Empowering Communities: Recognizing Land Rights as a Path to Collaboration

Karol Boudreaux

Africa Land Tenure Specialist

USAID/E3/LTRM

Governance is about systems

- Rights, policies, processes
- Institutions that create, enforce rights
- Organizations/processes that manage transfers
- Formal sector professionals who support transfer markets
- Traditional authorities & users
- Information loops

A lack of systemic thinking

- Limited attention to issue
- With strong focus on formal sector
- Assumptions of demand
- Failure to engage traditional systems
- Policies that marginalize communities
  - Some individualization
  - Approaches to pastoralism
  - Approaches to forest dwellers

Results

- Poor/dysfunctional governance
- Conflict
- Lack of capacity within governments
- Failure to serve
- Capture problems
- Traditional systems ill-equipped to meet some challenges
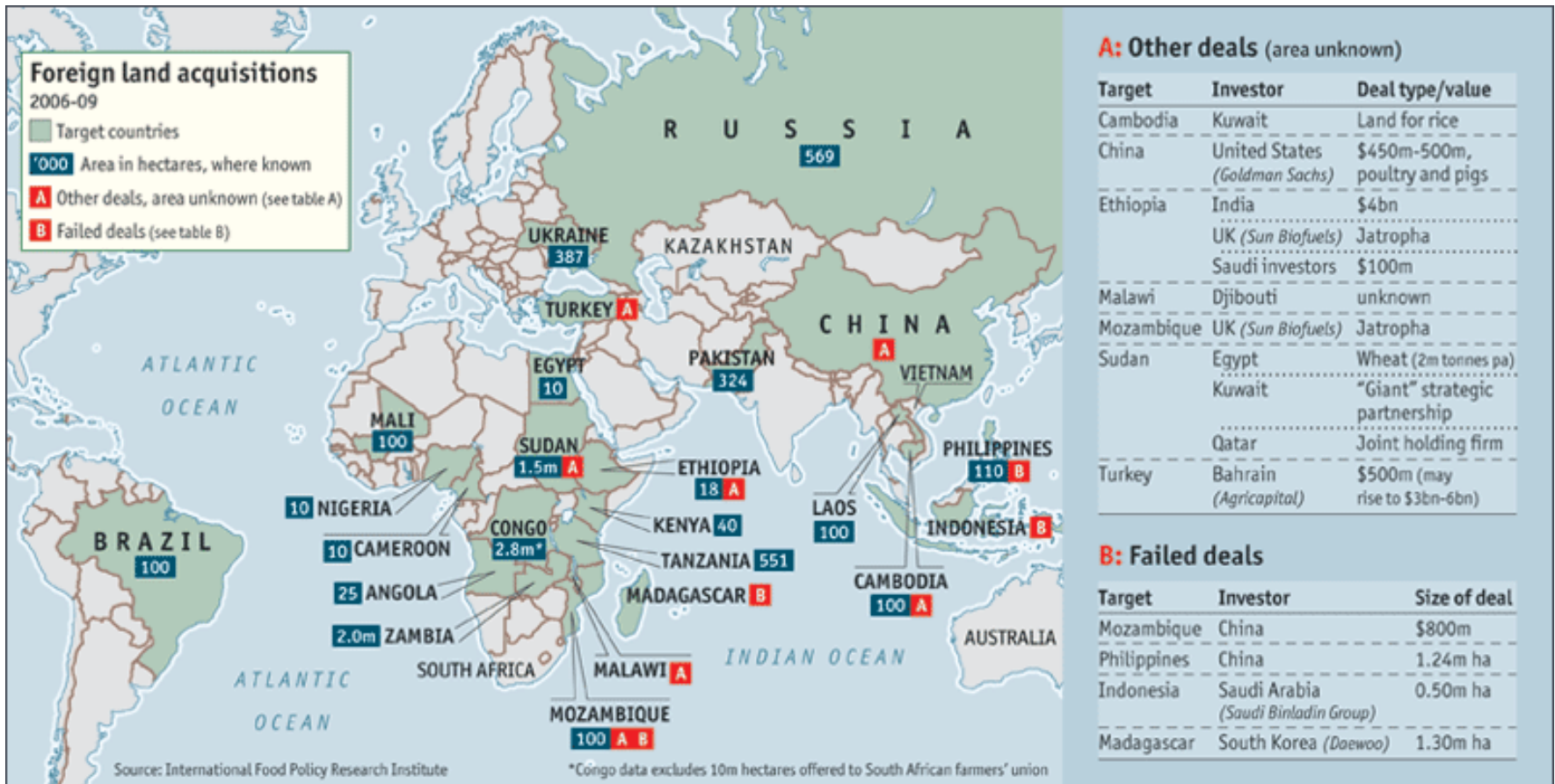- Limited technological "work-arounds"

Land Tenure and Governance Issues

- Rising demand/competing uses
- Investment/large-scale acquisitions
- Land and resource-based conflict
- Gender/vulnerable populations
- Climate Change
- Pastoral systems
- Water

Competition driving acquisition

Go Africa
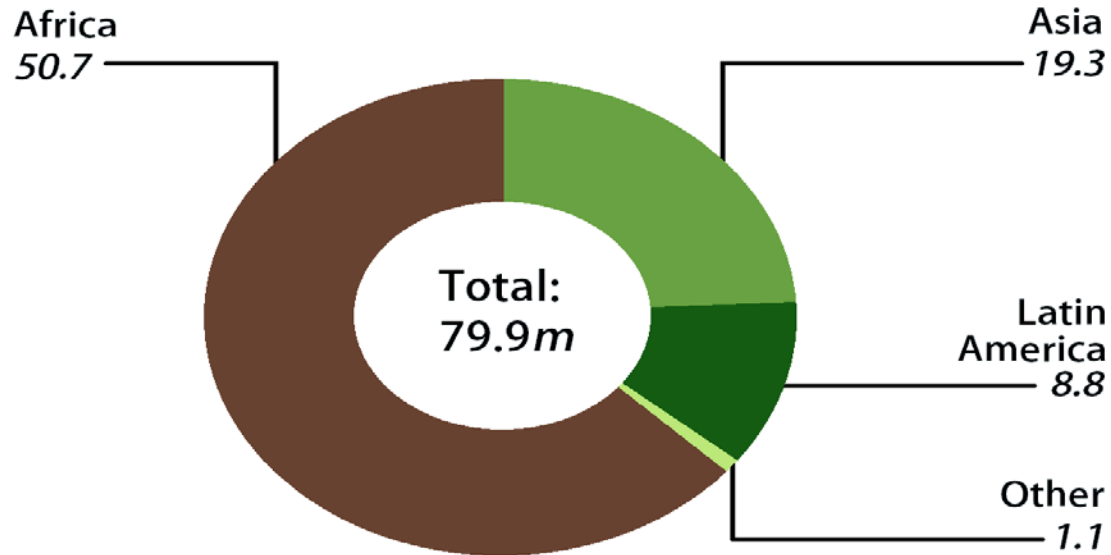Total area of reported land deals*, 2001-11
Hectares, m

Africa 50.7 — Asia 19.3 — Latin America 8.8 — Other 1.1 — Total: 79.9m

Source: Oxfam, CIRAD, CDE at University of Bern, International Land Coalition

*Preliminary estimates

How to balance demands and promote security?

USAID Land Tenure Property Rights approaches

- Understand each environment & stakeholders
- Focus on "secure enough"
- Adopt participatory mapping, planning, management
- Work with traditional/customary systems
- Integrate gender and needs of vulnerable populations
- Expand bundles to expand opportunities & build varieties of capital

Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs)

- Soft Int'l Law
- Participatory process
- Recognize/Respect
- Safeguard
- Facilitate
- Access to Justice/Services
- Prevent Dispute/Conflict

VGGTs are a response to:

- Rising food prices, food insecurity
- Large-scale acquisitions
- Harms to communities
- Increasing recognition of need to address customary/informal tenure concerns
- Desire for more integrated/participatory approach
- Multi-pronged strategy to protect & empower all users

Encouraging Government Actions

- VGGTs provide guidance to states to:
  - Improve service provision
  - Increase access to justice
  - Reduce corruption
  - Improve transparency & accountability
  - Recognize customary & informal rights, rights of IPs
  - Eliminate discrimination
  - Promote responsible investment
  - Address expropriation, redistribution, consolidation
  - Address valuation, taxation

Working with the private sector

- Encourages ethical behavior/recognition of human rights including:
    - Recognition and respect for customary rights
    - Reduce risks, provide safeguards
    - Limiting corruption
    - Good faith consultations
    - Remedy harms
    - Protect against environmental harms

Implementing the VGGTs

- Adopted May 2012
- G8/New Alliance commitments, including funding/implementation commitments
- Efforts to implement will be bilateral/multilateral
- New facility at FAO
- What will it look like on the ground?
  - For communities
  - For private sector
  - For governments

Technology can help

- Lower cost mapping
- Faster/cheaper communication
- New approaches - STDM
- Technologies that "shine a spotlight" on corruption
- New ways to access credit
- New approaches to learning

Lessons learned from CBNRM

- Devolve rights to lowest level & align incentives
- Support training/capacity building
- Thicken bundles of rights
- Create strong benefit sharing with private sector
- Encourage participation of women
- Facilitate learning/mentor opportunities
- To develop effective self-governance institutions that manage natural resources in sustainable manner

Connecting dots

- No explicit connection but . . .
- Implementing VGGTs requires similar actions
- CBNRM best practice can shape VGGT pilots
- Collaborative agri-business contracting should draw on CBNRM experiences
- How can stakeholders in ag sector benefit broadly from CBNRM lessons learned?
- How might CBNRM technologies be adopted?

Moving forward

- USAID is adopting lessons learned for bilateral projects implementing VGGTs

- How might FAO's facility best incorporate these lessons?

- What opportunities exist to support CSOs/NGOs working on VGGT implementation? How can they learn from CBNRM?

- How can communities of farmers learn from CBNRM peers?

Thank you

For more information please visit:

www.usaidlandtenure.net