



## International Land Coalition

**Global Assembly 2005**

**Land is Life**

**Secure access to land helps reduce poverty**

Santa Cruz, Bolivia - 19 – 23 March 2005

### Working Groups

## GROUP B

### **Related thematic section:**

#### Land Rights: Diverse Organizations Sharing a Common Cause

The basis for building a land rights movement at an international or national level has different starting points for bringing organizations together. For some, land is an underlying factor for achieving food security, whilst for others equitable land access is an issue of democratic development. And still, in others, it may be conflict prevention or natural resource management.

### **Working group section:**

#### When are Land Rights Secure?

Individual private property is often, sometimes all too often, the primary way of considering security of land tenancy. Experience points; among others, to community, collective and traditional ways in which security may involve ownership, user and leasehold rights. Additional and innovative ways are emerging in response to changes in the social and economic nature of communities and countries as well as global forces.

### **Goals of working group activity**

1. Facilitate active discussion by the participants and an exchange of ideas.
2. Create opportunity to understand common points of view and differences of opinion regarding these issues as well as working methodologies to address them.
3. Create opportunity to build up relationships with other organizations which could help in your work and assist you to understand the challenges in maintaining these relationships.
4. Identify specific actions or ways in which the Coalition could support communication, partnership, networking, or knowledge exchange, based on these themes.

### **What you should produce**

- Your working group will give a presentation to the whole assembly which will afford an opportunity to share ideas, points of agreement and differences of opinion, as well as recommendations and suggestions for moving forward.

- Notes and a written summary should be prepared to help share your ideas with other organizations in the Coalition's network, to create alternatives for sharing knowledge and strengthening networks at both global and regional levels. Let's promote new ways of thinking!

### **Group members**

1. AFRA – Lisa del Grande
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3. ALLPA – Laureano del Castillo
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5. ULA – Rita Achiro LaKor
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7. DWHH – Jochen Donner
8. CNIRD – Lloyd Rankine
9. ZERO – Tanyaradzwa Furusa
10. IFPRI – Ruth Meinzen-Dick
11. PAFID – Dave De Vera
12. NEF – Yacouba Déme
13. APA – Martin Cheong
14. IFAD – Shiela Mwanudu
15. TIERRA – Paulino Guarachi
16. IFAD – Mohammed Tounessi
17. CEPES – Fernando Eguren
18. TIERRA – Nathaniel Alvarez
19. TCO 14 – Doris
20. Bolivian NGO
21. ILC – Andrew Fuys

### **KEY QUESTIONS FOR THE WORKING GROUPS**

- Given the evolution of current processes at international and national levels and their impact at local level, is there any form of ensuring security on land tenancy apart from individual titling?
- How can we deal with situations in which different legitimate rights overlap? Does dealing with specific target groups run the risk of increasing conflict situations over land rights? Which are the possible strategies to cope with these potential risks?
- In what way can the Coalition make these options become concrete?

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## WORKING GROUP DISCUSSION

***Given the evolution of current processes at international and national levels, and given their impacts at local level, is there any form of ensuring security on land tenancy, apart from individual titling?***

- Individual titling would have to be defined in different countries and context, e.g. size of the plots and forms of production for small- to medium-sized holders would require cooperatives/associations in order to ensure sustainable management of resources.
- Communal holding must be through participation of the individual farmers and other characteristics of what should determine title.
- Individual titles are effective if the community is mandated to provide the rights of tenure.
- The state needs to provide real support for access to titling with for vulnerable groups-women, orphans, HIV/AIDS victims etc.
- The effectiveness of individual titles lies in the ability of communities to be properly informed on the processes and value of the title.
- There should be limits to titling, or property in titling systems, as rural systems often do not reflect secondary rights which can be a very important source of conflict. There is a problem of technology around the issue of ensuring titling – whose interests are being served. There is no control over other factors such as market forces.
- Community titling is a colonial approach. In cases of pastoralists and forest dwellers, the individualization does not address the need for different parts for production. The process is too expensive and there is still lack of knowledge to update it, the state should provide recognition and assistance to communities in protecting their rights.
- Individual/communal titling should not be treated as opposing systems, in some instances depending on the capacity of the farmers or settlers to engage in activities that require either individual or communal titling.
- The question is not that of communal or individual, but why titling?. This opens up more paradigms as to the adoption of the colonial model of titling.

***How can we deal with situations where different legitimate rights overlap? Does dealing with specific target groups suffer the risk of increasing conflict situations over land rights? Which are the possible strategies to cope with these potential risks?***

- Facilitate a review and harmonization of land and property rights policies.
- Develop participatory mechanisms to include all stakeholders and interest groups and ensure that they are informed and properly consulted in the development of relevant and appropriate land laws and policies which truly recognize and address the realities on ground.

- Study and review cases and experiences of groups in other countries, relevant to multi-stakeholder conflict resolution.
- Look at why property rights overlap. Always consider 3<sup>rd</sup> party interests.
- Advocate for the formalization and legal recognition of traditional community resource use arrangements, e.g. Community proprietaryship, arrangements that establish provisions for public and third party interest, example: right to trespass, harvesting of cloud berries in Scandinavia.
- Recognize the crucial stages in conflict resolution and the fact that during the protest phase, communities can be assisted in clarifying and defining their position and formulating proposals and recommendations, thereby creating an opportunity to mediate and avoid an escalation of the problem.
- Focus should not be directed entirely on the National Government; viability of involving local government in local conflicts should be examined.

***In what way can the Coalition make these options become concrete?***

- Develop case studies on Land use Conversion, rights of Squatters, and share these with partners and members.
- Document CS-led land conflict negotiations that have resulted in equitable and win-win situations among stakeholders.
- Continue to recognize and respect the different approaches to land tenure issues and realities among communities, countries and partners.
- Advocate among Governments to fulfill their role in ensuring that the rights of all citizens are recognized and respected.