

Comments on the EU Land Policy Guidelines – ILC Secretariat

Note: these reflect analysis based on the collective experience of ILC and its partners, and are intended to not repeat points already made by other participants in the consultation exercise.

Part I

2.2.2 – The economic forces that small farmers face are not necessarily “unchecked market forces.” It may be that small farmers operate in an imperfect market in which there is not fair access to inputs (including credit, marketing information, etc) or in which there are market distortions that favor large farmers (e.g., subsidies). If so, these should not be seen as “market forces,” but rather as market failures that justify intervention.

3.8.3 – Joint management of protected areas should be based on a participatory approach from the outset to define boundaries and resource uses within protected areas – to avoid situations where national parks are imposed on local groups, without their participation in the process, as this can lead to more conflicts down the road.

5.4.4 – Participatory mapping is important not only because it may be a low-cost and more accessible approach for communities, but also because direct community participation may reveal that community members perceive complex gradations of land use and access systems that GIS or other technical approaches alone may overlook. Participatory approaches use can reduce local land conflicts, because they encourage common understandings of boundaries, and improve locally designed land use plans.

Section 6

The importance given to participation will only be achieved if support is provided to strengthen the institutions of the rural poor so they can participate from a position of strength. In the guidelines, the institutional development of government is not matched by investing in the capacity of rural people’s organizations. The processes and format of consultation and participation should strengthen the ways and means for engaging stakeholders. The draft stresses inter-ministerial collaboration, donor dialogue but does not precisely indicate when, where and how other stakeholders, particularly civil society will be involved.

The need for enforcement of rules and norms is well set forth. However, the ways to ensure transparency, accountability and to

protect the poor from having elites abuse authority and expropriate benefits is not adequately addressed.

More emphasis should be placed on the processes and pre-conditions for developing both land policies and land administration systems – building a shared vision among stakeholders, establishing representative advisory / decision and policy making bodies or roundtables.

6.3.1 – The paper states that titling and land information systems have been promoted because they are “believed to be technical, neutral and universal.” It’s unclear whether this comment means either to support or refute this belief, or is just stated for matter-of-fact.

Part II (Operational Guidelines)

5.1 - Donors should not only have dialogue with the state but also include other stakeholders.

5.4 (social impact analysis) – The paper asks whether the reform “adequately caters for the rights of minorities, Indigenous Peoples, etc.?” Perhaps this could ask instead whether a reform respects the rights of these groups, to imply that commonly understood basic rights of identifiable social groups must be respected by governments – rather than reading as if government is “catering” to a certain interest group in setting its policies.

Section 6 –

Include among options: improving knowledge through research and analysis is important since past experiences do not adequately provide for issues occurring in the social-political context of 2004. However, the emphasis should be on “community-centered” research and analysis.