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Organization of the
United Nations



BEST PRACTICES
CHALLENGES
AND EMERGING
ISSUES ON
IMPROVING
RESPONSIBLE
GOVERNANCE
OF TENURE



Final Report

Best practices challenges and emerging issues on improving responsible governance of tenure.

**Lessons learned from the European Union
Land Governance Programme**

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Contents

Acknowledgements	V
Abbreviations and acronyms	VI

1	Introduction	1
----------	---------------------	----------

2	Lessons learned best practices and challenges	5
----------	--	----------

2.1	Policy and legal reform	5
------------	--------------------------------	----------

2.1.1	Creating enabling political environment	5
-------	---	---

2.1.2	Legal and regulatory framework	6
-------	--------------------------------	---

2.1.3	Legal recognition of customary land rights	6
-------	--	---

2.1.4	Challenges	7
-------	------------	---

2.2	Institutional frameworks and development	7
------------	---	----------

2.2.1	Decentralization	8
-------	------------------	---

2.2.2	Institutional mapping/mandates	8
-------	--------------------------------	---

2.2.3	Customary institutions and structures	9
-------	---------------------------------------	---

2.2.4	Challenges	9
-------	------------	---

2.3	Tenure governance and land administration	10
------------	--	-----------

2.3.1	Mapping of land rights public, customary and private	11
-------	--	----

2.3.2	Experiences of using satellite imagery	12
-------	--	----

2.3.3	Land information systems	12
-------	--------------------------	----

2.3.4	Recording/registration of all tenure rights	13
-------	---	----

2.3.5	Challenges	13
-------	------------	----

2.4	Capacity development	14
------------	-----------------------------	-----------

2.4.1	Training of stakeholders	15
-------	--------------------------	----

2.4.2	Awareness raising and sensitization	15
-------	-------------------------------------	----

2.4.3	Multi stakeholder processes and platforms	16
-------	---	----

2.4.4	Challenges	17
-------	------------	----

2.5	Conflict resolution	18
2.5.1	Challenges	19
2.6	Gender equity/women’s land rights	19
2.6.1	Challenges	20
2.7	Improving governance of pastoral lands	20
2.7.1	Challenges	21
2.8	Responsible agricultural investments	21
2.8.1	Challenges	22
2.9	Sustainable fisheries management	23
2.9.1	Challenges	24
<hr/>		
3	Emerging issues	25
	Continuous capacity development	25
	Impact of climate change on tenure security	25
	Bridging gender equity gap	25
	Increasing use of fit-for-purpose technologies and methodologies	25
	Integration and security of customary tenure	26
	Legal and institutional framework	26
	Migration and land governance nexus	26
	Preserving agricultural land uses	27
	Scaling project activities	27
	Sustainability	27
	Youth access to land	27
<hr/>		
4	References	28

Acknowledgements

This report on lessons learned, best practices, challenges, and emerging issues on improving responsible governance tenure using the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) and the African Union's Framework and Guidelines on Land Policy in Africa (F&G), related to the EU Land Governance Programme is based on in-country project progress reports and minutes of transversal capitalization meetings carried out throughout the project phases.

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Abbreviations and acronyms

AUC	African Union Commission
AfDB	African Development Bank
CAMIS	Commercial Agriculture Management. Information System, Ethiopia
CSO	civil society organizations
UNECA	United Nations Economic Commission for Africa
EULGP	European Union Land Governance Programme
FAO	The Food and Agriculture Organization of the United Nations
F&G	Framework and Guidelines on Land Policy in Africa
GELT	gender legal assessment tool
GPS	global positioning systems
IGETI	Improving Gender Equality in Territorial Issues
IUU	illegal, unreported and unregulated fishing
IT	information technology
KMP	knowledge management platform
LGAF	Land Governance Assessment Framework
LIS	land information system
M&E	monitoring and evaluation
NGO	non-governmental organization
ODK	open data kit
PLD	participatory land delimitation
QGIS	quantum GIS
RAI	Responsible Investment in Agriculture and Food Systems
SDC	Swiss Agency for Development and Cooperation
SDG	Sustainable Development Goals
SECOP	social and environmental code of practice, Ethiopia
TG	technical guide
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests



1 Introduction

For billions of people in the world, their food security depends on their tenure security. The eradication of hunger and poverty and the sustainable use of the environment, depend in large measure on how people, communities and others gain access to land, fisheries and forests. The livelihoods of many, particularly the rural poor, are based on secure and equitable access to and control over these resources. They are the source of food and shelter the basis for social, cultural and religious practices and a central factor in economic growth.

Improved land governance has become a development priority. At the global scale, the recently endorsed Sustainable Development Agenda and its Sustainable Development Goals (SDG) and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) (FAO–CFS, 2012) provide unprecedented global momentum and a framework for States and other stakeholder groups to improve tenure governance. In the African context, this momentum is further strengthened by the provisions of the African Union Declaration on Land Issues and Challenges in Africa (AU Declaration) and its Framework and Guidelines on Land Policy in Africa (F&G) (AUC-UNECA-AfDB Consortium, 2010).

Since the endorsement of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) by the Committee on World Food Security (CFS) in 2012, the European Union and the Swiss Agency for Development and Cooperation (SDC) have been providing financial support to the implementation of the VGGT and the Framework and Guidelines on Land Policy in Africa (F&G) through the European Union Land Governance Programme (EULGP).¹ The programme has a Pan African (fostering political leadership on land governance, elaborating monitoring and evaluation core system), a Transversal (systematizing the knowledge sharing and aggregating lessons learned among country level projects) and a country-level (addressing specific country level land governance issues using VGGT and, in Africa, F&G) focus, and is contributing to improved governance of tenure of land, fisheries and forests, to eradication of hunger and poverty, to sustainable development and to the sustainable use of the environment.

Two transversal projects were launched under the programme:

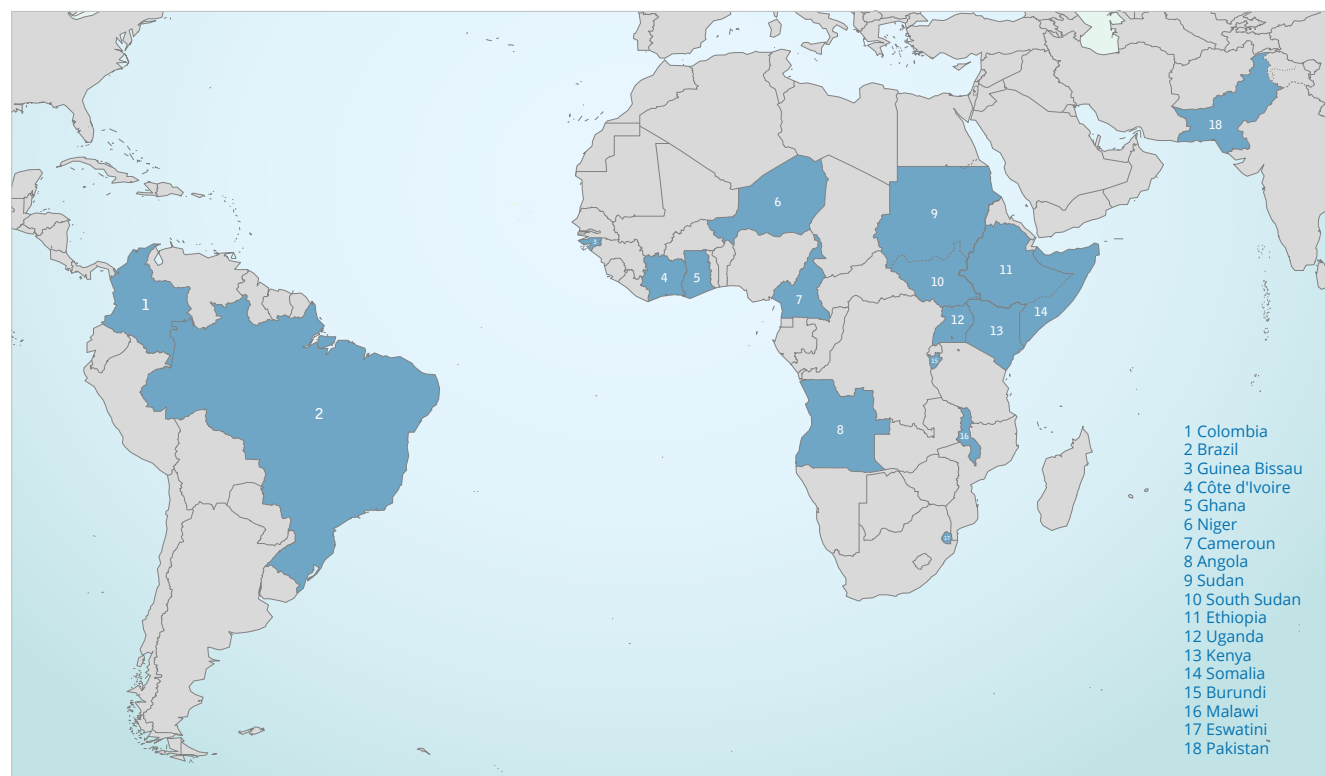
1. [Support to and Capitalization on the European Union Land Governance Programme in Africa \(FAO, 2014\)](#)
2. [Support to and Capitalization on the European Union Land Governance Programme \(FAO, 2017\)](#)
(Hereinafter referred to as “transversal projects”)

The transversal projects coordinate and support 18 country-level projects: Angola, Brazil, Burundi, Cameroon, Colombia, Côte d'Ivoire, Ethiopia, Eswatini, Ghana (two projects), Guinea Bissau, Kenya, Malawi, Niger, Pakistan, Somalia, Sudan and Uganda. The projects have provided support in the area of capacity development, capitalization of experiences, monitoring and evaluation (M&E). It has also provided a platform for lesson learning, exchange of experiences and capacity development for the country level projects.

¹ European Union Land Governance Programme (site accessible at <https://www.africallandpolicy.org/eu-programme/>)



Figure 1 - Transversal projects



Source: FAO, 2020, conforms to Map No. 4170 Rev. 19 UNITED NATIONS October 2020

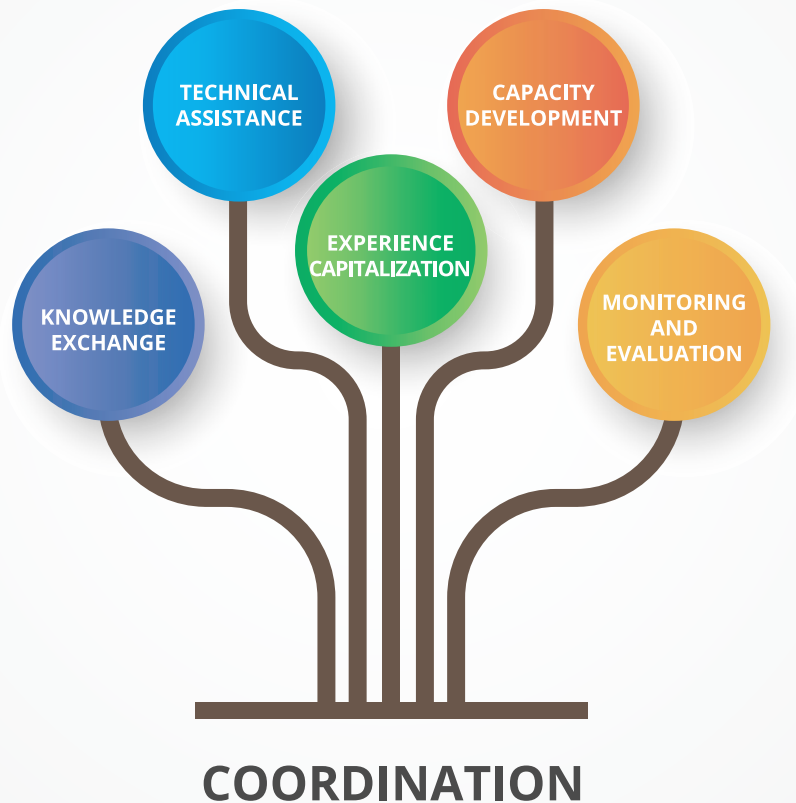
Phase 1 Angola, Burundi, Côte d'Ivoire, Eswatini, Ethiopia, Kenya, Malawi, Niger, South Sudan and Somalia.
Phase 2 Brazil, Cameroon, Colombia, Ghana, Guinea Bissau, Pakistan, Sudan and Uganda.

The EULGP projects are aiming at improving the governance of tenure. They reflect the complex and diverse nature of tenure issues in the countries, especially those related to land. Correspondingly, there is no one size fits all approach as reflected in the wide ambit of the VGGT and F&G. The project also promotes the integrated application of VGGT and F&G on the African continent to ensure synergies and complementarities in the application of the two instruments. They are also intended to provide an opportunity for building capacities at country and continental levels for mainstreaming their provisions. Overall, the transversal projects have led to significant progress concerning governance of tenure within the framework of the VGGT (and F&G for Africa related projects).

This report covers lessons learned, experiences gained, best practices and challenges encountered in the implementation of the Phase I (that started in May 2014 and ended in December 2019) and Phase II (that started in December 2016 and will end in December 2020). In addition, key emerging issues likely to impact on the governance of tenure are identified. The report is based on available in-country project progress reports and minutes of capitalization meetings (AUC-UNECA-AfDB Consortium, 2010) carried out under Phase 1 and Phase 2. Capitalization meetings are a cornerstone in FAO's Transversal Project. The objectives of these gatherings are to assess progress in implementation, develop capacity of project teams, share experiences and lessons learned, and provide a platform for networking and deepening interaction among country level project implementers to improve performance.



Transversal Support



Organization of the report

The report is organized along the following key thematic areas:

1. Policy and legal reforms
2. Institutional frameworks and development
3. Tenure governance and land administration
4. Capacity development
5. Conflict resolution
6. Gender equity/Women's land rights
7. Improving governance of pastoral Lands
8. Responsible agricultural investments
9. Sustainable fisheries management

The report focuses on the identified lessons learned, best practices, innovations and challenges in improving the governance of tenure to achieve food security and nutrition and improvement in the use of the environment. It also highlight emerging issues that are likely to affect tenure security and governance.





2 Lessons learned

2.1 Policy and legal reforms

Land issues are political and therefore the political will to bring about change and develop new reforms is crucial. Engagement and dialogue should be held with policy-makers and key stakeholders at national and regional or local level, amongst different well-placed actors, by dealing with those who wield power.

Experiences show that land issues are still sensitive and require two pronged approaches:

- engaging decision makers and key actors during project preparation and early in project implementation on policies to foster responsible governance of tenure and natural resources; and
- working from community levels with rural people promoting sustainable practices.

The lessons learned across the projects emphasize the benefit of using the VGGT and F&G to generate evidence to convince Governments to improve land governance and land administration at country level, including through participatory approaches, community mobilization and inclusiveness.

2.1.1 Creating enabling political environment

Political support varies from project to project and country to country. As it is fundamental to the success of the projects, the political environment should be dealt with in a sensitive manner in order to ensure the necessary support from policy makers. Champions should be identified at project inception to advocate for the project to ensure political buy-in where there are challenges in dealing with political leaders. Furthermore, continuous engagement and sustained advocacy at the highest political level are a necessity.

The in-country projects have had diverse experiences in pursuing land governance reforms with varied degrees of success as well as challenges faced. There is consensus that political will is key to land governance reforms and that land governance reforms should be guided by participatory multi-stakeholder processes of planning, implementing and monitoring that reconciles different livelihood groups and stakeholders. Sensitization is not enough. Other key issues to consider include the need for capacity development, participatory policy development and implementation, and developing an adequate evidence base for decision making, which is publicly available to all stakeholders. By working closely together with the government, content and process of land reforms can be determined and agreed.

In order to ensure tenure security for all, countries have no choice but to undertake land reforms and to make sure that all laws are responsive to the needs of today and lay foundation for sustainability for the future. In order to convince decision-makers to amend insufficient land policies, policy and legal gaps should be identified.

It is a long process that requires patience and to set the agenda right. Pro-poor land policy development requires medium to long-term engagement to ensure participation and inclusion of all stakeholders and representation of their voices in policy actions.

To ensure a participatory process with inclusion of the community, consultations in preparation of the land reforms organized at community level could be a means to ensure the collection of meaningful inputs

2.1.2 Legal and regulatory framework

A multi-sectorial body with well-defined mandate is a pre-requisite for land policy discourse and development.

The political nature of land governance is such that the challenges of the sector cannot be addressed in isolation from the overall political governance framework. The multi-stakeholder body has a stronger legitimacy if it is established as a legal body as was observed in Somalia.

Amendments of existing or formulation of new legislation and policies should be based on identification of existing gaps and available evidence-based information.



In Angola, the existing land law was approved in 2004. It provides a useful framework but requires reform to address identified gaps such as formalization of customary land rights. The country project provided an opportunity to address these gaps and reignite the possibility of more substantive reform. An analysis of the Angolan land-related legislation against the VGGT has been conducted with a view to assessing potential gaps that may need to be addressed in order to ensure that international principles are embedded and the procedure for recognizing customary rights is simplified, understood and accessible to the local populations. In this sense, the approval of a provincial level by-law in Bié constituted a milestone not just for the project, but also for the country, representing the first document that formalized institutional mandates and the steps for the registration of customary rights.

New land policies should be formulated in close collaboration with the affected local communities and traditional leaders through participatory consultation processes. This is to ensure appropriate and suitable interventions and to improve the local ownership, which will most likely ease the implementation of the new policy.

In Kenya, policy and legal reforms are done by requiring public participation in the development of policies and laws through a Constitution (National Council for Law Reporting with the Authority of the Attorney-General, 2010) and Public Participation Bill (National Council for Law Reporting with the Authority of the Attorney-General, 2018). Each public authority is required to define and publish participation guidelines and prepare an annual report on compliance, both at the national and county level of and for any public institution.

Public participation must include publication in newspapers and holding dedicated events, where stakeholders can voice their concerns. In cases where persons or groups of people feel that laws and policies have been passed without appropriate consultation, the case can be brought to court. As such, there have been several incidents where laws and policies were

withdrawn to be reviewed. Inclusive processes can be expensive and time consuming but the ultimate benefit in improving governance far outweighs the cost. As in many other countries, in Kenya, one of the big challenges in facilitating public participation are limited resources.

In Niger (FAO, 2019), the elaboration of a new land policy has extensively engaged with traditional authorities, giving them a very strong voice in the policy formulation process. They have thus been engaged in the whole process. Even though not all are for the changes, the majority support these, when proper awareness of the issues is carried out. Those who support the changes can furthermore become change agents and spokespersons for the government and in that way influence the policy and reform implementation constructively. This experience highlights the importance of engaging the community and traditional leaders from the onset.

2.1.3 Legal recognition of customary land rights

Legal recognition of customary tenure rights is essential not only to the right holders, but also to ensure security of all tenure rights and comprehensive land administration systems. However, laws alone do not reform. There must be a defined implementation process and plan.

The process of obtaining legal recognition of these rights require concerted efforts in order to change the patriarchal view on customary tenure right that has existed for a long time. Experiences from Colombia show that even though the law seeks to reduce the problems for the indigenous people, real recognition is still very limited. Legislation that partially recognizes the existence of these rights has been passed but land tenure rights are indivisible most of the time. In order to address this, specialized judges dedicated exclusively to this issue have been appointed.

In Kenya, the National Land Policy (Ministry of Lands of Kenya, 2009), together with the Community Land Act (National Council for Law Reporting with the Authority of



the Attorney-General, 2016), for the first time, formally recognize and protect customary and communal tenure rights. The Community Land Act also envisages the registration of community land by ethnicity, culture, geography and common interest and fully integrates the Food and Agriculture Organization of the United Nations' (FAO) approach to participatory land delimitation.

This will enable the recognition of rights by groups such as the pastoralist and thereby protect their livelihoods. In addition, both the policy and the law strictly emphasize equal rights of men and women and the necessity to include both men and women in the governance of land tenure.

In Malawi, a number of land related laws have been enacted, including a Customary Land Act (Gazette of the Government of Malawi, 2 September 2016). The Customary Land Act provides that the function to administer land parcels should go to the local authority. Village land committee chaired by the chief should be established, of which 50 percent should be women, to administer all land related issues in their village. A number of institutions have been put in the law to make sure that the process is transparent. There will be a traditional authority tribunal at the district level to make sure that disputes are dealt with expeditiously. Functions from central government will be devolved to the district level.

2.2 Institutional frameworks and development

Institutional stability is fundamental for implementing changes and improving tenure governance nationally. An institutional framework that provides a clear structure needs to be in place at both the national and local level. The existence of clear institutional structures and mandates can furthermore provide an opportunity to clarify rights, enforce rights and support dispute resolution. A change of mindset is always needed, which is a long-term process and require long-term commitments.

In Kenya, several reforms to improve efficiency in land management and land administration have been initiated. These include review of the policy documents, legislation, administrative structures and institutionalization including a national land use policy to strengthen governance systems on land tenure and a national spatial plan.

By introducing an institutional set-up and workflows conducive to effective work, ensuring sufficient delegation of authority and clear accountability lines, and commitment from the highest levels, tenure governance can be improved.

2.1.4 Challenges

Several challenges have been identified in connection with undertaking policy and legal reforms:

- **Inadequate legal and administrative framework**

Challenges related to this include gaps and contradictions in existing legal and policy frameworks, and laws and regulations non-compatibility with modern needs (causing delays in legal reforms), as was observed in Angola, Pakistan and Somalia.

- **Uncertain political environment**

In Angola and Burundi, it was noted that the overall political burden to deal with land issues and changing political agendas and priorities pose risks to the project implementation and implementation of new reforms and legislation.

- **Difficulties in reforming customary tenures**

Resistance by some traditional leaders to new legislation, delay in passing new legislation, strong traditional structures not conducive to the application of the VGGT and F&G, and contradicting systems are mentioned as challenges in Kenya, Malawi and Somalia.



High staff turnover is a threat to institutional stability and is identified by several of the country projects as a challenge in project implementation. Lessons learned from Angola show that in order to address this issue, technical, financial and legal sustainability can help in mitigating the effects of high staff turnover. Efforts to achieve such sustainability should therefore be prioritized.

2.2.1 Decentralization

Decentralization of land-related services to local authorities play a key role in establishing effective and accessible tenure governance system. Besides reducing the burden at the central level, decentralized institutions also enable a more timely, efficient and contextual land administration services delivery. Experiences from the country projects show that it is easier to implement a land tenure project in an environment where institutions providing land-related services are decentralized and responsibilities are deconcentrated.

In Malawi, a number of institutions are included in the Customary Land Act to make sure that the process is transparent. Traditional authority tribunals have been established at the district level to make sure that disputes are dealt with expeditiously. Functions from central government have been devolved to the district level.

Establishment of local authorities, e.g. operational land commissions or boards responsible for land governance including the identification and delimitation of land, and inventory of public lands is recommended for efficient decentralization. Work carried out by surveying teams could be organized and coordinated by these authorities. To involve the local community in the inventory activities, proper awareness-raising and mobilization efforts should be conducted. Inventory of public lands in Burundi and the mapping of pastoral corridors in Niger provide evidence for the success of this approach.

Local commissions or boards should be established in collaboration with the ministries and national institutions responsible for tasks related to the work of these authorities. It is essential for such decentralized authorities that adequate capacities exist. In order to ensure this, targeted capacity development might be needed.

2.2.2 Institutional mapping/mandates

To improve the institutional arrangements, an institutional mapping should be carried out. In that way, it is possible to obtain an overview of the responsibilities, roles, and mandates the various institutions hold. Moreover, functional gaps and overlaps in the institutional mandates as well as capacity gaps can be identified and addressed.

Scattered mandate for dealing with land issues between multiple sector ministries results in overlapping and conflicting roles and responsibilities, which obviously constrains a smooth implementation of efficient tenure governance. There must be a clear division of responsibilities and roles to avoid contradicting policies and lack of coordination between and within institutions and departments providing land-related services.

In relation to project implementation, a lead entity should always be identified. In some countries such as Niger, a government institution (*Code Rural du Niger*) is leading the implementation of the project or a government agency assisted by technical assistance agencies as in Eswatini and Malawi. In others such as Burundi and Ethiopia, it is international organizations while in Angola and Côte d'Ivoire it is CSOs. In Somalia and Kenya project implementation is undertaken by FAO in collaboration with the relevant government institution. It seems that there is no advantage of one over the other. However, in all cases governments should play a lead role in the implementation of the projects, as it is through government processes that project impacts are sustained. In Angola clarification of institutional mandates and streamlining of processes and procedures facilitated the recording of customary land rights and provided the evidence for the legal reforms. If capacity gaps are identified, capacity development strategies should be developed.



In Kenya, such strategies have been completed at all levels in two counties to support sustainable governance of communal lands.

2.2.3 Customary institutions and structures

Functioning traditional institutions play a critical role in managing tenure rights, e.g. by dealing with land disputes and conflicts resolution, allocation of land, managing rural land uses, etc. They are the bedrock for managing tenure issues at community level and it is therefore important to ensure that the practices are grounded in the statutory laws. It is also important to support capacity building of the community, which is best built on existing systems and institutions.

As examples of a well-functioning customary institution, the project in Somalia highlights the institution of elders whose actions are grounded in traditional rules and practices, and the project in Eswatini highlights the management of Swazi Nation Land that is grounded in the customary structures. In Malawi and Kenya the Customary Land Act and the Community Land Act respectively provides legal recognition for customary systems for tenure administration.

Cultures and customs have a way of uniting people. It is beneficial to incorporate such customs in projects aiming at improving tenure governance, as communities often have a strong attachment to these and it is thus a good way to integrate them in the process. Local customs should always be respected and acknowledged. However, there is always the need for harmonizing customary and statutory approaches for land governance.

Identifying the appropriate role of customary institutions can be a challenge. In Niger, it is important to be aware that the traditional structures are recognized, and customs are enshrined in laws. The law stipulates that the customary chiefs are the first to intervene in disputes with the objective to reconcile. They have the competence to regulate all the disputes between the rural actors in the context of customary tenure. Oftentimes, the underlying issue to address is how to share territory. In some zones the chiefs have had a very strong influence.

2.2.4 Challenges

A number of challenges are mentioned in relation to improving and developing institutional frameworks, including:

- **Lack of comprehensive and integrated institutional framework**

For example, in Eswatini there are two parallel institutional frameworks for dealing with customary and statutory tenures.

- **Poor institutional arrangements**

Absence of a lead government institution/ministry and unresolved institutional arrangements are major challenges for the project implementation. These challenges were encountered in Burundi, Eswatini, Guinea Bissau, Kenya and Somalia mention.

- **Capacity gaps and inadequate human and institutional capacity at national and local level for tenure governance**

All the projects identified this challenge as a key issue to be addressed.

- **Overlapping, scattered and unclear mandates and lack of division of roles and responsibility amongst government agencies**

In Somalia it was reported that there are 12 ministries who claim mandates for land in Somaliland.

- **Inadequate coordination amongst different government institutions, between the administrative levels as well as across different sectors and service providers**

Several projects, including Burundi, Ethiopia and Sudan, raise this issue.

- **Difficulties in integrating customary institutions**

In Eswatini, challenges exist on how to integrate the customary institutions in the tenure governance process and statutory institutions charged with the administration of registered land, resulting in two parallel structures.



• Institutional uncertainty

Frequent changes in institutional structures, e.g. mergers and splitting of ministries, cause uncertainty and affect project implementation in terms of time, resources, division of responsibilities etc.

High government staff turnover in government institution is also mentioned as a challenge in Brazil and Ethiopia.

2.3 Tenure governance and land administration

The governance of natural resources starts from a social and historical construction, determined by the characteristics and dynamics of the territory or the particular community. Therefore, the success in the implementation of development initiatives largely depends on the permanent dialogue between community and territorial actors and the executing entities.

Land is not only an economic asset, it has major historical, political, social and cultural significance. Hence, to improve land administration and tenure governance, a holistic approach and respect for the historical and cultural traditions are needed. A thorough understanding of the context in which a project is to be implemented is important and should complement the availability of subject expertise. Supporting all technical teams is essential to understand the context of each territory and to design adequate communication products.

Processes relating to securing tenure rights require:

- time (need for inclusive consultation and construction of appropriate levers);
- effectiveness (choice of tools and approach, animation);
- efficiency (accessibility, replicability); and
- strategy (plan for the sustainability, risk management, dispute resolution).

The State is the primary entity for undertaking responsible governance of tenure. This should be acknowledged and adequate capacity and financing mechanisms to ensure the sustainability of land security actions should be provided. Participation of technical staff in the project activities represents both a safe entry point to the rural communities, and a sustainability exit strategy.

Pilot projects provide a great opportunity for testing planned approaches and chosen technologies, before scaling up to the national level. It is important to carefully choose pilot areas, particularly in order to avoid potential conflicts, and to quickly setup structures where the pilots are being implemented. Factors that have influenced choice of pilot areas include:

- receptive communities willing to participate in project activities;
- cooperating customary/community leadership;
- geographic area sufficiently large enough to generate good results for scaling up;
- willingness of local authorities to support and participate in project activities;
- conflict-free locations where projects can be undertaken without interruptions.

Selection of pilot locations in Eswatini, Malawi, Uganda and Côte d'Ivoire were influenced by these factors. Scaling up should be based on experiences from the pilots and through a highly consultative and participatory process of programme development.



In Malawi, the use of pilot projects and programmes have provided valuable ground work that the country project can build upon. This include the establishment of a participatory multi-stakeholder platform to address tenure issues, development of stakeholder capacities to actively engage, and sensitization about tenure issues at all levels. Before starting project implementation, appropriate measures to minimize the possible negative effects are required. In addition, a social and economic impact analysis should be conducted.

2.3.1 Mapping of land rights public, customary and private

To ensure a coherent cadastral map, mapping activities should be carried out continuously, and mechanisms to regularly update the map, when changes are made, should be introduced. Sporadic mapping will lead to increased implementation costs. Generally, there is a need for support on cadastre administration, which should thus be provided at all levels. It can be a challenge to assess which technology is most suitable, and to manage lack of physical and technical resources. In this regard, some approaches may be prohibitive from a time and resource perspective and are consequently not suitable for the purpose.

Different enabling technologies have been used in the country-level projects to meet country-specific needs and requirements, including: Quantum GIS (QGIS) in Burundi, Open Tenure in Angola, OpenDataKit (ODK) in Eswatini, Open Tenure for fisheries in Ghana, and a Commercial Agriculture Management Information System (CAMIS) in Ethiopia. In Burundi, Côte d'Ivoire, Eswatini, Ghana, Kenya, and Uganda, mobile devices have been used to collect data on tenure rights. If appropriate, cadastral mapping can be done by using ortho photos or satellite imagery (if the resolution is high). Determining actual accuracy requirements is extremely important in surveying and mapping. The Kenyan country project used cell phones rather than Global Positioning Systems (GPS) and Total Stations. The accuracy was seen as sufficient for rural areas, particularly in perspective of the alternative cost and time requirements. Boundaries were determined through natural markers, which are relatively stable such as rocks or mountains. Trees can easily be burned down and are thus not suitable for the purpose. Proper and participatory involvement of the affected landowners and land users are a prerequisite for successful mapping

of land rights. Participatory demarcation techniques, consulting different groups separately (e.g. women, men, youth, elderly, migrants, the vulnerable, etc.) and in combination can be useful in this regard.

In Malawi, land is held by local chiefs in trust for the population. Tenure rights are often known but not documented. Chieftdom boundary disputes often hamper the potential of land as a major factor in economic development. Participatory methods to asses land use and secure land rights are applied, such as Participatory Land Delimitation (PLD) as well as territorial development approaches. The local community should play a key role in the identification and demarcation of land parcels for example, through participation in local teams working in the field.

The approach of participatory land demarcation, i.e. involving the entire community in determining the boundaries, has proven to be very successful in Angola, Kenya and Uganda. In Angola, a simplified set of procedures for participatory land mapping is developed. One or two preliminary meetings are completed in each community prior to starting with the process of delimitation.

These meetings are necessary to introduce the project, first to the community leaders and then to the whole community. Subsequently, the technician holds a session to explain the main messages of the land law related to the rural communities' rights. This part of the process is key, as all kind of doubts must be cleared before going ahead with the subsequent steps. Finally, the participatory delimitation is carried out through 6 or 7 additional encounters. On average, the entire process requires between 8 and 10 encounters at community level. Field technicians from the municipal administrations accompany the process in every step,



not only as part of their on the job training, but also as a guarantee to the communities that the process is developed in coordination with the government authorities.

In Kenya, prior to taking coordinates, communities were sensitized about the process and its implication and their rights according to the land law and the VGGT. This was important to avoid misinterpretations or dangerous situations. Teams of 5-7 people from different stakeholder groups, including extension workers, NGOs representatives and staff from FAO and the Ministry, who were trained to carry out the task, conducted the demarcation. A prerequisite to this process was that the laws and regulations were in place. Once the map is finalized, it is good to have it signed by an authority, such as the governor of the County.

Cost of surveying appears to be a challenge for the projects. The project in Côte d'Ivoire recommended that the State is encouraged to negotiate with the surveyors to reduce costs, in order to make their services more affordable and available and to speed up the process.

2.3.2 Experiences of using satellite imagery

To accelerate the process of registering land parcels, available technologies should be used as appropriate. A technology with potential to make a huge difference is satellite imagery, as it enables large-scale delimitation based on natural boundaries. Moreover, the use of satellite imagery provides a solution to the accessibility problems of certain areas. The technology has been used in several of the EULGP projects, with success.

In Niger, land registration and certification were an immediate need. 12 million hectares have been identified through satellite imagery, which are now used by tenure right holders after ground-truthing.

In Ethiopia, the project has benefited from freely available satellite imagery at a good resolution, provided by the European Joint Research Centre through sentinel satellite imagery.

The free data from European Union and others are enlarging the opportunities for using geospatial data for agricultural monitoring in general and for land governance related applications in particular. In the Ethiopian project, the imagery is used for monitoring large-scale investments over time. The project illustrates the potential of sentinel satellite data, which in combination with innovative cloud processing techniques makes it possible to map land conversion activities with a high level of detail.

Satellite imagery can furthermore be used for monitoring land use change related to large-scale investments. Depending on the situation, it can also be used to distinguish crop types. However, the resolution of the images is low for more detailed monitoring including farming practices or assessing environmental impact. More studies and application cases are needed to better demonstrate the usefulness, the obtained versus the required accuracy, potential for related information needs, costs, etc.

2.3.3 Land information systems

Existing cadastral maps and registered boundaries should be taken into consideration when new boundaries are registered. If possible, the records should be digitized in order to avoid overlap between the maps and to ease the administration of the data. Various software could be suitable for the purpose.

In Malawi, the Ministry started digitizing the existing land records, geo-referencing existing information with what is on the ground to make sure overlaps are dealt with. Existing information was checked for accuracy.

Quality assurance is always important in order to ensure that the final product is trustworthy and acceptable.

In Burundi, Kenya, and Malawi, project data has been integrated into national Land Information Systems (LIS) and Databases. The technology should be chosen based on the country context. Countries should develop adequate technical capacities to ensure customization and future support of the IT solution. However, use of a combination of multiple mapping technologies should be done with caution, as this can result in map overlaps.



In Angola, a GIS software was needed to implement the integrated land information system at local administrations level. The initial idea was to use commercial GIS-software, which has been finally discharged, given the reason that an open source technology (Quantum GIS) would be financially and technically more sustainable.

In Uganda, customized software is used. The challenge has been availability of cadastral information. The ministry is thus digitizing land information and developing a national land information system.

In Niger all the data collected on the pastoral corridors, tenure rights holders, land use dynamics and maps have been integrated into the national land information system. One method applicable to the establishment of boundary lines and creation of a cadastre is the use of a general boundary system. Somalia planned to use such system, which is created based on natural features. Due to high precision requirements, qualified surveyors would be needed in order to meet this. However, the level of accuracy does not necessarily have to be very high to establish a general boundary system. In that case, the natural features should be identified using either ortho photo maps, where the boundaries are marked on the maps in the field, or by using satellite imageries. As digital ortho photos are very expensive, satellite imageries could be used as an alternative.

2.3.4 Recording/registration of all tenure rights

A well-functioning land registry form one of the key infrastructures for a good land administration system. Political will is key to developing a functioning land registry that respects the rights of all legitimate tenure rights holders. In addition, every registration system requires a valid legal basis supporting the system.

The full set of activities accompanying demarcation are more important than the act of identifying coordinates or selecting the appropriate technology. This includes the need for community sensitization, establishing buy-

in, ensuring a participatory process and appropriate adjudication, dispute resolution, and grievance mechanisms.

Good land governance contributes to secure tenure rights, which may help communities or individuals improve their food security and economic status. For example, secure tenure rights can facilitate access to loans. Moreover, secure tenure rights are associated with greater incidents of environmental protection and a more sustainable land use.

In Niger participatory approaches were adopted for the recording of tenure rights to prevent mistrust and avoid objections. All identified key stakeholders participated. The people were sensitized about their rights and the communities provided the necessary legitimacy for the claims they made.

In Angola, a cadastre is being established at the provincial level. The experiences show that it is extremely difficult to make the first attempt to record tenure rights and to determine, who initially had the right to a resource. In order to determine this, it should be clarified where rights originated from and how they arise, before deciding on what to register, particularly in situations where the specific rights are not recognized by the country laws.

Registration processes may often result in opposing claims. This does not speak against registration itself but underlines the centrality of having an appropriate adjudication process, conflict resolution and grievance mechanisms in place.

In Côte d'Ivoire, Malawi, Kenya and Angola, customary rights are legally recognized and title certificate are being provided and registered. In this regard, the registration process for land held under customary tenure should be clarified.

2.3.5 Challenges

The main challenges identified in relation to improving tenure governance and land administration are:



- **Local and national resistance**

Resistance against change and the chosen approaches and refusal to participate in registration exercise at community level, low public support in securing land tenure, low levels of stakeholder and civil society participation, limited uptake of VGGT at country level, and delayed start of the project implementation due to the government reluctance in approval. The projects in Burundi, Côte d'Ivoire, Eswatini, Malawi, and Pakistan have mentioned these challenges.

- **Technology issues**

Change of developed software for recording of customary land rights in the middle of the project implementation; difficulties on gathering field data and automatically and easily integrate them into the existing system; complications of working in various coordinate systems, as urban and rural areas use different systems; problems with geo-referencing uneven grounds; maintaining and improving capabilities in geo-referencing; and integration of tenancy data into the national land information system. These challenges are mentioned by Angola, Niger, and Uganda.

- **Inadequate human and institutional capacity**

The challenges mentioned include low capacity to make significant progress in operationalization of the VGGT and the CFS Principles on Responsible Investments in Agriculture and Food Systems (RAI principles); low capacities of CSOs; few qualified human resources

and high staff turnover; limited understanding among stakeholders on how to use the VGGT in practice although awareness is increased; and lack of assistance to certify all lands within the project area. These challenges are raised by the projects in Côte d'Ivoire, Ethiopia, and Malawi.

- **Lack of access to and inadequate data**

Challenges related to this include lack of provision of data from the Ministry due to sensitive nature of the information, lack of up to date information on land, and poor land information systems. These issues are mentioned by the project team in Kenya and Pakistan.

- **Difficulties on maintaining mobilization and commitment of authorities**

The project in Niger mentions that it is a challenge to maintain the mobilization and commitment of the authorities in the implementation and improvement of land governance.

- **Inequality issues**

Inequitable distribution of tenure rights, e.g. due to competition over resources, infringing the tenure rights of minorities and the vulnerable. These issues are raised by the projects in Pakistan and Somalia.

- **Cumbersome and inefficient land registration process**

The challenge is mentioned by the project in Ghana.

2.4 Capacity development

Capacity development requires continuous intervention and trainings and is not a one-off exercise. It implies supporting a process of learning and change, which takes time. Capacity development activities and collaboration among stakeholders are fundamental to the implementation of any development activity. Improving the governance of tenure through the implementation of the VGGT and F&G should thus be carried out through agreements and joint work between the relevant institutions and social organizations with the purpose of raising awareness and developing capacities. Capacity development for the integrated implementation of VGGT and F&G needs to be carried out at all levels, particularly at governmental level. A capacity assessment should be done at the beginning of project implementation, in order to determine the capacities that are needed. Subsequently, a plan for the suitable activities can be decided. Flexibility and adaptation in capacity development are essential, and interventions should be tailored to the specific demands and context.



2.4.1 Training of stakeholders

Capacity development should be comprehensive and target all key stakeholders and should be conducted from the outset and throughout project implementation. As tailored trainings enhance performance, specific modules should be developed for the purpose of training all stakeholders. In addition, sufficient time should be allocated to training the project team. To increase the training efforts, there should be a focus on training of trainers.

In all country projects, extensive capacity development activities have been completed and various initiatives have been introduced to undertake tailored training of stakeholders. In Ethiopia, capacity development interventions were designed based on a thorough assessment for identifying capacity gaps. A number of methods were used to carry out the assessment, including stakeholder analysis, detail institutional business plan, gap assessment, team discussions to identify the gaps and consultation with directors.

The assessment showed a lack of awareness on the VGGT, F&G, the RAI-principles and other international tools among government officials, experts, investors and local community. The tailored training showed great results for all stakeholders involved. An impact assessment of the trainings provided indicated that tailored trainings enhance the trainees' performance concerning service quality and efficiency. In Burundi, a Memorandum of Understanding (MoU) was established with a local training body and in Kenya a webinar to promote improved land governance was held.

At the transversal level, multiple trainings have been carried out, covering a range of thematic topics, including training on improving governance of tenure, gender equitable governance of tenure, improving governance of pastoral land, fisheries tenure, addressing climate change impact, enabling technologies for improving tenure governance, addressing tenure disputes and conflicts, designing capacity development interventions,

responsible agricultural investments, engaging CSOs, facilitating multi-stakeholder processes, and monitoring and evaluation. FAO has developed a comprehensive platform for capacity development, consisting of a wide range of specialized and technical publications and e-learning courses. These could form the basis for the capacity development process together with other relevant tools and materials, including F&G tools, M&E Framework and the Knowledge Management Platform (KMP).

2.4.2 Awareness raising and sensitization

Awareness raising on VGGT and F&G should be carried out throughout project implementation, as the way forward to ensure a proper implementation of the principles based on participation and consultations with local communities and government in all countries.

Sufficient resources should be allocated to awareness raising and sensitization activities, as they need to be carried out continuously in order to ensure engagement of key stakeholders.

In Malawi, sensitization of targeted stakeholders through awareness raising platforms increased their understanding and engagement in securing tenure rights. It is however important to sensitize not only communities but also those providing services on land laws. Experiences show that translating the VGGT and related technical guides into local languages can be very useful for sensitization efforts and achieving a better understanding and application of the principles.

In Ethiopia (FAO, 2014) the VGGT and a technical guide were translated from English into Amharic to increase its uptake and usage, as well as the VGGT were translated from English into Portuguese in Angola.²

Working at grassroots level is important as raising the awareness of communities about their rights leads to stronger credibility of the project from the perspective of local government institutions.

² Portuguese version of VGGT yet to be officially published



To ensure appropriate awareness raising throughout the project implementation, a communication strategy should be developed with targeted messages to identified stakeholders.³

2.4.3 Multi stakeholder processes and platforms

All stakeholders should be engaged in the project initiation and during implementation, as their ownership of the project is of critical importance for successful implementation. This involvement is crucial and time consuming. Sufficient time and resources should therefore be allocated to this matter. A clear identification and acknowledgement of all relevant stakeholders and their roles are key. In addition, it is important to build trust between the parties involved through transparent and accountable mechanisms and adequate and inclusive consultations. Land issues are sensitive in all the countries implementing the projects. They are 'transversal' in many countries with many institutions having mandates to deal with different aspects. Country level platforms are therefore necessary for dealing with the issues holistically.

Working with various stakeholders offers opportunities to influence and improve the way the stakeholders act. For example, working with associations representing private sector interests can convince their members of the need to take community land rights into account in their operations, as well as close collaboration with CSOs, offers great opportunities to address and involve local communities and in that way have an actual impact at the grassroots level.

The involvement of stakeholders is an ongoing process where continuous dialogue, consultations and coordination are necessary throughout the life cycle of the project. In Sudan, continuous consultation with project stakeholders has created trust between institutions with overlapping mandates and customary leaders.

In Ethiopia, a G-7 Platform on Land chaired by the Government enables all land related projects to report on a common platform and share information, creating useful synergies and avoiding duplication. The Ethiopia project regularly reported to this platform.

The experiences from the transversal projects show that the involvement of stakeholders can be done in several ways, including the following from Angola, Kenya, Malawi, Somalia and Sudan.

In Somalia and Sudan, a stakeholder analysis has been conducted to identify state and non-state actors directly or indirectly involved in land issues. In Somalia, the mapping of stakeholder profiles has provided a better understanding of their interests and priorities.

The analysis helped in formulating a strategy for engagement with the stakeholders. In Sudan, it was considered as particularly important to conduct a stakeholder mapping and develop tailored strategies to approach each of the different stakeholders. These are very important strategies for dealing with land issues in post-conflict situations.

In Kenya, particular attention was paid to identifying key players in the project from the outset, in order to ensure that all stakeholders are involved and, in that way, avoid gaps in the project implementation. A Programme Advisory Committee was established to advise, plan and endorse implementation of the programme at national and county level. As a result, the programme can collectively identify priority areas to work on and national ownership and accountability of project activities are strengthened.

In Malawi, based on an existing Land Governance Assessment Framework (LGAF) multi-stakeholder platform, a participatory multi-stakeholder platform (VGGT/LGAF Task Force) was established to address and coordinate tenure issues. The scope of stakeholders was broadened to involve tenure governance in the areas of land, fisheries and forestry and ensure coordination

³ A copy of the Transversal Communication Strategy is available at https://www.africandpolicy.org/eu-programme/sites/default/files/Project-communication-strategy_0.pdf



among the three sectors. The focus of the task force has evolved to include support to the VGGT activities and project implementation, and to identify priority areas concerning land, fisheries and forests.

Through the platform, the coordination among stakeholders and their capacities to actively engage in the governance processes have been improved and developed.

In Angola, World Vision and Development Workshop supported the Government by strengthening the link between the Government and local communities.

The two organizations provided advocacy, support to monitoring and capacity development to the Government. At the same time, the organizations sensitized communities and developed their capacities.

2.4.4 Challenges

The challenges identified relating to capacity development include:

- **High staff turn-over**

High staff turn-over of technical personnel and stakeholder staff can eliminate all efforts in the area of capacity development.

This also include staff being moved to other areas of the administration, as experienced in Angola, Ethiopia and Sudan.

- **Low levels of stakeholder and civil society participation**

The challenge is mentioned by the project in Eswatini.

- **Low number of women participation in trainings**

The experiences from the country projects generally show a low number of female's participation in trainings and meetings. The challenge is specifically mentioned by the project in Ethiopia.

- **Fragmentation of CSOs and NGOs and difficulty in having a unified approach to tenure governance**

The issues is raised by the project in Kenya.

- **Poorly developed and low capacity of grassroots' institutions to engage**

The challenge is put forward by the project in Somalia.

- **Poor coordination among stakeholders is mentioned by the project in Ethiopia**



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2.5 Conflict resolution

Responsible tenure governance and administration provide the basis for preventing and resolving conflicts and disputes, as poor land governance is a major factor driving and perpetuating conflicts between and among communities. Sound legal and institutional frameworks that people are aware of and respect will reduce the potential for disputes and conflicts. Having clear, secure and registered tenure rights can significantly reduce the prevalence of disputes. Finally, the existence of a clear institutional structure can provide the opportunity to clarify and enforce rights and support dispute resolution. The country projects provide a range of experiences and best practices related to conflict resolution and mechanisms for handling disputes. In this regard, the following activities are carried out:

- Participatory mapping and recording of community/customary rights to improve security of tenure and reduce land related disputes in Angola, Ghana, Kenya, Burundi, Côte d'Ivoire, Eswatini, Malawi and Uganda. About 80 percent of disputes are resolved during the mapping process.
- Inventory of public lands to reduce land disputes and land use conflicts between the State and its citizens and improve security of tenure in Burundi.
- Introduction of dispute resolution mechanisms in Burundi, Colombia, Eswatini, Somalia, Uganda, and Pakistan.

In Burundi, the project addresses tenure related conflicts through different participatory approaches including identification and demarcation of boundaries of state lands, and ascertainment of legitimate tenure rights holders and the lands they occupy, using GPS and simple delimitation involving the entire community. In this process, the elders are consulted as they may have substantive knowledge about historic tenure rights. The elders are thus called upon to validate the authenticity of the tenure rights before they are registered. The project increases clarity over tenure rights and awareness of the legal and regulatory framework and thereby ultimately reduces the number of disputes and conflicts. Legal support and mediation are provided in case of disputes over the registration of state land, and a roadmap for decentralized management of private lands has been proposed.

In Eswatini, conflicts related to large-scale commercial agricultural investors are reduced and resolved through trainings on conflict resolution management and public hearings within the communities organized by NGOs. Separate interviews and discussions are first held with the communities then with the investors before both parties are brought together. In Niger, land use is separated into an agricultural zone in the south and a pastoral zone in the north. To resolve conflicts between these two dominant land uses, the project identified and recognized legitimate tenure rights of pastoralists in both zones, mapped the pastoral corridors and resolved potential disputes between pastoralists and agriculturalists thereby formally providing the ground for safeguarding their rights with a view to decreasing the potential for conflict.

In Sudan, successful handling of land related disputes was part of the post-war reconstruction in Darfur, using participatory and inclusive processes. As a first step, the project conducted assessments to understand the causes and drivers of conflicts in each project locality, in order to be able to address these. Subsequently, peace negotiation platforms that addressed disputes over land resources in order to prevent further conflicts have been established. Finally, communities and their leaders are trained on land resource management to reduce competitions that can cause conflicts, as well as identifying champions and training them to be ambassadors of peace.

In Uganda, 80 percent of the disputes over private *Mailo* lands have been resolved during mapping and recording of tenure rights. The disputes were settled at sub-county level through mediation provided by the Sub-county committee. The type of disputes included boundary cases, disputes between landlords and tenants, and disputes related to land that was first given and then afterwards withdrawn.



2.5.1 Challenges

Challenges mentioned regarding dispute resolution include:

- **Creation of a dialogue**

The project in Colombia highlights that it is a challenge to create a dialogue that allows confidence and participation, in order to develop management capacities and consolidate the governance of land, fisheries and forest tenure, to mitigate conflicts in protected areas.

- **Oral agreements between landlords and tenants in Uganda**

In addition, responsibilities and mechanisms to address unforeseen circumstances are unclear. Consequently, the tenants are disproportionately affected, as risk is not always shared among the parties.

- **Lack of access to the justice system**

In Pakistan, tenant farmers and sharecroppers (*Haris*) do not have any access to the justice system and legal recourse in case of disputes or conflicts with their landlords.

2.6 Gender equity/women's land rights

There is a general need for mainstreaming gender equity in land tenure governance. Access to land is a basic requirement for farming and control over land is synonymous with wealth, status and power in many areas. Strengthening women's access to and control over land is an important means of raising their status and influence within households and communities. Improving women's access to land and security of tenure has direct impacts on farm productivity, food security and can also have far-reaching implications for improving household welfare.

Gender equity should be mainstreamed into the governance of land tenure to ensure that the interests and needs of all people – women and men – are addressed and that the processes and institutions for land tenure are transparent, consultative, participatory, and corruption free.

In Kenya, a gender and land situational analysis has been completed as well as training on Improving Gender Equality in Territorial Issues (IGETI) (FAO, 2012) has been conducted.

In Malawi, the turning point in successfully addressing gender issues with regard to tenure was a legal requirement to register property jointly.

In Côte d'Ivoire for the first time, a woman was able to secure land rights through inheritance and had the same registered and issued with a land certificate in the cotton basin. This is a starting point for improving the land rights of women in customary settings.

In Niger, awareness raising on the importance of gender-equity was included in grassroots level consultations and university curricula.

Strategies for increasing women participation in project activities should be prioritized. It is necessary to effectively ensure gender-equity, not only in formal systems but also within the framework of customary and religious practices.

This includes:

- Increasing capacities of girls and women to address tenure issues.
- Promotion of participation of more women in relevant meetings including through formalizing a minimum quota by



law (e.g. 30 percent as in Kenya) while ensuring their ability to participate, i.e. taking gender sensitive approaches to organizing meetings and the benefit in participating.

- Working on people's mind-sets through awareness raising and sensitization to reduce stereotypes and opposition to women's land rights.
- Mainstreaming gender-equity in laws and policies.
- Sensitizing men and women on gender issues and supporting women in improving their self-esteem to address tenure issues.

A number of tools to assist the process already exist, including e-learning modules and guidelines, e.g. the Gender Legal Assessment Tool (GELT) (FAO, 2014) that can be used for policy and legal analysis with a view to capturing the extent to which national legal and policy frameworks are conducive to gender equity.

2.6.1 Challenges

The challenges identified regarding improving gender equity and women's land right include:

- **Lack of solutions for securing the rights of women and encouraging women to participate in land governance activities**

Understanding the cultural aspects and finding solutions for e.g. breaking with certain customary and cultural practices that discriminate against women and dealing with resistance against implementation of land acts due to deep-rooted cultural issues against women land ownership. These challenges are mentioned by the projects in Cameroon, Kenya, Malawi, and Pakistan.

- **Lack of security of women's land rights**

In Ethiopia, women's land rights are not well secured, as stated in the law. To address this, awareness raising on women's land rights has been prioritized to ensure enhanced land tenure security and property rights.

- **Lack of or low level of representation and participation of women**

Analysis of women participation in activities organized by many of the projects, such as awareness raising workshops, trainings, natural resource mapping, etc., show varying levels of participation of women, but generally the numbers are low.

2.7 Improving governance of pastoral lands

Land tenure dominated by customary or communal practices often results in challenges in dealing with pastoral communities, in the light of increasing urbanization, high population growth, large-scale land-based investments, adverse impacts of climate change, increasing competing land uses and challenges associated therewith.

Capacities of decentralized structures and the effectiveness of land administration are key factors in ensuring the success of land governance processes regarding pastoral land.

In mobilizing customary authorities, a good understanding of the role of pastoral communities in household production and preservation of the environment is needed. Respect for traditional vocations, fairness, justice and responsibility in decision-making are challenges that should be handled well. To ensure reliability and completeness of data on pastoral areas and resources, the use of satellite images has been very efficient.



Initiatives to address these issues include:

- Enactment of legislation on pastoral land rights.
- Granting of temporary permits for the use of land with specific time frames for the temporary users, in consultation with the permanent dwellers.
- Undertake participatory land use planning that delimits the pastoral corridors.
- Sensitization and awareness creation on community's rights to land.
- Dealing with conflicts between farmers and pastoralists.

In Niger, designated pastoral corridors have been created through land use planning. Furthermore, a national inventory guide for rangelands and pastoral resources has been developed and adopted to frame the conceptual and organizational principles as well as the methodological approaches for developing an inventory of pastoral lands and resources.

To secure pastoral land, a land commission proceeds first with identification of the various actors concerned with the resources (administrative authorities and customary users of the resource, neighboring owners, technical services of the State, etc). After identifying a property, advertisement is organized for one month through local radio stations, the criers, markets and public places in order to inform the entire population of the process of securing the property. At the end of 30 days, if there are no counter claims, the land commission proceeds with demarcation, marking with paint and mapping of the pastoral land. Then, the prefect makes an order on the securing of the resource and its inclusion in the Rural file. Finally, the land commission conducts materialization of the pastoral space with tags or with a biological reality.

In Kenya, there has been a focus on community participation, and a platform for dialogue between conflicting communities has been created.

2.7.1 Challenges

The challenges identified in relation to improving pastoral land rights include:

- **Inadequate legislation**

The law should for example provide an opportunity to adopt formally recognized common properties as a route to securing many threatened pastures and forested lands.

- **Lack of adequate data and difficulties in delimiting**

pastoralists' lands as recorded in Kenya

- **Lack of collaboration and active participation in preserving pastoral spaces, particularly by local chiefs is identified in Niger**

- **Time-consuming processes**

Identifying and mapping pastoral resources requires a lot of time and resources given its sensitive nature.

- **Boundary disputes regarding grazing routes of pastoralists was identified as a challenge in Niger**

2.8 Responsible agricultural investments

Improving agricultural investments to ensure they are done responsibly and with respect to existing tenure rights related to the land involved, is crucial for achieving tenure security and food and nutrition security.

Among the transversal projects, in particular the project in Ethiopia aims at promoting responsible agricultural investments.



Several achievements and best practices can be highlighted based on the experiences from the Ethiopian project, including:

- The enabling environment for agricultural investment has been improved.
- A Social and Environmental Code of Practice (SECOP) (GIZ, 2017) was developed to assist investors in ensuring that their respective investments are inclusive, sustainable, transparent, and respect human rights.
- A Commercial Agriculture Management Information System (CAMIS) has been developed to improve the management of commercial and contract agricultural investments made in Ethiopia. It also provides detailed information on land that has been allocated and on the individual investor's performance such as lease agreement, investment support, notifications, project details and other important information (e.g. name, address, financial capacities, company type, etc.).
- A remote sensing monitoring tool for agricultural investments has been developed to assist in monitoring investments;
- Awareness has been raised on VGGTs and RAI-principles (CFS, 2014) among various stakeholders at federal and regional level to improve capacity for responsible agricultural investment.
- Support to establishment of investor's association, which provides a good platform for Training of Trainers.
- Support is provided to the Ethiopian Agricultural Investment Land Administration Agency (later transformed into Ethiopian Horticulture and Agriculture Investment Authority), including 1) capacity development at all levels; 2) engagement in multi-stakeholder processes and particularly the involvement of CSOs; 3) including the local population in planning, implementation and monitoring of large-scale land-based investments and the recording of tenure rights; 4) monitoring compliance of the current land moratorium; and 5) addressing valuation issues.

Based on the lessons learned from the project, it is clear that investments are cross cutting issues where government ministries and agencies need to work together, in order to avoid overlapping or conflicting actions. It is thus important to identify one Ministry as a main process facilitator for each relevant process. Successful collaboration requires establishing a joint vision by actively balancing potentially conflicting interests and views between Ministries. In some instances, coordination between Ministries can only be ensured if specifically requested and facilitated from higher levels, such as the Prime Minister or the President's Office. In Ethiopia, as a result of the project, communities are involved starting from the identification of land for investment. The negotiation may take months or years depending on the project, and if all goes well, the communities sign an agreement. Where conflicts occur between communities, investors and the Government, resolution mechanisms are applied, including mediation with elders and the court.

2.8.1 Challenges

Only a few challenges have been put forward, including:

• **Low responsiveness and lack of ownership**

The project in Cameroon mentions low responsiveness to the investor-community framework for dialogue initiative by a few companies and lack of ownership by the communities.

• **Lack of alternatives to large-scale land acquisitions**

The project in Ethiopia highlights that alternatives to large-scale land acquisitions are not yet properly

identified and that the list of best practice examples is short.

• **Institutional reforms in the middle of project implementation**

The Ethiopian Horticulture and Agriculture Investment Authority, where the project was anchored, was merged into two institutions, namely the Ethiopian Investment Commission and the Ministry of Agriculture.



2.9 Sustainable fisheries management

Lessons learned and best practices regarding sustainable fisheries management mainly emerge from the two country projects in Ghana. The projects focus on rights to landing sites, to fishing grounds, to operate legally and freely without being obstructed physically and environmentally, access to the fishing areas, legal access to land and water bodies for fish farming and dealing with illegal, unreported and unregulated (IUU) fishing. Good tenure governance plays a key role in resolving conflicts and disputes in Ghana's fisheries sector.

Disputes generally arise for a number of reasons such as access to landing and processing sites and fishing grounds. In addition, disputes arise with fishermen and women that increase their catch through illegal means and thereby ultimately decrease the catch of others. The underlying factors of the disputes are the existence of open access fisheries, weak communication about existing laws and environmental and social benefits of responsible fishing, inadequate enforcement of existing laws, inadequate laws, weak community leadership, eroding powers of chief fishermen, disputes over pre-financing arrangements with fishermen by women and outwitting by the fishermen.

Through the projects, support for the government is provided in several areas:

- The projects support efforts to address policy gaps, by analyzing existing policies and developing policy advocacy strategies.
- The projects strengthen efforts to secure landing sites for smallholder fishermen and women, through negotiations with landowners and with government and other stakeholders, through mapping, demarcation and registration of landing sites and by advocating for marine spatial planning and fisheries co-management models.
- The projects aim to strengthen political will. They strengthen the capacity of small-scale fishers, women and youth to engage and demand for improved governance, social accountability and political will.
- The projects increase dialogue with the government and enforcement agencies, increases stakeholder engagement, communication and mobilization to demand reforms.
- The projects also provide support to resolve disputes through dialogue, through grievance mechanisms, and through the courts.



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Transparency in decision-making is an essential prerequisite for social justice in resource management and meaningful participation of stakeholders. The projects have prioritized targeted advocacy to address this. Working closely with small-scale fisher associations has helped to amplify advocacy. Traditional leaders, local government, the Land Commission and key institutions have been engaged on securing fish landing sites through fit-for-purpose approaches and limited to demarcation and documentation only. Local dialogue and involvement are major tools for success. To compile essential inputs for legal reforms, consultations have been organized at community level, where the majority of the participants are involved on a day to day basis in the fishing and fish processing activities. A legal assessment has been undertaken of the fisheries laws in the country, supported by the transversal project.

2.9.1 Challenges

In relation to sustainable fisheries management, the following challenges are mentioned:

- **Lack of reforms and policies**

These include major delays in the reform of the fisheries legal framework and lack of clarity concerning leadership of the process and timing, as well as lack of policy action to address key sector issues (e.g. over-capacity and illegal fish-ing of industrial vessels).

- **Limited community engagement**

Engagement with communities are often limited to traditional authorities, whose views do not necessarily reflect the views of practitioners (fishers, fish mongers).

- **Technological challenges**

A mobile application has been developed to allow fishermen to report geo-tagged information on illegal fishing and conflicts at sea. To fully develop and implement the application, some technological challenges need to be solved.

- **The land registration process is too cumbersome in Ghana**

No mechanism and procedures exist for the recording of customary rights at the Lands Commission, making it difficult to register the landing sites.



3 Emerging issues

Based on the shared experiences from the transversal projects, a number of emerging issues are identified. The issues are seen as essential to establishing sustainable tenure security regimes for all countries and should thus be addressed in subsequent programmes.

Continuous capacity development

There is generally a shortage of qualified staff and capacities at all administrative levels and at community levels. This remains a main challenge for improving sustainable tenure governance. With decentralization, the land administration and management tasks in rural areas become even more challenging, and the problem for rural institutions to attract capable staff thus become even more severe. Development of capacities should therefore remain a key issue to deal with in subsequent transversal projects. Some of the means to undertake capacity development are to develop tailored trainings and establish multi-stakeholder platforms. Multi-stakeholder platforms serve as a basis for creating a dialogue and ensure coordination among stakeholders. The multi-stakeholder platforms that already exist should be prioritized, maintained, and expanded if necessary. Sufficient resources should be provided for this purpose.

Impact of climate change on tenure security

Climate change is very likely to cause severe negative impacts and consequences for tenure arrangements, which will presumably harm the poor and vulnerable the most. This include increase of climate-related disasters, limited access to water, reduction of water quality, increase of land-related conflicts, land degradation, displacements, flooding, etc. Governance of tenure should include considerations regarding climate changes, and determination and evaluation of possible climate related impacts should thus be conducted. In addition, climate change planning and actions should take land governance and tenure issues into account to identify and address possible challenges. Appropriate policies addressing the climate changes and the related issues need to be developed and implemented, in order to ensure that proper mitigation initiatives are launched.

Bridging gender equity gap

In many of the project countries, laws, structures and traditions are still preventing rural women from holding rights to land, and are less likely to hold these rights where the opportunities exist. Women's access to land should be seen as a human right and their equal access to land is crucial not only for establishing responsible tenure governance, but also for social and economic growth, status, influence etc. The experiences from the transversal projects very clearly show that there is still a major gender gap in tenure governance. This needs to be addressed and given a high priority. The necessary measures should be taken in this regard, including amendment of legal and regulatory frameworks, change of cultural related resistance and discrimination, development of capacities and much more.

Increasing use of fit-for-purpose technologies and methodologies

There is still an urgent need for establishing land administration systems designed to meet the needs of the population and their relationship to land, fisheries and forests and ensure responsible governance of tenure. In order to accelerate



the process of securing tenure rights for all, innovative solutions that fit the purpose are required. This means that the chosen technology and methodology should not be more advanced than currently needed to address the tenure issues, as long as the approach is sufficient and scalable when future adjustments are needed. For example, general boundaries could be used rather than fixed boundaries to demarcate land areas, as this will be sufficient for most land administration purposes in especially rural areas, as well as aerial imageries could be used rather than field surveys. By using fit-for-purpose approaches and solutions, appropriate land administration systems can be established within a relatively short timeframe and at affordable costs.

Integration and security of customary tenure

The country projects reports reveal that there are still severe challenges related to integrating customary tenure rights in formal land administration systems. Resistance from various actors, including from some traditional leaders and communities, are still occurring. Countries need to include and record all legitimate tenure rights in their land administration systems, and integrate customary institutions in tenure governance structures, processes and legislation. Sufficient support and resources should thus be allocated to providing and developing the needed solutions for addressing the issues.

Legal and institutional framework

Gaps in the existing legal and institutional frameworks appear to be of wide occurrence among the project countries. Comprehensive structures and frameworks should be established, as this is essential in ensuring responsible tenure governance. Institutional assessments should be conducted, in the sense of internal structures, policies and procedures.

There needs to be clarity of mandates and responsibilities, as well as legislation to meet the contemporary needs. Reforms and policies should be developed as appropriate.

Migration and land governance nexus

Responsible governance of tenure is crucial in order to address migration issues, as poor governance underlies many of the factors that directly affect migration, from the socio-economic to those relating to conflicts. Thus, increased tenure security is likely to reduce migration, and can make migration a choice rather than a necessity.

Migration should be seen as unavoidable phenomenon but it needs to be managed properly. This could also enable migrants to make significant contributions to the country of origin and destination.

In many instances, climate change contribute to migration and tenure insecurity, e.g. in the form of natural disasters, land degradation, degradation of water quality etc. The level of climate change within the various countries needs to be fully understood and appropriate policies to address them should be enacted. In relation to this, there is a need for technical support especially in the area of information gathering to produce specific guidelines to help address the issues.



Preserving agricultural land uses

Rapid urbanization and increasing population growth cause high pressure on agricultural land. In order to address the challenges related to this, appropriate land use planning and management should be carried out to effectively ensure preservation of agricultural lands. Efficient urban land management can control development and prevent informal urbanization and potential conflicts.

Scaling project activities

To achieve the goals related to tenure security stated in the UN Sustainable Development Goals by 2030, the processes and efforts of securing all legitimate tenure rights need to be accelerated. In order to accelerate the process of establishing responsible tenure governance, the interventions should be scaled to regional or national level, if possible. Many methods and technologies have already proven to be suitable for handling the challenges related to tenure governance, and thus provide a solid basis for scaling up the activities.

Sustainability

Tenure governance systems are complex and require long-term engagements to ensure that the needed progress and improvements are made. Provision of sufficient resources to continue and expand the initiative that have already been introduced is crucial for achieving tenure security and sustainable tenure governance systems. Development partners, civil society organizations and all key stakeholders should have such long-term perspectives when designing and implementing land governance projects.

Youth access to land

The youth is important in order to modernize agriculture and raise productivity. Access to land for the youth is however, limited and often depend on inheritance or informal rental markets. A number of challenges can be identified in this regard, including unfavorable land tenure systems and customary practices, lack of legal protection of land rights, over reliance on inheritance limiting choices in terms of timing, size, quality and location of land, and lack of resources to buy or rent land. These challenges must be addressed at all levels – policy, legal and institutional and should be inclusive and participatory including the youth, local and national authorities, civil society and customary authorities.



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Final Report

Best practices challenges and emerging issues on improving responsible governance of tenure.

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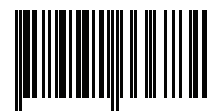


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