

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests

Implications for IFAD



Lao People's Democratic Republic: IFAD has engaged in land policy dialogue and supported land tenure activities. (Photo: Jean-Maurice Durand)

The Voluntary Guidelines: a new political tool

Following an inclusive consultation and negotiation process, which involved more than 70 countries, international organizations, and representatives of the civil society and the private sector, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGs) were officially endorsed by the Committee on World Food Security on 11 May 2012. The VGs set out principles, technical recommendations and practices for improving the governance of tenure of land, fisheries and forests. They promote secure tenure rights and equitable access to these resources as a means of eradicating hunger and poverty, supporting sustainable development and protecting the environment. They give recommendations to countries and to other key actors, who are strongly encouraged to adopt and use them on a voluntary basis.

Implementation of the VGs has been encouraged by the G20, the UN General Assembly, the Francophone Assembly of Parliamentarians (consultative Assembly of the Francophone Organization) and also by the participants in Rio +20.

The VGs can support the work of a range of development stakeholders (governments, the private sector, farmers and other partners), and help them engage with those who are not familiar with land issues, or who are reluctant to respond to them.

IFAD's Land Policy and the Voluntary Guidelines: a common ground for interventions

As the title implies, the Voluntary Guidelines are voluntary: it is up to the countries to put them into practice on the ground. But IFAD can use the momentum generated by the VGs as an opportunity to renew and strengthen the messages of its own Land Policy (LP) and promote the scaling up of its land tenure activities. However, it is worth underlining that the VGs need to be implemented at country level and that IFAD can support governments and civil society organizations (CSOs) if it is requested to do so.

The IFAD LP, principles and interventions are in line with the recommendations of the VGs which renew and strengthen its messages. They can be used to inform IFAD's scaling up of its support for tenure security and equitable access, and participation in international efforts to support initiatives from countries and other partners to adopt the principles of the VGs and to incorporate them in their policies.

Before the Voluntary Guidelines were developed, the IFAD Executive Board approved the Fund's own Land Policy for "*Improving Access to Land and Tenure Security*" in 2008. The LP is based on IFAD's experiences and lessons learned in the design and implementation of rural poverty reduction. Its goals are to:

- provide a conceptual framework for the relationship between land issues and rural poverty
- identify the major implications of that relationship for IFAD's strategy and programmes
- give guiding principles for mainstreaming land issues into the Fund's main operational instruments, i.e. Result-Based Country Strategic Opportunities Programmes (RB-COSOPs), projects and programmes, knowledge management, grants, partnerships and policy dialogue activities.

Several other IFAD policies and strategies are relevant to land tenure issues, for example those related to targeting to reach the rural poor, engaging with indigenous peoples, gender, and environment and climate change.

The VGs and the IFAD LP differ but they promote most of the same principles. They also identify the same issues as the causes of insecurity of tenure and weak governance. There are several similarities and complementarities between the VGs and the LP. Nevertheless, given their different natures, each document has clear-cut points, which can support and reinforce the other.

The VGs highlight how the rights of women should be recognized "regardless of their status", a crucial clarification that was implicit in the LP but is important to state clearly, given the disadvantaged position that women generally have in the access to and enjoyment of rights. The VGs also highlight the "rights of spouses and other family members", which should be protected by the countries.

Another example is the "free, prior and informed consent" (FPIC) principle. The LP applies this to all its target groups, whether indigenous peoples, other communities with customary rights, women, small farmers, etc. The VGs on the other hand distinguish between FPIC – to be applied to indigenous peoples – and the "consultation and participation" principle, which is for other communities. However, FPIC is a "stronger" principle than consultation and participation, in that FPIC implies the need for either "consent" (or refusal) from the target group, while consultation and participation does not necessarily require it.

What are the Voluntary Guidelines?

The VGs are an internationally endorsed reference for improving the governance of tenure of land, fisheries and forests.

The VGs are voluntary and set out principles, technical recommendations and practices.

They do not replace laws and treaties nor alter existing obligations.

What is IFAD's Land Policy?

The IFAD LP provides a conceptual framework for the relationship between land issues and rural poverty and identifies the major implications of this relationship for IFAD's work.

It sets out principles and practices for IFAD's interventions.

The LP has a defined target group – deriving from IFAD’s mandate and targeting strategy – and refers to clear definitions of terms. It also clearly includes water in its scope, and throughout the document considers the link between tenure security and the other project activities as a key factor in increasing the security and well-being of the beneficiaries.

The IFAD LP explicitly contains another important principle – the “do-no-harm” principle. It is implicit in the VGs, but should be seen as a safeguard for the groups of people affected by changes in land governance in both cases.

Lastly, the VGs contain more complete indications on several technical aspects of land governance. Among these, special mention should be made, for example, of the sections on markets, valuation and resolutions of disputes and conflicts, which are increasingly important issues for rural households and governments. The IFAD LP is less detailed in these areas, and so the Voluntary Guidelines’ sections on these topics can be useful in the implementation of IFAD activities.

However, the most significant difference lies in the international legitimacy of the VGs, which reinforces the spirit and purpose of the LP and their principles, such as gender equality, building government capacity, and mitigating and solving conflicts. At the same time, the VGs

Some examples of IFAD’s engagement in land tenure security

Land rights of indigenous peoples and other communities. IFAD has been fostering the recognition of indigenous peoples’ communities and their respective rights over land – mainly collective rights. There are good examples in operations in the Plurinational State of Bolivia, Ecuador, Panama and the Philippines.

Special emphasis on women’s land rights IFAD has increasingly been gaining experience in fostering women’s land rights, providing support to facilitate their access to legal information, leasing agreements and joint titling (land titles in the name of husband and wife) especially in Burundi, El Salvador, Nepal and Viet Nam.

Spatial planning for participatory implementation. In the Lao People’s Democratic Republic and Mongolia, IFAD’s interventions focused on participatory land-use planning to discipline the land use in areas where there were competing or overlapping land uses.

Tenure rights formalized. The Fund has been dealing with issuance of 10-year long land agreements, or title deeds, or certificates to secure access to land in Madagascar and Sierra Leone.

Pro-poor land market development. IFAD interventions in the land markets, especially in Argentina, Ecuador and India include the support to purchase of land by indigenous peoples or the establishment of “land banks” that would finance land acquisition by tribal communities.

Redistributive pro-poor reforms. IFAD has supported redistributive reforms in Burkina Faso, Ghana and Madagascar. It also contributed to develop post-agrarian reform services in Brazil and Panama.

Contribution to the resolution of conflicts. IFAD’s activities for mitigating and resolving social conflicts related to land issues were implemented in various projects in Burkina Faso, Ecuador, Kenya and the Philippines. In addition, the Fund also focused on the promotion of access to land in post-conflict situations in El Salvador.

Support to and participation in pro-poor policy dialogue. Several projects in Madagascar, Nepal and Viet Nam have engaged in policy dialogue on access to common pool resources by the Fund’s target groups at national level. It has also engaged at regional level, for example in Asia, where the *Pro-Poor Policy Formulation, Dialogue and Implementation at the Country Level* programme, implemented from 2007 to 2010 in collaboration with the Food and Agriculture Organization of the United Nations (FAO) in eight countries, aimed to reduce rural poverty through enhanced institutional capacity to analyse, formulate and implement pro-poor agricultural and rural development policies.

engage in specific technical issues (e.g. natural disasters, climate change) or groups of beneficiaries (e.g. indigenous peoples, women) – for which IFAD has specific, dedicated policies. This comparison shows that IFAD's principles and practices are largely in line with the recommendations of the VGs and sometimes go further. Many technical aspects explored and developed in the VGs are already part of IFAD operations.

A renewed land agenda for IFAD

For potential users and implementers (governments, United Nations agencies, CSOs, private sector, etc.), the VGs can be a reference document for policies, legislation, rules and regulations to drive normative changes and standards to measure performance of administration and activities. They are a means for mainstreaming tenure in larger programmes as well as a tool for awareness-raising and advocacy. They are the basis for dialogue, participation, consultation and negotiation and an incentive for joint actions and networking. They should be used at country level by governments and other actors to develop and implement their own land policies in the context of their economic development and poverty reduction strategies and policies.

According to the statements of its LP, IFAD intends to continue playing a key role to increase the security of tenure of the smallholders through its projects and programmes and, at the same time promote and implement the VGs, building on its large portfolio, its partnerships and political influence.

IFAD should support the voluntary efforts by States (as well as by other actors) to incorporate the principles of the VGs in their rules and practices, when appropriate, and when it is compatible with its portfolios. In this regard, indeed, IFAD has the advantage of operating mainly at country level and in close relationship with smallholders.

As shown in the previous box, IFAD is already active in its support to land tenure activities aimed at providing improved and more secure access to land to the rural poor. This support is mainly provided through financial assistance, which includes inter alia technical and legal support, capacity-building, knowledge-sharing, exchange of experiences and good practices. Thus, IFAD intends to benefit from this particular momentum and further improve its approaches to tenure issues in the light of the recommendations of the Guidelines.

The implementation of the IFAD LP and the large endorsement of the VGs at international level are important steps. However, instead of being the end of a story they are, rather, new starting points.



Madagascar: IFAD has been involved in the four land policy review processes since 2005.
(Photo: Jean-Maurice Durand)

Reinforced pro-poor policy dialogue

The endorsement of the VGs and the internationally recognized principles that they promote are a great opportunity to re-launch and increase land tenure and governance policy dialogue activities through fostering, facilitating, supporting and participating in multi-stakeholder platforms at various levels. But, of course, IFAD's interest should be exclusively in those policies affecting the security of tenure of the rural poor, with a context-specific approach. More generic approaches based on several additional good practices that IFAD has developed within the last years should be developed, building on how IFAD has supported land policy dialogue and implementation in different countries and regions. For example, the experience of Madagascar, where IFAD has been involved in the various policy review processes since 2005, could be explored and better analysed. IFAD engagement in this country has been one of the most strategic in Eastern and Southern Africa. Other good lessons could be drawn from Rwanda. Projects should be thought of as laboratories for learning about policy issues and lessons learned as an entry point for policy engagement.

The pathways for increased engagement in land policy processes would be: (i) identification of the key potential partners able to leverage policy influence; (ii) direct implication in dialogue at country level, strengthening the inclusion of land issues when appropriate (even if IFAD's role is most often to facilitate, rather than to participate); and (iii) increased participation in policy dialogue at regional and global levels, in establishing collaboration with other initiatives, such as the African Land Policy Initiative (LPI), International Land Coalition (ILC) and other donors' initiatives, e.g. the newly formed Working Group on Land of the Global Donor Platform on Rural Development of which IFAD is part of. Through IFAD's projects and programmes, capacity-building activities could be included, dedicated to the different types of actors (government ministry services, local governments, farmers and farmers' organizations, private sector) on the content of the VGs to reinforce policy dialogue.

Improved country strategy development

The RB-COSOP stage would be the most natural and appropriate stage in which to reflect the LP/VGs principles and indications in the framework of IFAD's processes. However, this can sometimes be difficult. Their inclusion, in fact, depends on several factors but especially the receptivity of the country team and even more so, the government partners involved. Therefore, sometimes it is easier to start with a modest intervention in the implementation of a project or programme that is dealing with land activities, which can possibly be replicated or included in an RB-COSOP at a later stage.

However, because they are a political tool with a strong technical content, the VGs can be used as an entry point and a reference during the elaboration of the RB-COSOPs. More precisely, they can play a key role for: (i) elaborating a land assessment (working paper or appendix document) thanks to their technical recommendations (for example about land consolidation, transfers, etc.); (ii) providing principles and guidance (in the light of the IFAD LP as well) in order to guarantee that, at strategic level, the interests of the poorest, and in particular their security of tenure, are preserved; and (iii) providing a strong political reference for engaging in discussions with potential partners.

Scaling up land interventions in projects and programmes

The VGs can be used as a reference and a source of principles and technical recommendations for identifying and incorporating relevant land issues into project design, either through the formulation of land-specific components or subcomponents or as a cross-cutting theme. This would be facilitated by a previous incorporation of those issues at RB-COSOP level.

The VGs can also provide inputs for developing the land-related scaling-up agenda and contribute to *“expanding, replicating, adapting and sustaining successful policies,*

programmes or projects in geographic space and over time to reach a greater number of rural poor.”¹

IFAD has experience with scaling up targeted interventions. In Rwanda, early IFAD pilots were scaled up by the Millennium Challenge Corporation. IFAD provided “inter-phase” support for land regularization through the Kirehe Community-based Watershed Management Project (KWAMP) in one district (out of 30) with 240,000 parcels demarcated and adjudicated (out of 10 million); this was then replicated at country level. In Madagascar, the Fund provided support through various projects, focusing on key aspects at national and field level, as part of a large-scale set of activities, led simultaneously by a group of 12 donors. IFAD’s support to the National Land Programme and the Land Observatory have contributed to fostering the scaling up of land activities in Madagascar.

IFAD is less likely to support large-scale stand-alone land policy programmes, but it can play a role in terms of addressing security of tenure as part of broader development programmes (e.g. watershed management, irrigation, livestock development, decentralization, inclusive business models, fisheries). In the past its support for the piloting of new approaches has been successful. However, it is worth noting that scaling up will also include the need for additional financial resources, which can be pulled together with other partners. The Fund can also contribute to strengthening the linkages between tenure security and poverty reduction and the engagement of ministries that are often less directly involved in land policy implementation. In terms of support to multi-stakeholder dialogue, IFAD can contribute in mainstreaming land governance in the Comprehensive Africa Agriculture Development Programme (CAADP) and National Agriculture and Food Security Investment Plans (NAFSIPs) with the African Land Policy Initiative and the World Bank. Finally, as for knowledge management, the identification, sharing and developing of practical approaches and tools can be key for the scaling-up agenda.

For this purpose, the Policy and Technical Advisory division has developed a practical Toolkit on Land Tenure, based on the principles of the VGs and of the IFAD LP, to facilitate the inclusion of land issues in IFAD operations (available at <http://www.athena.ifad.org>). The toolkit supports Country Programme Management Teams to systematically include – when needed and appropriate – land issues at all stages of IFAD operations, (i.e. strategy, design and implementation).

Increased use of grants and supplementary funds

In order to improve the land tenure security of its target groups and to strengthen their capacity to advocate for and use of the VGs, IFAD could promote some grants focusing on awareness-raising, advocacy, dissemination and land conflict. The grants could be directed at strengthening access to land and tenure security of smallholders in countries where IFAD already intervenes, by promoting and mainstreaming the principles of the VGs at the appropriate levels. The grants could also facilitate South-South cooperation for implementation of the VGs; provide technical support to countries (provision of demand-driven assistance and information technology); and promote the elaboration of new legal frameworks including the VG principles. In Africa, consideration should be given to providing support for the African Land Policy Framework and Guidelines and the recently launched 2012-2016 Strategic Plan. FAO is preparing a memorandum of understanding on the support that the VGs in Africa will provide to the operationalization of the Africa Land Policy Framework and Guidelines.

What is scaling up?

Expanding, replicating, adapting and sustaining successful policies, programmes or projects in geographic space and over time to reach a greater number of rural poor.

Types of scaling up

- Expansion of services to more people in a given geographical area
- Horizontal replication from one geographical area to another, including across borders
- Functional expansion by adding additional areas of engagement
- Vertical scaling up: policy, legal, institutional reform for mainstreaming an approach

¹ *Scaling up in Agriculture and Rural Development (ARD): Concepts, Issues and Experience*, from a presentation given during the Addis Ababa Learning Event (June 2013) by Johannes Linn, Brookings Institution; and Cheikh Sourang, IFAD.

Two recent small grants will focus on the dissemination of the VGs at country level:

- A grant to be implemented by the *Associazione Italiana Agricoltura Biologica* (AIAB) will focus on Argentina, Mozambique, Nepal and Nicaragua so that (i) social movements and communities of small-scale food producers know the VGs and develop proposals on how to use them to improve the governance of tenure of land, fisheries and forests; (ii) smallholders' organizations and other CSOs use the VGs as key reference to back their claims in ongoing processes related to governance of land and natural resources; and (iii) smallholders and their organizations engage in multi-actor platforms at national and regional levels – as recommended by the VGs – to identify priorities and strategies for their dissemination and implementation and to monitor the related activities.
- A grant – selected through a call for proposals and to be implemented by the *Initiative Prospective Agricole et Rurale* (IPAR) – will focus on Gambia, Mali, Mauritania and Senegal to: (i) contribute to the VGs awareness-raising with a special emphasis on the stakes concerning smallholders and vulnerable groups; (ii) ensure that institutions, CSOs, NGOs and other key partners can use the VGs for organizing and/or contributing to policy dialogue platforms to improve the land tenure situation of smallholders and vulnerable groups; and (iii) support and facilitate the implementation of land tenure assessment and action plans at country level which include concrete measures based on the VGs.

Reinforced and more efficient knowledge management

Documenting experiences, sharing knowledge and developing toolkits could also be used to promote and implement VGs and LP principles. Recording successful case studies on implementation of the VGs can help country programme managers who face similar situations in their countries. This underlines the need to understand what is changing in terms of land access and security for poor rural people, and to undertake an assessment of the situation in each country before further action. It is important to update the information on what IFAD is doing in relation to land, and to strengthen its strategy for scaling up its support (land oriented portfolio reviews have already been done in Africa, Asia and Latin America). Finally, there is a general need to document and share good practices in land tenure from IFAD-supported projects and programmes, whether or not they are explicitly a result of the application of the VGs or of other initiatives like the African Land Policy Framework and Guidelines. This will be done in particular during the preparation of the land-related “how-to-go-to-scale” note being prepared by the Policy and Technical Advisory division.

Pro-active partnership-building

Key to the dissemination and implementation of the VGs is coordination of activities with other donors, development partners, the Land Policy Initiative and CSOs. The latter played a historic role in the development of the VGs, and this kind of participatory approach for



Rwanda – Intensified Land Use Management Project in the Buberuka Highlands, August 2000
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negotiations should be a model for the future. IFAD could help involve CSOs in their implementation, through cooperation and support, through its grant policy, and when relevant, at project preparation and implementation level. Specific partnerships could be developed with FAO (for technical and/or policy support in RB-COSOPs and projects) and the ILC and its members. Coordination of partnership-building should be functional and active at the national level. Such partnerships should identify the various actors and map out the activities and roles that each stakeholder can play.

This interaction with other partners suggests that IFAD reflect further on how it implements its partnership strategy, and how it could be more involved with some of its main government partners in land policy formulation and implementation, with the specific aim of ensuring that poor and more vulnerable people have secure access to land.



Bolivia -- Enhancement of the Peasant Camelid Economy
Support Project (Proyecto Vale). January 2013
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Links

IFAD Policy on Improving Access to Land and Tenure Security <http://www.ifad.org/pub/policy/land/e.pdf>

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

<http://www.fao.org/docrep/016/i2801e/i2801e.pdf>

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