

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

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The Voluntary Guidelines

In May 2012, 96 countries unanimously adopted the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VG). The occasion signaled an unprecedented recognition by the global community of the importance of improving land and other resource governance systems as a strategy for improving food security, promoting sustainable development, limiting conflict, and reducing extreme poverty.

As soft international law, the VGs establish guiding principles and practices for governments, civil society and the private sector to improve accountability and transparency in formal and informal land governance systems. Importantly, the VGs represent a coordinated international effort to create standards of practice for the protection of the people and communities – particularly vulnerable groups and women – whose livelihoods and food security depend

upon land, fisheries, and forests while acknowledging the need to pursue national development goals.

The VGs were negotiated through a broad and inclusive participatory process under the UN Committee on World Food Security (CFS). The negotiations, chaired by the United States, involved member states, civil society organizations and the private sector. The VGs cover a wide variety of issues including recognition of customary rights, tenure rights of women, markets and investments in natural resources, administration process and procedures, and post-conflict and post-disaster situations.

While the development and endorsement of the VGs represents an important achievement, the ultimate value of the Guidelines will be determined by their implementation and measured in improved development outcomes for women, men and children around the globe.

U.S. Global Leadership

The United States Government is a global leader in the land and resource governance sector. Through international agreements, global coordination, and bi-lateral development assistance, the United States supports programs and policies that create more transparent, accountable, accessible, predictable and stable access to land and other resources, enabling greater responsible private sector investment and fostering broad-based economic growth. Through USAID, the Millennium Challenge Corporation (MCC) and the Feed the Future Initiative, the U.S. Government provides technical support, training and thought leadership on strengthening land tenure and property rights to local and national governments, civil society organizations and the private sector. Over the past several years, the U.S. has leveraged its financial resources and technical expertise to promote land and resource governance priorities in key international fora.

Committee on World Food Security (CFS)

The United States chaired the CFS Open-Ended Working Group that negotiated the VGs, leading a two-year, inclusive, multi-stakeholder process that resulted in unanimous endorsement by 96 CFS members in 2012. The U.S. Government is also participating actively in the CFS's development of the Principles for Responsible Agricultural Investment (RAI), which will provide a framework to promote responsible investment in agriculture.

G8

Under U.S. leadership in 2012, the G8 initiated support for the VGs and launched the New Alliance for Food Security and Nutrition, which commits members to policy reforms intended to strengthen land governance and accelerate responsible agricultural investment. Building on progress achieved in 2012, the 2013 G8, under U.K. leadership, announced bold steps to improve transparency in land transactions, including a series of Land Partnerships.

Global Donor Working Group on Land

The United States played a key role in the creation of the Global Donor Working Group on Land, launched in July 2013. The group is comprised of donors and development agencies committed to supporting the VGs and improving coordination around development programs that focus on land governance. USAID led one of the group's first initiatives, developing a comprehensive database of member organizations' land and resource governance programs.



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USAID Programs Supporting Implementation

As a thought leader and one of the largest bilateral donors in the land and resource governance sector, USAID has been a strong supporter of the development and implementation of the VGs since 2011. Dr. Gregory Myers, Director of USAID's Office of Land Tenure and Resource Management chaired the Open-Ended Working Group that negotiated the VGs. Today, in 32 programs across 27 countries, USAID is deploying over \$300 million in programs that implement many of the principles and practices outlined in the VGs. These programs – which are closely aligned with the recommendations in the VGs reflecting best practice in tenure reform – help to clarify and strengthen the land tenure and property rights of all members of society, enabling broad-based economic growth, gender equality, reduced incidence of conflicts, enhanced food security, improved resilience to climate change, and effective natural resource management.

Much of USAID's work in this sector is conducted under the Strengthening Tenure and Resource Rights

(STARR) program, a 5-year global program, with a ceiling of \$700 million, designed to implement many of the principles and best practices outlined in the VGs.

For example, in Ethiopia USAID is building on past programming focused on securing the land rights of smallholder farmers in highland areas by working with regional governments to create more secure rights for a traditionally vulnerable group: lowland area pastoralists. In Rwanda, USAID is helping to improve land governance institutions by working with the government to improve dispute resolution for land conflicts. In Liberia, a project that is helping communities build the capacity to effectively manage and benefit from the use of community forests is underway. And in Kosovo, USAID will help to improve the property rights of women through awareness raising work with formal sector court officials. These are just a few of the ways in which USAID is helping to implement the VGs and make secure land tenure and property rights a reality for people and communities around the world.

USAID SUPPORT TO THE VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE

SUPPORT BY THE NUMBERS

Across the developing world, USAID is investing in programs that strengthen land tenure and property rights. Our programs¹ are closely aligned with the principles and practices outlined in the Voluntary Guidelines² (VGs). USAID is supporting the VGs through:



ILLUSTRATIVE PROGRAMS

These are just a few examples of how USAID programs support the VGs:



In Ethiopia, USAID is expanding the documentation of rural land use rights and improving the legal and regulatory framework related to property rights, leading to greater agricultural productivity.



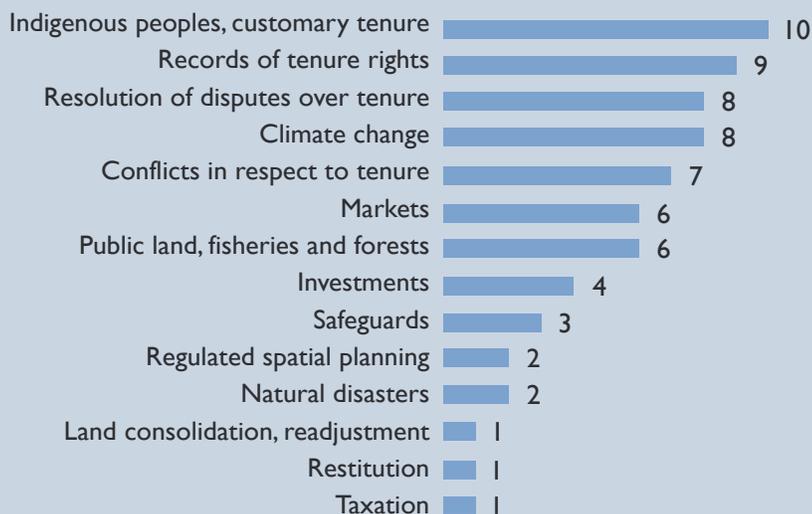
In Colombia, USAID is supporting the Government's efforts to restitute land to victims of conflict and extend land titling in prioritized rural areas, with particular emphasis on women-headed households.



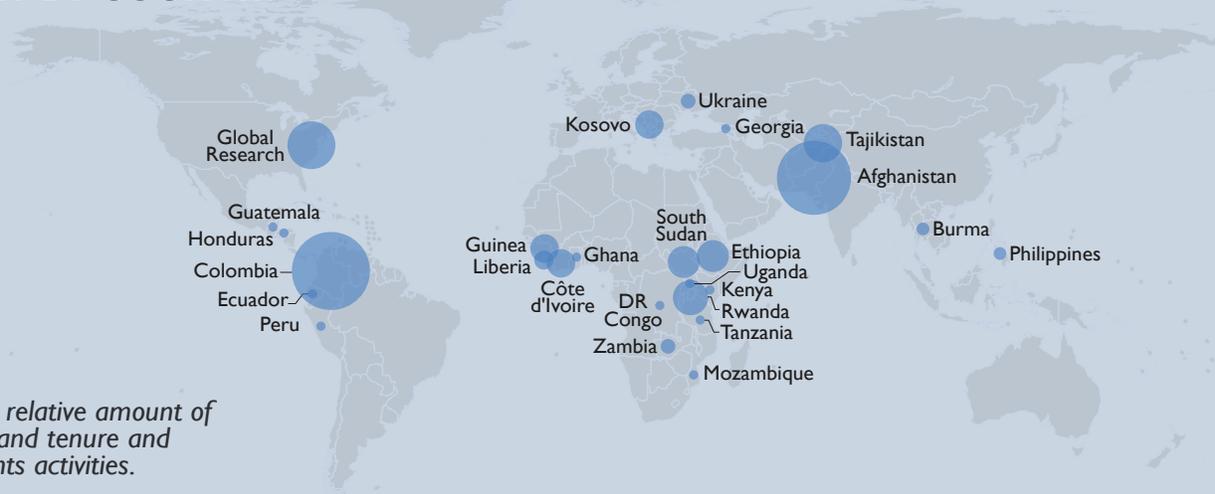
In Liberia, USAID is building capacity to effectively manage and benefit from community forests. Improved management of forests and other resources is key to Liberia's recovery, stability, and economic growth.

SUPPORT BY KEY ISSUES

Number of USAID programs supporting specific chapters of the VGs. These chapters reflect best practice in tenure reform across key issues.



SUPPORT BY COUNTRY



Programs by relative amount of funding for land tenure and property rights activities.

¹ This includes programs that wholly focus on land tenure and property rights, as well as programs with a broader focus on other issues, in which tenure and property rights activities are included.

² Full title: The Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security



Links Media

Records of Tenure Rights

USAID Programs: Colombia, Cote d'Ivoire, Ethiopia, Guinea, Kosovo, Liberia

Chapter 17 of the VGs deals with records of tenure rights. It emphasizes the need for states to record, maintain, and make publicly available information about the land and resource rights and duties that individuals, the state, private sector actors (including businesses), and indigenous peoples have in a non-discriminatory manner. This information should be recorded and made accessible in socially and culturally appropriate ways, using appropriate technologies that meet local needs.

In Colombia, Cote d'Ivoire, Ethiopia, Guinea, Kosovo, and Liberia, USAID is investing in programs that create and maintain records of tenure rights in close alignment with Chapter 17 of the VGs. Clear, credible, accessible records of tenure rights can help prevent disputes over boundaries, clarify ownership, reduce fraud, and protect the rights of women and other vulnerable groups.

Since 2005, USAID has supported a series of programs in the highland regions of **Ethiopia** that have registered and surveyed 847,970 parcels, issuing 588,201 certificates to 230,270 households. Under these programs, boundaries are clarified and validated by neighbors and community members prior to certification, reducing the likelihood of future disputes. The certificates give holders the right to use and profit from the land. This arrangement represents an important shift from the previous system, which was marked by frequent land seizures, redistribution, and declining agricultural productivity. It has helped drive improvements in agricultural investments and opened new opportunities to rent out and rent in land, a particular benefit to women.





Conflicts in Respect to Tenure

USAID Programs: Colombia, Cote d'Ivoire, Guinea, Ethiopia, Tajikistan, Ukraine

Competition over land and natural resources is a key driver of conflict in much of the world. Conflict over land is far more likely to escalate and become violent when land tenure and resource rights are weak, insecure, and non-negotiable and when the land governance systems in place are ineffective, corrupt, or otherwise dysfunctional. In Colombia, Cote d'Ivoire, Guinea, Ethiopia, Tajikistan, and Ukraine, USAID is investing in programs that clarify and strengthen tenure rights, mediate land disputes, and reduce the potential for future conflict over land and resources. These programs promote peace and stability and help set the stage for productive investments and sustainable growth.

USAID's programs in this sector are closely aligned with the best practices outlined in the VGs, specifically Chapter 21: Resolution of disputes over tenure rights and Chapter 25: Conflicts in respect to tenure of land, fisheries and forests.

In **Colombia**, USAID's Land and Rural Development Program, in collaboration with key Government of Colombia institutions, and other actors supports the development of tools, systems, and skills to enable the Government of Colombia to fulfill its mandate to resolve the land issues at the heart of the nation's long-running conflict. This program works with the public and private sectors to build the capacity of institutions to administer and manage programs to restitute land to victims of conflict and extend land titling in prioritized rural areas. The program's objective is to promote sustainable rural development to enable beneficiaries of land interventions to retain and make productive and efficient use of their land.





Climate Change

USAID Programs: Colombia, Ecuador, Guatemala, Honduras, Liberia, Peru, Zambia

A thread that runs through the VGs is the importance of the good governance of land, fisheries and forests for the sustainable use of the environment. The VGs recognize that a changing climate places stress on tenure systems, particularly weak systems, which can increase vulnerability, hunger and poverty, and contribute to conflict and environmental degradation. Chapter 23 addresses the need for states to prepare for, prevent, and respond to the effects of a changing climate, consistent with existing climate change frameworks. This chapter encourages states to engage in participatory planning to develop forward-looking adaptation programs that build communities' resilience to the potential impacts of a changing climate, including the possibility of displacements.

In Colombia, Ecuador, Guatemala, Honduras, Liberia, Peru, and Zambia, and through a global research program, USAID is working to strengthen land tenure and resource rights as they relate to successful

global climate change mitigation and adaptation interventions.

In **Zambia**, through its new Strengthening Environment and Agricultural Research (SEAP) program, USAID is working to impact the development and implementation of agricultural and environmental policy - including improving land management in customary land tenure systems - in order to promote sustainable natural resource management and more effective global climate change adaptation and mitigation. The project will help strengthen evidence-based policy discussion through rigorous analysis and broad engagement with an array of stakeholders.





USAID Images



Deborah Espinosa



Gregory Myers

Gender Equality

Women produce 43 percent of the food in developing countries but own, on average, less than 10 percent of the land. In many countries, women are the primary users of land and laborers on land but their rights to land and resources are rarely formally recognized. Securing women’s rights to land and resources through inheritance, joint or individual title, or recognition and enforcement of customary rights, can produce powerful social and economic benefits. When women have secure property rights, they are better able to participate in household decision making, rent land and earn rental income, access credit and pursue entrepreneurial opportunities.

VGs Guiding Principle 3.4: Gender Equality addresses the issue of women’s property rights. The VGs stress that states should ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status. USAID’s programs in this sector place particular emphasis on strengthening women’s property rights in

close alignment with Guiding Principle 3.4.

In **Kenya**, USAID is sharing the lessons and results from the Justice Project, which worked with local customary justice systems to improve women’s land rights. One of the project’s notable successes is that local chiefs and elders now require spousal consent (with witnesses) for all land transactions, including leases. In **Kosovo**, USAID is launching a new Property Rights Program that will enhance women’s rights to own, inherit, use, and benefit from property in practice, as well as in law. This program will work with civil society and legal and judicial systems to increase women’s ability to understand and exercise their property rights. In **Afghanistan**, USAID’s Land Reform in Afghanistan (LARA) project recently established a Women’s Land Rights Task force to advocate for women’s land and inheritance rights. And in Tajikistan, USAID’s Land Reform and Farm Restructuring Project is building on past programs to strengthen the land rights of female farmers.

Way Forward

Message from the Chair

For 18 months, I had the honor to Chair the Open-Ended Working Group that negotiated the Voluntary Guidelines. In the two years since the VGs were adopted, they have become ‘the’ guiding doctrine for emerging economy governments to develop laws and policies that recognize and promote the protection of property rights for women and men around the world—in other words, to extend the same rights to all citizens as we enjoy in North America, Europe, Japan and other global north countries. Why does this matter? Because we know that secure property rights are the gateway to broad-based economic growth, improved food security, reduced violent conflict, and better natural resource management and, by extension, are one of the best weapons to address global climate change. If we want a stable world, where market-based democracies thrive and trade expands, we must focus on empowering every global citizen to be able to make private decisions about how they will acquire, use, enjoy, and dispose of property. The VGs provide a set of principles and best practices that can help us achieve these goals.

Much progress has been made in the two years since the VGs were adopted. Donors and development agencies are beginning to align their land and resource governance programs more closely with the principles and practices outlined in the VGs. As this report demonstrates, USAID is leading the way on this front.

While USAID and other development organizations have made progress supporting implementation of the VGs, more remains to be done to make the promise of secure property rights a reality. At the global level, we need (1) more specific guidance on how

to implement the VGs; and (2) better development partner coordination. The Food and Agriculture Organization of the United Nations (FAO) is leading the effort to develop technical guides and training programs that support VG implementation. This is a good start. Further, last year more than 25 donors and development organizations came together to form the Global Donor Working Group on Land. One of our first objectives was to develop a common platform for sharing data and best practices on our land programs that support the VGs. Through these efforts, we can bridge the gap between what the global community has agreed to and what is understood and pursued at the ground-level in the developing countries. At the local level, we need to experiment with new investment models that will promote smallholder agriculture and/or create opportunities for smallholders to link with commercial investors in ways that are secure and profitable for all.

USAID will continue to work in close collaboration with members of the Global Donor Working Group on Land to pursue these objectives. We will continue to focus our programming and support on efforts that provide more transparent, accountable, accessible, predictable and stable access to land and other resources. We will pilot innovative approaches that use science and technology to record rights and improve land governance systems and we will support research efforts that build the evidence base for interventions that focus on improving weak governance systems. Through our bi-lateral assistance and global coordination efforts, USAID will help to bring the promise of the VGs to life for millions around the world.



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