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Inclusive land governance – Road to a better Life

Recommendations

Make a very solid context analysis before designing a development intervention

Land tenure issues are strongly context specific to countries, regions within countries and even communities. Therefore, it is important to have a good overview of all aspects of a society, formal and informal legal systems, the political system and the economy, peoples livelihood options and land use strategies as well as agricultural production systems.

Promote an integrated approach towards land governance

Land is related to different dimensions and purposes such as agricultural production, environment, and cultural identity etc.. Design of interventions should avoid working in “silos” and promote interconnectedness. For example, the coherence and compatibility of laws between concerned sectors is important and the collaboration among respective State entities will enhance effectiveness of land governance. Land titling is closely related to land use planning and both should be underpinned by an integrated and inclusive development vision in given countries.

Empower local level actors and improve links to national level

Consulting local level actors when taking decisions in regard to land governance on national level will increase the probability to formulate inclusive, well accepted laws. Therefore strengthening the position and increasing the capacity of local actors –including the local governmental authorities– in the national framework is essential. Often, local governments are lacking information on land rights. They should be included in information campaigns. Implementing interventions at the local level and in a decentralization framework generate stronger ownership and benefits for the majority of inhabitants – including disadvantaged groups.

Stay engaged in national policy dialogue

It is important to promote enabling frame conditions at central policy levels, and particularly in politically difficult contexts this sensitive issue needs backing from development partners. Switzerland can play an important role due to its reputation as neutral partner with no hidden political agenda. Evidence based messaging and connecting different stakeholders for amplifying their voice are proven strategies in this regard.

Pursue a multi-stakeholder design of interventions

As sustainable improvements in land governance can only be achieved in collaboration between public, civil and private sector, SDC should focus on designing and facilitating an inclusive process with the local stakeholders to ensure a systematic and practical approach. But setting the right framework for multi-stakeholder consultations is crucial: The issue at stake and specific purpose need to be clear and agreed, representation and legitimacy of leadership to be clarified. Depending on the timing in a process, the motivation, importance and desired influence of stakeholders may shift. Therefore selection of actors must be considered for every step in the process. Special attention should be put on the question how minorities as well as women are included into decision taking.

Promote the creation of evidence and access to information

The lack of data is a common limitation in policy making. While political involvement of foreign partners should be avoided, technical assistance and/or empowering strategies of local actors face little to no resistance. SDC should build capacity to establish a long term solution for domestic data collection, preparation and dissemination as well as access for stakeholders where there is none such institution. Evidence creation is a powerful instrument to promote an evidence based policy dialogue.

Be cautious with promoting formalisation of land titling systems

In all societies sets of rules regulating access to land exist, even though often not in written form but as customary systems. Therefore, implementation of a formal land titling systems should only be pushed forwards after assessing the current sets of rules on land and the possible consequences for most vulnerable parts of society. Land titling can have negative consequences for land owners, like taxation. Only if advantages of land titling outweigh disadvantages the land registration will be successful. On the technical level, low threshold procedures for claiming land rights need to be established. However, political aspects of land governance might not be neglected, as they are likely to the implementation of land legislation.

Apply a systemic governance perspective

Effective land governance depends on capable and democratic state institutions at multiple levels, with clearly assigned roles and responsibilities of government authorities and multilevel concertation and collaboration. Parliament committees are important in law making and representing the interests of their electorate, and an impartial and effective justice system has to sanction abusive land management practice and also protect the rights of disadvantaged and less powerful land users. Similarly powerful civic engagement importantly contributes to shape land tenure systems. Relating land governance to the broader governance agenda can therefore enhance the effectiveness of interventions. It also implies to approach tenure issues with a long term programming perspective of at least ten years.

Acquire specific know-how for dealing with conflicts

Land use is subject to competing interests among different users. Traditional systems might dominate and/or the political economy of land tenure might be in favour of politically and economically powerful families or groups. This can lead to conflicts and very often violent conflicts, between large companies and small holder farmers, between settled and resettled smallholders or within families. Nevertheless, it is possible and important to work on land tenure, but it requires special sensitivity to the context and creativity and flexibility in implementation. And it needs sound knowledge and skills in conflict mediation and transformation.

Promote the implementation of Voluntary Guidelines on the Responsible Governance of Tenure on Land (VGGT) as well as the Guidelines for Responsible Agricultural investments (RAI)

These guidelines are powerful and legitimate consensus based tools, to promote inclusive land governance. Therefore, SDC should promote them in a sensitive, context specific manner, and it should continue engaging at the global policy level.

Facilitate regional knowledge networks on land issues

In order to handle more effectively context specificity and knowledge sharing, regional knowledge networks on land issues are powerful, especially if common issues can be discussed with similar cultural and linguistic background. We should keep in mind the promotion of such platforms in areas where development partners can play an important role without being caught by the sensitivity of sovereignty.



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