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Project Lifecycle in DG Projects: LTPR Issues and Consequences

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Land Tenure and Property Rights Issues and Best
Practices Workshop
30 September 2014



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Aspects of land governance

- **MANAGEMENT**
 - Land governance refers to the policies, processes and institutions by which land, property and natural resources are managed, both formally and informally. This includes decisions on access to land, land rights, land use, and land development.
- **ACCESS AND ALLOCATION**
 - How people, communities and others gain access to land, fisheries and forests is defined and regulated by societies through systems of tenure. These tenure systems determine who can use which resources, for how long, and under what conditions.
- **USE**
 - How competing priorities and interests of different groups are reconciled.
- **PARTICIPATION**
 - How individuals and groups participate in decision-making.
- **ENFORCEMENT**
 - How government is accountable to others, and how society obliges its members to observe rights, freedoms, rules and laws.
- **SUBSTANCE**
 - Land governance systems may be based on written policies and laws, as well as on unwritten customs and practices.



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Why does land governance matter?

- FOUNDATIONAL
 - Responsible governance of tenure impacts the ways in which benefits of land, fisheries and forests are managed. These impact human rights, food security, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, and environmental health and economic growth.
- MANAGING CHANGE
 - Tenure systems face the need for continual evolution in the face of changes from global and local drivers: urbanization, food security, environmental degradation and climate change, natural disasters, alter the relationships of human populations to land, fisheries and forests and the other resources which adhere to them (water, mineral, biological).
- LONG TERM
 - Land governance is embedded in social, political, and administrative processes that are long-term with longer time horizons than project cycles.



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Land governance is built on the notion of “*property*”... ...and there are more than just *use* rights in the bundle

Use rights

- Yes – but who, when, where and how much?

Management rights

- System responding to the “use rights questions”

Right to dispose (Alienation)



- Buy, sell, give away, destroy

Private Property



| bundles of
rights →




Legend

-  Restricted rights
-  Unrestricted rights

Public Property



Legend

-  Freely available
-  Conditionally available (e.g., for a fee)
-  Unavailable



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At the crossroads: statutory and customary property rights in an evolving economic landscape

Rights claimed by the community









Rights claimed by the government



Rights claimed by entrepreneurs



Legend

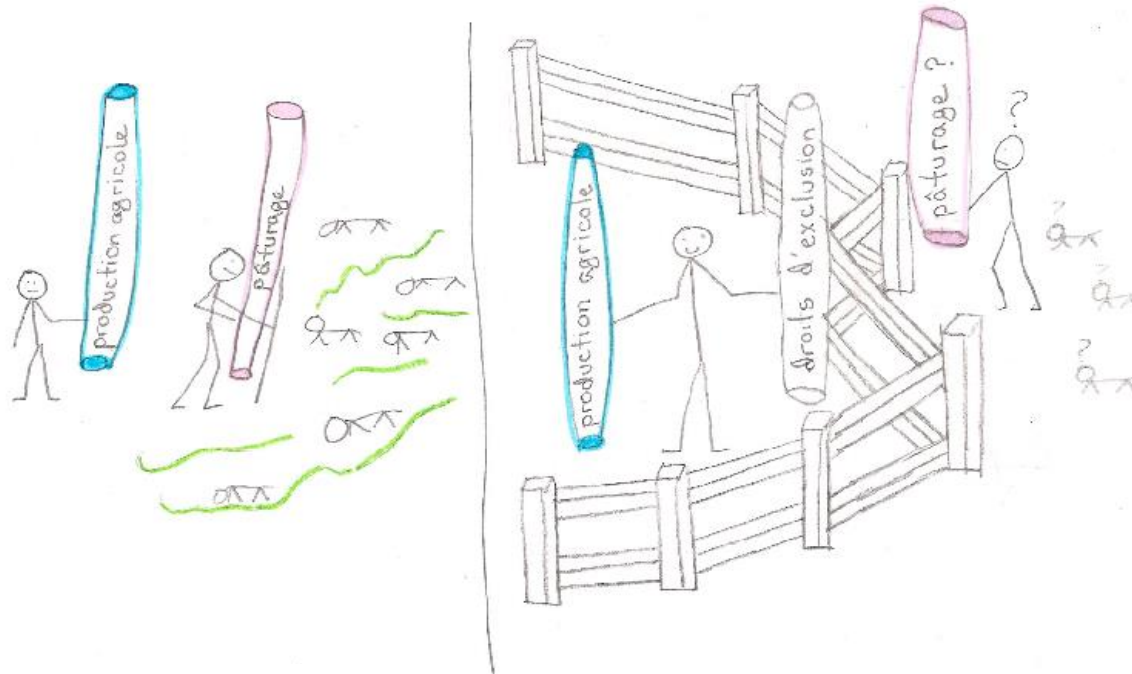
	Wood
	Water
	Agriculture
	Pasture
	Hunting
	Minerals



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Property rights can evolve, strengthen or erode over time



Before

After



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Key Challenges for Strengthening Land Governance & Responsible Tenure*

- Fragmentation of institutions (agriculture, urban forest, mining, environment, local government, etc.)
- Vested interests opposing change (one of the most corrupt sectors)
- Perception of land sector being too complicated and high risk
- Technical complexity and the need to tailor intervention to local circumstances (national/sub-national, different groups): no blueprint

*** This slide is provided courtesy of the World Bank**



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In recent years a global land governance frame of reference has emerged

- Shaped through active global discourse of the international community of land tenure practice
- Consistent with the larger democracy and governance agenda (rule of law, transparency, participation, equality)
- Expressed as international “soft law,” assessment tools and strategic alliances
 - Voluntary Guidelines for Responsible Governance of Tenure of Land, Forests and Fisheries (FAO)
 - Land Governance Assessment Framework (World Bank and others)
 - Implementation partnerships



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

Consensus

- Sponsored by FAO
- Endorsed by the UN Committee on World Food Security in May 2012
- Adopted by 96 countries, with civil society and private sector participation/sponsorship

Purpose

- Create global guidance on land and resource governance based on consensus on internationally accepted principles and standards for responsible practices.
- Facilitate linkage of land governance agenda to higher-level goals and policy discourse
- Provide a framework that States can use when developing their own policies, legislation and programs, and that other stakeholders can use to evaluate, advise and monitor land governance.



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Voluntary Guidelines for Responsible Governance of Tenure of Land, Forests and Fisheries (2)

Part of the enabling environment for securing human rights

- Tenure rights and their governance are important for the realization of human rights, such as the rights to adequate food and to adequate housing.

VGGT Principles

- Human dignity, non-discrimination, equity and justice, gender equality, rule of law, transparency and accountability.
- Natural resource management should be based on consultation and participation with people who hold legitimate tenure rights.
- The impact of actions should be regularly monitored.



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Voluntary Guidelines for Responsible Governance of Tenure of Land, Forests and Fisheries (3)

Substantive Areas of the Guidelines:

- Legal recognition and allocation of tenure rights and duties
- Transfers and other changes to tenure rights and duties
- Administration of tenure
- Responses to climate change and emergencies
- Promotion, implementation, monitoring and evaluation



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Voluntary Guidelines for Responsible Governance of Tenure of Land, Forests and Fisheries (4)

Alliances working to integrate VGGT in national policies and practices

- Global Donor Working Group on Land established in April 2013
- Launch of the Land Transparency Initiative at G8 Summit in June 2013 based on country partnerships (e.g., USAID support to establishment of a Land Tenure Observatory in Burkina Faso)
- UN Economic Commission for Africa/Land Policy Initiative
- Launch of interactive Global Land Program database in March 2014



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A complementary initiative: Land Governance Assessment Framework

Why LGAF?

- Need for a participatory, country driven process assisting countries in knowing:
 - Where they are (assessment)
 - Where they want to go (vision & goals)
 - How to get there (phased roadmap)
 - What benchmarks to adopt (progress monitoring)



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An example from Senegal

TARGETING IMPROVED LAND GOVERNANCE IN
THE SENEGAL RIVER VALLEY*

- Integrated Water Resources Management Project
- Land Tenure Security Activity

*Financed by Millennium Challenge Corporation

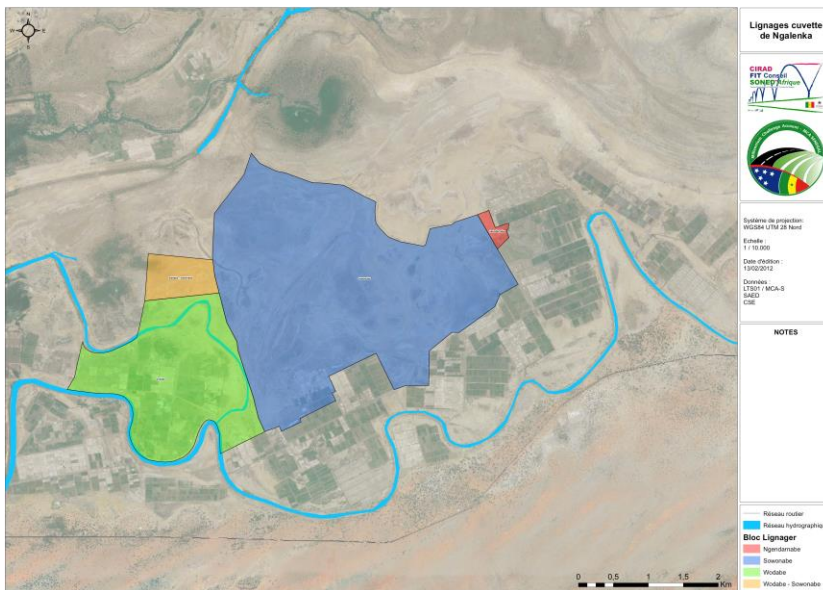


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THE NEW IRRIGATION PERIMETER AT NGALLENKA (PODOR)

Phase I: Results from the property rights surveys



↑
**Property rights claimed
by 3 lineages**

→
**70 ha of
farmland
(out of 450
ha
perimeter)**

**Seasonal use as pasture by
transhumant herders**





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LTSA Phase I: Participatory development of land allocation policy

- 6 participatory workshops conducted in each community
- Stakeholders categorized into four groups:
 - Farmers
 - Herders
 - Women
 - Youth





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Phase I: Participatory development of land allocation policy

REPUBLIQUE DU SENEGAL
REGION DE SAINT LOUIS
DEPARTEMENT DE PODOR
ARRONDISSEMENT DE THILLE BOUBACAR
SOUS-PREFECTURE

N° 22 /ATHB/SP.

ANALYSE : Arrêté portant approbation de la délibération du conseil rural de Ndiayène Pendao en date 12 aout 2011 relative à l'adoption des principes et procédures d'affectation des terres dans la cuvette du Ngalenka.

LE SOUS-PREFET DE L'ARRONDISSEMENT DE THILLE BOUBACAR

Vu – La Constitution ;
Vu – La loi n° 72-02 du 1^{er} Février 1972 portant organisation de l'Administration Territoriale, modifiée ;
Vu – La loi n° 96-06 du 22 Mars 1996 portant code des collectivités locales ;
Vu – Le décret n° 72-636 du 29 Mai 1972 fixant les attributions des chefs de circonscription Administrative et des chefs de village modifié ;
Vu – Le décret n° 2011 – 279 du 24 février 2011 portant nomination du Sous-préfet de l'arrondissement de Thillé Boubacar ;
Vu – Le procès verbal de la réunion du conseil rural de Ndiayène Pendao en date du 12 aout 2011,
Vu – La délibération relative à l'adoption des principes et procédures d'affectation des terres dans la cuvette du Ngalenka,

ARRETE

ARTICLE PREMIER : La délibération relative à l'adoption des principes et procédures d'affectation des terres dans la cuvette du Ngalenka est approuvée.

ARTICLE 2:-Le Président du conseil rural de Ndiayène Pendao est chargé de l'exécution du présent arrêté qui sera Enregistré, Publié et Communiqué partout où besoin sera. /-

1 – PRINCIPES D'AFFECTATION

1.1 – Bénéficiaires des affectations

- ✓ 60% des aménagements sont réservés aux Sowonabé, Nguendarnabé et Woodabé :
 - 3/5 pour les Sowonabé,
 - 2/5 pour les Nguendar et les Woodabé.
- ✓ 10% des terres aménagées reviendront aux personnes affectées par le projet ;
- ✓ 20% aux résidents sans terres
- ✓ 10% aux GPF.

The “negotiated” land allocation formula:

- **3 lineages: 60%**
 - **3/5 for Sowonabé**
 - **2/5 for Ngendarnabé and Woodabé**
- **Persons displaced by construction of the perimeter: 10%**
- **Landless: 20%**
- **Women: 10%**
- **External investors: 0%**

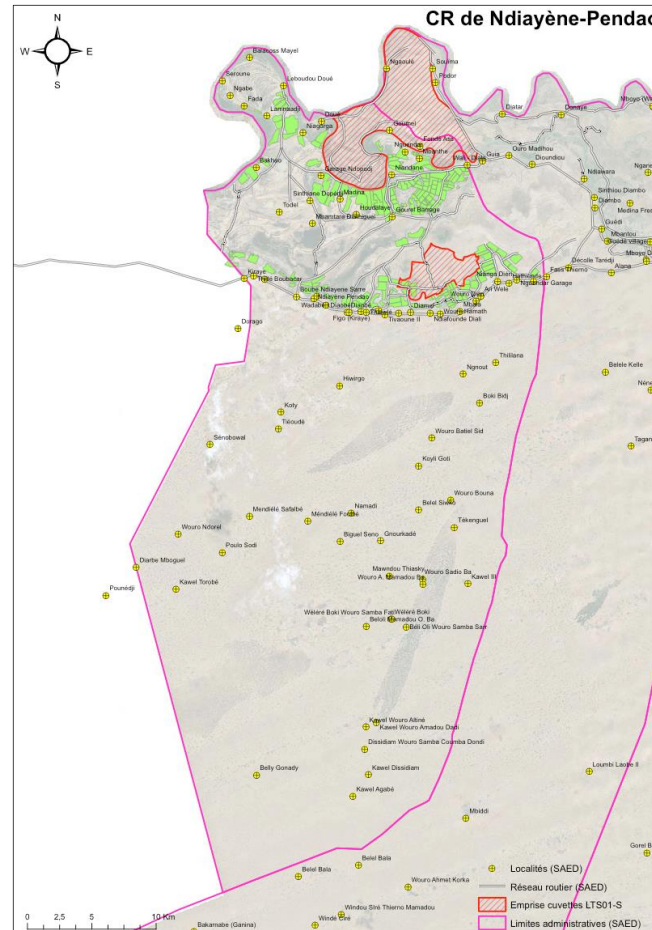


Phase 2: Practical challenges of applying new land allocation principles across 23 competing villages

•4 categories of villages:

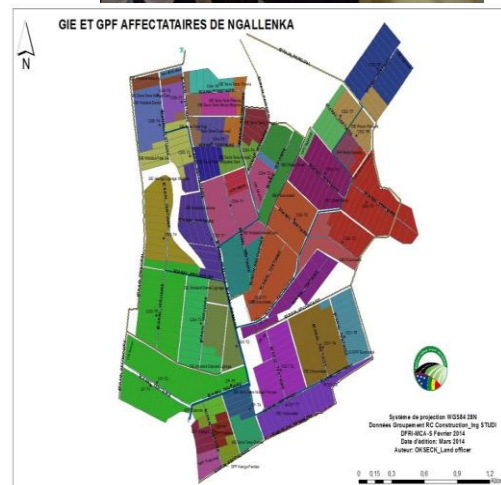
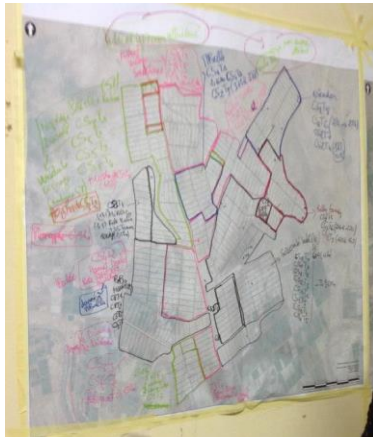
- Sowonabé
- Ngendarabé
- Woodabé
- Landless

•Women of all villages are eligible for land





Phase 2: Many months of land allocation negotiations based on newly adopted principles and criteria

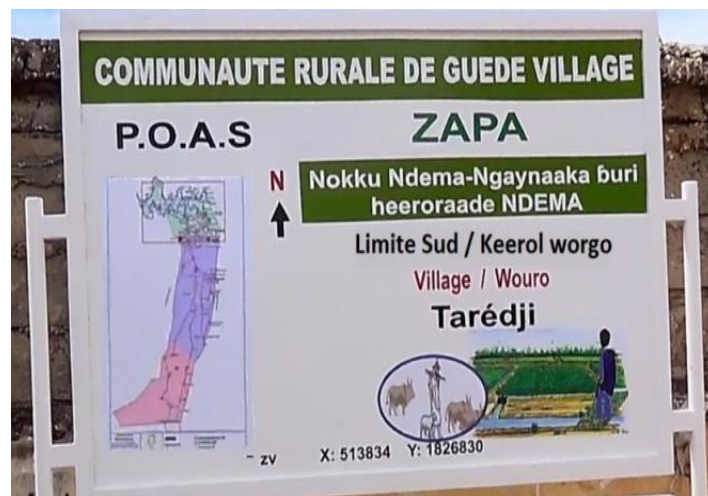
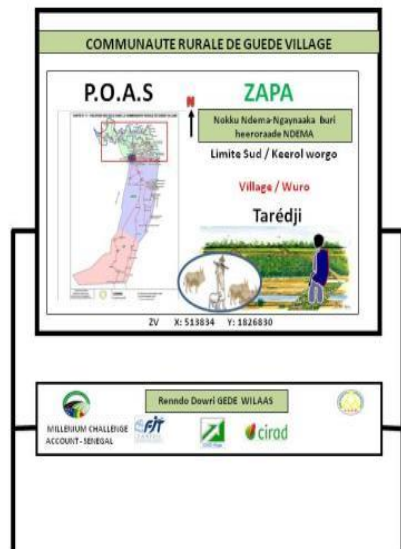




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Accounting for transhumant herders by designating land use areas such as pastures and cattle trails... ...and formalizing them in the *POAS*



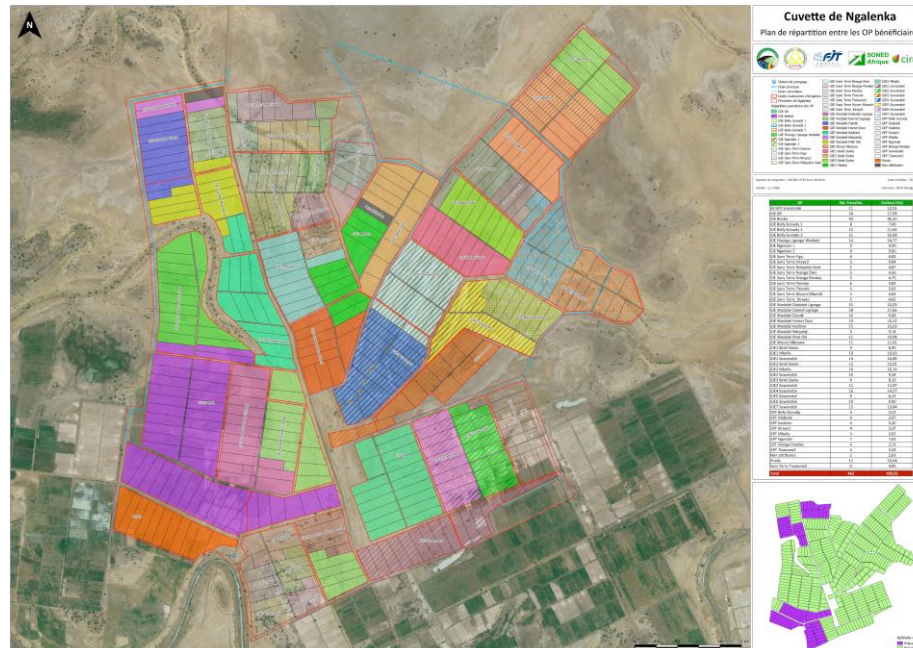


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Ngallenka Outcome

- Allocation and access negotiated by stakeholders and consensus achieved
- Property rights allocated and formalized by authorized entities (local governments)
- Land recipients organized into 53 new producer groups (GIE)
- Perimeter in full production as of July 2014





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To learn more:

- *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, Food and Agriculture Organization/Committee on World Food Security, 2012:
http://www.fao.org/fileadmin/user_upload/nr/land_tenure/pdf/VG_Final_May_2012.pdf
- About the Voluntary Guidelines on tenure:
<http://www.fao.org/nr/tenure/voluntary-guidelines/en/>
- Land Governance Assessment Framework:
<http://econ.worldbank.org/lgaf>
- Land tenure and property rights training videos:
<http://usaidlandtenure.net/video/land-tenure-video-trainings>



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Project lifecycle in DG projects: LTPR issues and consequences

QUESTIONS FOR DISCUSSION

- What do we mean by “legitimate” property rights? Why are they important? How can they be accounted for?
- Describe “customary” land tenure systems. What role do customary land management systems play in land governance?
- Describe the “project cycle” for DG projects. What are the challenges to improving the quality of land governance in the context of the project cycle?
- When, how, where and why should tools such as the *FAO Guidelines on Responsible Governance of Tenure of Land, Forests and Fisheries* and the *Land Governance Assessment Framework* be used?