

LEARNING FROM **10 YEARS** OF IMPLEMENTING THE VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE

The effective governance of tenure of land, fisheries, and forests is of particular importance for billions of people who depend on these resources directly for food and livelihoods. In times of multiple crises, such as climate change, biodiversity loss and conflict, the relevance of land tenure prevails to be high as pressure on land resources increases. In 2012, the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)* have been endorsed by all member countries of the *UN Committee on World Food Security (CFS)*. A decade later, it was time to take stock and assess to which degree the Guidelines have impacted reform processes and tenure security at local levels while opening avenues to

mobilize and renew political commitment.

To this end, the VGGT+10 Initiative¹ was launched in 2021, jointly supported by Welthungerhilfe (WHH), International Land Coalition (ILC), Gesellschaft für Internationale Zusammenarbeit (GIZ), and the Food and Agriculture Organization of the United Nations (FAO). In twelve countries across Africa and Asia², light reviews on the state of tenure governance, national dialogue events and collaborative follow-up activities shed light on the progress made, challenges encountered, and the main issues to be addressed going forward.

1 Full title of initiative: 10th Anniversary of the VGGT: Taking stock and Raising Awareness and Commitment for the Further Implementation of the Guidelines

2 Benin, Burkina Faso, Cameroon, Ethiopia, Liberia, Madagascar, Malawi, Senegal, Sierra Leone, Uganda, Cambodia, Laos

MAIN FINDINGS

REASONS TO CELEBRATE

There has been significant progress in improving policies and legislation on the governance of tenure, with eleven of the twelve countries passing new policies and/or legislation or making major amendments. Many of the improved policies are aligned with the VGGT and support their principles. This includes strengthened women's land rights, improved legal recognition of customary and communal tenure systems, and greater recognition of the importance of effective, transparent, and non-discriminatory land governance and administration. The latest example here is Sierra Leone which passed the Customary Land Rights Act and the National Land Commission Act in 2022, requiring Free Prior and Informed Consent (FPIC) in every new land development endeavor and women's participation in land decision-making.

Policy processes have become more inclusive and consultative in all countries, with enhanced stakeholder involvement, dialogue, and multi-stakeholder platforms (MSPs). Ten of the twelve countries have established MSPs working on improving policy and practice in relation to the governance of tenure³. These are organized around the promotion of the VGGT and gain legitimacy from it.

CHALLENGES

While there is a lot to celebrate with the achieved milestones and policy improvements, it is central to look at gaps and needs for the way forward. The implementation of existing policies and laws remains a key challenge across all localities. In many cases, policy reforms do not yet translate into tangible changes in the lives of people on the ground. The registration of communal land rights has been slow in almost all countries. Likewise, in all countries, power relations and inequalities continue to marginalize women and other vulnerable groups in practice.

The main challenges are:

- ▶ Inadequate financial and human resources for effective land administration
- ▶ Insufficient registration and protection of customary and women's land rights
- ▶ Insufficient transparency and accountability mechanisms
- ▶ Weak consultation processes in tenure governance and investment decision-making
- ▶ Poor access to justice and a lack of awareness of land rights and governance issues
- ▶ Human and environmental rights violations in large investment projects
- ▶ Resistance of traditional and political elites
- ▶ Emerging disillusionment due to lacking implementation

LOOKING AHEAD

Reviewing the impacts, lessons, and challenges of ten years of VGGT implementation, highlights key focus areas for the way forward that can guide everyone engaged in the improvement of land governance:

- ▶ **Establish national regulations and guidance**, or pass or amend existing laws, giving effect to new legislation;
- ▶ **Install national land registry and full-coverage land information systems**, with decentralized entities ensuring communal land rights and accountability;
- ▶ **Mainstream best practices of inclusive dialogue and decision-making that inform both policy**, legislative and regulatory reforms at state-level and decisions at community-level;
- ▶ **Ensure good governance and rule of law**, while ruling out judicial discrimination and marginalization, preferential treatment of elites, corruption and land grabbing;
- ▶ **Secure financial resources and human capacity** for the successful rollout of policies, new laws and clear programs of implementation, thus ensuring effective land governance;
- ▶ **Promote monitoring, evaluating and learning**, to track progress and draw on lessons from key areas of contestation;
- ▶ **Prioritize and safeguard the right to food and nutrition security** for all as a guiding principle across all governance of tenure interventions;
- ▶ **Advance women's land, fishing, and forest rights** with clearer commitments to affirmative action and equitable outcomes;
- ▶ **Coordinate backing of international policy instruments** to support the efforts of NGOs, multilateral agencies and wider civil society in advocating for systemic changes and broader implementation; and
- ▶ **Create a unity of purpose across countries** to regulate investment to protect natural resources and ensure wider community benefits.

Find **here**⁴ further recommendations from a VGGT+10 thematic event in November 2022

³ In Cambodia, Burkina Faso, Cameroon, Ethiopia, Liberia, Madagascar, Malawi, Senegal, Sierra Leone and Uganda

⁴ <https://www.welthungerhilfe.org/news/latest-articles/10th-anniversary-of-voluntary-guidelines-on-tenure>

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