

LIWG sees the importance of partnering with other NGOs/CSOs in Asia towards the promotion of land rights through sharing of evidence-based information and good/bad practices, as well as following-up on international treaties and agreements.

THE GLOBAL & REGIONAL PERSPECTIVE

Global Land Tool Network (GLTN)

Scoping Study for Land Tenure Initiative in Asia-Pacific

By Teo Chee Hai
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The GLTN scoping study for land tenure initiative in Asia and the Pacific, as presented by Teo Chee Hai, covered the following key issues in the region:

Land Tenure Initiative in Asia-Pacific

- Plurality of systems do exist – customary, Islamic, statutory
- Most people are without formal land records
- Access to land (and resources) remains tenuous for many especially the vulnerable
- Most people want their identity recognized but struggle to be recognize by the formal system
- Few circumstances where Governments are able to adequately manage land in the way they should – technical considerations; competency; capacity; institutions; policies and legislations

The review of tenure security in the Scoping Study indicates that to adequately address the issues observed will require **sustainable improvement to tenure security**.

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Secure Land and Property Rights for All

- Changing rural populations and access to land
- Women’s tenure security and access to land and resources
- Urban growth and tenure insecurity
- Need to recognize and protect indigenous peoples’ rights and access to land
- Impact of climate change and natural disasters on tenure security
- Islamic tenure security
- Land legislation and policy, land administration and land-based financing

The study of these key issues led to this overview of land tenure in Asia-Pacific:

It was evident that the results of the GLTN scoping study mirror most of the issues and challenges mentioned in the country monitoring reports of LWA partners. In fact, Hai acknowledged as valuable

references the various ANGOC and LWA studies (particularly the CSO Land Reform Monitoring Report) in preparing the GLTN scoping study. Key among these were: i) the lack of political will to implement laws and policies, ii) discrimination against women vis-à-vis land ownership, iii) lack or non-recognition of indigenous peoples, iv) land grabbing, and, v) overlapping



laws and institutional mandates of government agencies). At the same time, the issue of urbanization is an area of the GLTN initiative that can complement the LWA studies. Teo Chee Hai noted as well that the information provided in the LWA reports can be used by GLTN in completing the scoping study.

Global Land Tool Network (GLTN)

Global Land Indicators Initiative – GLII

By Cyprian Selebalo

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GLTN's Cyprian Selebalo provided a briefing on the Post-2015 sustainable development goals (SDGs) and the Global Land Indicators Initiative (GLII).

The speaker noted that ANGOC and the LWA partners are advanced in the sense that the land indicators have been tested and there has been a measure of collective experience gained by LWA in the monitoring procedure (data gathering, processing, analysis and validation). At the end of the day, once the SDGs are approved by UN member governments, the critical aspect will be the implementation of these at the country level, and the monitoring role that CSOs will play. It was agreed that ANGOC/LWA will continue to link with GLTN on the post-2015 SDG processes. Also, ANGOC/LWA will consider using some of the land indicators (identified in the post-SDG discussions) in its land reform monitoring initiative.

GLII – Long List of Indicators

- 1. Secure rights to land and property:** Percentage of men, women, communities and businesses with recognized evidence of tenure.
- 2. Perceived tenure security:** Percentage of men, women and businesses that perceive their land rights are recognized and protected.
- 3. Legal recognition of a continuum of land rights:** Level to which legal framework recognizes and protects legitimate land rights and uses, either through customary or statutory tenure regimes.
- 4. Equal right of women:** Level to which women and men have equal rights to own, inherit and bequeath land resources.
- 5. Land area mapped:** Percentage of land area mapped on legally recognized tenure maps.
- 6. Efficiency of land dispute resolution:** Time to resolve a land-property dispute.
- 7. Effectiveness of land dispute resolution:** Percentage reported land disputes that have been resolved.
- 8. Percentage revenue from land taxation:** Property and land taxes as a percent of GDP.
- 9. Land administration efficiency:** Time to conduct a land/property transaction.



FAO Regional Office for Asia and the Pacific

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

By Yuji Niino / FAO Regional Office for Asia & the Pacific <yuji.niino@fao.org>

Hailed as “an unprecedented international agreement on tenure governance,” the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) of Land, Fisheries and Forests in the context of National Food Security address the issues of:

- responsible Governance – to support the sustainable use of land, fisheries and forest resources and care for the environment
- tenure – to allow people access to natural resources; who can use what resources for how long and under what circumstances

The voluntary guidelines cover all forms of tenure—public, private, communal, collective, indigenous and customary; as well as ownership and other rights to use natural resources. Their focus is for the benefit of all people, with emphasis on the vulnerable and marginalized.

Why the need to improve the governance of tenure? To improve food security, as well as to eradicate poverty through sustainable livelihoods, ensure social stability through housing security, to promote rural development through environmental protection, and thereby achieve sustainable and equitable social and economic development.

Following several phases of research and networking (2000 onwards), consultations (2008-2010), drafting and negotiations (2011), the VGGT was finally endorsed by the Committee on World Food Security (CFS) in May 2012. The guidelines were then introduced at the national level, initially covering about 35 countries who engaged in awareness-raising opportunities. Currently, at the regional level for Asia and the Pacific, the Food and Agriculture Organization (FAO) is organizing awareness-raising workshops in countries such as China, Mongolia, Myanmar, Nepal, Pakistan, Philippines, and Viet Nam. Another major undertaking is the translation of the guidelines into different languages—around 20 worldwide to date. The translations are still going through the proofing process, but will soon be available on the FAO website.

At the regional level, FAO is now strengthening the partnership with organizations such as the World Bank, IFAD, UNESCAP, and others (e.g., the Chinese Academy of Agriculture Science). With the consensus that has been built, the key now is to take the VGGT “from principles to actions.”

The Voluntary Guidelines are seen as relevant for CSOs in terms of:

- advocacy
- awareness raising
- legal assistance
- development of capacities for people to be able to enjoy and protect their tenure rights
- policy dialogue
- fostering of responsible governance of tenure

Principles for Responsible Investment in Agriculture and Food System

The Principles for Responsible Investment in Agriculture and Food Systems (CFS-RAI) were approved by the 41st Session of CFS on 15 October 2014. Corporate private investment in agriculture, including both domestic and foreign direct investment (FDI), had been increasing quite rapidly. While such investments can have transformative and positive impacts at local and national levels, some forms of investment had proven less likely to generate benefits and, in fact, carried significant risks for local communities, governments and investors.

Thus, in the aftermath of the food price crisis of 2007/8, the risks of large-scale land acquisitions attracted substantial international concern. The United Nations General Assembly, as well as governments from the G8 and the G20 alike, called for initiatives promoting responsible agricultural investment that mitigate risks and maximize opportunities, such as improved food security. One area, therefore, that the principles for Responsible Agricultural Investment seek to address is the new form of 'land grabbing' which results from both domestic and foreign direct investment.



Figure 8: Who have been using the VGGT?

Source: Niino, Y. (2015). *Voluntary Guidelines on the responsible governance of tenure of land fisheries and forests: linkages with responsible agricultural investments and post-international year of family farming* FAO Regional Office for Asia. [Powerpoint slides].



10 Principles for Responsible Agricultural Investment

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

Moving forward on these principles will involve:

- further research on the impacts of agricultural investment;
- formulation of policies for promoting investment for sustainable agricultural development, while ensuring that policies, laws and regulations governing land tenure and agricultural investment are consistent and mutually supportive;
- increasing the effectiveness of support for good governance at both national and local levels; and
- more proactive engagement by civil society organizations in raising community awareness regarding civil rights and how to exercise those rights, while closely monitoring potential conflicts.

Achievements to date have been:

- formation of an Inter-Agency Working Group (IAWG) composed of FAO, the International Fund for Agricultural Development (IFAD), the United Nations Conference on Trade and Development (UNCTAD), and the World Bank (WB);
- support of and contributions to the CFS-led inclusive consultation process initiated in 2012 to develop and ensure broad ownership of the principles for responsible agricultural investment;
- initiation of a new research program in January 2015 that includes field testing principles for responsible investment in agriculture; and

- informing the public debate by sharing knowledge on responsible agricultural investment through various publications.

The CFS-RAI and PRAI are seen as useful for both private corporate actors desiring to make investments that are financially, socially and environmentally sustainable, and governments who want to develop laws and policies that promote responsible investment. These likewise help civil society groups in advocating responsible business conduct.

International Year of Family Farming (IYFF) 2014

2014 saw the marking of the International Year of Family Farming (IYFF), while 2015 is the International Year of Soils. The IYFF+10¹⁶ continues to champion the improvement of public policies in favor of Family Farming, focusing on the following areas:

- access to local and regional markets
- access to credit
- access to appropriate technology
- access to natural resources, taking climate change into consideration
- strengthening of family farmers' organizations
- the role of women and youth

Other key areas are the establishment of National Committees, the formulation of Global Guidelines for Family Farming, and the promotion of participatory research.

¹⁶ In October 2014, Brazil requested that the IYFF be extended for 10 more years.

Family Farming Knowledge Platform

Sharing quality knowledge and data is a vital component for policy dialogue and policy making to address the specific needs of family farms. To provide access to and verification of this information, a Family Farming Knowledge Platform is envisioned, to serve as the world's largest high-level collection of national laws, regulations, public policies, relevant data, best practices, compelling research, publications and articles related to family farming. The agencies concerned are still discussing and validating how this platform should function, but it is hoped to be launched very soon.

INTERNATIONAL LAND COALITION (ILC) - ASIA

People-Centered Land Governance and the National Engagement Strategies (NES)

By Erpan Faryadi, ILC Asia Regional Facilitator
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The International Land Coalition (ILC), hosted by the International Fund for Agricultural Development (IFAD) in Rome, is a global coalition of 152 intergovernmental and civil society organizations (CSOs) formed to promote secure access to land for the rural poor.

ILC membership comprises some of the major UN agencies (IFAD, FAO, UNCCD, UNEP, etc.), CGIAR centers (IWMI, ICRAF, IFPRI, etc.), and a number of think tank organizations (WRI, IIED, LANDESA,

etc.). The majority of ILC members are civil society and farmer organizations, as well as indigenous peoples.

Involvement in Land Policy Formulation and Implementation Processes

In 2007, ILC launched a regionalization process in its three main regions—Africa (based in Zimbabwe), Asia (based in Indonesia), and Latin America (based in Peru). In the current ILC Strategic Framework 2011-2015, approved by the Global Assembly of Members (AoM) in Tirana, Albania in 2011, ILC members and strategic partners agreed to strengthen the network’s organization in these regions in order to improve its capacity to support and influence regional- and national-level land policy formulation and implementation processes, and to serve as key relay between its global and national-level efforts.

ANGOC, a network of CSOs in Asia and an ILC founding member, was appointed to serve as host organization of the ILC Asia platform from October 2008 to December 2010, then extended to December 2012. For the period 2013-2015, Jakarta-based Konsorsium Pembaruan Agraria (KPA) was unanimously confirmed as the new regional host organization in the region by the ILC Asia Regional Assembly held in Antigua, Guatemala during the ILC Global Land Forum and AoM 2013.

According to the Strategic Framework of ILC (2011-2015), the primary level of intervention of ILC’s work is the country level where the greatest impact is expected, and also where the members are already working. It aims to influence the formulation and implementation of national land laws and related laws and policies for the benefit of rural people.

The political will of government is often a

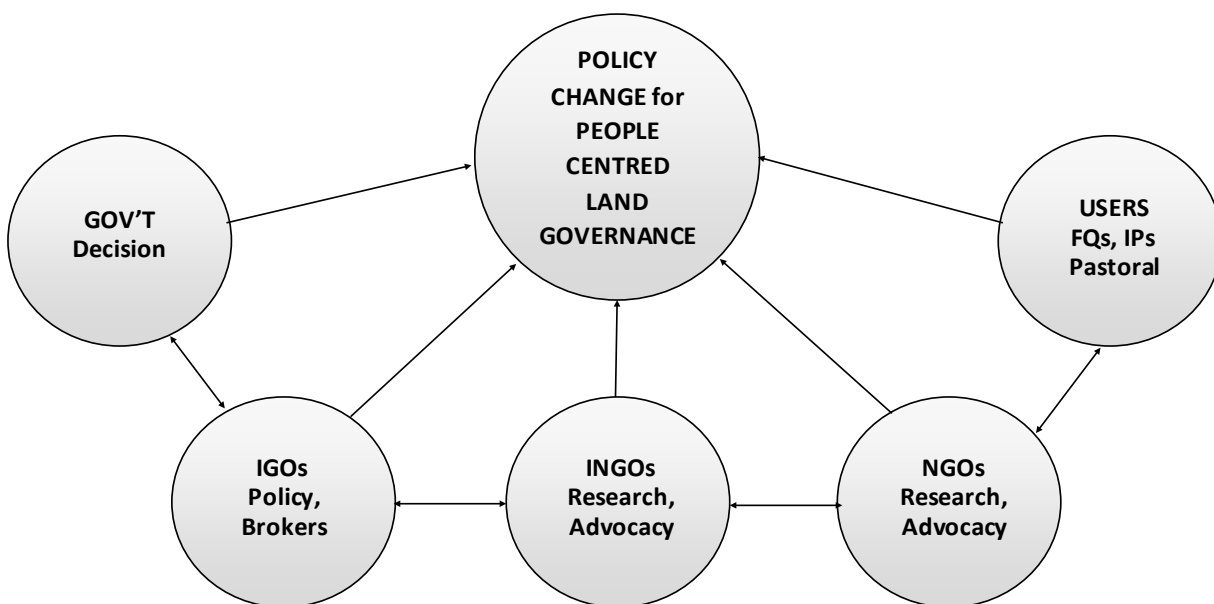


Figure 9: Connecting Actors for Effective Policy Change

Source: Faryadi, E. (2015). *People centered land governance and the National Engagement Strategies (NES)* ILC-Asia. [Powerpoint slides].



necessary, but insufficient, condition for engaging in agrarian reform processes that address inequities in ownership, tenures, and access to land and common property resources. Thus, CSOs, farmer organizations (FOs) and, in some cases, development organizations have a role to play in ensuring a pro-poor dimension in land-related reforms and policies.

ILC's National Engagement Strategies (NES) Platform

ILC's work at the country level engages the intergovernmental organization members of ILC and government institutions through the multi-stakeholder National Engagement Strategies (NES) platform. As ILC is aiming to promote people-centered land governance (PCLG), it has devised this platform which aims to involve the government, inter-governmental organizations, international organizations, networks of CSOs/NGOs, research and academic institutions, and the users of the land and natural resources themselves (i.e., farmers, indigenous peoples, fisherfolk, pastoralists, women, youth, etc).

The ILC NES multi-stakeholder platform is comprised of the coordinating committee representing ILC CSO members who form partnerships with national, state and local government institutions; research institutes; and other civil society and community organizations for awareness-raising and advocacy related to the formulation and implementation of land and related laws and policies.

In future years, the current platform aims to draw in other stakeholders such as international organizations, intergovern-

mental organizations and other networks working on land issues at the country level by using the current international principles, such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT).

Under the NES platform, members of ILC intergovernmental organizations, like IFAD, FAO, UN Habitat among others, are encouraged to get involved through their projects and programs at the country level and regional programs, and through their regional offices and country representatives/offices.

At the same time, the members of ILC have adopted the 10-point agenda of the People-Centered Land Governance (PCLG) as its guiding framework in developing its programs:

10 COMMITMENTS TO PEOPLE-CENTRED LAND GOVERNANCE

As ILC members, we commit to:

- ① Respect, protect, and strengthen the land rights of women and men living in poverty, ensuring that no one is deprived of the use and control of the land on which their well-being and human dignity depend, including through eviction, expulsion, or exclusion, and with compulsory changes to tenure undertaken only in line with international law and standards on human rights.
- ② Ensure equitable land distribution and public investment that supports small-scale farming systems,



including through redistributive agrarian reforms that counter excessive land concentration, provide for secure and equitable use and control of land, and allocate appropriate land to landless rural producers and urban residents, while supporting smallholders as investors and producers, such as through cooperative and partnership business models.

- ③ Recognize and protect the diverse tenure and production systems upon which people's livelihoods depend, including the communal and customary tenure systems of smallholders, Indigenous Peoples, pastoralists, fisher folks, and holders of overlapping, shifting, and periodic rights to land and other natural resources, even when these are not recognized by law, and while also acknowledging that the well-being of resource users may be affected by changes beyond the boundaries of the land to which they have tenure rights.
- ④ Ensure gender justice in relation to land, taking all necessary measures to pursue both *de jure* and *de facto* equality, enhancing the ability of women to defend their land rights and take equal part in decision-making, and ensuring that control over land and the benefits that are derived thereof are equal between women and men, including the right to inherit and bequeath tenure rights.
- ⑤ Respect and protect the inherent

land and territorial rights of Indigenous Peoples, as set out in ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples, including by recognizing that respect for indigenous knowledge and cultures contributes to sustainable and equitable development and proper management of the environment.

- ⑥ Enable the role of local land users in territorial and ecosystem management, recognizing that sustainable development and the stewardship of ecosystems are best achieved through participatory decision-making and management at the territorial level, empowering local land users and their communities with the authority, means, and incentives to carry out this responsibility.
- ⑦ Ensure that processes of decision-making over land are inclusive, so that policies, laws, procedures, and decisions concerning land adequately reflect the rights, needs, and aspirations of individuals and communities who will be affected by them. This requires the empowerment of those who otherwise would face limitations in representing their interests, particularly through support to land users' and other civil society organizations that are best able to inform, mobilize, and legitimately represent marginalized land users, and their participation in multi-stakeholder platforms for policy dialogue.



- ⑧ Ensure transparency and accountability, through unhindered and timely public access to all information that may contribute to informed public debate and decision-making on land issues at all stages, and through decentralization to the lowest effective level, to facilitate participation, accountability, and the identification of locally appropriate solutions.
- ⑨ Prevent and remedy land grabbing, respecting traditional land use rights and local livelihoods, and ensuring that all large-scale initiatives that involve the use of land, water, and other natural resources comply with human rights and environmental obligations and are based on: the free, prior, and informed consent of existing land users; a thorough assessment of economic, social, cultural, and environmental impacts with respect to both women and men; democratic planning and independent oversight; and transparent contracts that respect labor rights, comply with social and fiscal obligations, and are specific and binding on the sharing of responsibilities and benefits. Where adverse impacts on human rights and legitimate tenure rights have occurred, concerned actors should provide for, and cooperate in, impartial and competent mechanisms to provide remedy, including through land restitution and compensation.
- ⑩ Respect and protect the civil and political rights of human rights

defenders working on land issues, combating the stigmatization and criminalization of peaceful protest and land rights activism, and ending impunity for human rights violations, including harassment, threats, violence, and political imprisonment.

MEKONG REGION LAND GOVERNANCE PROJECT


Innovative Approaches

By Brian Garcia - <brian.garcia@mrlg.org>

The Mekong Region Land Governance Project (MRLGP) has as its vision that farming families in the four target countries of Cambodia, Laos, Myanmar, and Vietnam (CLMV)—especially those belonging to ethnic minorities—have secure and equitable access to and control over agricultural land, forests and fisheries.

The project goal is for good land and natural resource governance to be embodied in policy and practice with transparent dialogue between actors in the four target countries and with broader regional stakeholders. Hence the project's interest in partnering with ANGOC, particularly in pursuing initiatives in improving land governance within the Mekong region and providing inputs in the broader regional ASEAN and Asian initiatives for land governance.

The MRLG Project is funded by the Swiss Agency for Development and Cooperation with additional funding from the Federal Ministry for Economic Cooperation and



Development (German acronym BMZ) and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). The project duration is eight years—divided into two four-year phases.

Strategic elements of the MRLG Project

The MRLG project is highly flexible and responsive, being driven by the needs and demands of its stakeholders/reform actors, as well as by opportunities. It provides two funding windows under a Grants Facility to be able to respond to emerging needs and even emergencies in land governance. The project takes a multi-stakeholder approach (government, civil society and private sector), aimed at improving engagement with the private sector and government through the support and facilitation of CSOs and NGOs. It engages in multi-level (inter-)action at the local, national and regional levels with the aim of policy implementation ‘in the field’; adding value not through creation of new structures, bodies or organizations, but through complementarity with national programs and networks that are already existing in the CLMV countries and within the region. Project activities are coordinated by one National Land Governance Facilitator in each of the four countries.

MRLG Project Progress

The Inception Phase (March 2014 to March 2015) involved the design of the country strategies for the CMLV and the start of a regional strategy, through consultations, dialogues and planning workshops in the four countries to arrive at the priority land governance issues to work on.

The Implementation Phase commenced in April 2015 with the country strategies now being implemented and the Grants Facility mobilized through two types of funding grants: (i) the Quick Disbursement Fund (QDF) – a quick response funding window to address situations that put tenure security of family farmers, women and ethnic minorities at risk, or to influence emerging land governance agendas towards a more positive policy outcome (maximum grant: US\$50,000; maximum activity duration: six months); and (ii) the Innovation Fund (IF) – provides grants to fund short- to medium-term projects to develop, demonstrate, promote or adopt innovative practices that can influence policy or be integrated into regular practices with other funding sources (maximum grant: US\$ 250,000; maximum project duration: 24 months).