences the willingness to invest in improving production (infrastructure, new technologies, value chain development, etc.). In a number of countries (Bangladesh, Burundi, Ethiopia), land fragmentation and landlessness in rural areas is a growing challenge, undermining the ability of land to be used for social protection.

Land can produce food only when water is available to grow crops and raise livestock. Access right to land often assumes – implicitly - also rights to water, except for irrigation schemes. The willingness to invest in the protection of ecosystems, and watersheds more in general, which important for maintaining groundwater tables, requires investments in ecosystem services to reduce run off and maximise water infiltration. Whether these systems are maintained is influenced by rights over resources to access, use and manage, either formal or “de facto”. Forests play an important role in watershed protection and also to reduce the appearance of destructive floods. In irrigation schemes, land rights go hand in hand with water rights and equitable access to water is an (emerging) issue (e.g. Afghanistan, Ethiopia, Kenya, Mali, Yemen) as is the (inter)national management of rivers.

Women’s economic position and self-esteem are important factors for improving sexual and reproductive health and rights. In rural areas, secure access to land - having a field of one’s own - and inheritance rights are important for women’s ability to produce healthy food and generate an income, particularly for female headed households. The issue of women’s access to land and rights has (re)gained more prominence at the international level as well as in Dutch development
The complexity of this issue increases in situations of growing pressure on land and gender issues continue to be challenging in land governance programs.

Land and natural resource governance is an important issue in conflict and post-conflict situations. Disputes over land and elite capture of natural resources can be factors that ignited the conflict (Afghanistan). During the conflict, land and resources may be grabbed by warlords and other powerful actors. Addressing grievances with respect to land governance, “land grabbing” and the return to their land of refugees and internally displaced people in peace agreements is important for achieving stability, trust in the rule of law and realising the peace dividend (Afghanistan, Burundi, Sudan). The contribution of land and water governance related conflict and grievances, and the sensitivity of these matters, is evident for Afghanistan, Burundi, Palestinian Territories, Sudan and Yemen.

7.2 Knowledge gaps

Policy transition and institutional limbo: Developing a land policy and legal framework takes years, sometimes even decades. Even when the policy is approved, implementation is not guaranteed. Key parts of the legislation may not be developed (decrees are lacking) or institutional capacity is not put in place. Meanwhile, transition existing formal and informal land governance institutions will continue to function – creating a limbo situation. With respect to policy practice, the challenge for development agencies is how best to engage in almost “permanent” situations of transitions, in order to nudge stakeholders towards the institutional innovation required for building more responsible land governance systems that serve all stakeholders. Sharing practice on how best to approach such situations and promote implementations is required. Lessons learned from other fields, such as with respect to decentralisation, can be useful.

Large-scale land acquisition: Large-scale land acquisitions pose many challenges and evidence available up to now is that the disadvantages are much larger than the benefits. Much research has started on the process of acquiring land and the impact of these investments. This research provides valuable insights into relevant issues regarding land tenure security and land governance, and on-going practice. In the short run, engagement with governments is important as ”host” governments play a key role in regulating these processes, even although their policy space may be limited when deals have been signed, with respect to legislation protecting investors. Capacity building is required to assist government in selecting investors having the capacity to realise the proposed business plans, which in turn should also be evaluated properly. Respect for “the spirit” of existing environmental legislation and human rights are other aspects at the start of projects. Deals that have already been signed need to be monitored and may have to be renegotiated. It is important to seek ways for providing assistance to governments for integrating evidence on how to deal best with large-scale land acquisitions in their practice.

Low-cost land administration: Securing access to land and control over land for female and male farmers, pastoralists and other type of resource user is important for food security, stability and social justice. Protecting rights requires acknowledgement of customary rights and types of more formal registration, but which do not lead to exclusion. Supporting innovations such as experiments and pilot initiatives on appropriate, low-cost “good enough” forms of land administration, which can be managed by local institutions, is important, and wide sharing of results is required.

Gender equality in land governance: It is generally acknowledged that securing women’s right to land and inheritance is important for food security and strengthen

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68 Women’s access to land is a priority theme for SIDA –Swedish International Development cooperation agency
women’s position in society. How best to achieve progress, which is adhered to and sustainable remains a challenge. Again sharing lessons on strategies and good practice is required.
References


ASTRG. (2010). Policy options for optimization of the use of land for agricultural productivity and production in Zimbabwe. ARTRG.


Hilhorst, T. and A. Zoomers. (2011). Under what conditions can transnational large scale land acquisitions contribute to inclusive and sustainable growth? Study prepared on behalf of The IS academy on land governance as background paper for the European report on Rural Development. DIE, ECDPM, ODI.


## Annex 1 - Land governance related activities by Dutch civil society organisation

<table>
<thead>
<tr>
<th>Countries</th>
<th>Category</th>
<th>Name organisation</th>
<th>Title project, program or partner</th>
<th>partner</th>
<th>Period</th>
<th>Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolivia</td>
<td>MFS Jong &amp; Vernieuwend</td>
<td>Chakana</td>
<td>Landbouwvoorlichting in Gemeente Achocalla, Bolivia</td>
<td></td>
<td>2009-2010</td>
<td>EUR 28,810</td>
</tr>
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<td>Burkina Faso</td>
<td>TMF 2006-2010</td>
<td>Mama Cash</td>
<td>Projet Accès équitable à la terre pour une indépendance économique des couches sociales pauvres notamment les femmes;</td>
<td>Réseau Africa Volontaire</td>
<td>May 2007-Dec. 2007</td>
<td>EUR 6,841</td>
</tr>
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<td>Cameroon</td>
<td>TMF 2006-2010</td>
<td>Milieudefensie (FoENetherlands)</td>
<td>Projecten op het thema 'Houtkap en houthandel'</td>
<td>CED</td>
<td>2003-2011</td>
<td>EUR 300,000 (annually)</td>
</tr>
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<td>Colombia</td>
<td>MFS Cordaid</td>
<td>Defensa de la Tierra Pacífico;</td>
<td>Coordinacion Regional Pacífico</td>
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<td>3 years</td>
<td>EUR 77,000</td>
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<td>Colombia</td>
<td>MFS Cordaid</td>
<td>Escuela Popular Ciudadana Corteros de Cana;</td>
<td>Corporacion Humanidad y Vida</td>
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<td>2 years</td>
<td>EUR 60,000</td>
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<tr>
<td>Colombia</td>
<td>MFS Cordaid</td>
<td>Proteccion y defensa de la tierra y derechos humanos;</td>
<td>CCAJAR (lawyer collective)</td>
<td></td>
<td>1.5 year</td>
<td>EUR 50,000</td>
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<td>MFS Cordaid</td>
<td>Proteccion y defensa de la tierra y derechos humanos;</td>
<td>CSPP</td>
<td></td>
<td>2 years</td>
<td>EUR 200,000</td>
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<td>Colombia</td>
<td>TMF 2006-2010</td>
<td>Institute for Environmental Security Assessment</td>
<td>Environmental Security Assessment Matavén, Colombia;</td>
<td>ACATISEMA</td>
<td>3 years</td>
<td>EUR 45,000</td>
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<td>DRC</td>
<td>MFS IKV Pax Christi</td>
<td>Iturtivredesprogramma</td>
<td>HakinaAmani</td>
<td></td>
<td>since 2009</td>
<td>appr. EUR 50,000 a year</td>
</tr>
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<td>DRC</td>
<td>MFS Cordaid</td>
<td>Plan d'action 2009 - 2010 RHA;</td>
<td>réseauxHakanAmaniRHA</td>
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<td>1 year</td>
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<td>DRC</td>
<td>MFS Cordaid</td>
<td>Program d'Accompaniment de Réduction Conflits Fonciers et Transformation Sociale basée sur la socio-thérapie</td>
<td>IFDP</td>
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<td>2 years</td>
<td>EUR 200,000</td>
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<td>Ghana</td>
<td>TMF 2006-2010</td>
<td>Mama Cash</td>
<td>Rural women’s rights in the Volta Region;</td>
<td>Women’s Development Initiative</td>
<td>Nov. 2009-Oct. 2010</td>
<td>EUR 20,000</td>
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<td>Guatemala</td>
<td>MFS Cordaid</td>
<td>Campaña contra el uso del cianuro en mineria;</td>
<td>Observatorio de Conflictos Mineros de America Latina - Ocmal</td>
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<td>1 year</td>
<td>EUR 0</td>
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<tr>
<td>Guatemala</td>
<td>MFS Cordaid</td>
<td>Nuestroterritorio y dignidad, NO estan en venta (our territory and dignity are not for sale);</td>
<td>Comision Pastoral Paz y Ecologia</td>
<td></td>
<td>3 years</td>
<td>EUR 0</td>
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<td>Guatemala</td>
<td>MFS Cordaid</td>
<td>Pobreza y Extractivas en América Latina, Proyecto Copla 2008;</td>
<td>COPLA</td>
<td></td>
<td>1 year</td>
<td>EUR 0</td>
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<td>Horn of Africa region</td>
<td>TMF 2006-2010</td>
<td>Institute for Environmental Security Assessment Horn of Africa; Central KalimantanPeatland Project</td>
<td>Environmental Security Assessment Horn of Africa; Central KalimantanPeatland Project</td>
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<td>1 year</td>
<td>In kind</td>
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<td>Indonesia</td>
<td>TMF 2006-</td>
<td>Institute for Environmental Security</td>
<td></td>
<td></td>
<td>4 years</td>
<td>EUR</td>
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<td>Country</td>
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<td>Program</td>
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<td>Organization/Project</td>
<td>Duration/Amount</td>
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<td>Indonesia</td>
<td>2010</td>
<td>MFS</td>
<td>Cordaid</td>
<td>Justice, Peace &amp; Integrity of Creation;</td>
<td>Jan. 2009- Dec. 2010 EUR 13,710</td>
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<td>Indonesia</td>
<td>2010</td>
<td>MFS2</td>
<td>Cordaid</td>
<td>The Right to Live of Indigenous Peoples of Kalimantan and Papua</td>
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<td>Indonesia</td>
<td>2006-2010</td>
<td>TMF</td>
<td>Milieudefensie (FoENetherlands)</td>
<td>Projecten op het thema 'Oliefpalmplantages';</td>
<td>2003-2011 EUR 300,000 (annually)</td>
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<td>Indonesia</td>
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<td>Milieudefensie (FoENetherlands)</td>
<td>Projecten op het thema 'Houtkap en houthandel';</td>
<td>2003-2011 EUR 300,000 (annually)</td>
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<td>Kenya</td>
<td>2006-2010</td>
<td>TMF</td>
<td>Mama Cash</td>
<td>Enable young widows and their children to claim and defend their property and inheritance rights as a means of mitigating the negative impact of HIV and AIDS;</td>
<td>Young Widows Advancement Program Jan.-Dec. 2008 EUR 15,000</td>
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<td>Kenya</td>
<td>2006-2010</td>
<td>MFS2</td>
<td>Cordaid</td>
<td>Promoting Community Based Natural Resource Management in Garba Tula</td>
<td>IUCN Kenia/WRAP 3 years EUR 150,000</td>
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<td>Malaysia</td>
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<td>Milieudefensie (FoENetherlands)</td>
<td>Projecten op het thema 'Houtkap en houthandel';</td>
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<td>Nigeria</td>
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<td>Milieudefensie (FoENetherlands)</td>
<td>Projecten op het thema 'Oliewinning en mijnbouw';</td>
<td>ERA 2004-2011 EUR 400,000 (annually)</td>
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<td>Pakistan</td>
<td>2006-2010</td>
<td>TMF</td>
<td>Mama Cash</td>
<td>Capacity building with rural women farmers in Jhang and Khanewal;</td>
<td>Peasant Women’s Society Dec. 2010- Dec. 2011 EUR 10,000</td>
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<td>South Africa</td>
<td>2006-2010</td>
<td>TMF</td>
<td>Mama Cash</td>
<td>Women and Girls capacity building for Land &amp; Inheritance Rights;</td>
<td>Rural Women’s Movement Nov. 2010- Nov. 2012 EUR 100,000</td>
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<td>Tanzania</td>
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<td>TMF</td>
<td>Mama Cash</td>
<td>Masaa Women Education Project;</td>
<td>Mategemee Women Association Dec. 2007- Dec.2008 EUR 12,000</td>
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<td>MFS</td>
<td>Cordaid</td>
<td>Securing land and Natural Resources through Community;</td>
<td>Ujama Community Resources Team (UCRT) 3 years EUR 308,364</td>
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<td>2006-2010</td>
<td>TMF</td>
<td>Mama Cash</td>
<td>WomenLand Right Promotion Project;</td>
<td>Women Rights Action Group (WRAG) July 2008- July 2009 EUR 10,000</td>
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<td>Uganda</td>
<td>2006-2010</td>
<td>TMF</td>
<td>Institute for Environmetal Security</td>
<td>BufferzoneBwindi Reserve Uganda;</td>
<td>Amagara 2 years EUR 10,000</td>
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<td>Uganda</td>
<td>2006-2010</td>
<td>TMF</td>
<td>Mama Cash</td>
<td>Property Rights Inheritance laws and Access to Land by Women;</td>
<td>KaseseTown Women Teachers’ Association (KATWOTA) June 2009- July 2010 EUR 12,000</td>
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<td>Duration</td>
<td>Funding</td>
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<td>Vietnam</td>
<td>2006-2010</td>
<td>Institute for Environmental Security</td>
<td>Mekong River Basin, Case Study of the Nam Can district, Vietnam; People’s Committee of Lam Hai Village</td>
<td>1.5 year</td>
<td>EUR 25,000</td>
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<td>Worldwide</td>
<td>MFS1</td>
<td>Solidaridad</td>
<td>Sustainable Chain management &amp; Fair Trade</td>
<td>2007-2010</td>
<td>EUR 20,130,000</td>
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<td>MFS1</td>
<td>Global Forest Coalition</td>
<td>Global campaign around impacts bio-energy, agrofuels, biochar; Global Justice Ecology project, Biofuelwatch, Timberwatch Coalition, Censat and other GFC members</td>
<td>2005-2010</td>
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<td>MFS1</td>
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<td>Life as Commerce; Equations-India, Timberwatch Coalition- South Africa, Censat- Colombia, Alter Vida/Sobrevivencia and YvyPora-Paraguay and Coeco-CEIBA- Costa Rica</td>
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<td>MFS1</td>
<td>Global Forest Coalition</td>
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<td>Worldwide</td>
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<td>Global Forest Coalition</td>
<td>REDD and Rights Program; Equations, Censat, NAPE, LEAT, AsociacionIndigAmbiental, Friends of the Earth Brazil, Fecofun</td>
<td>2009-2013</td>
<td>EUR 88,000</td>
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<td>Worldwide</td>
<td>TMF 2006-2010</td>
<td>Aidenvironment</td>
<td>Impact assessments voor infrastructuur en agroprojecten, mining industry, REDD+, biodiversity modelling etc.</td>
<td>2006-2011</td>
<td></td>
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</table>
Annex 2: Key concepts in the EU Land Policy Guidelines

**Land tenure and land rights**
- Land tenures should be defined broadly as the "system of access to and control over land and related resources". It defines the rules and rights which govern the appropriation, cultivation and use of natural resources on a given space or piece of land.
- Strictly speaking, it is not land itself that is owned, but rights and duties over it. The rights and duties that individuals or a family hold are themselves embedded in a set of rules and norms, defined and enforced by authorities and institutions which may be those of rural communities and/or of the state.
- No system of land tenure can work without a body with the power and authority to define and enforce the rules, and provide arbitration in case of conflict. Thus, a land tenure system is made up of rules, authorities, institutions and rights. Land administration itself (maps, deeds, registers, and so on) is only one part of a land tenure system.
- Land rights are not limited to private ownership in the strict sense, but can be a very diverse balance between individual rights and duties, and collective regulations, at different levels, private or family ownership being one possible case.

**Land tenure security**
- Rights are secure if they are not contested without reason and if, in case of contestation, they can be confirmed by the legal or arbitration authorities (whether these be customary, or governmental or both).
- Securing land rights is thus largely a question of having effective institutions and enforcement of rules for the management of land rights, and not merely a question of the formal legal nature of the rights themselves.

**Land policy**
- A land policy aims to achieve certain objectives relating to the security and distribution of land rights, land use and land management, and access to land, including the forms of tenure under which it is held.
- It defines the principles and rules governing property rights over land and the natural resources it bears as well as the legal methods of access and use, and validation and transfer of these rights.
- Land policy is contained in texts issued by governments, and is further developed through legislation, decrees, rules and regulations governing the operation of institutions established for the purposes of land administration, the management of land rights, and land use planning.
- To be effective, land policy must propose a practical and coherent set of rules, institutions, and tools, which are considered both legitimate and legal, and are appropriate for different contexts and interest groups.

**Land administration**
- A land administration system is the set of structures and institutions which implement the land policy, affect rights, deliver titles and deeds, and manage information systems. These structures can be state or local government institutions. Sometimes, customary institutions perform some land administration functions.
- Proximity, accessibility and accountability of land administration institutions are key issues which are also relevant for traditional authorities.